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MAR 09 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

2007 MAR 6 AM 10 29

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

22-562C

(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 Rick Sievers & Deborah M. Falber

My address is 546 Fox Creek Dr.
Victor, ID 83455

My phone number is: Deb Work 208/354-5778 Home 208/797-0042

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:

I received incorrect information on the status
of the water rights.

☐ 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:

- ☐ 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 Teton

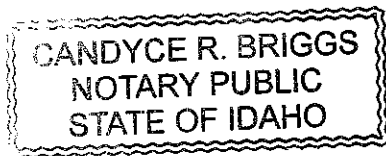
Rick Severs Deborah Falter being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Rick Severs Deborah Falter
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on February 2nd, 2007
(Insert Date)



Candyce R. Briggs
Notary Public for Idaho
Residing at: P.O. Box 1118, Puna, HI 96778
My Commission expires: 4/7/2011

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 5 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:

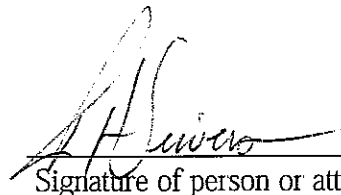
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

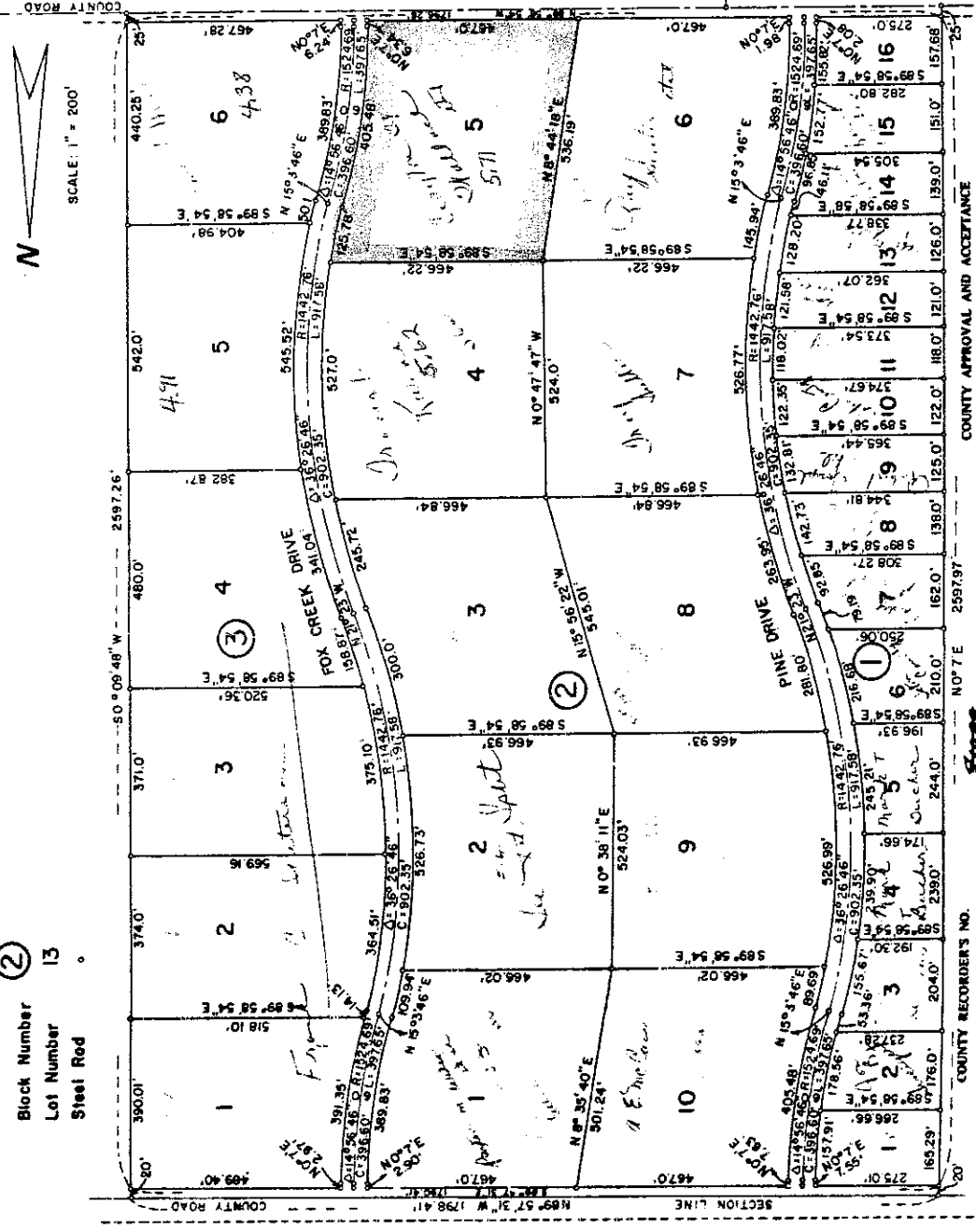
PLAT OF

TETON COUNTY, IDAHO

NW 1/4 Sec. 26, T.4N., R.45E., B.M.
FORSEY, PERKINS & ASSOCIATES, P.A.
CONSULTING ENGINEERS
REXBURG, IDAHO

LEGEND:

- Block Number 2
- Lot Number 13
- Steel Rod



ENGINEER'S CERTIFICATE

I, Clayton F. Forsgren, do hereby certify that I am a Registered Civil Engineer, and I hold Certificate No. 1323, as prescribed under the laws of the State of Idaho. I further certify that by authority of a return I have made a survey of the tract of land shown on this plat, and described below and have subdivided and laid into blocks, lots and acres, hereinafter to be known as: TETON VIEW ESTATES and the same has been correctly surveyed and all areas are the dimensions shown.

