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DEPARTMENT OF
WATER RESOURCES

February 4, 2009

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

RE: 81-2031 & 81-7040

Dear Honorable Judge of the District Court:

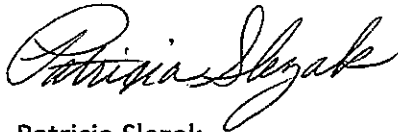
It was suggested by Mr. Kenneth Knoblock of the Idaho Department of Water Resources to write this letter. Mr. Kenneth Knoblock has been advising me throughout this process of filing a late water right claim and I, in return, have been helping my parents, William and Anna Waldrip, fill out the forms.

My parents are both in their late eighties and have difficulty with complicated details that were essential in the completion of these forms. Therefore, I have tried to help them in the best of my abilities. If there is a need for more information from the court, I can be reached at the following telephone no. and address:

Patricia Slezak, (661)821-6025
24621 Piute Drive
Tehachapi, CA 93561

Thank you for your consideration with this request.

Sincerely,



Patricia Slezak

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DEPARTMENT OF
WATER RESOURCES

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>81-7040</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 WILLIAM M. WALDRIP, TRUSTEE & ANNA K. WALDRIP, TRUSTEE
OF THE W. M. AND A. K. WALDRIP TRUST - DATED AUGUST 23, 1993
My address is 14450 SOUTH 4TH AVE
YUMA, AZ 85365

My phone number is: Work _____ Home (928) 726-4139

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:

WHEN DELIVERY OF NOTICE WAS MADE IN 2000, ANNA WALDRIP WAS RECOVERING
FROM MAJOR SURGERY AND STRUGGLING WITH DEMENTIA. UNFORTUNATELY, THE
MAILING WAS NEVER RECEIVED BY WILLIAM WALDRIP WHO WOULD HAVE RESPONDED. IT
WASN'T UNTIL THIS FALL, WHILE IN KOSKIA, THE SUGGESTION WAS MADE BY
THE FOREST SERVICE TO INVESTIGATE. TO DATE, THE LEGAL NOTICE OF CLAIM
HAS NEVER BEEN FOUND, THEREFORE, WE ARE BEING ADVISED BY IDWR TO FILE THIS LATE

☐ 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.)

TWO (2) WATER RIGHT NUMBERS: 81-2031 AND
81-7040

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 \$ 202.00.
(TOTAL FOR #81-2031 AND #81-7040)

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:

- ☐ 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 Arizona

County of Yuma

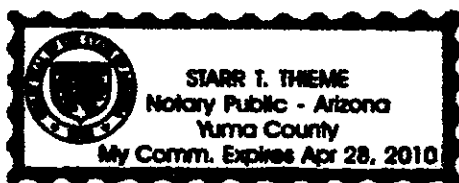
William M. Waldrip, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)
Anna O. Waldrip

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.

William M. Waldrip
Anna O. Waldrip
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on January 20, 2009
(Insert Date)



Starr T. Thieme
Notary Public for Yuma Mesa Irrigation Co.
Residing at: Maricopa District
My Commission expires: April 28, 2010

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 FEBRUARY 4, 2009, 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)

William M. Waldrip
Signature of person or attorney mailing the form

RECEIVED
FEB 10 2009
DEPARTMENT OF
WATER RESOURCES

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 _____

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of Claimant (s) W.M. & A.U. WALDRIP TRUST - DTD 8-23-93 Phone (928) 726-4139
Mailing Address 14450 S. 4TH AVE YUMA AZ ZIP 85365
Street or Box City State
- Date of Priority (Only one (1) per claim) JULY 16, 1976
Month Day Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other () (a) MIDDLE FORK CLEARWATER RIVER
which is tributary to (b) CLEARWATER RIVER
- a. Location of Point of Diversion is: Township 33N, Range 4E, Section 36,
1/4 of _____, 1/4 of _____, 1/4 Govt. Lot 4, BM., County of IDAHO
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 _____
- 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. PUMP AND PIPELINE

Last Name WALDRIP Ident No. _____

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For STOCK WATER purposes from 1-01 to 12-31 amount 0.020 or 0.40 AF

For IRRIGATION purposes from 4-01 to 11-01 amount 0.040 or 6.00 AF

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.060 (cfs) and/or (b) 6.40 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) 5 TO 10 HEAD OF BEEF CATTLE -

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	
33N	4E	36												2.0					2.0
														LT4					
33N	4E	36												S					

Total number of acres irrigated 2.0 ACRES

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

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.

WATER RIGHT #81-2031 or None ()

13. Remarks: ADDITIONAL DOCUMENTS SUBMITTED:

1) RECORDED #292112 - WARRANTY DEED WITH "EXHIBIT A"
SPECIFICALLY INCLUDING WATER RIGHTS LICENCES #32854/
81-2031 AND 81-7040

