

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

1-10023

) (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 DAVID O KINGSTON

My address is 477 SHARP AVE #207
IDAHO FALLS, ID 83402

My phone number is: (Work 208-522-2365) Cell 208-317-8330
JANAE

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 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:

ACRES ARE WRONG AT 210 - ACTUAL ACRES
AS STATE ON IDWR IS 262. ADDING APPROX
45 ACRES TO FARMED GROUND. THIS ACREAGE HAS
been farmed continually, AS STATED IN LETTER
from previous owners family.
ACREAGE being added is APPROX 40 ACRES T4N R37 E S26 NW SW AND
APPROX 5 ACRES - T4N R37 E S26 NE SW, TOTAL ACREAGE
FARMED AND WATER IS 262.

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

1) map from IDWR
2) Letter from family member of previous (deceased) owner
3) Preliminary Recommendation dated 11-13-06

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☒ Payment of the following additional fees required by IDWR:

check for \$104.00 Kingston Properties LP

VERIFICATION (Must be completed)

RECEIVED

MAR 20 2007

DEPARTMENT OF
WATER RESOURCES

State of Idaho

County of Bonneville

JANAE Kingston

(Insert name of person filing form)

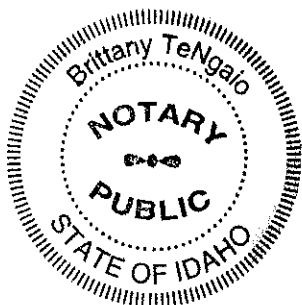
being first duly sworn, upon oath, deposes and says:

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.

Janae Kingston
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on March 16, 2007
(Insert Date)



Brittany TeNgalo
Notary Public for State Idaho
Residing at: Idaho Falls, ID
My Commission expires: 1/20/2013

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 16, ~~199~~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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

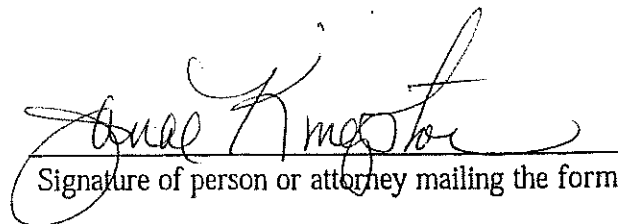
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

5-16-06

To Whom It May Concern:

I, John Arrington being familiar with the attachment "Exhibit A", having ~~lived~~ ^{WORKED} there as a child on what is known as the Arrington Farm, located at an approximate address of 108 North 3145 East, Idaho Falls, Idaho. *fld*

I have direct knowledge of irrigated area on this farm and state that the land area that was irrigated is larger then the piece identified in red by the Dept. of Water Resources on Exhibit A.

I have identified the land mass that was irrigated by ~~my family~~ ^{OUR EMPLOYEES} (prior to 1987) with a black felt marker on Exhibit A. I have direct knowledge that this land has been and always was irrigated by ~~my family~~ ^{OUR EMPLOYEES}, dating back prior to 1987. I may be contacted at 208-522-1990, or at address of 1519 Casseopeia, Idaho Falls, Idaho if you need further assistance. *fld*

John Arrington

John Arrington
1519 Casseopeia
Idaho Falls, Idaho
208-522-1990

Witness:

Janae Kingston

Janae Kingston
Kingston Companies
477 Shoup Ave Suite #207
Idaho Falls, ID. 83402
208-522-2365

Witness: _____

104-108 N. 0170 E. EX #101 H HAVING 100 TIRRM



Blue Transfer Red Chim 5.8 Aligned 6.6 diler

11/13/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-10023

NAME AND ADDRESS: DAVID O KINGSTON
477 SHOUP AVE #207
IDAHO FALLS ID 83402

RECEIVED

MAR 20 2007

DEPARTMENT OF
WATER RESOURCES

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.800 CFS

PRIORITY DATE: 10/16/1890

POINT OF DIVERSION:

T04N R37E S26 NESW Within JEFFERSON County

T04N R37E S35 NENE Lot 1 Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	5.800 CFS
PLACE OF USE:	<u>IRRIGATION in JEFFERSON County</u>		
	T04N R37E S26 NESW 12.00	T04N R37E S26 SWSW 16.00	
	T04N R37E S26 SESW 36.00	T04N R37E S26 Lot 5 NWSE 0.20	
	T04N R37E S26 SWSE 27.00	T04N R37E S26 Lot 4 SESE 3.70	
	T04N R37E S35 Lot 1 NENE 18.00	T04N R37E S35 Lot 9 NENE 1.40	
	T04N R37E S35 NWNE 39.00	T04N R37E S35 Lot 2 SWNE 2.50	
	T04N R37E S35 NENW 39.00	T04N R37E S35 NWNW 13.00	
	T04N R37E S35 SENW 2.20		
	210 ACRES TOTAL		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

✓ EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a combination of old Right No.01-00036D and a portion of 01-00036F.



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 1-10023
Date Received: 10/21/1988
Receipt No: E003406
Received By:

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 20 2007
DEPARTMENT OF
WATER RESOURCES

1. Name of Claimant(s)

DAVID O KINGSTON Phone: (208)522-2365
477 SHOUP AVE #207
IDAHO FALLS ID USA 83402

2. Date of Priority: 10/16/1890

3. Source: SNAKE RIVER , SNAKE RIVER Trib. to: COLUMBIA RIVER , COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
04N	37E	26	SW	SE	JEFFERSON	
04N	37E	35	NE	NE	JEFFERSON	

5. Description of diverting works:

PUMPS TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	6.6	

7. Total Quantity Appropriated is:
6.6 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
04N	37E	26	SE	SW	IRRIGATION	40
			NE	SW	IRRIGATION	20
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	30
			SW	SE	IRRIGATION	25
			SE	SE	IRRIGATION	5
Section Acres						160
04N	37E	35	NW	NW	IRRIGATION	5
			NE	NW	IRRIGATION	35
			NW	NE	IRRIGATION	40
			NE	NE	IRRIGATION	20
			SW	NE	IRRIGATION	2
Section Acres						102
Total Acres						262

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS BASED ON PORTIONS OF 01-00036D AND 01-00036F.
 AMENDED CLAIM TO ADD 52 ACRES TO TOTAL 262 ACRES AND ADJUST RATE TO 6.6 CFS.
 ACRAGE TOTALS ARE 40 ACRES T4N R37E S26 NWSW AND 20 ACRES T4N R37E S26 NESW.

15. Basis of Claim: Decreed

16. Signature(s)

David O. Kingston

(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: _____

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): Jane Kington Date: 3-16-07

Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this

of March 13 2007

Brittany TeNgalo

Notary Public

Residing at Idaho Falls, ID

My commission Expires 1/20/13

