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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 SRBA

Case 39576

) Subcase: 74-15861

) STANDARD FORM 4

) MOTION TO FILE

) ☒ LATE NOTICE OF CLAIM

) ☐ AMENDED NOTICE OF CLAIM

_____)
X I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is: James E. Riggan

My address is: 267 HWY 28
Salmon, ID

My phone number is: 208-756-3710

I am an attorney representing: James E. Riggan

My name is Jerry R. Rigby

My address is: 25 North 2nd East, P.O. Box 250, Rexburg, Idaho 83440

My phone number is: (208) 356-3633

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 the water in the SRBA because:
- Mr. Riggan attempted to file a Notice of Claim on water right number 72-15015. However, IDWR would not recommend it for the amount historically used and required based upon the fact that his mother did not file a notice of claim for said amount in the Lemhi Adjudication. Since that time, Claimant has discovered that the issue has not formally been decided by the water court and therefore believes that facts clearly support his claim and that he should not be barred by the Lemhi Adjudication.
- ☐ 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 described 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 letter to Mr. Riggan from Nate Arave of the Idaho Department of Water Resources which states how much water the Department feels Mr. Riggan needs and the priority date they are willing to recommend if the claim is not barred by the Lemhi Adjudication.

- ☒ 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 \$100.00.

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: August 19, 2008.

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File and 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 the water in the SRBA because:
Claimant has been working with IDWR for several years in an attempt to verify that there have been historical changes in water from natural flows to storage in Henry's Lake. Recently, through investigation of old files and historical data, it has been verified that said changes occurred thus giving rise to a claim involving the "accomplished transfer" from natural flow to storage.
- ☐ 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:

Fees have been paid_____

VERIFICATION

STATE OF IDAHO,)
 ss
County of Madison.)

Jerry R. Rigby, being first duly sworn, upon oath, deposes and says:

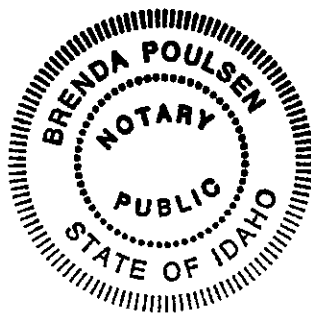
That I am the Secretary of party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 4204101A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and 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 this 27th day of May, 2008.





Notary Public for Idaho
Residing at St. Anthony Rigby
My Commission Expires: 8-9-2012

CERTIFICATE OF MAILING

I certify that on May 27, 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

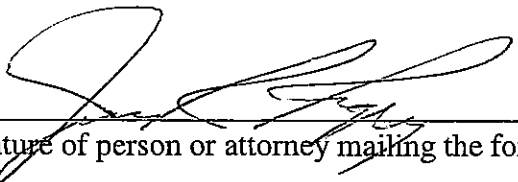
2. Copies to:

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 Resources 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 Special Master, you must serve a copy on all parties in that subcase.



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 74-15861
Date Received: 5/12/2008
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES E RIGGAN Phone: (208)756-3710

267 HWY 28
SALMON ID USA 83467

2. Date of Priority: 03/15/1907

3. Source: WIMPEY CREEK Trib. to: LEMHI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
21N	23E	24	NE	SE	SW	LEMHI	
21N	23E	24	NE	SE	SW	LEMHI	
21N	23E	24	SE	SE	SW	LEMHI	
21N	23E	25	SW	NE	NW	LEMHI	

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	1.24	

7. Total Quantity Appropriated is:
1.24 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
21N	23E	24	SE	SW	IRRIGATION	7.2
					Section Acres	7.2
21N	23E	25	NE	NW	IRRIGATION	28
			SW	NW	IRRIGATION	15
			SE	NW	IRRIGATION	1
			NW	SW	IRRIGATION	2
			NW	NW	IRRIGATION	3.3
					Section Acres	49.3
21N	23E	26	SE	NE	IRRIGATION	1.5
			NE	SE	IRRIGATION	15
					Section Acres	16.5
					Total Acres	73

