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DEPARTMENT OF WATER RESOURCES 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

Case 39576

) Subcase 24-10787
) (Insert water right number)
)

) 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 J. Fred Wright & Jacqueline M. Wright, Individually and as
Trustee of "Wright Family Trust"

My address is 910 Costec Dr, Sacramento, CA 95864

My phone number is: Cell
Work 530-848-2910 Home 916-283-6955

I am an attorney representing N/A

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: On Oct. 9, 1965 when Lyman S. Wright & Vernessa Wright died, property he us, the dead, the deed included all water, water rights, ditch - rights and all improvements. See Attachment 1, attached hereto
2 - Idaho Department of Water Resources discouraged filing claims in the Snake River Basin Adjudication if water was diverted from Wyoming for use in Idaho. See first paragraph of letter dated July 17, 2014 from Idaho Dept of Water Resources Attach as Attachment 2
3 - From 1955 when Lyman S. & Vernessa Wright acquired title to property described in Attachment 1, water has been used for irrigation purposes on said land from then until the present time

☐ 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.)

See Answers Above to this motion & Attachments 1 & 2

I have attached:

☒ A fully completed Notice of Claim (available from IDWR). *This was filed in the above proceedings on July 29, 2014 and is of record herein.*

☒ 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 \$ 53.00. *He*

☒ 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 \$ 53.00.

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 Tuesday, November 18, 2014 at 1:30 PM
(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 California

County of Sacramento

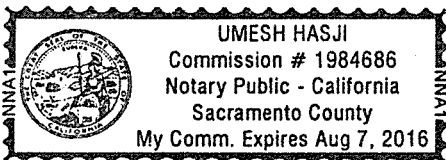
J. Fred Wright Jacqueline M. Wright, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

J. Fred Wright
Jacqueline M. Wright
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on August 1, 2014
(Insert Date)



[Signature]
Notary Public for California
Residing at: Sacramento
My Commission expires: 8/7/2016

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 August 1, ~~1997~~ ²⁰¹⁴, 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:

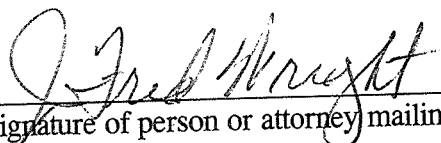
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

WARRANTY DEED AND RELEASE OF HOMESTEAD

Lyman S. Wright and Vernessa Wright, husband and wife, grantors,
of Freedom, Caribou County, and State of Idaho, for and in consideration
of Ten dollars and other valuable consideration in hand paid, receipt
whereof is hereby acknowledged, CONVEY AND WARRANT TO

Jacqueling M. Wright.

grantee, of Salt Lake City, Salt Lake County, and State of Utah, the
following described real estate, situate in Caribou County and State of
Idaho, hereby releasing and waiving all rights under and by virtue of
the homestead exemption laws of the State, to-wit:

Commencing at a point One Hundred Nine (109) rods South and
Twenty-seven and One-half (27½) rods East of the Northwest
Corner of Lot One (1) of Section 15, Township 5 South, Range 46
East of the Boise Meridian; running thence South Eighty-nine
(89) rods; thence East One and One-half (1½) rods; thence North
Twenty-three (23) rods; thence East seven (7) rods; thence North
Sixty-six (66) rods; thence West Eight and One-half (8½) rods
to the place of beginning; Containing three acres, more or less
of land.

Together with Water, Water-rights, Ditch-rights and all
improvements in anywise thereunto belonging on this tract of
land.

WITNESS our hands this 9 day of Oct., 1965.

Signed, Sealed, and Delivered in Presence of

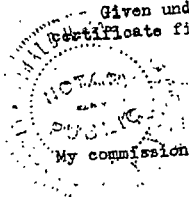
Donald P. Wholen
Donald P. Wholen

Lyman S. Wright
Vernessa Wright

THE STATE OF MONTANA }
County of Lincoln }

On this 9th day of October, 1965, before me personally appeared
Lyman S. Wright and Vernessa Wright, husband and wife, to me known to be
the persons described in and who executed the foregoing instrument, and
acknowledged that they executed the same as their free act and deed,
including the release and waiver of the right of homestead, the said wife
having been by me first fully apprised of her right and the effect of
signing and acknowledging the said instrument.

Given under my hand and Notarial Seal, the day and year in this
Certificate first above written.



Donald P. Wholen
Notary Public

My commission expires on the 5th day of February, A.D. 1968

55484

STATE OF IDAHO }
County of Caribou }

I hereby certify that this instrument was filed for record at the request of

J. Fred Wright at 9:51 o'clock A.M.
this 15th day of October, 1965. In my office and duty

recorded in Book 55484

at page 1 Kenneth M. Fowler
Notary Public

Attachment 1

WARRANTY DEED AND RELEASE OF HOMESTEAD

Lyman S. Wright and Vernessa Wright, husband and wife, grantors,
of Freedom, Caribou County, and State of Idaho, for and in consideration
of Ten dollars and other valuable consideration in hand paid, receipt
whereof is hereby acknowledged, CONVEY AND WARRANT TO

Jacqueling M. Wright.

grantee, of Salt Lake City, Salt Lake County, and State of Utah, the
following described real estate, situate in Caribou County and State of
Idaho, hereby releasing and waiving all rights under and by virtue of
the homestead exemption laws of the State, to-wit:

Commencing at a point One Hundred Nine (109) rods South and
Twenty-seven and One-half (27½) rods East of the Northwest
Corner of Lot One (1) of Section 15, Township 5 South, Range 46
East of the Boise Meridian; running thence South Eighty-nine
(89) rods; thence East One and One-half (1½) rods; thence North
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Sixty-six (66) rods; thence West Eight and One-half (8½) rods
to the place of beginning; Containing three acres, more or less
of land.

Together with Water, Water-rights, Ditch-rights and all
improvements in anywise thereunto belonging on this tract of
land.

WITNESS our hands this 9 day of Oct., 1965.

Signed, Sealed, and Delivered in Presence of

Donald P. Wooden
Donald P. Wooden

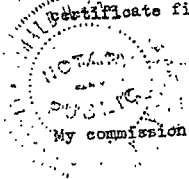
Lyman S. Wright
Vernessa Wright

THE STATE OF WYOMING)

County of Lincoln }

On this 9th day of October, 1965, before me personally appeared
Lyman S. Wright and Vernessa Wright, husband and wife, to me known to be
the persons described in and who executed the foregoing instrument, and
acknowledged that they executed the same as their free act and deed,
including the release and waiver of the right of homestead, the said wife
having been by me first fully apprised of her right and the effect of
signing and acknowledging the said instrument.

Given under my hand and Notarial Seal, the day and year in this
Certificate first above written.



Donald P. Wooden
Notary Public

My commission expires on the 5th day of February, A.D. 1968

STATE OF IDAHO } ss
County of Caribou }

I hereby certify that this instrument was filed for record at the request of

55484

J. S. Wright at 9:51 o'clock A.M.
this 15th day of October, 1965 in my office and duly

recorded in Book 15 of Plats 55484

at page 1 Kenneth M. Fowler
Deputy Recorder

Attachment 1



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTIER
Governor

July 17, 2014

RE: Water Rights Diverted in Wyoming and Beneficially Used in Idaho

Dear Property Owner:

You are receiving this letter because you have been identified as owning property in Bonneville and / or Caribou counties within Star Valley. Some owners of the parcels within Star Valley divert water in Wyoming and use the water in Idaho for irrigation and other purposes. Previously, the Idaho Department of Water Resources ("IDWR") discouraged filing claims in the Snake River Basin Adjudication ("SRBA") if the water user diverted water in Wyoming but beneficially used the water in Idaho. Because of recent issues over interstate use of water, IDWR now recommends that water users diverting water in another state but applying water to beneficial use in Idaho file claims in the SRBA and ask the SRBA Court to decree their water use in Idaho.

The SRBA is a general adjudication of the water rights within the Snake River water basin. The purpose of the SRBA is to inventory Idaho water rights to assure proper delivery of water in times of shortage and to provide certainty of water right ownership to property owners. If you divert water in Wyoming and use the water in Idaho, your water rights may be affected if you do not file a late claim in the SRBA. The SRBA is in the process of winding down. **It is imperative you expeditiously file any late claims. IDWR recommends that you file any claims by July 31, 2014.** A late claim is submitted on a Notice of Claim to a Water Right form provided by IDWR or available online at: www.srba.idaho.gov Idaho Code § 42-1414 requires each person who files a Notice of Claim to pay a filing fee. Failure to pay the fee will result in the rejection of the Notice of Claim. Although filing fees are required, any associated late fees for claims in the Star Valley Area will be waived by IDWR.

All late claims must also be considered by the SRBA Court, which is aware of past confusion about filing claims for the Star Valley diversions. In addition to preparing a Notice of Claim, a Standard Form 4 (SF4) Motion to File Late Notice of Claim must be filed with the SRBA Court along with the Notice of Claim form. The SF4 is available online at www.srba.idaho.gov or at the SRBA Courthouse. In most cases, the Court will hold a hearing on your late claim in the near future.

If you have questions or need further assistance, please contact Michael Holliday at the IDWR Eastern Regional Office at 900 North Skyline Dr, Suite A, Idaho Falls, ID 83402-1718; Phone: (208) 525-7161 or Carter Fritschle at the IDWR State Office at 322 E Front St, Boise, ID 83720-0098; Phone: (208) 287-4800.

Sincerely,



Gary Spackman
Director

Attachment 2