

$\frac{3}{4}$

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing _____

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:

Preexisting water right was disallowed

☐ 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.)

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 \$ 225.
- ☐ 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 \$ _____.

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 July 18 @ 1:30
(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 Idaho

County of Bannock

Alan E. Tyson

(Insert name of person filing form)

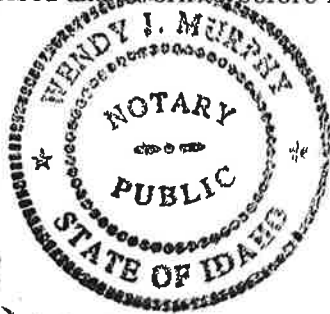
, being first duly sworn, upon oath, deposes and says:

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.

Alan E. Tyson
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on March 1, 2006
(Insert Date)



Wendy J. Murphy
Notary Public for IDWR
Residing at: Idaho Falls
My Commission expires: 6/23/06

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 March 2nd, 2006, 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)

Alan E. Tyson
Signature of person or attorney mailing the form

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13738
Date Received: 3/1/2006
Receipt No:
Received By: JRM

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

CASTLE CONCRETE CO INC Phone: (208)233-4151
2300 N MAIN
POCATELLO ID USA 83204

2. Date of Priority: 08/01/1946

3. Source: Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	33E	36	SW SE		

5. Description of diverting works:

water pumped from spring fed pond into water truck

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	05/01	09/30	0.06	

7. Total Quantity Appropriated is:
0.06 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05S	33E	36	SE SE	DOMESTIC	
			SW SE	DOMESTIC	

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

The quantity of water under this right shall not exceed 2,500 gallons per day.

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Title
CASTLE CONCRETE CO INC, that I have signed the foregoing
Organization
document in the space below as President of
Title
CASTLE CONCRETE CO INC and that the statements contained in the
Organization
foregoing document are true and correct.

Alan E. Tyson
Signature of Authorized Agent

President, Castle Concrete Co. Inc.
Title and Organization

3-1-06
Date

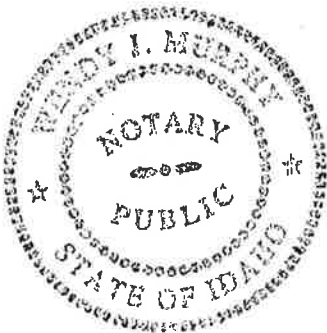
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 1st day of March 2006

Wendy J. Murphy
Notary Public

Residing at Idaho Falls

My commission Expires 6/23/06



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13738 V1

WATER RIGHT NUMBER: 29-13738 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CASTLE CONCRETE CO INC 2300 N MAIN POCATELLO, ID 83204 (208)233-4151

Priority Date: 08/01/1946

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	05/01 to 09/30	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

SPRING	SW1/4SE1/4	Sec. 36, Twp 05S, Rge 33E, B.M.
--------	------------	---------------------------------

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	33E	36																X	X

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N06 The quantity of water under this right shall not exceed 2,500 gallons per day.
3. X01 Domestic use is for dust abatement.
4. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13738 V1

Comments:

1. mvanbussum 3/2/2007 Quantity

Comment: The claim has the limiting condition for 2500 gallons per day. Spoke with Allen Tyson of Castle Concrete 3-5-2007 and Allen said water is used for dust abatement. Recommend as domestic B.

2. mvanbussum 3/2/2007 Comments

Comment: There is a comment in the Late Claim database that this file has been sent to Eastern to compare with 29-4087. 29-4087 was for Industrial use and was disallowed because of lack of evidence of priority. Proceeding with recommending 29-13738 since 29-4087 review is complete.

3. mvanbussum 3/2/2007 Source

Comment: There is no claimed source. Per conversation with Allen Tyson of Castle Concrete 3-5-2007, source is a spring fed pond. Recommended as spring.

4. mvanbussum 3/5/2007 Quantity

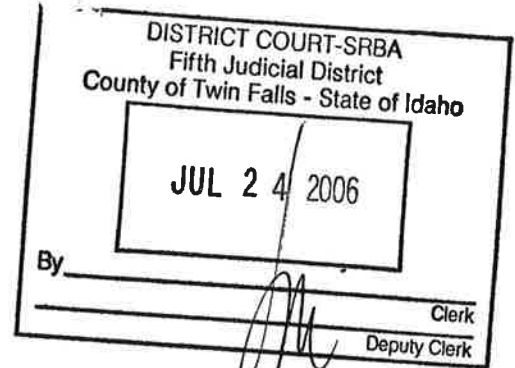
Comment: Claimed 0.06 cfs. Recommended 0.04 cfs to be more consistent with other domestic rights.