11. Place of use in counties: LEMHI

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

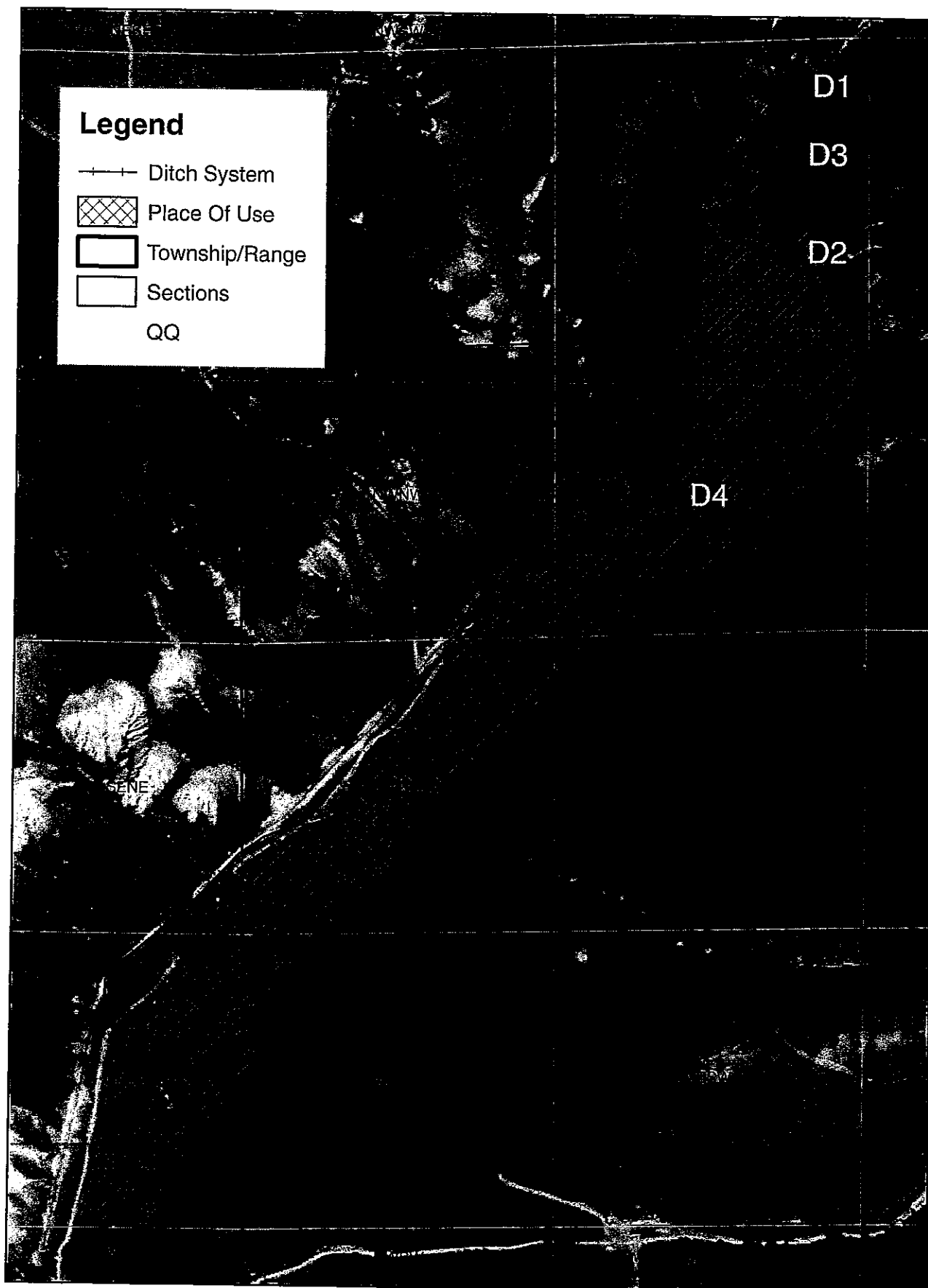
13. Other Water Rights Used: 74-15015

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

74-15861 Delivery System



(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: _____

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): James E. Reggion Date: 5-23-08

Date:

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 23rd

of May 2008

Bill Allen
Notary Public

Residing at Sutton

My commission Expires 2/19/2009

