

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

Case 39576

) Subcase 63-32800
) (Insert water right number)

) 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 that 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: Russell Ruff

My address is: 200 E. Clear Creek, Meridian, Idaho 83646

My phone number is: Work: 208-221-2634 Home:

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 have recently purchased the property and discovered the previous owner had not filed the proper claims for 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.)

Attached is a copy of claim to water right filed pursuant to § 42-243, Idaho Code.
Accompanying the claim is evidence of priority supporting this beneficial use of water.

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 \$ 100.00.
- ☐ 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 Bannock

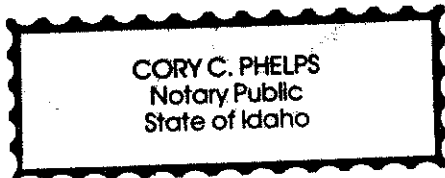
Russell Ruff, duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Russell Ruff
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on: June 30, 2007
(Insert Date)



Cory C. Phelps
Notary Public for Idaho
Residing at: Pocatello, ID
My Commission expires: 6/3/2010

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 July 20, 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:

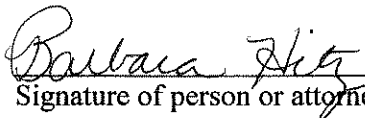
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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, MCS 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

Should questions arise during the processing of this application please contact:
Paul Drury – ERO Resources Corp. (208) 373-7983

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 63-32800
Date Received: _____
Receipt No: _____
Received By: _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) Russell Ruff Phone (208) 221-2634
Mailing Address 200 E. Clear Creek Meridian Idaho Zip 83646
Street or Box City State
2. Date of Priority (Only one (1) per claim) 1/1/1978
Month Day Year (YYYY)
3. Source of water supply (Check one) Ground Water (X) or Other () (a) _____
which is tributary to (b) N/A
4. a. Location of Point of Diversion is: Township 04 North, Range 01 East, Section 19, SE ¼ of NW ¼ of
_____, ¼, Govt. Lot _____, B.M., County of Ada.
Additional points of diversion if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____, ¼ of _____, ¼ of
_____, ¼, 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. Domestic well and pump.

Last Name Ruff Ident. Number _____

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)
For Domestic purposes from 01-01 to 12-31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.02 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully. (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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.

TWN	RNG	SEC	NE ¼				NW ¼				SW 1/4'				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	19								D									

Total number of acres irrigated _____

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

11. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

13. Remarks:

Home constructed prior to 1978.

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

Scale: 2 inches equals 1 mile.

See Attachment 1

14. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____ Decree _____
Court _____ Decree Date _____ Plaintiff vs Defendant _____
If applicable provide IDWR Water Right Number _____

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: 3

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

Please Print Name

16. Notice of Appearance:

Notice is hereby given that I, _____, 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 _____

Address _____

Date _____

See signature page attached

Last Name Ruff Ident. Number _____

15. Basis of Claim (Check One) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 received notice in the Snake River Basin Adjudication." I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of Attachments 0 3 (red)

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

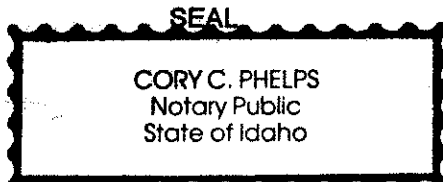
Signature of Claimant(s) [Signature] Date 6-30-07
[Signature] Date 6-30-07

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 30 day of June 20 07



Notary Public [Signature]
Residing at Pocatello, Idaho
My Commission Expires 5/3/2010

17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, _____ 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 _____
Address _____
Date _____

Last Name Ruff Ident. Number _____

**Russell and Kimberly Ruff
200 E. Clear Creek Drive
Block 28 Clearvue Estates
Sec 19 T4N R1E**

Ruff Attachment 1



-  Pond
-  Irrigated Area
-  Property Boundary
-  Sections



Prepared By: ERO Resources
Date Prepared: July 11, 2007
Data Source: 2004 NAIP Aerial Photo

PLAT SHOWING CLEARVIEW ESTATES SUBDIVISION U.S. LOTS 3 & 4 AND THE SE 1/4 OF THE NW 1/4 OF SECTION 16, T44N, R1E, B.M. ADAM COUNTY, IDAHO - 1972 -

