

RECEIVED

OCT 05 2006

DEPARTMENT OF
WATER RESOURCES

Scott P. Eskelson, Esq. (Bar #3054)
MARTIN & ESKELSON, PLLC
425 S. Holmes Avenue (83401)
P.O. Box 3189
Idaho Falls, Idaho 83403-3189
Telephone: (208) 523-6644
Facsimile: (208) 522-0791

Attorneys for Petitioner

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA

Subcase No.

71-10903

Case 39576

MOTION TO FILE LATE
NOTICE OF CLAIM

I have read the SRBA Administrative Order I, Rules of Procedures (amended
Sept. 30, 1996).

I am an Attorney representing the J. Robb and Rose P. Brady Family Trust. My
address is 425 S. Holmes St., Idaho Falls, ID 83401. My telephone number is (208)
523-6644.

I did not file a Notice of claim to the use of water in the SRBA because under

current rules it is not mandatory that a filing be made for domestic water rights. However, I believe it is prudent policy to do so and desire to file a claim to that effect.

I am proving legal and factual documentation for my claimed use of water. See attached:

A. Quitclaim Deed instrument no. 0214670, records of Custer County, Idaho.

B. Copy of aerial photograph printed by Custer County Assessor for parcel RP-08N14E049200A showing location.

C. Copy of billing dated September 29, 1967, from Lambert Well Drilling for drilling of well at subject property.

D. Copy of Heyrend Construction billing invoice summary sheet showing costs for building a cabin on the subject property.

E. Copy of billing dated October 16, 1967, from Heyrend Construction showing final billing for completion of cabin.

I have attached a fully completed Notice of Claim. I have enclosed a check payable to State of Idaho Department of Water Resources in the amount of \$100.00.

This Motion will be heard on the 16th day of January, 2007, at 1:30 p.m., at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

Date: Sept 28, 2006

MARTIN & ESKELSON, PLLC

By: Scott P. Eskelson
Scott P. Eskelson

VERIFICATION

STATE OF IDAHO)
) ss.
County of Bonneville)

The undersigned, J. Robb Brady, as trustee of the J. Robb Brady and Rose P. Brady Family Trust, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed above) as defined by I.C. §42-1401A(1) and (7) and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

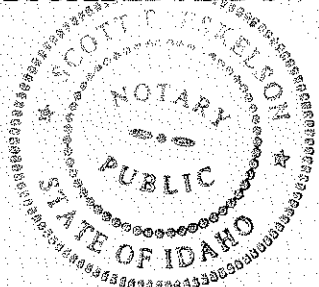
Dated this 28th day of Sept., 2006.

J. ROBB BRADY AND ROSE P. BRADY
FAMILY TRUST

By: J. Robb Brady - Rose P. Brady
J. ROBB BRADY, Trustee

SUBSCRIBED AND SWORN to before me this 28 day of Sept., 2006.

(seal)



Scott P. Eskelson
Notary Public for Idaho
Residing at Idaho Falls, ID
My commission expires: 10-25-2011

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 2006, I mailed the originals and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

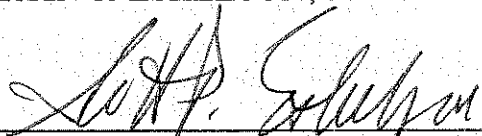
1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
5450 West Fort Street, MSC 033
Boise, ID 83724

MARTIN & ESKELSON, PLLC

By: 
Scott P. Eskelson

G:\SharedFiles\Wendy's MyFiles\SEM-Clients\3302\White Clouds Water Rights\MotionLateNotice.wpd

PLEASE RETURN TO: M
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. Box 50130
Idaho Falls, ID 83405

0214670

Custer County Rec. of
Holden, Kidwell
Hahn & Crapo
11-45 A 9

11-20 1997
Estate M. Pack, Clerk
Wanda J. Murphy
Deputy

QUITCLAIM DEED
(WITH AFTER ACQUIRED PROVISION)

