

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

65-23535

(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 Franklin J or Delma Gatfield

My address is 5110 Montour Road
Emmett, Idaho 83617

My phone number is: ^{Cell} 208.866.1171 Home 208.584.3123

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:

We just learned that we could file on
a domestic well and we wanted to have it
documented.

☐ 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.)

Attached: (1) Well driller's report for priority date
(2) Subdivision plot

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 \$ 25.00.
- ☐ 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 May 21, 2013 @ 1:30 PM
(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 Gem

Franklin J. or Delma Gotfield being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

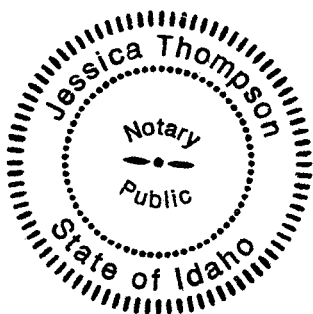
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Delma Gotfield

Franklin J. Gotfield
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 02/26/2013
(Insert Date)



Jemica Thompson 02/26/13
Notary Public for Gem County, Id
Residing at: Emmett, Idaho
My Commission expires: 11/26/2016

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 February 26, 2013, 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

A PORTION OF THE WEST 1/2 OF THE SOUTHWEST 1/4 AND A PORTION OF GOVERNMENT LOT 3 OF SECTION 15, A PORTION OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 16 AND A PORTION OF GOVERNMENT LOT 1 OF SECTION 21, TOWNSHIP 7 NORTH, RANGE 1 EAST, BOISE MERIDIAN
COUNTY OF GEM, STATE OF IDAHO
MARCH 2000

R OF S NO. 181798

THE BASIS OF BEARINGS FOR THIS MAP IS THE WEST
LINE OF THE EAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF
SECTION 16, TOWNSHIP 7 NORTH, RANGE 1 EAST,
BOISE MERIDIAN, i.e. N 00°20'12" E.

1. MINIMUM BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH THE ZONING ORDINANCE AT THE TIME OF THE ISSUANCE OF THE BUILDING PERMIT.
2. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RE-SUBDIVISION.
3. IN THE EVENT THAT A LOT LINE IS MOVED AND THE DISTANCE FROM THE EXISTING LOT LINE TO THE NEW LOT LINE IS LESS THAN THE DISTANCE FROM THE EXISTING LOT LINE TO THE EASEMENT WALL, THE EASEMENT WALL SHALL REMAIN IN PLACE.
4. ALL LOT AND BOUNDARY LINES HAVE A PERMANENT RECORD UTILITIES, DRAINAGE AND IRRIGATION EASEMENT AS FOLLOWS:
 - a. PUBLIC RIGHT-OF-WAY LINES: TWELVE (12) FEET.
 - b. EASEMENT OF COMMON LOT LINES: SIX (6) FEET.
 - c. REAR LOT LINES: TWENTY (20) FEET.
5. THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH SECTION 31-3805 OF THE IDAHO CODE CONCERNING ACCESS RIGHTS ALONG STATE HIGHWAY 52 AND THE ACCESS RIGHTS SHALL BE MAINTAINED EXCEPT FOR THE ACCESS RIGHTS ASHERS INDICATED ON THE MAP.

[illegible]

STATE HIGHWAY 52

UNPLATTED

UNPLATTED

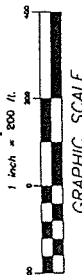
TRI COUNTY SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS

P.O. Box 974
703 No. WASHINGTON AVE.
Emmett, Idaho 83617
Phone: (208) 365-7470

BOOK

PG. _____ OF 13 SHEETS

INDEX No. 711-15-3-0-0 JOB No. 99048SH1
JANUARY 2000



UNPLATTED
2 OF 5 NO.

check

RECEIVED
FEB 27 2013

DEPARTMENT OF
WATER RESOURCES

SRBA Form No.42-1409-1 (Internet 2/09)

**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 _____
Date Received: _____
Receipt No: _____
Received By: _____

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

Please type or print clearly

1. Name of Claimant (s) Franklin J. or Delma Gatfield Phone (208) 584-3123
Mailing Address 5110 Montour Road Emmett, Idaho ZIP 83617
Street or Box City State
2. Date of Priority (Only one (1) per claim) May 17, 2001
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water (☒) or Other (☐) (a) _____
which is tributary to (b) _____

4. a. Location of Point of Diversion is: Township 7N, Range 1E, Section 15,
SW, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of Gem

Parcel (PIN) no. RP00408422 River Ridge Subdivision Lot 18

Additional points of diversion if any: _____

If available, GPS Coordinates N 43° 56' 15.1" W 116° 20' 09.3"

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

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

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

Well- 6" casing- 182 feet deep- 2 hr submersible pump - pump to pressure tank, and then pressure tank to house :
outside faucets and yard.

