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DEC 11 2006

DEPARTMENT OF
WATER RESOURCES

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 <u>23-4000</u>
	)	(Insert water right number)
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☒ LATE NOTICE OF CLAIM
	)	☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order I, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Wayne Leasing, LLC

My address is 1555 Sunview Dr.
Logan, UT 84404

My phone number is: Work W.A. Home (801) 393-4943

I am an attorney representing Wayne Leasing, LLC

My name is Scott P. Eskelson

My address is 425 S. Holmes Ave.
Idaho Falls, ID 83401

My phone number is (208) 523-6644

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

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

SEE ATTACHMENT

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☒ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 50.00.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on March 20, 2007 1:30 P.M.
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Utah

County of Weber

Mark Goddard, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

WAYNE LEASING, LLC

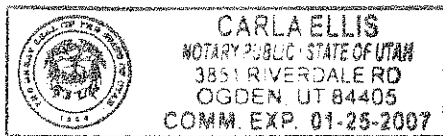
Mark E. Goddard

Signature of person filing motion
Mark Goddard, Manager

Scott P. Eskelson

Attorney signing in representative capacity
Scott P. Eskelson

Subscribed and sworn to before me on Nov. 28th, 2006
(Insert Date)



Carla Ellis
Notary Public for State of UT
Residing at: Ogden, UT
My Commission expires: 1-25-07

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on 2006, 199 , I mailed the original 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:

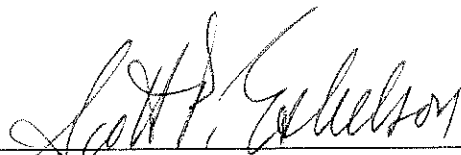
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

**ATTACHMENT TO STANDARD
FORM 4 - MOTION TO FILE
A LATE NOTICE OF CLAIM**

The claimant herein previously filed a Motion to Set Aside Partial Decree and File Amended Claim herein. Pursuant to stipulation in a telephone hearing dated November 8, 2006, such motion was withdrawn. This motion was withdrawn because after consultation with the Idaho Department of Water Resources, and their counsel, Candice McQue, it was determined the appropriate procedure to follow in the matter would be a withdrawal of the Motion to Set Aside Partial Decree and File Amended Claim and instead, file a motion to file a late claim for the reasons described herein.

A. The records of IDWR herein show, by a previous partial decree, that the place of use for water right number 23-4000 is NW1/4NE1/4 of Section 14, T 1 N, R 43 EBM, Bonneville County, Idaho. Attached hereto is **Exhibit "A"** and by this reference incorporated herein is a copy of the deed recorded as instrument no. 1044868, on April 5, 2001 ("the Deed"). The Deed is the instrument by which the estate of Dora B. Daniels conveyed certain property and a residence thereon, which residence receives domestic and stock water from the springs described in water right number 23-4000.

B. Attached hereto as **Exhibit "B"** and by this reference incorporated herein is a copy of a document entitled State of Idaho Department of Reclamation Claim to a Water Right ("the Claim"). This is the original Claim filed with respect to water right number 23-4000 by Mr. Ed Daniels. Ed Daniels was the husband (now deceased) of Dora B. Daniels. Dora B. Daniels is also now deceased. Item 4c of the Claim refers to a diversion of two 3/4 inch lines running parallel to one another, one going to the "Peterson Ranch, VanNoy" and the other to the Daniels Ranch. This language which evidences the fact that two residences have historically received water from these springs.

C. It appears that Mr. Ed Daniels filed one claim for usage of water from the springs. He mistakenly believed that by disclosing that the spring served two domestic rights (two homes and incidental stock watering associated with each) that such claim sufficed for both residences. The Peterson Ranch, VanNoy parcel is now owned by Mr. Dean VanNoy. The previous partial decree has confirmed water right number 23-4000 is appurtenant to the VanNoy property.

However, the property of the claimant herein ("the Claimant's Property") has received water from the spring, along with the VanNoy property, since at least 1922, when the patent was first issued to the predecessor in title to Ed Daniels with regard to the Claimant's property. The date the patent originally issued for the Claimant's Property was _____, 1922, which establishes when first use and entry of the property occurred.

Date: _____, 2006.

Scott P. Eskelson
Attorney for Claimant

G:\SharedFiles\Wendy's MyFiles\SPE-Clients\8534\AttachmentForm4.wpd

re-recorded to change vesting and address for grantee

BONNEVILLE COUNTY RECORDER
1043126 APR 13 '01 PM 3:35
WARRANTY DEED

1044868 1L 5726
BONNEVILLE COUNTY RECORDER
1044868 APR 5 '01 PM 1:54

Order No. 14-19662 - D.O.

