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Department of Water Resources
Adjudication Bureau

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OFFICE OF THE
ATTORNEY GENERAL

228

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

34-13551

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;

03/13/03

2001 E D HAM

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 Six Flags INC

My address is 500 BERGSON
BLACKFOOT, IDAHO 83221

My phone number is: Work _____ Home 785-4722

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 A34-13551

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

I thought it was covered in article B. I claimed
it as a claim & they recommended it as a
license.

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.)

Notice of Claim # A34-13551, & Copy of License

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 \$ 250⁰⁰.
- ☒ 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 May 23, 1995 1:30 PM.

(Insert Date and Time)

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

VERIFICATION
(Must be completed)

State of Dakota

County of Butte

Six Flags, Inc. (Insert name of person filing form), being first duly sworn, upon oath, deposes and says:

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)
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn-to before me on February 27, 1995
(Insert Date)

Carol A. Ostberg
Notary Public for State of Dakota
Residing at: Blackfoot, Id
My Commission expires: 9-16-2000

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 Feb. 27, 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:

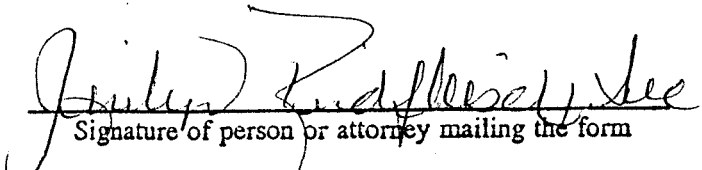
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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


Signature of person or attorney mailing the form

CUM FEE - 50
 Variable fee - 150⁰⁰
 late fee - 50⁰⁰
 250⁰⁰

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

A34-13551

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

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OFFICE OF THE
ATTORNEY GENERAL

Please type or print clearly

1. Name of Claimant (s) SIX FLAGS, INC Phone (208) 785-4722Mailing Address 500 BERGESON DR BLACKFOOT ID Zip 832212. Date of Priority (Only one (1) per claim) SEPT 13, 19653. Source of water supply (a) PASS CREEK
which is tributary to (b) BIG LOST RIVER4. a. Location of existing point of diversion is: Township 07N Range 25E Section 23,
_____ 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of BUTTE

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

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

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., 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. HEADGATE, & DITCH.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For STOCKWATER purposes from 10/16 to 04/30 amount 1.50 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.50 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater, 1000 SHEEP and/or ~~500~~ CATTLE

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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>07N</u>	<u>25E</u>	<u>01</u>				<u>S</u>													

Total number of acres irrigated _____

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

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.
_____ or None (X)

14. Remarks: THE DISTANCE BETWEEN THE POINT OF DIVERSION AND
PLACE OF USE REQUIRES 1.50 CFS BE DIVERTED TO
COMPENSATE FOR TRANSMISSION LOSSES AND STILL HAVE
ADAPQUATE FLOWS FOR THE STOCK TO DRINK.

Last Name _____ Ident No. A34-13557

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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) _____ Date _____

_____ Date _____

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

Signature of Authorized Agent Judith Lindholm

Title and Organization Sec of Six Flags, Inc. Date 2-21-95

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

Subscribed and sworn (or affirmed) before me this 21 day of February 19 95

SEAL

Notary Public Ernest Carlson

Residing at Adelphi Falls, ID

My Commission Expires 6-14-2000

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number A34-13551

Copies White-State, Yellow-Claimant

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ATTORNEY GENERAL

State of Idaho

Department of Water Resources

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ATTORNEY GENERAL

WATER RIGHT LICENSE

License of Water Right No. 34-2466 Priority September 13, 1965 Amount 4.20 cfs

THIS IS TO CERTIFY, that N. MERLE HONE
of Darlington, Idaho, has complied with the terms and conditions of Permit
No. 34-2466 issued pursuant to Application for Permit dated September 13, 1965,
and has submitted proof to the Department of Water Resources on September 12, 1966,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 4.91 cfs of water from Pass Creek,
tributary to Big Lost River, and that the permit holder has applied to a beneficial use an
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>4.20</u> cfs and	<u>630</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 4.20 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
630 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, Twp. 7N,
Rge. 25E, B.M. in the County of Butte

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	25E	1			40	25	35		40	35									175
		2				35													35

Total number of acres irrigated 210

Condition:

The maximum volume of water diverted under this license when combined
with License No. 34-2390 shall not exceed 960 acre feet per annum.

A measuring device of a type approved by the Department and an adequate
headgate shall be maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of
November, 1979.

Director