

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 45-4091
) (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 City of Burley

My address is 1401 Overland Avenue/P.O. Box 1090, Burley, Idaho 83318

My phone number is: Work (208) 878-2103 Home

I am an attorney representing City of Burley

My name is R.C. Stone

My address is 137 West 13th Street/P.O. Box 910, Burley, Idaho 83318

My phone number is (208) 878-8382

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.)

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 _____

(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:

The City of Burley has been negotiating with IDWR to standardize all City of Burley rights, providing each is "municipal", the place of use is the Burley service area, and identifying each Burley well is an alternate point of diversion. The amendment is necessary to complete that negotiation.

- ☐ 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 Idaho

County of Cassia

R. C. Stone, 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.

Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on February 28, 2008
(Insert Date)



Mikole Jones
Notary Public for Idaho
Residing at: Burley, ID
My Commission expires: 9/3/2010

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.

CERTIFICATE OF MAILING

I certify that on Feb. 29, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

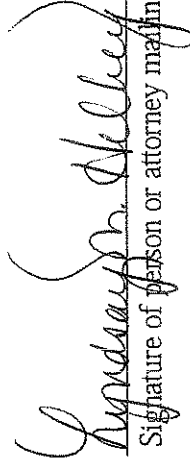
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 45-4091

Date Received: _____

Receipt No: _____

Received By: _____

AMENDED
**NOTICE OF CLAIM
TO A**

**WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) City of Burley Phone (208) 878-2103

Mailing Address P.O. Box 1090 Burley ID 83318
Street or Box City State

2. Date of Priority (Only one (1) per claim) 4/01/1955
Month Day Year (YYYY)

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

4. a. Location of Point of Diversion is: Township _____, Range _____, Section _____,
_____, 1/4 of _____, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of _____

Additional points of diversion if any: See attached

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, 1/4 of _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, 1/4 of _____, 1/4 of _____,
_____, 1/4 Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates ,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. wells, pumps, pipeline

Last Name Burley Ident No. 45-4091

14. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐

Court Decree Date Plaintiff v. Defendant

If applicable provide IDWR Water Right Number 45-4091

15. 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: 2

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) Date:

Date:

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am
Mayor of the City of Burley

that I have signed the foregoing document in the space below as
Title of Mayor of the City of Burley
Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent R.C. Stone Date 9-20-07

Title and Organization

Please Print Name

16. Notice of Appearance:
Notice is hereby given that I, R.C. Stone, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature R.C. Stone

Address P.O. Box 910, Burley, Idaho 83318

Date 9/20/07

Last Name Burley Ident No. 45-4091

6. Water is claimed for the following purposes:

For municipal purposes from 01/01 to 12/31 amount 2.0 or _____ (cfs) (acre feet)
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.0 cfs (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) municipal

9. Description of place of use: Within service area of the City of Burley municipal water supply
a. if water is for irrigation, indicate acreage in each subdivision in the tabulation below. system as provided for
b. if water is used for other purposes, place a symbol of use (example: D for Domestic) under Idaho Law.
in the corresponding place of use below. See instructions for standard symbols.

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Attachment to (Amended) Notice of Claim

4. Additional Points of Diversion

City of Burley 2007 Newly Assigned Point of Diversion Number		IDWR Site Metal Tag Number	Previously Known as Well Number (If Any)	Reference Name	Address	Point of Diversion Location			
						Township	Range	Section	County
						Section Breakdown			
1	E0007518	IRR-12	Pumphouse #12 - 100 HP (Old Culinary Well #1)	16th and Albion/Normal (Water Dept)	10S	23E	20	Cassia	SW SW SE
2	E0007520	2	Culinary Well #2	14th and Albion	10S	23E	20	Cassia	NW SW SE
3	E0007519	3	Culinary Well #3	19th and Park (Service Center)	10S	23E	30	Cassia	NE SE NE
5	E0007521	5	Culinary Well #5	Around 33rd, West of Hiland	10S	23E	32	Cassia	SW SE NE
6	E0007827	6	Culinary Well #6	Around 31st and Hiland	10S	23E	33	Cassia	SW NW
7		7	Culinary Well #7	Around 11th and Hiland	10S	23E	21	Cassia	NW NW SW
8	A0002618	IRR-1	Pumphouse #1 (15 HP)	16th and Albion/Normal (Water Dept)	10S	23E	20	Cassia	SW SW SE
9	A0002617	IRR-2	Hogan (Old Culinary Well #2)	16th and Hansen/Normal	10S	23E	20	Cassia	SE SW SE
10	A0002613	IRR-3	Almo	19th and Almo	10S	23E	29	Cassia	NE SW NE
11	A0002614	IRR-4	Carlson	19th and Occidental	10S	23E	29	Cassia	SW NW NW
12	A0002616	IRR-5	Keller	16th/17th and Burton/Conant	10S	23E	29	Cassia	NW NE NW
13	A0007810	IRR-6	Drake	11th and Occidental/Park	10S	23E	20	Cassia	NW NW SW
14	A0007809	IRR-7	Larson	8th and Burton/Schodde	10S	23E	20	Cassia	SW NW
15	A0007808	IRR-8	North Park	9th/10th and Oakley/Miller	10S	23E	20	Cassia	SE SE NW
16	A0007806	IRR-15	Pleasant View Cemetery - West of Building	Irrigation #15 and Culinary #16	10S	23E	28	Cassia	SE NE NW
17	A0007807	IRR-9	Snow	9th and Normal	10S	23E	20	Cassia	SW NE
18	A0002619	IRR-10	Fairgrounds	10th and Elba (NW corner of fairgrounds)	10S	23E	20	Cassia	SW SE NE
19	A0002615	IRR-11	Salmon Park	18th/19th and Park	10S	23E	30	Cassia	NW SE NE
20	A0007804	IRR-13	Golf Course (South of Road)	Golf Course (South of Road)	10S	23E	27	Cassia	NW NW NW
21	A0007803	IRR-14	Pleasant View Cemetery - East of Building	Pleasant View Cemetery - East of Building	10S	23E	28	Cassia	SW NW NE
27			Dutchmen Manufacturing	325 West and State Highway 30	10S	22E	22	Cassia	SE SE SE
28			Golf Course	Golf Course - At the end of the chainlink fence on hole #1	10S	23E	22	Cassia	SW SW
29			Airport	North side of the airport near the train bridge	10S	23E	21	Cassia	NE NE

Attachment to (Amended) Notice of Claim

12. Describe any other water rights used at the same place and for the same purposes.

Right Nos.

1-4058
1-7082
1-01010
1-7099
1-10243
36-4080
45-2179
45-2719
45-4085
45-4086
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45-7002
45-7092
45-7114
45-7269
45-7436
45-7686
45-7735
45-11133
45-11847
45-13411
45-13895