

36-2988

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Department of Water Resources
Adjudication Bureau

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OFFICE OF THE
ATTORNEY GENERAL

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

Case No. 39576

STANDARD FORM 4

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 Lloyd N. Fivderseiv for Erma G Andersen

My address is 2051 1306 Barton Rd. E
Wendell Idaho 83355

My phone number is: Work _____ Home 536-2386

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:

Misatke Confusing over filing off the
was full of people waiting over looked

☐ 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.)

Water Right Paper Attach

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 \$ ~~115~~.

☒ 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 \$ 115.

☒ 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 Feb-19-96 1:30 pm
(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

Erma G Andersen, 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 Erma G Andersen
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 11/17/95
(Insert Date)

[Signature]
Notary Public for IDWR
Residing at: Buhl, Id
My Commission expires: 3/8/2001

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 11/17/1995, 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

License and Certificate of Water Right

Water License No. G-29787 Priority June 10, 1961 Amount 1.3 c.f.s.

THIS IS TO CERTIFY that LLOYD NELS ANDERSEN

of Wendell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 8, 1961; that Permit No. G-29787 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 1.3 second feet, was issued thereunder on December 20, 1966, showing that said works were completed on the 11th day of June, 1966; and that on the 11th day of June, 1966 LLOYD NELS ANDERSEN

of Wendell, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation, under Use Permit No. G 29787 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 14 of Licenses, at Page 8623, on the 20th day of December, 1966.

The right hereby confirmed dates from June 10, 1961.

The Point of Diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34, Twp. 8 S, R. 15 E B.M. Gooding County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.3 cubic feet per second.

Description and location of use:

Twsp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S	15 E	34	NW¼ NE¼	40	36
			SW¼ NE¼	40	<u>29</u>
			Total number of acres to be irrigated: 65		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 20th day of December, 1966.

R. Keith Higgins
State Reclamation Engineer.

LIC. #36-2438

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: A36-02488

Date Received: 11/17/1995

Receipt No: _____

Received By: _____

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

1. Name: LLOYD NELS ANDERSEN 208-536-2386
Address: 2051 E BOB BARTON RD
WENDELL ID 83355
AND/OR
Name: ERMA G ANDERSEN 208-536-2386
Address: 2051 E BOB BARTON RD
WENDELL ID 83355
AND/OR
Name: HARLAN ANDERSEN 208-536-2798
Address: 3493 S 1900 E
WENDELL ID 83355

2. Date of Priority: JUN 10, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	15E	34	NW	NE			GOODING

5. Description of diverting works:
12", 151' WELL, 20 HP PUMP, OPEN DISCHARGE, GATED PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.300		

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

8. Total consumptive use is 195.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	15E	34	NW	NE		IRR	36.0
			SW	NE		IRR	29.0
Section Acres							65.0
Total Acres							65.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
80 SHARES OF NORTHSIDE CANAL COMPANY

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 29787

16. Signature(s)

COPY
FOR YOUR FILES

(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: _____

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): Lloyd N. Andersen Date: 11-17-95
Hailan Andersen Date: 11-17-95
Erma H. Andersen 11-17-95

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 17 day

of Nov 19 95

Douglas Jones
Notary Public

Seal

Residing at Beth

My Commission Expires 8/8/2001

COPY
FOR YOUR FILES

