

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 37-22329
(Insert water right number)

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 _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Y-3 Ranch

My name is Michael P. Lawrence

My address is 601 W. Bannock, Boise, ID 83702

My phone number is 208-388-1200

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 use the water in the SRBA because:

The original set of claims for Y-3 Ranch did not reflect approximately 120 acres of
enlargements recognized under I.C. § 42-1426. This late claim remedies that
oversight.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock water use. I desire to reinstate my Notice of Claim for domestic or stock water 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.)

The aerial photograph attached as Exhibit A indicates places of use for this enlargement
claim.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock water 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 \$ 220.

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 November 18, 2008 at 1:30 p.m.
(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) ss.

Michael P. Lawrence, 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.

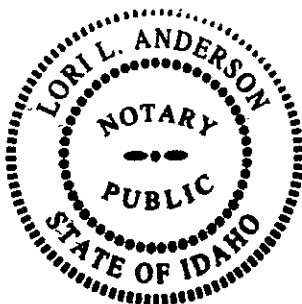
Signature of person filing motion

[Signature]

Attorney signing in representative capacity

Subscribed and sworn to before me on: August 28, 2008

(Insert Date)



Lori L. Anderson

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires: Aug 23, 2013

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachment, 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 August 28, 200 8, 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:

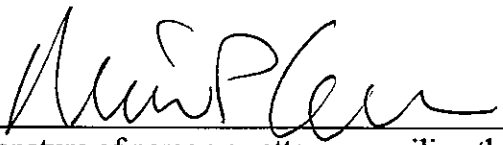
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 & 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.

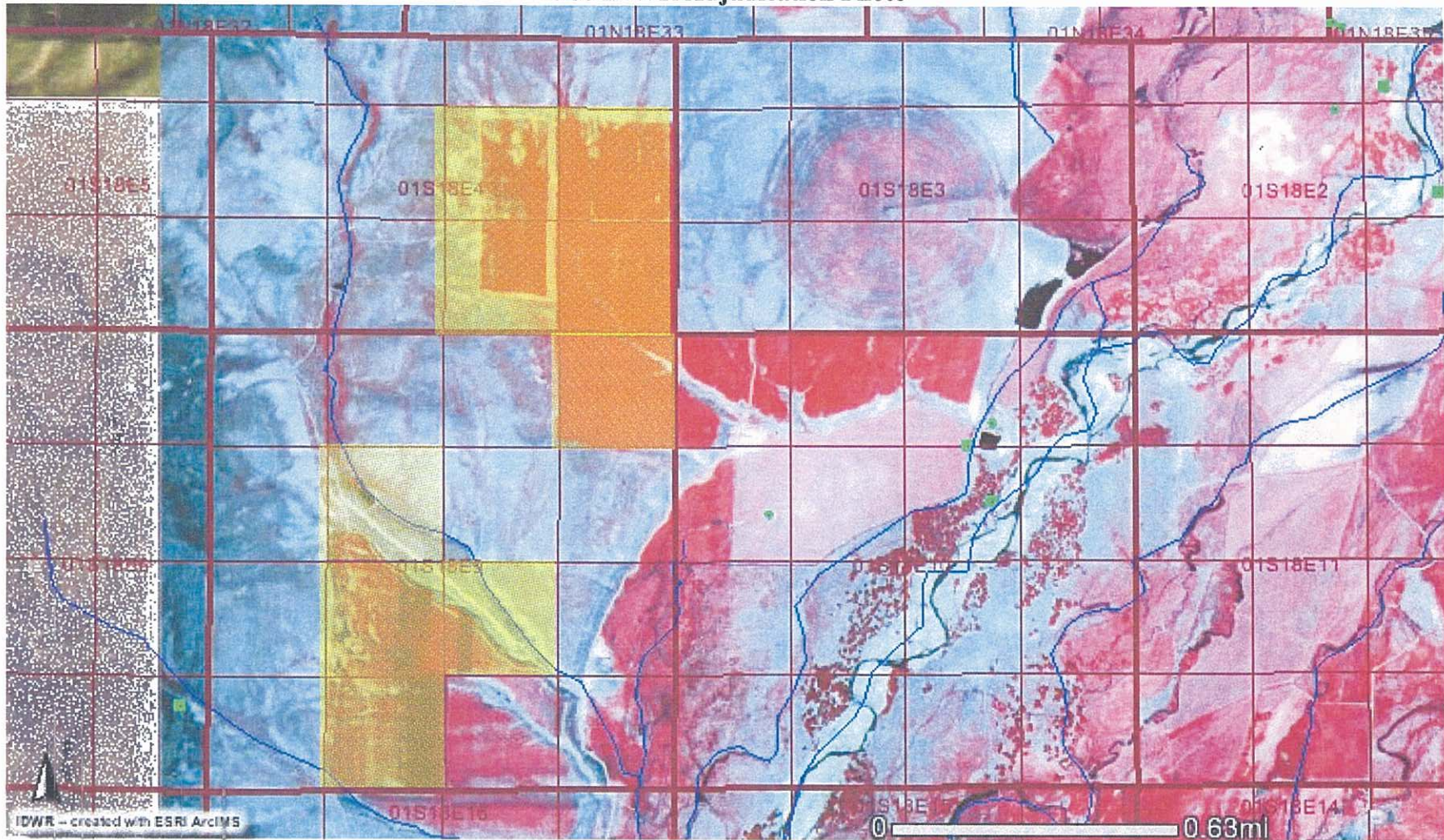
(Insert Names/address of parties)



