

RECEIVED

OCT 11 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

23-11D

(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 JOSEPH L. NOTES, JR

My address is 6608 VANDERBILT AVE, DALLAS, TX 75214, USA

My phone number is: Work 214 826-4419 Home 208-558-7808
208 521 1310

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 assumed I had the water right after paying an
assessment of \$500 for repair of the headgate
on Palisades Creek about 10 yrs ago

☐ 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.)

See attachment #1
attachment #2 - Proof of land ownership

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 \$ 211.

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:

October 3, 2007

Attachment to Page 2 ("Motion to File a Late Notice of Claim")

My claim is based on the fact that my property was flood-irrigated by Mr. Randy Weeks, of Rexburg, Idaho, when he farmed the land until 1988. The person from whom I bought the property did not irrigate. About 10 years ago I was assessed, and paid, \$500.00 to Mr. Steve Weeks, the Watermaster at that time. This was my share of monies spent for repair of the irrigation ditch headgate on Palisades Creek. After having paid that assessment I wrongly assumed that I had the water right.

My claim is also based on the claims filed by Mr. Daniel Richards and Mr. Lynn Dixon, who own the properties downstream from and adjacent to mine. My plan is to raise and flood-irrigate trees when the water right is restored.

Joseph J. Motes

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 23-11D
Date Received: 8/28/2007
Receipt No:
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NOTES REVOCABLE TRUST Phone: (214)826-4419
6608 VANDERBILT AVE
DALLAS TX USA 75214

2. Date of Priority: 08/15/1893

3. Source: PALISADES CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	44E	26	SW SE	BONNEVILLE	

5. Description of diverting works:

PALISADES CANAL TO DITCH FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.18	

7. Total Quantity Appropriated is:
0.18 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
01N	44E	21	SE	SW	2	IRRIGATION	0.3
			SW	SE	1	IRRIGATION	5.3
Section Acres							5.6
Total Acres							5.6

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

LATE CLAIM AWAITING ACCEPTANCE BY SRBA COURT.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, ☒ We acknowledge that ☒ We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) ☒ We do ☐ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

James L. Hunter, Trustee
Casey H. Hunter
Mohr Revocable Trust

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am trustee of
Title
Notes Revocable Trust, that I have signed the foregoing
Organization

document in the space below as trustee of
Title
Notes Revocable Trust and that the statements contained in the
Organization
foregoing document are true and correct.

rep 2/11/07
Signature of Authorized Agent

TRUSTEE, NOTES REVOCABLE TRUST
Title and Organization

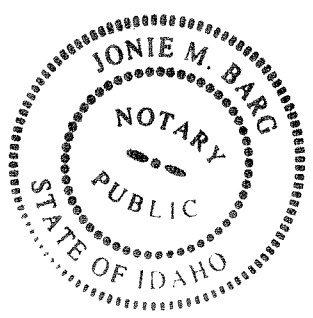
8/28/07
Date

State of Idaho)
County of Bonanza) SS.

Subscribed and sworn (or affirmed) before me this 28th
of August 2007

Jonie M. Berg
Notary Public

Residing at Idaho Falls
My commission Expires 7-24-2007



957382

QUITCLAIM DEED

Without consideration, we, JOSEPH L. MOTES, JR. and CAROLYN MOTES, husband and wife, grant to the intervivos trust, MOTES REVOCABLE TRUST, and the initial Trustees, JOSEPH L. MOTES, JR. and CAROLYN MOTES, of 1507 Rim Road, El Paso, Texas 79902, all that real property located in the County of Bonneville, State of Idaho, the full legal description of which is as follows:

Beginning at the West 1/4 Corner of Section 21, Township 1 North, Range 44 East of the Boise Meridian, Bonneville County, Idaho, running thence S 00 degrees 05'00" E. along the Section line 1320.00 feet; thence East 462.94 feet; thence S 18 degrees 42'09" E. 63.35 feet; thence S 56 degrees 40'41" E. 515.00 feet; thence S 87 degrees 42' 42" E. 1190.18 feet; thence S. 01 degrees 58'33" W. 654.94 feet; thence S 65 degrees 42'52" E. 339.87 feet to the true point of beginning; running thence S 65 degrees 42'52" E. 339.86 feet to the South line of said Section 21; thence N 49 degrees 15'11" E. 883.69 feet more or less to the Southerly right-of-way line of U.S. Highway 26; thence N 50 degrees 12'57" W. along said right-of-way 312.36 feet more or less to a point that is N. 49 degrees 15'11" E. from the true point of beginning; thence S. 49 degrees 15'11" W. 975.76 feet more or less to the true point of beginning.

This Quitclaim Deed is executed at El Paso, Texas, this

10th day of December, 1997.

Joseph L. Motes, Jr.
JOSEPH L. MOTES, JR.

Carolyn Motes
CAROLYN MOTES

STATE OF TEXAS)
) ss
County of El Paso)

On this 10 day of December, 1997, before me, the undersigned Notary Public in and for said State, personally appeared JOSEPH L. MOTES, JR. and CAROLYN MOTES, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed

the same.

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



[Signature]
Notary Public for Texas
Residing at: El Paso, Texas
Commission Expires: 12-15-98

97 DEC 19 AM 10 26

BONNEVILLE COUNTY
RECORDER

957382

INSTRUMENT NO.	957382
DATE	12-19-97
INST. CODE	220
FICHE NO.	12853-18
FEE	6-
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within Instrument was recorded.	
Ronald Longmore, County Recorder	
By	<u>[Signature]</u> Deputy
Request of	<u>Vern Lerzog Jr.</u>

Box 1412
Pocatello
83204-1412

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am Trustee of
Title
Notes Revocable Trust, that I have signed the foregoing
Organization

document in the space below as trustee of
Title
Notes Revocable Trust and that the statements contained in the
Organization

foregoing document are true and correct. me 2/11/07
Signature of Authorized Agent

TRUSTEE, NOTES REVOCABLE TRUST
Title and Organization

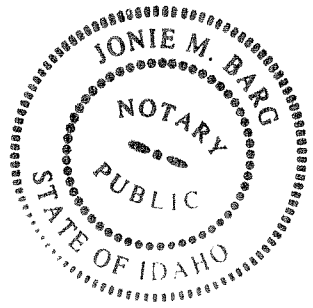
8/28/07
Date

State of Idaho)
County of Bonanza) SS.

Subscribed and sworn (or affirmed) before me this 28th
of August 2007

Jonie M. Berg
Notary Public

Residing at Idaho Falls
My commission Expires 7-24-2007



VERIFICATION (Must be completed)

State of Idaho

County of Bonneville

Motes Revocable Trust

(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.

Joseph A. Motes Jr.

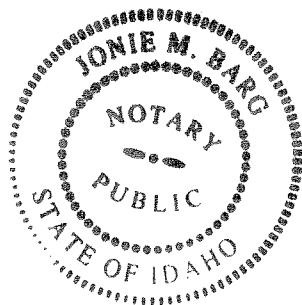
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on

August 28, 2007

(Insert Date)



Jonie M. Bagg
Notary Public for Idaho

Residing at: Idaho Falls

My Commission expires: 7-24-2007

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 3rd, 1997, 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)

Joeyn M. Hester
Signature of person or attorney mailing the form