BOUNDARY DESCRIPTION	
Course	Distance
South	20.61
East	839.97
From the North 1/4 Cor. of Sec. 26, T.4N., R.45E., B.M.	
Teton County, Idaho, and running thence	
S 89° 57' 31" E	1796.41
S 0° 09' 48" W	2537.26
N 89° 56' 54" W	1796.26
N 0° 07' E	2597.97
to point of beginning	

6-12-72 DATE



OWNER'S DEDICATION

Know all men by these presents that we, the undersigned owners of the above described lots of land having come to be subdivided into blocks, lots and acres as shown on the plat hereon, and we hereby give, grant, sell, convey and warrant unto the City of Rexburg, Idaho, the right to use the plat as intended for public use and to the purpose of the plat as shown on the plat as intended for public use and to the purpose of the plat as shown on the plat as intended for public use.

Clayton F. Forsgren
James S. Merrill

ACKNOWLEDGMENT

State of Idaho
County of Teton
On the day of 1972, personally appeared before me the undersigned Notary Public and for said County in said State, the signers of the attached Owner's Dedication, and acknowledged to me they signed it freely and voluntarily and for the purposes therein mentioned.

My Commission Expires 1973

COUNTY APPROVAL AND ACCEPTANCE

Presented to the Teton County Board of County Commissioners this 12 day of June A.D. 1972, at which time this subdivision was approved and accepted.

Chairman

CITY COUNCIL APPROVAL AND ACCEPTANCE

Presented to the Teton City Council this day of A.D. 1972, at which time this subdivision was approved and accepted.

Mayor

COUNTY RECORDER'S NO.

Recorded and filed in the request of: 7/20/72 Date: July 12, 1972

County Recorder

ENGINEER'S APPROVAL

I certify that I have had this plat examined and find that it is correct and acceptable.

Clayton F. Forsgren
ENGINEER

153557

RECEIVED

MAR 14 2003

TETON COUNTY
CLERK RECORDER

QUITCLAIM DEED

For Value Received **RICK SIEVERS, a single man**

do hereby convey, release, remise and forever quit claim unto

DEBORAH FALBER, a single woman, and RICK SIEVERS, a single man

*aka Richard H
SIEVERS*

whose address is:

Hereinafter called the Grantee, the following described premises situated in **Teton** County, Idaho, to-wit:

Lot 5, Block 2, Teton View Estates as per the plat recorded July 12, 1972, as Instrument No. 71209, records of Teton County, Idaho.

together with its appurtenances

Dated: February 12, 2003

[Signature]

RICK SIEVERS

STATE OF Idaho)

Teton
COUNTY OF ~~County~~)

)SS

Instrument # 153557

DRIGGS, TETON, IDAHO

2003-03-14 10:55:51 No. of Pages: 1

Recorded for: RICK SIEVERS

NOLAN G. BOYLE

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: DEED QUIT-CLAIM

[Signature]

On this 12th day of February, in the year of 2003 before me a Notary Public, personally appeared d RICK SIEVERS, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.

Jerrilee J. Brower

Notary Public of Idaho

Residing at: Teton, ID
Commission Expires: 2-27-04

JERRILEE J. BROWER
NOTARY PUBLIC
STATE OF IDAHO

153557

WARRANTY DEED

RECEIVED

MAY 30 2001

TETON CO., ID
CLERK RECORDER

For Value Received **Jeffrey L. Scott, a single man**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Richard H. Siewers

whose address is: **P.O. Box 3292, Jackson, WY 83001**

Hereinafter called the Grantee, the following described premises situated in Teton County, Idaho, to-wit:

Lot 5, Block 2, Teton View Estates as per the plat recorded July 12, 1972, as Instrument No. 71209, records of Teton County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: **5-18-01**

Jeffrey L. Scott

Instrument # 142813

DRIGGS, TETON IDAHO

2001-05-30

01:39:57 No. of Pages: 1

Recorded for: FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

STATE OF **Idaho**

COUNTY OF **Teton**

On this **18th** day of May, 2001, before me, personally appeared Jeffrey L. Scott, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.

Jerrilee J. Brower
Notary Public of **Idaho**
Residing at: **Tetonia Id.**
Commission Expires: **2-27-04**

JERRILEE J. BROWER
NOTARY PUBLIC
STATE OF IDAHO

142813