

RECEIVED

APR 26 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 No. 79-04432
	)	
Case No. 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 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 October 16, 1997), 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 October 16, 1997).

My name is Kelley Chamberlain, a/k/a R. Kelley Chamberlain

My address is 13694 Hwy 95 S
White Bird, Idaho 83554

My phone number is: Work: (208) 630-4165 Home: (208) 839-2401

I am an attorney representing Kelley Chamberlain

My name is Roger D. Ling

My address is P. O. Box 396
Rupert, Idaho 83350

My phone number is (208) 436-4717

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:

See the affidavit of Kelley Chamberlain attached hereto and made a part hereof as though fully set forth herein.

☐ 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.)

1. Notice of Change in Water Right Ownership
2. Plat of place of use and point of diversion
3. Aerial photo of place of use and point of diversion
4. Aerial photo of place of use and point of diversion
5. Aerial photo of place of use and point of diversion
6. Survey of place of use and point of diversion
7. Last page of statutory 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 \$ 139.00.

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 July 17, 2007 at 1:30 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)

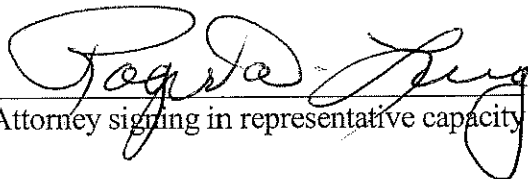
State of Idaho

County of Minidoka

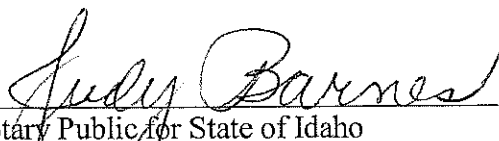
Roger D. Ling, duly sworn, upon oath, deposes and says:
(Name of person filing form)

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.

Signature of person filing motion


Attorney signing in representative capacity

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


Notary Public for State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 02-12-2011

INSTRUCTION FOR MAILING

You must mail the motion, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the 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 hereby certify that on _____ April 25, 2007, I mailed the original and copies of this motion, 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, Idaho 83303-2707

2. Copies to:

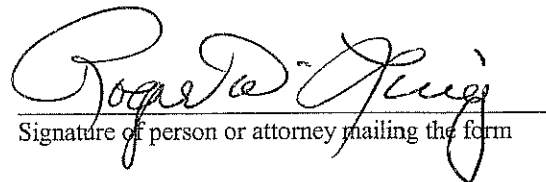
IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734

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/addresses of parties)



Signature of person or attorney mailing the form

Roger D. Ling, ISB No. 1018
LING, ROBINSON & WALKER
615 H Street
P. O. Box 396
Rupert, Idaho 83350
Telephone (208) 436-4717
Facsimile (208) 436-6804

Attorneys for Claimant,
Kelley Chamberlain

**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 No. 79-04432
)
Case No. 39576) **AFFIDAVIT IN SUPPORT OF MOTION**
) **TO FILE LATE NOTICE OF CLAIM**

STATE OF IDAHO)
) ss.
County of MILNER

Kelley Chamberlain, being first duly sworn, deposes and says:

1. That this affiant is the owner of certain real property in Idaho County, more fully described in the attached document entitled "Schedule C", having purchased the property on September 10, 2004 from Robert V. Parsons pursuant to the Warranty Deed describing the property now owned by this affiant, together with all tenements, hereditaments, and appurtenances thereunto belonging. Said Warranty Deed was recorded on September 13, 2004 with the County Recorder of Idaho County, Document No. 437672.

2. That at the time that this property was purchased by affiant, it was evident

that the property that I had purchased had been irrigated with water diverted from the Salmon River for some period of time prior to my purchase of the property. At the time of my purchase of the property, it was erroneously assumed by me that a claim to the water right for use on the property had been filed by the grantors, Robert V. Parsons and Josephine C. Parsons, of White Bird, Idaho.

3. Since my purchase of the subject property, I have continued to divert water from the Salmon River for the irrigation of the subject property and for stockwatering purposes.

