

DEC 30 2021

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

Case No. 49576

Subcase

95-8776

(Insert water right number)

STANDARD FORM 4

**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 Mark D. Weller

My address is 3700 Park East Drive, Suite 300  
Beachwood, Ohio 44122

My phone number is: work 216-218-4155 Home \_\_\_\_\_

☒ I am an attorney representing Real Alloy Recycling, LLC

My name is Mark D. Weller

My address is Same as above

My phone number is 216-218-4155

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

Did not receive original Notice; we do not have full  
administrative support staff during Covid and many employees  
are working remotely.

☐ 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.

*Desire to attend via telephone if needed; I am an Ohio based attorney (Ohio Registration # 0008340)*

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 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 \$\_\_\_\_\_.

*Mark D. Weller*

(Signature of person filing motion)

*Mark D. Weller*

(Attorney signing in representative capacity)

*Assistant General Counsel  
Real Alloy Recycling, LLC*

## 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 December 27, 2021, I mailed the original and copies of this Motion, including all attachments, to the following persons:

1. Original to:

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:

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

Mark D. Weller  
Assistant General Counsel  
Real Alloy Recycling, LLC  
216-218-4155  
mark.weller@RealAlloy.com