See Attachments: Well Driller's Log , Subdivision plat, Township map

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Domestic purposes from 01-01 to 12-31 amount 0.05 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.05 (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.) House and miscellaneous stock

9. 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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	1E	15												D					

Parcel (PIN) no(s) RP00408422

Total number of acres irrigated 1/2 acres

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

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.

Water Right # 65-10463A River Ridge Subdivision lot 18 or None ()

13. Remarks: Just learned that I didn't have a water right for our domestic well would like to have one.

See Attachment: Map of Subdivision Lot 18

Last Name Gatfield Identification No.

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 notices 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: 3

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) Franklin J. Gatfield Date: 2-26-2013
Nelma Gatfield Date: 2-26-2013

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

_____ of _____,
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, _____, will be acting as attorney at law of 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 _____ Date _____

Address _____

Last Name Gatfield Identification No. _____



feet
meters
600
100

Google earth

RIVER RIDGE SUBDIVISION

A PORTION OF THE WEST 1/2 OF THE SOUTHWEST 1/4 AND A PORTION OF GOVERNMENT LOT 3 OF SECTION 15, A PORTION OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 16 AND A PORTION OF GOVERNMENT LOT 1 OF SECTION 21, TOWNSHIP 7 NORTH, RANGE 1 EAST, BOISE MERIDIAN
COUNTY OF GEM, STATE OF IDAHO
MARCH 2000

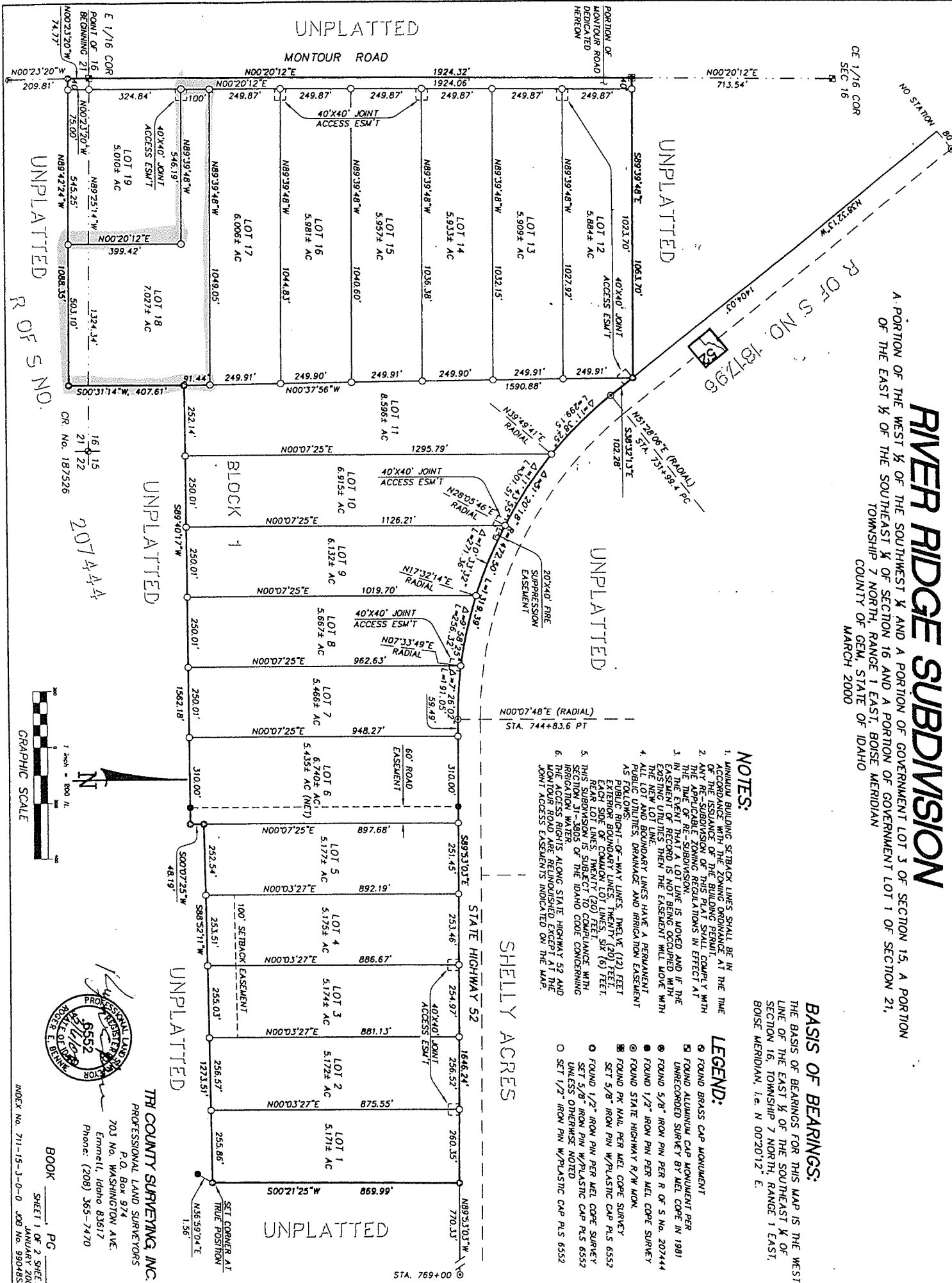
BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS MAP IS THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 1 EAST, BOISE MERIDIAN, i.e. N 00°20'12"E.

