

Department of Water Resources
Adjudication Bureau

36-15496

STANDARD FORM 4

**MOTION TO FILE A LATE
NOTICE OF CLAIM**

96-05-0008

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 Robert and Robert and Faye Turpin

My address is 1110 A EAST, 2700 SOUTH
HAGERMAN, ID 83332

My phone number is: Work ²⁰⁸⁻837-4862 Home SAME

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 : 39576 RT
A36-15496

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

BEING A SMALL SPRING, WE DID NOT REALIZE
THE IMPORTANCE TO PROTECT THIS SPRING - IT CURRENTLY
IS USED FOR FISH PROPAGATION "17 YRS" AND BEFORE FOR
STOCK WATER "1949".

☐ 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.)

1. 1 BLACK AND WHITE PICTURE DATED "1960".

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 \$ _____.
- ☐ 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 August 20, 1996 1:30pm
(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

Robert Tupper, 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.

Robert E. Tupper
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on May 9, 1996.
(Insert Date)

[Signature]
Notary Public for Idaho
Residing at: Twin Falls
My Commission expires: 6/24/98

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 9, 1999 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

CONFIDENTIAL

TC

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: A36-15496
Date Received: 5/ 8/1996
Receipt No: _____
Received By: _____

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

1. Name: ROBERT E TUPPER 000-837-4862
Address: 2700 S 1110A
HAGERMAN ID 83332

AND/OR

Name: FAYE L TUPPER 000-837-4862
Address: 2700 S 1110A
HAGERMAN ID 83332

2. Date of Priority: JAN 1, 1909

3. Source: UNNAMED STREAM Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	14E	18		SE	SW		GOODING

5. Description of diverting works:

APPROX 100 FEET FROM SPRING INTO A CEMENT DITCH TO PIPELINE, POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	0.200		

7. Total Quantity Appropriated is:

0.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

APPROX 5000 LBS FISH ANNUALLY WHEN COMBINED WITH OTHER RIGHTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	14E	18	SW	SW	4	FISH	

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:

14. Remarks:

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): Robert E. Supper Date: 5-9-96
Faye L. Supper Date: 5-9-96

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of May 19 96

James E. Hansen
Notary Public

Seal

Residing at Loganville, Idaho
My Commission Expires 8-4-98

SD-0101-1

```
Date: 05/09/96
Time: 14:41:38
```