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APR 11 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 79-4285
)
) (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 Ken Gortsema, for, City of Grangeville

My address is 225 W. North St.
Grangeville, ID. 83530

My phone number is: Work 983-1380 Home 983-0016

I am an attorney representing City of Grangeville

My name is Dennis Albers

My address is 401 W. North St.
Grangeville, ID. 83530

My phone number is 983-2310

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:

My predecessor, for some reason, combined water right #79-4285 (surface water) with #79-4288 (groundwater) when the adjudication paperwork was filed in 1988. I became aware of this mistake sometime in 2005 and started the process to try and correct the problem. During this time period I was very busy with a large water line project and this water right situation got buried on my desk. Simply put, I did not file #79-4285 prior to the Director's Report being filed; when I did file recently I was advised of the late filing process.

☐ 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.)

Notice of Claim for 79-4285, w/map
Pump electric meter readings to establish
priority date

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 \$ 200.00.

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 Tuesday, July 15, @ 1:30 PM, MDT
(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:

- ☐ 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 Idaho

Ken Gortsema, 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.

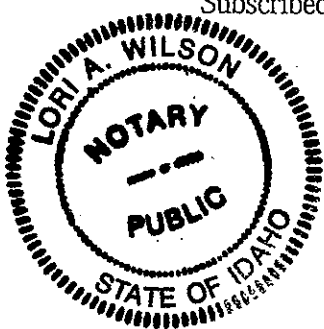
Ken Gortsema

Signature of person filing motion

Dennis Allen

Attorney signing in representative capacity

Subscribed and sworn to before me on April 2, 2008
(Insert Date)



Lori A. Wilson
Notary Public for IDAHO
Residing at: Coeur d'Alene, Idaho
My Commission expires: Oct. 19, 2013

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 April 9, 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:

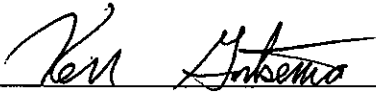
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

RECEIVED

APR 11 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 79-4285
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 03 2008

WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

CITY OF GRANGEVILLE Phone: (208)983-1380
225 W NORTH ST
GRANGEVILLE ID 83530

2. Date of Priority: 01/01/1959

3. Source: JOHNS CREEK Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
30N	02E	25	SW NW	IDAHO	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/1	10/31	0.76	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
30N	02E	25	SW NW	IRRIGATION	26
				Section Acres	26
30N	02E	26	SE NE	IRRIGATION	12
				Section Acres	12
				Total Acres	38

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

79-4288 from ground water

14. Remarks:

This claim is for the water diverted from Johns Creek that was combined with the water diverted from the well and claimed on SRBA Claim 79-4288. The purpose of filing of this claim for the Johns Creek water is to remove Johns Creek as a source of water on claim 79-4288, leaving ground water as the only source now claimed on claim 79-4288.

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

Number of attachments: 1 - 3 pgs.

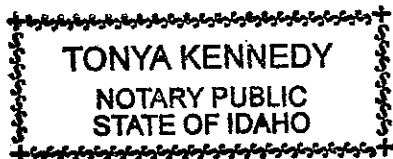
For Organizations:

I do solemnly swear or affirm that I am Public Works Director of City of Grangeville, that I have signed the foregoing document in the space below as Public Works Director of City of Grangeville and that the statements contained in the foregoing document are true and correct.

