

MAR 12 2025

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

Subcase

(Insert water right number)

Case No. 69576

MOTION TO FILE A LATE NOTICE OF CLAIM

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 CFPRBA 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 *CFPRBA Administrative Order 1*, Rules of Procedure.

MAR 12 2025

RECEIVED

My name is _____

My address is _____

My phone number is: work _____ Home _____

☒ I am an attorney representing United States, U.S. Department of Defense, Army Corps of Engineers

My name is Michelle Ramus

My address is U.S. Department of Justice, Environmental and Natural Resources
Division, Natural Resources Section, 550 West Forst Street, MSC 033, Boise, ID 83724

My phone number is 202-514-2598

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

United States, U.S. Department of Defense, Army Corps of Engineers, did not file a Notice of Claim

for the use of water in the CFPRBA because it did not receive notice of the adjudication.

See attached email from IDWR.

☐ 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.)

Attached to the notice of claim is legal and factual documentation downloaded from
IDWR's Water Right & Adjudication Search Database or obtained from IDWR
directly, as well as additional mapping documentation.

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 CFPRBA Court at (208) 736-3011 to request a hearing date and time.

2. Fill in the following information:

This motion will be heard on June 17, 2025 at 2:30 PM MST via oom

(insert date and time)

at the CFPRBA 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 \$_____.
- ☐ 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 \$_____.

The United States is not subject to payment of these fees. *United States v. Idaho*, 508 US 1 (1993)

(Signature of person filing motion)

Michelle Ramus

(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 12 MARCH, 20²⁵, I mailed the original and copies of this Motion, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Clark Fork – Pend Oreille River Basins 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



Person serving this document.

From: [Harris, Lori](#)
To: [Ramus, Michelle \(ENRD\)](#)
Subject: [EXTERNAL] RE: Inquiry re: Returned Service Notices for Water Rights in Clark Fork Basins 96 & 97
Date: Wednesday, January 22, 2025 4:25:22 PM

Michelle,

Second round notices were not sent on these water rights. When we gather data for our original commencement notice, we use county tax lot data within the area that is being covered, we don't use the individual water right numbers on the original mailing. We later look at the water rights that have not been claimed within the area, but if we see that the taxlot data is in the name of an entity that has been served previously for any our mailings, which particularly covers Federal and State agencies, we do not send a notice. We have looked at the county parcel data for these rights and they all show to be in the name of Idaho Fish & Game, with the exception of 96-4534 which shows as US Govt, no address listed.

All of these rights are required to be claimed in the Adjudication, except for 97-7272, which is for Domestic use from groundwater, but can be claimed also.

I hope this helps, if you have any additional questions, feel free to contact me.

Lori

From: Ramus, Michelle (ENRD) <Michelle.Ramus@usdoj.gov>
Sent: Wednesday, January 22, 2025 10:47 AM
To: Harris, Lori <Lori.Harris@idwr.idaho.gov>
Subject: Inquiry re: Returned Service Notices for Water Rights in Clark Fork Basins 96 & 97

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good morning, Lori –

We just spoke briefly by phone. I'm looking to find out if IDWR received returned mail when it sent 2nd Round Service Notices by certified mail for the following unclaimed water rights in Basins 96 and 97 of the Clark Fork:

96-04534
96-08382
97-04222
97-94223
97-04224
97-07272

I believe the address the notices would have been mailed to would have been:

US DEPT OF	DEPT OF ARMY CORPS OF ENGINEERS PO	SEATTLE WA 98124-
DEFENSE	BOX 3755	2255

Thank you for your assistance with this.

Best Regards,

Michelle Ramus
Trial Attorney
Environmental & Natural Resources Division
Natural Resources Section

Email: Michelle.Ramus@usdoj.gov
Phone: (202) 514-2598