

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

27-2049

(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 Dennis Frandson

My address is 900 Rocky Ford Road
Barre, VT 05640 83217

My phone number is: Work _____ Home 208 648-7735

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 didn't know what I was doing and
The Guy that done didn't know either.
We missed this water right.

☐ 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.)

Enclosed a copy of license

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 \$ 348.

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 Dec 18
Nov 20 2007 1:30
(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:

We missed this water right
when we filed the adjudication



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

Enclosed is a copy of License

I have attached:



An amended Notice of Claim (available from IDWR).



Payment of the following additional fees required by IDWR:

\$348⁰⁰

VERIFICATION (Must be completed)

State of Idaho

County of Bonneville

[Signature]
(Insert name of person filing form)

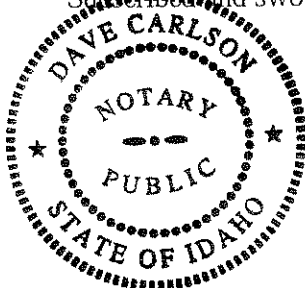
being first duly sworn, upon oath, deposes and says:

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.

[Signature]
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 8/31/2007
(Insert Date)



[Signature]
Notary Public for IDWR
Residing at: Pigby, Id
My Commission expires: 2/28/2008

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 9/4, 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:

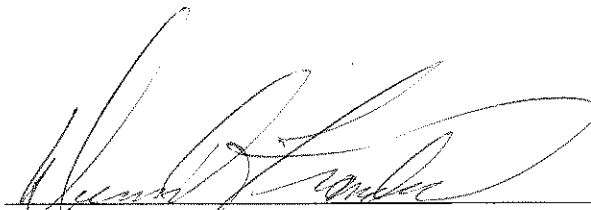
X IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

X Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

X 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

LATE 100
FEE 100
ACRE 148
#348

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 27-2049
DATE RECEIVED: 8/31/2007
RECEIPT NO:
RECEIVED BY:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME OF CLAIMANT(S)

DENNIS FRANDSEN Phone: (208) 648-7735

900 ROCKY FORD RD
BANCROFT ID USA 83217

2. DATE OF PRIORITY: 06/18/1915

3. SOURCE: RAWLINS CREEK , HORSE CREEK , RAWLINS CREEK , HORSE CREEK TRIB. TO:
BLACKFOOT RIVER , BLACKFOOT RIVER , BLACKFOOT RIVER , BLACKFOOT RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4 OF 1/4	LOT	COUNTY	TYPE
03S	39E	27	SE	NW	BINGHAM	
03S	39E	26	NW	NW	BINGHAM	
03S	39E	27	SW	NE	BINGHAM	
03S	39E	26	NW	NW	BINGHAM	

5. DESCRIPTION OF DIVERTING WORKS:

DITCHES TO FLOOD

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	To	C.F.S.	(OR) A.F.A
IRRIGATION		04/01	10/31 2.4	
STOCKWATER		04/01	10/31 0.02	

7. TOTAL QUANTITY APPROPRIATED IS:
2.4 C.F.S.

8. TOTAL CONSUMPTIVE USE:

9. NON-IRRIGATION USES:

NUMBER OF OTHER USES: 200

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4	LOT	USE	ACRES
03S	39E	27	NE	NE	IRRIGATION	21
			NW	NE	IRRIGATION	12
			SW	NE	IRRIGATION	14
			SE	NW	IRRIGATION	6.8
			NE	SW	IRRIGATION	20
SECTION ACRES						73.8
TOTAL ACRES						73.8

11. PLACE OF USE IN COUNTIES: BINGHAM

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

13. OTHER WATER RIGHTS USED:

14. REMARKS:

USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT
No. 6 DISTRICT.

SOURCES ARE RAWLINGS CK. & HORSE CK.

15. BASIS OF CLAIM: LICENSE

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: 4 B's

FOR INDIVIDUALS:

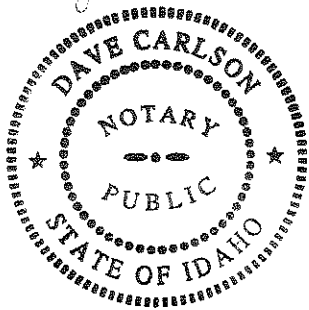
I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): [Signature] DATE: Aug 31 2007

DATE:

STATE OF IDAHO
COUNTY OF Bonneville) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS
31 OF Aug 2007



[Signature]

NOTARY PUBLIC

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

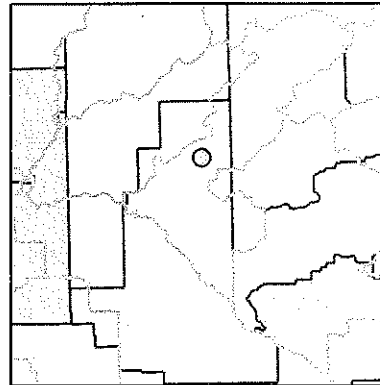


Idaho Department of Water Resources

SRBA Claim:
27-2049
(Irrigation)

