

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 47-17489
) (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 GLENN GARY NELSON

My address is 2621 N 2800 E
TWIN FALLS IDAHO 83301

My phone number is: Work 734 3930 Home 655 4224

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:

I ASSUMED THAT I HAD FILED EARLIER
FOR - FALL PUMPING CAPACITY -

☐ 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.)

COPY OF FIELD EXAM - 47-2286

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 Aug -19 - 2008 1:30 pm
(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 Twin Falls

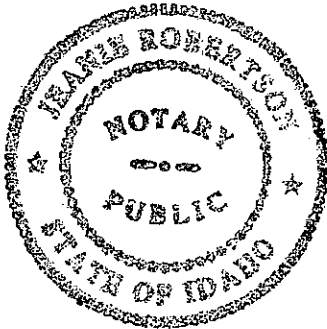
Glenn Gary Nelson, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Glenn Gary Nelson
Signature of person filing motion

Attorney signing in representative capacity

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



Jeanne Robertson
Notary Public for ISWR
Residing at: Twin Falls, ID
My Commission expires: 1-12-13

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 MAY 28, 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:

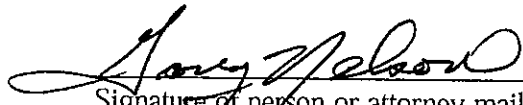
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

COPY

RECEIVED**MAY 29 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 47-17489
Date Received: 5/28/2008
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

GLENN GARY NELSON
2621 N 2800 E
TWIN FALLS ID USA 83301

Phone: (208)655-4224

SHIRLEY NELSON
2621 N 2800 E
TWIN FALLS ID USA 83301

Phone: (208)655-4224

2. Date of Priority: 09/27/1960

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	17E	17	SW SW SW	TWIN FALLS	
12S	17E	18	SE SE SE	TWIN FALLS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.84	

7. Total Quantity Appropriated is:
0.84 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
12S	17E	17	NW	SW	IRRIGATION	39
			SW	SW	IRRIGATION	35
					Section Acres	74
12S	17E	18	NE	NE	IRRIGATION	39
			NW	NE	IRRIGATION	38
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	39
			SE	SE	IRRIGATION	35
					Section Acres	231
					Total Acres	305

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used: 47-2286

14. Remarks:

THIS CLAIM IS FOR ADDITIONAL FLOW RATE AS EVIDENCED BY THE FIELD EXAM DONE ON 9/27/1960 FOR 47-2286.

THIS IS A LATE CLAIM PENDING ACCEPTANCE BY THE SRBA COURT.

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

Number of attachments: _____

For Individuals:

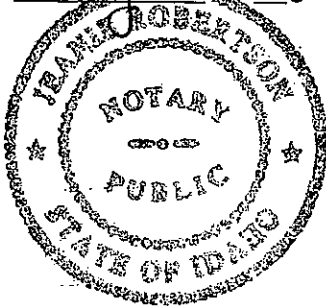
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Alan Honey Johnson* Date: 5-28-08
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 28th

of May 2008



Jeanie Robertson
Notary Public

Residing at Twin Falls, Id.

My commission Expires 1-12-13

SE 1/4 Sec 5, T. 12 S., R. 17 E., S. 18
SW 1/4 Sec 5, T. 12 S., R. 17 E., S. 18

D. 1 x 40
2.0 x 10

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. Q-25576This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Glenn Nelson2. Source of water supply: Subterranean flow from a well3. Location of point of diversion: Is in the SE 1/4 Sec 5 of Section 18T. 12 S., R. 17 E., S. 18. County of Twin Falls Section 44. Describe works as they exist, giving dimensions and capacities of same (Well in SE 1/4 Sec 5, T. 12 S., R. 17 E., S. 18)GE Motor Model SK 4444 X 62 C-1, 60 HP, 1150 RPM, 100 N.P., 440V - GE

Panel G.E. on Pole - 5' x 5' concrete base; Layne-Barker Vertical Pump, Model 12 K.H.M., Ser. 2506
1500 G.P.M. - 170 ft. - 10" x 10" discharge, 12" x 10" steel pipe into 4' x 5' concrete distributing box of outlets
Well in SE 1/4 Sec 5, T. 12 S., R. 17 E., S. 18 - 15' x 30' - 12" x 10" cap. 1150 RPM, 100 N.P., 440V - Delta Smith Panel 7' SW on Pole - Layne-Barker
Vertical Pump, Model 12 K.H.M., Ser. 2506 - 1500 G.P.M. - 170 ft. - 10" x 10" discharge, 12" x 10" steel pipe into 4' x 5' concrete distributing box of outlets
20" x 240' - 20" x 6' cap. Col. 240' x 8" 12" base.

5. Water is used for: Irrigation and domestic6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE 1/4, NE 1/4 Section 18; SE 1/4 Section 17, Township 12 South, Range 17 E.B.M.