Signature of person or attorney mailing the form

EXHIBIT A

1986 IDWR Adjudication Photo



Approximately 120 acres of the lands in the highlighted quarter-quarters constitute enlargement acres recognized under I.C. § 42-1426. This photo shows that the lands were irrigated prior to the commencement of the SRBA. Y-3 Ranch is filing late claim number 37-22329 to reflect these enlargements.

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 RIGHT TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number 37-22329

Date Received

Receipt Number

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

Please type or print clearly

1. Name of Claimant(s) Y 3 Ranch Phone (208) 342-8901
Mailing Address PO Box 5405, Boise, ID Zip 83705
2. Date of Priority (only one (1) per claim) 4/01/1976
3. Source of water supply (a) Big Wood River
which is tributary to (b) Malad River
4. a. Location of existing point of diversion is: Township 1S Range 18E Section 02,
1/4 of SW 1/4 of NE 1/4, Govt. Lot, 2 B.M., County of Blaine
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____
1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
Including the dates of any changes or enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

6. Water is claimed for the following purposes

(both dates are inclusive) (cfs) (acre feet)

For **IRRIGATION** purposes from **04/01** to **11/01** amount **2.4** or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) **2.4** (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number Of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	18E	9	X	X						X	X		X	X		X			X
01S	18E	4													X	X	X	X	X

Total number of acres irrigated **120**

11. In which county(ies) are lands listed above as place of use located? **Blaine**

12. Do you own the property listed above as place of use? Yes **X** No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as describe above.

37-51, 37-663, 37-1231, 37-7113A, 37-7838A or None ()

14. Remarks: **This claim represents an enlargement of water right numbers 37-51, 37-663, and 37-1231.**

This water right, together with water right numbers 37-51, 37-663, 37-1231, 37-7113A, and 37-7838A

irrigate approximately 460 acres within Y 3 Ranch's property. This enlargement claim is intended to cover approximately 120 of those acres that were brought under irrigation in 1976 and that exceed the number of acres irrigated by the other water rights after accomplished transfers under I.C. § 42-1425 are considered.

