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JUN 27 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 <u>77-7003</u>
	)	(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 _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Salmon River Lodge, Inc.

My name is Dylan Lawrence

My address is 101 S. Capitol Blvd., 10th Floor, P.O. Box 829, Boise, Idaho 83701-0829

My phone number is (208) 385-5417

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:

Claimant did not receive SRBA mailings regarding this water right, likely due to
changing mailing addresses and managers of the lodge.

☐ 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 original license for this water right is attached. Also attached is a Special Use
Permit demonstrating Claimant's right to use the lands that include the designated
place of use.

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 \$ 281.00.

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 September 18, 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

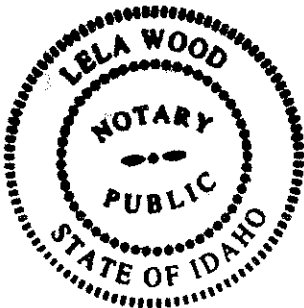
County of Ada

Dylan B. Lawrence, 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.

Dylan B. Lawrence

Subscribed and sworn to before me on June 26, 2007
(Insert Date)



Lela Wood
Notary Public for Idaho
Residing at: Ada County
My Commission expires: 5-31-2012

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 June 26, 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:

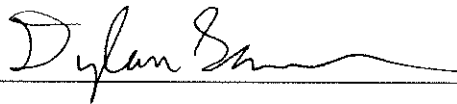
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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)



State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 77-7003 Priority Feb. 21, 1968 Amount 1.83 cfs

THIS IS TO CERTIFY, that David D. Giles -dba- Salmon River Lodge
of Shoup, Idaho, has complied with the terms and conditions of Permit
No. 77-7003 issued pursuant to Application for Permit dated February 21, 1968,
and has submitted proof to the Department of Water Administration on April 10, 1969,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.83 cfs of water from Butta Creek,
tributary to the Salmon River, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic	from Jan. 1 to Dec. 31	at 0.10 cfs and	4.0 acre feet
Stockwater	from Jan. 1 to Dec. 31	at 0.02 cfs and	0.7 acre feet
Irrigation	from April 1 to Oct. 31	at 0.08 cfs and	6.0 acre feet
Power	from Jan. 1 to Dec. 31	at 1.83 cfs and	n/a

(both dates inclusive)

Subject, however, to the condition that no more than 1.83 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
10.7 acre feet per year, said waters to be diverted within the SE 1/4 NW 1/4 of Sec. 1,
Twp. 23 N, Rge. 14 E, B. M. in the County of Idaho

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
23 N	14 E	1							X										Two

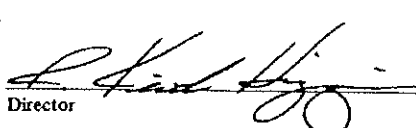
Total number of acres irrigated Two

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2 day of
May, 19 74.


Director

United States Department of Agriculture
Forest Service

TERM SPECIAL USE PERMIT

Act of June 4, 1897.

Act of March 4, 1915, as amended July 28, 1956,
or Act of March 30, 1948

(Ref. FSM 2710)

a. Record no.(1-2)	b. Region(3-4)	c. Forest(5-6)
70	Four 04	Salmon 13
--	--	--
d. District(7-8)	e. User number(9-12)	f. Kind of use (13-15)
North Fork 02	4033	Resort 133
--	----	---
g. State(16-17)	h. County(18-20)	k. Card no.(21)
Idaho 16	Lemhi 059	1
--	---	-

Permission is hereby granted to King B Salmon River Lodge, Inc., Roger Ball of P.O. Box 1843, Idaho Falls, ID 83403, hereinafter called the permittee, to use subject to the conditions set out below, the following described lands or improvements for the period of 20 years from the date thereof:

A parcel of Salmon National Forest land on the south bank of the Salmon River located in the W 1/2 Lot 6, Section 1, T23N, R14E, Boise Meridian, Idaho County, Idaho, more particularly shown and depicted on Plats Exhibit No. 1, attached hereto and hereby made a part of this permit.

This permit covers 4.85 acres and is issued for the purpose of:

Maintaining and operating an existing resort and related structures including a lodge, bunkhouse, shop, boat dock, storage shed, bath/bunkhouse, corral, buried culinary water system, antenna system, hydroelectric power system and power house, and sewage disposal system.

1. Construction or occupancy and use under this permit shall begin within NA months, and construction, if any, shall be completed within NA months, from the date of the permit. This use shall be actually exercised at least 365 days each year, unless otherwise authorized in writing.

