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MAR 05 2007

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 22-13063

(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 Max S. Palmer and Rancee K. Palmer

My address is 1496 N. 7th E. Sugar City, Id.

83448

My phone number is: Work 208-356-3985 Home Same

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: when
the filing of director report in Base 92, we
discovered a claim had not been filed on this
high water right.

☐ 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.)

written statements from Paul Martin and
Dee O'Brien.

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 \$ 200⁰⁰.

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 May 15 - 1:30
(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 Banner

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

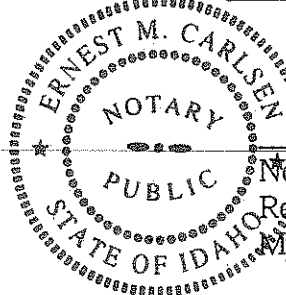
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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

Max Palmer

Signature of person filing motion

Attorney signing in representative capacity

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



Ernest M. Carlsen

Notary Public for Max Palmer

Residing at: Idaho Falls

My Commission expires: 8-21-2009

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 March 2, 2007, ~~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

RECEIVED

MAR 05 2007

Jan. 22, 2007

DEPARTMENT OF
WATER RESOURCES

Dear Sirs:

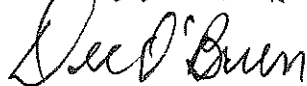
My name is Dee O'Brien. I worked for the Department of Water Resources, Eastern Office (Water District 1) from 1978 through 2000 as a deputy watermaster. My assignment was Teton Basin.

I have been asked by Max Palmer to write a letter of verification regarding delivery of water out of Spring Creek to his property that is located northwest of Tetonia. During the time that I was watermaster I regulated headgates on Spring Creek that diverted water into ditches that conveyed water to the property that is currently owned by Mr. Palmer. When the headgates had to be closed I would notify Mr. Paul Martin of the regulating so he was aware.

The regulating was done based on water right priorities and in conjunction with rights that were still good on the river.

This was a common practice for all of the years that runoff provided enough water to fill the rights.

Sincerely yours,



58 South 3rd East
P.O. Box 331
Driggs, Idaho 83422
354-2211

To Whom It May Concern:

I, Paul Martin, have been on this place since 1972.

I have changed water on this 320 acre farm, which was previously owned by Summers Farm and Ranch. I have also changed the water on this farm from the time Summers Farm sold it to Max Palmer. I also controlled water coming from Badger Creek, which was called Hayden Canal, on the cutoff canal going to the tributaries that go to Spring Creek which is where the water comes from for Max Palmer's place. I also moved pipe in the 1980's and early 1990's with the well that is adjacent and across from the Hayden Cemetery. That pipe waters the top 180 acres.

I have and continue to change water for Max Palmer, since his purchase in early 2000. I still live on the original farm, of which I now own the house and a small portion.

Sincerely,

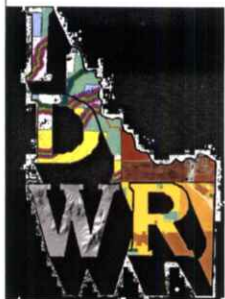
1/27/07

660 N 500 W.
Tetona, ID
83452

Auh

MARTIN

456-2350



Idaho Department of Water Resources

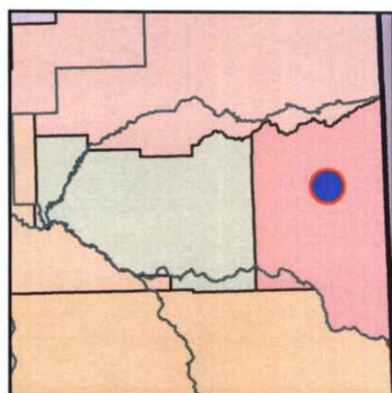
SRBA Claim:

