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MAR 24 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 SRBA

) Subcase

61-7023

) (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 MARGARET J. COX

My address is 3980 WEST HARBOR PT. DR
MERIDIAN ID 83646

My phone number is: Work 208 869-2604 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:

WE DID FILE A CLAIM AND PAID THE FEES
WITH IDWR, HOWEVER FORM WAS RETURNED FOR
ADDITIONAL INFORMATION ~~AND~~ AND WAS NEVER
RESUBMITTED DUE TO A DIVORCE AND LACK OF KNOWLEDGE.

☐ 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 \$ 123.00.

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 JUNE 16th, 2009, 1:30pm.
(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 Maricopa

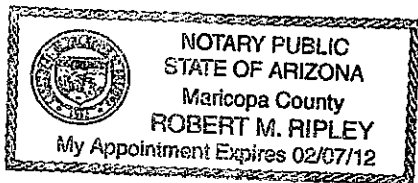
MARGARET J. COX, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Margaret J. Cox
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on March 17, 2009
(Insert Date)



Robert M. Ripley
Notary Public for UPS Store
Residing at: 4815 E Camelback Hwy #100 Cave Creek, AZ 85733
My Commission expires: 02/07/2012

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 MARCH 17th, ~~199~~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:

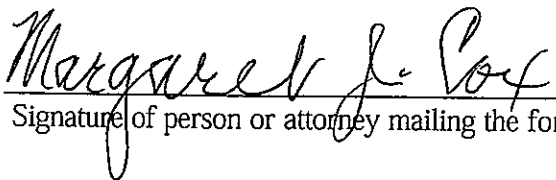
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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)



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

61-7023

Date Received

12-6-89

Receipt Number

W006883

RECEIVED
DEC 06 1989

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) ~~Edward W. Cox~~ + Margaret J. Cox Phone (208) ~~587-3091~~ 869-2604

Mailing Address

~~335 Phelps Circle, Mtn. Home ID~~ Zip ~~83647~~

3980 West Hampton Dr.

② Date of Priority (Only one (1) per claim) 3/14/1968 Meridian ID 83646

3. Source of water supply (a) ground water
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 3S Range 6E Section 11,
NW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Elmore

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. well, 6 inch casing, 15 hsp,
submersible pump, 200 ft. deep,

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from May to October amount .55 or _____

For irrigation purposes from March¹⁵ to November¹⁵ amount .55 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .55 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 90.967.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give 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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
35	6E	11																22.5	22.5

Total number of acres irrigated 22.5

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

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.
Mtn. Home Irrigation District 22.5 shares or None ()