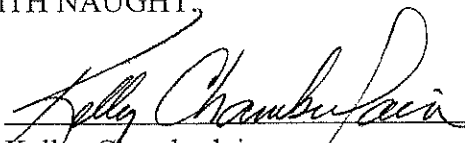
4. In the summer of 2006, while working on other water rights appurtenant to other property, I made an inquiry with the Idaho Department of Water Resources as to the status of the water rights for the subject property described in what is referred to as "Schedule C" attached hereto. At that time, I was advised that the records of IDWR showed that the property did in fact have an "active water right" appurtenant to the property and it was suggested that I have the water right transferred to my name. With the aid and guidance of agents and employees of the Idaho Department of Water Resources in the Coeur d'Alene office, a Notice of Change in Water Right Ownership was completed and filed with the Coeur d'Alene office of the Idaho Department of Water Resources on October 13, 2006. Upon further investigation, I determined that a statutory claim to this water right had been filed by Robert D. Parsons, this affiant's predecessor in interest, with the Idaho Department of Water Resources on June 20, 1983. At the same time, I discovered that a claim had not been filed in the Snake River Basin Adjudication for Water Right No. 79-04432.

5. On March 16, 2007, this affiant filed a Notice of Claim to a Water Right

Acquired Under State Law with the Idaho Department of Water Resources. On March 21, 2007, I was advised by the Northern Region Office of the Department of Water Resources that my Notice of Claim could not be accepted and that it would be necessary for me to file a Standard Form 4 with the Snake River Basin Adjudication court in Twin Falls, Idaho to obtain permission from the court to file the late Notice of Claim which is attached to my Motion to File a Late Notice of Claim supported by this affidavit.

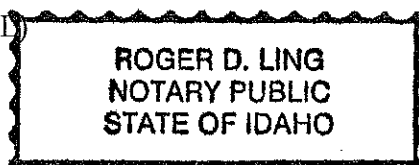
6. The claim for Water Right No. 79-04432 is well grounded in fact and is fully supported by documents now on file with the Idaho Department of Water Resources. That the late claim is not being filed for any improper purpose, and it is not believed that the filing of said claim will cause injury to any other water rights, and the circumstances of this case justify an Order granting permission to this affiant to file the Late Notice of Claim attached to this affiant's Motion, and that if an Order is issued granting approval for the filing of said late Notice of Claim, that said attached Notice of Claim be filed with the Idaho Department of Water Resources, together with the filing fee attached to the Notice of Claim.

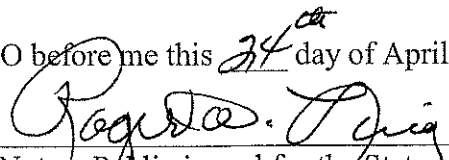
FURTHER THIS AFFIANT SAITH NAUGHT,


Kelley Chamberlain,
a/k/a R. Kelley Chamberlain

SUBSCRIBED AND SWORN TO before me this 24th day of April, 2007.

(SEAL)




Notary Public in and for the State of Idaho
Residing at: Reupert, Idaho
My Commission expires: 10/30/12

File No. 17838

SCHEDULE C

RECEIVED
MAR 20 2007
IDWR/North

Township 27 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 10: A parcel of land in the NE¼ and the SE¼, being a part
of Government Lots 4, 5 and 8 and the NE¼SE¼, more
particularly described as follows:

Commencing at the northeast corner of said Section 10,
a BLM brass cap monument;
thence S 10°13'58" W, 3928.09 feet to a point on the
southwesterly right-of-way boundary for U.S. Highway
95, said point being a 5/8"x30" rebar set with a
plastic cap stamped L.S. 3627, being 65.00 feet left of
centerline Station 1119+48.91 and said point being the
True Point of Beginning;
thence S 69°06'25" W, 403.19 feet to a 5/8"x30" rebar
set with a plastic cap stamped L.S. 3627 at the mean
high water line of the Salmon River;
thence traversing said mean high water line as follows:
N 42°36'35" W, 368.57 feet to an existing ½"
rebar;
✓ N 47°06'50" W, 321.52 feet;
N 35°55'53" W, 447.89 feet to an existing 5/8"
rebar with plastic cap stamped L.S. 5165;
✓ N 35°56'10" W, 44.57 feet;
N 20°02'49" W, 306.27 feet;
✓ N 10°03'54" W, 78.58 feet;
N 09°12'41" W, 333.28 feet to a 5/8"x30" rebar
with a plastic cap stamped L.S. 3627 set on the
southerly boundary of the parcel shown as Tax No.
77, Idaho County Assessors Office;
thence N 67°15'29" E along said southerly boundary,
268.58 feet to a point on the southwesterly right-of-
way boundary for U.S. Highway 95, marked by a witness
corner rebar (5/8"x30" with plastic cap stamped L.S.
3627 which bears N 67°15'29" E, 0.56 feet) said rebar
also bears S 37°20'59" W, 2921.53 feet from the
northeast corner of said Section 10;
thence traversing said highway right-of-way as follows:
S 35°25'38" E, 1527.76 feet to a point 65.00 feet
left of centerline PT Station 1123+11.30;
S 34°26'18" E, 196.57 feet to a point 65.00 feet
left of centerline PCS Station 1121+11.30;
southeasterly 156.94 feet along the arc of a curve to
the right having a central angle of 04°52'27", a radius
of 1844.86 feet along a long chord which bears S
29°58'09" E, 156.90 feet to the True Point of
Beginning.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