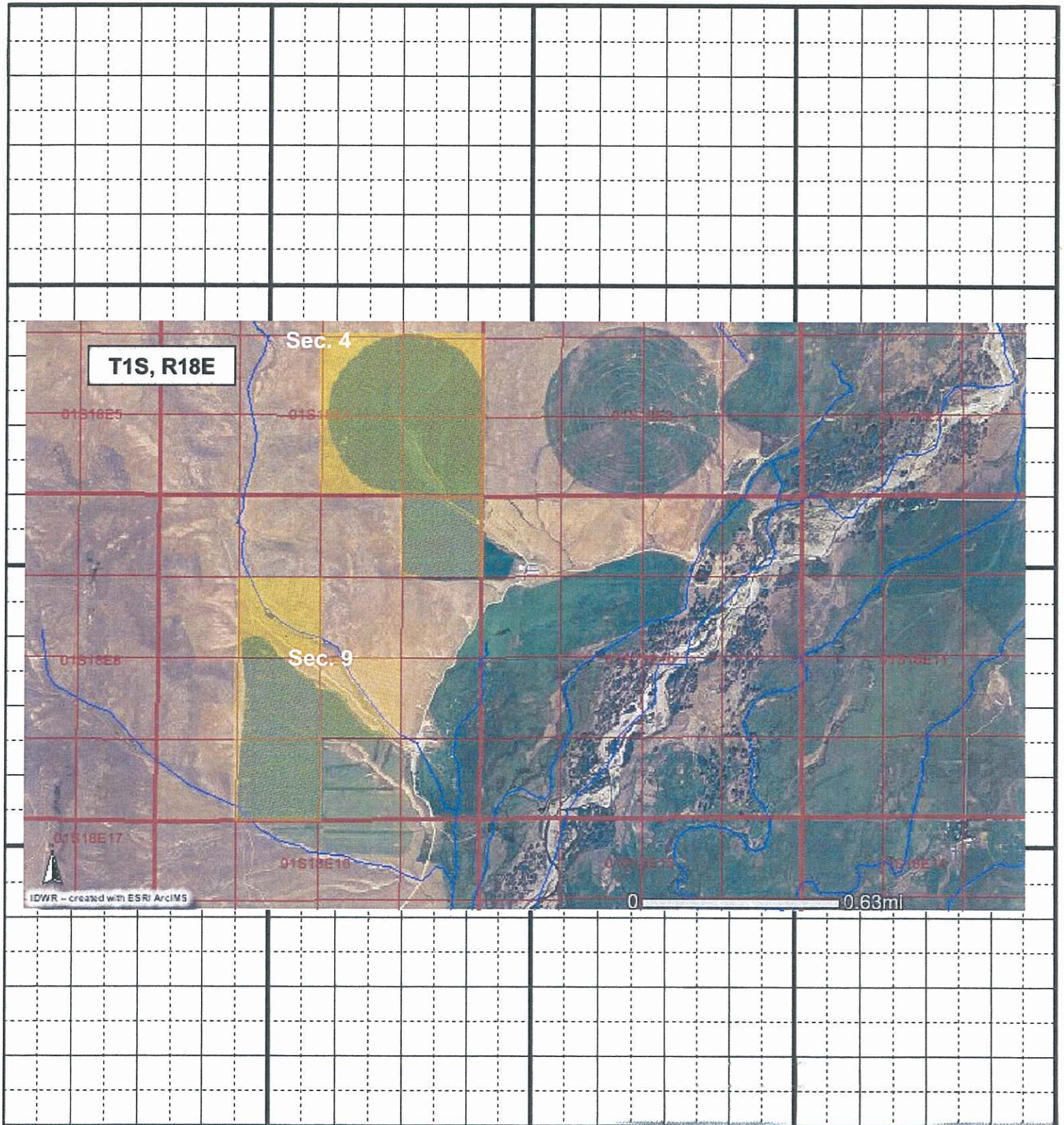
This water right should be limited to irrigation of 120 acres within the quarter-quarters marked above.

Last Name **Y-3 Ranch**

Ident. No. **37-22329**

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Attorney

_____ Title _____

of Y-3 Ranch, that I have signed the foregoing

_____ Organization

document in the space below as Attorney of Y-3 Ranch

_____ Title

_____ Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization Attorney, Y-3 Ranch

Date 8/28/08

State of Idaho/or _____)

) SS.

