

RECEIVED
DEC 31 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 No. 25-07384
)
) (Insert Water Right Number)
)
)
) STANDARD FORM 4
Case No. 39576)
)
) 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.

COPY

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

My name is State of Idaho, Department of Lands, hereinafter referred to as the "IDL."

My address is 300 North 6th Street, P.O. Box 83720, Boise, Idaho 83720-0050

My phone number is: Work (208) 334-0200 Home Not Applicable

I am an attorney representing the IDL

My name is David J. Barber, Deputy Attorney General

My address is JRW Building, Second Floor, 700 West State Street, P.O. Box 44449, Boise, Idaho 83711-4449

My phone number is (208) 334-2400

MOTION TO FILE 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:

The Idaho Department of Water Resources issued water right license no. 25—07384 to the United States Department of the Interior, Bureau of Land Management, hereinafter the "BLM," on August 14, 1987. The BLM granted the place of use and point of diversion for water right license no. 25-7384 to the IDL in Patent Number 11-98-0005 on December 18, 1997. A true and correct copy of this Patent is attached as Attachment II. The purpose of this late notice of claim is to claim water right license no. 25-7384 in the Snake River Basin Adjudication.

☐ 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 described 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.)

This late notice of claim is based on water right license no. 25-07384. A true and correct copy of water right license no. 25-07384 is attached as Attachment III.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR) is attached as Attachment I.
- ☒ The IDWR has advised that the claim filing fee for this notice of claim is \$50.⁰⁰. A receipt that shows payment of this claim filing fee will be filed later with the District Court after the funds have been disbursed.

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, 2008 at 1:30 p.m.

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue, Twin Falls, Idaho.

MOTION TO FILE 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 described 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 Idaho

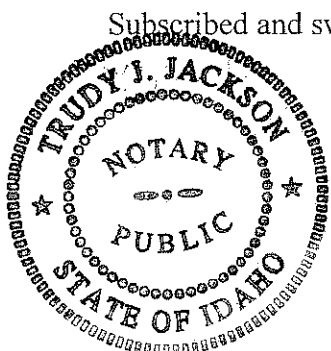
County of Ada

David J. Barber, 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 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.

Signature of person filing motion

David J. Barber
Attorney signing in representative capacity



Subscribed and sworn to before me on December 28, 2007
(Insert Date)

Trudy Jackson
Notary Public for Idaho
Residing at: Emmett, ID
My Commission expires: 03/29/2012

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.

CERTIFICATE OF MAILING

I certify that on this 28th day of December 2007, I caused to be served the original and/or copy of this form on the following persons by the indicated method:

1. Original to:

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

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to

State of Idaho,
Department of Lands
300 N. 6th St.
P.O. Box 83720
Boise, ID 83720-0050

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☒ Statehouse Mail

State of Idaho
Department of Lands
Eastern Idaho Area
3653 Ririe Hwy
Idaho Falls, ID 83401

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☐ Statehouse Mail

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (303) 312-7379
☐ Statehouse Mail

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

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Not Applicable

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)



DAVID J. BARBER
Deputy Attorney General

ATTACHMENT I

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
RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 25-07384
Date Received:
Receipt No.:
Received By:

1. Name of Claimant(s)

STATE OF IDAHO
DEPT OF LANDS
300 N. 6th ST.
PO BOX 83720
BOISE ID 83720-0050

2. Date of Priority: 08/26/1983

3. Source: SPRING Trib. to SINKS

4. Point of Diversion:

Township	Range	Section	¼ of	¼ of	County Type
03S	41E	5	SW	SE	Bingham

5. Description of diverting works:

SPRING

6. Water is used for the following purposes:

Purpose	From	To	C.F. S.(or)	A.F.A.
STOCKWATER	05/20	11/10	0.02	0.30
WILDLIFE	01/01	12/31	0.01	0.30

7. Total Quantity Appropriate is:

0.03 C.F.S. 0.30 A.F.A

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	¼ of	¼	Lot	Use	Acres
03S	41E	5	SW	SE		STOCKWATER WILDLIFE	

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks: The claimant has leased the place of use in accordance with State of Idaho Land Lease, Lease No. G-8643.

15. Basis of Claim: License.

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 not wish to receive an pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations"

I do solemnly swear or affirm that I am PATRICK A. BROWN of
State of Idaho, Department of Lands, that I have signed the foregoing
 Organization
 document in the space below as AREA SUPERVISOR - EI of
 Title

State of Idaho, Department of Lands and that the statements contained in the
 Organization
 foregoing document are true and correct.

