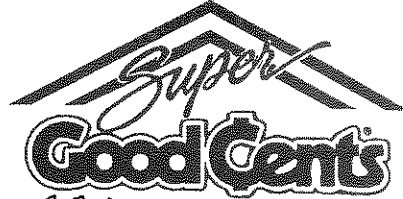


RECEIVED

OCT 1 1998



Department of Water Resources

A3A-13585

Dear Don

I Received a letter from
my Attorney Charles Hanks in
you need \$50.00 for my late
chair. here is the check

I'll leave 30 Sept. for
wisconsin so with be gone
for 2 weeks or so

Ohh call you when I
get back home so Ohh be
here when you investigate
my water chair

Thank you
Les Broachie

LOST RIVER ELECTRIC COOPERATIVE, INC.
Mackay, Idaho



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

September 16, 1998

KARL J. DREHER
DIRECTOR

CHARLIE HONSINGER
RINGERT CLARK CHTD
PO BOX 2773
BOISE ID 83701-2773

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A34-13585 - Lester W. Broadie

Dear Mr. Honsinger:

The Notice of Claim to a Water Right for your client, Lester W. Broadie, was received from the SRBA Court recently. We have enclosed your receipt #C043416 for part of the filing fees paid by Blizzard Mountain. Please retain the receipt for your records.

Before Mr. Broadie's Notice of Claim can be investigated and reported to the Court, a late fee in the amount of \$50.00 is required by statute, Administrative Order 1 and Standard Form 4.

Please contact me at 208/327-7932 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

Enclosure:

Receipt #C043413

1998 SEP 11 PM 5:09
 DISTRICT COURT - SRBA
 TWIN FALLS CO., IDAHO
 FILED

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. 34-13585

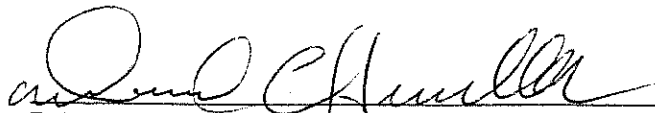
Case No. 39576

ORDER GRANTING MOTION TO
 FILE A LATE NOTICE OF CLAIM

On August 13, 1998, a Motion to File a Late Notice of Claim was filed. All procedural requirements under *Administrative Order 1* were complied with in filing this *Late Notice of Claim*. No valid objections were made to this *Notice of Claim*. The Motion is GRANTED.

IT IS SO ORDERED

DATED: SEP 11, 1998



DANIEL C. HURLBUTT, JR.

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF SERVICE

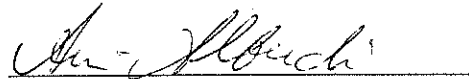
I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE A LATE NOTICE OF CLAIM** was served on September 14, 1998, on the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098
Via first-class mail

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449
Via first-class mail

U.S. Dept of Justice
Environment & Natural Resources Div
550 West Fort Street, MSC 033
Boise, ID 83724
Via first-class mail

Charlie Honsinger
FOR LESTER W. BROADIE
Ringert Clark Chtd
PO Box 2773
Boise, ID 83701-2773
Via first-class mail


Ami Alberdi
Deputy Clerk of the Court
Snake River Basin Adjudication

EAST

RECEIVED

EC

AUG 07 1998

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 34-13585 ^W

Case 38576)

STANDARD FORM 4

MOTION TO FILE LATE 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).

I am an attorney representing Lester W. Broadie.

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

My phone number is: 208/342-4591

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.

Mr. Broadie did not file a Notice of claim for the use of this water in the SRBA because:

Mr. Broadie assumed that he had claimed the source claimed pursuant to this late claim as part of his initial SRBA claim filings. Mr. Broadie was not present during the initial IDWR investigation of his other SRBA claims, and thus was not able to describe his irrigation system and property to the investigating agent. As a result, Mr. Broadie did not discover his error in failing to claim this water right until recently. The recommendation and decree of Mr. Broadie's claim no. 34-10668 included the place of use claimed as irrigated pursuant to this late claim to a water right. Based on the decree of water right no. 34-10668, Mr. Broadie assumed that he had claimed, and that IDWR had investigated and recommended all sources and points of diversion irrigating this claimed place of use.

Mr. Broadie is providing legal and factual documentation for his 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.)

Mr. Broadie has attached an Affidavit of Lewis Rothwell filed in the case of Smith v. Broadie, Butte County case No. 1698 in support of this late claim. This affidavit establishes that all water from Lava Creek and its tributaries has been used on property now owned by Mr. Broadie since at least 1944.

