

a

RECEIVED
SEP 10 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>24-10700</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 CARIBOU LANDS LLC

My address is 14400 N. 76TH PLACE, SCOTTSDALE AZ 85260

My phone number is: Work 480-388-5205 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 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 \$ _____.

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:

UPON RECENT PURCHASE OF THE PROPERTY IT WAS DISCOVERED THAT OUR
POD (POINT OF DIVERSION) HAD BEEN MOVED. THIS MOTION TO AMEND
IS TO CORRECT THAT.

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

1) AFFIDAVIT BY MARK L NICOLL, CONSULTANT FOR PROJECT

2) COPY OF DEED SHOWING OWNERSHIP & PURCHASE DATE

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

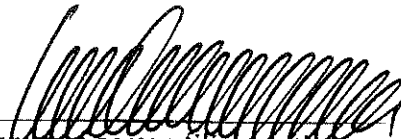
VERIFICATION (Must be completed)

State of Arizona

County of Maricopa

Craig Emmerson, 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.


Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 9/4/07
(Insert Date)



Kim Overman
Notary Public for Arizona
Residing at: 34201 N. 45th Pl.
My Commission expires: 10/30/09

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 9/4/07, ~~Feb~~, 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

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 24-10700
Date Received: 2/5/1990
Receipt No:
Received By:

Amended

Amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CARIBOU LANDS LLC Phone: (480) 368-5205
14400 N /6TH PLACE
SCOTTSDALE AZ USA 85260

2. Date of Priority: 12/15/1902

3. Source: ~~TINCUP CREEK~~ GROUND CREEK Trib. to: ~~SALT RIVER~~ TINCUP CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	46E	9	SW NW NW	CARIBOU	Beginning Point
05S	46E	<u>8</u>	<u>NE</u> SE ~~NW~~ <u>NW</u>	CARIBOU	
05S	46E	9	SE SW NW	CARIBOU	Ending Point

5. Description of diverting works:

HEADGATE & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	06/15	09/01	1.81	
STOCKWATER	01/01	11/01	0.02	

7. Total Quantity Appropriated is:
1.81 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
05S	46E	8	SE	NE	IRRIGATION	34.1
			SW	NW	IRRIGATION	4.3
			SE	NW	IRRIGATION	23.7
			SE	NW	IRRIGATION	0.3
			NE	SW	IRRIGATION	8.5
			NE	SE	IRRIGATION	4.5
			SW	NE	IRRIGATION	28
			Section Acres			
05S	46E	9	SW	NW	IRRIGATION	7.6
			NW	SW	IRRIGATION	5.4
			NW	NW	STOCKWATER	
			SW	NW	STOCKWATER	
Section Acres						13
Total Acres						116.4

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? ~~no~~ YES

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 24-4077.

15. Basis of Claim: Statutory Claim

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

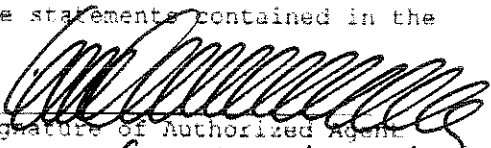
For Organizations:

I do solemnly swear or affirm that I am Manager of
Title
Caribav Lands, LLC, that I have signed the foregoing
Organization

document in the space below as Manager of
Title

Caribav Lands, LLC and that the statements contained in the
Organization

foregoing document are true and correct.


Signature of Authorized Agent
Manager, Caribav Lands, LLC
Title and Organization
9/4/07
Date

State of ~~Idaho~~ ARIZONA)
County of Maricopa) SS.

Subscribed and sworn (or affirmed) before me this
at September 2007

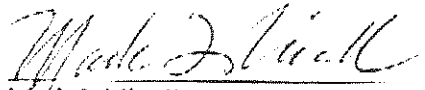
4th day
Kim Overman

Notary Public

Residing at 39201 N. 45th Pl.
My commission Expires 10/30/09



The ranch was purchased in the summer of 2006 by Caribou Lands LLC. I was asked to meet with the State of Idaho to transfer the water rights over to the new owner. In my meetings with the Dept of Water Resources and past owners of the ranch I discovered that a Point of Diversion has been moved from TinCup Creek to Grouse Creek. The Point of Use has not changed, just where the water had been diverted from. We have been working with Cindy Bird of the Soda Springs office for the IDWR in completing the proper paperwork to correct our water right.



Mark L Nicoll

04 Sept 2007

Date

123

WD: Stock/Caribou Lands
Page 1.

thence continuing North $00^{\circ}00'12''$ West 57.40 feet, more or less, to the centerline of State Highway No. 34 (Tincup Road) of record in said Office as Instrument No. 45374;

thence coursing said centerline as follows:

Easterly 235.03 feet along the arc of a circular curve to the left, through a central angle of $09^{\circ}24'04''$, having a radius of 1432.39 feet and a chord of North $89^{\circ}45'32''$ East 234.76 feet, to the beginning of a spiral curve to the left;

Easterly 300 feet, more or less, along said spiral curve whose chord is North $82^{\circ}32'04''$ East 299.67 feet;

North $79^{\circ}32'47''$ East 142.05 feet to the beginning of a spiral curve to the right;

Easterly 300.00 feet along said spiral curve, whose chord is North $81^{\circ}02'46''$ East 299.91 feet to the beginning of a circular curve to the right;

Easterly 354.29 feet along said circular curve through a central angle of $16^{\circ}26'00''$ having a radius of 2864.77 feet and a chord of North $86^{\circ}01'09''$ East 354.06 feet to the East line of said W~~X~~SW~~X~~, and leave said centerline.