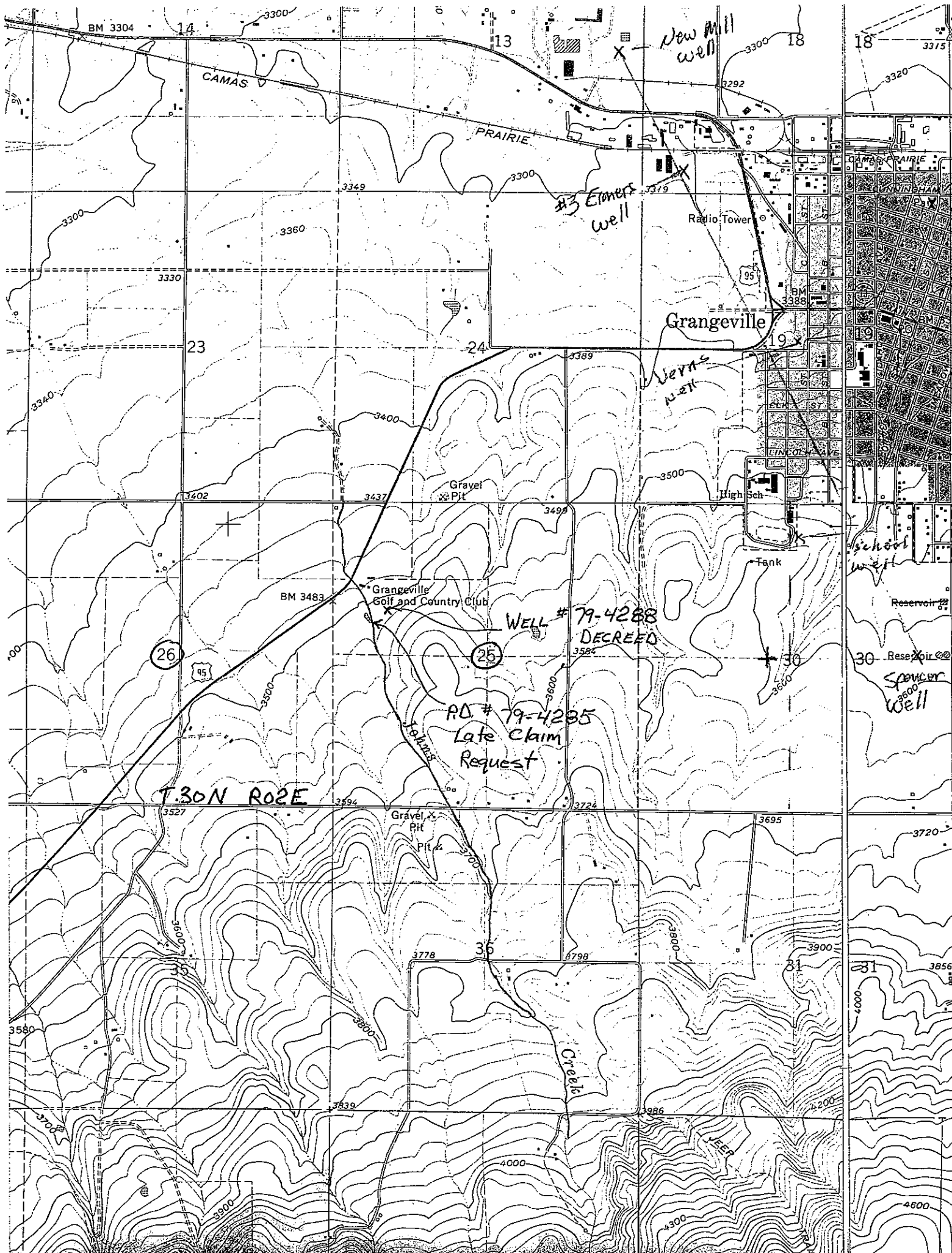
Kenneth J. Antonio
Signature of Authorized Agent
Public Wks. Dir. Grangeville
Title and Organization
2/28/08
Date

State of Idaho)
County of Idaho) SS.

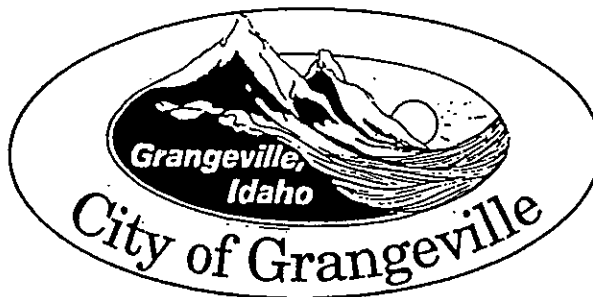
Subscribed and sworn (or affirmed) before me this 28th day
of February 2008



Tonya Kennedy
Notary Public
Residing at Grangeville
My commission Expires 3/31/12



Mayor: Terry Vanderwall
City Clerk: Tonya Kennedy
tkennedy@grangeville.us
Public Works: Ken Gortsema
pwken@grangeville.us



Council Members:
Bruce Walker
Jane Kissinger
Georgia DeHaas
Brian Lorentz
Wes Lester
James Zehner

County Seat Of Idaho County

February 25, 2005

Ken Gortsema
Public Works Director

Gregory J. Taylor, Sr. Water Agent
Idaho Dept. of Water Resources
1118 "F" Street
Lewiston, ID. 83501

Dear Greg,

I have enclosed with this letter all the pertinent information from my files as well as some Idaho County Light & Power electrical billing ledgers for both the well pump and the irrigation pump. The information that Wayne Cole compiled on the irrigation system indicates that at one time there were two water rights, one for the well (#79-04288) and one for the creek (#79-04285). These were combined for some reason in 1988; however the total was reduced from 1.50 cfs to 0.76 cfs. The incorrect diversion quantity may have been an error by my predecessor when he filed the water rights for the SRBA adjudication process in 1988. The City would like the opportunity to correct the diversion quantity if possible.