2. In consideration for this, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of Fifteen Hundred Twenty Dollars (\$1520) for the period from January 1 1988, to December 31, 1988, and thereafter annually on SEE CLAUSE 23 (A-5), ----- Dollars (\$ ---): Provided, however, That the charges for this use shall be readjusted as of, and effective on, the beginning of each 5-year period from the due date of the first annual payment in order to place the charges on a basis commensurate with the value of use authorized by this permit.

3. This permit is accepted subject to the conditions set forth herein, and to conditions 20 to 62 attached hereto and made a part of this permit.

PERMITTEE	name of permittee	*signature of authorized officer	date
	King B Salmon River Lodge, Inc.	<i>Roger Ball</i>	10/24/88
ISSUING OFFICER	name and signature	TITLE	date
	<i>Dan W. Baird</i> Dan W. Baird	Acting Forest Supervisor	2/17/89

2700-5 (9/72)

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JUN 27 2007

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 77-7003

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWd.l. 06-28-07
Attorney: Scott L. Campbell
Moffatt, Thomas, Barrett,
Rock & Fields, Chartered
P. O. Box 829
Boise, Idaho 83701-0829
(208) 345-2000

Please type or print clearly

1. Name of Claimant (s) Salmon River Lodge, Inc. Phone (208) 227-9008Mailing Address 1740 S. Yellowstone Highway, Idaho Falls, Idaho Zip 834022. Date of Priority (Only one (1) per claim) 2/21/19683. Source of water supply (a) Butts Creek
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 23N Range 14E Section 01,
1/4 of SE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of IdahoAdditional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,Govt. Lot _____ B.M., County of _____ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of_____ 1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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.Rock diversion dam in creek diverts water into 10" pipe for power and 2' ditch for irrigation. Two 2" pipes
located below dam divert and convey water for domestic use. Water is conveyed through pipes and ditch via
gravity flow to places of use.

6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)		(acre feet)
For Domestic	purposes from	1/1	to 12/31	amount	0.10	or 4.0
For Stockwater	purposes from	1/1	to 12/31	amount	0.02	or 0.7
For Irrigation	purposes from	4/1	to 10/31	amount	0.08	or 6.0
For Power	purposes from	1/1	to 12/31	amount	1.83	or

7. Total quantity claimed (a) 1.83 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Power: electricity for lodge; Domestic: for lodge; Stockwater: for pack animals used for riding at lodge

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
23N	14E	1								PD S2									2

Total number of acres irrigated 2

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

12. Do you own the property listed above as place of use? Yes See below No _____
If your 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.
_____ or None ()

