

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

JUL 01 2024

By _____ VM
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 95-16931 file # 1069
(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 Todd Brinkmeyer and Angela Morozzo

My address is P.O. Box 788, Post Falls, ID 83877

My phone number is: work _____ Home 208.661.2044

I am an attorney representing Todd Brinkmeyer

My name is Clive J Strong

My address is 544 Golf Glen Drive, San Marcos CA 92069

My phone number is 208.850.7792

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

Claimants were not required to file a notice of claim for this water right, but have determined that it is in their best interest to have the right adjudicated in this proceeding.

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 is a copy of license 95-16931 and the IDWR map of the place of use.

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.

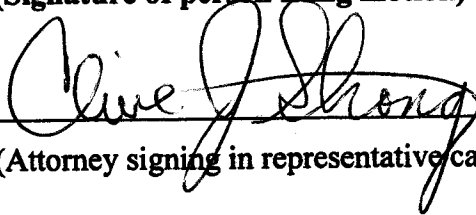
1. Contact the Clerk of the CSRBA Court at (208) 736-3011 to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on October 15, 2024
(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 \$101.00.

(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 JUNE 27, 2024, I mailed the original and copies of this Motion, including all attachments, to the following persons:

1. Original to:

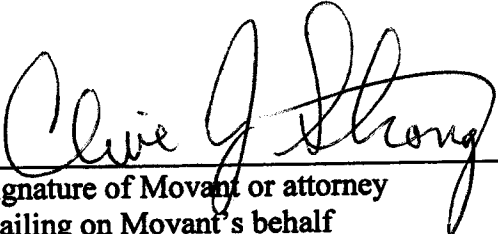
Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

**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 COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number: 95-16931
Date Received:
Receipt No:
Claim Fee: \$51.00
Received By: _____

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

1. Name of Claimant(s)

TODD BRINKMEYER
PO BOX 788
POST FALLS ID 83877

Phone: (208) 661-2044

ANGELA MOROZZO
PO BOX 788
POST FALLS ID 83877

Phone:

2. Date of Priority: 11/26/2014

3. Source:
GROUND WATER

Trib. to:

4. Point of Diversion:

| Township | Range | Section | ¼ of ¼ of ¼ | Lot | County | Type |
|----------|-------|---------|-------------|-----|----------|------|
| 50N | 04W | 8 | NW NE | 3 | KOOTENAI | |

5. Description of diverting works:

SUBMERSIBLE PUMP IN WELL

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A |
|------------|-------|-------|--------|------|-------|
| IRRIGATION | 03/15 | 11/15 | 0.03 | | 3 |

7. Total Quantity Appropriated is:

0.03 C.F.S. and/or 3 A.F.A.

8. Non-irrigation uses:

9. Place of use:

IRRIGATION within KOOTENAI County

| Township | Range | Section | ¼ | of | ¼ | Lot | Acres |
|----------|-------|---------|----|----|----|-----|-------|
| 50N | 04W | 8 | NW | | NE | 3 | 1 |

Total Acres = 1

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

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.

When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

13. Basis of Claim: License

14. 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 COEUR D'ALENE-SPOKANE 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: 2

For Individuals:

I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

T S Burlingame
D Merye

Date:

6/25/24

Date:

6/25/24

State of Idaho
 Department of Water Resources
Water Right License
 WATER RIGHT NO. 95-16931

PRIORITY: November 26, 2014

Maximum Diversion Rate: 0.03 CFS
 Maximum Diversion Volume: 3.0 AF

It is hereby certified that:

TODD BRINKMEYER PO BOX 788 POST FALLS ID 83877

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 17, 2014, and has submitted Proof of Beneficial Use on November 09, 2018. An examination confirms water is diverted from:

SOURCE:
 GROUND WATER

and a water right has been established as follows:

| | | | |
|------------------------------|-----------------------------|------------------------------|---|
| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL DIVERSION VOLUME</u> |
| IRRIGATION | 03/15 to 11/15 | 0.03 CFS | 3.0 AF |

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L3 (NW¼NE¼) Sec. 8, Twp 50N, Rge 04W, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 50N | 04W | 8 | | 1.0 | | | | | | | | | | | | | | | 1.0 |

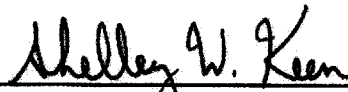
Total Acres: 1

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
2. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 8th day of January, 2019.



 SHELLEY W. KEEN
 Water Allocation Bureau Chief

State of Idaho
Department of Water Resources

Attachment to Water Right License

95-16931

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

04W



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

