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FEB 05 2008



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 47-17468
(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.

COPY

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

My name is Donnie or Justine Wright

My address is 1916 E 4300 N Buhl Ida 89316

My phone number is: Work 316 1706 Home SAME

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:

☐ 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.)

COPY

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 \$ 100.00.
- ☐ 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 _____
(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:

COPY

- ☐ 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:

COPY

VERIFICATION (Must be completed)

State of IDAHO

County of TWIN FALLS

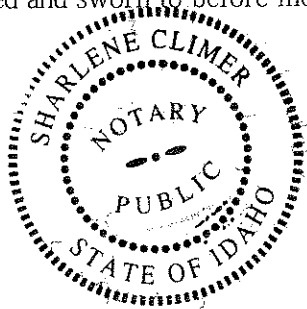
Lonnie or Justin Wright, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Lonnie Wright / Justin Wright
Signature of person filing motion

N/A
Attorney signing in representative capacity

Subscribed and sworn to before me on February 4, 2008
(Insert Date)



Sharlene B. Climer
Notary Public for Buhl Police Dept
Residing at: Twin Falls, Idaho
My Commission expires: 09-23-2010

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.

COPY

CERTIFICATE OF MAILING

I certify that on _____, 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

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COPY

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested claim being for stock & ^{water} fowl use
2. Name of protestant Lorrie or Justine Wright
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 1916 E 4300 N Bull Id
5. Service telephone no. 208 316 1707

6. Basis of protest (including statement of facts and law upon which the protest is based)

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? send 25 CFS down stream for stock & water fowl use

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 4 day of February, 2000.

Justine Wright / Lorrie Wright
Protestant

Protestant's Representative

FOR OFFICE USE ONLY

Fee: \$25.00

Receipt No. _____

Receipt by: _____

Date Received: _____

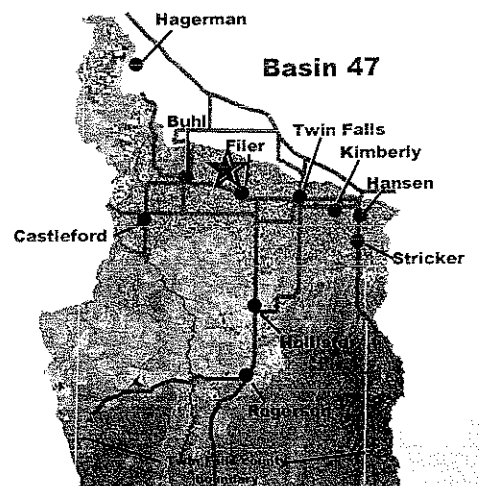
**PLACE OF USE FOR
47-17468**

COPY



1320 0 1320 2640 3960 5280 Feet

PLACE OF USE
TWP 9S, RNG 15E, SEC 23
Data entry on January 4, 2008



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



TOWNSHIP LINES

SECTION LINES

QUARTER/QUARTER LINES



LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



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

COPY

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 47-17468
Date Received: 1/4/2008
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LONNIE K WRIGHT Phone: (208)543-8358
JUSTINE L WRIGHT Phone: (208)543-8358
1916 E 4300 N
BUHL ID USA 83316

2. Date of Priority: 01/01/1912

3. Source: UNNAMED STREAM Trib. to: CEDAR DRAW

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
09S	15E	23	SE	SE	SW	TWIN FALLS	Beginning Point
09S	15E	23	NE	SE	SW	TWIN FALLS	Ending Point

5. Description of diverting works:

in-stream stockwater use

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

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

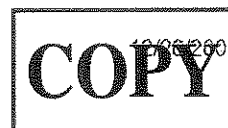
8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 52 cattle and horses

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
08S	15E	23	SE	SW	STOCKWATER	

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 47-7961

WATER RIGHT NUMBER: 47-7961

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	THOMAS LEO MC CAULEY 324 11TH AVE N BUHL, ID 83316 (208)543-8486
Current Owner	LITTLE MAC POWER CO INC 1966 E 4300 N BUHL, ID 83316 (208)733-4952

Priority Date: 09/21/1983

Basis:

Status: Active

Source

UNNAMED STREAM

Tributary

CEDAR DRAW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WATER QUALITY IMPROVEMENT	1/01 to 12/31	25.000 CFS	
POWER	1/01 to 12/31	25.000 CFS	
	<u>Total Diversion:</u>	25.000 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM

SW1/4NE1/4

Sec. 26, Twp 09S, Rge 15E, B.M.

TWIN FALLS County

Place of Use

POWER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	15E	23																X	

WATER QUALITY IMPROVEMENT same as POWERConditions of Approval:

- 081 Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
- 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
- 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

25

1906

310

002
002 CFS for cattle3RB
Reinduction

Kelly

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 47-7961



4. 08A This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
5. 17G The diversion and use of water under this right and any license subsequently issued is subject to review by the Director on the date(s) of expiration of any license issued by the Federal Energy Regulatory Commission. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
6. 027 Use of water under this right shall be non-consumptive.
7. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
8. 17K The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
9. Source is locally known as F Lateral.
This right shall in no way be used to inhibit or alter the historical use of Cedar Draw by the Twin Falls Canal Co. as a water delivery channel and as a wasteway.
10. 01N The right holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water through the system, or the right holder shall provide to the department a flow rate measurement or computation made by a certified water right examiner in accordance with actual system design and operation.
11. 025 This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

Remarks:Comments:

1. MBALDWIN 3/11/1997 ADDRESS CHANGE & RE-ACTIVATE APPLICATION

Comment: A written request for an address change and to re-activate the processing of the application was received on 2/28/97. This action will involve state-wide re-advertising of the application.

2. MBALDWIN 5/21/1997 AMENDED APP.

Comment: Application was amended on 5/20/1997 to change POD to S26, T09S, R15E and to add Water Quality Improvement as an additional use.

3. CZIMMERMAN 9/23/1997 DIVERSION DESCRIPTION

Comment: Improvement of existing diversion improvement of ditch and/or pipe to carry water. 1600 KW @ 180' head in connection to existing use 47-0830 and 47-07960. Sediment retention and desiltation of degraded irrigation run-off water in ponds and canal. "I have existing water rights and a FERC exemption from license for an existing and operating hydroelectric project. This filing for additional water will help stabilize production levels.

11. Place of use in counties: TWIN FALLS

COPY

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Laurie Wright Date: 2.4.08
Laurie Justine Wright Date: 2/4/08