FOR VALUE RECEIVED

Edda A. Clark as Personal Representative of the Estate of Dora B. Daniels, also known of record as Dora Daniels

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Wayne Leasing & RR L.L.C.

whose current address is

XXXXXX 1555 Sun View Dr.
XXXXXX Ogden, UT. 84405

the grantee(s), the following described premises, in Bonneville County, Idaho, County Recorder

TRACT I:

The South Half of the Southwest Quarter of Section 11, Township 1 North, Range 43, East of the Boise Meridian, Bonneville County, Idaho.

TRACT II:

The North Half of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 14, Township 1 North, Range 43, East of the Boise Meridian, Bonneville County, Idaho.

TRACT III:

The North Half of the Northeast Quarter of Section 15, Township 1 North, Range 43, East of the Boise Meridian, Bonneville County, Idaho.

TOGETHER WITH: All water and water rights, ditch and ditch rights used in connection therewith and appurtenant thereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 2/28/2001

Edda A. Clark
Edda A. Clark Personal Representative to the Estate of Dora B. Daniels

State of Idaho Utah)
County of Bonneville Tooele) ss.

On this 12th day of March, 2001, before me, a Notary Public in and for said state, personally appeared Edda A. Clark known or identified to me to be person whose name is subscribed to the within instrument as the Personal Representative of the Estate of Dora B. Daniels also known of record as Dora Daniels, Deceased, and acknowledged to me that Edda A. Clark executed the same as such Personal Representative.

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

Notary Public for the State of Idaho of Utah
Residing at: Idaho Falls, ID Tooele, UT
Commission Expires: 02/15/04 1/24/02

Alliance Title & Escrow Corp.
451 Park Ave. P.O. Box 50642
Idaho Falls, ID 83405-0642

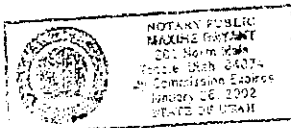


EXHIBIT "A"

Identification No. 23-4000
Claim No. 23-4000
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use.

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Ed Daniels
post office address Box 183, Irwin, Idaho 83428
2. The point of diversion is in SW 1/4 of Section 15 Township 14N Range 43E B.M. located on SE 1/4 Snake River tributary to Papoose Creek (name of source)
Papoose Creek at the fork of the canyon
tributary to Snake River in Bonneville County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed: 1914

amount: 1011 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.
*Continuous use since 1914
the water about 100 head of stock
each year and have since
1914. The amount given above each purpose*

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use culinary period of use from Jan 1 to Dec 31 (both dates inclusive)
use water stock period of use from Jan 1 to Dec 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of n/a
length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped n/a; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

attach well logs if available; has there been any change in pump or motor since well was first completed
 _____, if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.
- Please explain any changes or increase in size of conveying system since water was first appropriated, giving _____

ing date and dimensions if possible. Water originates in three springs. Pipes of 12", 150', and 250' lead to a cistern of 48"x 48"x 42' deep. This is made of cement, a 1 1/2" header leads from the cistern bearing approximately 470' East of North. Pipe proceeds 3000' to Y where it is reduced to two 3/4" lines running parallel, one going to the Peterson Ranch, "Van Noy", the other to the Daniels Ranch.

In addition a 3/4 " pipe picks up water out of the Papoose Creek and takes it 200' to a watering trough. n/a

- d. If water is stored: name of reservoir n/a;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____;
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch ^{line} owned by several users? Yes If yes, give the name of the ditch
None The other users and their respective

interests in the ditch are (if known) Albert Peterson - half interest

Ed Daniels - half interest
Daniels

6. Where water is used for stock watering, give number of each kind of stock watered

50 Head of cattle and 6 horses

7. Where water is used for domestic or municipal purposes give number of families served 2

name of town supplied none

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion Be as specific as possible,
giving dates and quantities. n/a

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

Albert Peterson filed for and obtained a water license thereafter making
a verbal agreement with Ed Daniels for each to use half of the water.
The water has been used consistently since 1914 by Ed Daniels or his
representatives.

State of Idaho

County of Blaine

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiants knowledge.

Sworn to before me this 29 day of April, 1971

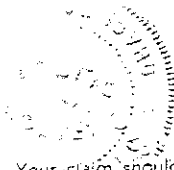
Edwards Daniels
Claimant

Ray Thatcher
Notary Public

Residing at Carey Idaho

My commission expires 3-11-71

Received by ij Date 5-3-71 Exception filed by: Forwarded to claimant by: Date
Prelim. check by DOE Date 5/17/71
Fee received by ij Date 5/19/71 Fee \$ 10.00
Approved for publication by D
Published in Idaho Falls Post Register Dates 6-3-6-10-71 23 4000



INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

REC-11
OCT 13

IN THE MATTER OF:

Water Right

AFFIDAVIT

State of Idaho
County of *Bonneville*

Carl H. Adams

being first duly sworn,

deposes and says: Ed Daniels has shared the water right that is filed in
the name of Albert Peterson on Papoose Creek county of Bonneville near
Swan Valley in the State of Idaho, through verbal agreement since the year
1914. Said water has been used and is being used for culinary irrigation
of garden and berries, and watering of stock. Said water runs through
Ed Daniels property description: N¹4 NW¹4 Sec. 14 T¹4 R¹43, in order
to reach the Albert Peterson property. Ed Daniels has maintained Papoose Creek
with practically all the labor and his fair share of money since the year 1914.
Therefore, it is completely fitting and proper that he have a water right
filed in his name with the department of Reclamation State of Idaho.



