

MAY 13 2019

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 CSRBA

Subcase 95-17810

(Insert water right number)

STANDARD FORM 4

Case No. 49576

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

INSTRUCTIONS

This form is used to file a late Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the CSRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form.

The water right number for your late Notice of Claim must be indicated above in the blank space following "Subcase." To obtain your water right number, contact the Idaho Department of Water Resources. You must use a **separate form for each** late Notice of Claim.

By filing a Motion to File a Late Notice 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 *CSRBA Administrative Order 1*, Rules of Procedure.

My name is Ellen Jean McLain Brown

My address is 2950 E Springview Dr, Coeur d'Alene
Id, 83814

My phone number is: work _____ Home 208-667-0153

☐ I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

☒ I did not file a Notice of Claim to the use of water in the CSRBA because:

I may have missed the notice, my
husband died from cancer July 4, 2018
and had been sick for 13 years. We spent
much of that time in Little Rock, AR. - for his cancer
treatments
many of which were experimen
tal and only offered
there.

☐ 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.)

A Motion to File Late Notice of Claim will require a hearing before the Presiding Judge.

Follow these instructions regarding the hearing on the motion.

1. Contact the Clerk of the CSRBA Court at (208) 736-3011 to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(insert date and time)
at the CSRBA Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

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 \$ 25.-.
- ☐ A claim filing fee and a late claim fee for those claims other than 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 \$ _____.



(Signature of person filing motion)

(Attorney signing in representative capacity)

INSTRUCTIONS FOR MAILING

You must mail the Motion, to the Clerk of the court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on May 10, 2019, I mailed the original and copies of this Motion, including all attachments, to the following persons:

1. Original to: ck. All
Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to: All
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010



Signature of Movant or attorney
mailing on Movant's behalf

HOW YOU WILL RECEIVE NOTICES IN THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Coeur d'Alene-Spokane River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Coeur d'Alene-Spokane River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Coeur d'Alene-Spokane River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Coeur d'Alene-Spokane River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/CSRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Coeur d'Alene-Spokane River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

If you are acquiring property with water rights within the boundaries of the Coeur d'Alene-Spokane River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

Identify

Identify from:

Parcels

Parcels

MCLAIN CURTISS, SUSAN KAY

Location: 2,293,791.548 1,829,175.328 Meters

Field	Value
ACRES	0.6
ADDRESS1	2950 E SPRINGVIEW DR
ADDRESS2	<null>
CITY	COEUR D ALENE
COUNTY	Kootenai
ID	10324800
LEGAL1	FINNEY TRACTS, LT 11 BLK 3
LEGAL2	<null>
LEGAL3	<null>
LEGAL4	<null>
LEGAL5	<null>
LEGAL6	<null>
OWNER	MCLAIN CURTISS, SUSAN KAY
P_ADDRESS	3881 E CHINOOK DR
P_ZIPCODE	<null>
PIN	025200030110
SOURCE	<null>
STATE	ID
SUB_NAME	FINNEY TRACTS
UPDATED	9/10/2018
YEAR_BUILT	1953
ZIPCODE	83814

1708555

CORRECTIVE TRUSTEE'S DEED

This deed is executed and recorded for the purpose of correcting clerical errors and clarifying the intent of the grantor in the QUITCLAIM DEED filed as instrument number 1705502 in the Kootenai County recorder's office of Idaho in which Charles H. McLain and Betty C. McLain, as Trustees, were the grantors. The text below replaces the original deed dated Nov. 13, 2001.

This Trustee's deed is made this 6th day of Dec., 2001, between Charles H. McLain and Betty C. McLain, of Lake Tower Apts., #640, 100 Coeur d'Alene Ave., City of Coeur d'Alene, County of Kootenai, State of Idaho 83814, as Trustee of the McLain Family Trust dated October 20, 1992 (i.e. Grantor), and Susan Kay McLain Curtiss, Ellen Jean McLain Brown, & Patrick John McLain (whose mailing address is c/o E.J. McLain Brown, 2950 Springview Dr., Coeur d'Alene, Kootenai, Idaho 83814), tenants-in-common (i.e. Grantee).

WITNESSETH:

That Charles H. McLain and Betty C. McLain, as Trustee, for valuable consideration do by these presents remise, release, and forever quitclaim unto Susan Kay McLain Curtiss, Ellen Jean McLain Brown, & Patrick John McLain all that certain parcel of land situate, lying, and being in the County of Kootenai, State of Idaho, with a street address of 3881 E. Chinook Drive, Harrison, Idaho and legally described as follows:

The Finney Tract, Lot 11, Block 3 in Section 32, Township 50 North, Range 3 West, Kootenai County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. To have and to hold all and singular the premises, together with the appurtenances, unto Susan Kay McLain Curtiss, Ellen Jean McLain Brown, & Patrick John McLain and to his/her heirs and assigns forever.

Tax notices should be sent to the Grantee at the address described above.

In witness whereof, Charles H. McLain and Betty C. McLain have hereunto set his/her hand the day and year first above written.

Charles H. McLain Betty C. McLain
Charles H. McLain and Betty C. McLain, as Trustee for the McLain Family Trust

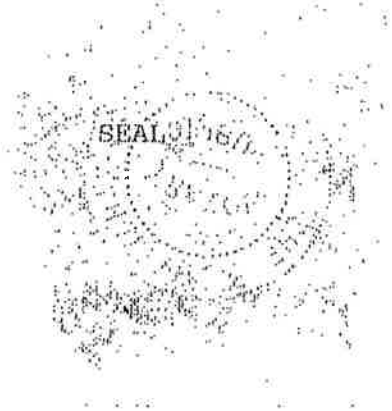
State of Idaho)
County of Kootenai) ss

On this 6th day of Dec., in the year of 2001, before me, Sheryl Wytchko personally appeared Charles H. McLain and Betty C. McLain, known or identified to me to be the persons whose

1708555

names are subscribed to the within instrument as the Trustees of the McLain Family Trust, and acknowledged to me that s/he subscribed his/her name as Trustee.

Sheryl Wytchak
Notary Public
Residing at: Cornell, Maine
My commission expires: 2-7-04



STATE OF IDAHO }
COUNTY OF KOOTENAI } SS
AT THE REQUEST OF
Michael Wytchak III
DEC 7 11 56 AM '01
DANIEL J. ELGEISH
DEPUTY
FEE \$ 6.00