

RECEIVED  
DEC 28 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 37-817  
) (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 1, 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.

COPY

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

My name is \_\_\_\_\_

My address is \_\_\_\_\_

My phone number is: Work \_\_\_\_\_ Home \_\_\_\_\_

I am an attorney representing Faulkner Hayhook Ranches, Inc.

My name is C. Tom Arkoosh

My address is 301 Main Street, Post Office Box 32, Gooding, ID 83330

My phone number is (208) 934-8872

### 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ 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 \$ \_\_\_\_\_.
- 
- ☐ 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 \_\_\_\_\_  
(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:

This amended claim correctly represents claimants water  
right, and was agreed to during error period, but it was  
misplaced by Idaho Department of Water Resources until after  
the error period. Claimant relied on Idaho Department of  
Water Resources commitment to recommend water right at 3.2  
cfs for 133 acres.

☒

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:

Payment has already been paid.

---

---

---

VERIFICATION (Must be completed)

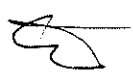
State of Idaho

County of Gooding

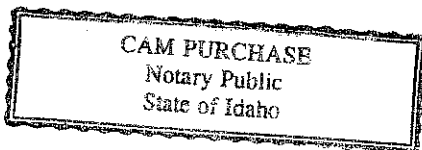
C. Tom Arkoosh, being first duly sworn, upon oath, deposes and says:  
(Insert name of person filing form)

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.

\_\_\_\_\_  
Signature of person filing motion

  
\_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on December 27, 2006  
(Insert Date)



  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at: Bliss  
My Commission expires: 7/16/10

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 ~~DECEMBER 27, 199~~<sup>2006</sup>, 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:

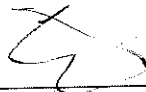
IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

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



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

November 21, 2006

Faulkner Hayhook Ranches Inc.  
C/o Jim Faulkner  
755 US Hwy 30  
Bliss, ID 83314

RE: Snake River Basin Adjudication claim 37-817

Dear Mr. Faulkner,

Attached is the amended Snake River Basin Adjudication (SRBA) water right claim for 37-817 that you requested at our meeting last week in Fairfield. The only change I made to the claim is an increase in the place of use from 60 acres to 133 acres. Please review the amended claim and if you feel it is correct, please sign it, have it notarized, and return it to me with \$146 (filing fee for the additional acres). Please note that this amended claim is not valid until I receive it signed and notarized with the filing fee.

#### Summary of water right 37-817:

- 37-817 originally decreed in 1920 for 3.2 cfs for Irrigation of eight quarter-quarter sections (320 acres).
- If amended claim 37-817 is returned, I plan to recommend that the SRBA Court decree water right claim 37-817 for 3.2 cfs for Irrigation of 133 acres.

Also attached is the new claim (37-21972) you requested for the storage of irrigation water in the pond on the north end of your ranch. Using the information you gave me (listed below), I calculated the volume of the pond to be 13 acre feet. Please note that the consumptive use requirement for irrigation in your area is 4.0 acre feet per acre, so this storage water would be limited to irrigation of 3.25 acres in one irrigation season. Also, I meant to discuss establishment of a priority date for this use during our meeting in Fairfield, but it slipped my mind. To be included the SRBA, you must document that storage of water in the pond for irrigation started before 5/20/1971. I have enclosed a pamphlet titled "Evidence of Priority" that discusses possible types of evidence of priority. If you cannot document that this use started before 5/20/1971, you should contact the IDWR - Twin Falls office (208-736-3033) to inquire about obtaining a license for this use.

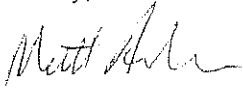
To make this new claim (37-21972) valid, you need to send me all of the following:

- Evidence documenting use started prior to 5/20/1971
- The claim signed and notarized (Please review it first to make sure it represents you water use)
- \$100 filing fee

You requested that I check to see if permit 37-8194 for the hot water well at the north end of your ranch needs to be included in the SRBA. Since the proof of beneficial use was submitted 9/27/1996, after the start of the SRBA in 1987, 37-8194 is not included in the SRBA

If you have questions, feel free to contact me at (208) 287-4937.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matt Anders".

