

Charles L. Honsinger (ISB # 5240)
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RECEIVED

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DEPARTMENT OF
WATER RESOURCES

Attorneys for Claimant The Terteling Company, Inc.

**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 38576

Water Right No. 63-

32895

**MOTION TO FILE LATE NOTICE OF
CLAIM**

MOTION

COMES NOW, Steve Terteling, by and through his attorneys, Ringert Clark, Chartered, and hereby move this court to permit his filing of a late notice of claim to a water right in the Snake River Basin Adjudication.

A Motion to File a Late Notice of Claim is to be reviewed under the criteria of I.R.C.P. 55(c). In other words, a Claimant must show "good cause" for filing a late notice of claim. In this case, Steve Terteling purchased the property to which this claimed water right is appurtenant in July, 2007, and no claim had been filed for the water right by the previous owner. Because Steve Terteling had no previous opportunity to file a claim to the water right, he has shown "good cause" for the filing of this late claim, and respectfully requests that the Court grant his motion.

COPY

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

I am an attorney representing Steve Terteling.

My address is: RINGERT CLARK, CHARTERED, P.O. Box 2773, Boise, Idaho 83701

My phone number is: 208/342-4591

I have attached: A fully completed late Notice of Claim, and the Affidavit of Steve Terteling with attachment(s).

VERIFICATION

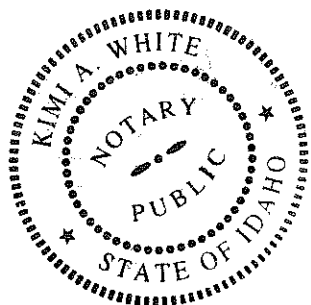
State of Idaho)
)
County of Ada)

Charles L. Honsinger, being first duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant filing this motion for 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.

Charles L. Honsinger
Attorney signing in representative capacity

Subscribed and sworn to before me on November 6, 2007.



Kimi A. White
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 04/01/10

CERTIFICATE OF MAILING

I certify that on November 6th, 2007, I served the original and copies of this document, including all attachments, to the following persons as follows:

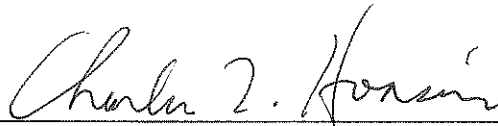
1. Original Faxed to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies Mailed 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



Signature of person or attorney mailing document

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
Indent. Number 63-32895
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY

Please type or print clearly

1. Name of Claimant(s) Steve Terteling Phone: (208) 342-7356

Mailing Address 3701 Tamarack Drive, Boise, ID Zip 83703

2. Date of Priority only (1) per claim) 04/15/1948

3. Source of water supply (a) Ground Water

which is tributary to (b) N/A

4. a. Location of existing point of diversion is: Township 04N Range 02E Section 29,
1/4 of NW 1/4 SE 1/4, Govt. Lot, _____ B.M., County of Ada

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 _____

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. Well

Last Name Terteling Ident. Number _____

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Domestic purposes from 1/01 to 12/31 amount .04 cfs or

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is N/A acre fee per annum.

9. Non-Irrigation uses

10. Description of place of use:

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

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	2E	29														D			

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes X No _____

13. Other water rights used:

14. Remarks: _____

15. Basis or Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

Last Name Terteling Ident. Number _____

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 1

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

Signature of Claimant (s) Steve Terteling Date 10/30/07

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title organization
and that the statements contained in the foregoing document are true and correct.

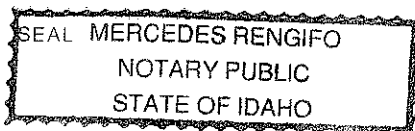
Signed of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this

30th

day of Oct 2007



Notary Public [Signature]
Residing at Ada ID
My Commission Expires 6/12/2012

16. Notice of Appearance:

Notice is hereby given that I, Charles L. Honsinger will be acting as attorney at law on behalf of the claimant signing above, and 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 Charles L. Honsinger

Address Ringert Clark, Chartered, P.O. Box 2773, Boise, ID 83701

Date October 28, 2007

Last Name Terteling Ident. Number _____