

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 17 2008	
By _____	Clerk _____
Deputy Clerk _____	

**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 <u>29-497A</u>
	)	(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 Steven Jay Criddle

My address is P.O. Box 84 · 217095. Cambridge Rd
Downey, Id 83234

My phone number is: Work (208) 251-5556 Home (208) 897-5556

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:

Past history shows that all other water claims have been submitted.
It was thought that "the City of Downey" would submit the
claim - I did not know that we had to file this claim on this
water right.

☐ 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 \$ 2 .

☒ 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 \$ \$ 50-.

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 15th 1:30 p.m.
(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 Bannock

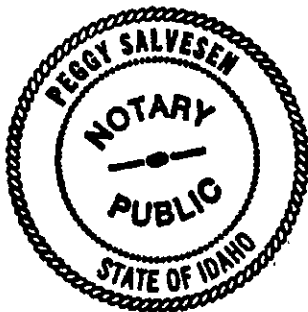
Keedrin Criddle, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Keedrin Criddle
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 4-17-08
(Insert Date)



Peggy Salvesen
Notary Public for State of Idaho
Residing at: Downey Idaho
My Commission expires: 8-8-13

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 16th, 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:

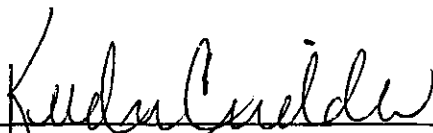
\ IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

* 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 the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

168 South Main Street • P.O. Box 935 • Soda Springs, Idaho 83276

Phone: (208) 547-3993 • Fax: (208) 547-3939 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

January 3, 2008

Reed Criddle
555 E. Center St.
Downey, ID 83234

Steve Criddle
21709 S. Cambridge Rd
Downey, ID 83234

REF: Water Right 29-497A

Subject: Snake River Basin Adjudication (SRBA) claim is required.

*Letter
notify - of
claim.*

Dear Mr. Criddle:

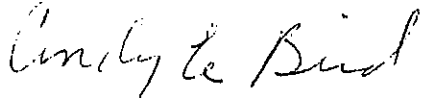
On November 19, 1987, the fifth judicial district court in and for the county of Twin Falls issued an order commencing and adjudication of the Snake River basin pursuant to section 42-1406A of the Idaho Code. Under statute 42-1409 (6) Each purchaser of a water right from the water system shall inquire of the director whether a notice of claim has been filed, and if not, shall file a notice of claim in accordance with this section.

The Department has already taken claims in this basin and many of them are already decreed. You can still file a late claim with the SRBA court at this time. This will not always be the case. When the SRBA court issues the final decree then you will no longer be allowed to file a notice of claim to a water right and the current right you have will no longer be valid. Diverting and using water within the state of Idaho without a water right is illegal. The illegal use of water can result in civil penalties.

You can find the necessary forms on our website at www.idwr.idaho.gov or from the SRBA court website at www.srba.idaho.gov or by visiting a local Water Resource office.

If you have any questions please feel free to contact me at my office in Soda Springs.

Respectfully,

A handwritten signature in cursive script that reads "Cindy E Bird".

Cindy E Bird
Soda Springs Satellite office

CC: City of Downey

Enclosure: Copy of Water Right 29-497A

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-497A

WATER RIGHT NUMBER: 29-497A

Owner Type Name and Address
Current Owner WILLIAM BYBEE

, ZZ

Priority Date: 06/01/1879

Basis: Decreed

Status: Active

Source Tributary
NINEMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
-----------------------	-----------------------	-----------------------	----------------------

Total Diversion: 0.020 CFS

Location of Point(s) of Diversion
NINEMILE CREEK

Place of Use

Conditions of Approval:

1. P/D & P/U INCOMPLETE.
AS PER TRANS. 928.

Remarks:

Comments:

It was thought that the city of Downey granted the landowners 1" water right from City main line for easement through property with pipe. Therefore, the city would file the Claim on water.

Water Supply Bank