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DEPARTMENT OF
WATER RESOURCES

COPY

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 29-13831
) (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-numbered 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 and 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 William or Ronda Brennan

My address is 2429 Michigan Avenue
Salt Lake City, UT 84108

My phone number is: Work _____ Home (801) 582-0522

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 use the water in the SRBA because:

The owner of the property that received the notice did not file an adjudication claim for domestic use, and the property was only recently purchased by us. Since we were not party to the SRBA and did not receive notification, we are filing this Motion to File a Late Claim.

☐ 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 out this 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.)

For the priority, attached is a copy of our tax notice, Idaho Residential Property Record, and letter from Chief Deputy Assessor, Bannock County.

I have attached:

- ☒ A full complete Notice of Claim (available from IDWR)
- ☒ A Claim filling 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 \$ 150.00
- ☐ 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 July 15, 2008 @ 1:30 p.m.

At the SRBA court house, 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:

- ☐ 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:

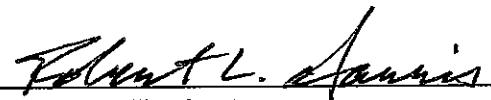
- ☐ An amended Notice of Claim (available from IDWR)
- ☐ Payment of the following additional fees required by IDWR:
-

VERIFICATION

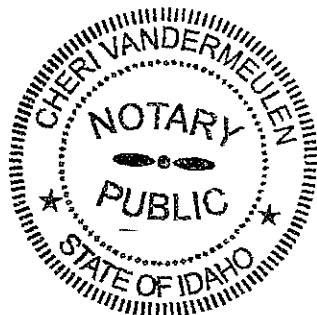
State of Idaho)
)ss.
County of Bonneville)

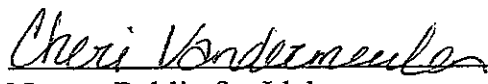
Robert L. Harris, being first duly sworn, upon oath, deposes and says:

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.


Robert L. Harris, Attorney

Subscribed and sworn to before me this 2nd day of April, 2008.




Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission expires: July 7, 2009

CERTIFICATE OF MAILING

I certify that on this 4th day of April, 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:

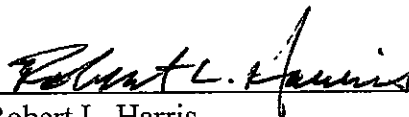
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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 Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Robert L. Harris

G:\WPDATA\RLH_Forms\WTRRTS\FORM.4

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 29-13831

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) William or Ronda Brennan Phone (801) 592-0522
 Mailing Address 2329 Michigan Avenue, Salt Lake City, UT Zip 84108
c/o Keith C. Wilson Rocky Mountain Environmental Associates, Inc.
482 Constitution Way, Ste 303 (208) 524-2353
Idaho Falls, ID 83402 (208) 524-1795 Fax
2. Date of Priority (Only one per claim) June 1, 1948
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Groundwater () or Other (X) (a) Spring
 which is tributary to (b) Sinks
4. Location of existing point of diversion is: Township 8S Range 38E Section 28,
NE 1/4 of NW 1/4 of NE 1/4, or Govt. Lot _____, BM., County of Bannock; Parcel (PIN) No. _____
 Additional points of diversion if any: _____
 If Available, GPS Coordinates: Lat/Long 42° 42' 10.910" N; 112° 0' 44.120" W
5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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.
Collection pipe and tank with mainline to single domestic home, collection tank overflow diverted into small recreation pond with surface area less that 1/2 acre.
6. Water is claimed for the following purposes: (Limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)
 For Domestic purposes from 01/01 Month/Day to 12/31 Month/Day amount 0.04 (cfs) or (AFA)
7. Total Quantity claimed 0.04 (cfs) or (AFA)
8. Non-irrigation uses. Describe fully (eg. Domestic: Give number of households served if single ownership;
 Stockwater: Type and number of livestock) Single domestic home

9. Location of Place of Use is: Township 08S, Range 38E, Section 28,
NW ¼ of NE ¼, Govt. Lot _____, B.M., Parcel (PIN) No. _____
 For (Circle One) Domestic Stock Domestic and Stock
 Additional places of use, if any _____

10. In which county(ies) are lands listed above as place of use located? Bannock

11. Do you own the property listed above as place of use? Yes X No
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
 None (X) _____

13. Remarks: _____

14. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree _____
 Court _____ Decree Date _____ Plaintiff vs Defendant _____
 If applicable provide IDWR Water Right Number _____

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.
 annual fee for monthly copies of the docket sheet.

