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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

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STANDARD FORM 4

MOTION TO FILE A LATE
NOTICE OF CLAIM

INSTRUCTIONS FOR USE

95-08-0005

This form is to be used to file a late notice of claim in a reporting area where the director's report has been filed and is made a part of *SRBA Administrative Order 1*, Section 4A (amended June 21, 1993), which may be consulted for further information.

A motion for premission to file a late notice of claim 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 is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase 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 and Certificate of Mailing must be completed. Check each box to verify you have followed the instructions.

☒ I have read the *SRBA Administrative Order 1, Rules of Procedure* (amended June 21, 1993).

☒ I have read *SRBA Administrative Order 10 Order Governing Procedures in the SRBA for Domestic and Stock Water Uses* (dated March 22, 1995).

My name is Adrian Boer DBA K&W Dairy

My address is 466-A So. 200W.
Jerome, Id. 83338

My phone number is: Work 539-5048 Home 324-5048

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

The water right number I want to file a late notice of claim for is A36-08175

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

I was NOT aware of The That I had To
file Because I have a License.

☐ I filed a notice of claim and elected to defer judicial proceedings on my domestic or stock water use. I desire to reinstate my notice of claim for domestic or stock water use.

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.)

Copy of License

You do not have to fill out if you are reinstating a notice claim for domestic or stock water use but you must attach a copy of your notice of claim

I have attached:

- ☒ A fully completed notice of claim (available from the Idaho Department of Water Resources (IDWR)).
- ☐ A claim filing fee for a domestic and stock water 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 water 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 \$ 1117.00.
- ☒ For those claimants who did not previously file a notice of claim, a court appearance fee in the amount of \$65.00 in the form of a check made payable to: *SRBA*. Persons filing a motion for late notice of claim do not become a party or claimant in the SRBA simply by filing this motion.

Follow these instructions regarding the hearing on this motion.

1. Contact 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 OCT. 17, 1995 1:30
(Insert Date and Time)

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

VERIFICATION
(Must be completed)

State of Idaho

County of Terame

Adrian Boer, 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.

Adrian Boer
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 25 July 95
(Insert Date)

[Signature]
Notary Public for Idaho
Residing at: Terame, Idaho
My Commission expires: 2 Apr 95

INSTRUCTIONS FOR MAILING

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 _____, 199 5, 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, 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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08175

Priority: April 1, 1984

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.17 CFS
92.2 AF

This is to certify, that K & W DAIRY
466 S. 200 W.
JEROME, ID 83338

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated April 11, 1983; and
has submitted Proof of Beneficial Use on September 27, 1985. An examination indicates
that the works have a diversion capacity of .170 cfs of water from a **GROUNDWATER**
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.17 CFS	43.9 AF
COMMERCIAL	01/01 to 12/31	0.17 CFS	48.3 AF
	Totals	0.17 CFS	92.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 11, Township 09S, Range 16E
JEROME County

PLACE OF USE: STOCKWATER

TWN RGE SEC

09S 16E 11 SWNW NESW NWSW

PLACE OF USE: COMMERCIAL

TWN RGE SEC

09S 16E 11 NWSW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

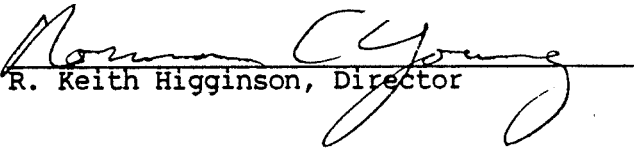
WATER RIGHT NO. 36-08175

CONDITIONS/REMARKS:

5. Commercial use is for a dairy farm operation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 3rd
day of December, 1990.

Acting for


R. Keith Higginson, Director

RECEIVED

AUG 07 1995

Department of Water Resources
Adjudication Bureau

RECEIVED

AUG 03 1995

OFFICE OF THE
ATTORNEY GENERAL

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: A36-08175
Date Received: 7/10/1995
Receipt No: _____
Received By: _____

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

1. Name: K & W DAIRY 208-324-5048
Address: 466 S. 200 W.
JEROME ID 83338

2. Date of Priority: APR 1, 1984

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	16E	11	NE	NW	SW		JEROME

5. Description of diverting works:
WELL, 7.5 HP PUMP, LINE TO BARN, LINES TO TROUGHS AND BARN USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.170		43.90
COMMERCIAL	01/01	12/31	0.170		48.30

7. Total Quantity Appropriated is:
0.170 C.F.S. (and/or) 92.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 830 MILKING AND 770 NONMILKING, DAIRY BARN USE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	16E	11	SW	NW		STOCK	
			NE	SW		STOCK	
			NW	SW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	16E	11	NW SW		COMMER	

11. Place of use in counties: JEROME

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

Commercial use is for a dairy farm operation.

15. Basis of Claim: LICENSE

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: 1

For Organizations:

I do solemnly swear or affirm that I am Managing Partner of
K&W Dairy, that I have signed the foregoing
Organization
document in the space below as Managing Partner of
K&W Dairy
Organization and that the statements contained in the
foregoing document are true and correct. Adam Boer

Adrian Boer
Signature of Authorized Agent
MANAGING PARTNER of
K&W Dairy
Title and Organization

7-10-95
Date

State of Idaho

County of Twin Falls

) SS.
)

Subscribed and sworn (or affirmed) before me this 10th day

of July 19 95

Seal

Jeanie Robertson
Notary Public

Residing at Twin Falls, Id.

My Commission Expires 9-23-2000

