

**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 No. 34-230, 34-231 and 34-232
	)	
Case No. 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.

X I have read ***SRBA Administrative Order 1, Rules of Procedure*** (amended Sept. 30, 1996).

My name is:

My address is:

I am an attorney representing: the John Lezamiz Family Limited Partnership

My name is: Fritz X. Haemmerle, Haemmerle & Haemmerle, P.L.L.C.

My address is: P.O. Box 1800, Hailey, ID 83333

My phone number is: (208) 578-0520

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:
This right was stacked with other rights (37-22196, 37-22202 and 37-22203) that were claimed. Upon further investigation by IDWR, this unclaimed right was discovered and made known to me.

☐ 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 \$104.00.

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:

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 original claims did not cover the entire place of use authorized under the UC Decree. The original place of use for these rights under the UC Decree must be reestablished because then water right 34-2418, a groundwater right considered by IDWR to be a supplemental right to surface water rights, may be recommended by IDWR. The particulars are set out in the Affidavit of *Fritz X. Haemmerle in Support of Motion to Set Aside Partial Decrees and To File Amended Claims*, which has been filed with this Motion.

☒ I am providing legal and factual documentation to support my amended Notice of Claim.

You must describe these documents and attach a readable copy.

This Motion is supported by:

Amended Claims as well as in the *Affidavit of Fritz X. Haemmerle in Support of Motion to Set Aside Partial Decrees and To File Amended Claims*.

I have attached:

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

Exhibit 1: 34-230

Exhibit 2: 34-231

Exhibit 3: 34-232

☒ Payment of the following additional fees required by IDWR:

Attached. The fee is \$76.00 for the additional acreage claimed for each right. The total fee enclosed is \$228.00.

EXHIBIT 1

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 24-239

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) John Lezamiz Family Limited Partnership Phone (208) 734-7510

Mailing Address P.O. Box 389; Twin Falls, Idaho Zip 83303-0389

2. Date of Priority (Only one (1) per claim) 6/1/1895

3. Source of water supply (a) Big Lost River

which is tributary to (b) Sinks

4. a. Location of existing point of diversion is: Township 7N Range 24E Section 34,
SE 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Custer

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 enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Big Lost River water delivered through the Burnett Ditch

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 5/1 to 10/15 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; described fully (e.g. Domestic: list 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	
7N	25E	31	24		40	24				30					37				155

Total number of acres irrigated 155

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

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 described above.

34-231, 34-232, 34-2350, 34-2275, and 34-2418 Or None ☐

14. Remarks:

WR no. 34-230 was decreed in the UC decree

Recommendation to amend claim for wr 34-230 suggested by IDWR based on original decree

Last Name Lezamiz Ident. No. _____

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

If applicable provide IDWR Water Right Number 34-230

Court Twin Falls County Case Number NA Decree Date 9/23/1921

Plaintiff vs Defendant Utah Construction Decree

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 1

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 GENERAL PARTNER

Of JOHN LIZANIZ FAMILY LIMITED PARTNERSHIP, that I have signed the foregoing
Organization

Document in the space below as GENERAL PARTNER of JOHN LIZANIZ FAMILY LIMITED PARTNERSHIP
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date 11/21/08

State of Idaho / or _____)

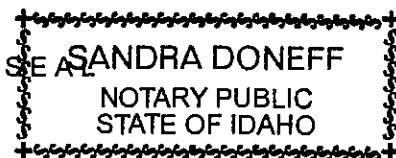
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 21st day of November, 2008.

Notary Public Sandra Doneff

Residing at 2202 Alca Dr Filer, ID 83328

My Commission Expires 11/3/2014



Please Print Name

17. Notice of Appearance:

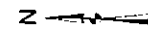
Notice is hereby given that I, _____ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____



LEGEND

-  PLACE OF USE
T7N R2SE
-  QUARTER/QUARTER LINES

AMENDED NOTICE OF CLAIM

34-230, 34-231, & 34-232

NAIP 2006 AERIAL PHOTO

EXHIBIT 2

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

34-231

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

Please type or print clearly

1. Name of Claimant (s) John Lezamiz Family Limited Partnership Phone (208) 734-7510

Mailing Address P.O. Box 389; Twin Falls, Idaho Zip 83303-0389

2. Date of Priority (Only one (1) per claim) 6/1/1889

3. Source of water supply (a) Big Lost River

which is tributary to (b) Sinks

4. a. Location of existing point of diversion is: Township 7N Range 24E Section 34,
SE 1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Custer

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 enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Big Lost River water delivered through the Burnett Ditch

6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)	(acre feet)
For	<u>Irrigation</u>	purposes from	<u>5/1</u> to <u>10/15</u>	amount <u>2.7</u>	or _____
For	_____	purposes from	_____ to _____	amount _____	or _____
For	_____	purposes from	_____ to _____	amount _____	or _____
For	_____	purposes from	_____ to _____	amount _____	or _____

7. Total quantity claimed (a) 2.7 (cfs) and / or (b) _____ (acre feet)

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

9. Non-irrigation uses; described fully (e.g. Domestic: list 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	
7N	25E	31	24		40	24				30					37				155

Total number of acres irrigated 155

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

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 described above.

34-230, 34-232, 34-2350, 34-2275, and 34-2418 Or None ☐

14. Remarks:

WR no. 34-231 was decreed in the UC decree

Recommendation to amend claim for wr 34-231 suggested by IDWR based on original decree

Last Name Lezamiz Ident. No. _____

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

If applicable provide IDWR Water Right Number 34-231

Court Twin Falls County Case Number NA Decree Date 9/23/1921

Plaintiff vs Defendant Utah Construction Decree

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 1

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 GENERAL PARTNER

Of JOHN LEZAMIE FAMILY LIMITED PARTNERSHIP, that I have signed the foregoing
Organization

Document in the space below as GENERAL PARTNER of JOHN LEZAMIE FAMILY LIMITED PARTNERSHIP
Title Organization

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

Signature of Authorized Agent [Signature]

Title and Organization _____ Date 11/21/08

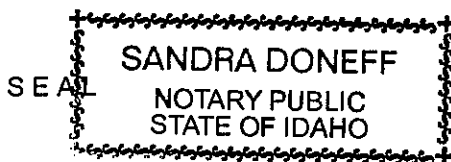
State of Idaho / or _____)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 21st day of November, 20 08.

Notary Public [Signature]

Residing at 2202 Alex Dr Flr, ID 83328

My Commission Expires 11/3/2014



Please Print Name

17. Notice of Appearance:

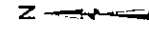
Notice is hereby given that I, _____ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____



LEGEND
▨ PLACE OF USE
T7N R25E
— QUARTER/QUARTER LINES

AMENDED NOTICE OF CLAIM

34-230, 34-231, & 34-232

NAIP 2006 AERIAL PHOTO

EXHIBIT 3

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 34-232

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) John Lezamiz Family Limited Partnership Phone (208) 734-7510
Mailing Address P.O. Box 389; Twin Falls, Idaho Zip 83303-0389

2. Date of Priority (Only one (1) per claim) 6/1/1886

3. Source of water supply (a) Congdon Springs
which is tributary to (b) Congdon Springs Creek

4. a. Location of existing point of diversion is: Township 7N Range 25E Section 31,
SE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Custer

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 enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Diverted from Congdon Springs Creek to distribution system

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 5/1 to 10/15 amount 0.8 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.8 (cfs) and / or (b) _____ (acre feet)

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

9. Non-irrigation uses; described fully (e.g. Domestic: list 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	
7N	25E	31	24		40	24				30					37				155

Total number of acres irrigated 155

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

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 described above.
34-230, 34-231, 34-2350, 34-2275, and 34-2418 Or None ☐

14. Remarks:
WR no. 34-232 was decreed in the UC decree
Recommendation to amend original claim of wr 34-232 was suggested by IDWR based on original decree.

Last Name Lezamiz Ident. No. _____

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

If applicable provide IDWR Water Right Number 34-232

Court Twin Falls County Case Number NA Decree Date 9/23/1921

Plaintiff vs Defendant Utah Construction Decree

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 1

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 GENERAL PARTNER Title

Of JOHN LEAMIZ FAMILY LIMITED PARTNERSHIP, that I have signed the foregoing
Document in the space below as General Partner of LEAMIZ Fam. Ltd. Partnership
Organization Title Organization

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

Signature of Authorized Agent [Signature]

Title and Organization General Partner Date 11/21/08

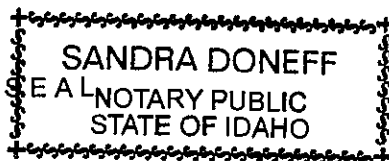
State of Idaho / or _____)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 21st day of November, 2008.

Notary Public [Signature]

