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OCT 19 2012

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 <u>2-2049</u>
	)	(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 _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing WILSON & WILSON CO INC.

My name is MICHAEL E. BAND

My address is 199 N. CAPITOL BLVD, STE 600, BOISE, ID 93702

My phone number is 208-342-3658

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:

A notice of claim was filed with regard to water right nos. 2-2047, 2-2054, 2-7272 and enlargement right 2-10060 for approximately 1110.1 acres of land in Owyhee County. Subsequent notices of late claims have been filed for 2-2050 and now 2-2049 which were previously omitted by mistake.

☐ 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.)

Water right confirmed by license 2-2049. Claimant has been working with Andrea Courtney and Carter Fritschle at IDWR in advance of filing this 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 \$ 100.00.

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, January 15, 2013 at 1:30 o'clock 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 IDAHO

County of ADA

MICHAEL E. BAND, 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.

M.E. Band, Attorney
Signature of person filing motion

M.E. Band, Attorney
Attorney signing in representative capacity

Subscribed and sworn to before me on October 18, 2012
(Insert Date)



Sharyn Hastings
Notary Public for Idaho
Residing at: Meridian
My Commission expires: 06-28-2012

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 October 18, ²⁰¹²~~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:

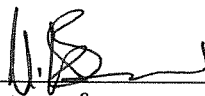
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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 2-2049
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WILSON & WILSON CO INC Phone: (208) 366-2173
PO BOX 33
HAMMETT ID 83627

2. Date of Priority: 12/14/1944

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	06E	36	SE SE 6	OWYHEE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/01	0.90	

7. Total Quantity Appropriated is:
0.90 C.F.S.

8. Non-irrigation uses:

9. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06S	06E	1	SW NE	IRRIGATION	38
			NE SW	IRRIGATION	33

			SE	SW		IRRIGATION	33
			NE	SE		IRRIGATION	33
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	27
						Section Acres	244
06S	06E	12	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	38.4
			SW	NE		IRRIGATION	28.1
			SE	NE		IRRIGATION	39
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	33.6
			SW	SE		IRRIGATION	32
			SE	SE		IRRIGATION	40
						Section Acres	291.1
06S	06E	13	NE	NE		IRRIGATION	5.6
						Section Acres	5.6
06S	07E	6	SW	NW	5	IRRIGATION	6.5
			SE	NW		IRRIGATION	0.5
			NE	SW		IRRIGATION	0.7
			NW	SW	6	IRRIGATION	20
			SW	SW	7	IRRIGATION	37.6
						Section Acres	65.3
06S	07E	7	NW	NW	1	IRRIGATION	38.4
			SW	NW	2	IRRIGATION	38.9
			SE	NW		IRRIGATION	27
			NE	SW		IRRIGATION	38
			NW	SW	3	IRRIGATION	40
			SW	SW	4	IRRIGATION	40
			SE	SW		IRRIGATION	40
			NW	SE		IRRIGATION	21.7
			SW	SE		IRRIGATION	25.9
						Section Acres	309.9
06S	07E	18	NW	NE		IRRIGATION	20.4
			NE	NW		IRRIGATION	40
			NW	NW	1	IRRIGATION	38
			SW	NW	2	IRRIGATION	29.7
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	25.6
			NW	SW	3	IRRIGATION	0.5
						Section Acres	194.2
						Total Acres	1110.1

10. Place of use in counties: OWYHEE

11. Do you own the property listed above as place of use? Yes

12. Other Water Rights Used:

2-2047, 2-2054, 2-7272 and 2-10060

13. Remarks:

This claim, along with the previously filed late claim 2-2050, will add a sufficient number of acres to the permissible place of use described above so that the previously decreed enlargement right, 2-10060, will no longer be necessary. This claim is for the irrigation of 45 acres within the place of use described above in a single irrigation season.

14. Basis of Claim: License

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 Organizations:

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

President

Title

of Wilson + Wilson Co.

Organization

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

President

Title

of Wilson + Wilson Co.

Organization

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

Ann T. Wilson

Signature of Authorized Agent

President Wilson + Wilson Co.

Title and Organization

5.29.2012

Date