14. Remarks:

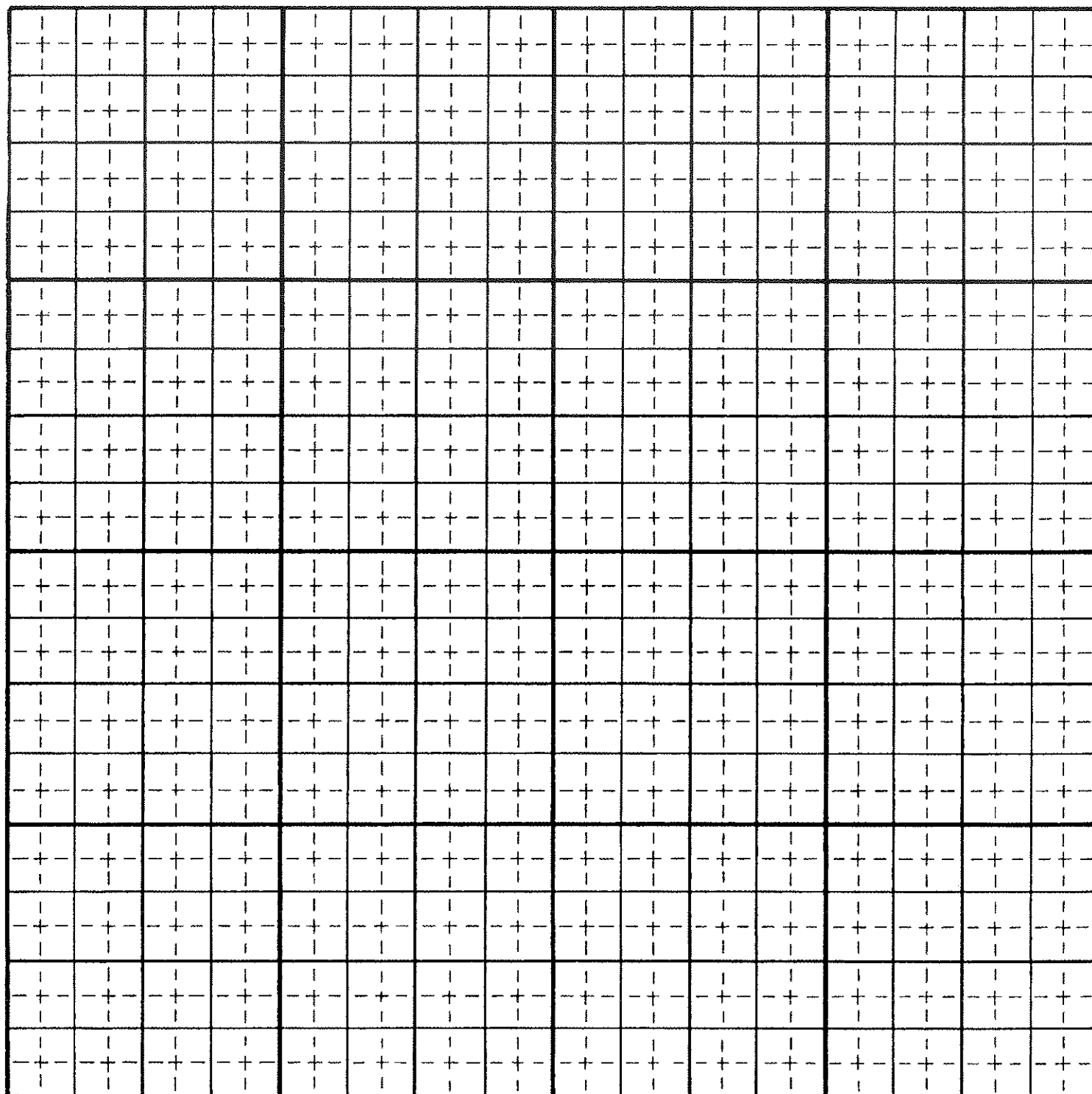
Claimant owns the lodge and associated structures, and leases the ground from the U. S. Forest Service.
Please see the special use permit included as an attachment with the Motion to File Late Notice of Claim.

Last Name Salmon River Lodge, Inc. Ident No. 77-7003

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Please see attached map.



Last Name Salmon River Lodge, Inc. Ident No. 77-7003

BOI_MT2:653399.1



- Legend**
- Major Roads**
 - Interstate
 - U.S. Highway
 - State Highway
 - Other
 - Lakes**
 - Major Rivers**
 - Rivers**
 - Canals**
 - Rivers**
 - Small streams**
 - Streams**
 - PLS - quarter quarter
 - Cities
 - Counties
 - state
 - High Res. NAIP (2004)



Prepared by the ArcIMS Map Server at:



Idaho Department of Water Resources
522 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098
Ph: (208) 287-4800
www.idwr.idaho.gov

The Idaho Department of Water Resources is maintaining this web site as a public service. Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.

 Place of Use

 Point of Diversion

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 77-7003
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) Roger Baer Date 6-18-07

Date _____

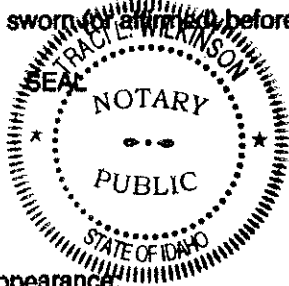
For Organizations: I do solemnly swear or affirm that I am President Title _____
of Salmon River Lodge, Inc. Organization _____, that I have signed the foregoing
document in the space below as President of Salmon River Lodge, Inc.
above Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent See above

Title and Organization President/Salmon River Lodge, Inc. Date 6-18-07

State of Idaho/or _____ }
County of Bonneville } SS.

Subscribed and sworn to and affirmed before me this 18 day of June 2007



Notary Public Tracy E. Wilkinson

Residing at Idaho Falls, ID

My Commission Expires 3/20/09

Please Print Name

17. Notice of Appearance.

Notice is hereby given that I, Dylan B. Lawrence will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Dylan Lawrence

Address P.O. Box 829, Boise, ID 83701-0829

Date June 26, 2007

Salmon River
Last Name Lodge, Inc. Ident. Number 77-7003