

1-3

DEPARTMENT OF  
WATER RESOURCES

In Re SRBA

(Insert water right number)

Case 39576

**STANDARD FORM 4**

**MOTION TO FILE:**

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

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.

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 Robin K. Hance or Phillip L. Hance

My address is 3322 Dent Bridge rd. Orofino, Id. 83544

My phone number is: Work \_\_\_\_\_ Home (208) 476-9080

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ 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.)

Statement of previous resident (Affidavit)  
copy of Warranty Deed + copy of claim for property the spring is on + in use  
Plot map

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 Tuesday April 19, 2011 at 1:30pm  
(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:

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

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I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

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**VERIFICATION** (Must be completed)

State of Idaho

County of Clearwater

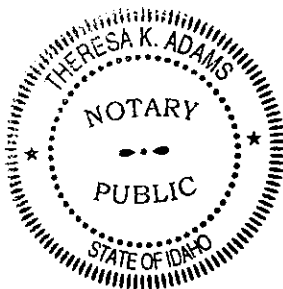
Robin K. Hance, being first duly sworn, upon oath, deposes and says:  
(Insert name of person filing form)

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.

Robin K. Hance  
Signature of person filing motion

\_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on December 31, 2010.  
(Insert Date)



Theresa K. Adams  
Notary Public for Idaho  
Residing at: Drifino  
My Commission expires: 03/24/15

**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 Dec. 31, <sup>201</sup>~~199~~0, 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:

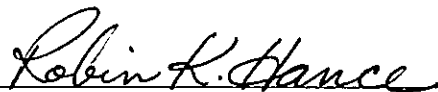
IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

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 39576  
NUMBER:  
Ident. Number: 84-12258  
Date Received:  
Receipt No.: 2091779 -10

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s):

| Name            | Address             | City    | State | Country | Postal Code |
|-----------------|---------------------|---------|-------|---------|-------------|
| ROBIN K HANCE   | 3322 DENT BRIDGE RD | OROFINO | ID    | USA     | 83544       |
| PHILLIP L HANCE | 3322 DENT BRIDGE RD | OROFINO | ID    | USA     | 83544       |

2. Date of Priority:

| Date     | Explanation |
|----------|-------------|
| 1/1/1960 |             |

3. Source:

| Source | Tributary | Type |
|--------|-----------|------|
| SPRING | SINKS     |      |

4. Point Of Diversion:

| Township | Range | Section | Gov Lot | QQ | Q  | County     |
|----------|-------|---------|---------|----|----|------------|
| 37N      | 02E   | 33      |         | SE | SW | CLEARWATER |

5. Water is used for the following purpose(s):

| Water Use  | Number Of Homes | Stock         |                 | Description |
|------------|-----------------|---------------|-----------------|-------------|
| DOMESTIC   | 1               | -             |                 |             |
| STOCKWATER | -               | Type of Stock | Number of Stock |             |
|            |                 | Mixed Stock   | 1 - 10          |             |

6. Season(s) of Use:

| Water Use  | From Month/Day | To Month/Day |
|------------|----------------|--------------|
| DOMESTIC   | 1 / 1          | 12 / 31      |
| STOCKWATER | 1 / 1          | 12 / 31      |

7. Quantity:

| Water Use  | CFS   | AF   | KW  |
|------------|-------|------|-----|
| DOMESTIC   | 0.010 | 0.00 | 0.0 |
| STOCKWATER | 0.010 | 0.00 | 0.0 |

Totals:

| CFS   | AF   | KW |
|-------|------|----|
| 0.010 | 0.00 |    |

8. Place of Use:

| Water Use  | Township | Range | Section | QQ | Q  | County     | Gov Lot | Acreage |
|------------|----------|-------|---------|----|----|------------|---------|---------|
| DOMESTIC   | 37N      | 02E   | 33      | SE | SW | CLEARWATER | -       | -       |
| STOCKWATER | 37N      | 02E   | 33      | SE | SW | CLEARWATER | -       | -       |

9. Basis of Claim:

| Basis          |
|----------------|
| Beneficial Use |

10. 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: 8

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): *Theresa L. Hance* Date: 12/31/10  
*Robin K. Hance* Date: 12-31-10

RECEPTION ☒ INDEXED ☒  
FILMED ☐ DELIVERED ☐  
MAILED ☐

203482

WARRANTY DEED

INSTRUMENT # 203482  
CLEARWATER COUNTY, OROFINO, IDAHO  
2006-08-18 81: 25/100 of Pages: 2  
Recorded for: CCLT  
ROBIN CHRISTENSEN Fee: \$ 80  
Ex-Officio Recorder Deputy  
Return to X

THIS INDENTURE, made on this 4th day of AUGUST, 2006, by and between DOUGLAS L. McROBERTS and BRENDA R. McROBERTS, husband and wife, of 507 North Mill, Grangeville, ID 83530, hereinafter referred to as the Grantors, and PHILLIP L. HANCE and ROBIN K. HANCE, husband and wife, of 335 Rowland Ave., Modesto, CA 95354, hereinafter referred to as the Grantees.

WITNESSETH:

That the said Grantors, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations to them in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey, and confirm all right, title, and interest that they have in the below described real property unto the said Grantees, their heirs and assigns, forever all the following described real property situate in the County of Clearwater, State of Idaho, to wit:

Township 37 North, Range 2 East, Boise Meridian, beginning on the South line of SW $\frac{1}{4}$  of Section 33 where the East boundary of the County Road crosses that line; thence East 247.5 feet, more or less; thence North to the County Road; thence Southwesterly and Southerly along the East boundary line of said County Road to the point of beginning.

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof, and all estate, right, title, and interest in and to the said property as well in law as in equity of the said Grantors.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, their heirs and assigns, forever.

And the said Grantors, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said Grantees, their heirs and

... convey and confirm all right, title, and interest that they have in the below described real property unto the said Grantees, their heirs and assigns, forever all the following described real property situate in the County of Clearwater, State of Idaho, to wit:

Township 37 North, Range 2 East, Boise Meridian, beginning on the South line of SW¼ of Section 33 where the East boundary of the County Road crosses that line; thence East 247.5 feet, more or less; thence North to the County Road; thence Southwesterly and Southerly along the East boundary line of said County Road to the point of beginning.

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof, and all estate, right, title, and interest in and to the said property as well in law as in equity of the said Grantors.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, their heirs and assigns, forever.

And the said Grantors, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said Grantees, their heirs and assigns, that at the time of the ensembling and delivery of these presents they were well seized of the premises above conveyed as of good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, and have good right, full power, and

lawful authority to grant, bargain, sell, and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever, *EXCEPT*:

- 1) 2006 taxes are an accruing lien, not yet due or payable until the fourth Monday in November of the current year, the first one-half of which is not delinquent until after December 20<sup>th</sup> of the current year.
- 2) Rights of the public in and to that portion of said premises lying within Wells Bench Road.

And that the above bargained premises, in the quiet and peaceable possession of the said Grantees, their heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantors will and shall **WARRANT AND FOREVER DEFEND.**

That this Deed is given by Grantors to Grantees not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantees to Grantors.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

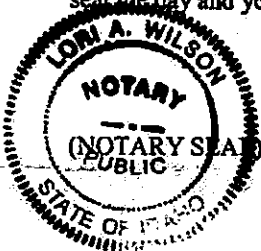
Douglas L. McRoberts  
DOUGLAS L. McROBERTS

Brenda R. McRoberts  
BRENDA R. McROBERTS

STATE OF IDAHO           )  
                                      ss  
County of Idaho        )

On this 4<sup>th</sup> day of AUGUST, 2006, before me, a Notary Public in and for said County and State, personally appeared DOUGLAS L. McROBERTS and BRENDA R. McROBERTS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and they acknowledged to me that they freely executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Lori A. Wilson  
Notary Public for the State of Idaho,  
Residing at Granger, Idaho therein.  
My commission expires 10-19-2007.