22-13663

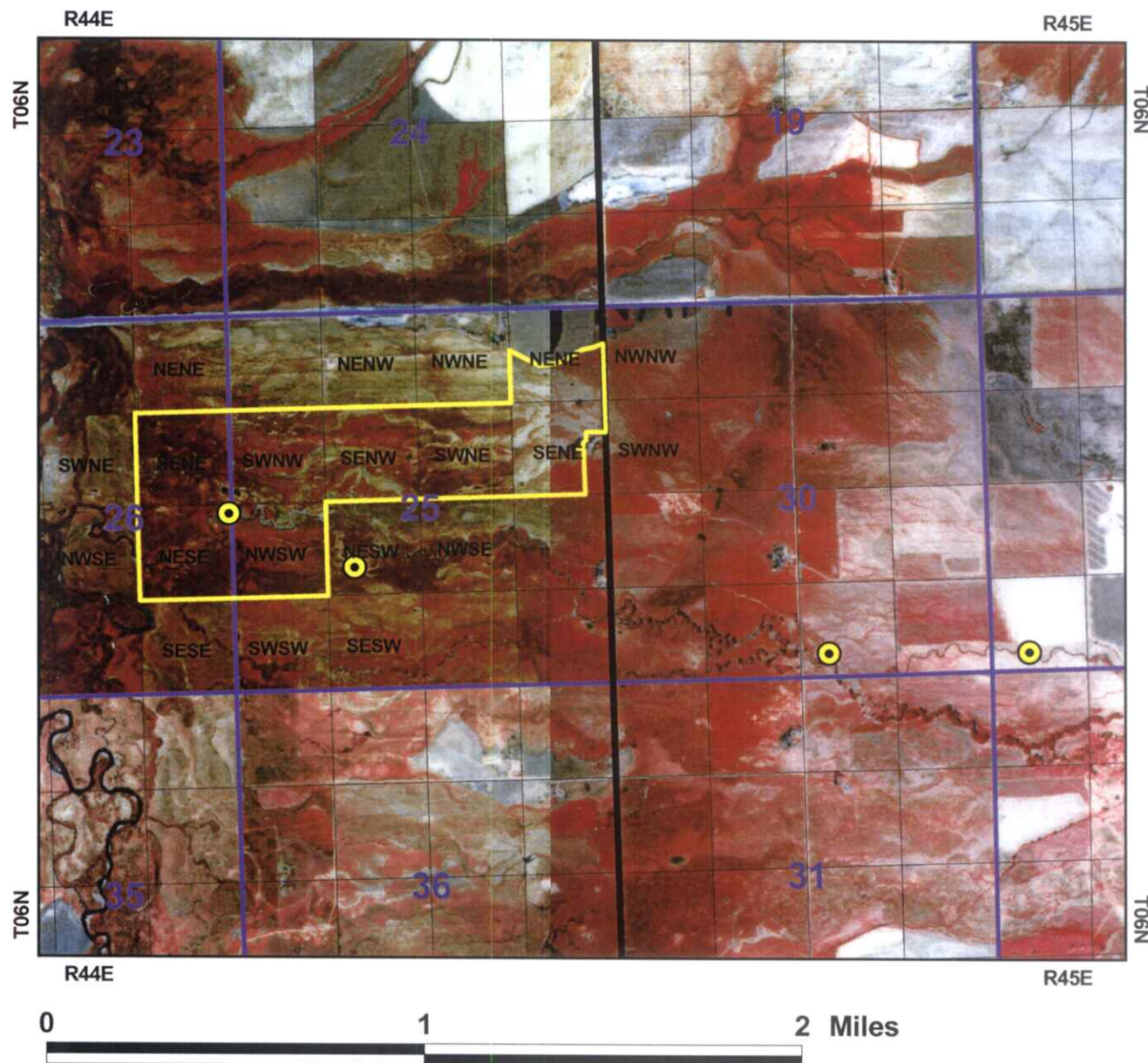
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



Prepared by E. Carlsen
On Wednesday, January 31, 2007
1987/88 Aerial Photography

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 22-13663
Date Received: 12/28/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MAX S PALMER Phone: (208) 365-3985
1496 N 7TH E
SUGAR CITY ID USA 83448

RANEE K PALMER Phone: (208) 356-3985
1496 N 7TH E
SUGAR CITY ID USA 83448

2. Date of Priority: 01/18/1905

3. Source: SPRING CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
06N	45E	30	SW	SE	TETON	
06N	44E	25	NE	SW	TETON	
06N	44E	26	NE	NE	TETON	
06N	45E	29	SW	SW	TETON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	6.51	

7. Total Quantity Appropriated is:
6.51 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
06N	44E	25	NE	NE	IRRIGATION	19
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	33
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
Section Acres						212
06N	44E	26	SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	40
Section Acres						80
Total Acres						292

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

This right is limited to the irrigation of 259 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 292 acres in a single irrigation season. Combined Right Nos.: 22-13182 and 22-13340.

This right is a combination of portions of old Right Nos. 22-210 and 22-533. 22-210, 80 acres at 1.33 cfs. 22-533, 179 acres at 5.18 cfs.

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 Individuals:

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

Signature of Claimant(s): *Ma Palmer* Date: 1-31-07
Renee K. Palmer Date: 1-31-07

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 31st of January 2007

Ernest M. Carlson
Notary Public

Residing at *Wabo Falls*

My commission Expires 8-21-2009