EXCEPT THEREFROM, that part of the SE~~X~~ of Section 8 and the W~~X~~SW~~X~~ of Section 9 T. 5 S., R. 46 E., B.M., being part of those tracts of record in the Office of the Recorder of Caribou County, as Instrument Nos. 51588 and 151013, it being the intent to more correctly describe that tract of record in said Office as Instrument No. 153139, described as follows:

Beginning at the Southeast corner of said Section 8; thence North $89^{\circ}55'19''$ West 1292.63 feet along the South line of said Section 8 to a point on a fence South $89^{\circ}55'19''$ East 33.92 feet of the Southwest corner of the SE~~X~~SE~~X~~ of said Section 8;

thence North $05^{\circ}44'43''$ West 1354.03 feet along said fence to a point at a fence corner;

thence South $88^{\circ}36'12''$ East 1428.52 feet along a fence to a point on the East line of said Section 8, South $00^{\circ}00'12''$ East 5.77 feet, of the Northeast corner of said SE~~X~~SE~~X~~;

thence continuing South $88^{\circ}36'12''$ East 48.84 feet along said fence to a point at a fence corner;

thence North $01^{\circ}06'25''$ East 197.24 feet along a fence to a pipe;

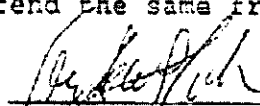
thence North $89^{\circ}19'16''$ East 206.11 feet along a fence to a pipe;

thence North $01^{\circ}26'41''$ East 124.97 feet along a fence to a pipe;

thence North $42^{\circ}26'28''$ East 381.80 feet along a fence to a pipe;

thence North 08°02'41" West 239.92 feet along a fence to
a pipe;
thence continuing North 08°02'41" West 53.60 feet, more
or less to the center line of State Highway No 34.
(Tincup Road) of record in said Office as Instrument
No. 45374 and leave said boundary;
thence coursing said centerline as follows:
Easterly 54 feet, more or less, along a spiral curve to
the left, whose chord is North 82°32'04" East 53.85
feet, to end thereof;
North 79°32'06" East 142.05 feet to the beginning of a
spiral curve to the right;
Easterly 300.30 feet along said spiral curve, whose
chord is North 81°02'05" East 299.91 feet, to the
beginning of a circular curve to the right;
Easterly 385.31 feet along said circular curve through
a central angle of 07°06'23", having a radius of
2864.77 feet and a chord of North 86°05'17" East
385.09 feet to the East line of said NWSEW, and
leave said centerline;
thence South 00°00'18" West 2310.48 feet along said East
line to the Southeast corner of said NWSEW;
thence South 89°51'38" West 1321.77 feet along the South
line of said Section 9, to the Corner of Beginning.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said Grantee, its successors and assigns
forever. And the said Grantors do hereby covenant to and with the
said Grantee, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances and
that they will warrant and defend the same from all lawful claims
whatsoever.



REA B. STOCK



REA B. STOCK

QUITCLAIM DEED

For Value Received

CLYDE W. STOCK AND REA B. STOCK, husband and wife,

do hereby convey, release, remise and forever quit claim unto

CARIBOU LANDS LLC, a limited liability company,
22 W. Anapamu Street, No. 350, Santa Barbara California 93101

the following described premises, to-wit:

Caribou County, Idaho:

Township 3 South, Range 46 East of the Boise Meridian:

Section 3: That part of the SW 1/4 of the NW 1/4 lying West of the
centerline of Tin Cup Creek, as presently located.

Instrument # 175871

2006-08-17

DATE No. of Pages: 4

Recorded for: CLYDE W. STOCK

EDDE BUSH

Ex-Officio Recorder Deputy *BA Stratman*

CLYDE W. STOCK AND REA B. STOCK

together with their appurtenances.

Dated: May 25, 2006

Clyde W. Stock

CLYDE W. STOCK

Rea B. Stock

REA B. STOCK

STATE OF IDAHO, COUNTY OF Caribou

On this 7th day of June, 2006,
before me, a Notary Public in and for said State, personally
appeared Clyde W. Stock and Rea B.
Stock,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Rea B. Stock

Residing at Soda Springs
Comm. Expires 8/10/10

Notary Public



STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock, on
the _____ day of _____,
2006, in my office, and duly recorded in Microfilm
Records.

Ex-Officio Recorder

By _____

Fern S

Mail to:

Deputy.