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OCT 05 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>21-13065</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-

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.

X I have read SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996).

My name is Dee Reynolds

My address is 1344 N 3550 E
Ashton, Idaho 83420

My phone number is: Work (208) 652-7409 Home _____

I am an attorney representing Dee m. & Nikki L. Reynolds

My name is Ray W. Rigby

My address is Rigby, Andrews & Moeller
P.O. Box 250, Rexburg, ID 83440

My phone number is (208) 356-3633

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.

X I did not file a Notice of claim to the use of water in the SRBA because:

I purchased a plot of land in September of 2006 that had a well on it that was used for a sawmill. The
sawmill is no longer operable but I want to use the well for domestic purposes. I could not have filed this
claim when claims were due because I did not own the land or water right at the time.

- ☐ 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 A Labrand Dixon
of 134 Walnut St. Ashton, Id 83420

I have attached:

- X A fully completed Notice of Claim (available from IDWR).
- X 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 (208-736-301 1) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on January 15, 2008 1:30 p.m. (Tuesday)
(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.

- X 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 Madison

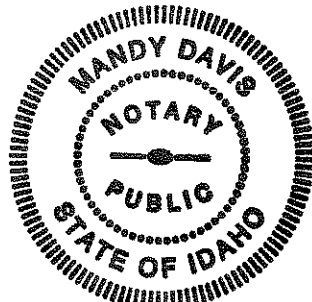
Ray W. Rigby, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I. C. § 42-140 1 A(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

Ray W. Rigby
Attorney signing in representative capacity

Subscribed and sworn to before me on October 1, 2007
(Insert Date)



Mandy Davis
Notary Public for Idaho
Residing at: St. Anthony
My Commission expires: 10-24-2011

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 October 3, ~~199~~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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

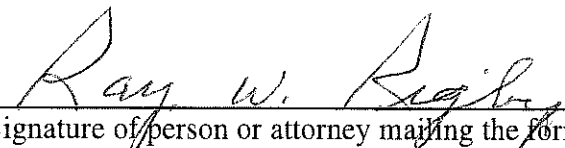
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

AFFIDAVIT

STATE OF IDAHO,)

County of Fremont.)
ss.

A. LaGrand Dixon, being first duly sworn, deposes and says:

1. I reside at the following address: 134 Walnut St., Ashton, Fremont County, Idaho 83420, and have resided there since 2003.

2. This affidavit is given in support of Water Right No. 21-13065, with Dee M. Reynolds and Nikki I. Reynolds of 1344 North 3550 East, Ashton, Idaho 83420.

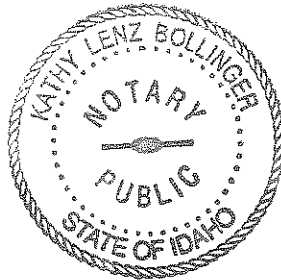
3. I am well aware and have a vivid memory of a saw mill that operated in Ashton, Fremont County, Idaho and that saw mill utilized a pond of water for floating the unsawed logs, and that water was obtained from a well and pump located in the Northwest quarter of the Northeast quarter of Section 31, Township 9 North, Range 45 East Boise Meridian in Fremont County, Idaho, and said well was used for all of the needs, domestic and otherwise of said saw mill.

4. I am also well aware of the fact that sometime after the saw mill ceased operating that the said Dee and Nikki Reynolds purchased the property and utilized the well in acquiring water for domestic uses which included some irrigation, as well as stock watering and other ordinary uses.

DATED This 27th day of September 2007.

A. LaGrand Dixon

SUBSCRIBED AND SWORN TO before me this 27th day of September, 2007.



Kathy Lenz Bollinger
NOTARY PUBLIC FOR IDAHO
Residing at Ashton
My Commission Expires: 10-23-2012

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 21-13065
Date Received: 7/31/2007
Receipt No:
Received By: TG

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DEE M REYNOLDS Phone: (208)652-7409
1344 N 3550 E
ASHTON ID USA 83420

NIKKI L. REYNOLDS Phone: (208)652-7409
1344 N 3550 E
ASHTON ID USA 83420

2. Date of Priority: 01/01/1950

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09N	45E	31	NW NE	FREMONT	

5. Description of diverting works:

From well to pipeline to well to a small pond.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 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
09N	42E	25	NW SE	DOMESTIC	

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

The quantity of water under this right shall not exceed 13,000 gallons per day.

This right will remain in temporary status until approved by the court.

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

Number of attachments: _____

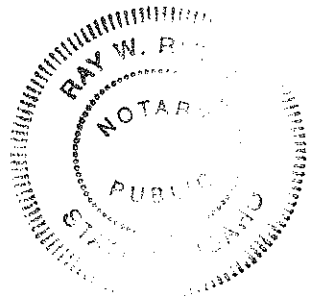
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *DeM. Gynold* Date: 9/30/07
_____ Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 30th day of September 2007



Ray W. Rigby
Notary Public

Residing at Rexburg, Idaho
My commission Expires 3-12-11