Number of Attachments 5

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) Ronda Brennan Date 03.04.08
[Signature] Date 03.04.08

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
 (Title) (Organization)

that I have signed the foregoing document in the space below as

_____ of _____
 (Title) (Organization)

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

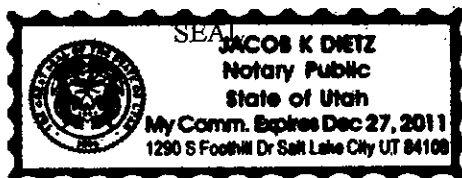
Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or Utah

County of Salt Lake

Subscribed and sworn (or affirmed) before me this 4 day of March 2008



Notary Public [Signature]
 Residing at 1200 S. Foothill Dr. Salt Lake City, UT 84108
 My Commission Expires December 27, 2011

Last Name BRENNAN Identification No. 29-13831

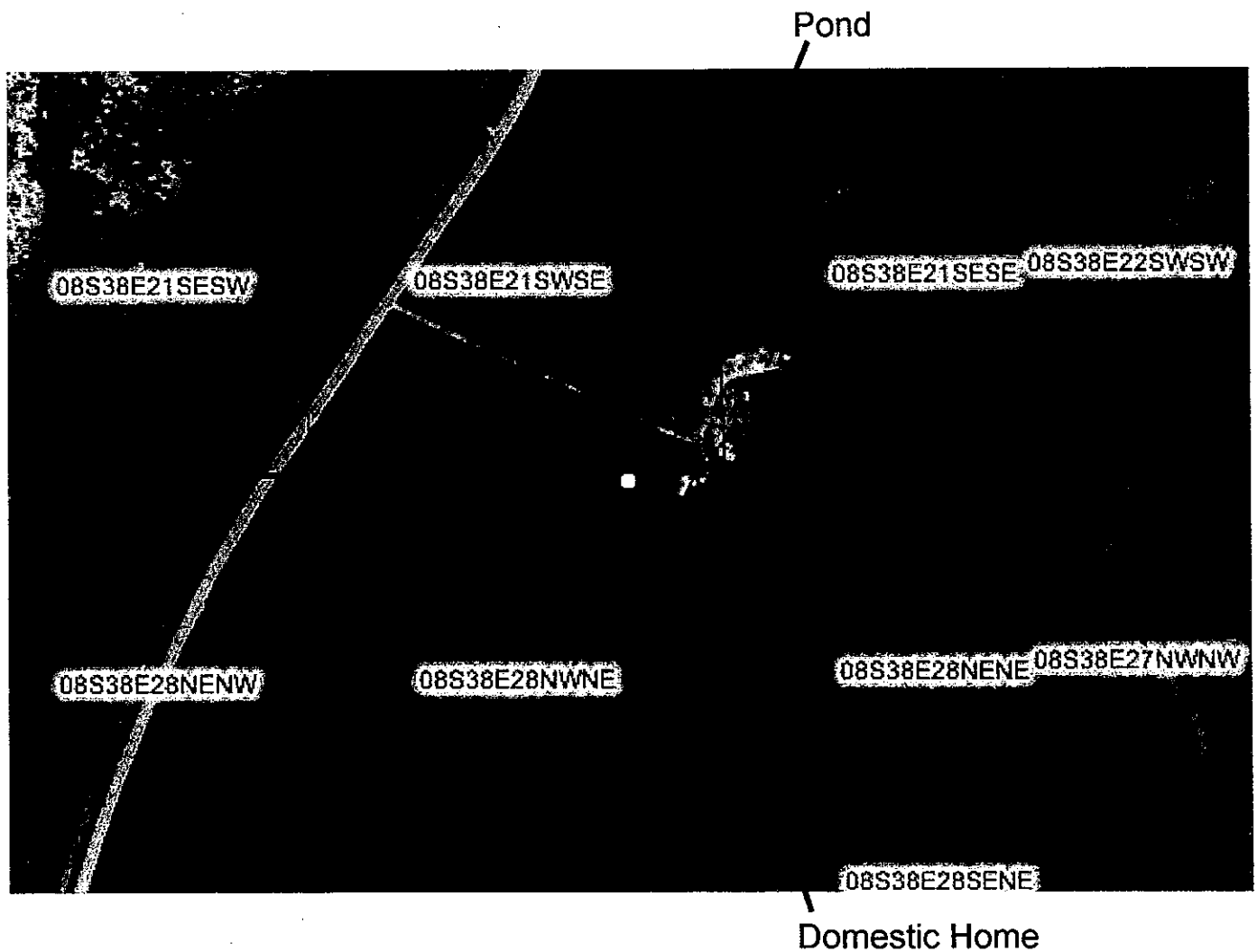
Pond Location/Place of use

The lat/long you provided was 42° 42' 12.420" N; 112° 0' 47.440" W

Here are the results:

NW quarter of the NE quarter of Section 28, Township 08S, Range 38E

IDTM NAD83 coordinates: Easting=2662722; Northing=1280022



Spring Location/Point of Diversion

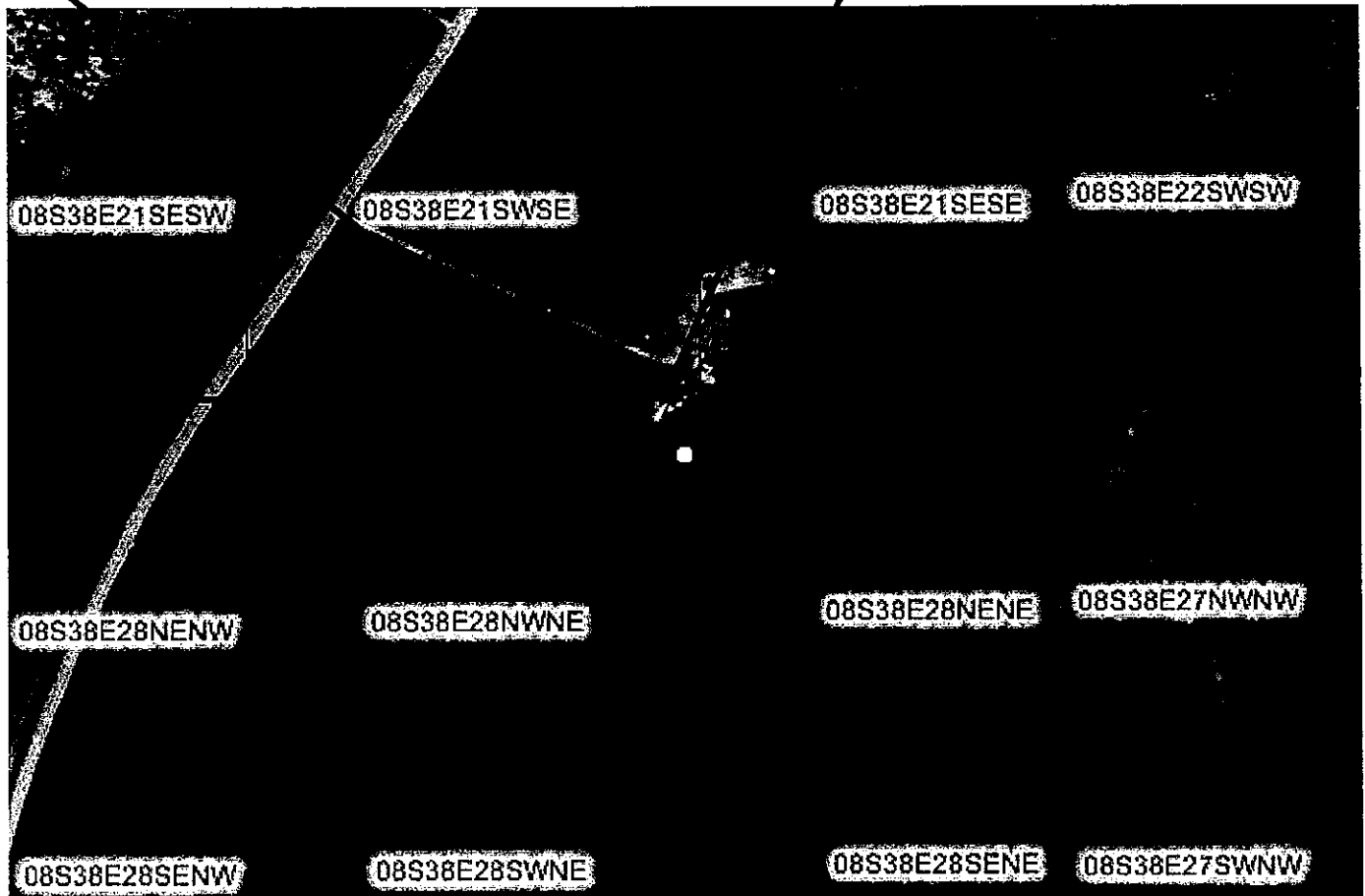
The lat/long you provided was 42° 42' 10.910" N; 112° 0' 44.120" W