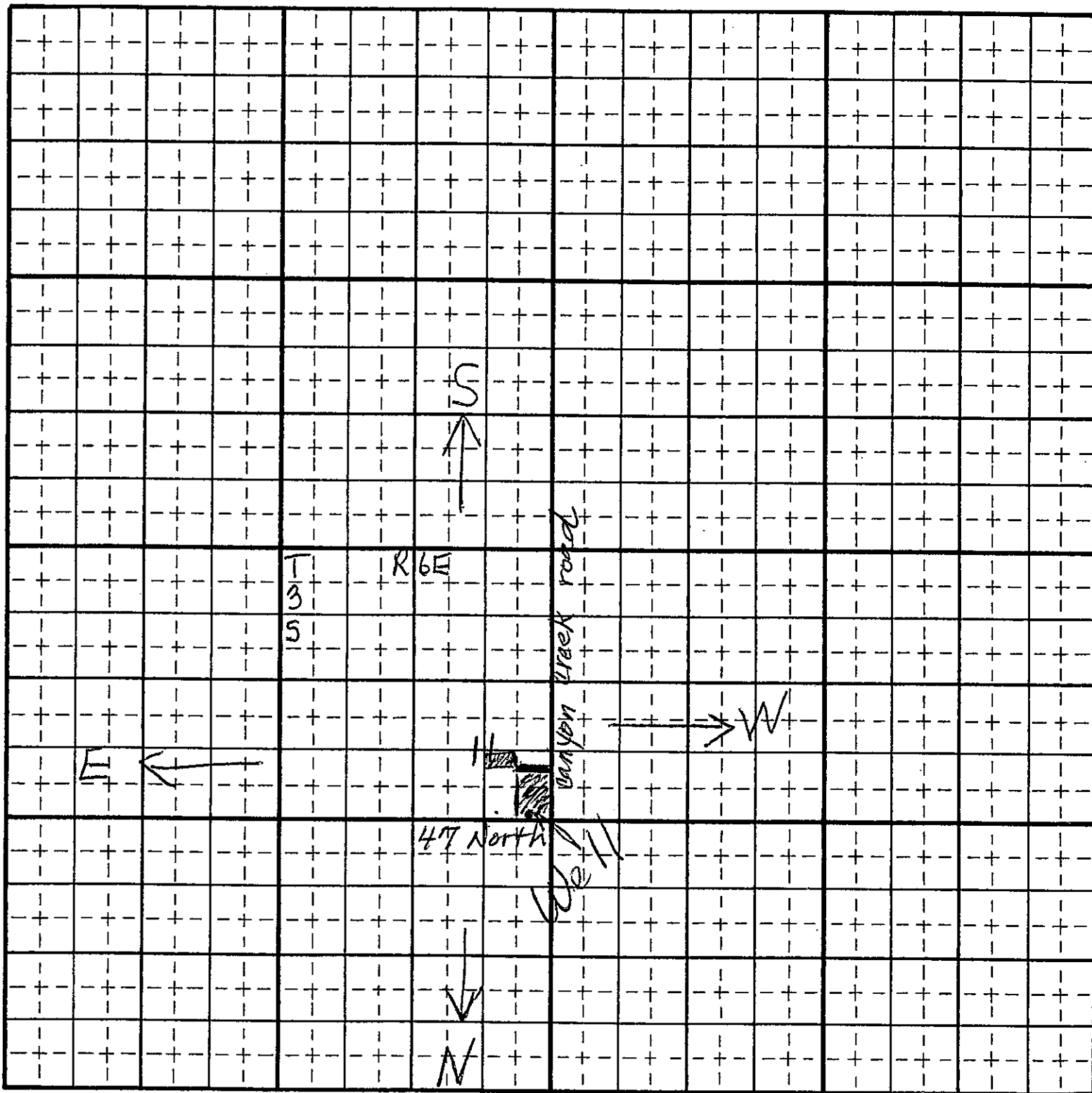
14. Remarks:

Last Name Cox Ident No. 39576

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name

Cox

Ident No.

39576

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 one

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s)

Edward W. Cox
Margaret J. Cox

Date

12/4/89

Date

12-4-89

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

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 _____

Title and Organization _____

Date _____

State of Idaho/or Idaho)
County of Elmore) SS.

Subscribed and sworn (or affirmed) before me this 5th day of December 19 89

SEAL

Notary Public

B. Helba Capell

Residing at

Mtn Home

My Commission Expires

6-21-91

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

Cox

Ident. Number

39576

Copies White-State, Yellow-Claimant

EDWARD W. COX and MARGARET J. COX, Husband and Wife, of 535

Phelps Circle, Mountain Home, Idaho, the Grantees, the following described premises in Elmore County, Idaho, to-wit:

Tax No. 2, Section 11, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho; which said tax number is more particularly described as follows:

Commencing at a point 679 feet due West of the Northeast corner of the NW 1/4 SE 1/4, Section 11, T3S, R6E, B.M.; and running thence West 641 feet; thence South 1155 feet; thence East 641 feet; thence North 1155 feet to the POINT OF BEGINNING.

AND

Tax No. 3, Section 11, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho; which said tax number is more particularly described as follows:

Commencing at a point 1155 feet due South of the Northeast corner of the NW 1/4 SE 1/4, Section 11, T3S, R6E, B.M.; and running thence South 165 feet; thence West 1320 feet to the Southwest corner of the NW 1/4 SE 1/4 of said Section 11; thence North 165 feet; thence East 1320 feet to the POINT OF BEGINNING.

