

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>37-22384</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 Tom & Jane Woodland

My address is 11606 S 2000 E
Gooding, ID 83330

My phone number is: Work 934-4831 Home 934-4043

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 had thought all the paper work was complete
when I purchased the ground. I did not recognize
the papers to claim 6 years later after purchase as
something that I needed to follow up on.

☐ 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.)

Enclosed is a copy of the last water bill
paid as well as a copy of deed for the land.

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 \$ 106.00.

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 1/20/09 at 1:30
(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 Gooding

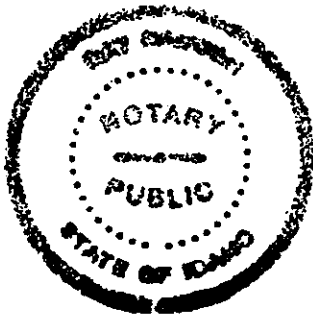
Tom + Jane Woodland, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Thomas A. Woodland
Jane Woodland
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on oct 6 2008
(Insert Date)



[Signature]
Notary Public for Idaho
Residing at: Windell, Idaho
My Commission expires: 5/15/11

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 10/10, 20008, 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

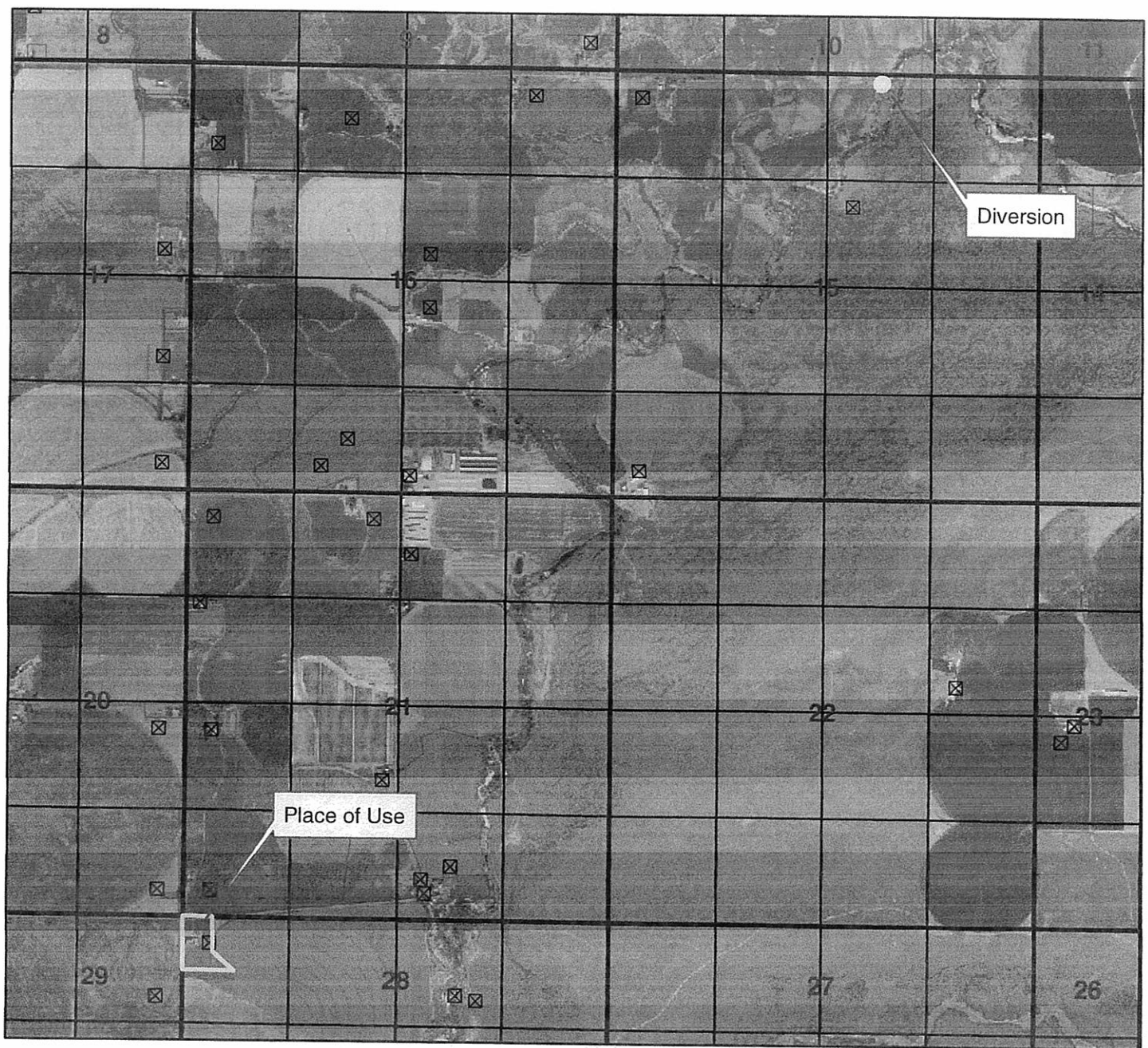
3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Jane Woodland
Signature of person or attorney mailing the form

