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SEP 07 1993

Department of Water Resources
Adjudication Bureau

COPY

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.

Case No. 39576

STANDARD FORM 4

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department
of Water Resources,

MOTION TO FILE A LATE
NOTICE OF CLAIM

34-00351 -0001/
93-09-0025

Petitioner,

vs.

The United States; the State of Idaho; and
all Claimants to the Use of Water From
the Snake River Basin Water System,

Respondents.

INSTRUCTIONS FOR USE

This form must be used to ask permission to file a late claim in a reporting area where the director's report has been filed. This motion to requires you to 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 it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

You may copy or reproduce this form. If you do, the text must be on the front and back of each page exactly as it appears here. Fill out the form completely and attach all fees or the court will not accept the motion for filing. The verification, instruction for mailing and Certificate of Mailing must be completed. Check each box to verify you have followed the court's instruction.

☐ As required by the court, I have read the *SRBA Administrative Order 1, Rules of Procedure*.

My name is: _____

My address is: _____

My phone number is: _____

☒ I am an attorney representing Sally Johnson

My name is: Harry De Haan

My address is: 317 6th Avenue North

Twin Falls, Idaho 83301

My phone number is: (208) 733-0731

The water right number I want to file a late notice of claim for is 34-00351

I did not file a notice of claim to the use of water in the SRBA because:

☐ As required by the court, I am providing legal and factual documentation for my claimed use of water. The documents I am providing are: (You must describe the documents and attach a readable copy.)

RECEIVED

I have attached:

- ☒ A fully completed notice of claim (available from IDWR).
- ☒ A claim filing fee and a late claim fee, IDWR may charge this fee pursuant to I.C. §§ 42-1414 and 42-1408A(j). To determine the 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 court appearance fee in the amount of \$58.00 in the form of a check made payable to: *SRBA*. Persons filing a motion for late notice of claim are not parties or claimants to the SRBA.

VERIFICATION
(Must be completed)

State of Idaho
County of Twin Falls

Harry De Haan, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)
That I am the person or entity filing this motion and I have read the motion, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing form

By: Harry De Haan
Attorney signing in representative capacity

Subscribed and sworn-to before me on July 27, 1993
(Insert Date)

[Signature]
Notary Public for Idaho
Residing at: File, Idaho
My Commission expires: 3-5-97

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on July 27, 1993, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

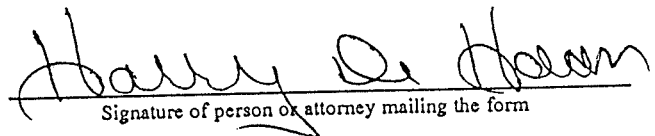
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to: ..

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

3. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724


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: 34-00551

Date Received: _____

Receipt Number: _____

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

Please type or print clearly

1. Name of Claimant (s) Sally Johnson Phone (208) 588 2236

Mailing Address Star Route, Mackay, Idaho Zip 83251

2. Date of Priority (Only one (1) per claim) 8/1/1888

3. Source of water supply (a) Big Lost River
which is tributary to (b) Sinks

4. a. Location of existing point of diversion is: Township 08N Range 21E Section 16,
SW 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Custer

Additional points of diversion if any: _____

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

Township 08N Range 21E Section 16, SW 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of Custer

ending point is: Township 08N Range 21E Section 11, SE 1/4 of SW 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of Custer
14 14 NW NE NW NE

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. River flow to ditch by
a rock bank diversion in river

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 5/01 to 10/15 amount 2.4 or 4.7604

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.4 (cfs) and/or (b) 4.7604 (acre feet)

8. Total consumptive use claimed is 172.7604 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 10/14

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
08N	21E	11																	40
08N	21E	11															40		40
08N	21E	14		40															40
08N	21E	14					40												40

Total number of acres irrigated 160

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

12. 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.

