

May 18, 1995

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MAY 23 1995
Department of Water Resources
Adjudication Bureau

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OFFICE OF THE
ATTORNEY GENERAL

5-22
57-11511

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

Sirs:

I am writing in regard to a motion to file a late notice of claim.

According to your office, this motion will be heard on August 15th, 1995. As a Hop farmer, this is a critical time of year and creates a problem for me since we will be nearing or involved in harvest at that time, and it will not be convenient to make the half day trip required.

In regard to this situation, I would like to request that my motion be handled via the telephone.

If you can assist me in this matter, I would greatly appreciate it.

Thank you,



Reed Batt
Rt#1, Box 1345
Homedale, Idaho
83628

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MAY 23 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 SRBA

STANDARD FORM 4

Case No. 39576

MOTION TO FILE A LATE
NOTICE OF CLAIM

INSTRUCTIONS FOR USE

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 REED BATT

My address is Rt #1 Box 1345
HOMEDALE, MICH 48628

My phone number is: Work 208-482-6250 Home 208-337-3184

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

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

I PURCHASED THIS HOME IN 1992 AND DECIDED, THAT SINCE
I HAD NO RECORD OF A PRIOR WATER RIGHT, I SHOULD
THEN ESTABLISH ONE.

☐ 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.)

You do not have to fill this out if you are reinstating a notice of 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 \$ 25.00.
- ☐ 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 \$ _____.
- ☐ 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 Aug 15th

(Insert Date and Time)

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

VERIFICATION

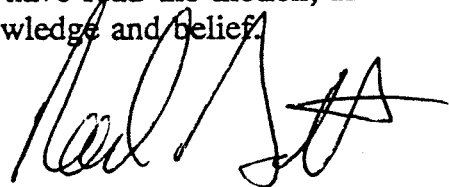
(Must be completed)

State of IDAHO

County of CANYON

REED BATT, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

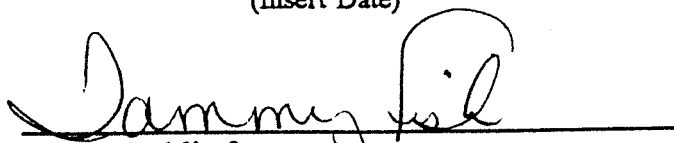
That I am the person or entity filing this motion and I have read the motion, know its contents and that the statements are true to the best of my knowledge and belief.



Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 5/18/95.
(Insert Date)


Notary Public for ID
Residing at: PARMA
My Commission expires: 10/27/00

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 MAY 18, 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:

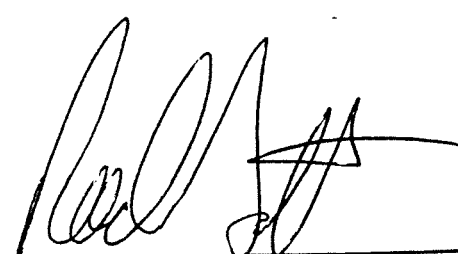
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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 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

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APR 17 1995

WATER RESOURCES
WESTERN REGION

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A57 11511
Date Received 4-17-95-IDWR-L.R.U.
Receipt Number _____

**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.**

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MAY 31 1995

Department of Water Resources

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) REED AND MARILYN BATT Phone (208) 482-6250

Mailing Address Rt #1 Box 1345 HOMEDALE, IDA Zip 83628

2. Date of Priority (Only one per claim) 12/30/82 Month/Day/Year

3. Source of water supply (Check one) (☒ Groundwater or Other () (a) _____
which is tributary to (b) _____
Name or kind of source

4. Location of point of diversion is: Township 3 N Range 5 W
Section 8, W 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____, BM.,
County of OWYHEE

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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 TO 88 FEET UNCAGED TO 540 FT.
PIPED TO HOUSE

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For DOMESTIC purposes from 1-1 Month/Day to 12-31 Month/Day amount 0.05 (cfs)
(Both dates are inclusive)

For C purposes from _____ to _____ amount _____

7. Total quantity claimed 0.05 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) ONE HOUSEHOLD

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WATER RESOURCES
WESTERN REGION

10. Place of use is: Township: 3N Range 5W
 Section 8, NW 1/4 of NW 1/4, Govt. Lot _____, B.M.,
 for (Circle One) Domestic Stock Domestic and Stock
 Additional places of use, if any YARD

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

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

() None or THERE IS SOME FARM GROUND WHICH HAS A WATER RIGHT FILED WITH THE GEM IRRIGATION DIST, FOR SURFACE IRRIGATION WATER

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do do not X 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) Reed A. Smith Date 4-13-95

Travis Roth Date 4/20/95

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)
 County of Canyon) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 14 day of April 19 95

SEAL

Notary Public Sammy Field

Residing at Parma

My Commission Expires 10-27-00

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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MAY 3 1995

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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A57-11511
Date Received: 4/17/1995
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: REED BATT 208-482-6250
Address: ROUTE 1 BOX 1345
HOMEDALE ID 83628

2. Date of Priority: DEC 30, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	05W	8	NE	NE			~~OWYHEE~~ OWYHEE

5. Description of diverting works:
6" CS TO 88', UNCASSED TO 540', PIPED TO HOUSE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
ONE HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	05W	8	NW	NW		DOMEST	

11. Place of use in counties: ~~OWYHEE~~ OWYHEE

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

13. Other Water Rights Used:

NONE

14. Remarks:

THERE IS SOME FARM GROUND WHICH HAS A WATER RIGHT FILED WITH THE GEM IRRIGATION DISTRICT FOR SURFACE IRRIGATION WATER.

15. Basis of Claim: BENEFICIAL USE

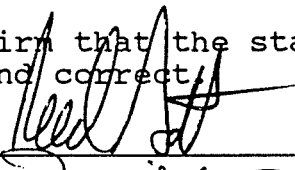
16. Signature(s)

(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):  Date: 4-20-95

- x Franklin Batt Date: 4/20/95

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____