37-22384

Draft Notice of Claim



STATEMENT

THOMAS WOODLAND
1606 S 2000 E
GOODING ID 83330

ACCOUNT NO.
292

DATE
02/29/2008

Phone: (208)394-4043

DATE	INVOICE NO.	DESCRIPTION	CHARGES	CREDITS	BALANCE
02/28/2008	0029,08	DECREED WATER-37	40.00		40.00

3-11-08
#4598

Current	30 Days	61 Days	92 Days	122 Days	AMOUNT DUE
40.00	0.00	0.00	0.00	0.00	40.00

COPY**FOR CORP.**
WARRANTY DEED OF GOODING, S SFOR VALUE RECEIVED,
SLIMAN SHEEP CO., INC.

RECORDED AT REQUEST

Security Title

18th SEP 24 PM 4 09

a corporation duly organized and existing under the laws of the State of _____, grantor, does hereby

Grant, Bargain, Sell and Convey unto

THOMAS A. WOODLAND, a single man

Route 1 Box 54

Gooding, Idaho 83330

MARGARET J. CLEMENTS, REC.

DEP. *HP* FEE *2.00*

grantee, the following described real estate, situated in

Gooding

County, Idaho, to-wit:

Township 5 South, Range 15 East of the Boise Meridian

Section 28: NW $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:-Beginning at the Northwest corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$;
thence South 669 feet along the West boundary ofthe said NW $\frac{1}{4}$ NW $\frac{1}{4}$;

thence East 638 feet;

thence Northwesterly 358 feet more or less to a
point identified by post set in concrete, which concrete
marker is marked 9-18-62;thence North 444 feet more or less to the North
line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$;

thence West 372 feet to the point of beginning.

IN THE COUNTY OF GOODING, STATE OF IDAHO

Together with all the water, ditch, dam and lateral rights appurtenant
thereto and in particular six (6) inches of water decreed under date of
priority of May 1897, also, supplemental American Falls Water for six (6)
acres supplemental to May 1897.
Property sold with well as is.

Re-recording to add water.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's
heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is
the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that
Grantor will warrant and defend the same from all lawful claims whatsoever.IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate
name to be hereunto subscribed by its President and its Secretary.

Dated: September 19, 1984

By

Lester Bliman

PRESIDENT.

ATTEST:

David Stone

SECRETARY.

RECEIVED

OCT 14 2008

DEPARTMENT OF
WATER RESOURCES

Form No.42-1409 (2)a (Internet)

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 32-22384

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Tom & Jane Woodland Phone (208) 934-4043

Mailing Address 1606 S 2000 E Gooding ID ZIP 83330
Street or Box City State

2. Date of Priority (Only one (1) per claim) 5-20-1897
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other () (a) Big Wood River
which is tributary to (b) Malad River

4. a. Location of Point of Diversion is: Township 5S, Range 15E, Section 15,
_____, 1/4 of NW, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of Gooding

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of

_____, 1/4 Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Diversion into the Foxman Ditch
head gate from ditch - gravity irrigation

Last Name _____ Ident No. _____

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 0.42 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.12 (cfs) and/or (b) _____ (acre feet)

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

9. 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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55	15E	28					6												6

Total number of acres irrigated 6

10. In which county (ies) are lands listed above as place of use located? Gooding

11. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

_____ or None ()

13. Remarks: _____

Last Name _____ Ident No. _____

14. Basis of Claim (Check One) Beneficial Use _____ Posted Notice _____ License _____ Permit _____ Decree ☒

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 37-673 part

15. 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: 3

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Thomas A Woodland Date: 10-9-08

Jane Woodland Date: 10-9-08

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____
Title Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

Please Print Name

16. Notice of Appearance:

Notice is hereby given that I, _____, 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 _____

Date _____

Last Name _____ Ident No. _____