County of Ada

Subscribed and sworn (or affirmed) before me this

28th

day of

August

2008

Notary Public

Residing at

Boise, Idaho

My Commission Expires

Aug. 23, 2013

17. Notice of Appearance

Please Print Name

Notice is hereby given that I, Michael P. Lawrence will be acting as attorney at law on behalf

of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing

above should be mailed to me at the address listed below.

Signature

Address 601 W. Bannock, P.O. Box 2720, Boise, ID 83702

Date 8/28/08

Last Name Y-3 Ranch

Ident. Number 37-22329

AFFIDAVIT OF MARIO REGALADO

STATE OF IDAHO)
)ss.
County of Ada)

MARIO REGALADO, being first duly sworn upon oath and upon his personal knowledge, deposes and says:

1. I am 49 years old. I live and work at the Y-3 Ranch in Blaine County, Idaho. The Y-3 Ranch is comprised of several parcels, all of which are located in Blaine County, Idaho. I presently am employed as the on-site ranch manager by the owner of the ranch, the Y-3 Partnership.

2. I have lived at the ranch homestead or main ranch site which is situated alongside the Big Wood River (the "ranch headquarters") since 1981. A legal description of the ranch headquarters is attached hereto and incorporated herein as Exhibit "A". My father worked for the Y-3 Partnership (Sheldon and Ronald Yanke and their wives) from 1976 until 1991. I have worked at the ranch since 1977. I am familiar with the irrigation practices at the ranch as they have changed over time.

3. When I started working at the Y-3 Ranch in 1977, the Y-3 Partnership was using a diesel powered pump to pump irrigation water out of the delivery ditch supplied by the Uhrig 63 Diversion on the Big Wood River to provide surface water irrigation at the ranch headquarters. The diesel powered pump did not move enough water to include the watering of the NENE of Section 9 and SE of Section 4.

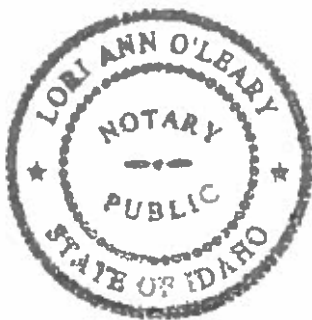
4. In 1977, the Y-3 Partnership installed a 150 horsepower electric pump so additional property at the ranch headquarters could be irrigated by surface water. Y-3 Ranch began using the 150 horsepower electric pump in the irrigation season of 1978. As a result, the lands in the NENE of Section 9 and the SE of Section 4 were brought under irrigation

exclusively with surface water pumped from the delivery ditch supplied by the Uhrig 63 diversion on the Big Wood River.

DATED this 18 day of March, 2010.


MARIO REGALADO

SUBSCRIBED AND SWORN to before me this 18th day of March, 2010.



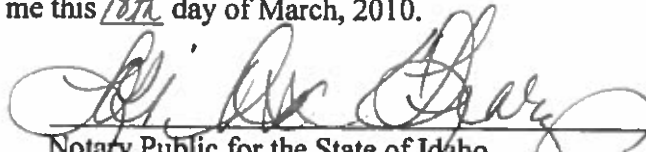

Notary Public for the State of Idaho
Residing at Boise, Idaho
My Commission Expires: 7/12/2013

Exhibit "A"

THE FOLLOWING LANDS LOCATED IN TOWNSHIP 1 SOUTH, RANGE 18 EAST,
BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

- Section 4: Lots 3 and 4, SW1/4, SE1/4
- Section 5: N1/2SE1/4, SE1/4SE1/4, Lot 2
- Section 9: All
- Section 10: N1/2

[END OF TEXT]



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 26, 2008

Y-3 RANCH
C/O MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #37-22329
Your Client: Y-3 Ranch

Dear Mr. Lawrence:

The Notice of Claim to a Water Right you filed for your client referenced above was received from the SRBA Court recently. I have enclosed receipt #C087750 for the fees your firm paid. Please retain the receipt for your records.

Your client's Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region

Enclosure:

Receipt Referenced Above

SCANNED

NOV 28 2008