# QUITCLAIM DEED

\* *Return to* For Value Received

DOUGLAS L. McROBERTS AND BRENDA R. McROBERTS; HUSBAND AND WIFE

do hereby convey, release, remise and forever quitclaim unto

\* PHILLIP L. HANCE AND ROBIN K. HANCE, HUSBAND AND WIFE

whose current address is *3322 Dent Bridge Road, Orefino, Id 83544*

the following described premises, to-wit:

A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section 33, Township 37 North, Range 2 East of the Boise Meridian, Clearwater County, Idaho described as follows:

COMMENCING at the South 1/4 corner of said Section 33;

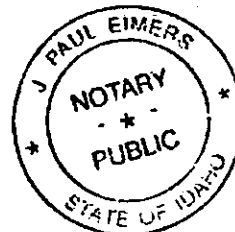
Thence along the South line thereof, N 89°25'06" W, 823.11 feet to the POINT OF BEGINNING;

Thence continuing along said South line, N 89°25'06" W, 67.50 feet;

Thence N 00°00'00" E, 490.33 feet to the Southern right of way line of Wells Bench Rd;

Thence along said right of way line, N 65°17'53" E, 74.29 feet;

Thence leaving said right of way line, S 00°00'00" W, 522.06 feet to the POINT OF BEGINNING.



together with their appurtenances.

Dated: *Sept. 10, 2010*

*Douglas L. McRoberts*  
DOUGLAS L. McROBERTS

*Brenda R. McRoberts*  
BRENDA R. McROBERTS

STATE OF IDAHO, COUNTY OF IDAHO

On this *10<sup>th</sup>* day of *Sept.*, 20*10*,  
before me, a notary public in and for the said State, per-  
sonally appeared

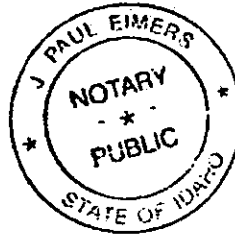
DOUGLAS L. McROBERTS AND  
BRENDA R. McROBERTS

known to me to be the person S whose name S are  
enrolled in the within instrument and acknowledged to

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at  
the request of

at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock M.,  
this \_\_\_\_\_ day of \_\_\_\_\_  
in my office, and duly recorded in Book  
of Deeds at Page \_\_\_\_\_



together with their appurtenances.

Dated: Sept. 10, 2010

Douglas L. McRoberts  
DOUGLAS L. McROBERTS

Brenda R. McRoberts  
BRENDA R. McROBERTS

STATE OF IDAHO, COUNTY OF IDAHO

On this 10<sup>th</sup> day of Sept., 2010,  
before me, a notary public in and for the said State, per-  
sonally appeared

DOUGLAS L. McROBERTS AND  
BRENDA R. McROBERTS

known to me to be the persons whose names are  
subscribed to the within instrument, and acknowledged to  
me that they executed the same.

J. Paul Eimers

Residing at Coeur d'Alene  
Comm. Expires 6-24-2011  
Notary Public  
, Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at  
the request of

at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock M.,  
this \_\_\_\_\_ day of \_\_\_\_\_  
, in my office, and duly recorded in Book  
of Deeds at Page \_\_\_\_\_

Ex-Officio Recorder

By \_\_\_\_\_

Fees \$  
Mail to:

Deputy.

# Statement of Water Usage for parcel # RP37NO2E336620A

For the parcel # RP37NO2E336620A before the trailer w/additions that is presently on the parcel aforementioned with a parcel # MH37NO2E336620A there was a homestead owned by Lewis McRoberts <sup>occupied by:</sup> Lawrence McRoberts dating back before 1960 using the spring on RP37NO2E336620A fed by tributary to sinks for Domestic and Stockwater use as the present owners use the spring on parcel # RP37NO2E336620A for Domestic and Stockwater use.

Signature: Donna Dykes

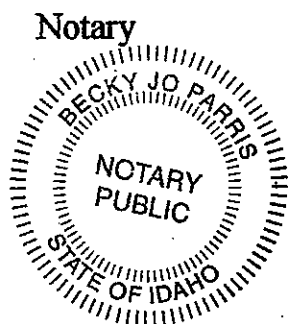
Printed: Donna Dykes

Dated: 12-10-10

Address: 3477 Dent Bridge Rd

Orofino ID 83544

Phone#: 208-476-3157



Subscribed and sworn to before me in my Presence, this 10 day of December 2010, a Notary Public in and for the County of Blaine State of Idaho  
Becky Jo Harris  
(Signature) Notary Public  
My commission expires 06/13/14