LEGEND:

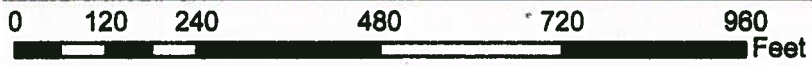
1. UNUSUAL BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE AT THE TIME OF THE ISSUANCE OF THE BUILDING PERMIT.
 2. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RE-SUBDIVISION.
 3. THE LINE OF RE-SUBDIVISION IS MOVED AND IF THE EASEMENT OF RECORD IS NOT BEING OCCUPIED WITH THE EASEMENT UTILITIES THEN THE EASEMENT WILL MOVE WITH THE NEW LOT LINE.
 4. ALL LOT AND BOUNDARY LINES HAVE A PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT AS FOR LINES.
 5. EXTERIOR BOUNDARY LINES, TWENTY (20) FEET EACH SIDE OF COMMON LOT LINES, SIX (6) FEET.
 6. THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH SECTION 31-3805 OF THE IDAHO CODE CONCERNING IRRIGATION WATER.
 7. THE ACCESS RIGHTS ALONG STATE HIGHWAY 52 AND MONTEUR ROAD ARE REINDETERMINED EXCEPT AT THE JOINT ACCESS EASEMENTS INDICATED ON THE MAP.
- NOTES:
- LEGEND:
- FOUND BRASS CAP MONUMENT
 - FOUND ALUMINUM CAP MONUMENT PER UNRECORDED SURVEY BY MEL COPE IN 1981
 - FOUND 5/8" IRON PIN PER R OF S NO. 207444
 - FOUND 1/2" IRON PIN PER MEL COPE SURVEY
 - FOUND STATE HIGHWAY R/W MON.
 - FOUND PK NAIL PER MEL COPE SURVEY
 - FOUND 1/2" IRON PIN PER MEL COPE SURVEY
 - SET 5/8" IRON PIN W/PLASTIC CAP PLS 6552
 - SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552

SHELLY ACRES



TRI COUNTY SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS
P.O. Box 974
703 No. Washington Ave.
Emmett, Idaho 83617
Phone: (208) 365-7470

BOOK PG
SHEET 1 OF 2 SHEETS
JANUARY 2000
JOB NO. 99045311



Legend

- ESPA
- GCDB Township/Range
- GCDB Section
- GCDB Quarter-Quarter
- Counties