13. Describe any other water rights used at the same place and for the same purposes as described above.
34-00352 which is creek water with 2.3 cfs. or None ()

14. Remarks:

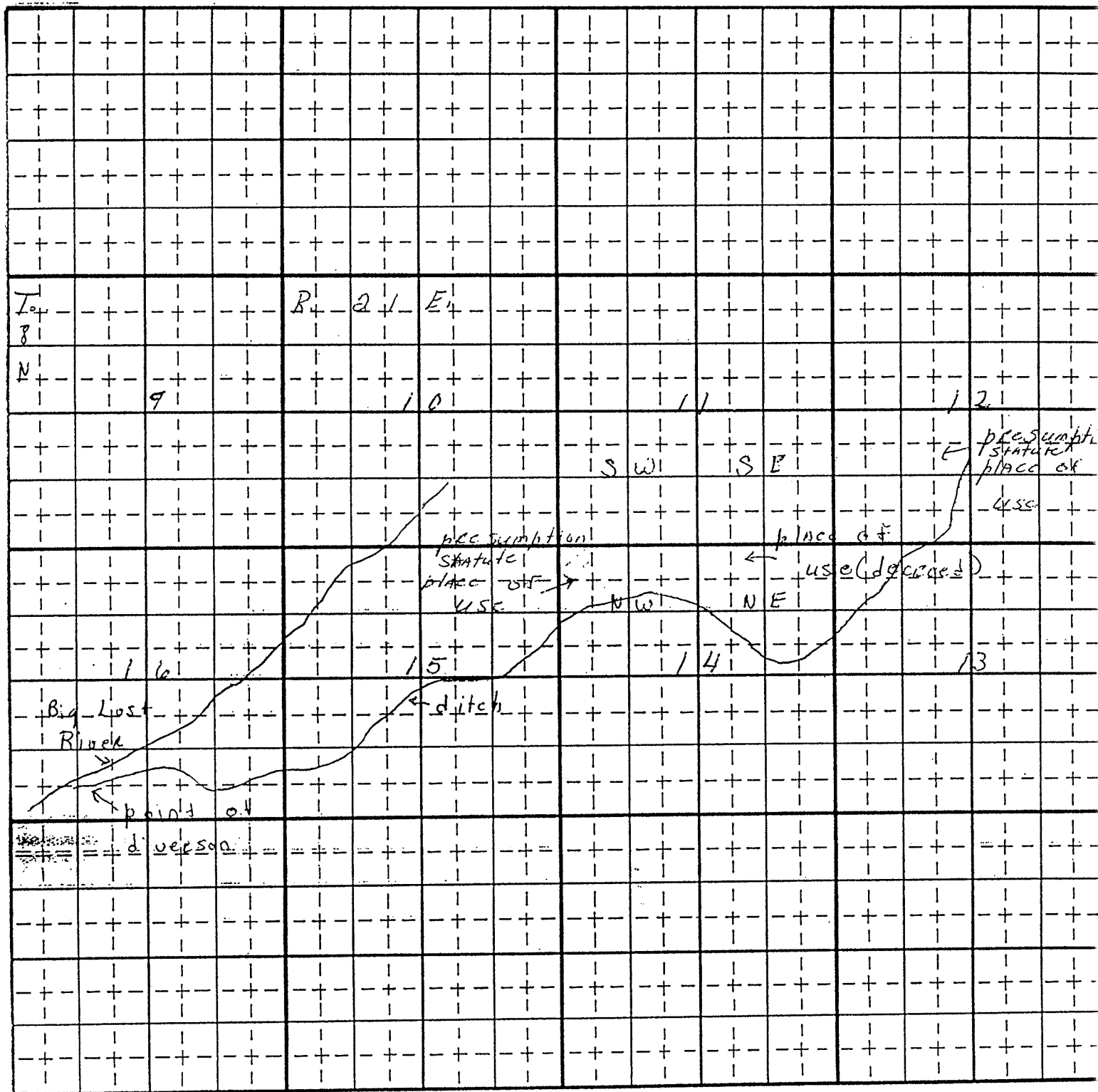
Deceased
This place has been in litigation since the death of the
previous owner. I now own half and am in the process of
obtaining the rest of the place
This ground is coarse gravelly & takes more water
under the presumption statute this water is used where needed

Last Name Johnson Ident No. 34-00351

Copies: White-State, Yellow-Claimant

Map of Project: show clearly the t of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Johnson

Ident No. 34-6035

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

If applicable provide IDWR Water Right Number 34-00351

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) *Billy Johnson* Date June 11, 1993

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 18 day of June 1993

SEAL

Notary Public *[Signature]*

Residing at Twin Falls, Idaho

My Commission Expires 3-5-97

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, HARRY DE HAAN 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 *Harry D. Haan*

Address 317 6th Avenue North, Twin Falls, Idaho 83301

Date July 14, 1993

Last Name Johnson Ident. Number 34-00351

Copies White-State, Yellow-Claimant