2) WATER REPORT 81-2031

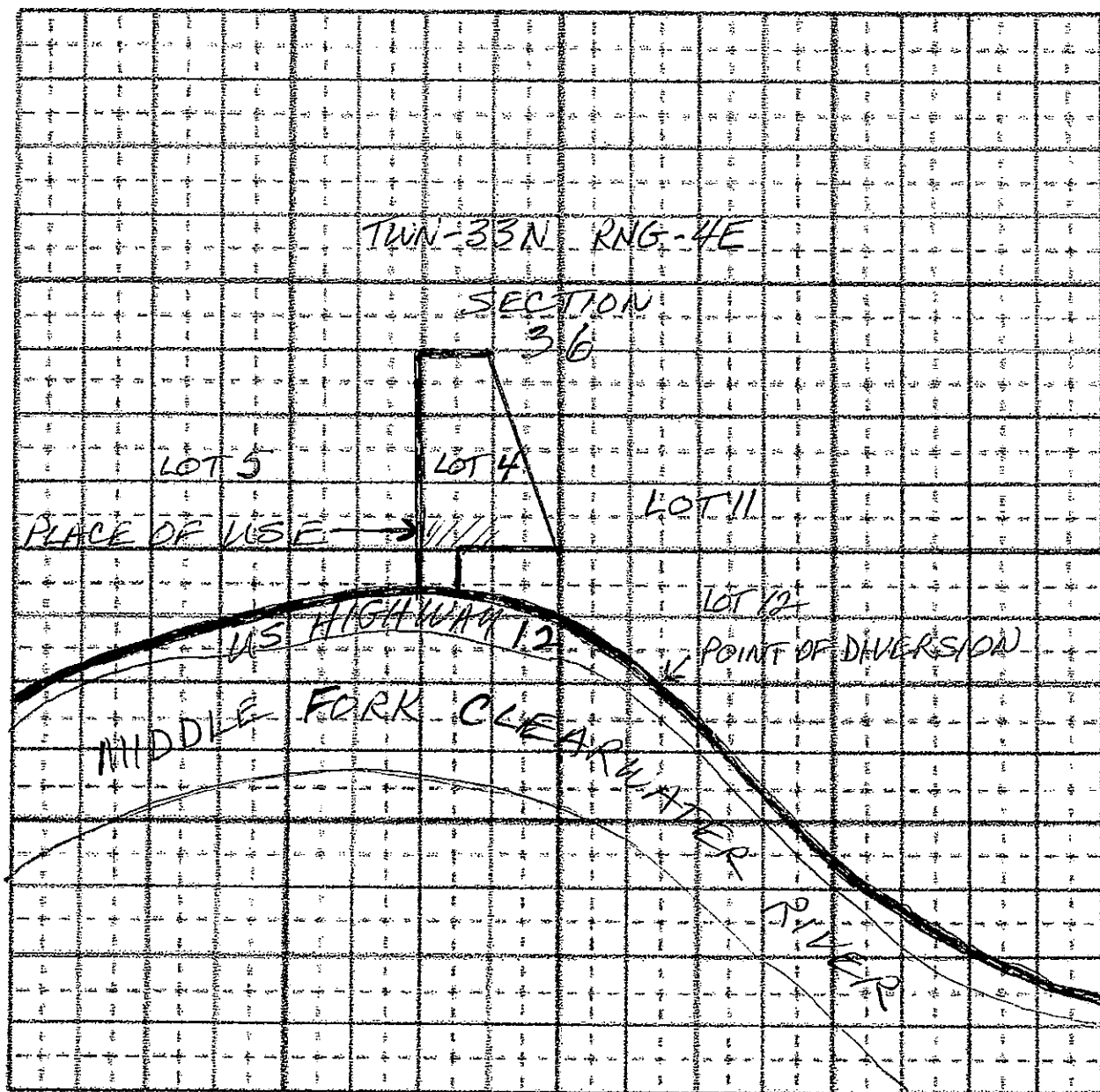
3) WATER RIGHT REPORT 81-7040

Last Name WALDRIP Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SCALE: 1 SQ = 1 ACRE



Last Name

WALDRIP

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 32854/81-7040

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 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) William M. Waldrip Date: 2/4/09
Anna M. Waldrip Date: 2/4/09

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 WALDRIP Ident No. _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 81-7040

WATER RIGHT NUMBER: 81-7040

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	~~EUGENIA SLASOR~~ ~~HC 75 BOX 3~~ ~~KOOSKIA, ID 83538~~ ~~(208)926-4543~~
Current Owner	~~LAWRENCE W SLASOR~~ ~~HC 75 BOX 3~~ ~~KOOSKIA, ID 83539~~ ~~(208)926-4543~~

W.M. AND A.U. WALDRIP TRUST
 DTD 8-23-1993
 WILLIAM M. WALDRIP AND ANNA U.
 WALDRIP TRUSTEES
 14450 S. 4TH AVE
 YUMA, AZ 85365
 (928) 726-4139

Priority Date: 07/16/1976

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
MIDDLE FORK CLEARWATER RIVER	CLEARWATER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	0.40 AF
IRRIGATION	4/01 to 11/01	0.040 CFS	6.00 AF
<u>Total Diversion:</u>		0.060 CFS	6.40 AF

Location of Point(s) of Diversion

MIDDLE FORK CLEARWATER RIVER L4 (NE1/4SW1/4) Sec. 36, Twp 33N, Rge 04E, B.M.
 IDAHO County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
33N	04E	36																	2.0
																			L 4

Total Acres: 2

STOCKWATER same as IRRIGATIONConditions of Approval:

1. NOT TO EXCEED .09 CFS.

Remarks:Comments:Dates and Other Information:

WALDRIP

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 81-7040

Licensed Date: 10/11/1979
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False
Combined Use Limits:

Water Supply Bank:

WALDRIP