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NOV 25 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 85-15724
(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 James R. and Sandra I. Brodie

My address is 34299 Winchester Grade
Culdesac, Id. 83524

My phone number is: Work Home (208) 843-2082

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:

Purchased property
April 2006

☐ 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.)

Well Report
Exhibit "A" for Real Property

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 \$ 25.00.
- ☐ 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:

- ☐ 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:

CERTIFICATE OF MAILING

I certify that on Nov. 23, ~~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)

Sandra f. Brodie

Signature of person or attorney mailing the form

VERIFICATION (Must be completed)

State of Idaho

County of Nez Perce

James R. Brodie

Sandra J. Brodie

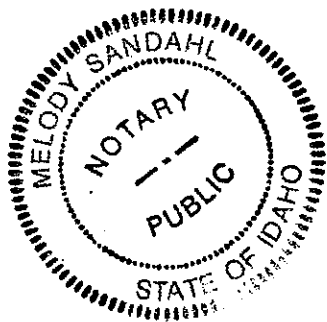
, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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]
Sandra J. Brodie
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on NOV 23, 2009
(Insert Date)



Melody Sandahl
Notary Public for Idaho
Residing at: 1401 Alder Ave Lewiston, ID
My Commission expires: 10/4/13

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.

RECEIVED

NOV 25 2009

Form No. 42-1409 (2) b 7/07

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 85-15724

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) James R. & Sandra I. Brodie Phone (208) 843-2082

Mailing Address 34299 Winchester Grade/Caldesac, Id. Zip 83524
Street or Box City State

2. Date of Priority: (Only one per claim) April 15, 1993
Month/Day/Year (YYYY)

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

4. Location of Point of Diversion is: Township 35 North, Range 3 West, Section 25,
NE, 1/4 of SW, 1/4 or Govt. Lot 22, BM., County of Nez Perce; Parcel (PIN) No. RP 35 N 03 W 254951 A

Additional points of diversion if any: _____

If available, GPS Coordinates _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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 & Pump

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Domestic purposes from Jan 01 to Dec 31 amount .04
Month/Day Month/Day (cfs) or (AFA)

For Stock water purposes from Dec 01 to Aug 31 amount .02
Month/Day Month/Day (cfs) or (AFA)

7. Total Quantity claimed .06 (cfs) or (AFA)

8. Non-irrigation uses. Describe fully. (eg. Domestic: Give number of households served if single ownership; Stockwater: Type and number of livestock)

1 household
5 mules

9. Location of Place of Use is: Township 35 North, Range 3 West, Section 25,
NE, 1/4 of SW, 1/4, Govt. Lot 22, BM.; Parcel (PIN) No. RP35N03W254951A

for (Circle One) Domestic Stock Domestic and Stock
 Additional places of use, if any N/A

10. Which county (ies) are lands listed above as place of use located? Nex Perce

11. Do you own the property listed above as place of use? Yes ☒ No ()

If the 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.

None () None

13. Remarks:

14. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

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: 2

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) A. J. Brodie Date: 11-23-09

x Sandra J. Brodie Date: 11-23-09

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 _____ Identification No. _____

Exhibit "A"

Real property in the County of Nez Perce, State of Idaho, described as follows:

A PARCEL OF LAND IN GOVERNMENT LOTS 22 AND 27, SECTION 25, TOWNSHIP 35 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN, NEZ PERCE COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF GOVERNMENT LOT 22, MARKED BY A REBAR; THENCE SOUTH 0°04'51" EAST A DISTANCE OF 1,343.63 FEET ALONG THE EAST LINE OF SAID GOVERNMENT LOTS 22 AND 27 TO THE NORTHERLY RIGHT OF WAY LINE OF THE OLD NORTH AND SOUTH HIGHWAY, MARKED BY A REBAR ON THE ARC OF A 605.96 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 20°35'54" WEST; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 37°12'58" A DISTANCE OF 393.60 FEET TO A REBAR ON A LINE 300.00 FEET WEST OF AND PARALLEL TO SAID EAST LINES OF GOVERNMENT LOTS 22 AND 27; THENCE NORTH 0°04'51" WEST A DISTANCE OF 1,141.00 FEET ON A LINE 300.00 FEET WEST OF AND PARALLEL TO SAID EAST LINES OF GOVERNMENT LOTS 22 AND 27, TO A REBAR ON THE CENTERLINE OF A DIRT ROAD; THENCE ALONG THE CENTERLINE OF SAID DIRT ROAD, NORTH 30°43'00" WEST A DISTANCE OF 790.00 FEET; THENCE NORTH 56°03'00" WEST A DISTANCE OF 30.00 FEET; THENCE NORTH 84°02'00" WEST A DISTANCE OF 60.00 FEET; THENCE NORTH 64°30'00" WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 53°16'00" WEST A DISTANCE OF 60.00 FEET AND THENCE NORTH 47°00'00" WEST A DISTANCE OF 48.28 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE OLD NORTH AND SOUTH HIGHWAY, MARKED BY A REBAR ON THE ARC OF A 152.37 FOOT RADIUS CURVE CONCAVE WESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 53°09'18" EAST; THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 124°26'34" A DISTANCE OF 330.94 FEET TO THE WEST LINE OF SAID GOVERNMENT LOT 22, MARKED BY A REBAR; THENCE NORTH 0°09'54" WEST A DISTANCE OF 28.90 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 22, MARKED BY A REBAR; THENCE NORTH 89°54'26" EAST A DISTANCE OF 663.85 FEET ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 22 TO THE POINT OF BEGINNING.