Water Supply Bank:

RECEIVED

JUL 28 2006

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

Subcase 29-13738

Case No. 39576

ORDER CONDITIONALLY GRANTING
MOTION TO FILE LATE NOTICE OF
CLAIM UPON PAYMENT OF FILING FEES

On March 6, 2006, Castle Concrete Company, Inc., by and through its president Alan E. Tyson, filed a *Standard Form 4 - Motion to File Late Notice of Claim*. Hearing was held on the *Motion* July 18, 2006. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

In the *Motion* the claimant states that a notice of claim was not previously filed because "preexisting water right was disallowed." At the hearing, the water right claim referred to in that statement was determined to be no. 29-04087. The court has researched its records and has determined that a *Director's Report* has **not** been filed with the Court for water right claim 29-04087, and no orders have been issued either confirming or disallowing any claim under that number. The Court notes that an inquiry of IDWR's website reveals that a claim has been filed with IDWR under water right no. 29-04087, but for reasons unknown to the Court the claim has not been reported to the Court in any *Director's Report*. Accordingly, the Court's concerns regarding *res judicata* preclusion of claim no. 29-13738 have been satisfied, and the claim may proceed to be adjudicated. However, the Court has no record that the \$25 required filing fee has been paid.

THEREFORE, IT IS ORDERED that upon showing payment of the required filing fee, the *Motion to File a Late Notice of Claim* for water right 29-13738 is **granted**.

ORDER CONDITIONALLY GRANTING MOTION TO FILE LATE
NOTICE OF CLAIM UPON PAYMENT OF FILING FEES

RECEIVED

Department of Water Resources
Eastern Region

SCANNED

AUG 01 2006

Upon payment of the filing fees or submittal of a copy of the receipt for payment of the filing fees, the original Notice of Claim and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated July 24, 2006.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER CONDITIONALLY GRANTING MOTION TO FILE LATE NOTICE OF CLAIM UPON PAYMENT OF FILING FEES** was mailed on July 24, 2006, with sufficient first-class postage to the following:

Castle Concrete Company, Inc.
2300 North Main
Pocatello, ID 83024

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


Deputy Clerk

SCANNED
AUG 01 2006

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

RECEIVED

JUL 28 2006

**DEPARTMENT OF
WATER RESOURCES**

CIVIL CASE NUMBER: 39576

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3. Source: Trib. to:

4. Point of Diversion:

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05S 33E 36 SW SE

5. Description of diverting works:

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Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	05/01	09/30	0.06	

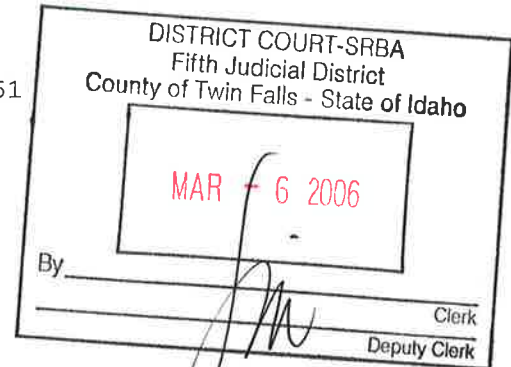
7. Total Quantity Appropriated is:
0.06 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	33E	36	SE	SE	DOMESTIC	
			SW	SE	DOMESTIC	



SCANNED
AUG 01 2006

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? Yes

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14. Remarks:

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Number of attachments: _____

SCANNED
AUG 01 2006

For Organizations:

I do solemnly swear or affirm that I am President of
Title
CASTLE CONCRETE CO INC, that I have signed the foregoing
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Alan E. Tyson
Signature of Authorized Agent

President, Castle Concrete Co. Inc.
Title and Organization

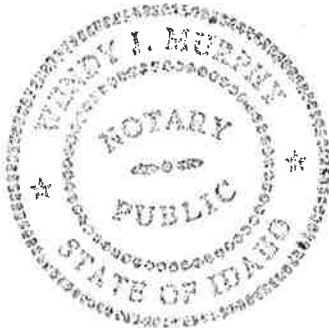
3-1-06
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 1st day of March 2006

Wendy J. Murphy
Notary Public

Residing at Idaho Falls
My commission Expires 6/23/06



SCANNED
AUG 01 2006

Idaho Department of Water Resources Receipt

Receipt ID C081799

Payment Amount \$25.00 Date Received 7/28/2006 11:04:43 AM Region State Status
Payment Type Check Check Number 3695

Payer CASTLE CONCRETE CO. IN

Comment 29-13738

Fee Detail

Amount Description

Fund FD PCA SO

\$25.00 WATER RIGHT FILING SUBSCRIPTION 0229 21 51100 1755

Signature Line (Dept. Representative)

SCANNED
AUG 01 2006