

Beverly A. Decker  
423 Preston Avenue  
Lewiston, ID 83501

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RECEIVED  
AUG 13 2007  
DEPARTMENT OF  
WATER RESOURCES

August 9, 2007

SRBA Clerk of the Court  
253 3<sup>rd</sup> Avenue North  
P. O. Box 2707  
Twin Falls, ID 83303-2707

In Re SRBA  
Case No. 39576  
Subcase No. 85-15694

Dear Clerk:

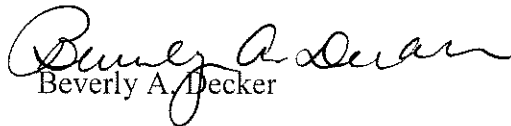
Enclosed for consideration please find the following:

1. Motion to File Late Notice of Claim
2. Notice of Claim to Water Right
3. Affidavit of Beverly A. Decker.

Additionally enclosed is a check in the amount of \$100 to cover the filing fees.

If you have any questions, please do not hesitate to contact me at 208-748-2004 (work) or 208-743-6359 (home).

Sincerely,

  
Beverly A. Decker

Enclosures

cc: ✓ IDWR Document Depository  
Chief, Natural Resources Division  
United States Department of Justice

COPY

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 # 85-15694

) (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 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 Beverly A. Decker

My address is 423 Preston Avenue  
Lewiston, ID 83501

My phone number is: Work 208-748-2004 Home 208-743-6359

I am an attorney representing N/A

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 inherited the property from my father, Earl J. Troutman,  
whose date of death was 9/24/04. The property was deeded to me on 12-30-05.  
Before my father died, he told me that he forgot to include the  
water right on this property when he applied for all the others.  
At that point, he no longer had the energy to correct the  
error; due to his failing health.

☐ 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.)

Affidavit of Beverly A. Decker with Exhibit A - Aerial photo,  
Exhibit B - Deed of Gift, Exhibit C - Deed of Distribution  
SF4 (Motion to file late 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 \$ 100.00/100.
- ☐ 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 Nov 20, 2007 @ 1:30 p.m. (MTN)  
(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:

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- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

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I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

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**VERIFICATION** (Must be completed)

State of IDAHO

County of LEWIS

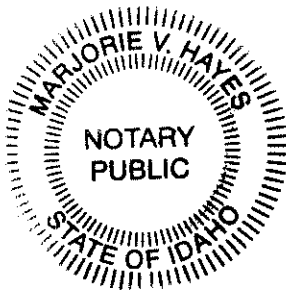
Beverly A. Decker, being first duly sworn, upon oath, deposes and says:  
(Insert name of person filing form)

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.

x Beverly A. Decker  
Signature of person filing motion

\_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on August 9, 2007  
(Insert Date)



Marjorie V. Hayes  
Notary Public for Idaho  
Residing at: Lewiston  
My Commission expires: 4/11/2012

**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

X I certify that on August 9, <sup>2007</sup>~~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)

X Bennett A. Decker  
Signature of person or attorney mailing the form

COPY

**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 \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Receipt No: \_\_\_\_\_  
Received By: \_\_\_\_\_

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW  
For Domestic and/or Stockwater Purposes  
Where Daily Use is less than 13,000 gallons per day**

1. Name of Claimant(s) Beverly A. Decker Phone (208) 748-2004 (W)  
(208) 743-6359 (H)

Mailing Address 423 Preston Ave. Lewiston ID Zip 83501  
Street or Box City State

2. Date of Priority: (Only one per claim) September 1, 1935  
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water ( ) or Other (X)(a) Spring  
which is tributary to (b) Goose Creek

4. Location of Point of Diversion is: Township 33N, Range 2W, Section 10,  
NW, 1/4 of SW, 1/4 or Govt. Lot —, BM., County of Lewis; Parcel (PIN) No. RP33N02W  
101350A

Additional points of diversion if any: None

If available, GPS Coordinates See attached color aerial photo

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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.

Spring Box (3'L x 3'W x 5'D) with underground  
pipe leading to a watering trough

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Stockwater purposes from Jan 1 to Dec 31 amount .02 cfs  
Month/Day Month/Day (cfs) or (AFA)

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_

7. Total Quantity claimed .02 (cfs) or (AFA)

8. Non-irrigation uses. Describe fully. (eg. Domestic: Give number of households served if single ownership;  
Stockwater: Type and number of livestock) 50 head range cattle

9. Location of Place of Use is: Township 33N, Range 2W, Section 10.NW, 1/4 of SW, 1/4, Govt. Lot —, BM.; Parcel (PIN) No. RP33N02W101350Afor (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any \_\_\_\_\_

10. Which county (ies) are lands listed above as place of use located? Lewis County11. Do you own the property listed above as place of use? Yes (☒) No ( )

If the 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.

None (☒) \_\_\_\_\_

13. Remarks:

Attch: \$100 check; SF4 (motion to file late notice of claim);  
Aerial photo (Exhibit A); Cover letter; Affidavit; Deeds (Exhibit B & C);  
(to Affidavit) (to Affidavit)14. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number #85-15694 temp

15. 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: Six (6)

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) Benny A. Decker Date: 8/8/07

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 \_\_\_\_\_

Last Name Decker Identification No. \_\_\_\_\_