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OFFICE OF THE
ATTORNEY GENERAL

Department of Water Resources
Adjudication Bureau

**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

)

STANDARD FORM 4

)

Case No. 39576

)

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 Owen H. Orndorff

My address is 1087 W. River Street, Ste. 230, Boise, ID 83702 - General Partner, Junayo Ranch Limited Partnership

My phone number is: Work (208) 343-8880 Home

I am an attorney representing I am an attorney

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:

I did not know a filing was required until the Memorandum Decision and Order Re: Basin Wide Issue 5 dated April 26, 1996 (see page 21) regarding excess water flows for which actual beneficial use has been made on an on-going basis.

☐ 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.)

A copy of the Gifford Order

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 \$ 100.00.
- ☐ 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 December 17, 1996 at 1:30 p.m.

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

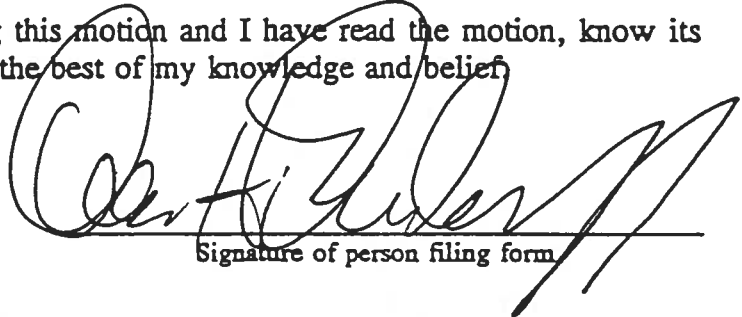
VERIFICATION
(Must be completed)

State of Idaho

County of Ada

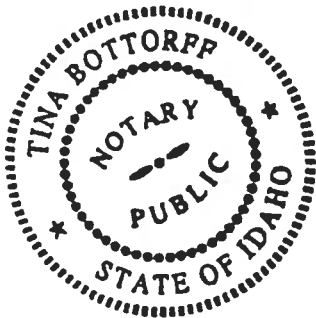
Owen H. Orndorff, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

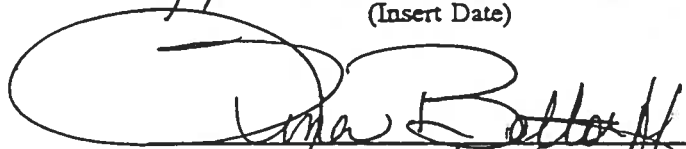
That I am the person or entity filing this motion and I have read the motion, know its contents and that the statements are true to the best of my knowledge and belief.


Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on September 12, 1996.
(Insert Date)




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 8/23/2001

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 September 12, 1996, 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:

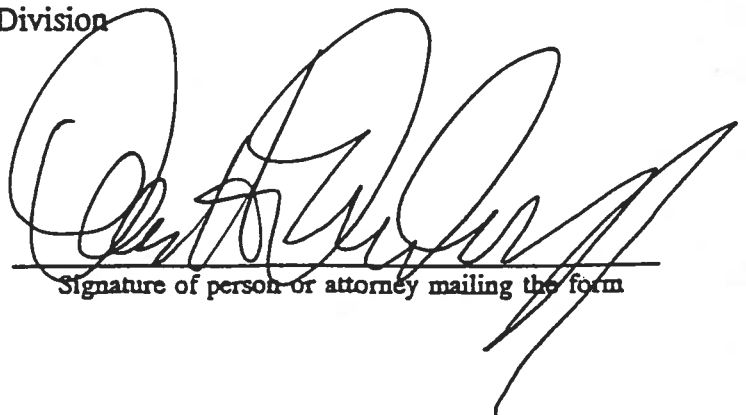
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE.

R. J. GIFFORD, GEORGE MOOLUNG and
ELMER ARMFIELD, co-partners as
MOOLUNG & ARMFIELD, O. C. JOHN-
SON, U. J. BERNARD, O. F. BRUN-
ZELL, W. H. ADAMS, U. A. BRUN-
ZELL and J. M. BRUNZELL,

Plaintiffs,

Vs.

D E O B E N.

JOSEPH BABINGTON, MUGUEL GOITIA,
LORENZO UBERUAGO, JOHN KELLER,
FRANK SCOTT, J. R. STEVENSON
and S. S. STEVENSON, co-partners
as STEVENSON BROS., and G. H.
HARVEY and T. W. ISBERG, co-
partners as HARVEY & ISBERG.

Defendants.

This cause came regularly on for hearing and de-
cision, the respective parties hereto appearing by counsel,
and it appearing by stipulation duly made in open court:

That each party hereto is the owner of the land
described in his pleading herein, and that no formal proof
of ownership thereof shall be required; that all pleadings
herein may be deemed amended to correspond with the proof taken
herein; that as to any parties interested who have not appear-
ed the Court may hear any testimony offered by said parties
to the same effect as if they had appeared in the action and
may award them in the decree any rights to which the evi-
dence shows them entitled; that all demurrers heretofore
filed are withdrawn; and that all the allegations with re-
spect to the cross-complaints of the various parties shall

be deemed denied; and the Court having considered all the testimony taken, which testimony was taken at Reynolds Creek, Owyhee County, Idaho, by agreement of the respective parties hereto on the 22nd and 23rd days of September, 1911, which testimony was duly filed at the September, 1911, term of said Court in said Owyhee County, and the cause was thereupon submitted for decision and taken under advisement; the decree to be rendered herein as of said term of court by agreement of all parties hereto, and findings of fact and conclusion of law being waived by the respective parties hereto in open Court, and the Court being fully advised in the premises:

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. That each and every of the tracts of land described in the pleadings in this action as belonging to the several parties herein are arid in character and require the artificial application of water to render them valuable for agricultural purposes.

2. That the quantity of water required for the successful irrigation and cultivation of said lands measured at the intake of the respective ditches under a four inch pressure is three-fourths of an inch per acre for bottom-lands, and seven-eighths of an inch per acre for up-lands.

3. That the quantity of water to which each of the parties to this action is entitled under this decree shall be ~~measured at the point or points of diversion thereof.~~

4. That the complaint, answers and cross-complaints, and all pleadings filed in this cause be and the same are hereby amended to conform to the facts as shown by the proof herein.

5. That each of the parties to this action, or their predecessors in interest whose rights are adjudicated by this

RECORDED

JUN 19 1996

action did respectively appropriate and divert from Reynolds Creek and Macks Creek the quantities of water hereinafter stated and on the dates respectively as hereinafter stated, and did respectively divert and appropriate such quantities of water for a beneficial use; and that ever since said dates of the several appropriations such water has been by said parties and their grantors and predecessors in interest so diverted and used.

6. That the following named parties to this action are entitled to divert and use the waters of Reynolds Creek and Macks Creek upon the respective tracts of land hereinafter described, in the following amounts and from the following dates, to-wit:

57 0243 No. 1. That the plaintiff, R. J. Gifford, he and he is hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 24, and the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 28, Twp. 2 S., R. 4 W., B. M., in the following amounts from the following date; 59 inches for 74 $\frac{1}{2}$ acres, of which 21.5 acres is up-land and 53 acres bottom-land, from the first day of June, 1864.

57 0244 No. 2. That the plaintiff, W. H. Adams, he and he is hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 25, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 36, all in Twp. 2 S., R. 4 W.; also Lot 4 in Sec. 20, and Lots 1 and 2 in Sec. 31, Twp. 2 S., R. 3 W., Owyhee County, Idaho, in the following amount from the following date; 63 inches for 51 $\frac{1}{2}$ acres bottom-land from June first, 1864.

57 0245 No. 3. That the plaintiff, O. F. Brunzell, he and he is hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating the SE $\frac{1}{4}$ of the E $\frac{1}{2}$, and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, and Lots 3, 4, 5, 6 and 7 in Sec. 6, Twp. 3 S., R. 3 W., except the 21 acres in Lot 4 of Sec. 6 above mentioned owned by J. M. Brunzell, in the following amount from the following date; 84 inches for 104 $\frac{1}{2}$ acres, of which 40 acres is up-land and 64 $\frac{1}{2}$ acres bottom land, from June first, 1864.