NOTES

1. SETBACK FROM BOISE RIVER MEAN HIGH WATER LEVEL (5500 CFS) - 100' WIDE NO PERMANENT BUILDING OR STRUCTURE SHALL BE LOCATED WITHIN 100' OF THE BOISE RIVER MEAN HIGH WATER LEVEL. DRAIN FIELDS FOR SEPTIC TANKS MUST BE LOCATED AT LEAST 300' FROM MEAN HIGH WATER LEVEL AND MUST BE INSTALLED ABOVE RIVER WATER LEVEL.
2. INTERMEDIATE REGIONAL FLOOD PLAIN BOUNDARY ALL VARIATIONS AND ROADS OR DRIVEWAYS BETWEEN THIS LINE AND BOISE RIVER SHALL BE CONSTRUCTED ON FULL FLOOD TO AT LEAST FLOOD PLAIN BOUNDARY ELEVATIONS.
3. PUBLIC UTILITIES, IRRIGATION & DRAIN DITCH, WARM SPRINGS SLOUGH, EASEMENTS SEE CERTIFICATE OF OWNERS.
4. BUILDING SETBACKS 30 FEET FROM PRESENT OR FUTURE FRONT LOT OR STREET LINE 10 FEET FROM INTERIOR BLOCK LINE 25 FEET FROM ANY SIDE STREET LINE FOR APPURTENANCE TO ANY DWELLING HOUSE - SEE COVENANTS AND REGULATIONS
5. IRRIGATION WATER ALLOCATION 76 MINOR INCHES FROM SETTLERS IRRIGATION DISTRICT CANAL THROUGH ZIMMER LATERAL PER BLOCK

BLOCK	MINOR INCHES	TOTAL MINORS
1 THRU 12	4.0	84
13	2.0	2
14 THRU 17	2.0	2
18	2.0	2
19	2.0	2
20	2.0	2
21	2.0	2
22	2.0	2
23	2.0	2
24	2.0	2
25	2.0	2
26	2.0	2
27	2.0	2
28	2.0	2
29	2.0	2
30	2.0	2
31	2.0	2
32	2.0	2
33	2.0	2
34	2.0	2
35	2.0	2
36	2.0	2
37	2.0	2
38	2.0	2
39	2.0	2
40	2.0	2
41	2.0	2
42	2.0	2
43	2.0	2
44	2.0	2
45	2.0	2
46	2.0	2
47	2.0	2
48	2.0	2
49	2.0	2
50	2.0	2
51	2.0	2
52	2.0	2
53	2.0	2
54	2.0	2
55	2.0	2
56	2.0	2
57	2.0	2
58	2.0	2
59	2.0	2
60	2.0	2
61	2.0	2
62	2.0	2
63	2.0	2
64	2.0	2
65	2.0	2
66	2.0	2
67	2.0	2
68	2.0	2
69	2.0	2
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77	2.0	2
78	2.0	2
79	2.0	2
80	2.0	2
81	2.0	2
82	2.0	2
83	2.0	2
84	2.0	2
85	2.0	2
86	2.0	2
87	2.0	2
88	2.0	2
89	2.0	2
90	2.0	2
91	2.0	2
92	2.0	2
93	2.0	2
94	2.0	2
95	2.0	2
96	2.0	2
97	2.0	2
98	2.0	2
99	2.0	2
100	2.0	2

WATER RIGHTS ESTABLISHED BY RIGHT OF USE FROM BOISE RIVER MEAN HIGH WATER LEVEL AND A DEED AFTER ARE DIVIDED IN PROPORTION TO ACREAGE INDICATED BY THESE SOURCES OF WATER FOR EACH REMAINED BLOCK FROM 190.0 TO 190.30 INCLUSIVE.

