

SEP 06 2013

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 <u>23556</u> <u>65 - ~~23556~~</u>
	)	(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 James R. Ciardelli and Nancy White

My address is 5250 Hidden Hollow Lane, Emmett, Idaho 83607

My phone number is: Work _____ Home (208) 365-3593

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 purchased this land on September 17, 2003 and put in this well on June 12, 2013 and have since learned that there is no water right for domestic and stock use on the property. We understand that this is a deferrable use, nevertheless we desire to secure a water right decree through the proceedings of the Snake River Basin Adjudication and the SRBA Court for the domestic and stock use here based on beneficial use.

☐ 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.)

map
well log
Gem Count Assessment notice

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 _____
(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

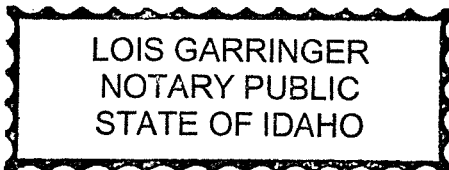
James R. Cardelli, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

James R. Cardelli
Nancy White
Signature of person filing motion

N/A
Attorney signing in representative capacity

Subscribed and sworn to before me on Sept 3, 2013
(Insert Date)



Lois Garringer
Notary Public for Idaho
Residing at: Emmett, ID
My Commission expires: 11/29/18

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 September 3, ²⁰¹³~~199~~, 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:

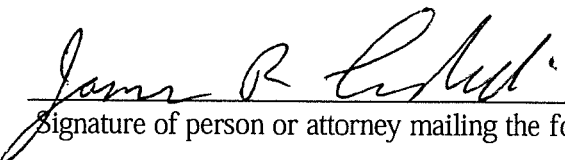
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

Legend

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

T07N R01W/
Sec 16 SWSE

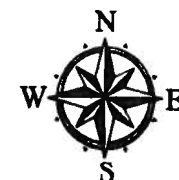
T07N R01W/
Sec 16 SESE

T07N R01W/
Sec 15 SWSW

T07N R01W/
Sec 21 NWNE

T07N R01W/
Sec 21 NENE

T07N R01W/
Sec 22 NWNW



0 130 260 520 780 1,040
Feet

RICK JOHNSTON
Gem County Assessor
415 E Main St.
Emmett, ID 83617-3097

2013
ASSESSMENT NOTICE

THIS IS NOT A BILL.
DO NOT PAY.

For any questions, please notify the Assessor's Office immediately

PARCEL DESCRIPTION:

Annual - Real Property 6/3/2013

Assessor's Telephone Number: **208-365-2982**

Parcel Address:
5250 HIDDEN HOLLOW LN

193 ***5-DIGIT 83617**

|||||

CIARDELLI JAMES R
WHITE NANCY L
PO BOX 877
EMMETT ID 83617-0877

Appeals of your property value must be filed in writing,
on a form provided by the County by: **6/24/2013**

Tax Code Area: **021-0000**

Parcel Number: **RP00420834**

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
05 Dry grazing Use Value	33.5630	1,577	1,812
10 and 10H Homesite Val Total	1.0000	26,300	22,462
31 Res imp on 10		202,260	208,044
32 Non-res imp on 1-12,15		22,940	22,940
SUBTOTAL:	34.5630	253,077	255,258
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		253,077	255,258

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

TAXING DISTRICT INFORMATION

TAXING DISTRICTS	DISTRICT TELEPHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
0020 COUNTY	(208) 365-4561	8/26/13 6:30PM
0060 CNTY JAIL BOND	(208) 365-4561	8/26/13 6:30PM
9020 SCHOOL #221	(208) 365-6301	6/13/13 7:00PM
9021 SCH BOND DEBT	(208) 365-6301	6/13/13 7:00PM
9060 COUNTY FIRE #1	(208) 365-2012	8/08/13 7:00PM
9023 SCH BOND SUPPLM	(208) 365-6301	6/13/13 7:00PM
9024 SCH EMERGENCY	(208) 365-6301	6/13/13 7:00PM

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

0000275

ASNT-2013

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 65-23556

Date Received: _____

Receipt No: _____

Received By: _____

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

1. Name of Claimant(s) James R. Ciardelli and Nancy White Phone (208) 365-3593

Mailing Address PO Box 877 Emmett ID Zip 83617
Street or Box City State

2. Date of Priority: (Only one per claim) 06/13/2013
Month/Day/Year (YYYY)

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

4. Location of Point of Diversion is: Township 7N, Range 1W, Section 16,
SE 1/4 of SE 1/4, or Govt. Lot _____ BM., County of Gem _____;
Parcel (PIN) no. RP 00420834

Additional points of diversion if any: _____

If available, GPS coordinates: _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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, submersible pump, pipe to pressure tank, then distributed to pond and stock tank/trough.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Stockwater purposes from 1/1 to 12/31 amount 0.05
Month/Day Month/Day cfs ☒ or AFY ☐

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed 0.05 cfs ☒ or AFY ☐

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) Stockwater - 30 head

9. Location of Place of Use is: Township 7N, Range 1W, Section 16,
SE 1/4 of SE 1/4, Govt. Lot _____ BM. Parcel (PIN) no. _____

for (Check One) Domestic ☐ Stock ☐ Domestic and Stock ☒ If different than shown in Item 4

Additional places of use, if any _____

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 the 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.

None () _____

13. Remarks:

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 notice in the Snake River Basin Adjudication." (b.) I/We do ☐ wish to receive do not ☒ 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Jamie R. Crandall Date: 9/13/13

Nancy White Date: 9/13/13

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 _____ Identification No. _____