AND

The N 1/2 N 1/2 N 1/2 SW 1/4 SE 1/4, Section 11, Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho; SAVE AND EXCEPT the following described parcel:

Commencing at the Southwest corner of the N 1/2 N 1/2 N 1/2 SW 1/4 SE 1/4, Section 11, T3S, R6E, B.M.; and running thence North 425 feet 5 inches; thence East 462 feet; thence South 425 feet 5 inches; thence West 462 feet to the POINT OF BEGINNING.

ALSO SAVE AND EXCEPT that portion deeded to the County of Elmore, State of Idaho, for road purposes, by deed recorded April 18, 1914, in Book 1 of Deeds to Public Highways at Page 30, records of Elmore County, Idaho.

3/23/1990

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Carl, Edward & Margaret

CLAIM IDENT. NO.

AL61

DATE RECEIVED

12-6-89

CK #

713

AMOUNT \$

147⁰⁰/ \$ 73⁰⁰

Required

- | | YES | NO | Info? |
|--|-------------------------------------|-------------------------------------|-------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☐ | ☒ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | * |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☐ | ☒ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated?
(see Item No. 17 for checking other water rights) | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the basis of claim is shown as license, permit or decree is the existing water right number listed? (If yes, compare claim with the existing water right and either attach a proof report or state in comments that existing right was compared to claim) | ☐ | ☐ | |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. on the claim? (If yes, describe these rights in "Comments") NOTE: If the claim is for domestic/stockwater this check is not as necessary unless it is indicated there is an existing right | ☐ | ☐ | |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 19. Is the claim signed by the claimant, and is the signature appropriate?
Organizations must complete the organization block. | ☒ | ☐ | * |
| 20. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 21. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 22. Is the fee enclosed correct? | ☐ | ☒ | * |

23. Should this claim be receipted and data entered?

YES

NO

Claim checked by: JD

Date: 2-12-91

Claim must be returned to claimant:

X (Yes) (No)

Claimant must be notified of modifications:

 (Yes) (No)

Receipt Prepared by: JD

Date: 12-7-89

Claim data entered by:

Date:

Checked by:

Date:

Sent to claimant by:

Date:

Comments:

No priority date. 50¢ short on fee.



State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 61-7023 Priority March 14, 1968 Amount 0.40 cfs

THIS IS TO CERTIFY, that HAROLD R. HICE

of Mountain Home, Idaho, has complied with the terms and conditions of Permit No. 61-7023 issued pursuant to Application for Permit dated March 14, 1968, and has submitted proof to the Department of Water Administration on January 23, 1973, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.41 cfs of water from a ground water source, tributary to _____, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Oct. 15</u>	at <u>0.40</u> cfs and	<u>90 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>4.5 af per acre</u>
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.40 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 90 acre feet per year, and waters to be diverted within the NW¹SE¹ of Sec. 11,
Twp. 3 S, Rge. 6 E, B.M. in the County of Elmore

Description and location of place of use:

Twp.	Range	Sec.	NE ¹				NW ¹				SW ¹				SE ¹				Totals
			NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	
3 S	6 E	11													18	2			20

Total number of acres irrigated 20

A measuring device of a type approved by this Department shall be permanently maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 5 day of February, 19 74.

Director

61-7023

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-7023

WATER RIGHT NUMBER: 61-7023

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HAROLD R HICE RT 1 BOX 644 MOUNTAIN HOME, ID 83647

Priority Date: 03/14/1968

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/15	0.400 CFS	90.00 AF
	<u>Total Diversion:</u>	0.400 CFS	90.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 11, Twp 03S, Rge 06E, B.M.
ELMORE 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	
03S	06E	11															18.0	2.0	20.0

Total Acres: 20

Conditions of Approval:

- 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-7023

Licensed Date: 12/3/1979

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: