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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

Case No. 39576

A. Subcase 45-14175  
(Insert water right number  
From the Objection Form)

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 file 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 Farmland Reserve, Inc.

My name is Robert L. Harris

My address is Holden, Kidwell, Hahn & Crapo, PLLC  
PO Box 50130, Idaho Falls, ID 83405-0130

My phone number is 208-523-0620

### **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:

In the process of resolving issues on other water rights, it was discovered that an enlargement claim should be filed for 77.5 acres.

- ☐ 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 a 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 you 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 \$ 290.00.

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 February 17, 2009, at 1:30 p.m.  
(Insert Date and Time)  
at the SRBA Court 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:

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- ☐ 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

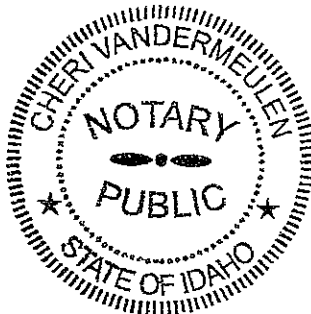
State of Idaho                     )  
                                          )ss.  
County of Bonneville         )

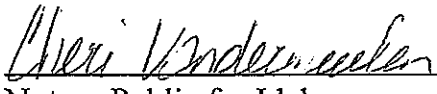
Robert L. Harris, being first duly sworn, upon oath, deposes and says:

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.

  
Robert L. Harris, Attorney

Subscribed and sworn to before me this 18<sup>th</sup> day of November, 2008.



  
Notary Public for Idaho  
Residing at: Idaho Falls, ID  
My Commission expires: July 7, 2009

## CERTIFICATE OF MAILING

I certify that on this 15<sup>th</sup> day of November, 2008, 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:

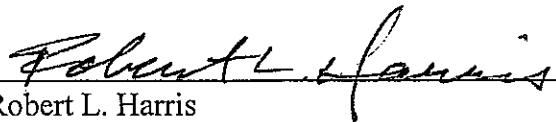
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. 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

  
Robert L. Harris

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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 45-14175

Date Received \_\_\_\_\_

Receipt Number \_\_\_\_\_

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Farmland Reserve Inc. Phone (801) 359-1600

Mailing Address 139 E. South Temple, Ste. 110, Salt Lake City, UT Zip 84111

2. Date of Priority (Only (1) per claim) March 15, 1986

3. Source of water supply (a) Groundwater

which is tributary to (b) \_\_\_\_\_

4.a. Location of existing point of diversion is:

Township 11S Range 21E Section 9, NE 1/4 of NE 1/4 of NW 1/4, Govt. Lot \_\_\_\_\_,  
County of CASSIA

Additional points of diversion if any: T11S, R21E, Sec. 9, SESESE; T11S, R21E, Sec. 10, SWSWSW;  
T11S, R21E, Sec. 15, NWNWNW

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 \_\_\_\_\_ 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 enlargements in use, the dimensions of the diversion works as constructed and as enlarged  
and the depth of each well. Wells and pumps

6. Water is claimed for the following purposes: \_\_\_\_\_ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 03/15 to 11/15 amount 1.55 cfs or 310 afa

7. Total quantity claimed (a) 1.55 (cfs) and/or (b) 310 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of  
livestock Etc.) None.

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
  - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

| TWP | RNG | SEC | NE 1/4 |     |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | TLS  |
|-----|-----|-----|--------|-----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|------|
|     |     |     | NE     | NW  | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |      |
| 11S | 21E | 8   |        | 2.5 | 35 | 40 |        |    |    |    |        |    |    |    |        |    |    |    | 77.5 |
|     |     |     |        |     |    |    |        |    |    |    |        |    |    |    |        |    |    |    |      |
|     |     |     |        |     |    |    |        |    |    |    |        |    |    |    |        |    |    |    |      |
|     |     |     |        |     |    |    |        |    |    |    |        |    |    |    |        |    |    |    |      |

Total number of acres irrigated 77.5

10. In which county(ies) are lands listed above as place of use located? Cassia
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.  
45-2583, 45-2689, 45-7020, 45-7035, 45-7110, 45-7238, 45-7374, 45-7034, 1-9, 1-17, 1-23A, and 1-2050  
or None ( )
13. Remarks:  
This claim is an enlargement of Water right Nos. 45-2583, 45-2689, 45-7020, 45-7035, 45-7110, 45-7238, and 45-7374 in an amount of 77.5 acres. This claim and the water right listed in the preceding sentence should, in combination, be limited to a combined diversion rate of 20.24 cfs and annual volume of 7701 afa.
14. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice ☐ Permit ☐ Decree ☐ License ☐  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_
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 \_\_\_\_\_

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am the attorney of Farmland Reserve, Inc., that I have signed the foregoing document in the space below as the attorney of Farmland Reserve, Inc., and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Robert L. Farman

Title and Organization Attorney, Farmland Reserve, Inc. Date Nov. 18, 2008

Last Name Farmland Reserve, Inc. Ident. Number \_\_\_\_\_

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, 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 Robert L. Harris  
Address PO Box 50130, Idaho Falls, ID 83405-0130  
Date Nov. 18, 2000

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