THIS INDENTURE is made this 13 day of November, 1997, between **J. ROBB BRADY and ROSE P. BRADY, husband and wife**, the Grantors, and **J. ROBB BRADY and ROSE P. BRADY, not individually but as trustees of THE J. ROBB BRADY AND ROSE P. BRADY FAMILY TRUST, dated May 29, 1986**, whose mailing address is 314 E. Sunnyside Road, Idaho Falls, Idaho 83404, the Grantees,

WITNESSETH, that the Grantors, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to the Grantors in hand paid by the Grantees, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM unto the Grantees, and to the Grantees' heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantors in all the following described real estate in the County of Custer, State of Idaho, to-wit:

1. Lots 39 and 40, WHITE CLOUD SUBDIVISION NO. 1, Custer County, Idaho, according to the official plat thereof, now on file in the office of the said County Recorder.

AND ALSO the following described real property:

A tract of land located in Section 4, Township 8 North, Range 14 East, Boise-meridian, Custer County, Idaho, described as:

- X Commencing at the Section Corner common to Section 4, 3, 9 and 10; thence West 1,794.6 feet to a point, said point bears South 89°07' East, 3,497.9 feet from the Section corner common to Sections 5, 4, 8 and 9; thence North 13°43' West 682.01 feet; thence North 38°58' West, 791.95 feet to the point of beginning; thence South 37°30' West, 435.59 feet; thence North 28°40' West, 212.85 feet; thence North 51°53'30" West 868.96 feet; thence North 44°20' East, 323.28 feet; thence South 53°35' East, 1025.33 feet to the POINT OF BEGINNING.

2. The South Half of the Northeast Quarter (S1/2NE1/4); Lots 3, 4, and 5; the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4), and the North Half of the Southeast Quarter (N1/2SE1/4), all in Section 6, Township 8 North, Range 14 East, Boise Meridian.

Together with all water and ditch rights.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantees, and to the Grantees heirs and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantors have executed the within instrument the day and year first above written.

J. Robb Brady
J. Robb Brady

Rose P. Brady
Rose P. Brady

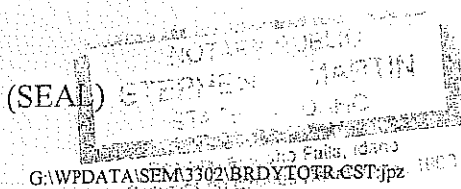
STATE OF IDAHO)

)ss.