Carl H. Adams
(signature)

Subscribed and sworn to before me this 16th day of August 19 69.

Selma M. Meckling
(Notary Public)

Residing at Swan Valley, Idaho.
My commission expires November 14, 1973

RECEIVED

OCT 13 1967

IN THE MATTER OF:

Water Rights

Department of Reclamation

AFFIDAVIT

State of Idaho

County of *Bonneville*

William E. Hill

being first duly sworn,

deposes and says: Ed Daniels has shared the water right that is filed in

the name of Albert Peterson on Papoose Creek county of Bonneville near

Swan Valley in the State of Idaho, through verbal agreement since the year

1914. Said water has been used and is being used for culinary, irrigation of

garden and berries, and watering of stock. Said water runs through Ed Daniels

property description: N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14 Tp in R 4 $\frac{1}{2}$, in order to reach the

Albert Peterson property. Ed Daniels has maintained Papoose Creek with

practically all the labor and his fair share of money since the year 1914.

Therefore, it is completely fitting and proper that he have a water right

filed in his name with the department of Reclamation State of Idaho.



Wm E Hill
(signature)

Subscribed and sworn to before me this 16th day of August 1967.

Shirley M. Meschling
(Notary Public)

Residing at Swan Valley, Idaho
My commission expires November 14, 1972

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 23-4000
 Old No. New No.

Record

1. Original Owner: Ed. Daniels

Present Owner: _____

2. Address: P.O. Box 183

3. City: Irwin State: ID Zip: 83428

4. A. Source of Water: ~~Papoose~~ Springs + Papoose Creek

B. Tributary of: Papoose Creek + Snake River

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1914

D. County: 19

E. Total Diversion Rate: .01

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District: 01

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SW SE</u>	<u>15</u>	<u>1N</u>	<u>43E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 1-1 to 12-31 for S purposes. Amount .01
 (cfs or AG-FT/yr)

from 1-1 to 12-31 for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

72379

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. Sources are springs, trib. ~~Los~~ Papoose Ck.; Papoose Ck.,
B. trib. Snake River R.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

5/56 head D/2 homes

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

DEC 11 2006

DEPARTMENT OF
WATER RESOURCES

Form No. 42-1409 (2) a 1/88 (Internet)

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) Wayne Leasing, LLC Phone (801) 393-4943

Mailing Address 1555 Sunview Dr., Logan, UT 84404 Zip 84404

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) Papoose Springs

which is tributary to (b) Papoose Creek

4. a. Location of existing point of diversion is: Township 1N Range 43E Section 15,

SW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Bonneville

Additional points of diversion if any: n/a

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. Water originates in three springs. Pipes
Lead to a cistern of 48 x 48 inches x 42 inches deep. This is made of cement. A
1-1/2 inch header leads to a cistern bearing approximately 47 degrees east of north.
Pipe proceeds approximately three thousand feet to Y where it is reduced to 3/4 inch
line to a home. In addition, 3/4 inch pipe pipes water out of Papoose Creek and
takes it 200 feet to a watering trough.

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 .02 or _____

For Stock purposes from 1-1 to 12-31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

8. Total consumptive use claimed is n/a acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic; stock - not to exceed 50 head of cattle and 6 horses

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	
1N	43E	14					X												

Total number of acres irrigated _____

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

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.
_____ or None (X)

14. Remarks: See attached copy of aerial photograph

Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use ☒ 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.

Signature of Claimant (s) WAYNE LEASING, LLC Date _____

By: Mark E. Goddard Date 11/28/06
Mark Goddard, Member

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

of Wayne Leasing Organization _____, that I have signed the foregoing

document in the space below as Manager Title _____ of Wayne Leasing Organization _____

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

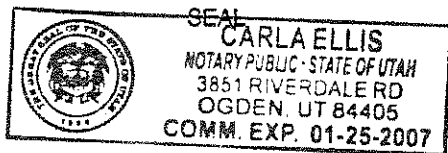
Signature of Authorized Agent Mark E. Goddard

Title and Organization Manager Wayne Leasing Date 11/28/06

State of Idaho or Utah)

County of Weber) SS.

