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JUN 26 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

37-2215

(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 Donald E Krahn

My address is 8971 West Rifleman Street
Boise Idaho 83704

My phone number is: Work (208) 602-2599 Home (208) 378-0260

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:

Both Little Deer Creek and Big Deer Creek
started drying up in the 1950's and was
completely dry by 1988 until 2007, when a trickle
ran all summer.

☐ 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.)

1. Standard form 1, objection
2. Amended Notice of claim to a water right

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 \$ _____.

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: September 3, 2008

This motion will be heard on June 27, 2008, 10³⁰ AM
(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:

None

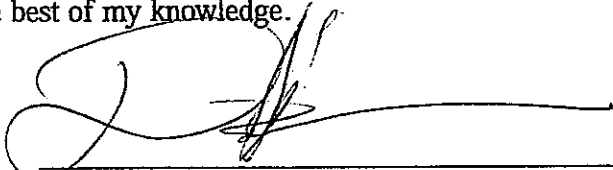
VERIFICATION (Must be completed)

State of Idaho

County of Ada

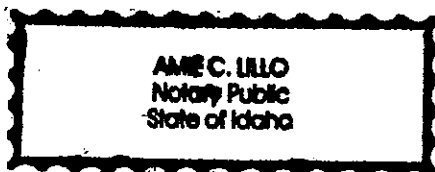
Donald E Krah, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.


Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on June 19th 2008.
(Insert Date)




Notary Public for US Bank
Residing at: Ada Court ID
My Commission expires: Jan 26 2012

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 June 23rd 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:

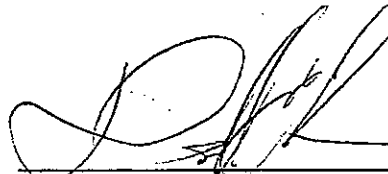
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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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 37-2215
Date Received: 8/10/1989
Receipt No: C009346
Received By:

Amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

INA M KRAHN Phone: (208) 764-2535

RT 1 BOX 1090
FAIRFIELD ID USA 83327

ESTATE OF EDWARD KRAHN Phone: (208) 378-0260

DONALD KRAHN TRUSTEE
8471 W RIFLEMAN ST
BOISE ID USA 83704

2. Date of Priority: 06/21/1911

3. Source: LITTLE DEER CREEK , DEER CREEK Trib. to: DEER CREEK , CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
01N	15E	18	SW	SW	4	CAMAS	
01N	15E	19	NW	SW	3	CAMAS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	11/15	0.84	

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

8. Total consumptive use:

9. Non-irrigation uses:
STOCKWATER USE IS INCIDENTAL TO IRRIGATION.

10. Place of use:

SCANNED

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
01N	14E	19	SW	NW	2	IRRIGATION	7
			NW	SW		IRRIGATION	21
			SW	SW		IRRIGATION	14
Section Acres						42	
Total Acres						42	

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

LICENSE INCORRECTLY INDICATES BLAINE CO.
 LICENSE INCORRECTLY DESCRIBES P/D IN NWSW, SEC. 18, T01N IN R14E ON LITTLE DEER CREEK.
 SOURCES KNOWN LOCALLY AS COLD SPRING CANYON AND THREE SPRINGS.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code. Change in place of use took place in approximately 1949 or 1950 by Edward Krahn.

