

RECEIVED
JUL 22 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 65-7426
(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 Ronald Stockdale

My address is 4679 N. Buckboard Ave.
Boise, ID 83713

My phone number is: Work 388-5699 Home 322-8070

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:

We were not aware it was necessary.
We have a Quit Claim Deed

☐ 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.)

(A) Quit Claim Deed - Instrument #166659 - Valley County
(B) Aerial Photo Map

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 \$ 50.00.

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 _____
(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 ADA

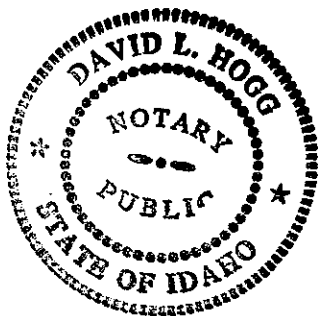
Ron Stockdale, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Ronald Stockdale
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 7-18-08
(Insert Date)



David L. Hogg
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 12-20-13

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 July 22, ²⁰⁰⁸~~199~~, 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)

Ron Stockdale

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 65-7426
Date Received: 6/19/2008
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUL 22 2008

DEPARTMENT OF
WATER RESOURCES

1. Name of Claimant(s)

EAST MOUNTAIN ESTATES #2 HOA Phone: (208)322-8070

C/O RON STOCKDALE
4679 N BUCKBOARD AVE

BOISE ID USA 83713

2. Date of Priority: 10/23/1973

3. Source: SKUNK CREEK Trib. to: CLEAR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
12N	04E	10	NW	NW	1	VALLEY	

5. Description of diverting works:

EARTH DAM 22.2 FEET HIGH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
RECREATION	1/01	12/31		75.5
RECREATION STORAGE	11/30	4/01		75.5

7. Total Quantity Appropriated is:
75.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
RECREATION

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	04E	10	NW	NW	1	RECREATION STORAGE
			SW	NW	2	RECREATION STORAGE
			NW	NW	1	RECREATION
			SW	NW	2	RECREATION

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

RESERVOIR AVE. SIZES FROM IDWR FIELD EXAM 11-26-1975.
WIDTH = 361 FEET, LENGTH = 2050 FEET & DEPTH = 4.45 FEET.

ALTERNATE CONTACT FOR THIS CLAIM:
GLENN BREWER
99 ALDER WY
CASCADE, ID 83611
208-382-3423

16. Signature(s)

Number of attachments: 3

I do solemnly swear or affirm that I am President of
Title

East Mountain Estates No. 2, Title
Organization that I have signed the foregoing

Organization
document in the space below as President of
East Mountain Estates No. 2 Title and that the statements contained in the
Organization
foregoing document are true and correct. Ron Stordahl

nd correct. Ron Sterbinsky
Signature of Authorized Agent

President - East Mountain Estates subdivision NO.:
Title and Organization

July 21st 2008
Date

QUITCLAIM DEED

FOR VALUE RECEIVED, HAROLD J. PITKIN and Laverne R. PITKIN, husband and wife, and GEM VALLEY INVESTMENT COMPANY, an Idaho corporation, GRANTORS, do hereby convey, release, remise and forever quitclaim, unto EAST MOUNTAIN ESTATES NO. 2 LOT OWNERS ASSOCIATION, INC., an Idaho corporation whose address is 9531 Halstead Drive, Boise, Idaho 83704, the following described premises, to-wit:

All of East Mountain Estates No. 2,
a subdivision recorded and of official
record in Valley County, Idaho; except the
following described parcels, to-wit:

1. All of Block 1 of East Mountain Estates
No. 2.
2. All of Block 2 of East Mountain Estates
No. 2.
3. All of Block 3 of East Mountain Estates
No. 2.
4. All of Block 4 of East Mountain Estates
No. 2.
5. All of Block 5 of East Mountain Estates
No. 2.

Together with all water, ditch and canal
rights and all dam and reservoir rights
associated with Pitkin Dam and Reservoir.

Subject to all public roads and rights of
way and public easements.

DATED this 8th day of May, 1989.


HAROLD J. PITKIN


LAVERNE R. PITKIN

AMBROSE,
FITZGERALD
& CROOKSTON

Attorneys and
Counselors

P.O. Box 427
Meridian, Idaho
83642
Telephone 888-4461

Harold J. Pitkin
HAROLD J. PITKIN, a partner in
Gem Valley Investment Company

LaVerne R. Pitkin
La VERNE R. PITKIN, a partner in
Gem Valley Investment Company

STATE OF IDAHO)
 : ss.
County of Ada)

On this 8th day of May, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared HAROLD J. PITKIN and LaVERNE R. PITKIN, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

Marlene L. St. George
Notary Public for Idaho
Residence: Meridian, Idaho.

STATE OF IDAHO,)
 : ss.
County of Ada,)

On this 8th day of May, 1989, before me, a notary public in and for said State, personally appeared, Harold J. Pitkin and La Verne R. Pitkin, partners of Gem Valley Investment Company and known to me to be said partners and known to me to be the persons whose names are subscribed to the within instrument, and acknowledge to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

SEAL

Marlene L. St. George
Notary Public for Idaho
Residence: Meridian, Idaho.

