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MAY 29 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 37-07102
	)	(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 _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing SUN VALLEY WATER & SEWER DISTRICT

My name is J. EVAN ROBERTSON

My address is PO BOX 1906, TWIN FALLS, ID 83303-1906

My phone number is (208) 933-0700

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 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 \$ _____.

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:

The original claim neglected to include a fourth point of diversion in SWSE, Section 19, T 04 N,
Range 18 E, BM, Blaine County. This point of diversion is known as Sun Valley Water & Sewer
District Well No. 8.

- ☐ 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:

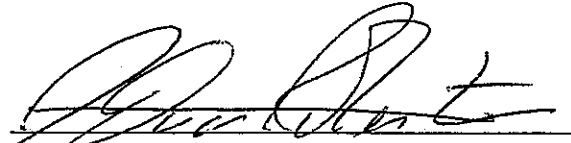
VERIFICATION (Must be completed)

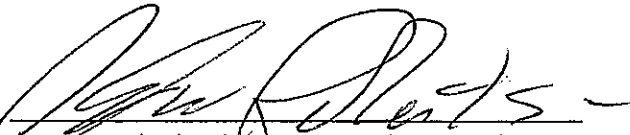
State of IDAHO

County of TWIN FALLS

J. EVAN ROBERTSON, 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.

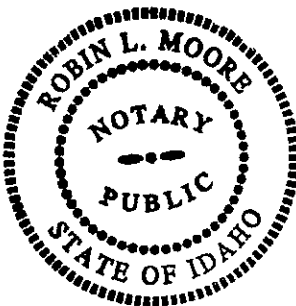

Signature of person filing motion

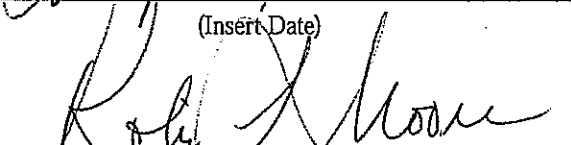

Attorney signing in representative capacity

Subscribed and sworn to before me on

May 28, 2009

(Insert Date)




Notary Public for IDAHO
Residing at: Jerome
My Commission expires: 12-29-12

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 5-28-09, 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

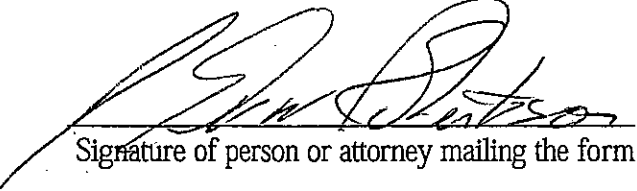
Michael Ciscell, GISP
Sr. GIS Analyst
Adjudication Bureau
IDWR

322 E. Front St.
Boise, ID 83720-0098

Via Email Michael.Ciscell@idwr.idaho.gov

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 37-7102
Date Received: 10/21/1988
Receipt No: S003127
Received By:

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

1. Name of Claimant(s)

SUN VALLEY WATER & SEWER DIST Phone: (208)622-7610

PO BOX 416
SUN VALLEY ID USA 83353

2. Date of Priority: 05/25/1971

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	18E	19	SW SE	BLAINE	
04N	18E	19	SW SE	BLAINE	
04N	18E	19	SW SE	BLAINE	
04N	18E	19	SW SE	BLAINE	

5. Description of diverting works:

WELLS, PIPELINE & DISTRIBUTION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	1/01	12/31	9	

7. Total Quantity Appropriated is:
9 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
04N	17E	24	NE	NE		MUNICIPAL	
04N	18E	5	NE	NE	1	MUNICIPAL	
			NW	NE	2	MUNICIPAL	
			SW	NE		MUNICIPAL	
			SE	NE		MUNICIPAL	
			NE	NW	3	MUNICIPAL	
			SW	NW		MUNICIPAL	
			SE	NW		MUNICIPAL	
			NE	SW		MUNICIPAL	
			NW	SW		MUNICIPAL	
			SW	SW		MUNICIPAL	
			SE	SW		MUNICIPAL	
			NE	SE		MUNICIPAL	
			NW	SE		MUNICIPAL	
			SW	SE		MUNICIPAL	
			SE	SE		MUNICIPAL	
04N	18E	6	NE	SW		MUNICIPAL	
			SE	SW		MUNICIPAL	
			NE	SE		MUNICIPAL	
			NW	SE		MUNICIPAL	
			SW	SE		MUNICIPAL	
			SE	SE		MUNICIPAL	
04N	18E	7	NE	NE		MUNICIPAL	
			NW	NE		MUNICIPAL	
			SW	NE		MUNICIPAL	
			SE	NE		MUNICIPAL	
			NE	NW		MUNICIPAL	
			SE	NW		MUNICIPAL	
			NE	SW		MUNICIPAL	
			SE	SW		MUNICIPAL	
			NE	SE		MUNICIPAL	
			NW	SE		MUNICIPAL	
			SW	SE		MUNICIPAL	
			SE	SE		MUNICIPAL	
04N	18E	8	NE	NE		MUNICIPAL	
			NW	NE		MUNICIPAL	
			SW	NE		MUNICIPAL	
			SE	NE		MUNICIPAL	
			NE	NW		MUNICIPAL	
			NW	NW		MUNICIPAL	
			SW	NW		MUNICIPAL	
			SE	NW		MUNICIPAL	
			NE	SW		MUNICIPAL	
			NW	SW		MUNICIPAL	
			SW	SW		MUNICIPAL	
			SE	SW		MUNICIPAL	
			NE	SE		MUNICIPAL	
			NW	SE		MUNICIPAL	
			SW	SE		MUNICIPAL	
			SE	SE		MUNICIPAL	
04N	18E	9	NE	NE		MUNICIPAL	
			NW	NE		MUNICIPAL	
			SW	NE		MUNICIPAL	
			SE	NE		MUNICIPAL	
			NE	NW		MUNICIPAL	