NOV 01 2006

DEPARTMENT OF
WATER RESOURCES

RECEIVED

OCT 13 2006

IDWR/North

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>79-4432</u>		☒			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. ✓
- B. A copy of the most recent **DEED**, **TITLE POLICY**, **CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
✓ If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Robert V. Parsons and Josephine C. Parsons
P.O. Box 146 White Bird, Id. 83584

4. New Owner/Claimant(s)

Kelley Chamberlain

Name Connector (Check one): [x] and, [] or, [] and/or

New Mailing Address

HC-1 Box 41

City, State and ZIP Code

White Bird, Idaho 83554

New Telephone Number

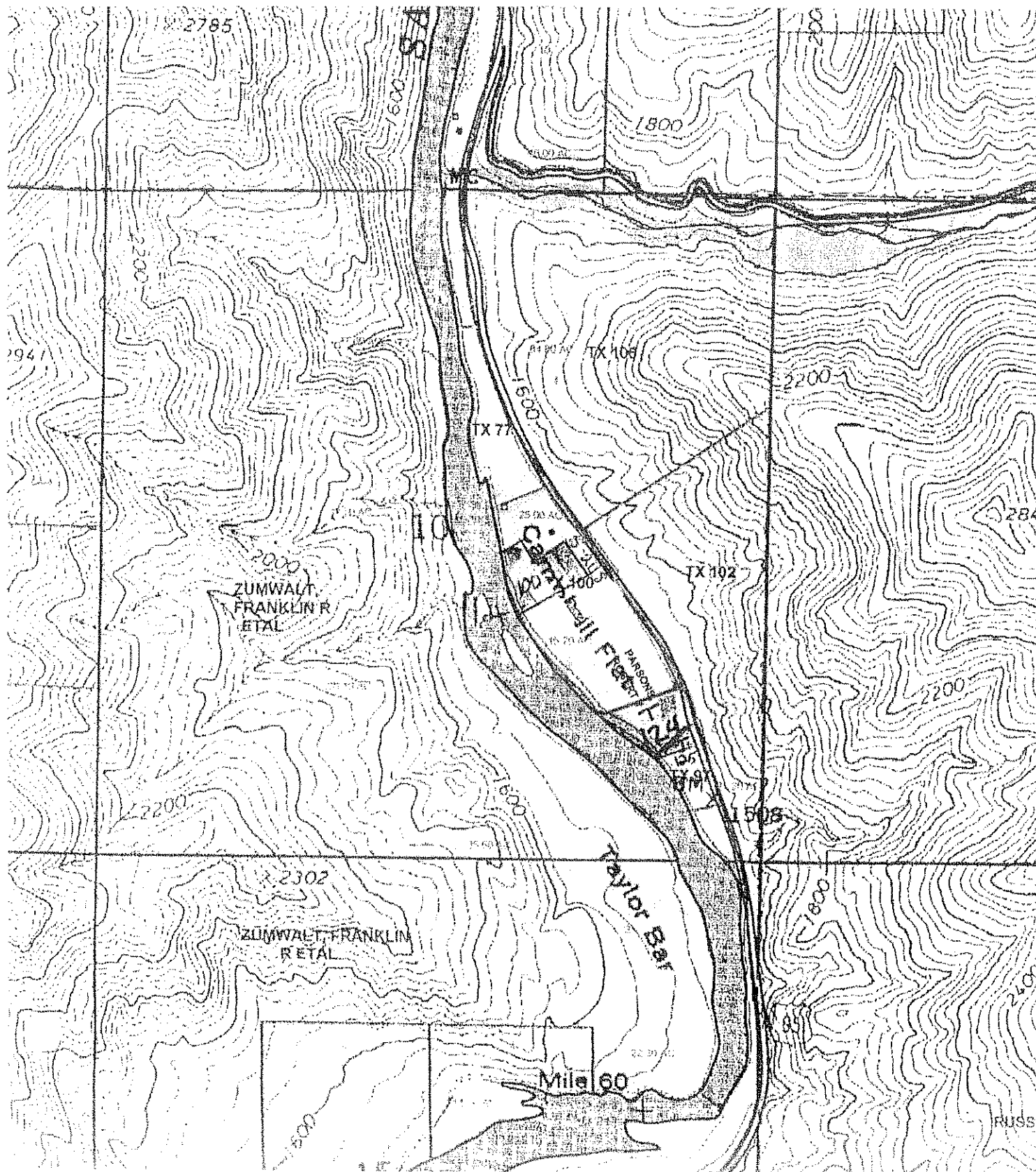
(208) 839-2401 cell 208 630-4165

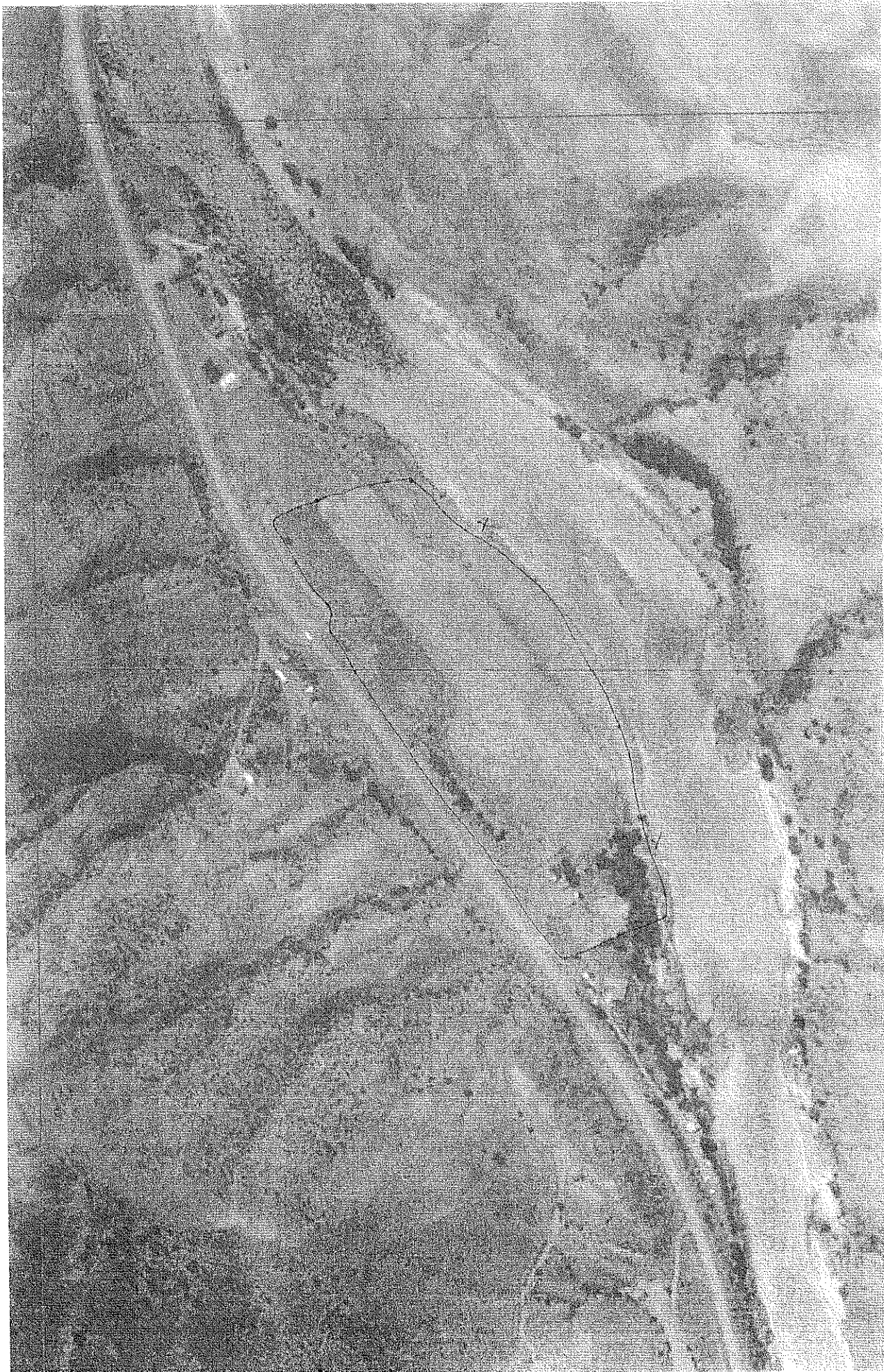
5. Date you acquired the property

Sept 10, 2004

THIS PLAT IS MADE SOLELY FOR THE PURPOSE
OF ASSISTING IN LOCATING THE LAND AND THE
COMPANY ASSUMES NO LIABILITY FOR VARIA-
TIONS, IF ANY, WITH AN ACTUAL SURVEY.

