

RECEIVED

JAN 07 2008

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: 1-132A
	)	
	)	STANDARD FORM 4
Case 39576	)	
	)	MOTION TO FILE
	)	☐ LATE NOTICE OF CLAIM
	)	☒ AMENDED NOTICE OF CLAIM
_____	)	

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

My name is New Lavaside Ditch Company, Ltd.

My address is: 66 East River Drive, Blackfoot, Idaho 83221

My phone number is: Work _____ Home 785-4726

I am an attorney representing New Lavaside Ditch Company, Ltd.

My name is Jerry R. Rigby

My address is: 25 North 2nd East, P.O. Box 250, Rexburg, Idaho 83440

My phone number is: (208) 356-3633

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 the water in the SRBA because:
- ☐ 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.)

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: _____

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

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File and 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 the water in the SRBA because:

Besides the filing of a motion to file late amended claim for post season stockwater rights historically used, it has now been discovered by IDWR that although the shape files have always covered approximately 5200 acres for Claimant, in fact, Claimant's original claim only claimed approximately 4800 acres. This was a mistake by all parties concerned. In order to obtain a recommendation for the said 5200 acres, Claimant is required to amend its claim for the acres for the full amount of acres. It is understood by claimant that IDWR is willing to recognize and recommend the additional acres.

☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

Please see Water Rights Back file for 01-4030, which was the original claim made by Claimant and will now be part of this amended claim. This also contains the shape files evidencing the approximate 5200 acres.

I have attached:

☒ An Amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

Fees have been paid _____

VERIFICATION

STATE OF IDAHO,)
 ss
County of Madison.)

Jerry R. Rigby, being first duly sworn, upon oath, deposes and says:

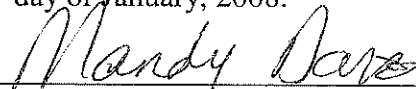
That I am the Secretary of party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 4204101A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

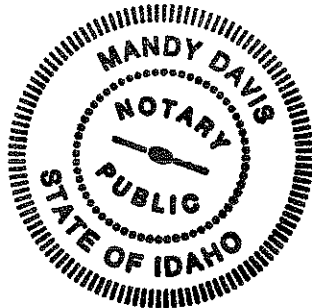


Attorney signing in representative capacity.

Subscribed and sworn to before me on this 4th day of January, 2008.



Notary Public for Idaho
Residing at St. Anthony
My Commission Expires: 06/24/2011



CERTIFICATE OF MAILING

I certify that on January 4, 2008, 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
P. O. Box 2707
Twin Falls, ID 83303-2707

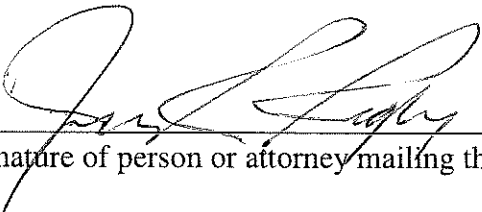
2. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resources 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 Special Master, you must serve a copy on all parties in that subcase.



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 1-132A
Date Received: 5/17/1989
Receipt No: E007570
Received By: MWH

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

1. Name of Claimant(s)

NEW LAVASIDE DITCH CO LIMITED Phone: (208)785-4726
66 E RIVER RD
BLACKFOOT ID USA 83221

2. Date of Priority: 03/01/1889

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot				County	Type
01S	36E	26	NW	SE	NE	1	BINGHAM	
02S	36E	6		SW	SE	8	BINGHAM	

5. Description of diverting works:

SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	59.37	

7. Total Quantity Appropriated is:
59.37 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Place of use is 5222 acres within the boundary of the New Lavaside Ditch Co.

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks: Amended claim to add 391 acres to place of use. Awaiting acceptance of amended claim by SRBA court.

(#5 CONT.) LAVA ROCK DAM ACROSS RIVER. HEADGATES FOR TWO CANALS CONSISTS OF EIGHT (8) FOUR FOOT CAST IRON GATES IN CONCRETE STRUCTURE.

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 Organizations:

I do solemnly swear or affirm that I am secretary of
Title
New Laramie Ditch Co. that I have signed the foregoing
Organization

document in the space below as secretary of
Title
New Laramie Ditch Co. and that the statements contained in the
Organization

foregoing document are true and correct. [Signature]
Signature of Authorized Agent

New Laramie Ditch Co. / secretary
Title and Organization

12-13-07

Date

State of Idaho)
County of Bingham) SS.

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

[Signature]

Notary Public

Residing at Blackfoot, ID.

My commission Expires 3/25/2011

