

RECEIVED
OCT 09 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

Case No. 39576

A. Subcase 75-14479
(Insert water right number
From the Objection Form)

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 file 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 _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Robert B. & Carrie L. Archie

My name is Kent W. Foster, Holden, Kidwell, Hahn & Crapo, PLLC

My address is PO Box 50130, Idaho Falls, ID 83405-0130

My phone number is 208-523-0620

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:

My predecessors in interest did file a claim, No. 75-4362, but my property was left out of the recommendation.

☐ 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 a 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 you Notice of Claim.)

See attached copies of maps of the place of use, Archie Deed from Becker Estates and map of Lot 5.

I have attached:

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 \$ 213.00.
- ☒ 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 \$ 106.50.

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 January 15, 2008, at 1:30 p.m.
(Insert Date and Time)
at the SRBA Court 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

State of Idaho)
)ss:
County of Bonneville)

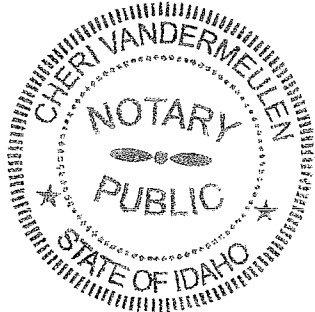
Kent W. Foster, being first duly sworn, upon oath, deposes and says:

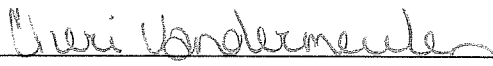
That I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



Kent W. Foster, Attorney

Subscribed and sworn to before me this 5th day of October, 2007.





Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission expires: July 7, 2009

CERTIFICATE OF MAILING

I certify that on the 5th day of October, 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
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. 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 amend 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.



Kent W. Foster

G:\WPDATA\KWF\2481 Becker\Motion to File Late Claim.wpd

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 75-14479
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Robert B. Archie & Carrie L. Archie, husband and wife Phone (208) 775-851-3837

Mailing Address 13155 Thomas Creek Rd., Reno, NV Zip 89511

2. Date of Priority (Only (1) per claim) April 1, 1912

3. Source of water supply (a) Hughes Creek

which is tributary to (b) North Fork Salmon River

4.a. Location of existing point of diversion is:
Township 25N Range 21E Section 21, ___ 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____,
County of Lemhi

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, ___ 1/4 of ___ 1/4 of ___ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, ___ 1/4 of ___ 1/4 of ___ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Headgate and Ditch.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 10/31 amount 0.13 cfs or _____

7. Total quantity claimed (a) 0.13 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of
livestock Etc.) _____

10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25N	21E	28					2.5	4											6.5

Total number of acres irrigated 6.5

11. In which county(ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

14. Remarks:

15. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice ☐ Permit ☐ Decree ☐ License ☐
If applicable provide IDWR Water Right Number Statutory Claim No. 75-4362
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

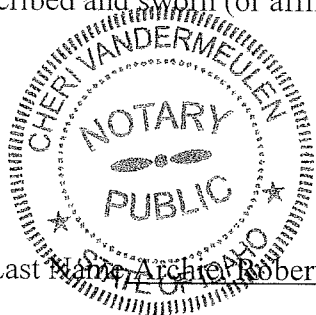
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Robert B. & Carrie L. Archer Date 10/5/07

_____ Date _____

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 5th day of October, 2007.



Cheri Vandermeulen
Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: July 7, 2009

Last Name Archer Robert B. & Carrie L. Ident. Number 75-14479

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster, 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 Kent W. Foster

Address: PO Box 50130, Idaho Falls, ID 83405-0130

Date 10/5/07

G:\WPDATA\KWF\2481 Becker\CLAIM wpd.cdv



Idaho Department of Water Resources

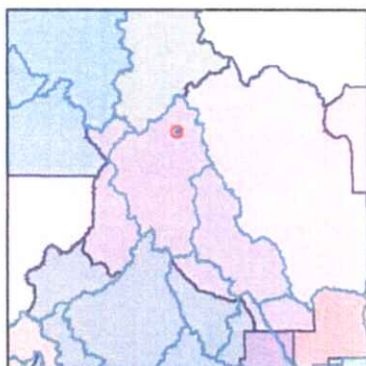
SRBA Recommendation:

75-14132

(Irrigation)

