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DEPARTMENT OF
WATER RESOURCES

COPY

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 63-33345

) (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 City of Greenleaf

My address is c/o City Clerk, 20523 N. Whittier Dr., Greenleaf, ID 83626

My phone number is: 208-454-0552

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:

The City purchased the property in 2009 and recently became aware that the irrigation use had not been decreed in the SRBA.

☐ 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.)

1. An affidavit from previous owners John L. and Joyce B. Turner verifying historical irrigation use since 1956.

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 \$130.

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, July 20, 2010 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 CADDO

MAJOR BRADLEY HOLTOM, 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.

Major Bradley Holtom
Signature of person filing motion

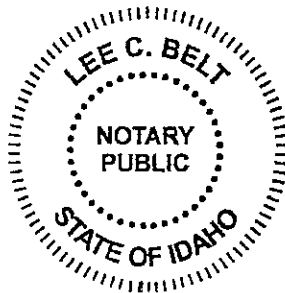
Attorney signing in representative capacity

Subscribed and sworn to before me on 06 APRIL 2010
(Insert Date)

Lee C. Belt
Notary Public for IDAHO

Residing at: BRUCEVILLE, IDAHO

My Commission expires: 10-29-2010



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 4/14, 2010, 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

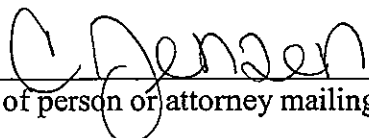
2. Copies to:

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.



Signature of person or attorney mailing the form

INSTRUMENT NO. 2010014450

IN THE MATTER OF: Civil Case 39576)
Snake River Basin Adjudication)
Evidence of Priority)
State of Idaho)
County of Canyon)

AFFADAVIT

I, John L. Turner and Joyce B. Turner, being the past owners of a parcel of land locate north of the City of Greenleaf and fronting Peckham Road, then described as the E 1/2 SE 1/4 Section 16, T4N, R4W, Boise Meridian, Canyon County, Idaho, had owned and farmed the parcel from the 1950's through the 1990's. Starting in 1956 and throughout the time we owned and farmed the above described parcel, the approximate 30 acres north of the West End Drain ("Drain") (aka Renshaw Drain) was irrigated with surface water diverted from the Drain. The surface water was diverted from the Drain by pumping the water from the Drain and into concrete and earthen ditches. The water was then applied to the 30 acres north of the drain using gravity, flood type irrigation and sprinklers.

REQUEST Greenleaf City
TYPE MADE FEE ---

2010014450

RECORDED

2010 MAR 30 PM 2 29

WILLIAM H. HURST
CANYON CNTY RECORDER

BY Joanna Dumas

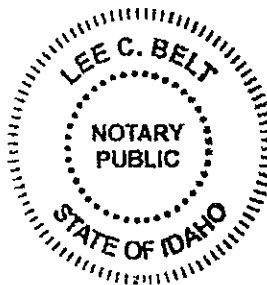
John L. Turner
(Signature)
Joyce B. Turner
(Signature)

Scribed and sworn before me this 30th day of March, 2010.

Lee C. Belt
Signature of Notary

Residing at Greenleaf, Idaho

My Commission Expires 10-21-2010



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: 63-33345
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

City of Greenleaf
c/o City Clerk
20253 N. Whittier Dr.
Greenleaf, ID 83626

Phone: (208)454-0552

2. Date of Priority: March 1, 1956

3. Source: East End Drain

Trib. to: Boise River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
4N	4W	16	NE SE		Canyon	

5. Description of diverting works:

Pump, Ditch, Gravity and Sprinkler Irrigation

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	3/1	11/15	0.60	

7. Total Quantity Appropriated is:

0.60 cfs

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	4W	16													30				30

11. Place of use in counties: **Canyon**

12. Do you own the property listed above as place of use? **Yes**

13. Other Water Rights Used: **None**

14. Remarks: This claim is a duplicate of claim 63-21542 that was filed timely by the Turners, who then sold the property. Subsequent owners failed to respond to Department inquiries for proof of beneficial use. Consequently, claim 63-21542 was disallowed.

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

Number of attachments: _____

For Organizations:

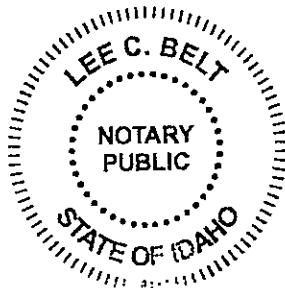
I do solemnly swear or affirm that I am Mayor Bradley Holton of City of Greenleaf Organization, that I have signed the foregoing document in the space below as Mayor of City of Greenleaf Organization and that the statements contained in the foregoing document are true and correct.

Bradley Holton
Signature of Authorized Agent
Mayor City of Greenleaf
Title and Organization
4/6/2010
Date

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 06th of APRIL 2010

Lee C. Belt
Notary Public



Residing at Greenleaf, Idaho

My commission Expires 10-29-2010

2007 Photo

8

9

10

T4N R4W

17

16

15

West End Drain

22

21

Legend

⊙ Point of Diversion

▭ Place of Use

▭ Sections

Claim 63-33345
City of Greenleaf

