

DISTRICT COURT - CSRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 27 2022

By _____ Clerk
 _____ Deputy Clerk

**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 _____

(Insert water right number)

95-9671

Renumbered to
95-18251

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 Armand H Anderson - Mary L. Marshall

My address is 13000 E NUNN Rd.
ATHOL Id 83801

My phone number is: work _____ Home (208) 683-1214

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

I did not file a Notice of Claim to the use of water in the CSRBA because:
Irrigation was left off of paper work, that was sent for filing adjudication. Feb 2018. I did not catch this.

I have been using water from Greencreek for domestic use and irrigation of appx. 28 acres since I purchased the property in appx 1959 and still do.

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.)

State of Idaho water license # 6434 Priority date July 2, 1910. Water from Greencreek for irrigation and domestic purposes.

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 April 19, 2022 1:30pm
(insert date and time)
at the CSRBA 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 \$ 101.

Armond H. Anderson

Mary Marshall

(Signature of person filing motion)

(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 January 20, 2022, 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

County: Kootenai
Stream: Green Creek
Amount: 26/50 of 1 cu.ft. per sec.
Use: irrigation
Priority: July 2, 1910.

STATE OF IDAHO

Water License No. 6434 95-9671

WHEREAS, On the 2nd day of July, A. D. 1910,
Joyce Bubb

of Athol, County of Kootenai, State of Idaho, duly made application
(No. 9185) to me for a permit to use one (1) cubic foot per second of the waters of
Green Creek

County of Kootenai, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 12th day of August, A. D. 1910, Permit No. 6434 was issued
to said applicant for the diversion of said water and providing for the completion of the works of diversion
therein described on or before the 12th day of August, A. D. 1911, and for the application to ben-
eficial use of said water on or before the 12th day of August, A. D. 1914, and,

WHEREAS, On the 2nd day of August, A. D. 1911,
Joyce Bubb

8-25-11 the holder of said permit, duly made proof of the completion of adequate works for the diversion of
one (1) cubic foot per second of said waters, as evidenced by my Certificate No. 6434
dated July 2, 1910, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use one (1) cubic foot per second of said water,
with date of priority of July 2, 1910, and

WHEREAS, On the 12th day of August, A. D. 1914,
Joyce Bubb

the holder of said permit, duly made proof of the application to beneficial use of 26/50 of 1 cubic
foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
hereby grant and confirm to Joyce Bubb

57 of Athol, County of Kootenai, State of Idaho, the holder and owner
of said Permit No. 6434, a perpetual right, dating from July 2, 1910
to the use of 26/50 of 1 cubic foot per second of the waters of Green Creek

in the County of Kootenai and State of Idaho, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 10 rods west of southeast corner
of NW $\frac{1}{4}$ of Sec. 32, T. 53 N., R. 2 W.B.M..

and conducted to and upon 26 acres in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 32, T. 53 N., R. 2 W.B.M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the
State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local
or community customs, rules and regulations which have been or may be adopted from time to time by
a majority of the users from a common source or supply, canal or lateral from which such water may
be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 24th day of August
A. D. nineteen hundred and fourteen.

F. P. King,

(Seal)

State Engineer: