

RECEIVED  
DEC 10 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 43-13537  
) (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 Christopher F. Robinson

My address is 925 West 100 North, Suite F, P.O. Box 540478,  
North Salt Lake, UT 84054

My phone number is: Work 801-599-4397 Home 435-615-8737

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:

We did not believe we needed to on a stock water or  
domestic claim using less than 13,000 gallons  
per day

☐ 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.)

Please see the attached affidavits of: (1) Doris Olson Hitt,  
(2) Robert J. and Marilyn A. Lightfoot, and (3) Richard  
D. and Patricia M. Goldstein.

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 \$ 100.
- ☐ 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 Tuesday, March 18<sup>th</sup>, 2008, at 1:30 p.m.  
(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 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 Utah

County of Davis

Christopher F. Robinson, being first duly sworn, upon oath, deposes and says:  
(Insert name of person filing form)

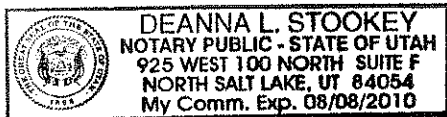
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Christopher F. Robinson

Signature of person filing motion

\_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on NOVEMBER 27, 2007  
(Insert Date)



Deanna L. Stookey

Notary Public for \_\_\_\_\_

Residing at: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

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 DECEMBER 7, 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  
PO Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

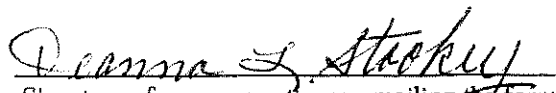
IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

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 43-13537

Date Received: \_\_\_\_\_

Receipt No: \_\_\_\_\_

Received By: \_\_\_\_\_

## NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) ARIMO CORPORATION Phone (<sup>801</sup>) 677-6400

Mailing Address P.O. Box 540478, North Salt Lake, UT Zip 84054

2. Date of Priority: (Only one per claim) 01/01/1904 Month/Day/Year

3. Source of water supply (Check one) Ground Water ☒ or Other ( ) (a) \_\_\_\_\_  
which is tributary to (b) \_\_\_\_\_

4. Location of Point of Diversion is: Township 15 S, Range 27 E, Section 5,  
SW, 1/4 of NW, 1/4 of SE, 1/4 Govt. Lot \_\_\_\_\_, BM., County of CASSIA

Additional points of diversion if any: \_\_\_\_\_

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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

6" dia. well (depth unknown) originally serving log home (1904), frame home (1920), and subsequently large horse barn, bunk house, etc. (1972). Originally 200 hd of cattle (1904) and subsequently 1000 hd of cattle (1979)

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Domestic purposes from 1/1 to 12/31 amount 0.04 (cfs)

For Stock water purposes from 1/1 to 12/31 amount 0.23

7. Total Quantity claimed 0.27 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) Domestic — one residence ; Stock water — 1000 hd of horses and/or beef cattle

10. Location of Place of Use is: Township 15 S, Range 27 E, Section 5,  
NW, 1/4 of SE, 1/4, Govt. Lot \_\_\_\_\_, BM.

for (Circle One) Domestic Stock Domestic and Stock  
 Additional places of use, if any NE 1/4 of SE 1/4

11. Which county (ies) are lands listed above as place of use located? CASSIA

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

None X

14. Remarks:

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree  
 Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_

If applicable provide IDWR Water Right 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 \_\_\_\_\_ 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) \_\_\_\_\_ Date: \_\_\_\_\_  
 \_\_\_\_\_ Date: \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am President  
 of Armo Corporation, that I have signed the foregoing document in the space below as  
President Title  
Armo Corporation Organization

And that the statements contained in the forgoing document are true and correct.

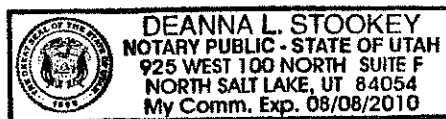
Signature of Authorized Agent By: Christopher J. Robinson Date 11/27/07  
 Title and Organization President, Armo Corporation

State of ~~Idaho~~ UTAH )  
 County of DAVIS ) ss.

# NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 27<sup>th</sup> day of NOVEMBER, 2007

Seal



Notary Public Deanna L. Stookey  
 Residing at \_\_\_\_\_  
 My commission Expires \_\_\_\_\_

Last Name \_\_\_\_\_ Identification No. \_\_\_\_\_

AFFIDAVIT OF DORIS OLSON HITT

STATE OF IDAHO                 )  
                                              : ss.  
COUNTY OF CASSIA            )

DORIS OLSON HITT, being first duly sworn upon her oath, deposes and says:

1.       I am seventy nine (79) years of age (born in 1928) and am currently a resident of Declo, Cassia County, State of Idaho.

2.       At the time of my birth in 1928, my father, Ray D. Olson, owned and operated a farm in Bridge, Cassia County, Idaho, located along the east side of present-day 2400 East county road, which farm included, among other property, Lot 2, the SW1/4 of the NE1/4, and the W1/2 of the SE1/4, of Section 5, Township 15 South, Range 27 East, Boise Meridian (the "Farm").

3. My grandparents Joseph Olsen and Anna "Annie" Hugentobler Olsen acquired the Farm in approximately 1904 (when my Father was 12). However, my grandfather died in that same year and never moved onto the Farm. My widowed grandmother and her son (my father) and her two daughters moved into a log home on the Farm in about 1904.

4. My widowed grandmother married James S. McGill, and together they built a frame house on the Farm in about 1920. James S. McGill and my grandmother divorced in 1925 and my father Ray D. Olson purchased the Farm from my grandmother in 1926.

5. On January 16<sup>th</sup>, 1946, I married Jim B. "Pud" Hitt, and my husband and I lived and worked on the Farm from then on until about 1952, when we moved to our current home in Declo, Cassia County, Idaho.

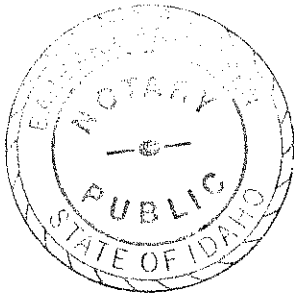
6. From my earliest childhood recollections, the headquarters of the Farm (located on the east side of present-day 2400 East county road, in the SW1/4 of the NW1/4 of the SE1/4 of Section 5, Township 15 South, Range 27 East, Boise Meridian) consisted of the original log home of that my grandmother moved into in about 1904, the frame home that my

grandmother and her then husband James S. McGill built in about 1920, a large horse barn, another barn with stalls for confining livestock, a log bunk house, the Bridge Post Office, a well and windmill which provided domestic water to both homes, the bunk house, and year-round stock water for 200 head of beef cattle and/or horses, a large wooden staved water storage tank, and livestock holding pens and corrals.

DATED this 30 day of Nov., 2007.

Doris Olson Hitt  
Doris Olson Hitt

SUBSCRIBED AND SWORN to before me this 30<sup>th</sup> day of November, 2007.



Barbara Anderson  
Notary Public

AFFIDAVIT OF ROBERT J. AND MARILYN A. LIGHTFOOT

STATE OF IDAHO                    )  
                                              : ss.  
COUNTY OF CASSIA            )

ROBERT J. LIGHTFOOT AND MARILYN A. LIGHTFOOT, husband and wife, being  
first duly sworn upon their oath, depose and say:

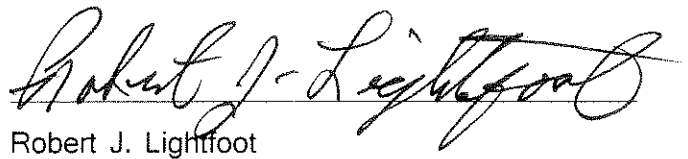
1.       We are, respectively, 70 and 66 years of age, and we are currently residents of  
Malta, Cassia County, State of Idaho.

2.       In approximately November, 1971, we moved to Bridge, Cassia County, Idaho,  
and commenced working for Carl Miles and Jed Van Kampen, who at the time were doing  
business as a partnership known as MV Ranches. We continued to work on the ranch until  
approximately June, 1976. We raised and trained livestock and did other farm work for MV  
Ranches and their successor.

3. At the time of our employ, MV Ranches owned and operated farmland and improvements in Sections 5 and 6, Township 15 South, Range 27 East, Boise Meridian.

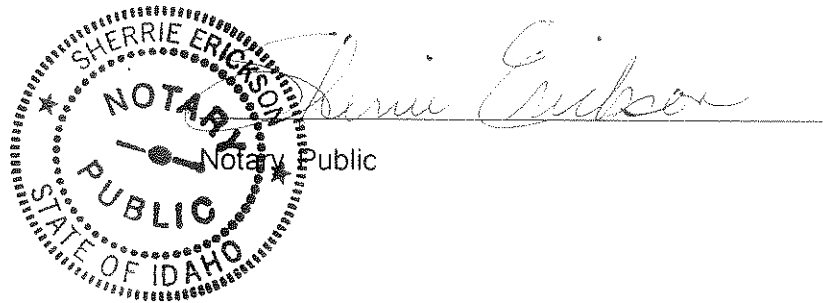
4. The well described in paragraph 4 above provided domestic and year-round stock water for the following located along the east side of 2400 East Street, located in the N1/2 of the SE1/4 of Section 5, Township 15 South, Range 27 East, Boise Meridian: (a) a large horse barn and covered riding arena, measuring approximately 80 feet x 80 feet in size, including 18 cover stalls for horses, a bunkhouse, restrooms, a horse bathing facility, and livestock working corrals, and (b) 200 head of cattle and/or horses, year-round.

DATED this 5 day of December, 2007.

  
Robert J. Lightfoot

  
Marilyn A. Lightfoot

SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of December, 2007.



**AFFIDAVIT OF RICHARD D. AND PATRICIA M. GOLDSTEIN**

STATE OF CALIFORNIA                     )  
                                                      : ss.  
COUNTY OF SAN LUIS OBISPO    )

RICHARD D. GOLDSTEIN AND PATRICIA M. GOLDSTEIN, husband and wife,  
being first duly sworn upon their oath, depose and say:

1.       We are, respectively, 61 and 56 years of age, and we are currently residents of Paso Robles, San Luis Obispo County, State of California.

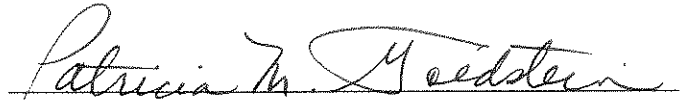
2.       During the period beginning on or about November, 1975, and ending in December, 1989, we owned and operated an irrigated farm with related improvements located in Bridge, Cassia County, State of Idaho, in Sections 5 and 6, Township 15 South, Range 27 East, Boise Meridian (collectively, the "Property").

3.       At the time we acquired the Property and during the term of our ownership of the Property, the following improvements existed on the east side of 2400 East Street, located in the N1/2 of the SE1/4 of Section 5, Township 15 South, Range 27 East, Boise Meridian: (a) a large horse barn and covered riding arena, measuring approximately 80 feet x 80 feet in size, including 18 cover stalls for horses, a bunkhouse, restrooms, and a horse bathing facility, and (b) livestock working corrals. Domestic water and year-round stock water for 200 head of beef cattle and/or horses were provided by a 6" diameter water well located in the SW1/4 of the NW1/4 of the SE1/4 of said Section 5.

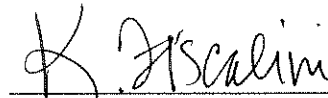
4. In or prior to 1979, we constructed a cattle feedlot on the Property. After the construction of the feedlot and during our remaining tenure of ownership, the well described in paragraph 3 herein also provided year-round stock water for over 1,000 head of cattle and/or horses.

DATED this 29 day of November, 2007.

  
Richard D. Goldstein

  
Patricia M. Goldstein

SUBSCRIBED AND SWORN to before me this 29<sup>th</sup> day of November, 2007.

  
Notary Public