Residing at 2202 Alex Dr Filer, ID 83328

My Commission Expires 11/3/2014



Please Print Name

17. Notice of Appearance:

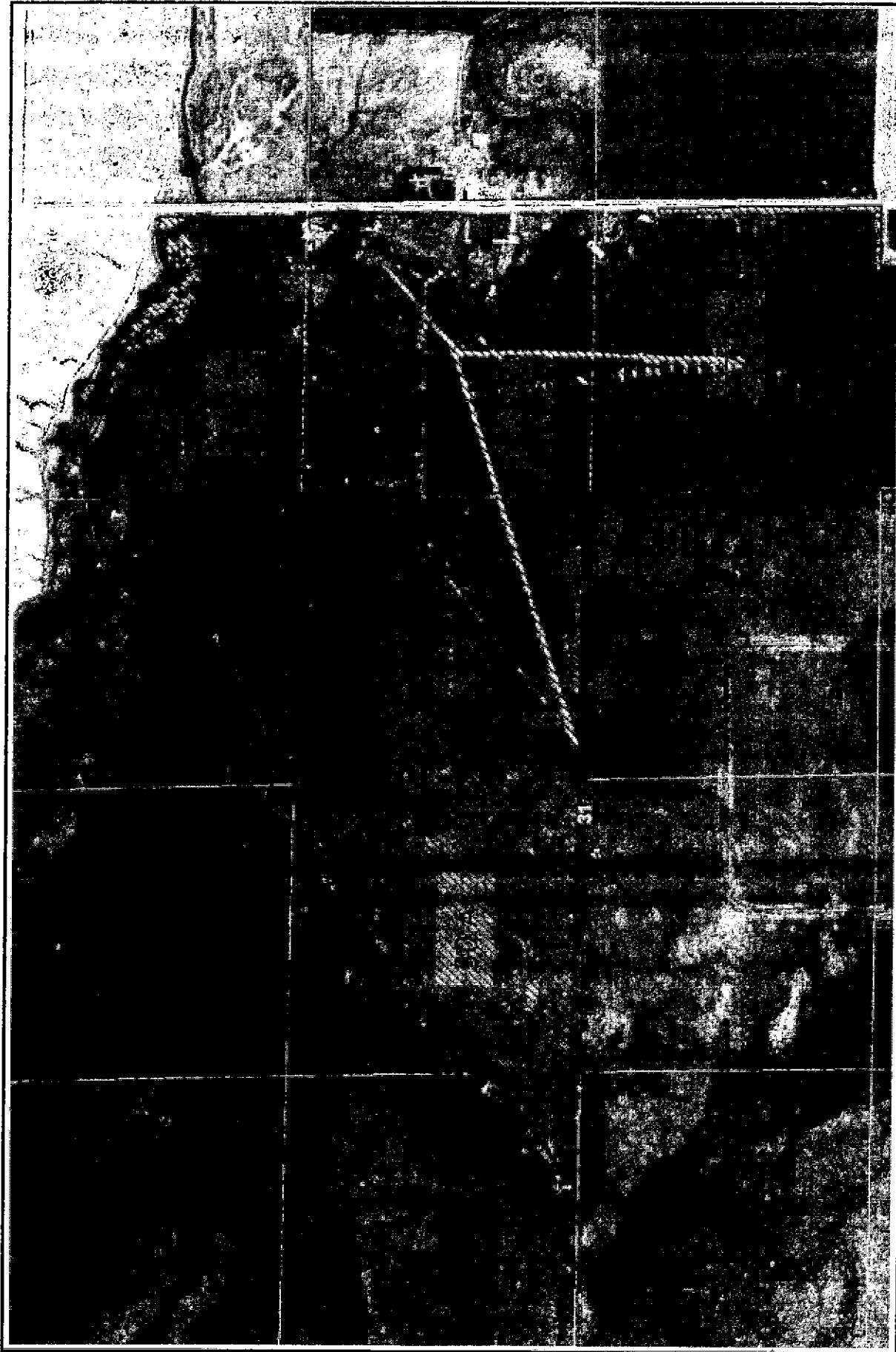
Notice is hereby given that I, _____ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____



LEGEND

 PLACE OF USE

T7N R2SE

— QUARTER/QUARTER LINES

AMENDED NOTICE OF CLAIM

34-230, 34-231, & 34-232

NAIP 2006 AERIAL PHOTO

VERIFICATION

State of Idaho)
) ss.
County of Blaine)

Fritz X. Haemmerle, being first duly sworn, upon oath, deposes and says:

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

Attorney signing in representative capacity

Subscribed and sworn to before me on _____

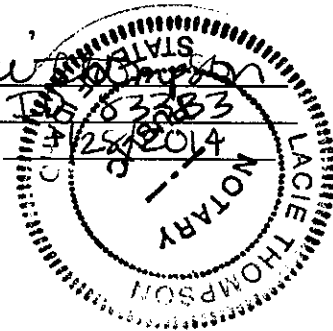
(Insert Date)

11/24/08

Notary Public for _____

Residing at: Hartem, ID

My Commission expires: 3/25/2014



CERTIFICATE OF MAILING

I certify that on November 21, 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
PO Box 2707
Twin Falls, ID 83303-2707

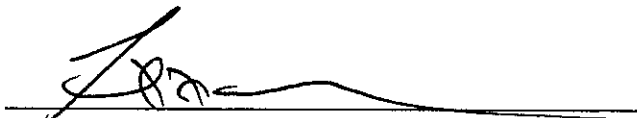
2. Copies to:

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