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AUG 15 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 <u>22-2149 A</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 Val Loffhouse - Pres - CM Fullmer Irrigation Systems, Inc

My address is 1618 S. Pioneer Rd, Idaho Falls, Id, 83402

My phone number is: Work 208-542-0578 Home 522-5417 390-0260

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:

☐ 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 \$ _____.
- ☐ 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:

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:

The developed spring on the North side of the Creek was not GPSed because of some confusion as to which spring was used. Therefore the 15 acres on the north side was not allowed. The correct spring has now been GPSed and the 15 acres which were ~~not~~ part of the 1953 license is be filed on.

- ☒ 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 provided documentation to the Dist office.

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 Bonnerville

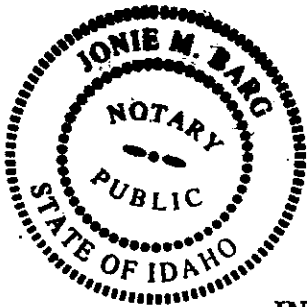
Val Loffhouse CM Irrigation Systems, Inc, Pres., being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Val Loffhouse - Pres.
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on August 12, 2008
(Insert Date)



Jonie M. Bargo
Notary Public for Idaho
Residing at Idaho Falls
My Commission expires: July 24, 2013

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 _____, 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)



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 22-2149A
Date Received: 10/5/1988
Receipt No: X999999
Received By: MWH

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

1. Name of Claimant(s)

C M FULLMER IRRIGATION SYSTEMS INC Phone: (208)522-5417
C/O VAL LOFTHOUSE
1618 S PIONEER RD
IDAHO FALLS ID USA 83402

2. Date of Priority: 05/06/1953

3. Source: GROUND WATER , SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
06N	45E	34	SE	SE	NE	TETON	
06N	45E	34	NW	NE	SE	TETON	
06N	45E	34		NE	SE	TETON	

5. Description of diverting works:

PORTABLE PUMP AT SPRINGS AND WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.35	

7. Total Quantity Appropriated is:

0.35 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
06N	45E	34	NE	SE	IRRIGATION	7.5
			NW	SE	IRRIGATION	24
			SE	NE	IRRIGATION	5.7
Section Acres						37.2
Total Acres						37.2

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

OTHER WATER RIGHTS USED: 22-303C, 22-304C, 22-613C

*****THIS NOTICE IS RESULT OF CHANGE IN OWNERSHIP FOR PORTION OF A22-02149, PAID UNDER E002902.
06-05-90 EMC.

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.
- (b.) Number of attachments: _____

For Organizations:

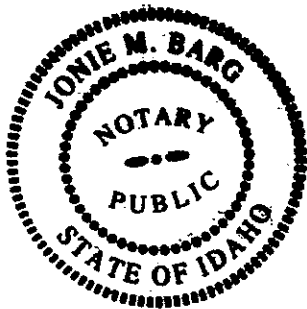
I do solemnly swear or affirm that I am Val Lefthouse - Pres of
Title
CM Fuller Irrigation Systems, Inc that I have signed the foregoing
Organization
document in the space below as President of
Title
CM Fuller Irrigation Systems, Inc and that the statements contained in the
Organization
foregoing document are true and correct. Val Lefthouse
Signature of Authorized Agent
Pres of CM Fuller Irrigation Systems, Inc
Title and Organization
Aug 12, 2008
Date

State of Idaho)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this

of August 2008



Residing at

My commission Expires

12th days
Jonie M. Barg
Notary Public
Idaho Falls
July 24, 2013

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 75-10514

WATER RIGHT NUMBER: 75-10514

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CATHERINE TOMANOVICH 701 S SAINT CHARLES ST SALMON, ID 83467-6101 (208)756-2742
Current Owner	NADA M DE VRIES PO BOX 755 LINCOLN, CA 95648-0755 (916) 434-0850
Current Owner	VLASTA STACH 3106 SE 85 AVE PORTLAND, OR 97266 (503)775-8021

Priority Date: 01/05/1925

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED SLOUGH	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

UNNAMED SLOUGH	SE1/4NE1/4NW1/4	Sec. 7, Twp 21N, Rge 22E, B.M.
LEMHI County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
21N	22E	7					X												

Conditions of Approval:

1. STOCKWATER, 100 CATTLE RP 21N22E070603T
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 75-10514

Remarks:Comments:

1. CORR2 4/4/1997 COPIED FROM REMARKS

Comment: CHANGED ADDRESS FOR DE VRIES ONLY. 3-13-96 JT

2. AJU5-ECA 9/2/1998 AJU5 STOCK ONLY UPDATE

Comment: USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK. CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD. ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Dates and Other Information:

Licensed Date:

Decreed Date: 11/3/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank: