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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 37-732

) (Insert water right number)

)

Case 39576

) STANDARD FORM 4

)

) MOTION TO FILE:

) ___ LATE NOTICE OF CLAIM

) X 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 Bonnie C. Kevicki et al.

My name is Fritz X. Haemmerle of Haemmerle & Haemmerle, P.L.L.C.

My address is P.O. Box 1800, Hailey ID 83333

My phone number is (208) 578-0520

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.)

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 \$ 000.

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 May 24, 2011 at 11:00 a.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 Blaine

Fritz X. Hammond, 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]

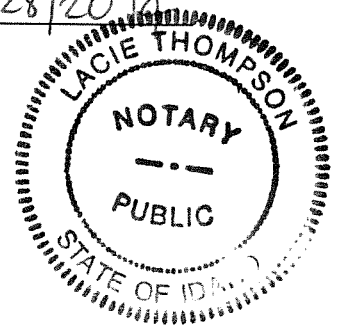
Attorney signing in representative capacity

Subscribed and sworn to before me on 5/4/10
(Insert Date)

Lacie Thompson
Notary Public for Idaho

Residing at: Hailey, ID

My Commission expires: 1/28/2014



INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA 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 May 4, 2011, 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

RIGHT NUMBER: 37-732

NAME AND ADDRESS: MILFORD D SWEAT
656 FAIRBANKS ST APT A-11
FAIRBANKS AK 99709

BONNIE C KEVICKI
43559 W SPARKS CT
MARICOPA AZ 85138

BARBARA L MURPHY
BOX 215
CAREY ID 83320

MICHAEL L OLSEN
BOX 144
CAREY ID 83320

DEAN E OLSEN
BOX 144
CAREY ID 83320

JOEL E OLSEN
568 BAKER ST
TWIN FALLS ID 83301

SOURCE: HUFF CREEK

TRIBUTARY: SINKS

QUANTITY: 1.800 CFS
21.000 AFY

The capacity of the storage reservoir is 21 AF and may be refilled multiple times in a single year.

PRIORITY DATE: 05/15/1902

POINT OF DIVERSION:

T01S R22E S2 SWNSW Lot 4 Within BLAINE County

T01S R22E S2 NESWSE Within BLAINE County

T01S R22E S10 SWSENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.800 CFS
IRRIGATION STORAGE	01/01 12/31	21.00 AFY
IRRIGATION FROM STORAGE	04/15 10/31	21.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R22E S02 Lot 3 NESW	3.40	T01S R22E S02 Lot 2 NWSE	16.00
T01S R22E S02 SWSE	6.10	T01S R22E S03 SWSE	26.00
T01S R22E S03 SESE	19.00	T01S R22E S10 NWNE	33.00
T01S R22E S10 SENE	15.00	T01S R22E S10 NENW	36.00
T01S R22E S10 SESW	19.00	T01S R22E S10 NESE	32.00
T01S R22E S10 NWSE	9.40	T01S R22E S10 SWSE	34.00
T01S R22E S15 NWNE	31.00	T01S R22E S15 SWNE	24.00
T01S R22E S15 NENW	34.00	T01S R22E S15 NWNW	39.00

T01S R22E S15	SENW	40.00	T01S R22E S15	NESW	40.00
T01S R22E S15	NWSE	19.00			

IRRIGATION STORAGE in BLAINE County

T01S R22E S02 Lot 4 NWSW

IRRIGATION FROM STORAGE in BLAINE County

T01S R22E S03	SWSE	26.00	T01S R22E S03	SESE	19.00
T01S R22E S10	NWNE	33.00	T01S R22E S10	SENE	15.00
T01S R22E S10	NENW	36.00	T01S R22E S10	SESW	19.00
T01S R22E S10	NESE	32.00	T01S R22E S10	NWSE	9.40
T01S R22E S10	SWSE	34.00	T01S R22E S15	NWNE	31.00
T01S R22E S15	SWNE	24.00	T01S R22E S15	NENW	34.00
T01S R22E S15	NWNW	39.00	T01S R22E S15	SENW	40.00
T01S R22E S15	NESW	40.00	T01S R22E S15	NWSE	19.00

475.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 475.9 acres in a single irrigation season. Combined Right Nos.: 37-732, 37-743B, 37-2777, 37-2676, 37-7620 and 37-22598.