

RECEIVED

OCT 01 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>63-175</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 Oct. 16, 1997).

My name is The Tina Iest Family L.L.L.P.

My address is c/o Helen Tidwell, 5700 South Linder Road,

Meridian, Idaho 83642

My phone number is: Work _____ Home (208) 888-3325

I am an attorney representing The Tina Iest Family L.L.L.P.

My name is Dana L. Hofstetter

My address is Hofstetter Law Office, L.C.C.

608 West Franklin Street
Boise, Idaho 83702

My phone number is (208) 424-7800 FAX: (208) 424-8774

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:

☐ 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.)

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 \$ _____.
- ☐ 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:

This amended claim is being submitted in connection with the resolution of
pending SRBA Claim Nos. 63-174, 63-175, and 63-201

_____.

- ✕ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

Affidavit of Ray Obendorf and other materials of record with IDWR.

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 Ada

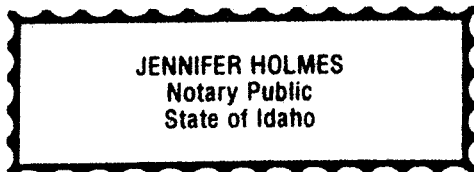
Dana L. Hofstetter, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Signature of person filing motion

Dana L. Hofstetter
Attorney signing in representative capacity

Subscribed and sworn to before me on September 30, 2013.
(Insert Date)



Jennifer Holmes
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission expires: 11/21/18

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 30, 2013, 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

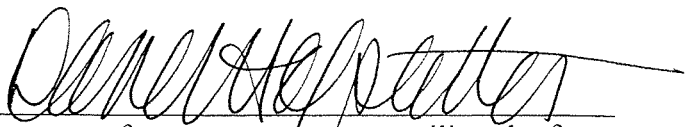
2. Copies to:

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

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
A63-5179)
A63-5181)
A63-5182)
ANDREWS DITCH CO.)
DIXIE SLOUGH)
RIVERSIDE DITCH)
State of Idaho)
County of Canyon)

AFFIDAVIT

Ray Obendorf

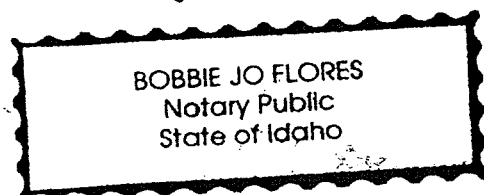
Deposes and says: I am 82 years of age and was born, have lived and own property near or adjacent to the Tina Iest property that utilizes the subject water rights being adjudicated for 82 years. I am very familiar with the property and have observed the water management thereon on a regular basis for more than 60 years.

The owners and managers of that property have basically utilized the same flood irrigation methods over the years, acknowledging changing water transportation methods and irrigation techniques that have evolved over the years.

To the best of my knowledge the water diverted from the various points of diversion has been fully utilized in essentially the same quantities on a regular basis throughout the years I have lived here.

Ray Obendorf
RAY OBENDORF

Subscribed & sworn before me this
1st day of June 2006.



Bobbie Jo Flores
Notary Public for Idaho
My Comm exp 8-1-06

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: 63-175
Date Received: _____
Receipt No: _____
Received By: _____

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

1. Name of Claimant(s)

THE TINA IEST FAMILY L.L.L.P. Phone: (208)888-3325
C/O HELEN TIDWELL
5700 SOUTH LINDER ROAD
MERIDIAN, IDAHO 83642

2. Date of Priority: 06/01/1878

3. Source: BOISE RIVER Trib. to: SNAKE RIVER
MAMMON GULCH CREEK BOISE RIVER
DIXIE SLOUGH BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 OF	1/4 OF	1/4 Lot	County
05N	05W	36	NE	NW		CANYON
		26	SW	SE		CANYON
		34	SE	NE		CANYON
		36	NE	SW		CANYON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/1	11/15	4.20	

7. Total Quantity Appropriated is:
4.20 cfs

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
05N	05W	25							15 LT7			15 LT8							30
		26	1.0		20 LT8	30 LT9			16 LT5	18	10	38 LT6	30	31	33	37	15	20	299
		27	15 LT1	20 LT2		40 LT1													75

Total 404

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decree

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0.

For Organizations:

I/We do solemnly swear or affirm under penalty of perjury that I am the General Partner of The Tina Iest Family L.L.L.P., that I have signed the foregoing document in the space below as the General Partner of The Tina Iest Family L.L.L.P., and that the statements contained in the foregoing document are true and correct.

Signature of Claimants: Helen C. Tidwell Date: 9/30/13
Helen C. Tidwell
General Partner, The Tina Iest Family L.L.L.P.

17. NOTICE OF APPEARANCE:

Notice is hereby given that I, DANA L. HOFSTETTER, 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

DANA L. HOFSTETTER

Hofstetter Law Office, LLC

Address: 608 West Franklin Street, Boise, Idaho 83702

Date: September 30, 2013