			NW	NW		MUNICIPAL
			SW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			NW	SW		MUNICIPAL
			SW	SW		MUNICIPAL
			SE	SW		MUNICIPAL
			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	16	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SW	NE		MUNICIPAL
			SW	NE	2	MUNICIPAL
			SE	NE		MUNICIPAL
			SE	NE	1	MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
			SW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			NW	SW		MUNICIPAL
			SW	SW		MUNICIPAL
			SE	SW		MUNICIPAL
			NE	SE		MUNICIPAL
			NE	SE	4	MUNICIPAL
			NW	SE	3	MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	17	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SW	NE		MUNICIPAL
			SE	NE	1	MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
			SW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			NW	SW		MUNICIPAL
			SW	SW		MUNICIPAL
			SE	SW		MUNICIPAL
			NE	SE	2	MUNICIPAL
			NW	SE	2	MUNICIPAL
			SW	SE	5	MUNICIPAL
			SE	SE	4	MUNICIPAL
04N	18E	18	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SW	NE		MUNICIPAL
			SE	NE		MUNICIPAL
			NE	NW	1	MUNICIPAL
			SE	NW		MUNICIPAL
			SW	SW	6	MUNICIPAL
			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	19	NE	NE		MUNICIPAL
			NW	NW	1	MUNICIPAL
			SW	NW	2	MUNICIPAL
			SE	SW		MUNICIPAL

			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	20	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SE	NE		MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
			SW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			NW	SW		MUNICIPAL
			SW	SW		MUNICIPAL
			SE	SW		MUNICIPAL
			NE	SE		MUNICIPAL
04N	18E	21	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SW	NE		MUNICIPAL
			SE	NE		MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
			SW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			NW	SW		MUNICIPAL
			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	28	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
04N	18E	29	SW	NE		MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			SE	SW		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
04N	18E	30	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SE	NE		MUNICIPAL
			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	32	NE	NW		MUNICIPAL
05N	18E	32	SE	NE		MUNICIPAL
			SE	SW	3	MUNICIPAL
			NE	SE		MUNICIPAL
			SW	SE	2	MUNICIPAL
			SE	SE	1	MUNICIPAL

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

4 P/D IN SWSE, S19, T4N, R18E.

Place of use is within the service area of the City of Sun Valley municipal water supply system as provided for under Idaho Law.

15. Basis of Claim: License

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: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

RECEIVED

MAY 29 2009

SRBA Form No.42-1409-1 (Internet 2/09)

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 37-07147

Date Received: _____

Receipt No: _____

Received By: _____

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

Please type or print clearly

1. Name of Claimant (s) SUN VALLEY WATER & SEWER DISTRICT Phone (208) 622-4438

Mailing Address PO BOX 416 SUN VALLEY ID ZIP 83353
Street or Box City State

2. Date of Priority (Only one (1) per claim) 05/23/1972
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____

4. a. Location of Point of Diversion is: Township 04N, Range 17E, Section 24,
NE, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of Blaine

Parcel (PIN) no. _____

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

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., 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. This Right is pumped from Sun Valley Water & Sewer District

Well No. 9.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Municipal purposes from 1/01 to 12/31 amount 0.15 or 108

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.15 (cfs) and/or (b) 108 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Municipal

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	
04N	17E	23											M						
04N	17E	23				M													
04N	17E	24	M																

Parcel (PIN) no(s). _____

Total number of acres irrigated _____

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

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.

