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DEC 29 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

63-32590

(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.

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

My name is Christopher D. Bray &/or Gail Etheridge
Bray

My address is 6301 N. Pierce Park Ln, Boise, ID
83714

My phone number is: Work 208-554-1144 Home 208-553-2036

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

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:
We purchased property in June, 1998. Did not receive notice
1) that a claim was necessary for a domestic well.

2) We live on 5 acres in the City of Boise. We are
beginning to create a subdivision. IDWR advises
that we can best protect the use of our domestic
well by presenting our claim. Our use is for domestic
3) establish our priority date as Dec. 5, 1998.

☐ 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 \$ 100⁰⁰.
- ☐ 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 pm
(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 Idaho

County of Ada

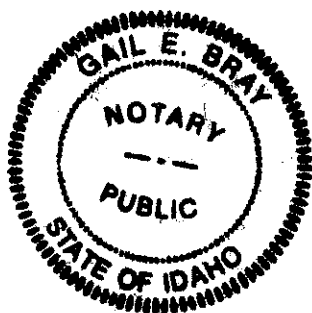
Christopher D. Bray being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Christopher D. Bray
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on December 28, 2006
(Insert Date)



Gail E. Bray
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 3/3/2010

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 Dec. 28, 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:

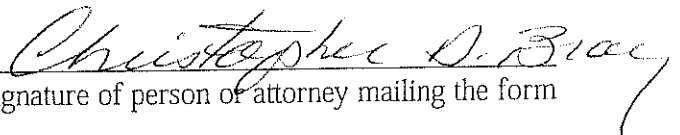
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

Dec. 28, 2006 1:15PM Idaho Dept. of Water Resources No. 6806 P. 1

Form No 42-1409 (2) b 7/06

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 03-32590
Date Received: _____
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) Christopher D. Bray & /or Gail Ethelridge Bray Phone () 208 853-2036
Mailing Address 6301 Pierce Park Ln, Boise, ID Zip 83714
2. Date of Priority: (Only one per claim) December 5, 1874 Month/Day/Year
3. Source of water supply (Check one) Ground Water ☒ or Other () (a) _____
which is tributary to (b) _____
4. Location of Point of Diversion is: Township 4N, Range 2E, Section 19,
NW, 1/4 of NW, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of Ada
Additional points of diversion if any: _____
5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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, pump, pipelines, Well redrilled in April 2000 to a depth of 90 feet.
6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)
For Domestic purposes from 1/1 to 12/31 amount .04 cfs
For _____ purposes from _____ to _____ amount _____
7. Total Quantity claimed .04 (cfs)
8. Total consumptive use claimed is do minimus
9. Non-Irrigation uses. Describe fully. (Domestic: give number of households served if single ownership;
Stockwater and Number of livestock) single family, stock water, 2

Dec. 28, 2006 1:15PM Idaho Dept. of Water Resources No. 6806 P. 2

Form No. 42-1409 (2) b 7/06

10. Location of Place of Use is: Township 4N, Range 2E, Section 19

NW, 1/4 of NW, 1/4, Govt. Lot _____, BM.

for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

11. Which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes (☒) No ()
If the 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 () Municipal water also used inside

14. Remarks: Water date of priority established by US Patent, 12/15/1874

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

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: 2

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

Signature of Claimant (s) Christopher D. Bray Date: 12/28/2006

Date: _____

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

of _____, that I have signed the foregoing document in the space below as
Organization

Title of _____ Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho }
County of Ada } SS.