Here are the results:

IDTM NAD83 coordinates: Easting=2662799; Northing=1279977

Pond (See attached Pond Locator page)

Domestic Home



Point of Diversion

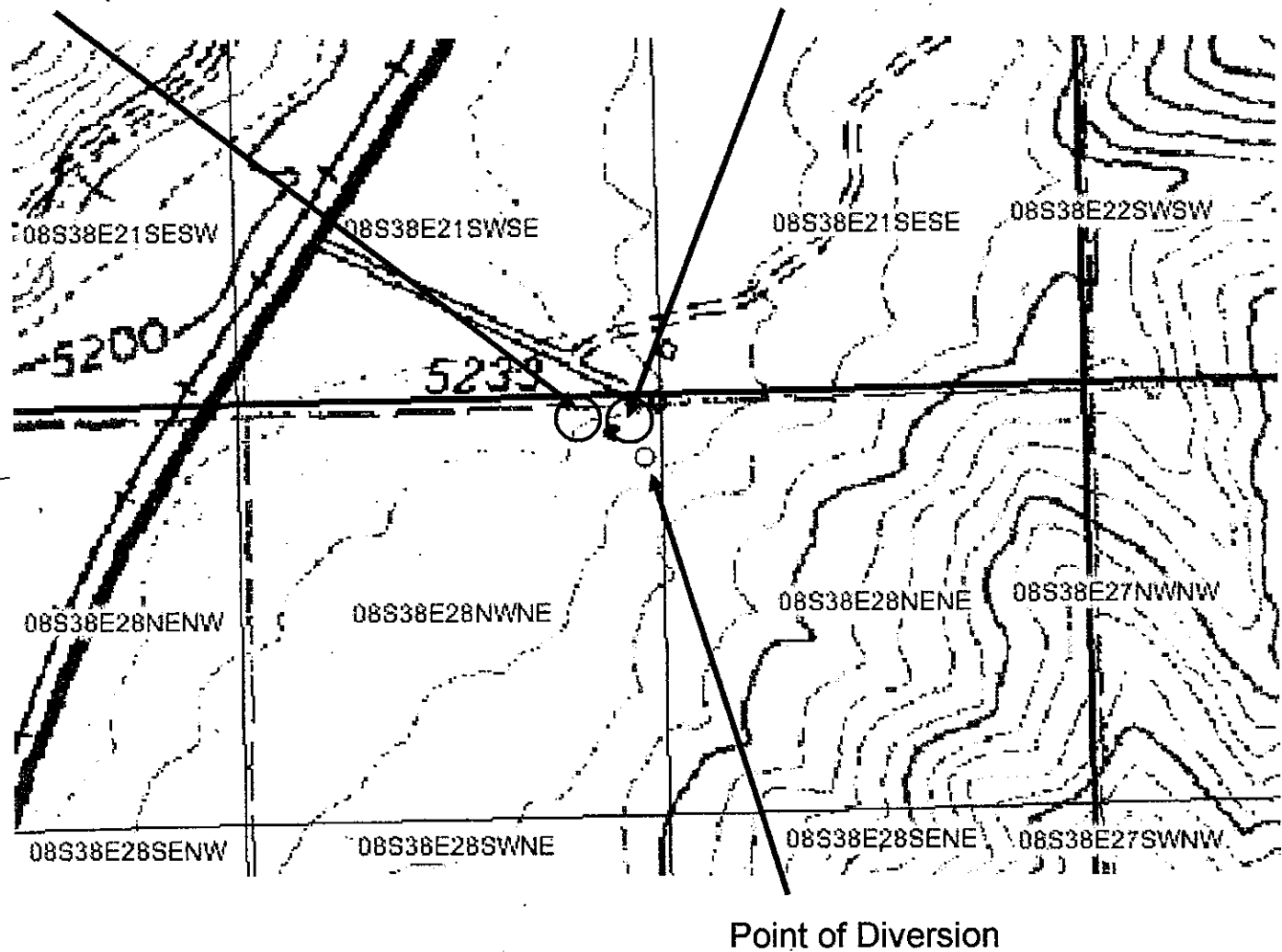
Spring Location/Point of Diversion

The lat/long you provided was 42° 42' 10.910" N; 112° 0' 44.120" W
Here are the results:

IDTM NAD83 coordinates: Easting=2662799; Northing=1279977

Pond (See Pond Locator page)

Domestic Home (See Aerial Photos)