UHLENKOTT PUMP SERVICE
WELLS - PUMPS & WATER SYSTEMS

RT. 1 BOX 36
GRANGEVILLE, IDAHO 83530
(208) 962-3279 / (208) 746-4555

PUMP ESTIMATE FOR:

DR. JAMES JOHNSON

THAIN ROAD

LEWISTON, IDA

PHONE 435-5283

243-5913

MAR 25, 1993

DEPTH 654 FEET

STATIC 582 FEET

CAPACITY 5 GPM

NO	ITEM	DESCRIPTION	L/PRICE	TOTAL
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** EQUIPMENT IN WELL **

1	GOULDS	5E515412 1 1/2 HP SINGLE PHASE	\$878.50	\$878.50
		4 8 GPM @ 672' & OPEN DISCHARGE		
1	GOULDS	10EJ05412 1/2 HP IN CISTERN	\$402.50	\$402.50
1	EZ SEAL	PUMP SPLICE	\$25.00	\$25.00
682	FEET	#8-4 FLAT PVC PUMP CABLE	\$1.00	\$682.00
672	FEET	1 INCH GALV DROP PIPE	\$1.44	\$967.68
1	DICKENS	1 INCH PITLESS ADAPTER (LDS-10)	\$45.80	\$45.80
1	BAKER	8 INCH WATER TIGHT WELL CAP	\$198.45	\$198.45
1	MISC	WELL FITTINGS	\$60.00	\$60.00
1	CEMENT	1250 GALLON CEMENT CISTERN	\$500.00	\$500.00
1	MISC	DELIVERY AND SET UP FEE	\$85.00	\$85.00
1	ELEC	ELECTRICAL PACKAGE	\$150.00	\$150.00
1	EZ SEAL	A/C DISCONNECT 30 AMP	\$40.00	\$40.00
1	SIMMONS	EXTRA FITTINGS AT CISTERN	\$43.75	\$43.75
100	FEET	DITCH PIPE 1 INCH POLY	\$0.74	\$73.50
1	MERRILL	3 FT BURY HYDRANT	\$43.75	\$43.75
2	TECNO	1 1/4 TECNOCHEK VALVES	\$86.80	\$173.60
1	WELMATE	WM25WB 87 GALLON PRESSURE TANK	\$400.75	\$400.75
1	MISC	EXTRA FITTINGS IN DITCH	\$35.00	\$35.00
1	MISC	EXTRA FITTINGS AT PRESSURE TANK	\$78.75	\$78.75
100	FEET	DITCH WIRE & CONTROL WIRE	\$0.40	\$40.25
1	MISC	JUNIOR SUPER SINGLE FLOAT SWITCH	\$47.60	\$47.60

MATERIALS TOTAL

\$4971.88

3	HOURS	HOIST TIME	\$45.00	\$135.00
1	ESTIMATED	INSTALLATION TOTAL	\$726.00	\$726.00

NON TAXABLE TOTAL

\$861.00

IDAHO 5% SALES TAX

\$248.59

5 YR WARRANTY ON PUMP

\$125.00

FREIGHT ON PUMP

\$9.75

ESTIMATE TOTAL >>>>>>

\$6216.22

FINAL COST BASED ON ACTUAL MATERIALS USED.