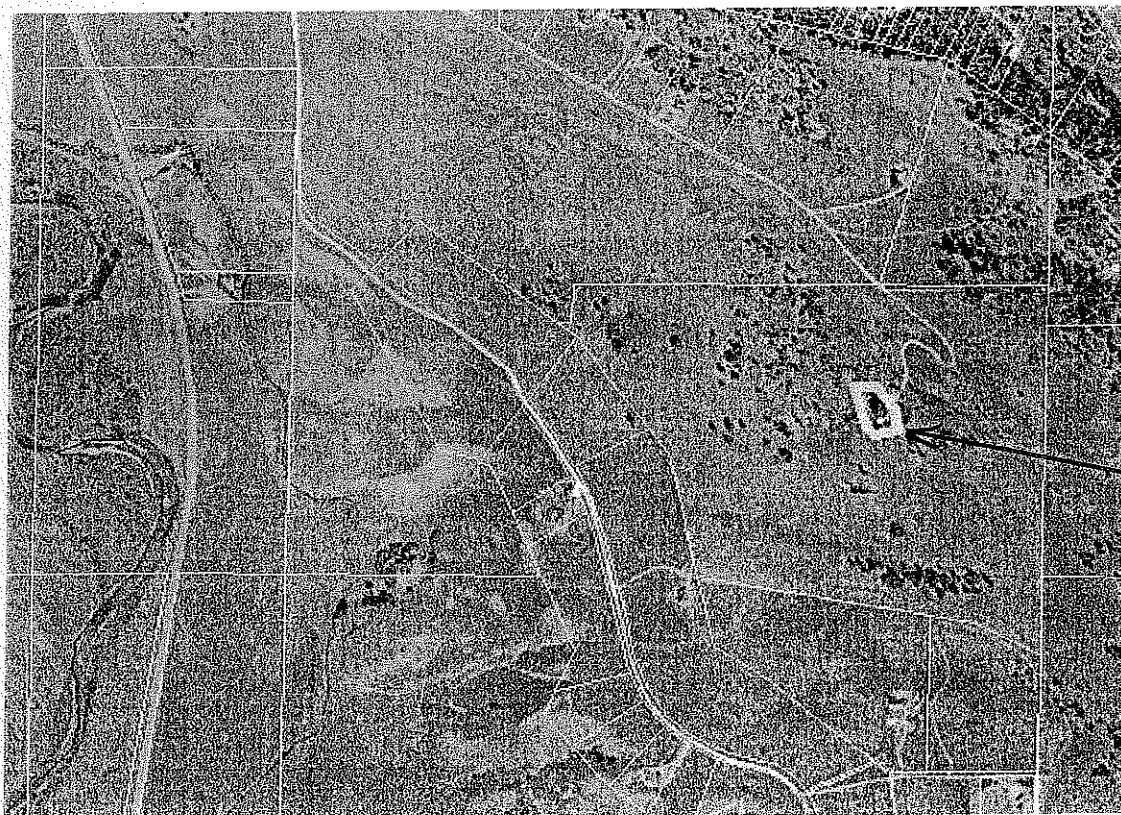
County of Bonneville)

On this 13 day of November, in the year 1997, before me, the undersigned Notary Public in and for said state, personally appeared **J. ROBB BRADY and ROSE P. BRADY, husband and wife**, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Stephen E. Martin
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 12/16/98



Cabin

Ownership is:

RP08N14E049200A

BRADY, J ROBB & ROSE P
BRADY, PATRICK J & ROBB F

0 0

BRADY, J ROBB & ROSE P
314 E SUNNYSIDE RD

IDAHO FALLS ID 83404

TRACT 06-38
SEC 4 T8N R14

picture of house:

LAMBERT WELL DRILLING

Post Office Box 301

Mackay, Idaho 83251

Customer's

Order No.

Date

1952

M

J. Robb Brady

Address

Idaho Falls, Idaho

SOLD BY	CASH	C. O. D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT
QUAN.	DESCRIPTION				PRICE	AMOUNT
85'	drilling				7 ⁰⁰	595 00
80	casing				2 ⁰⁰	160 00
1	6" shoe					15 00
	Labor for material					5 25
	Total					775 25

ALL claims and returned goods MUST be accompanied by this bill

Received By

Nº

472

HEYREND CONSTRUCTION

1350 EAST FIRST STREET

PHONE 522-2104

IDAHO FALLS, IDAHO

October 16, 1967

Mr. J. Robb Brady
1920 Santaloma Drive
Idaho Falls, Idaho

Statement on Cabin Construction:

Original Estimate \$ 11,976.38

Credit-- Excavating and Septic
tank-- paid direct by you. - 475.00

\$ 11,501.38

Credit-- figured for but not
furnished.

Materials:

2--1x12--14	11.20
13-1x5-- 3	10.40
13 treads	12.30
12' Handrail	3.60
3 Brackets	2.25
54 lin ft. 2x3	10.80
nails, glue & ect.	1.00
	<u>51.55</u>

Labor to complete	84.00	-135.55
	<u>135.55</u>	11,365.83

Extra Work done:

Plumbing original Est. \$1,300.00

Plumbing cost-- as per final decisions.