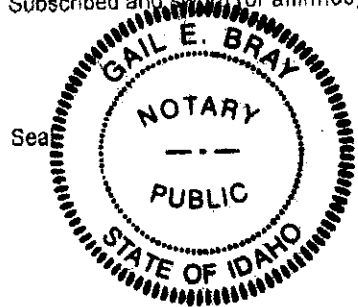
NOTARIZATION REQUIRED FOR EACH CLAIM

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

Notary Public Gail E. Bray

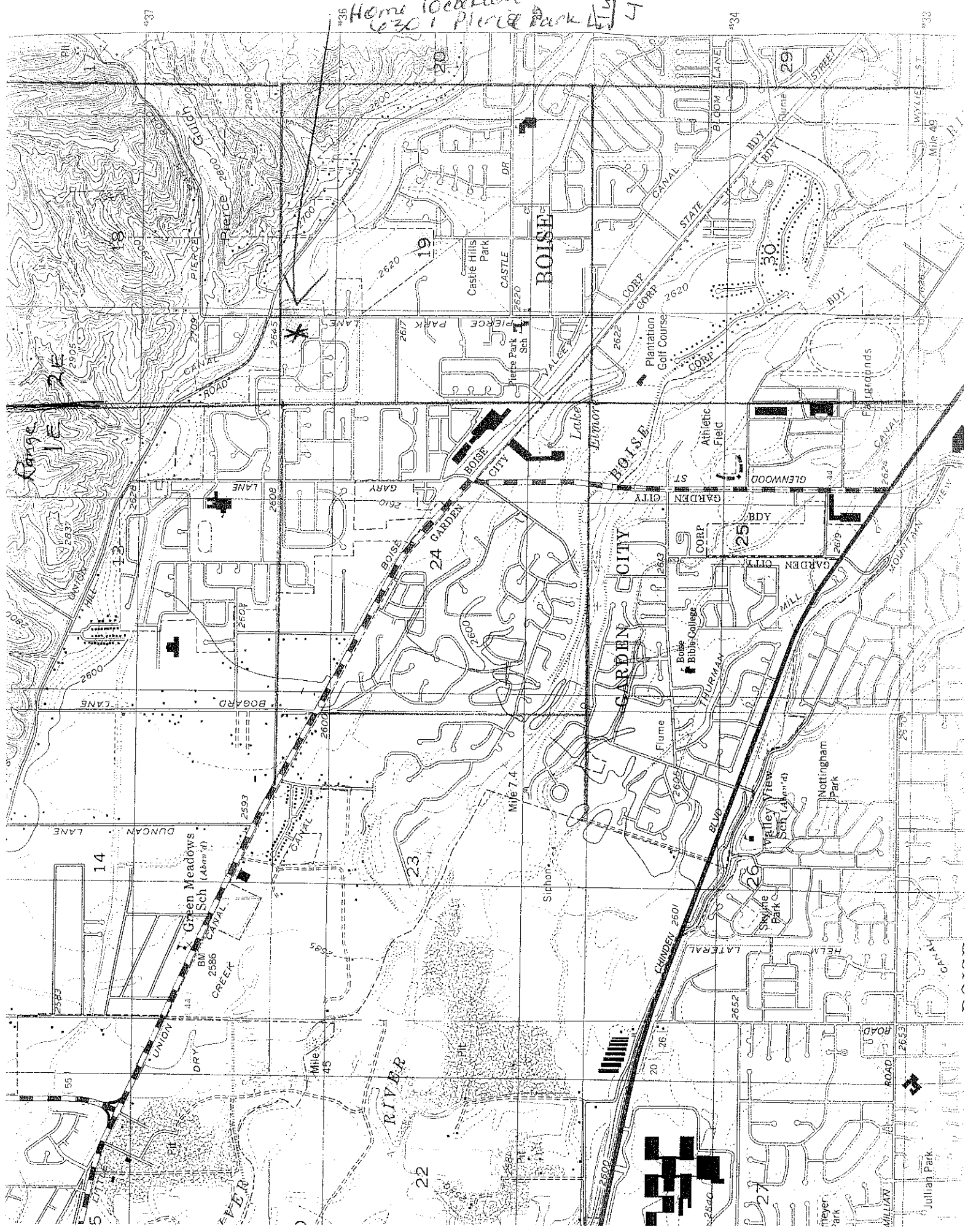
Residing at Boise, Idaho

My commission Expires 3/3/2010



Last Name Bray Identification No. _____

= Section #19
Home location
6301 Pierce Park Dr NW



U. S. A.

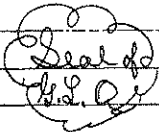
In
S. D. Aikens, No. 55 } The United States of America,
To all whom these presents shall come,
Greeting

✓ Whereas Samuel D. Aikens of Ada County Idaho Territory has deposited in the General Land Office of the United States a certificate of the Register of the Land Office at Boise City, Idaho Territory, whereby it appears that full payment has been made by the said Samuel D. Aikens according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provisions for the sale of the Public Lands," for the South East quarter of the South East quarter of Section thirteen, in Township four North, of Range one East, and the South West quarter of the South West quarter of Section eighteen, and the North West quarter of the North West quarter of Section nineteen, in Township four North, of Range two East in the district of lands subject to sale at Boise City, Idaho Territory, containing one hundred and thirty acres and ninety nine hundredths of an acre, according to the official plat of the survey of the said lands, returned to the General Land Office by the Surveyor General, which said Tracts have been purchased by the said Samuel D. Aikens.

Now Know Ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said Samuel D. Aikens and to his heirs, the said Tracts above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatever nature, thereunto belonging, unto the said Samuel D. Aikens and to his heirs and assigns forever; Subject to any vested and accrued water rights for mining, agricultural manufacturing, or other purposes, and rights to ditches and reservoirs, used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the

right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof Ulysses S. Grant, President of the United States of America, have caused these letters to be made Patent and the seal of the General Land Office to be hereunto affixed.



Given under my hand, at the City of Washington, the Twentieth day of May, in the year of Our Lord one thousand eight hundred and Seventy four, and of the Independence of the United States the Ninety eighth.

By the President: U. S. Grant

By A. Williamson, Secretary.

Recorded Vol. 2 Page 28. L. K. Lippincott

Recorder of the General Land Office

Recorded at the request of S. S. Aiken December 5th 1874. at 4 min. past 2 P. M.

N. M. Hawthorn

Recorder