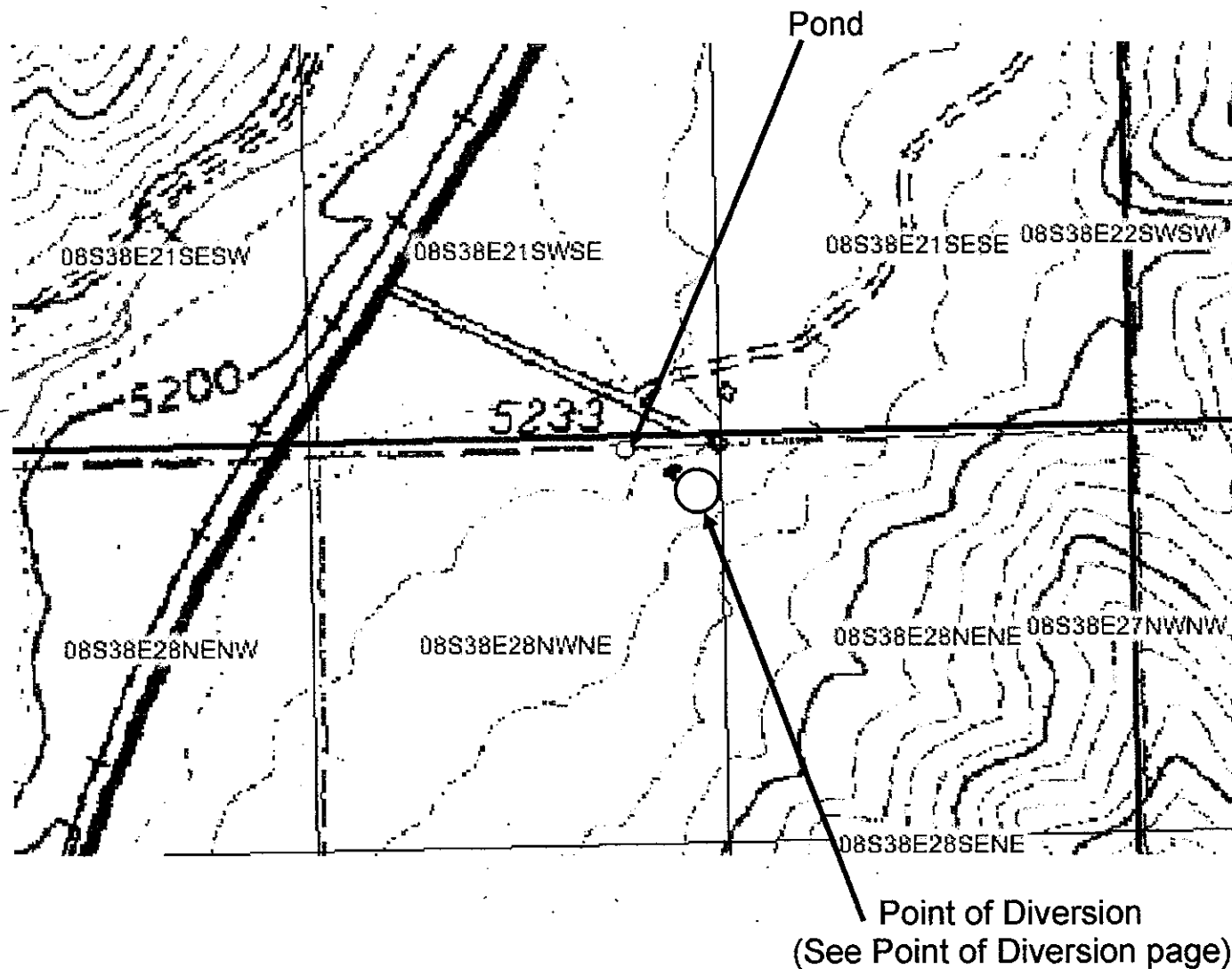


Pond Location/Place of use

The lat/long you provided was 42° 42' 12.420" N; 112° 0' 47.440" W
Here are the results:

NW quarter of the NE quarter of Section 28, Township 08S, Range 38E

IDTM NAD83 coordinates: Easting=2662722; Northing=1280022



IPM101 | PARCEL MASTER INQUIRY | [2008] | [INQUIRY] | [02/19/08]

Parcel No	[R4053001504]	Status	[]	Legal Description	
Owner Name	[BRENNAN, WILLIAM			[S28-T8S-R38E	
Address 1	[& BRENNAN, RONDA	H/W		[TR NW4NE4 TR 22 2.44 AC	
Address 2	[2429 MICHIGAN AVE				
Address 3	[				
Address 4	[				
City	[SALT LAKE CITY		St [UT]		
		Zip	[841080000]	Comment	
Property House	Dr	Street		[CONTIQ W/R4053000402	
Address	[000000]	[]	[BLAZER HWY		
Property Type	[RR]	Deed Number		[20721258	
Code Area	[006000]	Old Deed No		[20615993	
Bank Code	[]	Previous No		[R4053001501]	
LL [00]	SM [00]	Next Parcel			Homeowner's []
		Last Signed			
CB Code	[]			Hardship Flag	[]
CB Amount	[]	.00]		Hardship Pct	[.00]
Urban Code	[]	Base	[]	Appr 05 Coml	Geo []

03	NON-IRRIGATED AGRICULTURAL LAND	10	HOMESITE LAND ON CATEGORIES 1 TH
31	IMPROVEMENTS ON CATEGORY 10	32	IMPROVEMENTS ON CATEGORIES 1 THR

Page 2

IRC101 RESIDENTIAL PROPERTY INQUIRY 2008 02/19/08
