

RECEIVED

December 3, 2008

DEC 08 2008

DEPARTMENT OF
WATER RESOURCES

To: Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID 83303-2707

From: J. H. Cauzza
3951 Villa Court
Fair Oaks, CA 95628

Subject: Submittal of Late Notice of Claim Subcase 22-13887

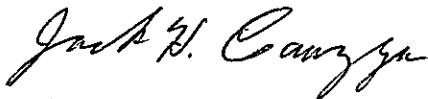
Copies To: IDWR Document Depository, Chief Natural Resources Division Office of
Attorney General State of Idaho, United States Department of Justice
Environment & Natural Resources Division, Gary L. Hansen (co-claimant)

To Whom It May Concern,

I am submitting the enclosed Late Notice of Claim Subcase 22-13887 at this time because, until recently, I was unaware of the existence of this water right. I became aware of it while discussing another water right claim with Mr. Ernie Carlsen of the Idaho Falls office of the IDWR. This other claim, Subcase 22-131B, is scheduled for an initial telephone hearing at 10:30 a.m. on January 14, 2009.

Mr. Carlsen has been most helpful regarding both of these claims and it is my hope that they can be resolved as soon and as simply as possible.

Thank you for your consideration,



Jack H. Cauzza

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>22 - 13887</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 JACK H. CAUZZA

My address is 3951 VILLA COURT, FAIROAKS, CA 95628

My phone number is: Work N/A Home (916) 967-3380

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 was not aware of this water right until I was working, late this year ('08), with the IDWR to understand and possibly resolve water right subcase 22-131B. During discussions with the IDWR and the local water master in Tetonica this water right was identified.

☐ 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 \$ 100⁰⁰.
- ☐ 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 \$ ~~100⁰⁰~~ 246.

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 March 17, 2009 @ 1:30 pm (Telephone)
(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 CALIFORNIA

County of SACRAMENTO

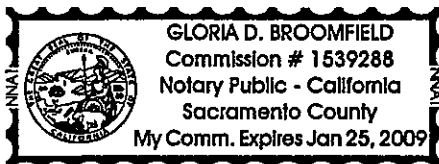
JACK H. CAUZZA, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Jack H. Cauzza
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on December 1, 2008
(Insert Date)



Gloria D. Broomfield
Gloria D. Broomfield
Notary Public for State of California
Residing at: Rancho Cordova, CA 95742
My Commission expires: January 25 2009

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 December 3, 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:

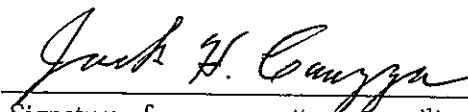
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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 22-13887
Date Received: 8/27/2008
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GARY HANSEN Phone: (916) 967-3380
4045 BUCHANAN DR
FAIR OAKS CA USA 95628

JACK AND BONNIE CAUZZA REVOCABLE TRUST Phone: (916) 967-3380
3951 VILLA COURT
FAIR OAKS CA USA 95628

2. Date of Priority: 09/01/1898

3. Source: NORTH LEIGH CREEK Trib. to: SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	45E	25	SE NE	TETON	

5. Description of diverting works:

Heading for the Hubbard Ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.8	
STOCKWATER	04/15	10/31	0.02	

7. Total Quantity Appropriated is:
0.8 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
06N	45E	24	SW SW	STOCKWATER	
06N	45E	24	SW SW	IRRIGATION	40

Section Acres 40

Total Acres 40

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

Water is delivered through Hubbard Ditch.

This right is a combination of old Right Nos. 22-289 (0.20 cfs), and 22-290 (0.60 cfs).

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

Number of attachments: 1 (AERIAL PHOTO)

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): [Signature] Date: 12-1-08
_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am JACK H CAUZZA, TRUSTEE of the
_____ Title
JACK AND BONNIE CAUZZA REVOCABLE TRUST that I have signed the foregoing
_____ Organization
document in the space below as JACK H CAUZZA, TRUSTEE of the
_____ Title
JACK AND BONNIE CAUZZA REVOCABLE TRUST and that the statements contained in the
_____ Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Trustee - Jack & Bonnie Cauzza
Title and Organization Revocable Trust
12/1/08
Date

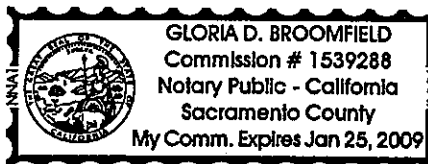
State of California)
County of Sacramento) SS.

Subscribed and sworn (or affirmed) before me this 1st of December 2008

Gloria D Broomfield
[Signature]
Notary Public

Residing at Kenia Cordova CA 95742

My commission Expires January 25, 2009





Idaho Department of Water Resources

SRBA Claim
22-13887
(IRRIGATION)

Legend

⊙ Point of Diversion

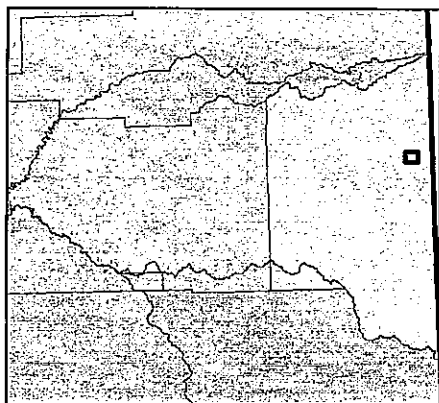
Place of Use

State Outline

Townships

PLS Sections

Quarter Quarters



Teton County
IDWR Basin 22

Prepared by Ernie Carlsen
On August 27, 2008
2004 Aerial Photography