Shower cab.	154.60
pump & pressure tank	370.35
use (rental) on elec.	
generating plant	66.95
To Bair--materials & labor complete	<u>1,128.64</u>

Total Plumbing & well pump 1,720.54 420.54

Extra electric, pump wiring
and lightening rod. 95.90

Extra sheetrock & labor--incl.
laying floor tile. 88.76

Extra window in living room 35.84

8/14/2006

HEYREND CONSTRUCTION

1350 EAST FIRST STREET

PHONE 522-2104

IDAHO FALLS, IDAHO

Extra bath door, jamb & hardware & labor	44.95
Extra visqueen & staples	30.95
Extra kitchen & Bath Cabinets Installed.	231.27
Extra Franklin Stove & accessories	<u>512.96</u>
Final Cost	12,827.00
Sales Tax	<u>41.26</u>
	12,868.26
Less First Payment	<u>5,315.25</u>
Amount Due	7,553.01

HEYREND CONSTRUCTION CO.

[illegible]

PHONE 522-2104 - IDAHO FALLS

FIGURED BY

DATE

ITEMS	MATERIALS		LABOR		TOTALS
	Quantity	Price	AMOUNT	Hrs.	
Glue-lam Beams					
Dimension Lumber	8000		1040.00		1040.00
Sheathing	1200' 7/8" Insul. Sheathing		132.00	1500.00	1500.00
ply-	2776 7/8"		416.00	100.00	232.00
✓	1152 7/8"		107.12	250.00	366.00
	Bridge Planks		31.00	100.00	207.12
	1200' 7/8" Cedar or			50.00	81.50
	structural Board & joist		376.00	200.00	576.00
Mechanical Heating Plumbing Air Movement Electrical	4 hrs.		1300.00	50.00	1550.00
Fixtures Sheet Metal	Longtime & Heat		1245.00		1245.00
Roofing Waterproofing Insulation	18 sq self-healing asphalt		200.70	150.00	350.70
Ceiling Treatments	1000 4" Boards		73.50	100.00	173.50
Wall Treatments	2500 1" "		312.50		312.50
Ceramic Tile Other					
Millwork	2 outside doors & parts		75.00	40.00	135.00
Exterior	interior finish		40.00	75.00	115.00
Interior	stairway & porch		122.00	150.00	272.00
O H Doors					
Fire Doors					
Finish Flooring					
Accessories Hardware					
rough finish					
Manufactured specialties			75.00		75.00
Glass Glazing Entrances	thermo pane - 420"		420.55	80.00	500.55
	weld - 213"		219.25	50.00	269.25
	thermo pane - 1152"		115.00	25.00	140.00
Painting	Overhead & Porch				
Equipment Miscellaneous			745.35	3525.00	10976.35
Is. and Bond					
Sub Totals					
Overhead					
Profit					
Total					11976.35

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) J. Robb Brady and Rose E. Brady Family Phone (208) 524-7105
Mailing Address 314 S. Sunnyside Rd., Idaho Falls, ID Trust _____ Zip 83404

2. Date of Priority (Only one (1) per claim) October 1, 1967

3. Source of water supply (a) Ground water
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 8 N Range 14 E Section 4,
_____ 1/4 of SW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Custer

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well, holding tank, pump and other domestic
well related equipment. See attached well driller log from Lambert Well Drillers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For domestic purposes from 1-1 to 12-31 amount 2 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .02 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is .02 cfs acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) n/a