T27N R1E





Kelly, Christopher, H. & B. 1984. Aerial Photo. 1984.

200. 000. 000. 000.

79-4432

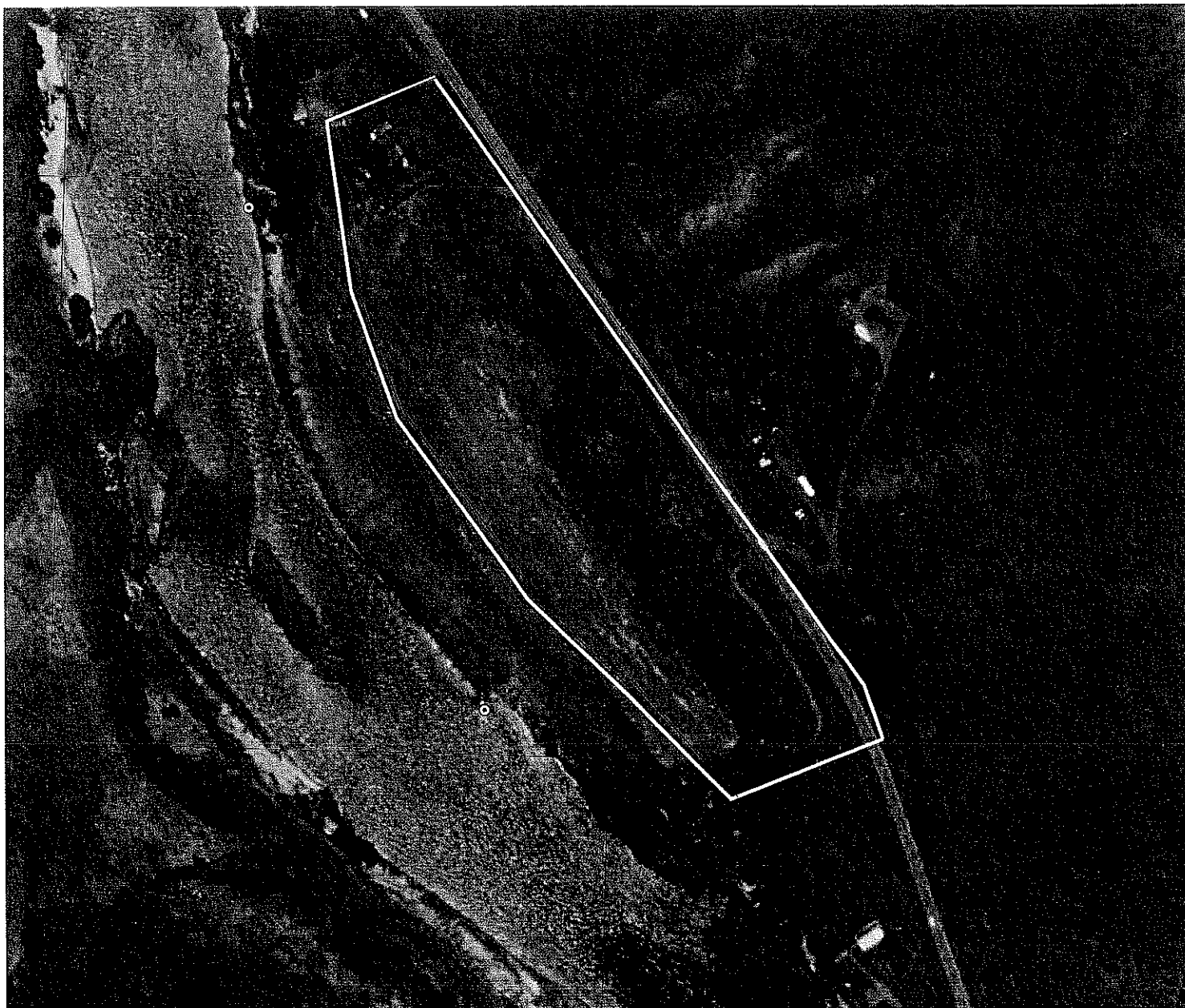
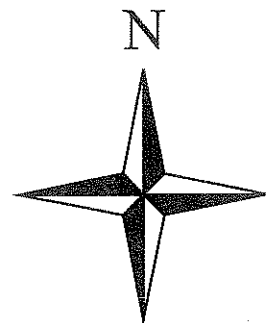
RECEIVED
MAR 20 2007
IDWR/North