[Signature]
 Signature of Authorized Agent

Title
State of Idaho, Department of Lands

12/26/07
 Date

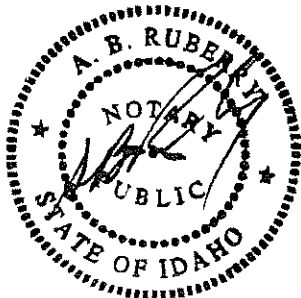
State of Idaho)
) ss.
 County of BONNEVILLE)

Subscribed and sworn (or affirmed) before me this 26 day of DECEMBER 2007

ALEX B. RUBERY
 Notary Public

Residing at PO BOX 1415 ID

My commission expires: 9/23/09



966234

156380

The United States of America
To all to whom these presents shall come, Greeting:

IDI-30478 F1

WHEREAS

State of Idaho

is entitled to a land patent pursuant to Section 206, Act of October 21, 1976, as amended (43 U.S.C. 1716) for the following described land:

Boise Meridian, Idaho

T. 5 S., R. 39 E.,

sec. 27: NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 3 S., R. 40 E.,

sec. 6 : lot 14, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
sec. 7 : NW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 6 S., R. 40 E.,

sec. 10: NE $\frac{1}{4}$.

T. 2 S., R. 41 E.,

sec. 9: NW $\frac{1}{4}$ SE $\frac{1}{4}$.
sec. 14: SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$
sec. 32: SW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 3 S., R. 41 E.,

sec. 4: SW $\frac{1}{4}$ SW $\frac{1}{4}$.
sec. 5: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
sec. 8: N $\frac{1}{2}$ N $\frac{1}{2}$.
sec. 9: NW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 3 S., R. 42 E.,

sec. 20: SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 1,282.12 acres.

Patent No. U-98-0005

ATTACHMENT II

156380

IDI 30478 F1

Page 2

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the State of Idaho, the land described above; **TO HAVE AND TO HOLD** the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the State of Idaho, and to its assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

SUBJECT TO those rights for power line purposes granted to Idaho Power Company, its successors or assigns, by Right-of-Way No. IDI 4250, pursuant to the Act of March 4, 1911, as amended (43 U.S.C. 961) as to the N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 10, T. 6 S., R. 40 E., B.M.



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho, the eighteenth day of December in the year of our Lord one thousand nine hundred and NINETY SEVEN and of the Independence of the United States the two hundred and TWENTY-SECOND.

By 
Jimmie Buxton
Branch Chief, Lands and Minerals
Resource Services Division

Patent Number 11-98-0005

463438
ATTACHMENT II

BINGHAM COUNTY

463438

BONNEVILLE COUNTY RECORDER
BLACKFOOT, IDAHOFEE 0 DEPT DC

98 MAR 30 AM 9:40

RECORDED AT THE REQUEST OF
State of Idaho / Dept of Lands
PO Box 83720
Boise ID 83720-0050

BONNEVILLE COUNTY

98 APR 20 AM 9 58

BONNEVILLE COUNTY
RECORDER

966234

CARIBOU COUNTY

STATE OF IDAHO } ss. 156380
County of Caribou }I hereby certify that this instrument was filed at the request
of State of Idaho Dept of Lands
at 10:10 o'clock A m this 6 day of
April, 19 98 in my office and duly

recorded in Microfilm Records

County of Caribou

Senise Hawley

County Recorder

Deputy

INSTRUMENT NO. 966234
DATE 4-20-98
INST. CODE 892
FICHE NO. 13205-02
FEE NilSTATE OF IDAHO)
COUNTY OF BONNEVILLE) ssI hereby certify that the within
instrument was recorded.Ronald Longmore,
County RecorderBy Ruth Avery DeputyRequest of State of Idaho
Dept. of Lands
PO Box 83720
Boise, ID. 83720-0050U.S. Patent 11-98-005 (Blackfoot Mountain
Land Exchange)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-7384

Priority: August 26, 1983 Amount: .03 CFS .3 AFA

This is to certify, that U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated August 26, 1983, and
has submitted proof to the Department of Water Resources on July 11, 1984, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .03 cfs of water from;

SPRING tributary to SINKS

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Stockwater	05/20 to 11/10	.02 cfs	.3 afa
Wildlife	01/01 to 12/31	.01 cfs	.3 afa
	Totals	.03 CFS	.3 AFA

LOCATION OF POINT OF DIVERSION(S): SWSE , Sec. 5, Township 3S, Range 41E
Bingham County

PLACE OF USE: Stockwater

TWN RGE SEC

3S 41E 5 SWSE

PLACE OF USE: Wildlife, same as Stockwater use

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right, when considered with all other rights common to the same grazing allotment, shall be limited to the quantity of water beneficially used by the number of stock within the allotment.

FILED
AUG 20 1987

State of Idaho
Department of Water Resources

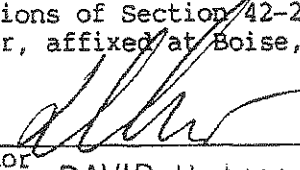
PAGE 2

WATER RIGHT LICENSE

WATER RIGHT NO. 25-7384

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 14 day
of August, 1987.

For Director


DAVID B. SHAW

MICROFILMED

AUG 20 1987