

RECEIVED

OCT 30 2008

Department of Water Resources  
Adjudication Bureau

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 75-77A

)

(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 Brandon McFarland

My address is P.O. Box 73 Carmen 83462

My phone number is: Work \_\_\_\_\_ Home \_\_\_\_\_

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:  
of quantity appropriated and  
season of use

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

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I have attached:

- ☒ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

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VERIFICATION (Must be completed)

State of Idaho

County of Lemhi

Brandon McFarland, 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.

Brandon McFarland  
Signature of person filing motion

\_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on 10/27/08  
(Insert Date)

Brenda Armstrong  
Notary Public for Lemhi County  
Residing at: Salmon ID  
My Commission expires: 3/14/2011

BRENDA ARMSTRONG  
NOTARY  
PUBLIC  
STATE OF IDAHO

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.

RECEIVED

OCT 30 2008

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 75-77A  
Date Received: 4/26/1990  
Receipt No: M006763  
Received By:

*Amended*

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CARM-IDA LIVESTOCK Phone: (208)756-3970

PO BOX 73  
CARMEN ID USA 83462

2. Date of Priority: 05/01/1892

3. Source: CARMEN CREEK , CARMEN CREEK Trib. to: SALMON RIVER , SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 23N      | 22E   | 24      | SE NE NW              | LEMHI  |      |
| 23N      | 22E   | 24      | SE SE SW              | LEMHI  |      |

5. Description of diverting works:

HEADGATES AND OPEN DITCHES.

6. Water is used for the following purposes:

| Purpose    | From To    | C.F.S. | (or) A.F.A |
|------------|------------|--------|------------|
| IRRIGATION | 4/01 12/01 | 0.7    |            |

7. Total Quantity Appropriated is:  
0.7 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 |
|----------|-------|---------|---------------|---------|------------|-------|
| 23N      | 22E   | 25      | NW            | SW      | IRRIGATION | 5.3   |
|          |       |         | SW            | SW      | IRRIGATION | 19    |
|          |       |         | Section Acres |         | 24.3       |       |
| 23N      | 22E   | 26      | NE            | NE      | IRRIGATION | 1.6   |
|          |       |         | SW            | NE      | IRRIGATION | 3     |
|          |       |         | SE            | NE      | IRRIGATION | 26    |
|          |       |         | NE            | SE      | IRRIGATION | 35    |
|          |       |         | NW            | SE      | IRRIGATION | 19    |
|          |       |         | SW            | SE      | IRRIGATION | 32    |
|          |       |         | SE            | SE      | IRRIGATION | 27    |
|          |       |         | Section Acres |         | 143.6      |       |
| 23N      | 22E   | 35      | NE            | NE      | IRRIGATION | 22    |
|          |       |         | NW            | NE      | IRRIGATION | 35    |
|          |       |         | SW            | NE      | IRRIGATION | 21    |
|          |       |         | SE            | NE      | IRRIGATION | 14    |
|          |       |         | Section Acres |         | 92         |       |
| 23N      | 22E   | 36      | NW            | NW      | IRRIGATION | 2.6   |
|          |       |         | Section Acres |         | 2.6        |       |
|          |       |         | Total Acres   |         | 299.9      |       |

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

For Organizations:

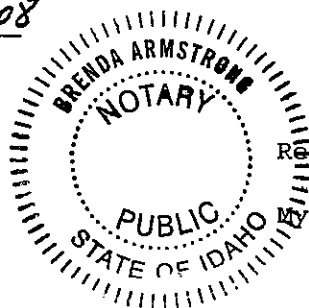
I do solemnly swear or affirm that I am President of  
Title  
Carrida Livestock inc., that I have signed the foregoing  
Organization  
document in the space below as President of  
Title  
Carrida Livestock inc. and that the statements contained in the  
Organization  
foregoing document are true and correct. Brenda M. Armstrong  
Signature of Authorized Agent

\_\_\_\_\_  
Title and Organization

10/27/08  
Date

State of Idaho )  
County of Lemhi ) SS.

Subscribed and sworn (or affirmed) before me this  
of 10/27 2008



Brenda Armstrong  
Notary Public

Residing at Salmon ID

My commission Expires 3/14/2011