INQUIRE

PARCEL NO.	R4053001504	SHEET NO.	01 of 1	CODE-AREA	006000
OWNER NAME	BRENNAN, WILLIAM	LEGAL	S28-T8S-R38E		
ADDRESS	& BRENNAN, RONDA H/W	DESC	TR NW4NE4 TR 22 2.44 AC		
	2429 MICHIGAN AVE				

LOCATION	SALT LAKE CITY	UT		COMM	CONTIQ W/R4053000402
	000000	BLAZER HWY			
		MISCELLANEOUS DATA			
GRADE 2.00	USE CODE	311200	MKT GRADE	2	SHAPE CODE
YR BUILT 1948	YR RMDLD		EFF AGE	58	ZONE CODE
DT OCC	% COMPLETE	1.00	PHOTO #		MAP # 05
				(Y OR N)	VALUES SUMMARY
COMPUTED BY	EC	DATE	05/03/06	PRE-BUILT?	RESID 158,265
APPRAISER	JH	DATE	02/10/06	BLDG PERMIT?	GARAGE
ASSESSOR		DATE		UNDER CONSTRU?	CARPORT
REINSPECTION		DATE			OTH IMP
					TOTAL 158,265
PURCH PRICE		DATE			
PURCH PRICE		DATE			
PURCH PRICE		DATE			

Last Name Brennan

Identification Number 29-13831



P.O. Box 4969
Pocatello, Idaho 83205-4969
Phone 236-7260
Fax 236-7074

Jo Lynn Anderson
Assessor

Room 204
624 E. Center St.
Pocatello, Idaho

FEB. 15, 2008

WILLIAM & RONDA BRENNAN
2429 MICHIGAN AVE
SALT LAKE CITY, UT 84108

TO WHOM IT MAY CONCERN:

ENCLOSED FIND DOCUMENT COPIES FROM THE OWNERSHIP FILES IN
BANNOCK COUNTY. ALL RECORDS CONCERNING THE PROPERTY ON
BLAZER HIWAY, INDICATE YEAR OF CONSTRUCTION OF THIS HOME TO
BE 1948.

