

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 74-15793

) (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 Vergil Don Olson

My address is 479 Lemhi Rd
Salmon Id 83467

My phone number is: Work 756 3062 Home 756 3062

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:

land was mined in prior adjudication

☐ 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 \$ 122⁰⁰.

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 Lemhi

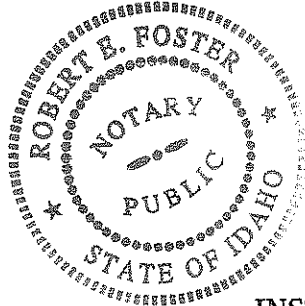
Vergil Don Olson, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Vergil Don Olson
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 24 July 2007
(Insert Date)



Robert E Foster
Notary Public for Idaho
Residing at: Salmon
My Commission expires: 3-6-13

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 7-25-²⁰⁰⁷199, 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



Idaho Department of Water Resources

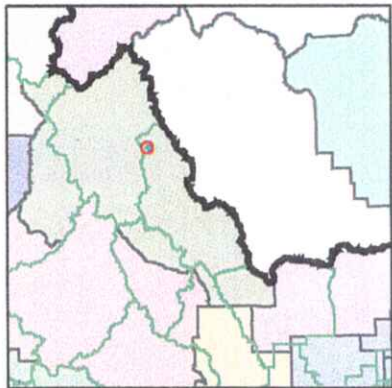
SRBA Claim:

74-15793

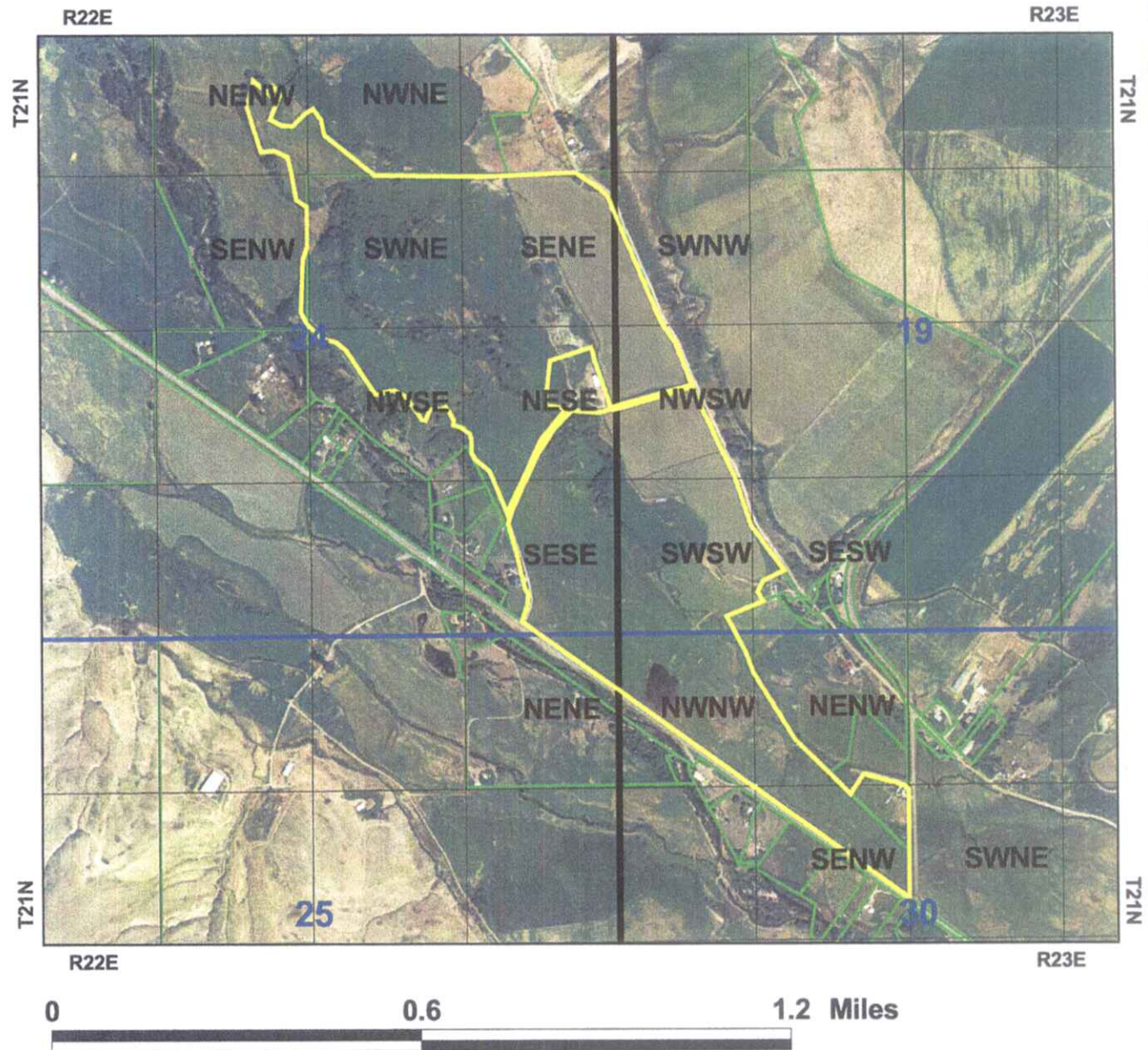
(Irrigation)