Legend

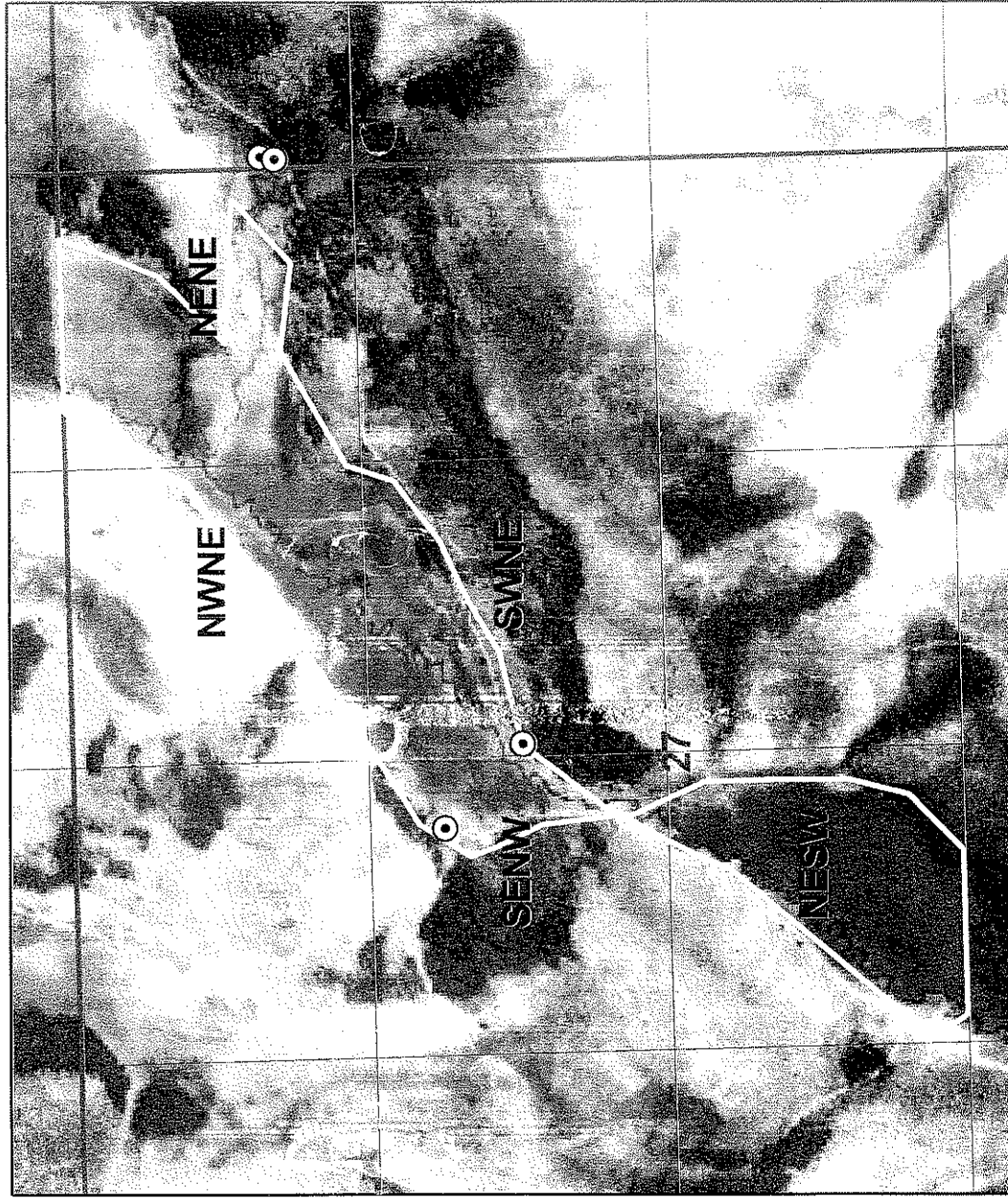
- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Bingham County
IDWR Basin 27

Prepared by D. Carlson
On Friday, August 31, 2007
1987/88 Aerial Photography

R39E



T03S

State of Idaho
License and Certificate of Water Right

Water License No. 11355-----

Amount 2.4 sec. ft.---

Water District No. 34-----

Priority June 18, 1915---

THIS IS TO CERTIFY that LEWELLA FRAUSDEN,
of Basalt, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 18, 1915; that Permit No. 11355
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.0
second feet, was issued thereunder on July 17, 1919, showing that said works
were completed on the 15th day of July, 1919; and that on the 15th
day of June, 1920,

LEWELLA FRAUSDEN,

of Basalt, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of a right to the use of the waters of (1) Sawlins Creek 1.2 ft.
~~State Engineer~~ (2) Horse Creek 1.2 " ,
a tributary of ----, for the purpose of irrigation & domestic use ,
under Use Permit No. 11355 of the State Engineer, and that said right to the use of said
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the ~~State~~
Commissioner of Reclamation
~~Engineer~~ of Idaho and entered of record in Volume 5 of Licenses, at page 2669, on the 23rd
day of September, 1920;

The right hereby confirmed dates from June 18, 1915;

The Point of Diversion is located

(1) NE 22
in the 1/4 SW 1/4 Sec. 26, Tp. 3 S., R. 39 E., B. M.
(2) NW 26
County of Blaine.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 2.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 S	39 E	27	NE 1/4 NE 1/4	40	30
			NE 1/4 NE 1/4	40	30
			SW 1/4 NE 1/4	40	30
			SE 1/4 NE 1/4	40	30

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of
use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the ~~State Engineer~~ Commissioner of Reclamation, affixed at Boise, Idaho, this 23rd
day of September, 1920.

W. G. SWEDSEN,

Commissioner of Reclamation ~~State Engineer~~

By S. T. BAER,

Deputy.

(SEAL)