AMBROSE,
FITZGERALD
& CROOKSTON

Attorneys and
Counselors

P.O. Box 427
Meridian, Idaho
83642
Telephone 888-4461

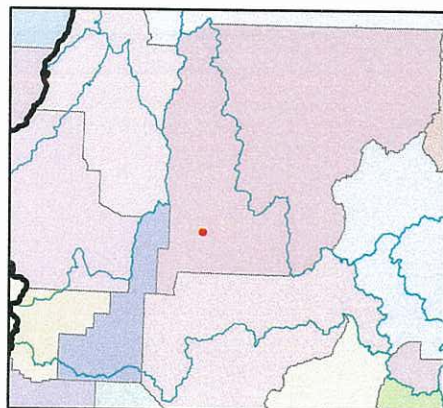


Idaho Department of Water Resources

SRBA Claim
65-7426
(RECREATION
STORAGE)

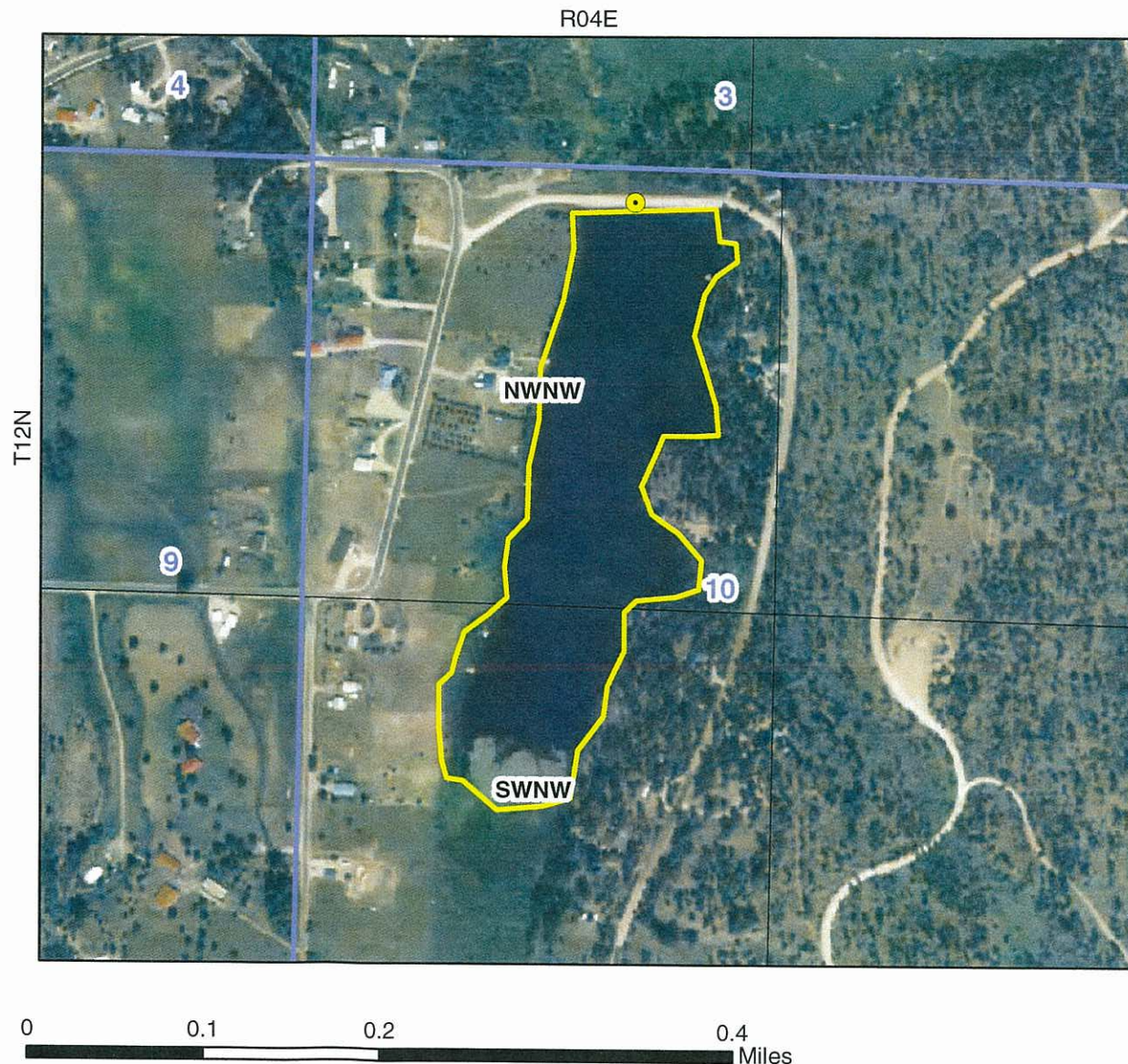
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Valley County
IDWR Basin 65

Prepared by Michael Ciscell
On Thursday, June 19, 2008
2004 Aerial Photography



Owner: East Mountain Estates #2 Hoa

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.