15. Basis of Claim: License

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: _____

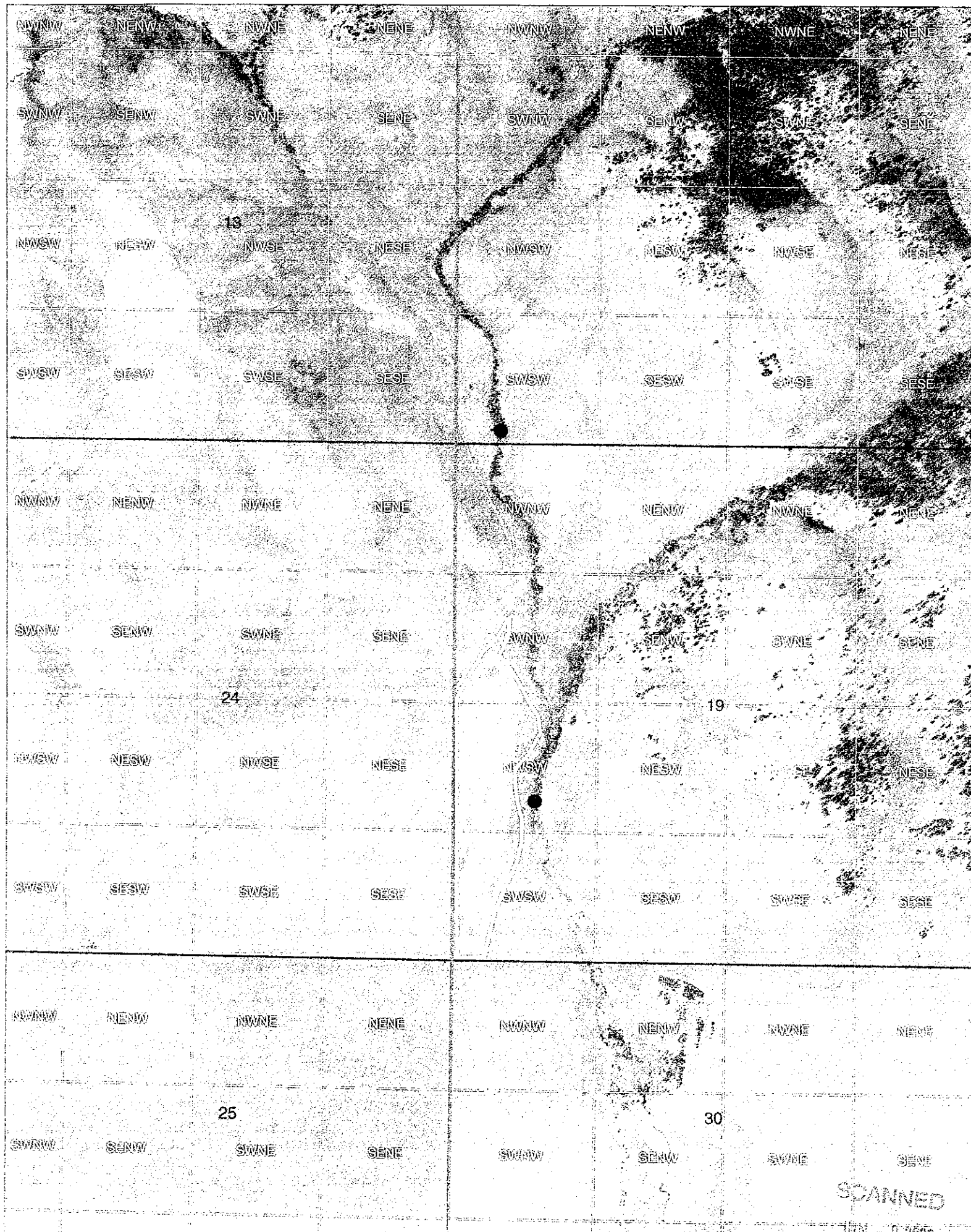
For Individuals:

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

Signature of Claimant(s): _____

Date: Jun 4, 2008

Date: _____



T 199

1
39.3

2
18.8

3
9.5

4
11.7

Tract 199
Farm 366
Camas County, Idaho

37-2215 KRAHN

Plss_a_16039_utm11.shp
Cltu_a_jd025.shp





1/8/08

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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 No. 39576)

A. Subcase 37-2215 VI
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Donald E. Krahn
Address: 84716 R. Fleman ST
Boise, ID 83704
Daytime Phone: (208) 378-0260

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Ina M. Krahn, Estate of Edward Krahn
Address: Rt 1 Box 1090
Fairfield ID 83327 (208) 764-2535

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: As reported
2. ☐ **Source**
Should be: Deer Creek
3. ☒ **Quantity**
Should be: 0.840
4. ☒ **Priority Date**
Should be: 06/21/1911
5. ☒ **Point of Diversion**
Should be: Sec. 19 Twp 01 N Range 15 E
Deer Creek SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: IRRIGATION
8. ☐ **Period of Year**
Should be: 4/15 to 10/15
9. ☒ **Place of Use**
Should be: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19 Twp 01 N Range 15 E
10. ☒ **I object because:**
☐ This water right Should not exist.

☒ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** Water has not been available for this claim for a number of years

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Camas)

Donald E Krahm, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Donald E. Krahm



Stacy Blackman
Notary Public for US Bank
Residing at: Boise Idaho
My Commission Expires: July 10, 2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 8, 2008, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: Ina M. Krahm
Address: RT 1 Box 1090
Fairfield ID 83327

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2215 V1

WATER RIGHT NUMBER: 37-2215 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EVA A SIMMONS
Current Owner	SOLDIER, ID INA M KRAHN RT 1 BOX 1090 FAIRFIELD, ID 83327 (208)764-2535
Current Owner	ESTATE OF EDWARD KRAHN RR 1 BOX 1090 FAIRFIELD, ID 83327 (208)764-2535

Priority Date: 06/21/1911

Basis: License

Status: Disallowed

SourceTributary

LITTLE DEER CREEK

DEER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.840 CFS	
	<u>Total Diversion:</u>	0.840 CFS	

Location of Point(s) of Diversion

LITTLE DEER CREEK CAMAS County	SE1/4NE1/4SE1/4	Sec. 13, Twp 01N, Rge 14E, B.M.
LITTLE DEER CREEK CAMAS County	SW1/4SW1/4SE1/4	Sec. 7, Twp 01N, Rge 15E, B.M.
LITTLE DEER CREEK CAMAS County	SE1/4SW1/4NW1/4	Sec. 18, Twp 01N, Rge 15E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	14E	13													9.0	16.0		8.0	33.0
01N	14E	18											6.0						6.0
													L 4						
01N	15E	19						3.0											3.0
								L 1											

Total Acres: 42