

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 24-10798
) (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 ALLEN R. HOOPER
FOUR STAR INVESTMENTS LP

My address is PO BOX 226, FREEDOM, WY 83120

My phone number is: Work 307-880-6000 Home 307-883-3440

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:

- 1- I WAS NOT AWARE UNTIL RECEIVING A LETTER FROM IDWR THAT WATER DIVERTED FROM WYOMING WAS SUBJECT TO THE SRBA. I HAVE BEEN TRAVELING DURING THE MONTH AND DID NOT RECEIVE THE LETTER DATED 7-17-14 FROM IDWR UNTIL 8-8-14.
- 2- THE SUBJECT PROPERTY HAS BEEN IRRIGATED SINCE THE 1950s BY THE PREVIOUS AND CURRENT OWNERS.

☐ 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.)

- 1- MAP OF CLAIMED ACREAGE PREPARED BY IDWR 8-11-14.
- 2- COPY OF NOTICE LETTER DATED 7-17-14 FROM IDWR RECEIVED 8-8-14

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 \$ 56.00.

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 NOVEMBER 18TH, 2014 @ 1:30pm
(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 Wyoming
County of Lincoln

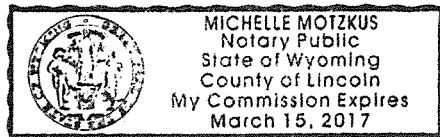
ALLEN R. HOOPER, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Allen R. Hooper
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on August 14, 2014
(Insert Date)



Michelle Motzkus
Notary Public for Wyoming
Residing at: Lincoln County
My Commission expires: 3-15-17

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 14th 2014, ~~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:

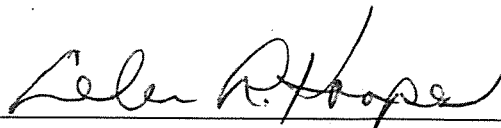
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

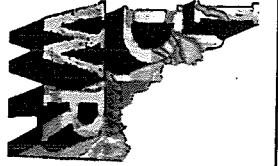
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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)



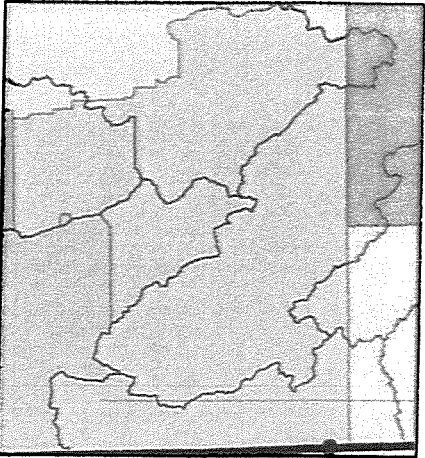
Signature of person or attorney mailing the form



Idaho Department of Water Resources

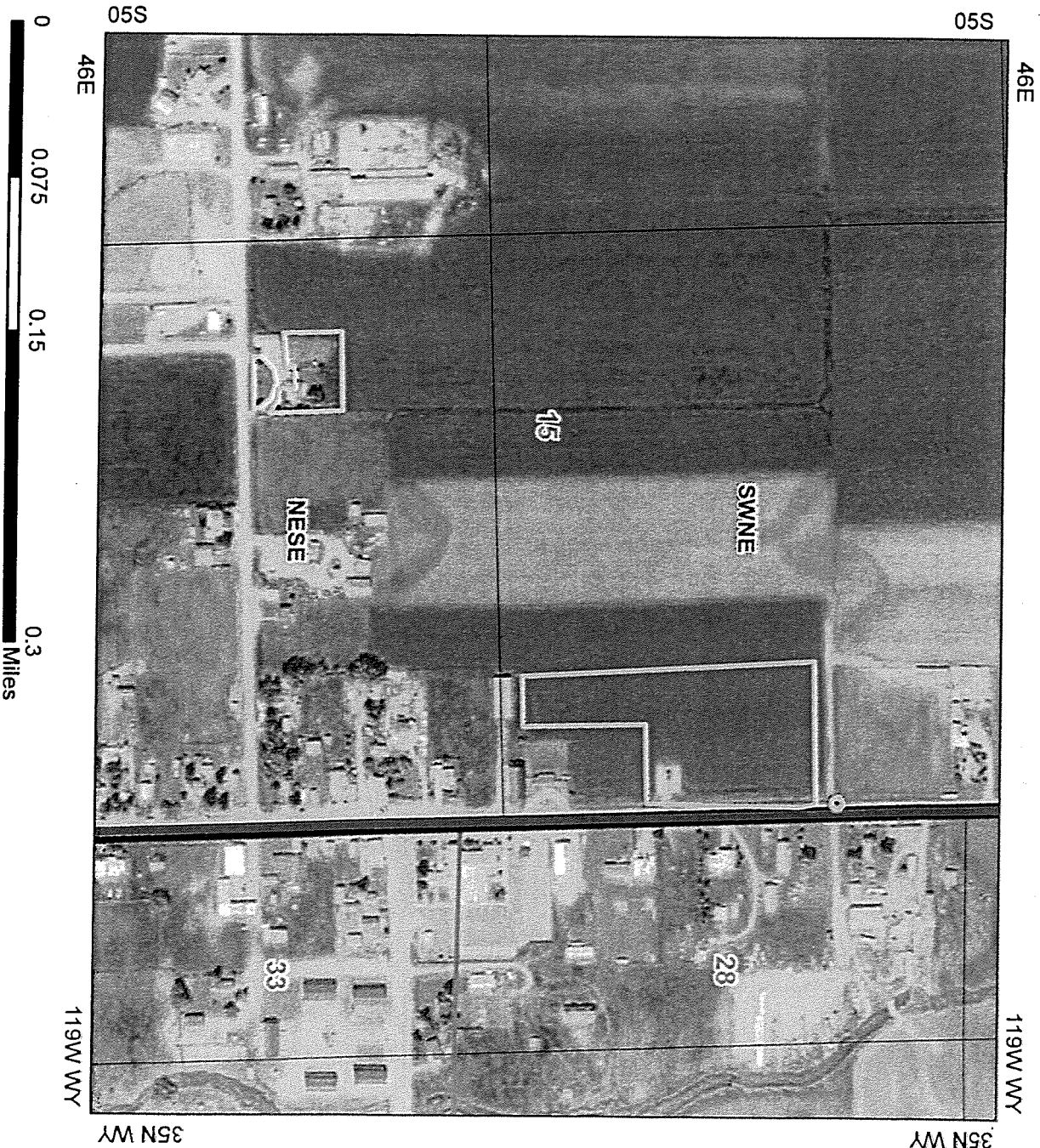
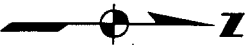
Adjudication Claim
24-10798
(IRRIGATION)

- ☐ Point of Diversion
- ☐ Place of Use
- ☐ State Outline
- ☐ Townships
- ☐ PLS Sections
- ☐ Quarter Quarters



Caribou County
IDWR Basin 24

Prepared by Holliday, Michael
 On August 11, 2014
 2009 Aerial Photography





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.govC.L. "BUTCH" OTTER
GovernorGARY SPACKMAN
Director

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