LEGEND

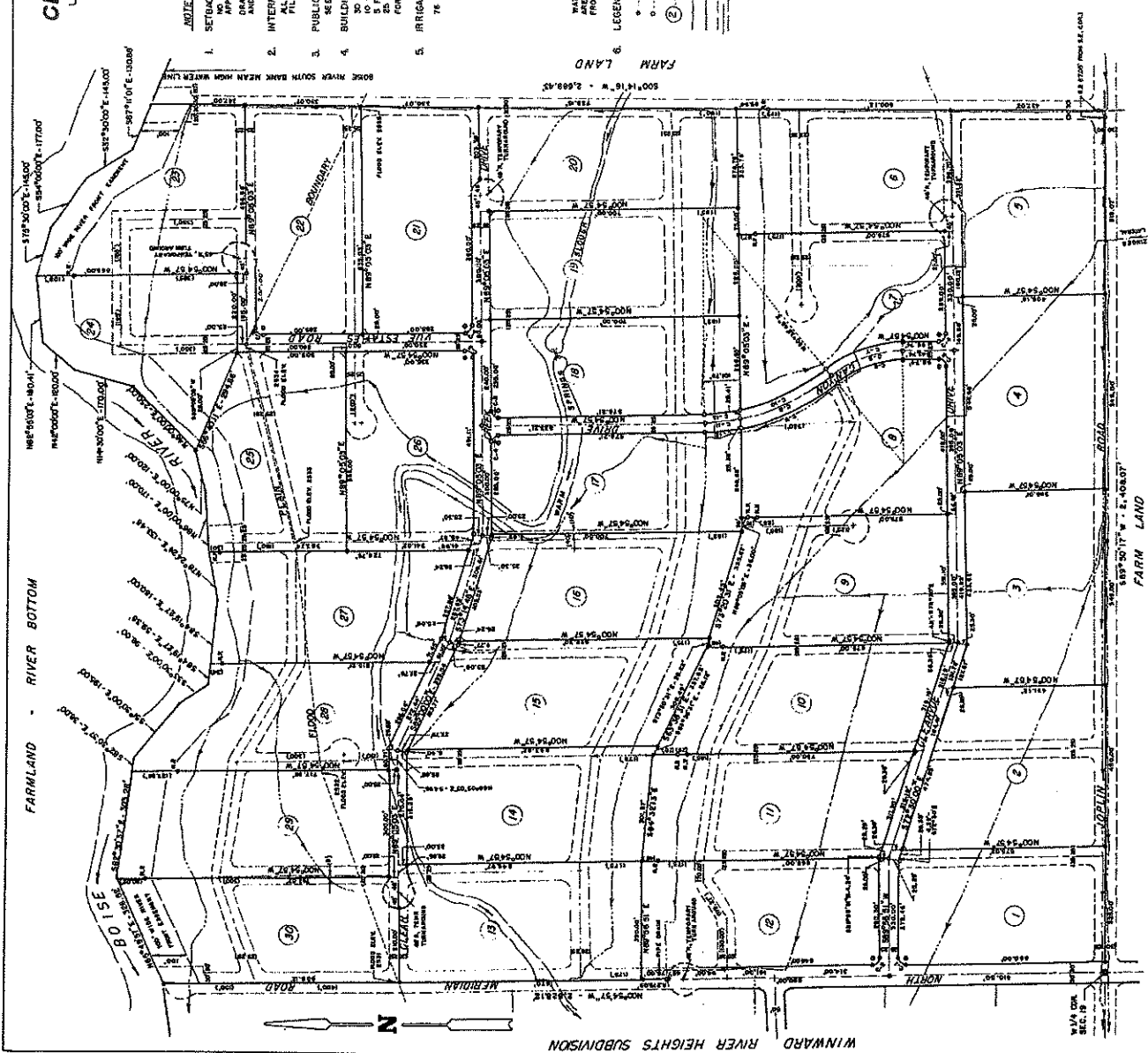
- 1. 3/8" X 30" REAR SET
- 2. 1/2" X 24" REAR SET
- 3. BLACK NUMBER
- 4. DITCH & DIRECTION OF DRAINAGE
- 5. 3 ACRE BLOCK LINES AND PRESENT STREETS
- 6. FUTURE STREETS

