

36-7308

3-22

RECEIVED

MAR 20 1995

Department of Water Resources
Adjudication Bureau

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

Amended

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 notice of claim in a reporting area where the director's report has been filed. This form has been adopted by the court in *SRBA Administrative Order* (amended June 21, 1993), Section 4A, which may be consulted for further information.

This motion 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 court's instructions.

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

My name is Randy W. & Dennis L. Newton

My address is Box 1468 Rt #1
Paul, Id. 83347

My phone number is: Work 532-4396 Home 532-4552

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 ^{amended} notice of claim for is 36-107308

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.)

I have attached:

- ☒ A fully completed notice of claim (available from the Idaho Department of Water Resources (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 \$ 70 =.
- ☒ 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 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 June 20, 1995 1:30 p.m.
(Insert Date and Time)

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

VERIFICATION
(Must be completed)

State of Idaho

County of Twin Falls

Randy Newton, 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.

X Randy Newton

Signature of person filing form

By: _____

Attorney signing in representative capacity

Subscribed and sworn-to before me on March 13, 1995.

(Insert Date)

Diana R. Smith

Notary Public for Idaho

Residing at: Twin Falls

My Commission expires: 6/24/98

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 March, 1995, 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:

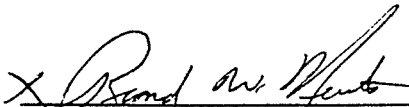
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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 83734

X 

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: A36-07308
Date Received: 1/18/1989
Receipt No: S006012
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DENNIS NEWTON
Address: RT 1 BOX 1468
PAUL ID

83347

208-532-4396

AND/OR

Name: RANDY NEWTON
Address: RT 1 BOX 1468
PAUL ID

83347

208-532-4552

2. Date of Priority: APR 1, 1958

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	23E	23	NW	NE			MINIDOKA

5. Description of diverting works:
WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.000		1504.00
DOMESTIC	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
6.000 C.F.S. (and/or) 1504.00 A.F.A.

8. Total consumptive use is 1128.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC/ 1 TRAILER HOME, 1 LABOR HOME

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	23E	14	SW		SW		IRR	34.0
			SE		SW		IRR	21.0
			SW		SE		IRR	10.0
			SE		SE		IRR	1.0
							Section Acres	66.0
		23	NE		NE		IRR	33.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	40.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
							Section Acres	310.0
							Total Acres	376.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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

Signature of Claimant(s): *Benj. W. White* Date: 3/13/95
Marion A. Hunter Date: 3/13/95

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of March 19 95 *Steve C. [Signature]*
Notary Public

Seal

Residing at Twin Falls
My Commission Expires 12/7/2000

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: A36-07308
Date Received: 1/18/1989
Receipt No: S006012
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENNIS NEWTON 208-532-4396
Address: RT 1 BOX 1468
PAUL, ID 83347

AND/OR
Name: RANDY NEWTON 208-532-4552
Address: RT. 1 BOX 1468
PAUL, ID 83347

2. Date of Priority: MAR 02, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	23E	23	NW	NE			MINIDOKA

5. Description of diverting works:
WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.000		1504.00
DOMESTIC	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
6.000 C.F.S. (and/or) 1504.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 TRAILER HOME, 1 LABOR HOUSE

A36-07308

Page 1

Date: 01/18/89

NOT RECORDED

FEB 11 1989

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	23E	14	SW		SW		IRR	34.0
			SE		SW		IRR	21.0
			SW		SE		IRR	10.0
			SE		SE		IRR	1.0
							Section Acres	66.0
		23	NE		NE		IRR	33.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	40.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
							Section Acres	310.0
							Total Acres	376.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
NONE

14. Remarks:

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: _____

For Individuals:

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

Signature of Claimant(s): *Barry W. Hunt* Date: 1-18-89

Date: _____

State of Idaho)
County of *FF*) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of *Jan* 19 89 *Don White*
Notary Public

Seal

Residing at *FF*
My Commission Expires 5/94