



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 18, 2007

Mr. Norman Douglas
PO Box 127
Chester, ID 83421

RE: Subcase Number: 21-12951

Dear Mr. Douglas:

Pursuant to the telephonic hearing which was held last month before Special Master Bilyeu at the SRBA Court, enclosed please find a ***Motion to File Amended Notice of Claim - Standard Form 4 (SF 4)*** and an ***Amended Notice of Claim to a Water Right Acquired Under State Law***. Please complete the SF 4, attach the signed and notarized amended claim and follow the **Instructions for Mailing** on Page 5 of the SF 4. After these documents have been completed, signed, notarized and filed with the SRBA Court and all parties have been served, then the special master will set this for a hearing. If the documents are sent in the near future, it is possible that the hearing on the motion to amend claim may take place at the August 8th Status Conference.

If you have any questions regarding this process or the enclosed documents, please call Trent Galbraith at Eastern Region at: 525-7161 or you may call me in Boise at: 208-287-4814.

Sincerely,

A handwritten signature in cursive script that reads "Becky J. Harvey".

Becky J. Harvey
Paralegal

/bh

Enclosures

cc: Trent Galbraith via email

RECEIVED
JUL 17 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>21-12951</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.

CERTIFICATE OF MAILING

I certify that on 7/13/07, ²⁰⁰⁷~~199~~, 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:

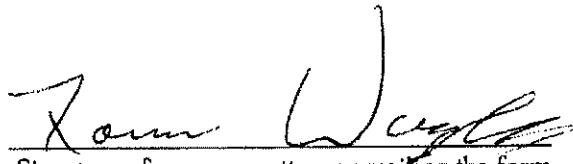
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 21-12951
Date Received: 5/31/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

NORMAN D DOUGLAS Phone: (208) ~~634-3545~~ 403-9033
PO BOX 127
CHESTER ID USA 83421

2. Date of Priority: 06/01/1890

3. Source: FALLS RIVER Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08N	42E	20	SW SW SW 4	FREMONT	

5. Description of diverting works:

SILKEY DITCH TO HEADGATE AND FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.36	

7. Total Quantity Appropriated is:
0.36 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
08N	41E	13	NE	NW	1	IRRIGATION
						9
Section Acres						9
Total Acres						9

VERIFICATION (Must be completed)

State of IDAHO

County of FREMONT

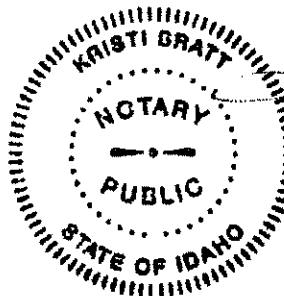
NORMAN DOUGLAS, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Norman Douglas
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 7-13-07
(Insert Date)



Kristi Bratt
Notary Public for Idaho
Residing at: St. Anthony
My Commission expires: 12-15-2012

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.

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 AUGUST 8, 2007 10:30 AM
(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:

I INADVERTENTLY OVER LOOKED THE
FIRST ONE

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:

Renumbered From 21-54A

15. Basis of Claim: Decreed

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: _____

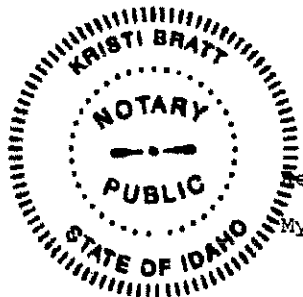
For Individuals:

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

Signature of Claimant(s): *Sam Napp* Date: 7/13/07
_____ Date: _____

State of Idaho _____ }
County of Fremont } ss.

Subscribed and sworn (or affirmed) before me this 13 day of July 2007



Kristi Bratt
Notary Public
Residing at St. Anthony
My commission Expires 12-15-2012

- ☐ 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:

RECEIVED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

JUL 14 2005
DEPARTMENT OF
WATER RESOURCES

In Re SRBA

A.

Subcase

12951

(12993)

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

NORMAN DOUGLAS

Address:

Box #127

CHESTER, ID

83421

Daytime Phone

208 403 9033

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Water Right #21-41 or #12951

Address:

P.O. Box 127

Chester, Idaho 83421

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: Snake Water Right # 21-41 C#2951
3. ☒ **Quantity**
Should be: 0.36 cfs
4. ☒ **Priority Date**
Should be: 1-June - 1890
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☐ This water right Should not exist.
☒ This water right was not recommended, but Should be recommended with the elements described above.

Drake Water Right # 21-41 (#12951)

Original Amount 8.00 cfs
(Assigned to original Drake Canal) cfs
Tr. # 974 out of Silkey Canal to Clark Baum 1.00
Tr. # 968 out of Silkey Canal to Gary Nelson 0.80
Tr. # 975 out of Silkey Canal to Mac Reynolds 2.00
In Silkey Canal for Sid Ellison #12951 0.42
In Silkey Canal for Norman Douglas #12951 0.36
In Silkey Canal for Fosco Farms #12951 3.42

Total 8.00

Sec. 13 - T. 8 N. - R. 41 E

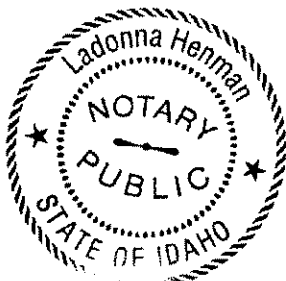
E. REASONS SUPPORTING OBJECTIONS(S): Drake Water Right #21-41 has been assigned to property Norman Douglas owns. The original total decree (Drake) was for 8,000 cfs. Douglas share is 0.36 cfs on 9 acres.

F. VERIFICATION (must be completed)

State of Idaho)
County of Benewah)ss.

Norman Douglas, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1404A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

July 11, 2006
Ladonna Henman
Notary Public for Idaho
Residing at: Reddy
My Commission Expires: 6-1-2011