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DEPARTMENT OF
WATER RESOURCES

10-12

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 47-1525

)

(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 HARRY P. and GLORIA L. KISSINGER

My address is 2536 Rock Creek Rd.
Hansen, ID 83334

My phone number is: Work 208-423-6244 Home 208-423-6244

I am an attorney representing _____

My name is HARRY P. KISSINGER

My address is 2536 Rock Creek Rd.
Hansen, ID 83334

My phone number is 208-423-6244

MOTION TO FILE A LATE NOTICE OF CLAIM

☒ *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:

To Correct the priority date from May 14, 1892
to March 14, 1892 to conform to the original
water rights.

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

A COPY of the original decree.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

no fee required

VERIFICATION (Must be completed)

State of Idaho

County of Twin Falls

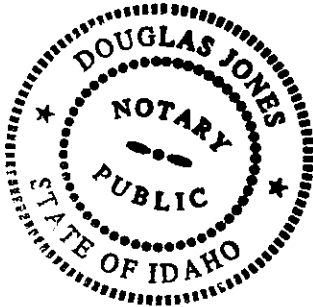
Harry P Kissinger, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Harry P Kissinger
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 10/4/10
(Insert Date)



Douglas Jones
Notary Public for Idaho
Residing at: Buhl ID
My Commission expires: 8/8/2013

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 10-8-2010, ~~199~~, 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:

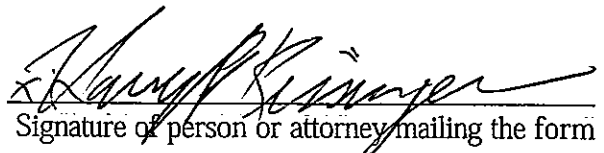
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

AMENDED

WATER RIGHT NUMBER: **47-152D**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GLORIA L KISSINGER 2536 ROCKCREEK RD HANSEN, ID 83334 (208)423-6244
Current Owner	HARRY P KISSINGER 2536 ROCKCREEK RD HANSEN, ID 83334 (208)423-6244

Priority Date: ~~05/14/1892~~ 3-14-1892

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ROCK CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.660 <u>0.03</u> CFS	
<u>Total Diversion:</u> 2.660 <u>0.03</u> CFS			

Location of Point(s) of Diversion

ROCK CREEK NW1/4NW1/4SW1/4 Sec. 24, Twp 12S, Rge 18E, B.M.
TWIN FALLS 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	
12S	18E	24											2.0						2.0

Total Acres: 2

Conditions of Approval:

1. PORTION OF 47-00152 DECREE. R-55, UPPER ROCK CREEK RANCHES.

Remarks:

H P Kissinger → 10-4-10
Gloria L Kissinger 10-5-10

② In the District Court of the Fourth Judicial District of Idaho,
in and for Cassia County.

A. D. Norton, L. H. Norton, Henry Jones,
Albert Jones, and Wilmoth Jones,
Plaintiffs,

VS.

DECREE.

Nephi Larsen, E. M. Crockett, A. J. Harrall,
Lawrence Hansen, Lars Larsen, H. P. Larsen,
Robert Brose, Edward Domrose, Charles Roarback,
Chris Peterson, Herman Stricker, Thomas Atkins,
Mary E. Robison, John F. Hansen, James Steel,
Frank Workman, A. B. Norton and Merritt Eignor
Defendants.

coded 4-7-82

See conclusion of fact & law to be decreed
This cause coming on to be heard upon the findings of fact and
conclusions of law herein filed and the court being fully advised in the
premises, it is hereby ordered, adjudged and decreed:

47-0148 45-0342 1st: That the Plaintiff A. D. Norton and L. H. Norton be and they
are hereby awarded the use of the amount of undecreed water hereinafter
stated from the waters of Rock Creek in each year to-wit: 110 inches dated
from March 14th 1892.

47-0149 45-0343 2nd: That the Plaintiff Henry Jones, be and is hereby awarded the use
of the amount of undecreed water hereinafter stated from the waters of
Rock Creek, in each year, to-wit: 70 inches dated from March 14th 1892.

47-0150 45-0344 3rd: That the Plaintiff Henry Jones, be and is hereby awarded the
use of the amount of undecreed water hereinafter stated from the waters of
Rock Creek in each year to-wit: 60 inches dated March 14th 1892.

47-0151 45-0345 4th: That the Plaintiff Albert Jones be and is hereby awarded the
use of the amount of the undecreed water of hereinafter stated from the
waters of Rock Creek, in each year to-wit: 50 inches dated from March 14th,
1892.

47-0152 45-0346 5th: That the Plaintiff Wilmoth Jones, be and is hereby awarded the
use of the amount of the undecreed water hereinafter stated, from the
waters of Rock Creek, in each year to-wit: 40 inches dated from March
14th 1892.

1.5 LFS = Hugo Meyer
W. T. Rawson

Enters on Mr. Schoolboy (old Shoe Lane Ranch)