Subscribed and sworn (or affirmed) before me this 28th day of Nov 2006



Notary Public Carla Ellis

Residing at Ogden, UT

My Commission Expires 1-25-07

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, 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

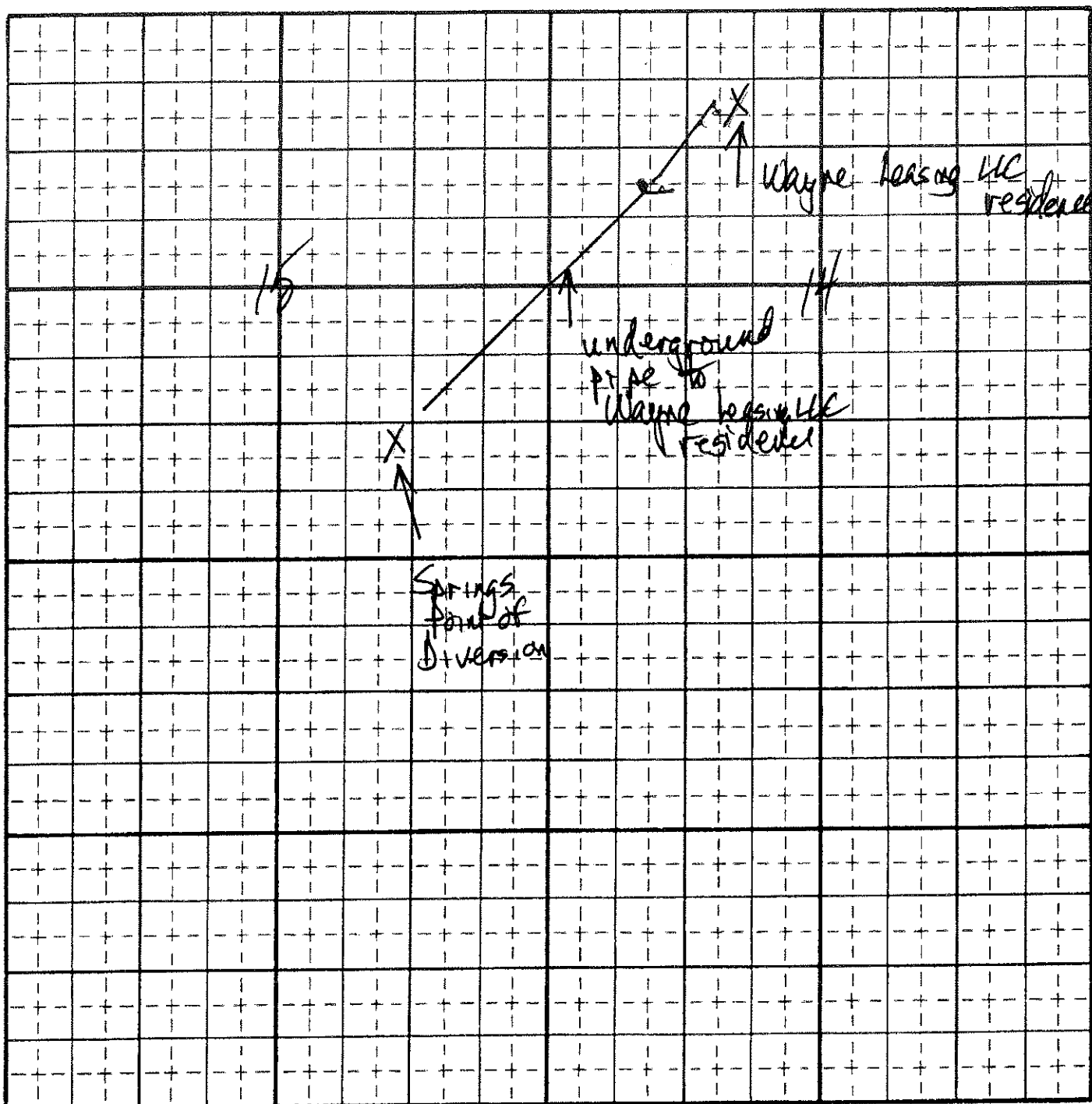
Address 425 S. Holmes Ave., Idaho Falls, ID 83401

Date 11-30-06

Last Name _____ Ident. Number _____

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. _____

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of a monthly docket sheet may be obtained from any of the offices of the department; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the SRBA court's web site at www.srba.state.id.us/docket.htm. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department or the SRBA court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. You may also obtain copies of the notices of claims filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claims have been reviewed, the director will prepare and file a Director's report with the SRBA court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. Director reports will be prepared in each administrative basin within the Snake River Basin. When the report for your basin is filed with the court, you will be mailed a notice informing you that the report for your basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department or the court.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. You may contact IDWR regional offices or the IDWR web site www.idwr.idaho.gov for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department or the court.