I CERTIFY THE DOCUMENTS TO BE TRUE AND EXACT COPIES OF THE
SAME.

SINCERELY,

CRICKETT HAWKINS
CHIEF DEPUTY ASSESSOR
BANNOCK COUNTY



Crickett Hawkins

Chief Deputy

BANNOCK COUNTY ASSESSOR'S OFFICE

Room 204
624 E Center
P.O. Box 4969
Pocatello, ID 83205-4969

E-MAIL: cricketth@bannockcounty.us
OFFICE: (208) 236-7425
FAX: (208) 236-7074

Last Name Brennan

Identification Number 29-13831

BLAZER HWY
R4053001504 006000
BRENNAN, WILLIAM
& BRENNAN, RONDA H/W
2429 MICHIGAN AVE
SALT LAKE CITY UT 84108
S28-T8S-R38E
TR NW4NE4 TR 22 2.44 AC

1462
IDAHO RESIDENTIAL PROPERTY RECORD

Sheet No. ____ of ____

MISCELLANEOUS DATA

Class _____
Use Code 3112
Units _____
Market Grade _____
Year Built 1948
Year Remodeled _____
Effective Age _____
Effective Year _____
Shape Code _____
Date Occupied _____

YES	NO

Prebuilt _____
Building Permit _____
Under Construct. _____

Photo No. _____

VALUES SUMMARY

	YEAR	YEAR
Residence	\$ _____	\$ _____
Garage	\$ _____	\$ _____
Carport	\$ _____	\$ _____
Other	\$ _____	\$ _____
Total Improve.	\$ _____	\$ _____
Land	\$ _____	\$ _____
MARKET VALUE	\$ _____	\$ _____

PURCHASE INFORMATION

Price _____ Date _____
Price _____ Date _____
Asking _____ Date _____
Rent _____ Per _____ Date _____

Property Address _____

Inspected By SA 2-10-010 DH Date 3-12-01 Rev Yr _____
Computed By _____ Date _____ Rev Yr _____
Certified Appraiser _____ Date _____ Rev Yr _____
Assessor _____ Date _____ Rev Yr _____
Reinspection _____ Date _____ Rev Yr _____



LAND INFORMATION

01 NEIGHBORHOOD		02 OFF-SITE IMPROVEMENTS		03 TOPOGRAPHY	04 WATER FRONT PROPERTY		05 ON-SITE UTILITIES	
01 Urban	06 Stable	Street:	04 Asphalt/Conc.	01 Low	01 Lake	6 Beach:	01 Electricity	05 Public Water
02 Suburban	07 Improving	01 None	05 Gravel/Dirt	02 Level	02 River/Creek	None P F A G E	02 Gas	06 Private Well
03 Rural	08 Declining	02 Public Access	06 Sidewalks	03 Moderate Slope	03 Accretion	7 Grade:	03 Underground Elec/Telephone	07 Public Sewer
04 Recreational		03 Private Access	07 Curb/Gutters	04 Steep Slope	04 Bluff Land	P F A G E	04 Cable TV	08 Septic System
90		90		90	05 Flood Plain	90	90	

06 SUBJECT DIMENSIONS		07 SITE INFORMATION		08 REMARKS
Frontage	01 Location	P F A G E		
Depth	02 Amenities	P F A G E		
Other	03 Landscaping	P F A G E		
	04 View	P F A G E		
	05 Detriments	Few Many None		
	06 Zoned			

09 COMPOSITE ADJUSTMENT								10 SITE ADJUSTMENTS							
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	01 Location	10 Access	20 View	30 Topography	40 Width	TOTAL FACTOR	EXT. VALUE	
								50 Depth	60 Plottage	70 Beach	80 Corner	90			

APPRAISER: _____ APPRAISAL DATE: _____ REVIEW YR _____
REINSPECTED APPR. _____ DATE _____ REVIEW YR _____

29-13831

LAND VALUE \$ _____