JUN 19 1906

57 0246

No. 4.

57 0267

267

That the cross-complainant, Lorenzo Uberanga, be and he is hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating Lots numbered 1 and 2 respectively in Sec. 7, and the E. $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 12, and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 12, all in Twp. 3 S., R. 4 W., in the following amounts from the following dates:
57 inches for 69 $\frac{1}{2}$ acres, of which 45 acres is up-land and 24.5 acres is bottom-land; 33 inches from June 1st, 1864, and 24 inches from June 1st, 1879.

57 0247

No. 5.

57 0248

57 0249

That the plaintiffs, George McClung and Elmer Armfield, co-partners as McClung & Armfield, be and they are hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating the E. $\frac{1}{2}$ of the NE $\frac{1}{4}$, and the E. $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 26, Twp. 3 S., R. 4 W., in the following amount from the following date:
60 inches for 74 $\frac{1}{2}$ acres, of which 30 acres is up-land and 44 $\frac{1}{2}$ acres bottom-land; 30 inches from June 1st, 1871, and 30 inches from June 1st, 1884;

Also in irrigating the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the E. $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 13, Twp. 2 S., R. 4 W. in the following amount from the following date:
23 inches for 26 acres up-land from June 1st, 1866.

No. 6.

57 0250

57 0251

251

That the plaintiff, C. C. Johnson, be and he is hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating Lots 3 and 4, and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 21, Twp. 2 S., R. 3 W., in the following amounts from the following dates:
70 inches for 89 acres, of which 29 acres is up-land, and 60 acres bottom-land; 64 inches from June 1st, 1872, and 6 inches from June 1st, 1906.

No. 7.

57 0252

252

That the plaintiff, U. J. Bernard, be and he is hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating the NE $\frac{1}{4}$ of Sec. 24, Twp. 2 S., R. 4 W., in the following amount from the following date:
38 inches for 43 acres up-land from June 1st, 1879.

57 0253

No. 8.

57 0268

268

That the plaintiff, C. A. Brunzell, be and he is hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 25, Twp. 2 S., R. 4 W., and the W. $\frac{1}{2}$ of the NW $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 36, Twp. 2 S., R. 4 W. in the following amounts from the following dates:
27 inches for 35 acres bottom-land; 18 inches from June 1st, 1883, and 9 inches from June 1st, 1911.

JUN 19 1936

57 0254

57 0255

57 0256

No. 9.

That the cross-complainant, John Kelleher, be and he is hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating the W. $\frac{1}{2}$ of the SW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 1, and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 2, Twp. 3 S., R. 4 W., in the following amounts from the following dates:

77 inches for 88 acres up-land; 47 inches from June 1st, 1883, 22 inches from June 1st, 1885, and 8 inches from June 1st, 1891.

57 0257

No. 10.

That the cross-complainant, Frank H. Scott, be and he is hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating Lots 1, 2, 3, and 4 in Sec. 1, Twp. 3 S., R. 4 W., in the following amount from the following date:

56 inches for 66 $\frac{1}{2}$ acres, of which 45 acres is up-land and 21 $\frac{1}{2}$ acres bottom-land, from June 1st, 1883.

57 0258

No. 11.

That the cross-complainants James R. Stevenson and John S. Stevenson, co-partners as Stevenson Bros., be and they are hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating the SW $\frac{1}{4}$ of Sec. 26, Twp. 2 S., R. 4 W., in the following amount from the following date:

44 inches for 57 $\frac{1}{2}$ acres bottom-land from June 1st, 1883.

57 0259

No. 12.