As I indicated on the phone the creek/pond water is used only for course irrigation, the well is used for potable water in the club house and also to supplement the pond if the creek is flowing too low for filling the pond. I believe the information enclosed will establish priority dates for both the well and the pond irrigation system. Again, hopefully the diversion quantity can be corrected, if you have questions or need additional information please call me.

Sincerely yours,

Ken Gortsema
Public Works Director

Cc: Terry Vanderwall, Mayor
Craig Spencer, Board President

Note:

*Information attached to establish priority date for
creek diversion, # 79-04285.*

Well water right # 79-04288 has been decreed.

MONTH	AMOUNT	AMOUNT	AMOUNT	AMOUNT	AMOUNT	DATE	BALANCE
JAN.							
FEB.							
MAR.							
APRIL							
	0401 - 4-15-61						
MAY	1,149	748		11.66		JUN 15'61	11.66*
JUNE	1,898	749		11.67	11.66 23.33	JUN 15'61 JUN 19'61	23.33* .00*
JULY 2718 - 7/20	2,718	820		12.27	12.27	JUL 31'61 AUG 18'61	12.27* .00*
AUG.				11.73		OCT 10'61	11.73*
	3,475	757					
SEPT.	4,232	757		11.73	11.73	OCT 10'61	23.46*
OCT. 4990 - 10/10	4,990	758		11.74	23.46 35.20	OCT 10'61 OCT 27'61	35.20* .00*
NOV.	5,947	957		13.43		DEC 28'61	13.43*
DEC. 6904 - 12/29	6,904	957		13.43	13.43	DEC 28'61	26.86*
				97.66			

CURRENT YEAR'S BILLING	METER NO.	SIZE	DATE SET	DATE REMOVED
16 268 117	240	4-15-61		

IDAHO COUNTY LIGHT & POWER
Cooperative Association, Inc.
Grangeville, Idaho

IDAHO COUNTY FREE PRICES-1961-1962

15 CSP
R.T & E - Double Bushing
Bank of 2 trans 180

Irrigation Pump

METER DEPOSIT DATA

NUMBER	AMOUNT	RECEIVED	REFUNDED
MEMBERSHIP RECORD			
See house act.			

NAME: GRANGEVILLE COUNTRY CLUB
 ADDRESS: Box 64
 GRANGEVILLE, IDAHO 83530

Irrigation pump

15 H.P. Motor

Pond

READING	USED	ELECTRICITY	SECURITY LIGHT	OTHER	PENALTY	CREDITS	PATRONAGE	DATE	BALANCE
BROUGHT FORWARD									
JAN.	15x25 = 3.75 - 1.25 = 2.50					30.00 31.25 31.25			
FEB.									
MAR.									
APRIL									
MAY									
JUNE 0751	starting reading (see 1975 card) 1385 10x634 = 80.72 1385-7/1/76 6,340								
JULY	2,072 10x687 = 99.95 2072-7/28/76 6,870								
AUG.	2,629 10x557 = 86.95 2629-8/30/76 5,570								
SEPT.	3,087 10x458 = 45.80 3087-9/28/76 4,580								
OCT.	3,153 10x66 = 6.60 3153-11/1 660								
NOV.									
DEC.									
	24020								

1976 IRRIGATION PUMP
 METER HAS 10 MULTIPLIER ON IT

15 H.P. Motor x 6 = 90.00

7/1

15x6.25 = 93.75

- 90.00 = 3.75

June - 1/3 = 30.00 = 60.00

Burroughs
BUSINESS FORMS 14

CURRENT YEAR'S BILLING

IDAHO COUNTY LIGHT & POWER
 Cooperative Association, Inc.
 Grangeville, Idaho

METER NO.	SIZE	DATE SET	DATE RE
10 241 142	480	1976	