

9
RECEIVED

JUL 18 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 34-13915
) (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 (Phil) Phillip J. Davies

My address is 3138N 3350W
Moore, ID 83255

My phone number is: ^{cell} Work 221-8279 Home 554-2591

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:

The well quit pumping - the sawmill closed down -
I never checked out the casing size or depth to see
if the well could be activated. (see attach. explanation)

☐ 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.)

Power Bill with Beginning date 05/20/58 - Last
bill 10/20/86.

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 \$ 240.00.

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 Oct 16 1130 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 Bonneville ID

County of Bonneville

Phil Davies

(Insert name of person filing form)

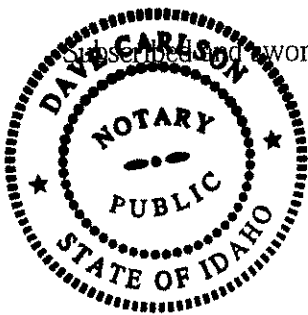
, being first duly sworn, upon oath, deposes and says:

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.

Phil Davies

Signature of person filing motion

Attorney signing in representative capacity



Subscribed and sworn to before me on

7/9/2007

(Insert Date)

Dave Carlson

Notary Public for

IDWR

Residing at:

RIGBY, ID

My Commission expires:

2/26/2008

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 07/16/07, ~~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)

Phil Davies

Signature of person or attorney mailing the form

July 15, 2007

I was 15 yrs. old when Dad (James W. Davies) put the well in on the sawmill property in 1957. He needed water for fire protection, sprinkling Log decks & dust control.

He tried using a sandpoint and that didn't work, so he rented a well rig from Arch Merrill (Deceased) in Arco.

No one in the family knew what size casing or how deep he drilled and he never said anything about it. He was quite angry because the sandpoint didn't work and it cost him money for the well rig and casing. No one ask him about it for fear of stirring him up.

He installed the pump - piped the water to the mill and planer shed in 1958. A copy of the power bill with the beginning date of 05/30/58 is attached. The office-pumphouse building was built over the well - the pumphouse 4 ft. below ground level.

The well quit pumping just before the mill was shutdown in 1991 and the property just grew weeds until I started cleaning it up 3 yrs ago. The well was just kind of forgotten about until I started tearing down the old building.

When I got some light in the pump house part, I discovered a pump setting on 8" casing, still connected to the pressure tank.

I dropped a small bolt on the end of a 100' tape and it went down to the end of the tape & I heard it hit water. I got a 300' tape, put a larger bolt on the end but it would hang up on something at 65 ft. I think the only way to find the correct depth is to finish tearing down the old building - pull the pump, then drop the tape down again.

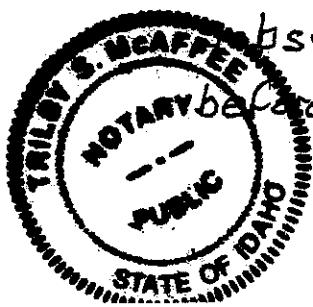
I know now the well could be activated for beneficial use. That is why I am applying for a water right and permit to use the well legally for industrial use. The property is zoned industrial.

signed Phil Davis

State of Idaho
county of Butte

Trilby S. McAffee
Notar Public

residing at Arco, Id
my commission expires
1-27-2009



Subscribed and sworn (or Affirmed)
before me this date of 7-16-07

03/04/87

---CONSUMER LEDGER---

PAGE 1

JAMES W. DAVIES
ROUTE 1 BOX 10
MOORE ID 83255

ACCT. 00563-01-0 ML:(Y) SELF BILL
Phone: ()

NO ADDRESS ENTERED

- D E P O S I T S -		= M E T E R		= T R A N S F O R M E R S	
ADVANCE: 0.00	CONSUMER: 0.00	=	-----	=	-----
MEMBERSHIP: 5.00	SEP. CON.: 0.00	=	METER: 26-712-551 AMPS: 15 VOLTS: 240	=	(1): (1168) (2): () (3): ()
- C O N T R A C T -		=	METER SET: (05/20/58) MULT: 1 DIGIT: 4	=	SIZE: 7.5 SIZE: SIZE:
CONTRACT: 0.00	APPLIED: 0.00	=	DISCONNECT: () SECONDARY	=	SINGLE
FIRST DATE: (05/20/58) LENGTH:		=====			
C-REF: (- -)		=	LBM: (DEC86) LMR: (2460)	=	SUBSTATION-(3C) PUMP#-() H.P.-() LOC-()