That the cross-complainants G. W. Harvey and T. W. Isberg, now deceased, heretofore co-partners as Harvey & Isberg, and the estate of the said T. W. Isberg, deceased, be and they are hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating the E. $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 23; SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 23; the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the E. $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the W. $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 25; and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 26, Twp. 2 S., R. 4 W.; and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 25; and the S. $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the S. $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 26; and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 25, Twp. 2 S., R. 4 W.; and the S. $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the N. $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 25; and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the N. $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 26, Twp. 2 S., R. 4 W., in the following amount from the following date:

145 inches for 180 acres, of which 80 acres is up-land and 100 acres is bottom-land, from June 1st, 1883.

57 0260

57 0263

No. 13.

That the plaintiff, J. M. Brunzell, be and he is hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating Lot 4 in Sec. 6, Twp. 3 S., R. 2 W., and the E. $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the S. $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 11, and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 12, Twp. 3 S., R. 4 W., in the following amounts from the following dates:

80 inches for 106 1/2 acres bottom-land: 50 inches from June 1st, 1886, and 30 inches from June 1st, 1893,

No. 14.

57 0261

That the cross-complainant, Joseph Babington, be and he is hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating the SW 1/4 of the SE 1/4 of Sec. 35, Twp. 2 S., R. 4 W., and lots 1, 2, and 3 of Sec. 2, Twp. 3 S., R. 4 W., and the N 1/4 of the SE 1/4, and the SW 1/4 of the SE 1/4, and the SE 1/4 of the SW 1/4 of Sec. 35, Twp. 2 S., R. 4 W., in the following amount from the following date;

94 inches for 106 acres, of which 90 acres is up-land and 10 acres is bottom land, from June 1st, 1886.

57 0262 No. 15.

That the cross-complainant, G. E. Noble, be and he is hereby awarded the right to divert from and the use of the waters of Macks Creek in irrigating the SW 1/4 of the SW 1/4 of Sec. 13, and the S 1/4 of the SW 1/4 of Sec. 14, and the NW 1/4 of the NE 1/4 of Sec. 23, in Twp. 2 S., R. 4 W., in the following amount from the following date;

45 inches for 30 acres of up-land, gravelly soil for which the duty of water is fixed at 1 1/2 inches per acre, from June 1st, 1889.

57 0263 No. 16.

57 0264

That the cross-complainant, Michael Jordan, be and he is hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating the SE 1/4 of the SW 1/4 of Sec. 24, and the N 1/4 of the SW 1/4 of Sec. 25, Twp. 3 S., R. 4 W., in the following amount from the following date;

12 inches for 14 acres of up-land: 4 inches from June 1st, 1891, and 8 inches from June 1st, 1907.

No. 17.

57 0265

That the cross-complainant, Miguel Goitia, be and he is hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating the S 1/4 of the NE 1/4, and the N 1/4 of the SE 1/4 of Sec. 6, Twp. 3 S., R. 3 W., in the following amount from the following date;

18 inches for 20 acres up-land from June 1st, 1903.

No. 18.

57 0266

Trans.
#2105

That the cross-complainant, A. J. McSweeney, be and he is hereby awarded the right to divert from and the use of the waters of Reynolds Creek in irrigating the SW 1/4 of the NE 1/4, and the W 1/4 of the SE 1/4 of Sec. 26, and the NW 1/4 of the NE 1/4 of Sec. 25, Twp. 2 S., R. 4 W., in the following amount from the following date;

32 inches for 36 acres up-land from June 1st, 1906.

That each and every of the parties hereto, their servants, attorneys, employees, privies and successors in interest are hereby enjoined and restrained from any and all interference with all diversion or use of the waters of said Reynolds Creek,

except as provided in this decree, whenever such interference,
diversion or use would in any manner interfere with the quantity
of water awarded by this decree to any of the other parties
to this action.

Dated at Boise, Idaho, this 20th
day of September, 1911.

John F. Macfarlane
DISTRICT JUDGE.

STATE OF IDAHO } ss.
County of Owyhee }

I hereby certify that the foregoing instru-
ment is a true and correct copy of the
original on file in this office

Dated May 5, 1976
Barbara Jayo, Clerk of the District Court

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