---

Matt Anders  
GIS Specialist – Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

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- If amended claim 37-817 is returned, I plan to recommend that the SRBA Court decree water right claim 37-817 for 3.2 cfs for Irrigation of 133 acres.

Also attached is the new claim (37-21972) you requested for the storage of irrigation water in the pond on the north end of your ranch. Using the information you gave me (listed below), I calculated the volume of the pond to be 13 acre feet. Please note that the consumptive use requirement for irrigation in your area is 4.0 acre feet per acre, so this storage water would be limited to irrigation of 3.25 acres in one irrigation season. Also, I meant to discuss establishment of a priority date for this use during our meeting in Fairfield, but it slipped my mind. To be included the SRBA, you must document that storage of water in the pond for irrigation started before 5/20/1971. I have enclosed a pamphlet titled "Evidence of Priority" that discusses possible types of evidence of priority. If you cannot document that this use started before 5/20/1971, you should contact the IDWR - Twin Falls office (208-736-3033) to inquire about obtaining a license for this use.

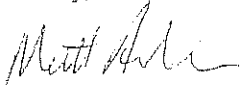
To make this new claim (37-21972) valid, you need to send me all of the following:

- Evidence documenting use started prior to 5/20/1971
- The claim signed and notarized (Please review it first to make sure it represents you water use)
- \$100 filing fee

You requested that I check to see if permit 37-8194 for the hot water well at the north end of your ranch needs to be included in the SRBA. Since the proof of beneficial use was submitted 9/27/1996, after the start of the SRBA in 1987, 37-8194 is not included in the SRBA.

If you have questions, feel free to contact me at (208) 287-4937.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matt Anders".

---

Matt Anders  
GIS Specialist – Snake River Basin Adjudication

COPY

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 37-817  
Date Received: 8/24/1988  
Receipt No: S001688  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FAULKNER HAYHOOK RANCHES INC  
C/O JIM FAULKNER  
755 US HWY 30  
BLISS ID USA 83314

Phone: (208) 948-9104

2. Date of Priority: 04/01/1904

3. Source: CALF CREEK , CALF CREEK Trib. to: CLOVER CREEK , CLOVER CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 04S      | 12E   | 26      | SW NE                 | GOODING |      |
| 04S      | 12E   | 27      | NE SE                 | GOODING |      |

5. Description of diverting works:

RESERVOIR, HEADGATE

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/01 | 11/01 | 3.2    |            |

7. Total Quantity Appropriated is:  
3.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres |
|---------------|-------|---------|------------|-----|------------|-------|
| 04S           | 12E   | 26      | NE         | SW  | IRRIGATION | 6     |
|               |       |         | SW         | NW  | IRRIGATION | 1     |
|               |       |         | NW         | SW  | IRRIGATION | 18    |
|               |       |         | SW         | SW  | IRRIGATION | 5     |
| Section Acres |       |         |            |     |            | 30    |
| 04S           | 12E   | 27      | NE         | SE  | IRRIGATION | 3     |
|               |       |         | SW         | SE  | IRRIGATION | 9     |
|               |       |         | SE         | SE  | IRRIGATION | 8     |
| Section Acres |       |         |            |     |            | 20    |
| 04S           | 12E   | 34      | NE         | NE  | IRRIGATION | 14    |
|               |       |         | SW         | NE  | IRRIGATION | 10    |
|               |       |         | SE         | NE  | IRRIGATION | 24    |
|               |       |         | NW         | NE  | IRRIGATION | 35    |
| Section Acres |       |         |            |     |            | 83    |
| Total Acres   |       |         |            |     |            | 133   |

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

2 DIFFERENT TRIB OF CALF CREEK. WATER IS DIVERTED FROM TWO POINTS OF DIV. DECREE ORIGINALLY COVERED MORE ACRES. CLAIMANT IN PROCESS OF IMPROVING IRRIG SYSTEM FOR FUTURE ADDITIONAL ACRES. CURRENTLY IRRIGATING APPROX. 60 ACRES.