Unsubstantiated but needed water has not been used
to date.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Glenn Nelson alongThis examination was made on the 27 day of September, 1960(Signed) Layne-Barker ExaminerQ 25576

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED

OCT 4 1960

Department of Reclamation

Re 3 8896

Clem Nelson
Ht. # 2

Twin Falls, Idaho

Permit No. G-25576

Examination for Completion of Works
& Beneficial Use Proof

County Twin Falls

1818-125-17E

Q2 316 c.f.s.

S2 Wells

SE. 34, Sec. 4 } T. 12S. - R. 17E.
N.E. = SE. 34, " 18S. }

Irrigation & Domestic

Well needs cleaning
for 23-57

on 21 next year

Filed April 4, 1955

Due April 11, 1960

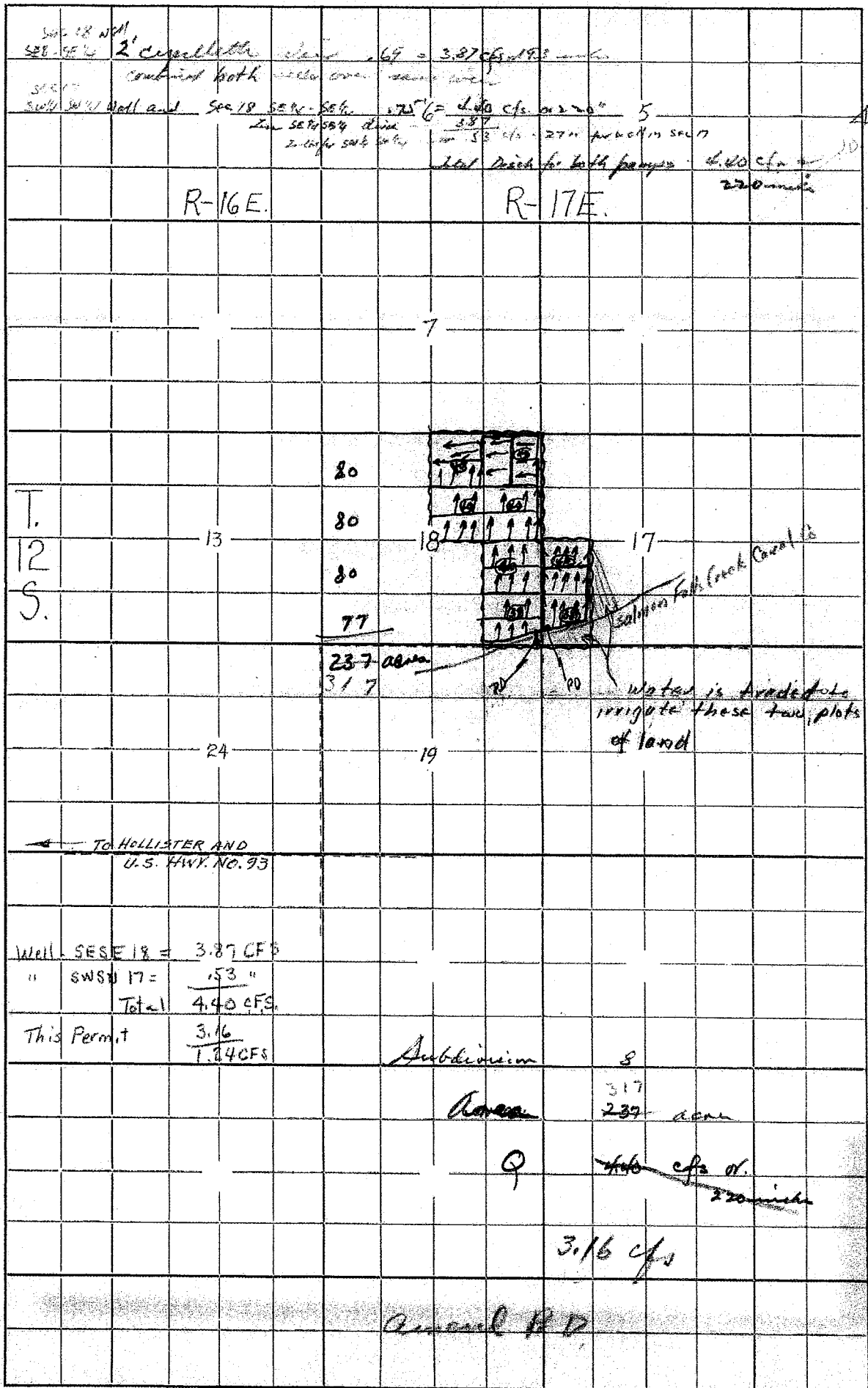
Right in Salmon River Dam Co.

No well in sec 4

show PD in sec 34, as being
2 wells. Actually

1 well in sec 34, sec 18
1 well in sec 34, sec 17

The two wells are being
measured together in the
field examination. 121 1/2 ft.



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

25576