TABLE OF CURVE DATA

C	R	L	CHORD	CHORD BEARING
1	80.00	30° 51' 44"	19.35	31.72
2	80.00	30° 51' 44"	19.35	31.72
3	80.00	30° 51' 44"	19.35	31.72
4	80.00	30° 51' 44"	19.35	31.72
5	80.00	30° 51' 44"	19.35	31.72
6	80.00	30° 51' 44"	19.35	31.72
7	80.00	30° 51' 44"	19.35	31.72
8	80.00	30° 51' 44"	19.35	31.72
9	80.00	30° 51' 44"	19.35	31.72
10	80.00	30° 51' 44"	19.35	31.72
11	80.00	30° 51' 44"	19.35	31.72
12	80.00	30° 51' 44"	19.35	31.72
13	80.00	30° 51' 44"	19.35	31.72
14	80.00	30° 51' 44"	19.35	31.72
15	80.00	30° 51' 44"	19.35	31.72
16	80.00	30° 51' 44"	19.35	31.72
17	80.00	30° 51' 44"	19.35	31.72
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24	80.00	30° 51' 44"	19.35	31.72
25	80.00	30° 51' 44"	19.35	31.72
26	80.00	30° 51' 44"	19.35	31.72
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41	80.00	30° 51' 44"	19.35	31.72
42	80.00	30° 51' 44"	19.35	31.72
43	80.00	30° 51' 44"	19.35	31.72
44	80.00	30° 51' 44"	19.35	31.72
45	80.00	30° 51' 44"	19.35	31.72
46	80.00	30° 51' 44"	19.35	31.72
47	80.00	30° 51' 44"	19.35	31.72
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54	80.00	30° 51' 44"	19.35	31.72
55	80.00	30° 51' 44"	19.35	31.72
56	80.00	30° 51' 44"	19.35	31.72
57	80.00	30° 51' 44"	19.35	31.72
58	80.00	30° 51' 44"	19.35	31.72
59	80.00	30° 51' 44"	19.35	31.72
60	80.00	30° 51' 44"	19.35	31.72
61	80.00	30° 51' 44"	19.35	31.72
62	80.00	30° 51' 44"	19.35	31.72
63	80.00	30° 51' 44"	19.35	31.72
64	80.00	30° 51' 44"	19.35	31.72
65	80.00	30° 51' 44"	19.35	31.72
66	80.00	30° 51' 44"	19.35	31.72
67	80.00	30° 51' 44"	19.35	31.72
68	80.00	30° 51' 44"	19.35	31.72
69	80.00	30° 51' 44"	19.35	31.72
70	80.00	30° 51' 44"	19.35	31.72
71	80.00	30° 51' 44"	19.35	31.72
72	80.00	30° 51' 44"	19.35	31.72
73	80.00	30° 51' 44"	19.35	31.72
74	80.00	30° 51' 44"	19.35	31.72
75	80.00	30° 51' 44"	19.35	31.72
76	80.00	30° 51' 44"	19.35	31.72
77	80.00	30° 51' 44"	19.35	31.72
78	80.00	30° 51' 44"	19.35	31.72
79	80.00	30° 51' 44"	19.35	31.72
80	80.00	30° 51' 44"	19.35	31.72
81	80.00	30° 51' 44"	19.35	31.72
82	80.00	30° 51' 44"	19.35	31.72
83	80.00	30° 51' 44"	19.35	31.72
84	80.00	30° 51' 44"	19.35	31.72
85	80.00	30° 51' 44"	19.35	31.72
86	80.00	30° 51' 44"	19.35	31.72
87	80.00	30° 51' 44"	19.35	31.72
88	80.00	30° 51' 44"	19.35	31.72
89	80.00	30° 51' 44"	19.35	31.72
90	80.00	30° 51' 44"	19.35	31.72
91	80.00	30° 51' 44"	19.35	31.72
92	80.00	30° 51' 44"	19.35	31.72
93	80.00	30° 51' 44"	19.35	31.72
94	80.00	30° 51' 44"	19.35	31.72
95	80.00	30° 51' 44"	19.35	31.72
96	80.00	30° 51' 44"	19.35	31.72
97	80.00	30° 51' 44"	19.35	31.72
98	80.00	30° 51' 44"	19.35	31.72
99	80.00	30° 51' 44"	19.35	31.72
100	80.00	30° 51' 44"	19.35	31.72

* AFFIDAVIT #101008438
"FUTURE STREETS" VACATED AND
PORTIONS OF "TEMPORARY TURNAROUNDS"
VACATED

BRIGGS & ASSOCIATES
BOISE - IDAHO
DWGNO. CWB720911





8151 W. Rifleman Ave. / Boise
Idaho 83704 / (208) 377-2700

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 05/30/07 04:16 PM
DEPUTY Vicki Allen
RECORDED - REQUEST OF
Pioneer

AMOUNT 3.00



280306 SW/SB

WARRANTY DEED

For Value Received Karen A. Ayarra, an unmarried woman as her separate estate
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto
Russell Ruff and Kimberly Ruff, husband and wife
hereinafter referred to as Grantee, whose current address is 200 E. Clear Creek Dr., Meridian, Idaho 83646
the following described premises, to-wit:

Block 28 of Clearvue Estates Subdivision, according to the official plat thereof, filed in Book 28
of Plats at Page 1773, records of Ada County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that 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.

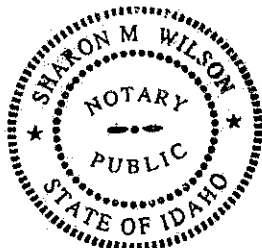
Dated: May 29, 2007

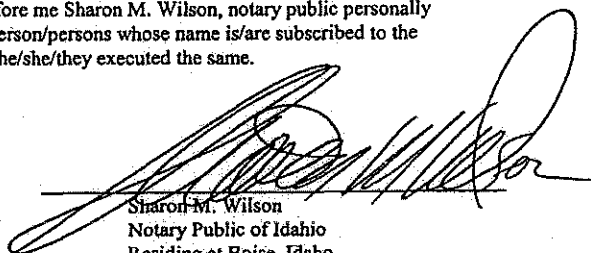

Karen A Ayarra

STATE OF Idaho, County of Ada, ss.

On this 29th day of May, in the year of 2007, before me Sharon M. Wilson, notary public personally
appeared * known or identified to me to be the person/persons whose name is/are subscribed to the
within instrument, and acknowledged to me that he/she/they executed the same.

* Karen A. Ayarra




Sharon M. Wilson
Notary Public of Idaho
Residing at Boise, Idaho
Commission expires: May 10, 2012

Commission expires: 05-10-12
Residing in Boise, Idaho

Commission expires: 05-10-12
Residing in Boise, Idaho

Ruff Attachment 3