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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

Case No. 39576

A. Subcase 22-13853
(Insert water right number
From the Objection Form)

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 _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing _____ Rex and Renae Miller

My name is _____ Robert L. Harris

My address is _____ PO Box 50130, Idaho Falls, ID 83405

My phone number is _____ 208-523-0620

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 a 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 Tuesday, October 16, 2012 at 1:30 p.m.
(Insert Date and Time)
at the SRBA Court 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:
The parties to the Paradise Springs subcases entered a settlement agreement in November of 2010, and we were supposed to file this amended claim (See attached documents). Rex has had health issues since, and we did not get this done, but we want to be part of the settlement. The only amendments to our claim is to increase the irrigation diversion rate from .29 cfs to .33 cfs and includes reference to a beneficial use claim (22-14051).

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

I have attached:

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

No additional fees required.

VERIFICATION

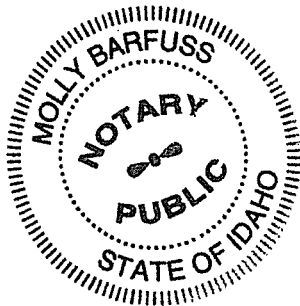
State of Idaho)
)ss.
County of Bonneville)

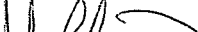
Robert L. Harris, being first duly sworn, upon oath, deposes and says:

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.

Robert L. Harris
Robert L. Harris

Subscribed and sworn to before me this 26th day of July, 2012.





Notary Public for Idaho
Residing at _____
My Commission Expires: _____
Commission Expires 02-16-18

CERTIFICATE OF MAILING

I certify that on this 26th day of July, 2012, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Michael Reid
PO Box 801
Victor, ID 83455

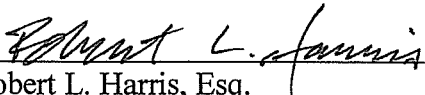
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Chester H. Miller
PO Box 532
Driggs, Id 83422

United States Department of Justice
Environment & Natural Resource Div
550 West Fort Street, MSC 033
Boise, ID 83724

Rex H. Miller
PO Box 55
Filer, ID 83328

TJ Budge
Racine Olson Nye Budge & Bailey
PO Box 1391
Pocatello, ID 83204-1391


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

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 22-13853

Date Received _____

Receipt Number _____

AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Rex and Renae Miller Phone (208) 734-2788

Mailing Address P.O. Box 55, Filer, Idaho Zip 83328

2. Date of Priority (Only (1) per claim) 06/01/1904

3. Source of water supply (a) Paradise Springs

which is tributary to (b) Teton River

4.a. Location of existing point of diversion is:

Township 04N Range 45E Section 30, 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____,

County of Teton

Parcel (PIN) No. _____

Additional points of diversion if any: _____

If Available, GPS Coordinates: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

6. Water is claimed for the following purposes: (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/31 amount .33 cfs or _____

For Stockwater purposes from 04/15 to 10/31 amount .02 cfs or _____

7. Total quantity claimed (a) .33 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Various stock for stockwater

COPY

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	45E	19					17							6					23
		30																	

Parcel (PIN) No(s). RP04N45E302400 and RP04N45E196604 Total number of acres irrigated 23

10. In which county(ies) are lands listed above as place of use located? Teton

11. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
22-14051 or None ()

13. Remarks:

This water right is limited to the irrigation of 16.5 acres within the place of use described above. This right in combination with Water Right No. 22-14051, is limited to the irrigation of 23 acres.

14. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☒ License ☐
If applicable provide IDWR Water Right Number 22-405
Court 6th Judicial District Case Number Decree Date December 1911
Plaintiff vs Defendant Rexburg Irrigation Co. v. Teton Irrigation Canal Co, et.al.

15. 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 Claimant(s) *Robert L. James* Date July 26, 2012
ATTORNEY Date

Last Name Ident. Number

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Robert L. Harris

Address: PO Box 50130
Idaho Falls, ID 83405

Date: July 26, 2012

G:\WPDATA\RLH\15571 Miller, Ron\22-13853 Claim V1.wpd:cdv

Last Name _____ Ident. Number _____