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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 63-33393

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

LATE NOTICE OF CLAIM

AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of 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 *SRBA Administrative Order 1, Rules of Procedure* (amended Oct. 16, 1997).

My name is Lord Ranch, LLP

My address is 1171 Mayfield Road

Boise, Idaho 83716-3401

My phone number is: Work _____ Home (208) 343-8938

I am an attorney representing Lord Ranch, LLP

My name is Dana L. Hofstetter

My address is Hofstetter Law Office, L.C.C.

608 West Franklin Street

Boise, Idaho 83702

My phone number is (208) 424-7800 FAX: (208) 424-8774

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:

The omission of this ground from other SRBA Claims was only recently discovered.

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.)

Affidavit of Dana L. Hofstetter

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 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 \$ 160.00.

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 September 21, 2010, 1:30 p.m.
(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 Ada

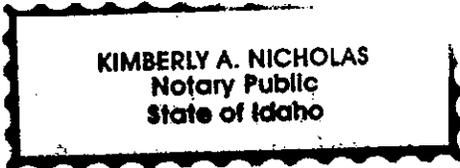
Dana L. Hofstetter, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Signature of person filing motion

Dana Hofstetter
Attorney signing in representative capacity

Subscribed and sworn to before me on June 30, 2010
(Insert Date)



Kimberly A. Nicholas
Notary Public for the State of Idaho
Residing at: BORER, Idaho
My Commission expires: 12/14/2012

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 June 30, 2010, 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 (*via Hand Delivery*)
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/addresses of parties)



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: 63-33393
Date Received: _____
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LORD RANCH, LLP
1171 MAYFIELD ROAD
BOISE, IDAHO 83716-3401

Phone: (208)343-8938

2. Date of Priority: 06/26/1911

3. Source: SLATER CREEK Trib. to: INDIAN CREEK
 BIG DRAW CREEK SLATER CREEK
 DRY HOLLOW CREEK SLATER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 OF 1/4 OF 1/4 Lot	County
01N	04E	23	NE	NE ELMORE (DRY HOLLOW CREEK)
			NE	NE ELMORE (BIG DRAW CREEK)
			NE	NE ELMORE (SLATER CREEK)
			SE	NE ELMORE (SLATER CREEK)

5. Description of diverting works:

CULVERTS DIVERT WATER FROM DRY HOLLOW AND BIG DRAW CREEKS, AND CONVEY WATER UNDER ROAD TO PLACE OF USE. CANVAS DAMS IN SLATER CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.20	

7. Total Quantity Appropriated is:
1.20 cfs

8. Total consumptive use:

9. Non-irrigation uses:

16. Signature(s)

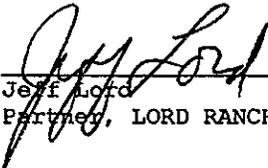
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____.

For Organizations:

I/We do solemnly swear or affirm that I am a Partner of Lord Ranch LLP, that I have signed the foregoing document in the space below as the Partner, of Lord Ranch, LLP, and that the statements contained in the foregoing document are true and correct.

Signature of Claimants: _____


Jeff Lord
Partner, LORD RANCH, LLP

Date: 6/29/2010

17. NOTICE OF APPEARANCE:

Notice is hereby given that I, DANA L. HOFSTETTER, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below

Signature _____


DANA L. HOFSTETTER
Hofstetter Law Office, LLC

Address: 608 West Franklin Street, Boise, Idaho 83702

Date: June 30, 2010