

11-30

RECEIVED
NOV 30 2011
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	67-2199
	)		(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 Greg Amaral, Trustee of the Greg Amaral Ltd. Pension Plan and Trust

My address is 1606 Amaral Court, Fairfield, CA 94534

My phone number is: Work 707-864-1196 Home _____

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:

Greg Amaral Ltd. Pension Plan and Trust purchased the
property in April, 2011 and recently became aware that
License 67-2199 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.)

Original license record
1987 Aerial Photo indicating pod and pou

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 \$ 100.
(\$50 claim fee + \$50 late fee)

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, February 21, 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 California

County of Solano

Greg Amaral, Trustee of the, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)
Greg Amaral Ltd. Pension Plan & Trust

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.



Greg Amaral
Signature of person filing motion of Trustee

Attorney signing in representative capacity

Subscribed and sworn to before me on November 16, 2011.
(Insert Date)

D. L. Martin
Notary Public for Calif
Residing at: Solano County
My Commission expires: 11/21/14

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 November 29th, ²⁰¹¹~~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)

C Jensen (Crystal Jensen)
Signature of person or attorney mailing the form

State of Idaho

License and Certificate of Water Right

Water License No. 21605Amount 0.76 second foot

Water District No. _____

Priority July 18, 1950THIS IS TO CERTIFY that **WAYNE MATHES**

of **Weiser, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **July 18**, 19 **50**; that Permit No. **21605** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **one** second foot, was issued thereunder on **July 19**, 19 **51**, showing that said works were completed on the **3rd** day of **July**, 19 **51**; and that on the **10th** day of **January**, 19 **52**.

WAYNE MATHES

of **Weiser**, State of **Idaho**, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of **Weiser River**, ~~Idaho~~, for the purpose of a **sprinkler system**

, under Use Permit No. **21605** of the **Department of Reclamation** and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, ~~to Edwin D. Ford, Jr. No. 2 Rector Street New York, N.Y.~~ and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume **8** of Licenses at page **5042**, on the _____ day of _____, 19 _____;

The right hereby confirmed dates from **July 18**, 19 **50**;

The Point of Diversion is located

in the **SE** $\frac{1}{4}$ **NW** $\frac{1}{4}$, Sec. **3**, Tp. **10 N**, R. **5 W**, B. M. **Washington County**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **0.76** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
10 N	5 W	3	NE NW NW NW SE NW	38 10 12	38 12 12
			Number of Acres Actually Irrigated -		62

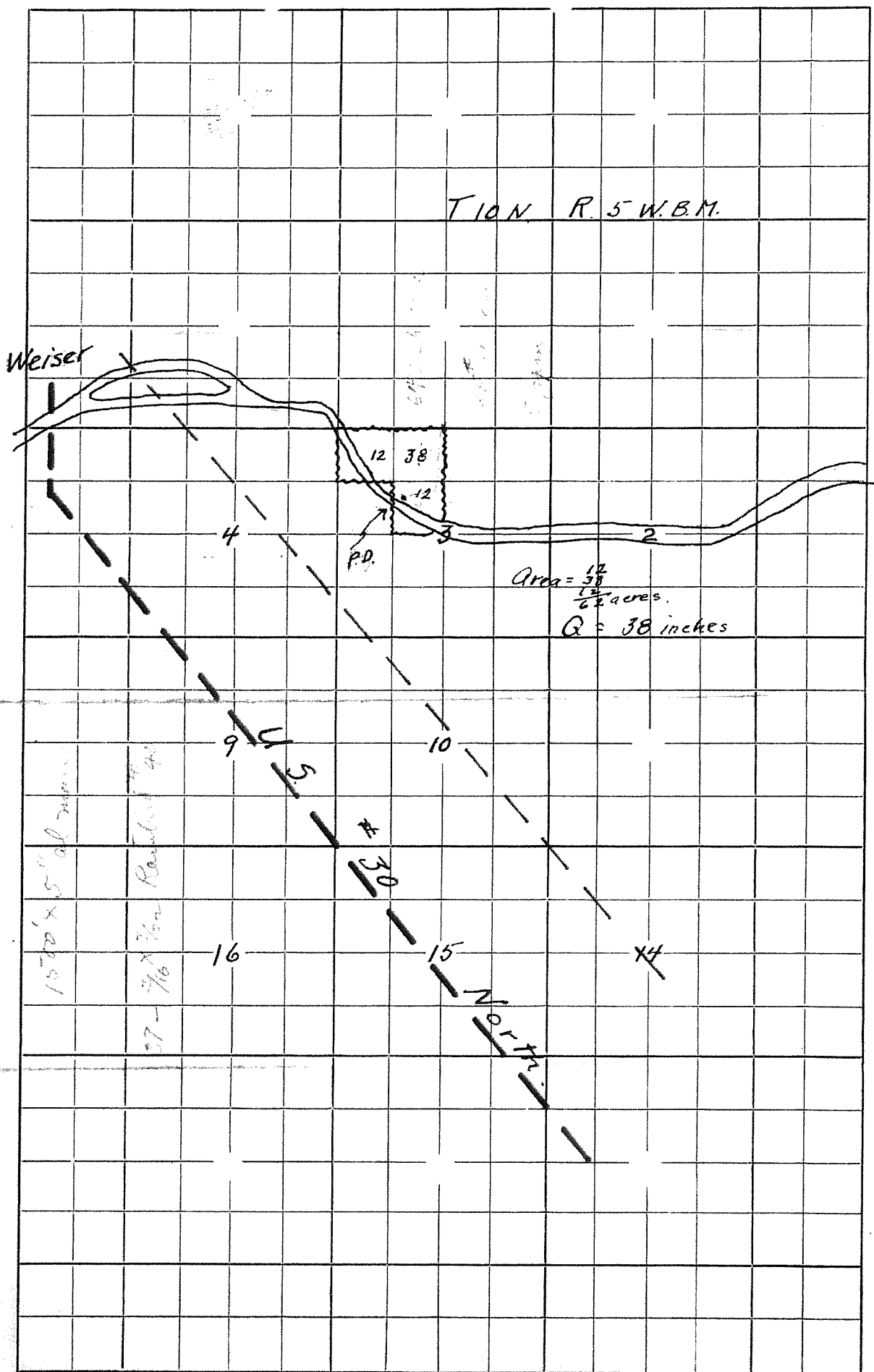
The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

6th day of **January**, 19 **55**.

MARK R. KULP*State Reclamation Engineer*

(SEAL)



1987 Photo

33

34

T11N R5W

T10N R5W

4

3

Legend



67-2199 pod



67-2199 pou



Sections



Quarter-quarters

SRBA Claim 67-2199



0 600 1,200
Feet



SPF WATER
ENGINEERING

RECEIVED

NOV 30 2011 11-30

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL
ADJUDICATION OF
RIGHTS TO THE USE OF
WATER FROM THE
SNAKE RIVER BASIN
WATER SYSTEMCIVIL CASE
NUMBER: 39576
Ident. Number: 67-2199
Date Received:
Receipt No.:NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s):

Name	Address	City	State	Country	Postal Code
GREG AMARAL, TRUSTEE OF THE GREG AMARAL LTD. PENSION PLAN AND TRUST	1606 AMARAL COURT	FAIRFIELD	CA	USA	94534

2. Date of Priority:

Date	Explanation
7/18/1950	

3. Source:

Source	Tributary	Type
WEISER RIVER	SNAKE RIVER	

4. Point Of Diversion:

Township	Range	Section	Gov Lot	QQ	Q	County
10N	05W	3		SE	NW	WASHINGTON

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

Water Use	Number Of Homes	Stock	Description
IRRIGATION	-	-	See attached

6. Season(s) of Use:

Water Use	From Month/Day	To Month/Day
IRRIGATION	3 / 1	11 / 15

7. Quantity:

Water Use	CFS	AF	KW
IRRIGATION	0.760	0.00	0.0

Totals:

CFS	AF	KW
0.760	0.00	

8. Place of Use:

Water Use	Total Claimed Acreage
IRRIGATION	110

Water Use	Township	Range	Section	QQ	Q	County	Gov Lot	Acreage
IRRIGATION	10N	05W	3	NE	NW	WASHINGTON	3	40
IRRIGATION	10N	05W	3	NW	NW	WASHINGTON	4	17.5
IRRIGATION	10N	05W	3	SE	NW	WASHINGTON		18
IRRIGATION	10N	05W	3	SW	NW	WASHINGTON		2.5
IRRIGATION	11N	05W	34	SW	SW	WASHINGTON		12
IRRIGATION	11N	05W	34	SE	SW	WASHINGTON		20

9. Basis of Claim:

Basis	WaterRight
License	67-2199

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: _____

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 _____ Date: _____
Claimant(s):

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Trustee of Greg Amarel Ltd. Pension Plan
Title Organization a Trust

that I have signed the foregoing document in the space below as

Trustee of Greg Amarel Ltd. Pension Plan
Title Organization a Trust

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

[Signature] Date November 16, 2011
Title and Organization Trustee of the Greg Amarel Ltd. Pension Plan a Trust
Please print name

Claim Item 5 Continued:

The applicant claims irrigation of 62 acres within a 110-acre permissible place of use (ppu). The 110-acre ppu claimed reflects the general area licensed to water right 67-2199 and is claimed as a change in place of use pursuant to § 42-1425, Idaho Code. The licensing map appears to be in error, although the error was unchallenged at the time. Surface water delivered by Weiser Irrigation District serves as the property's primary irrigation source. This right can be used as a supplemental irrigation source at times when surface water is not available via portable pump, pipe and ditch.

1987 Photo

33

34

T11N R5W

T10N R5W

4

3

Legend



67-2199 pod



67-2199 pou



Sections



Quarter-quarters

SRBA Claim 67-2199



0 600 1,200
Feet



SPF WATER
ENGINEERING