Legend

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

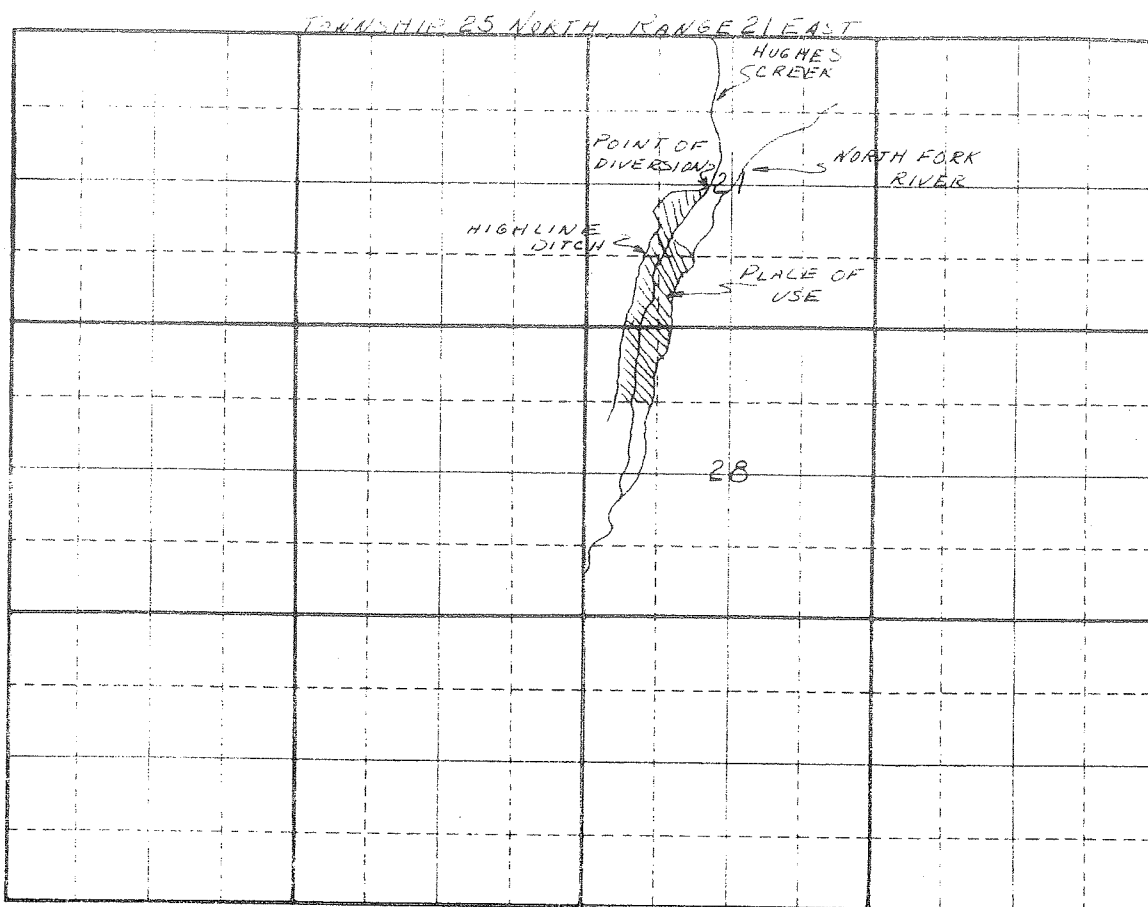


Lemhi County
IDWR Basin 75



0 0.2 0.4 Miles

Prepared by K. Jackson
On Thursday, December 7, 2006
2004 Aerial Photography



Scale: 2 inches = 1 mile

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
 County of BONNEVILLE)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Subscribed to before me this 11th day of NOVEMBER

(Claimant)

19 82

Notary Public

Residing at DAHU FALLS

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by	Date	Exception filed by	Forwarded to	Date
Refined, check by	Date		claimant by	
\$20.00 fee received by	Date			
Published in	Date			
Dates				

GRANT DEED

THIS INDENTURE is made this 30 day of December, 2002, between Daryl A. Becker Estate, Robert E. Farnam, Personal Representative of Idaho Falls, County of Bonneville, State of Idaho, the "Grantor", and Robert B. Archie and Carrie L. Archie, Husband and Wife, as joint tenants with right of survivorship, whose mailing address is 13155 Thomas Creek Road, Reno, Nevada 89511, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Lemhi, State of Idaho, to-wit:

Lot 5 of Becker Estates, according to the official plat thereof, filed in Book 6 of Plats, at Page 39, and amended in Book 6 of Plats, at Page 39B, official Records of Lemhi County, Idaho

SUBJECT TO all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

ALSO SUBJECT TO easements, reservations, restrictions and dedications as the same appear on the official plat of Becker Estates.