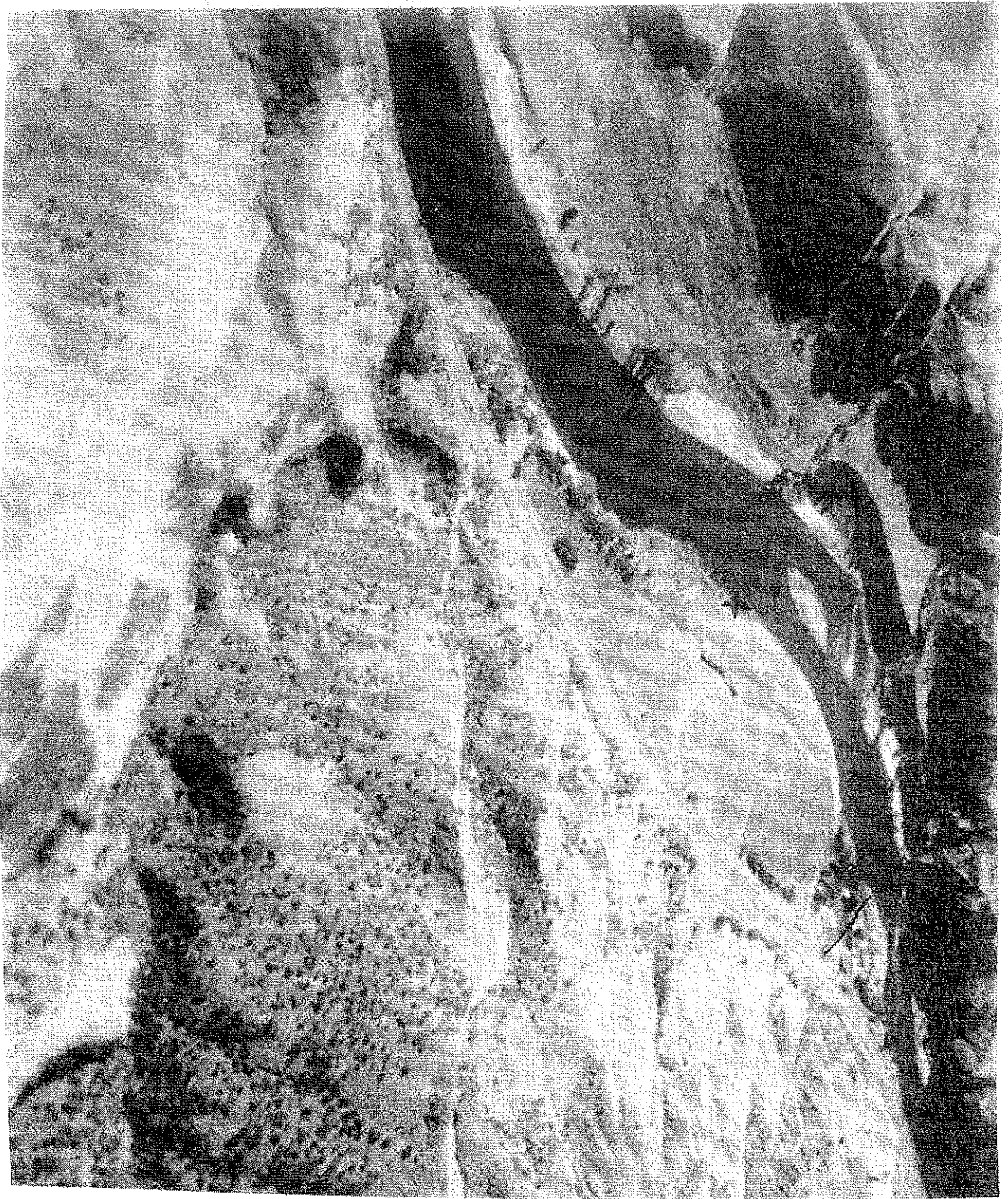
T27N R1E Section 10

Place of Use



Point of Diversion





