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Attorney for Claimants

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:

Case No. 49567

Subcase 95-17885

**Motion to File a Late Notice of
Claim and Notice of Hearing**

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.

Claimants' Names: Ardis Cecil and Jeffrey Cecil, wife and husband.

Address: 16541 N. Salem Road, Hayden, ID 83835.

Phone Number: (334) 531-0039 (mobile)

I am an attorney representing the above-named claimants:

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Claimants purchased the subject property in November of 2016 and were unaware of the obligation to file a claim in the adjudication. They did not become aware of the claim process until they were approached by a neighbor to share the existing well.

The following documents are attached in support of the Claimants' use of water:

- Exhibit A: Warranty Deed recorded on November 7, 2016 under Kootenai County Instrument No. 2570671000.
- Exhibit B: Well Driller's Report dated August 15, 1990 for well drilled on the claimants' real property at 16541 N. Salem Road, Hayden, Idaho.
- Exhibit C: Aerial map showing location of well (point of diversion) and existing place of use.

I have also enclosed:

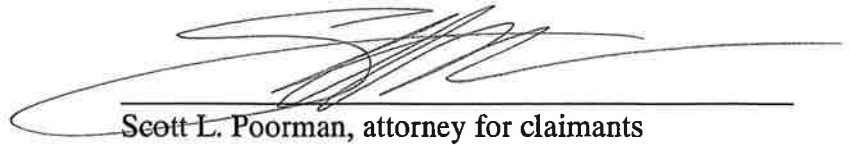
- ☒ A fully completed Notice of Claim;
- ☒ A claim filing fee for a domestic watering use. I have enclosed a check payable to: State of Idaho Department of Water Resources for \$25.00.

Notice of Hearing

This Motion will be heard on December 17, 2019 at 1:30 p.m. PST at the CSRBA Courthouse, 253 Third Ave. North, Twin Falls, Idaho.

Dated this 30 day of September 2019.

SCOTT L. POORMAN, P.C.


Scott L. Poorman, attorney for claimants

Certificate of Mailing

I certify that on the 30th day of September, 2019, I mailed the original and copies of this Motion, including all attachments, as follows:

Original to:

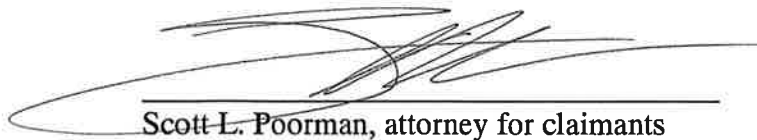
Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Ave. North
PO Box 2707
Twin Falls, ID 83303-02707

Copies to:

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

United States Department of Justice
Environmental & Natural 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


Scott L. Poorman, attorney for claimants

Click checkbox to
select page(s) for
printing.


☐ 1 of 3

☐ 2 of 3

☐ 3 of 3

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
Jeffrey M Cecil and Ardis G. Cecil
16541 N Salem Rd
Hayden, ID 83835

JIM BRANNON 3 P 2570671000
KOOTENAI COUNTY RECORDER
JAJ 11/7/2016 12:34 PM
REQ OF FIRST AMERICAN TITLE -
KOOTENAI
RECORDING FEE: \$16.00 DD
Electronically Recorded

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 609205-C (ma)

Date: November 02, 2016

For Value Received, George E. Bobbitt, III and Linda M. Bobbitt, Trustee's of the George and Linda Bobbitt Living Trust, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Ardis Cecil and Jeffrey Cecil, wife and husband, hereinafter called the Grantee, whose current address is 16541 N. Salem Road, Hayden, ID 83835, the following described premises, situated in Kootenai County, Idaho, to-wit: Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

EXHIBIT

A

tabbies

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☐ 1 of 3



☐ 2 of 3



☐ 3 of 3

Date: 11/02/2016

Warranty Deed
- continued

File No.: 009209-C (m)

George E. Bobbitt, III and Linda M. Bobbitt,
Trustees of the George and Linda Bobbitt
Living Trust

George E. Bobbitt, III, TTE
George E. Bobbitt, III, Trustee

Linda M. Bobbitt, TTE
Linda M. Bobbitt, Trustee

STATE OF Idaho

COUNTY OF Kootenai

On this 3rd day of November, 2016, before me, a Notary Public in and for said State, personally appeared George E. Bobbitt, III and Linda M. Bobbitt, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument as Trustees of the George and Linda Bobbitt Living Trust, and acknowledged to me that they executed the same as such Trustees.

Notary Public of Idaho

Residing at: Hailey, ID

Commission Expires: 7-11-2021



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☐ 1 of 3



☐ 2 of 3



☐ 3 of 3

Date: 11/02/2016

Warranty Deed
- continued

File No.: 609209-C (me)

EXHIBIT A

Lot 3, MOUNTAIN LAKE ESTATES, according to the plat recorded in Book F of Plats, Page 313 and 313A, records of Kootenai County, Idaho;

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS

Beginning at the Northeast Corner of Lot 3, Mountain Lake Estates as recorded in Plat Book F, Page 313A, records of Kootenai County, Idaho; thence

South 89°34'36" West along the North line of Lot 3 a distance of 274.65 feet; thence

South 45°25'24" East a distance of 141.42 feet; thence

North 89°34'36" East a distance of 175.00 feet to the intersection with the East line of Lot 3; thence

North 00°37'30" West a distance of 100.00 feet to the Point of Beginning;

TOGETHER WITH THAT PORTION OF LOT 4 DESCRIBED AS FOLLOWS:

Beginning at the Northwest Corner of Lot 3, Mountain Lake Estates as recorded in Plat Book F, Page 313A, records of Kootenai County, Idaho; thence

North 00°40'51" West along the West line of Lot 4 a distance of 20.00 feet; thence

North 89°34'36" East along the boundary of Lot 4 a distance of 10.00 feet; thence

North 00°40'51" West along the West line of Lot 4 a distance of 45.75 feet; thence

North 89°34'36" East parallel with the South line of Lot 4 a distance of 306.14 feet; thence

South 45°25'24" East a distance of 92.98 feet to the intersection with the line between Lot 3 and Lot 4; thence

South 89°34'36" West a distance of 381.60 feet to the Point of Beginning.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources, within 30 days after the completion or abandonment of the well.

RECEIVED

~~AUG 15 1999~~

**NORTHERN REGION
I D W R**

[illegible]

E % SEC. 70, I. 22N S E. 3E

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT OF COMMERCE

EXHIBIT

