

RECEIVED

JAN 04 2013

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 No. 63-33730  
(Insert Water Right Number)

Case No. 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 David J. Barber and Angela S. Barber, husband and wife

My address is 5207 West Elmer Street, Boise, ID 83703

My phone number is: Work                                  Home (208) 861-7514

I am an attorney representing my wife and myself

My name is David J. Barber

My address is 5207 West Elmer Street, Boise, Idaho 83703,

My phone number is (208) 861-7514

### **MOTION TO FILE 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:

The purpose of use of this water right is domestic and is used solely to irrigate the lawn and landscaping around my residence. The use of water began in October 1990. Accordingly, there was no requirement to file a notice of claim for this use.

☐ 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 described 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) is attached as Attachment I.

☒ The IDWR has advised that the claim-filing fee for this notice of claim is \$25.<sup>00</sup>. A receipt that shows payment of this claim-filing fee is attached as Attachment II.

☒ A copy of the Well Driller's Report that evidences the construction of the well from which water is diverted is attached as Attachment III.

- ☒ A copy of the Warranty Deed that evidences the ownership of the place of use (lot 13 of Jordan's Landing Unit No. 5C Subdivision) by the claimants is attached as Attachment IV.
- ☒ A copy of the subdivision map for Jordan's Landing Unit No. 5C subdivision that shows the location of lot 13 of Jordan's Landing Unit No. 5C Subdivision is attached as Attachment V.
- ☒ A picture of the well that is the point of diversion is attached as Attachment VI.

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 16, 2013 at 1:30 p.m.

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue, Twin Falls, Idaho.

### **MOTION TO FILE 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

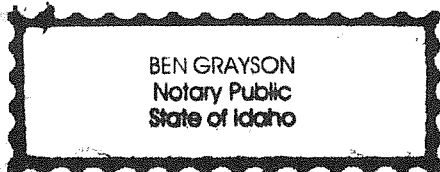
David J. Barber, being first duly sworn, upon oath, deposes and says:  
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined 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.

David J. Barber  
Signature of person filing motion

David J. Barber  
Attorney signing in representative capacity

Subscribed and sworn to before me on January 3<sup>rd</sup> 2013  
(Insert Date)



Ben Grayson  
Notary Public for Boise Idaho  
Residing at: Boise Idaho  
My Commission expires: July 19 2018

**My Commission Expires  
July 19, 2018**

## 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 this 3<sup>rd</sup> day of January 2013, I caused to be served the original and/or copy of this form on the following persons by the indicated method:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

- ☒ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Federal Express  
☐ Facsimile: (208) 736-2121  
☐ Statehouse Mail

2. Copies to

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

- ☒ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Federal Express  
☐ Facsimile:  
☐ Statehouse Mail

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

- ☒ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Federal Express  
☐ Facsimile: (303) 312-7379  
☐ Statehouse Mail

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

- ☒ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Federal Express  
☐ Facsimile: \_\_\_\_\_  
☐ Statehouse Mail

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)

  
\_\_\_\_\_  
DAVID J. BARBER



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  
RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number  
Date Received:  
Receipt No.:  
Received By:

63-33730  
1/3/2013  
W 040788  
JL  
16-20  
1A-13

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW  
For Domestic and/or Stockwater Purposes  
Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) David J. Barber and Angela S. Barber Phone (208) 861-7514  
Mailing Address 5207 West Elmer Street Boise, Idaho Zip 83703  
Street or Box City State
2. Date of Priority: (Only one per claim) 10/15/1990  
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water [X] of Other [ ] (a) \_\_\_\_\_  
which is tributary to (b) \_\_\_\_\_
4. Location of Point of Diversion is: Township 04N, Range 02E, Section 19  
SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , or Govt. Lot \_\_\_\_\_ BM, County of Ada  
Parcel (PIN) no. R4737730160  
Additional points of diversion if any: Not Applicable  
If available, GPS coordinates: Not Applicable
5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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.  
Well with 6 inch casing and a depth of 33 feet
6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See  
page of the instructions.) Month/Day Month/Day cfs [X] or AFY [ ]  
For DOMESTIC \_\_\_\_\_ purposes from 3/1 to 11/15 amount 0.04
7. Total Quantity claimed 0.04 cfs [X] AFY [ ]
8. Non-irrigation uses: Describe fully. (e.g. Domestic: give number of household served  
if single ownership; Stockwater and Number of livestock) one household
9. Location of Place of Use is: Township 04N, Range 02E, Section 19  
SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_ BM. Parcel (PIN) no. R4737730160  
For (Check One) Domestic [X] Stock [ ] Domestic and Stock [ ]  
Additional places of use, if any Not Applicable
10. In which count (ies) are land listed above as place of use located? ADA
11. Do you own the property listed as above place of use? Yes [X] No [ ]  
If the 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. None [X] \_\_\_\_\_
13. Remarks: \_\_\_\_\_

14. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐  
Decree ☐ Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_

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 ☐ wish to receive do not ☐ and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: six

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)

David J. Barber Date: 01/03/2013  
Angela Barber Date: 01/03/2013

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

Title Organization

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

Title Organization

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

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization \_\_\_\_\_

16. Notice of Appearance:

Notice is hereby given that I, David J. Barber 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 David J. Barber Date 01/03/2013

Address 5207 West Elmer St Boise, ID 83703

Last name Barber Identification No. 2597



# Idaho Department of Water Resources Receipt

Receipt ID: W040788

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|                |                                                           |               |                  |        |         |
|----------------|-----------------------------------------------------------|---------------|------------------|--------|---------|
| Payment Amount | \$25.00                                                   | Date Received | 1/3/2013 1:28 PM | Region | WESTERN |
| Payment Type   | Check                                                     | Check Number  | 3893             |        |         |
| Payer          | BARBER, DAVID J/ANGELA S BARBER                           |               |                  |        |         |
| Comments       | NOTICE OF ADJUDICATION CLAIM FOR DAVID BARBER<br>63-33730 |               |                  |        |         |

## Fee Details

| Amount  | Description             | PCA   | Fund | Fund Detail | Subsidiary | Object |
|---------|-------------------------|-------|------|-------------|------------|--------|
| \$25.00 | ADJUDICATION FILING FEE | 42503 | 0337 |             |            | 1155   |

---

## Water Rights

| Basin | Sequence | Split Suffix |
|-------|----------|--------------|
| 63    | 33730    |              |

  
\_\_\_\_\_  
Signature Line (Department Representative)



## WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

### ATTACHMENT III



P102260 JT

# WARRANTY DEED

(CORPORATE FORM)

STATEWIDE CONST., INC. , a corporation  
organized and existing under the laws of the State of Idaho, with its principal office at BOISE  
of County of ADA , State of Idaho,  
grantor, hereby CONVEYS or GRANTS and WARRANTS TO

DAVID J. BARBER AND ANGELA S. BARBER, HUSBAND AND WIFE

of 5207 E. ELMER STREET, BOISE, IDAHO 83703 grantee  
for the sum of  
TEN DOLLARS AND OTHER VALUABLE CONSIDERATION----- DOLLARS,  
the following described tract(s) of land in ADA County,  
State of Idaho:

LOT 13 IN BLOCK 13 IN JORDAN'S LANDING UNIT NO.5C SUBDIVISION, ACCORDING TO THE  
PLAT THEREOF, FILED IN BOOK 57 OF PLATS AT PAGES 5287 AND 5288, RECORDS OF ADA  
COUNTY, IDAHO.

Location of above described property \_\_\_\_\_  
House No. Street

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized  
under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a  
quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers  
this 30TH day of AUGUST , A.D. 1990

(CORPORATE SEAL)

STATEWIDE CONST., INC.

(CORPORATE NAME)

By Walter R. Wanner  
WALTER R. WANNER PRESIDENT

Attest: \_\_\_\_\_  
SECRETARY

## ACKNOWLEDGMENT - Corporate

STATE OF IDAHO

County of ADA, ss.

On this AUGUST, in  
the year of 1990, before me, HANST L. HALL  
personally appeared WALTER R. WANNER, known or  
identified to me to be the PRESIDENT  
of the corporation that executed  
the instrument or the person who executed the instru-  
ment on behalf of said corporation, and acknowledged to  
me that such corporation authorized the foregoing.

Notary Public: \_\_\_\_\_  
Residing at: BOISE, ID  
EXPIRATION DATE: 9/13/91

9047072

ADA COUNTY TITLE CO.  
FOR

'90 AUG 31 PM 1 31  
JOHN BASTIGA, RECORDER  
BY John Bastiga

3<sup>rd</sup>



PIONEER TITLE  
OF ADA CO

821 West State Street / Boise, Idaho 83702 / (208) 336-6700  
888 North Cole Road / Boise, Idaho 83704 / (208) 377-2700

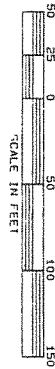


# JORDAN'S LANDING UNIT NO. 5C SUBDIVISION

## PORTIONS OF THE SW1/4 OF SECTION 20 AND THE SE1/4 OF SECTION 19, T.4N., R.2E., B.M. BOISE CITY, ADA COUNTY, IDAHO

### A CAPITAL DEVELOPMENT CORPORATION SUBDIVISION

#### JOHNSON ENGINEERING 1989



- LEGEND
- LAND CORNER
  - ▲ 2" X 36" PIPE
  - 5/8" X 30" PIN
  - 1/2" X 24" PIN
  - ① LOT NUMBER
  - ② BLOCK NUMBER
  - ③ UTILITY EASEMENT

**NOTES**

RESTRICTIVE COVENANTS  
THIS SUBDIVISION SHALL CONFORM TO THE STANDARDS ESTABLISHED BY THE RESTRICTIVE COVENANTS AS FILED IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ RECORDS OF ADA COUNTY, IDAHO.

**BUILDING SETBACKS**  
BUILDING SETBACKS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF BOISE CITY.

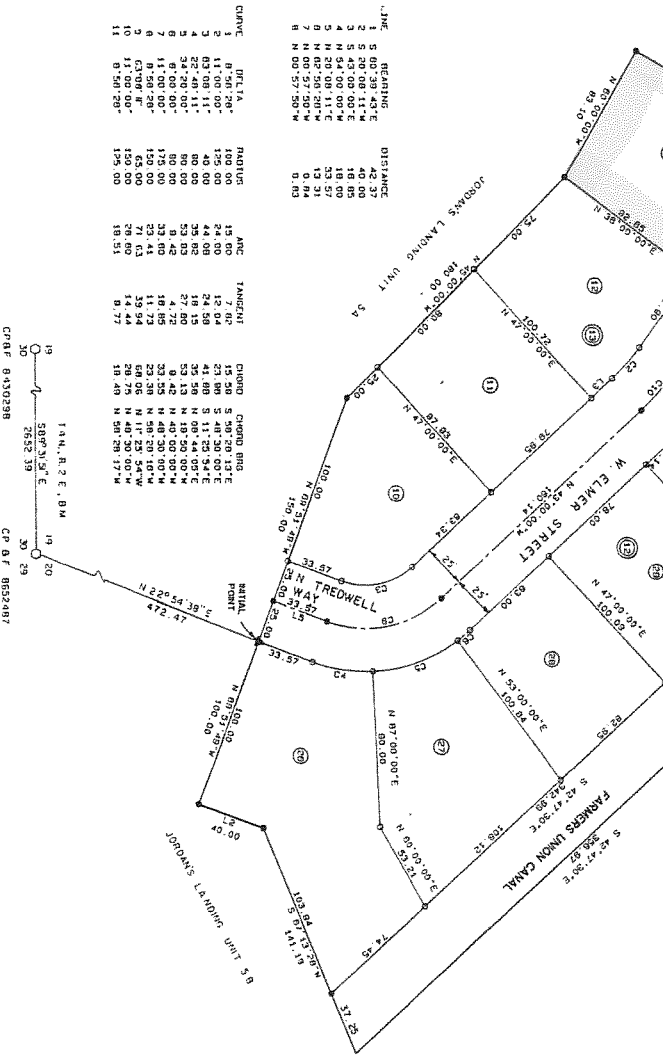
**RESUBDIVISION**  
ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RESUBDIVISION.

**EASEMENTS**  
ALL LOTS HAVE A 10 FOOT WIDE EASEMENT CONTIGUOUS TO ALL STREETS AND RAIL LOT LINES FOR PUBLIC UTILITIES, DRAINAGE OR IRRIGATION PURPOSES. SIDE LOT EASEMENTS SHALL BE 10 FEET WIDE UNLESS OTHERWISE SPECIFIED.

**ALL STREET FRONTAGE SHALL HAVE A 10' EASEMENT TO BOISE CITY FOR STREET LIGHTS.**

**IRREGULAR LOTS**  
THIS SUBDIVISION IS SUBJECT TO IDAHO CODE 31-2005 PERTAINING TO IRRIG. WATER RIGHTS IN PARCELS UNION CANAL. IRRIGATION DISTRICT AND IS SUBJECT TO ANY AND ALL AGREEMENTS. THE DEVELOPER HAS NOT MADE PROVISIONS THAT ALL WITH RIGHTS HAVE BEEN TRANSFERRED TO OTHER LANDS.

**FIRE DEPARTMENT**  
NO BUILDING PERMIT WILL BE ISSUED ON ANY LOT IN THIS SUBDIVISION UNTIL THE PROVISIONS OF RECORDED INSTRUMENT NO. 089710 HAVE BEEN FULFILLED AS DETERMINED BY THE CITY OF BOISE.



| CHANCE | BEARING        | DISTANCE | CHORD BEG. | CHORD END      | CHORD BRG. |
|--------|----------------|----------|------------|----------------|------------|
| 1      | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 2      | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 3      | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 4      | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 5      | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 6      | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 7      | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 8      | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 9      | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 10     | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 11     | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 12     | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 13     | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 14     | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 15     | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 16     | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 17     | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 18     | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |
| 19     | N 00° 30' 43"E | 45.37    | 15.56      | 5 56° 20' 13"E | 15.56      |

194. R.2 E. B.M.  
508° N.3° E.  
2652.39  
CP & F 8430298  
CP & F 8652487







ATTACHMENT VI