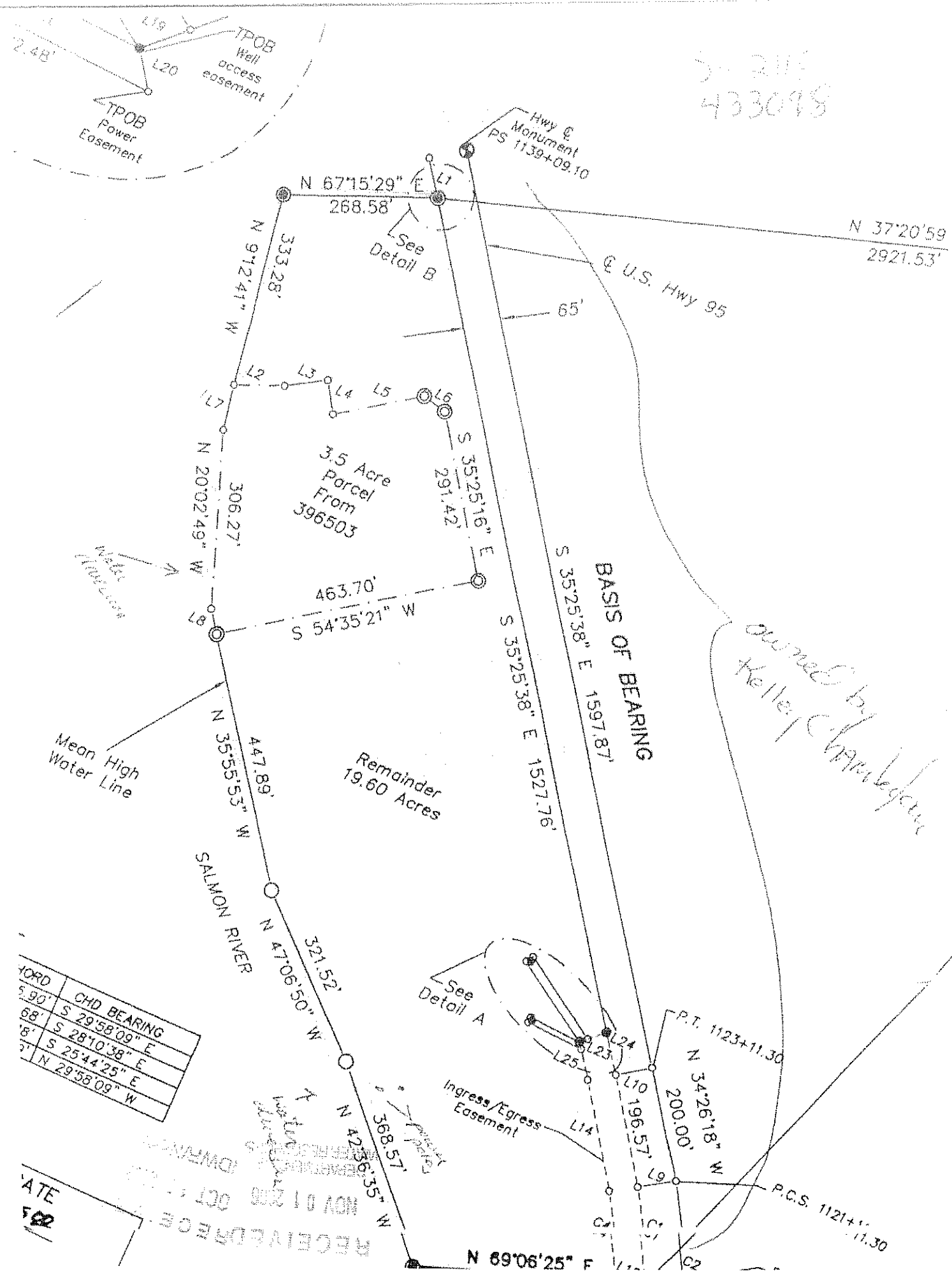
Kelly, Chantel
He. J. Ex. 41
White Bird, ID
83554
208-834-2401