_____ or None (✓)

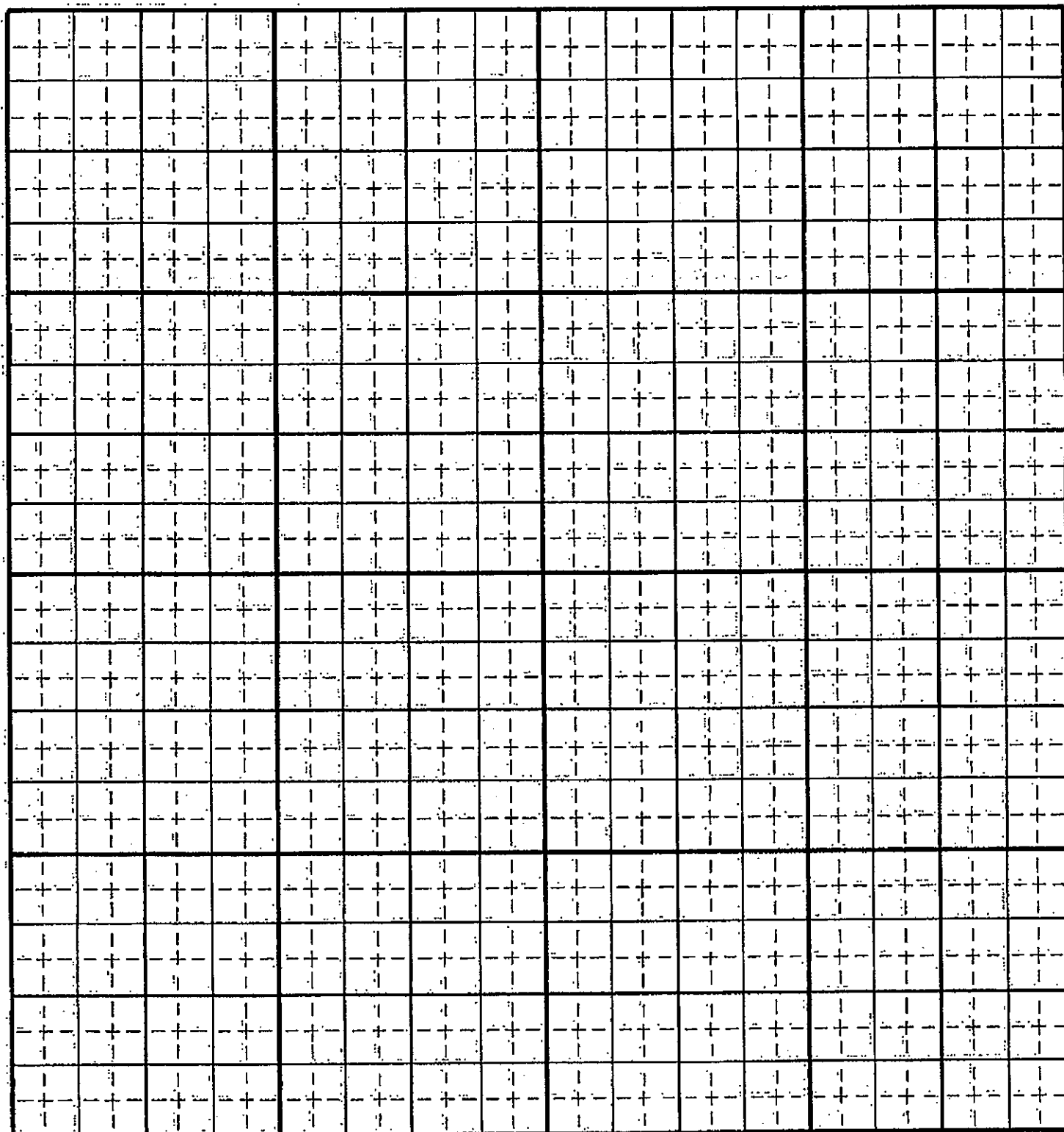
13. Remarks: WELL SUPPLIES WATER TO 4N, 17 E, SECTIONS 23 & 24 UNDER SUN VALLEY WATER & SEWER DISTRICT

Last Name SUN VALLEY WATER &

Identification No. 37-07147

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile



Last Name _____

Identification No. 37-67147

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 37-7147

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 notices 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: 0

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) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

the attorney of record and agent _____ of the Sun Valley Water & Sewer District _____,
Title Organization

that I have signed the foregoing document in the space below as

the attorney of record and agent _____ of the Sun Valley Water & Sewer District _____,
Title Organization

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

Signature of Authorized Agent J. Evan Robertson Date 5-28-09

Title and Organization J. Evan Robertson, Attorney at Law, for the Sun Valley Water & Sewer District

16. Notice of Appearance:

Notice is hereby given that I, J. EVAN ROBERTSON, will be acting as attorney at law of 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 J. Evan Robertson Date 5-28-09

Address PO Box 1906, Twin Falls, ID 83303

(208) 933-0700

Last Name SUN VALLEY WATER & Identification No. 37-07147

CERTIFICATE OF MAILING

I certify that on May 28, 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

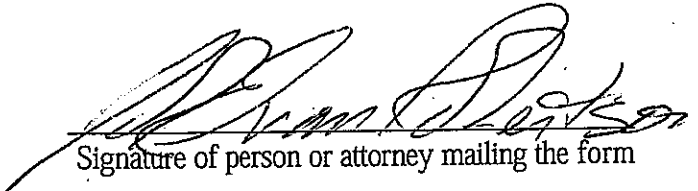
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Michael Ciscell, GISP
Sr. GIS Analyst
Adjudication Bureau
IDWR
322 E. Front St.
Boise, ID 83720-0098
Via Email Michael.Ciscell@idwr.idaho.gov

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.

USA, USDA Forest Service
C/o David L. Negri
Attorney at Law
550 West Fort St, MSC 033
Boise, ID 83724
Via U.S. Mail


Signature of person or attorney mailing the form