P A S T - A C T I V I T Y

MONTH	METER READING	KWH USED	DEMAND	SALE \$ AMOUNT	PENALTY	READINGs by LOST RIVER ELEC	ADJUSTMENTS METER \$ KWH(S) DEMAND
JAN86	5473	641	0	33.49			
FEB86	5744	271	0	19.61		5763 on 02/28/86	
MAR86	6279	535	0	29.51			
APR86	7015	736	0	37.05			
MAY86	7621	606	0	32.18			
JUN86	8417	796	0	39.30			
JUL86	9109	692	0	35.40			
AUG86	9879	770	0	38.33			
SEP86	0605	726	0	36.68		3345 on 09/13/84	
OCT86	1209	604	0	32.10			
NOV86	1804	595	0	31.72			
DEC86	2460	656	0	34.05		4226 on 12/04/85	

P O S T E D T R A N S A C T I O N S

EN-12/31/85-BALANCE FORWARD - EN	42.04	PP-12/31/85-BALANCE FORWARD - PP	0.05
EN-01/07/86-DEC85 PAYMENT	42.04	PP-04/20/86-DAVIES\JAMES	0.05
EN-01/20/86-JAN86 ENERGY BILLING5473	33.49		
EN-02/05/86-JAN86 PAYMENT	33.49		0.05
EN-02/20/86-FEB86 ENERGY BILLING5744	19.61		0.05
EN-02/24/86-FEB86 PAYMENT	19.61	Account (253.10) =	0.00
EN-03/20/86-MAR86 ENERGY BILLING6279	29.51		
EN-04/07/86-MAR86 PAYMENT	29.51		
EN-04/20/86-APR86 ENERGY BILLING7015	37.05		
EN-05/06/86-APR86 PAYMENT	34.13		
EC-04/20/86-ENERGY PAYMENT	0.05		
EN-05/20/86-MAY86 ENERGY BILLING7621	32.18		
EN-06/05/86-MAY86 PAYMENT	32.18		
EN-06/05/86-ENERGY (KWH) [PD]	2.87		
EN-06/20/86-JUN86 ENERGY BILLING8417	39.30		
EN-07/02/86-JUN86 PAYMENT	39.30		
EN-07/20/86-JUL86 ENERGY BILLING9109	35.40		
EN-08/06/86-JUL86 PAYMENT	34.40		
EN-08/20/86-AUG86 ENERGY BILLING9879	38.33		
EN-09/08/86-AUG86 PAYMENT	38.33		
EN-09/08/86-ENERGY (KWH) [PD]	1.00		
EN-09/20/86-SEP86 ENERGY BILLING0605	36.68		
EN-10/03/86-SEP86 PAYMENT	36.68		
EN-10/20/86-OCT86 ENERGY BILLING1209	32.10		

FEEES - 100
CFS - 40
LATE FEE - 100
\$240

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 34-13915
DATE RECEIVED: 7/9/2007
RECEIPT No:
RECEIVED BY:

RECEIVED

JUL 18 2007

DEPARTMENT OF
WATER RESOURCES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME OF CLAIMANT(S)

PHILLIP JAMES DAVIES . PHONE: (208)554-2591

3128 N 3350 W
MOORE ID USA 83255

2. DATE OF PRIORITY: 05/20/1958

3. SOURCE: GROUND WATER TRIB. TO:

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4	OF 1/4	LOT	COUNTY	TYPE
05N	26E	28			NE SE	BUTTE	

5. DESCRIPTION OF DIVERTING WORKS:

WELL/PUMP TO SAW MILL

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	To	C.F.S.	(OR) A.F.A
INDUSTRIAL		01/01	12/31 0.2	

7. TOTAL QUANTITY APPROPRIATED IS:
0.2 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
05N	26E	28		NE SE	INDUSTRIAL	

11. PLACE OF USE IN COUNTIES: BUTTE

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

INDUSTRIAL USE IS FOR A SAWMILL, WETTING LOG DECKS AND DUST CONTROL.

15. BASIS OF CLAIM: BENEFICIAL USE

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: 2

FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

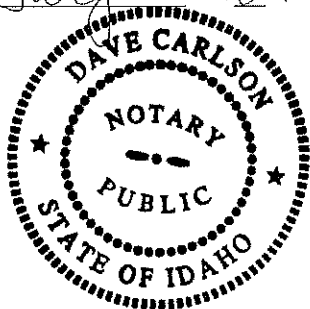
SIGNATURE OF CLAIMANT(S): x Phil Davies DATE: 07/09/07
DATE:

STATE OF IDAHO

COUNTY OF Bonneville SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS

9 OF July 2007



[Signature]
NOTARY PUBLIC

RESIDING AT Rigby, Id
MY COMMISSION EXPIRES 2/26/2008