I have attached:

A fully completed Notice of Claim (available from IDWR).

A claim filing fee for an irrigation water right. 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 \$50.00.

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

VERIFICATION (Must be completed)

State of Idaho)
)
County of Ada)

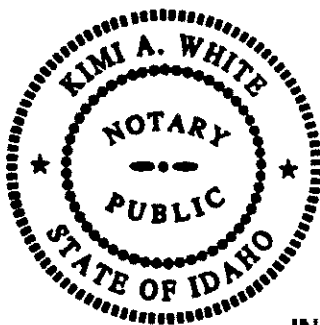
Charles L. Honsinger, being first duly sworn, upon oath, deposes and says:

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.

Charles L. Honsinger

Attorney signing in representative capacity

Subscribed and sworn to before me on August 6, 1998
(Insert Date)



Kimi A. White

Notary Public for Ada County
Residing at: Boise, Idaho
My Commission expires: 04/01/04

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 parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on August 6th, 1998, 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:

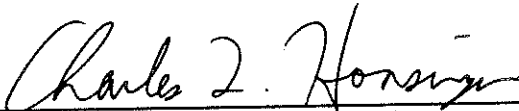
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 form

BLIZZARD MOUNTAIN - MULES & CARRIAGES

LESTER BROADIE

P. O. BOX 565 527-3193

ARCO, ID 83213

1245

DATE

Aug 4 - 98

92-6/1241

PAY TO THE
ORDER OF

State of Idaho Dept. of Water Resources

DOLLARS

Security features
included.
Details on back.

**First
Security
Bank**

First Security Bank, N.A.
205 West Grand
Arco, Idaho 83213
800-574-4200

FOR

Lester Broadie

⑆124100064⑆258 10957 14⑆ 1245

© HARLAND

ANDERSON, KAUFMAN, ANDERSON & RINGERT
503 Idaho Building, Boise, Idaho
Attorneys for Defendant
Telephone: 342-4591

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BUTTE

HAROLD E. SMITH,

Plaintiff,

-vs-

LESTER BROADIE,

Defendant.

Case No. 1698

AFFIDAVIT IN SUPPORT OF

MOTION FOR SUMMARY JUDGMENT

STATE OF IDAHO)
) ss.
COUNTY OF BUTTE)

Lewis W. Rothwell, being first duly sworn, on oath deposes
and says:

That I have been familiar with what is now the Lester Broadie
Ranch on Lava Creek in Butte County, Idaho, for thirty years, or more,
and operated that ranch myself for two years in the mid-1950's.

That during that entire 30-year period, I have never observed
anyone other than Lester Broadie or the persons who owned the ranch

before him divert water from Lava Creek for irrigation or any other use, and during that same 30-year period all the water of Lava Creek and its tributaries, with the possible exception of some extremely high spring runoff, has been used for irrigation of the lands on the Broadie Ranch.

Lewis W. Rothwell
Lewis W. Rothwell

SUBSCRIBED AND SWORN to before me this 29th day of October, 1974.

Fred H. Bayer
Notary Public for the State of Idaho
Residing at Arco, Idaho

I hereby certify that service of the within and foregoing Affidavit in Support of Motion for Summary Judgment was made this 29th day of October, 1974, by mailing a copy thereof to Mr. Fred J. Hahn, Holden, Holden, Midwell, Hahn & Crapo, Attorneys for Plaintiff, at P. O. Box 129, Idaho Falls, Idaho 83401.

William F. Ringert
William F. Ringert

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

BROAUE

CLAIM IDENT. NO.

A34-13585

DATE RECEIVED

9-16-98

PK #

0043416

AMOUNT \$

50

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ *
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) ☐ YES ☒ NO N/A ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *
Is the period of use included? ☒ YES ☐ NO ☐ *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☐ YES ☒ NO N/A ☐ *
Is the consumptive use correct? ☐ YES ☒ NO N/A ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ NO N/A ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ NO N/A ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☒ NO N/A ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☐ YES ☒ NO ☐ *
20. Is the fee enclosed correct? ☐ YES ☒ NO Exempt ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☒ NO N/A ☐ *
22. Should this claim be data entered? ☐ YES ☒ NO ☐ *

Claim checked by:

[Signature]

Date:

9-16-98

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☐ (No) ☒

Receipt Prepared by:

[Signature]

Date:

9-16-98

Claim data entered by:

Date:

9-16-98

Checked by:

Date:

Sent to claimant by:

Date:

9-16-98

Comments:

750 LATE FEE REQUIRED BY STATUTE AND A.O.1

AND STANDARD FORM 4.