X diversion points

RECEIVED
NOV 01 2008
DEPARTMENT OF
WATER RESOURCES

RECEIVED
OCT 13 2008
IDWR/MONT

5-2016
433098



owned by
Kelleigh V. Anderson

YORD	CHD BEARING
5.90'	S 29°58'09" E
68'	S 28°10'38" E
8'	S 25°44'25" E
9'	N 29°58'09" W

RECEIVED FROM
NOV 01 2008
DATE 5/2

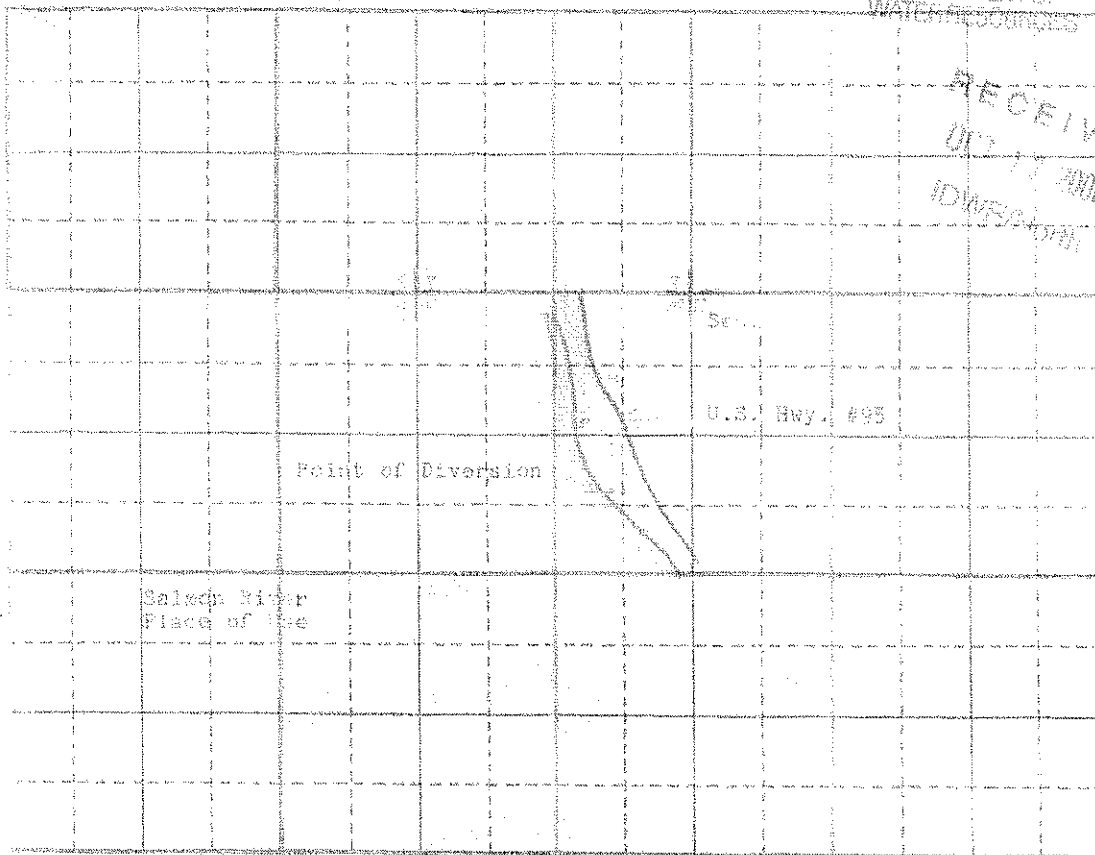
(B) Return

RECEIVED

NOV 01 2005

DEPARTMENT OF
WATER RESOURCES

RECEIVED
NOV 17 2004
IDWR/SP/001



Scale: One inch equals 1 mile.

Twp. 27 N., R. 1 E.S.M., Idaho County

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Idaho

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Subscribed before me this 1st day of June, 1903

Robert V. (Claimant) Parsons

Notary Public for State of Idaho
Residing at Grandville

My commission expires is permanent

FOR DEPARTMENT USE ONLY

Received by: [Signature] Date: 6/20/03 Exception filed by: Forwarded to: Date:
Filing check by: [Signature] Date: 6/20/03
270.00 fee received by: [Signature] Date: 6/20/03
Published in: [Signature]
Date:

RECEIVED

APR 26 2007

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

DEPARTMENT OF
WATER RESOURCES

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 79-4432
Date Received: 1/24/2007
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 20 2007
IDWR/North

1. Name of Claimant(s)

KELLEY CHAMBERLAIN
13694 HWY 95 S
WHITE BIRD ID USA 83554

Phone: (208)839-2401

2. Date of Priority: 01/01/1903

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
27N	01E	10	NW SE	IDAHO	
27N	01E	10	NW SE	IDAHO	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	10/31	0.39	
STOCKWATER	01/01	12/31	0.01	

7. Total Quantity Appropriated is:
0.4 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
27N	01E	10	SW NE	4	IRRIGATION	1.7
			NW SE	5	IRRIGATION	10
			NE SE		IRRIGATION	7.4
			SE SE	8	IRRIGATION	0.3
Section Acres						19.4
Total Acres						19.4

RECEIVED
MAR 20 2007
IDWR/North

11. Place of use in counties: IDAHO
12. Do you own the property listed above as place of use? Yes
13. Other Water Rights Used:
14. Remarks:
15. Basis of Claim: Statutory Claim
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:

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): Kelly Cronkstein Date: 3-16-07
Date:

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 16 day of March 2007

Cleo Travis

Notary Public

Residing at Riggins ID

My commission Expires 10-10-2010