ALSO SUBJECT TO notification of irrigation ditch easement as described on Becker Estates according to the official plat recorded April 5, 1996, in Book 6 at Page No. 39, Records of Lemhi County, Idaho.

ALSO SUBJECT TO road and ditch easement running across the westerly boundary of the above described real property as shown on the Becker Estate Subdivision plat recorded April 5, 1996, in Book 6 of plats at Page No. 39.

ALSO SUBJECT TO terms and conditions contained in Grant Deed for Road Easement recorded November 5, 1986, under Instrument No. 183030, records of Lemhi County, Idaho.

ALSO SUBJECT TO terms and conditions contained in License Agreement for access recorded October 17, 1995, as Instrument No. 227765, records of Lemhi County, Idaho.

ALSO SUBJECT TO any right, interests or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water that is included within the boundaries of Hull Creek or the North Fork of the Salmon, River.

ALSO SUBJECT TO the right, title and interest of the public in and to those portions of the above described premises falling within the bounds of roads and or highways, dedicated and or otherwise used by the public, and subject to all easements and restrictions attendant and pertinent to said highways.

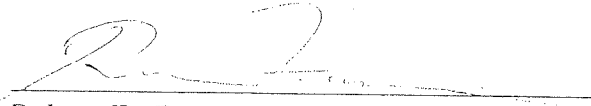
ALSO SUBJECT TO restrictive covenants appearing of record under Instrument No. 230815 and re-recorded May 22, 2002, under Instrument No. 250584, records of Lemhi County, Idaho, for the purpose of adding legal description.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


Robert E. Farnam, Personal Representative of the
Daryl A. Becker Estate, Seller

State of Idaho)
County of Lemhi) SS No. 250584

This Instrument was filed for record at the request
of quiance

at 3:10 o'clock p m 30 Dec 2002

and duly filed and indexed in the records of Lemhi
County

Tami J. Norton
Ex-Officio Recorder

By K. Baument Deputy

Fee 9.00

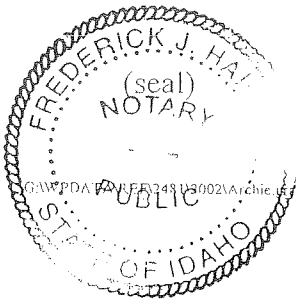
Return to _____

STATE OF IDAHO)
)ss.
County of Bonneville)

258904

On the 16th day of December, 2002, before me, the undersigned, a notary public in and for said State, personally appeared **Robert E. Farnam**, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Daryl A. Becker and acknowledged to me that he executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.





Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 1/1/2005



County of Lemhi SS No. _____
NOTE: This instrument was filed for record at the request
of Wade Surveying
at 2:00 o'clock p.m. 7-16-2002
and duly filmed and indexed in the records of Lemhi
County
by Teri J. Morton
Ex-Officio Recorder
Fee 5000
Return to _____



SCALE 1" = 100.00'

LEGEND

- ROUND IRON PIPE/BRASS CAP. U.S.F.S.
- 1/2" X 24" REBAR WITH A PLASTIC CAP
- MARKED "WADE" PLS 5080
- FOUND 1/2" REBAR
- FOUND 1/2" REBAR WITH PLASTIC CAP
- MARKED J&C LS 970
- FOUND 5/8" X 24" REBAR WITH PLASTIC CAP
- FOUND 5/8" X 24" REBAR WITH PLASTIC CAP
- MARKED "WADE" PLS 5080 FROM PREVIOUS SURVEY
- CALCULATED POINT
- POINT OF BEGINNING
- POINT OF BEGINNING
- 10 FT. WIDE UTILITY EASEMENT (TYPICAL)

The Company has not surveyed the premises described in 02-1466 L-2. The sketch below is furnished without charge solely for the purpose of assisting in locating said premises and the Company assumes no liability as to the validity, location, or ownership of any easement or other matter shown thereon, nor for the inaccuracies therein, including the accurate location of boundaries, including water boundaries. This sketch does not purport to show all highways, roads and easements adjoining or affecting said premises, nor is it a part or modification of the report, commitment, policy or other title evidence to which it may be attached.