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8N	14E	4																D	

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Custer

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

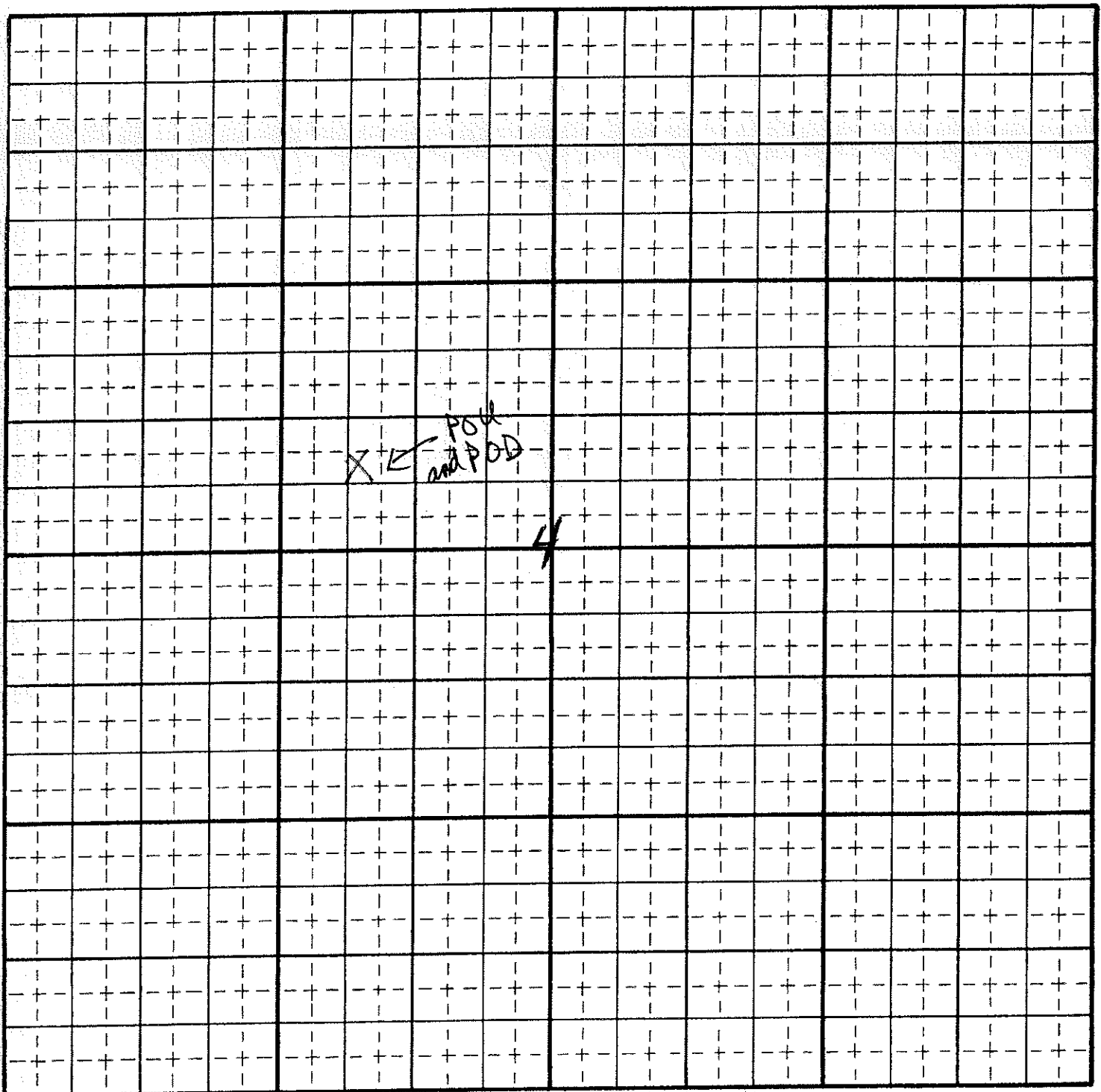
13. Describe any other water rights used at the same place and for the same purposes as described above.
None or None ()

14. Remarks: None

Last Name _____ Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

J. Robb Brady and Rose P. Brady Family Trust
Signature of Claimant (s) X J. Robb Brady Date 10-3-06
Rose P. Brady Date 10-3-2006

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 3rd day of October 10-2006

Notary Public Wendy Nenni

Residing at Idaho Falls

My Commission Expires 10-06-10

Please Print Name

17. Notice of Appearance

Notice is hereby given that Scott P. Eskelson will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below

Signature Scott P. Eskelson

Address 425 S. Holmes, Idaho Falls, ID 83401

Date 9-28-06

Last Name _____ Ident. Number _____