Legend

-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 74



Prepared by N. Arave
On Thursday, July 19, 2007
2004 Aerial Photography

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 74-15793
Date Received: 7/19/2007
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KATHLEEN OLSON Phone: (208)756-3062

479 LEMHI RD
SALMON ID USA 83467

V DON OLSON Phone: (208)756-3062

479 LEMHI RD
SALMON ID USA 83467

2. Date of Priority: 12/31/1982

3. Source: LEMHI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
21N	23E	29	SE SE	LEMHI	

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	11/15	6	

7. Total Quantity Appropriated is:
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	
21N	22E	24	NW	NE	IRRIGATION	3.3	
			SW	NE	IRRIGATION	40	
			SE	NE	IRRIGATION	38	
			NE	NW	IRRIGATION	4.8	
			SE	NW	IRRIGATION	1.6	
			NE	SE	IRRIGATION	33	
			NW	SE	IRRIGATION	14	
			SE	SE	IRRIGATION	26	
Section Acres						160.7	
21N	22E	25	NE	NE	IRRIGATION	3.7	
					Section Acres	3.7	
21N	23E	19	SW	NW	2	IRRIGATION	4.5
			NW	SW	3	IRRIGATION	21
			SW	SW	4	IRRIGATION	34
			SE	SW	IRRIGATION	1.8	
Section Acres						61.3	
21N	23E	30	NE	NW	1	IRRIGATION	7.8
			NW	NW		IRRIGATION	24
			SE	NW		IRRIGATION	15
Section Acres						46.8	
Total Acres						272.5	

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

Right Nos. 74-605C and 74-15793 are limited to the irrigation of a combined total of 272.5 acres in a single irrigation season.

This right is for an enlargement of 71.9 acres within the place of use described for this right.

This right is based upon an enlargement of Right No. 74-605C pursuant to Section 42-1426, Idaho Code.

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

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: 0

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): Kathleen Olson Date: 7/24/07
Kathleen Olson Date: _____

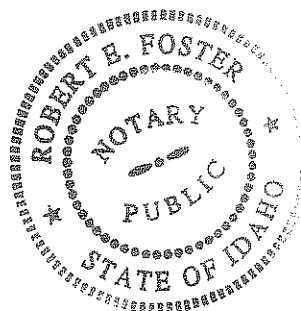
State of Idaho)
County of Lewiston) SS.

Subscribed and sworn (or affirmed) before me this
of 24th July 2007

Robert E. Foster
Notary Public

Residing at Salmon Id

My commission Expires 3-6-13



IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-605C
NAME AND ADDRESS: KATHLEEN OLSON
479 LEMHI RD
SALMON ID 83467

V DON OLSON
479 LEMHI RD
SALMON ID 83467

DRAFT

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER
QUANTITY: 6.000 CFS
Right Nos. 74-605C and 74-15793 are limited to a total combined diversion rate of 6.00 cfs.

PRIORITY DATE: 03/18/1878
POINT OF DIVERSION: T21N R23E S29 SESE Within LEMHI County
PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 11/15	6.000 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T21N R22E S24 NWNE	3.30	T21N R22E S24 SWNE 40.00
	T21N R22E S24 SENE	38.00	T21N R22E S24 NENW 4.80
	T21N R22E S24 SENW	1.60	T21N R22E S24 NESE 33.00
	T21N R22E S24 NWSE	14.00	T21N R22E S24 SESE 26.00
	T21N R22E S25 NENE	3.70	T21N R23E S19 Lot 2 SWNW 4.50
	T21N R23E S19 Lot 3 NWSW	21.00	T21N R23E S19 Lot 4 SWSW 34.00
	T21N R23E S19 SESW	1.80	T21N R23E S30 NENW 7.80
	T21N R23E S30 Lot 1 NWNW	24.00	T21N R23E S30 SENW 15.00
	272.5 ACRES TOTAL		

This right is limited to the irrigation of 200.6 acres within the place of use described above in a single irrigation season.

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

Right No. 74-15793 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.