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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>37-22447</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 _____

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:

PLEASE SEE ATTACHED MEMORANDUM IN SUPPORT OF MOTION TO FILE LATE
NOTICE OF CLAIM

☐ 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 \$ 195.00.

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 Tuesday, September 15, 2009, at 1:30 p.m.

(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 IDAHO

County of TWIN FALLS

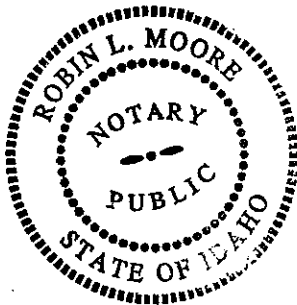
J. EVAN ROBERTSON, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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

[Signature]
Attorney signing in representative capacity

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



[Signature]
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 June 23, 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:

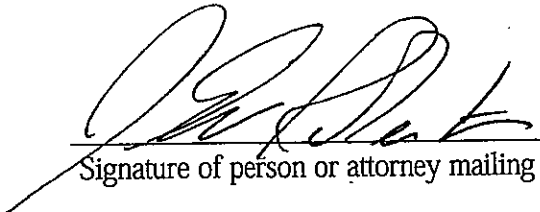
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 37-22447
Date Received: 4/28/2009
Receipt No:
Received By:

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

1. Name of Claimant(s)

SUN VALLEY WATER & SEWER DIST Phone: (208)622-4438
PO BOX 416
SUN VALLEY ID USA 83353

2. Date of Priority: 07/26/1948

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	7	SE	NE	BLAINE	
04N	18E	7	SE	NE	BLAINE	
04N	18E	7	NE	SE	BLAINE	
04N	18E	7	NE	SE	BLAINE	
04N	18E	8	NW	NW	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	01/01	12/31	0.95	

7. Total Quantity Appropriated is:
0.95 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:

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

Ground water was first diverted under this right at Sun Valley Well No. 3 located in T04N, R18E, S7 SENE.

15. Basis of Claim: Beneficial Use

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

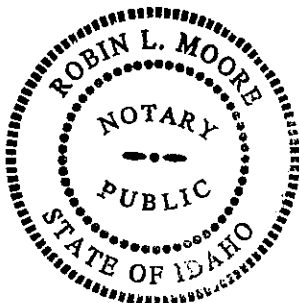
Number of attachments: - 0 -

For Organizations:

I do solemnly swear or affirm that I am ATTORNEY of
Title
SUN VALLEY WATER AND SEWER DISTRICT that I have signed the foregoing
Organization
document in the space below as ATTORNEY of
Title
SUN VALLEY WATER AND SEWER DISTRICT and that the statements contained in the
Organization
foregoing document are true and correct.
Signature of Authorized Agent
ATTORNEY: SUN VALLEY WATER AND SEWER DISTRICT
Title and Organization
6-20-09
Date

State of Idaho)
County of TWIN FALLS) SS.

Subscribed and sworn (or affirmed) before me this 20th
of June 2009,



Robin L. Moore
Notary Public
Residing at Jerome
My commission Expires 12-29-12