11/14/06 - claimant requested amended claim to increase POU acreage to represent irrigated acres.

15. Basis of Claim: Decreed

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am Pres. of  
Faulkner Haystack Ranches Inc. Title  
Organization that I have signed the foregoing  
document in the space below as Pres. of  
Faulkner Haystack Ranches Inc. Title  
Organization and that the statements contained in the  
foregoing document are true and correct. James E Faulkner  
Signature of Authorized Agent  
Faulkner Haystack Ranches Inc.  
Title and Organization  
11/28/06  
Date

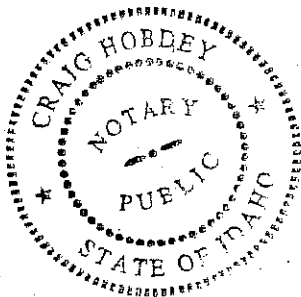
State of Idaho )  
County of Gooding ) SS.

Subscribed and sworn (or affirmed) before me this 28<sup>th</sup>  
of November 2006

Craig Hobbley  
Notary Public

Residing at Gooding

My commission Expires 10-24-12



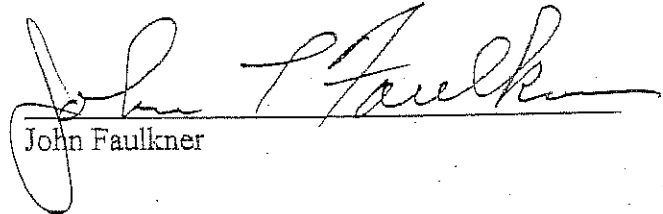
# AFFIDAVIT

STATE OF IDAHO )  
 ) SS.  
County of Gooding )

JOHN FAULKNER, upon his oath being first duly sworn, deposes and says:

1. Affiant's name is JOHN FAULKNER, a resident of Gooding County, Idaho.
2. In 1956 RALPH FAULKNER LAND, INC. purchased a portion of Section 27 in Township 4 South, Range 12 EBM in Gooding County, Idaho, north of Bliss.
3. There was a storage pond on the west fork of Calf Creek at the time RALPH FAULKNER LAND, INC. purchased the property.
4. Affiant was twenty four years old when Ralph Faulkner Land, Inc. purchased the above described property, and storage reservoir. The above described reservoir was personally observed by your Affiant as being on the property in 1956.

DATED THIS 28<sup>th</sup> day of November, 2006.

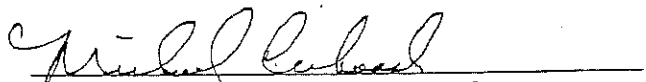
  
John Faulkner

STATE OF IDAHO )  
 ) SS.  
County of Gooding )

On this 28<sup>th</sup> day of November, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN FAULKNER, known to me to be the person whose name is subscribed to in the within and foregoing instrument, and acknowledged to me that he executed the same.

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

MICHAEL ARKOOSH  
NOTARY PUBLIC  
STATE OF IDAHO

  
NOTARY PUBLIC FOR IDAHO  
Residing at: Gooding  
Commission Expires: 08/07/2009

# AFFIDAVIT

STATE OF IDAHO )  
 ) SS.  
County of Gooding )

WALT HOBDEY, upon his oath being first duly sworn, deposes and says:

1. Affiant's name is WALT HOBDEY, a resident of Gooding County, Idaho.
2. Prior to 1956 Affiant was working for Jay Farmer at his ranch north of Bliss. Part of the ranch included a portion of Section 27, Township 4 South, Range 12 EBM, Gooding County, Idaho.
3. While I was working on the ranch I personally observed a storage reservoir on the West Fork of Calf Creek. I know about the use of the reservoir/storage facility because it existed prior before and after 1956 based upon my personal observation.
4. I was over the age of twenty-five (25) years at the time Affiant worked for Jay Farmer and made these observations.

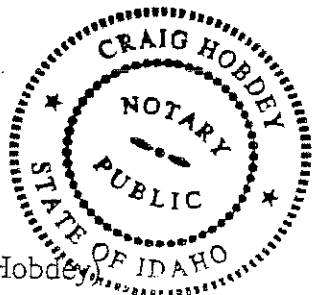
DATED THIS 28 day of November, 2006.

Walt Hobdey  
Walt Hobdey

STATE OF IDAHO )  
 ) SS.  
County of Gooding )

On this 28 day of November, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared WALT HOBDEY, known to me to be the person whose name is subscribed to in the within and foregoing instrument, and acknowledged to me that he executed the same.

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



Craig Hobdey  
NOTARY PUBLIC FOR IDAHO  
Residing at: Gooding  
Commission Expires: 10-24-12

COPY

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 37-21972  
Date Received: 11/21/2006  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FAULKNER HAYHOOK RANCHES INC.  
C/O JIM FAULKNER  
755 US HWY 30  
BLISS ID USA 83314

Phone: (208)948-9104

2. Date of Priority:

3. Source: UNNAMED STREAM Trib. to: CALF CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 04S      | 12E   | 27      | NE NE SE              | GOODING |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose                 | From  | To    | C.F.S. | (or) A.F.A |
|-------------------------|-------|-------|--------|------------|
| IRRIGATION STORAGE      | 01/01 | 12/31 |        | 13         |
| IRRIGATION FROM STORAGE | 03/15 | 11/15 |        | 13         |

7. Total Quantity Appropriated is:  
13 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses: *Fish Propagation*

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use                     | Acres |
|----------|-------|---------|------------|-----|-------------------------|-------|
| 04S      | 12E   | 26      | NE         | SW  | IRRIGATION FROM STORAGE | 6     |
|          |       |         | SW         | NW  | IRRIGATION FROM STORAGE | 1     |
|          |       |         | NW         | SW  | IRRIGATION FROM STORAGE | 18    |
|          |       |         | SW         | SW  | IRRIGATION FROM STORAGE | 5     |

Section Acres 30

|     |     |    |    |    |                         |   |
|-----|-----|----|----|----|-------------------------|---|
| 04S | 12E | 27 | NE | SE | IRRIGATION FROM STORAGE | 3 |
|     |     |    | SW | SE | IRRIGATION FROM STORAGE | 9 |
|     |     |    | SE | SE | IRRIGATION FROM STORAGE | 8 |
|     |     |    | NE | SW | IRRIGATION STORAGE      |   |

Section Acres 20

|     |     |    |    |    |                         |    |
|-----|-----|----|----|----|-------------------------|----|
| 04S | 12E | 34 | NE | NE | IRRIGATION FROM STORAGE | 14 |
|     |     |    | SW | NE | IRRIGATION FROM STORAGE | 10 |
|     |     |    | SE | NE | IRRIGATION FROM STORAGE | 24 |
|     |     |    | NW | NE | IRRIGATION FROM STORAGE | 35 |

Section Acres 83

Total Acres 133

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Claim is for pond in NESE Section 27

Pond volume is calculated to be 13 acre feet. Consumptive use for irrigation in this area is 4.0 acre feet per acre. Therefore, Irrigation from Storage is limited to irrigation of 3.25 acres per season.

15. Basis of Claim: Beneficial Use

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

For Organizations:

I do solemnly swear or affirm that I am Pres of  
Title  
Faulkner Haybrook Ranch Inc that I have signed the foregoing  
Organization  
document in the space below as Pres of  
Title  
Faulkner Haybrook Ranch Inc and that the statements contained in the  
Organization  
foregoing document are true and correct. James E. Faulkner  
Signature of Authorized Agent  
Faulkner Haybrook Ranch Inc  
Title and Organization  
11/28/06  
Date

State of Idaho )

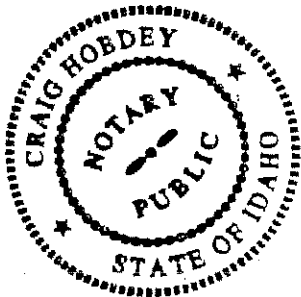
County of Gooding ) SS.

