

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

Case No. 39576

A. Subcase

45-14027

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 Manning Ranches, Inc. (Robert Manning, President)

My address is 2233 Birch Creek Road, Oakley, Idaho 83346

My phone number is: Work _____ Home (208) 862-3884

I am an attorney representing Manning Ranches, Inc.

My name is R.C. Stone

My address is P.O. Box 910 Burley, Idaho 83318

My phone number is (208) 878-8382

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:

Subcases 45-13489 and 45-13496 included claims for stockwater rights in Birch Creek recognizing the historic use of the surface water diversions to water livestock, dating back to the original diversions and application to beneficial use in 1875 and 1882. IDWR pointed out the rights in subcases 45-13489 and 45-13496 were adjudicated shortly before the SRBA and bound its recommendation in the subcases but the rights could be recognized in this claim.

☒ 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.)

The IDWR file in subcases 45-13489 and 45-13496 are incorporated by reference.

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 \$ 200.00.
- ☐ 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 Tuesday, May 15, 2007 at 1:30 o'clock 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 Idaho

County of Cassia

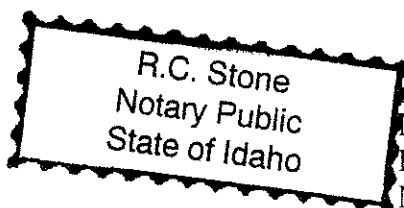
Robert T Manning, President, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)
Manning Ranches, Inc.

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.

Robert Manning
Signature of person filing motion
President Manning, Ranches, Inc.

[Signature]
Attorney signing in representative capacity

Subscribed and sworn to before me on January 25, 2007
(Insert Date)



[Signature]
Notary Public for I. Stone
Residing at: Burley
My Commission expires: 5/15/2012

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 the 8 day of February, 2007, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

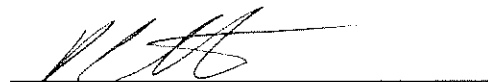
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
P.O. 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.

PARSONS, SMITH & STONE, LLP



R.C. Stone
Attorneys for Manning Ranches, Inc.
137 West 13th Street
P.O. Box 910
Burley, Idaho 83318

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

CIVIL CASE NUMBER: 39576

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

Ident. Number: _____

Date Received: _____

Receipt Number: _____

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) Manning Ranches, Inc. Phone (208) 862-3884

Mailing Address 2233 Birch Creek Road, Oakley, Idaho Zip 83346

2. Date of Priority (Only one per claim) 03/01/1875 Month/Day/Year

3. Source of water supply (Check one) Ground Water () or Other (x) (a) Birch Creek

which is tributary to (b) Goose Creek

4. Location of existing point of diversion is: Township 14S Range 22E Section 14,
SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of

Additional points of diversion if any: SESWNW T14S R22E S24

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.

Headgates and ditches

6. Water is claimed for the following purposes: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

		Month/Day		Month/Day	(cfs)
For <u>Stockwater</u>	purposes from	<u>1/01</u>	to	<u>12/31</u>	amount <u> </u>
For <u> </u>	purposes from	<u> </u>	to	<u> </u>	amount <u> </u>
For <u> </u>	purposes from	<u> </u>	to	<u> </u>	amount <u> </u>
For <u> </u>	purposes from	<u> </u>	to	<u> </u>	amount <u> </u>

7. Total quantity claimed 0.972 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (e.g. Domestic: Give number of households served; Stock water: Type and number of livestock, etc.) 670 cow/calf pairs, 30 bulls, 30 horses

10. Location of Place of Use is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M. See Exhibit A

for (Circle One) Domestic Stock Domestic Stock

Additional places of use, if any _____

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

12. Do you own the property listed above as place of use? Yes X 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 (X) _____

14. Remarks: _____

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 X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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) Reuben Manning Date: 1/25/07

Manning Ranches Inc. Date: 1/25/07

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

of _____ Manning Ranches, Inc. _____, that I have signed the foregoing document in the space

below as _____ President of _____ Manning Ranches, Inc.

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

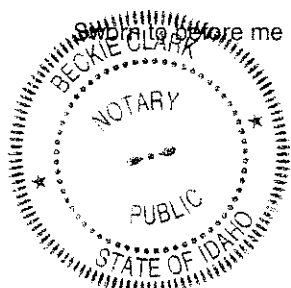
Signature of Authorized Agent Reuben Manning Date 1/25/07

Title and Organization Manning Ranches Inc. Pres.

State of Idaho)
County of Cassia) ss.

NOTARIZATION REQUIRED FOR EACH CLAIM

Sworn to before me this 25 day of January, 2007.



Beckie Clark
Notary Public for Idaho
Residing at: Oakley, ID
My commission expires: 7-6-2011

Last Name _____ Ident No. _____

EXHIBIT A

D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE1/4				NW 1/4				SW1/4				SE1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	22E	23		S	S		S			S	S	S	S	S					
13S	22E	26						S	S	S	S			S					
13S	22E	34				S									S			S	
13S	22E	35						S	S	S		S							
14S	22E	2						S	S			S	S						
14S	22E	3	S			S												S	
14S	22E	10	S																
14S	22E	11						S	S	S	S			S			S		
14S	22E	14		S	S	S									S	S	S	S	