Subscribed and sworn (or affirmed) before me this  
of November 2006

28th  
Craig Hobdey  
Notary Public

Residing at Gooding

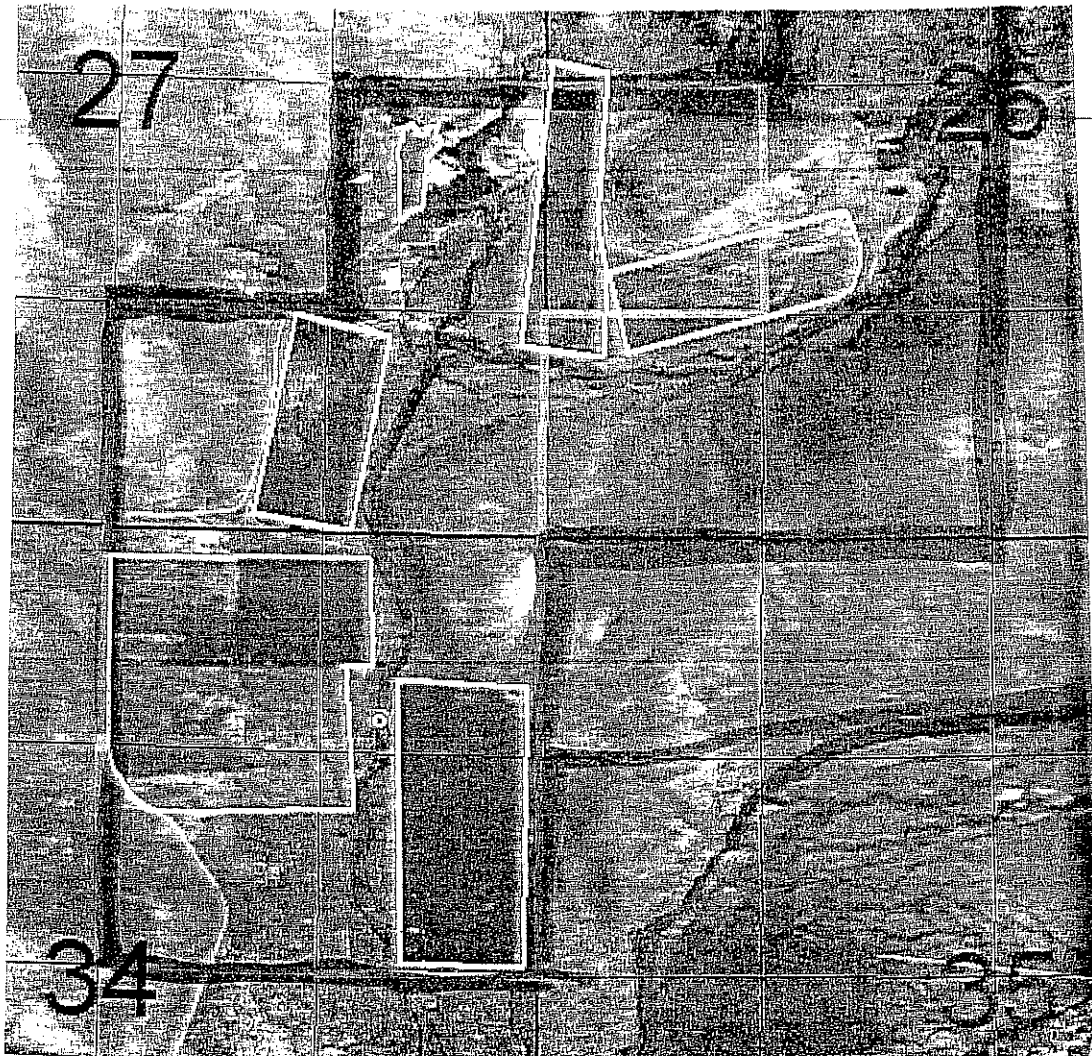
My commission Expires 10-24-12



## Place Of Use Data: 37-817

Yellow line is the draft Place of Use created by IDWR based on historical data and records.  
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.  
Green line is decreed POU (this represents the Quarter-Quarter sections listed in the decree.)

2004 Aerial Photo



Irrigated Place of Use outlined in yellow is 133 acres.