

RECEIVED

MAY 14 2004

Department of Water Resources

Randall C. Budge, ISB No. 1949
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center Street
Pocatello, Idaho 83204-1391
Telephone: 208-232-6101
Facsimile: 208-232-6109

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 Nos. 29-320, 29-321, 29-322
	)	
	)	STANDARD FORM 4
Case No. 39576	)	
	)	MOTION TO FILE
	)	AMENDED NOTICE OF CLAIM
	)	
	)	
	)	

COME NOW Claimants, Bonnie Jenkins, David Mark Treasure, Debbie Treasure and Elizabeth Vaughan, by and through their attorney of record, Randall C. Budge, of the firm Racine, Olson, Nye, Budge & Bailey, Chartered, 201 E. Center Street, Pocatello, Idaho, and hereby amend their Notices of Claim in the above-referenced subcases, pursuant to leave of Court granted by Special Master Brigitte Bilyeu at the initial hearing on April 22, 2004, as follows:

1. PLACE OF USE: The following described property is added to the place of use:

T11S R36E S30 W1/2 SW1/4 SW1/4 20.0 acres

By reason of this amendment the total acres at the place of use is increased from 195.3 acres recommended by IDWR to 215.3 acres.

2. QUANTITY: The amount of water diverted under these water rights is increased

by 0.40 cfs based on the additional 20 acres added to the place of use. Based on this amendment, the totally quantity recommended by IDWR is increased from 3.910 cfs to 4.310 cfs.

3. In support of this amendment, claimants presented at the initial hearing to the satisfaction of IDWR proof that claimants own the property added to the place of use and that it has always been irrigated from these rights as reflected by the Department's maps and investigation of these rights.

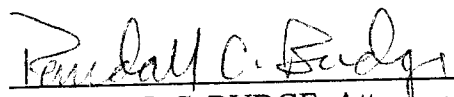
4. Attached is Claimant's Amended Notice of Claim for Water Right Nos. 29-320, 321 and 322. The signed original is being filed with IDWR.IDWR's Recommended Water Rights for each of these claims.

VERIFICATION

STATE OF IDAHO)
 : ss
County of Bannock)

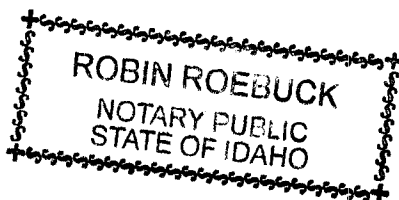
RANDALL C. BUDGE, being first duly sworn, upon oath, deposes and says:

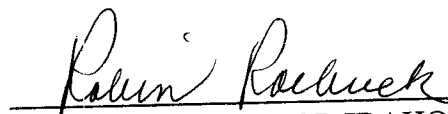
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



RANDALL C. BUDGE, Attorney for Claimants

SUBSCRIBED AND SWORN TO before me this 12th day of May, 2004.





NOTARY PUBLIC FOR IDAHO,
Residing at Pocatello.
My Commission Expires 8/18/2006.

CERTIFICATE OF MAILING

I certify that on May 12, 2004, 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
Snake River Basin Adjudication
P.O. Box 2707
253 Third Avenue North
Twin Falls, ID 83303-2707

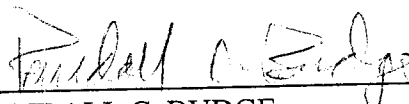
2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Lazy VZ Trust Land & Water
c/o Louis Bloxham
P.O. Box 41
Downey, Idaho 83234



RANDALL C. BUDGE

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 29-320
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

ELIZABETH VAUGHAN Phone: (208)254-3389

100 E 12TH ST
MC CAMMON ID USA 83250

2. Date of Priority: 06/09/1904

3. Source: BIG CREEK Trib. to: BIRCH CREEK
MAPLE CREEK BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	36E	2	NE NW	BANNOCK	
11S	36E	35	NW NE	BANNOCK	

5. Description of diverting works:

DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/01 10/31	4.31	

7. Total Quantity Appropriated is:
4.31 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
11S	36E	25	NE	SW		IRRIGATION	10
			NW	SW		IRRIGATION	17
			SW	SW		IRRIGATION	14
			SE	SW		IRRIGATION	28
			SW	SE		IRRIGATION	30
			SE	SE		IRRIGATION	9.9
11S	36E	26	SE	SE		IRRIGATION	34
			NE	SE		IRRIGATION	11
			NW	SE		IRRIGATION	2.2
			SW	SE		IRRIGATION	18
						Section Acres	65.2
11S	36E	30	SW	SW		IRRIGATION	20
						Section Acres	20
11S	36E	35	NE	NE		IRRIGATION	1.1
						Section Acres	1.1
11S	36E	36	NE	NE		IRRIGATION	12
			NW	NE		IRRIGATION	8.1
						Section Acres	20.1
					Total Acres	215.3	

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The amount of water diverted under this water right may not exceed 1/4 of the stream flow of Big Creek and Maple Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATERS OF BIG CREEK ARE DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

15. Basis of Claim: Decreed

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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 29-321
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

ELIZABETH VAUGHAN Phone: (208)254-3389

100 E 12TH ST
MC CAMMON ID USA 83250

2. Date of Priority: 06/09/1904

3. Source: STATION CREEK Trib. to: BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	36E	3	SE SE SE	BANNOCK	

5. Description of diverting works:

HEADGATE TO DITCH TO PIPELINE FOR SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.31	

7. Total Quantity Appropriated is:
4.31 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	36E	25	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	17
			SW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	9.9
Section Acres						108.9
11S	36E	26	SE	SE	IRRIGATION	34
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	2.2
			SW	SE	IRRIGATION	18
Section Acres						65.2
11S	36E	30	SW	SW	IRRIGATION	20
			Section Acres 20			
11S	36E	35	NE	NE	IRRIGATION	1.1
			Section Acres 1.1			
11S	36E	36	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	8.1
Section Acres						20.1
Total Acres						215.3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The amount of water diverted under this water right may not exceed 1/5 of the stream flow of Station Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

15. Basis of Claim: Decreed

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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 29-322
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

ELIZABETH VAUGHAN

100 E 12TH ST
MC CAMMON ID USA 83250

2. Date of Priority: 10/10/1878

3. Source: BIRCH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
11S	36E	36	NE	NW	NW	BANNOCK	R
12S	36E	27	SE	NW	SW	BANNOCK	I
12S	36E	27	SW	NW	SW	BANNOCK	I
12S	36E	27	SW	NW	SW	BANNOCK	
12S	36E	23	SE	SE	NE	BANNOCK	R
12S	36E	27	SE	NW	SW	BANNOCK	

5. Description of diverting works:

DIVERSION DAM TO DITCH TO PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.31	

7. Total Quantity Appropriated is:
4.31 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	36E	25	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	17
			SW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	9.9
					Section Acres	108.9
11S	36E	26	SE	SE	IRRIGATION	34
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	2.2
			SW	SE	IRRIGATION	18
					Section Acres	65.2
11S	36E	30	SW	SW	IRRIGATION	20
11S	36E	35	NE	NE	IRRIGATION	1.1
11S	36E	36	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	8.1
					Section Acres	20.1
					Total Acres	215.3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The amount of water diverted under this water right may not exceed 4/24 of the stream flow of Birch Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

15. Basis of Claim: Decreed

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20____

Notary Public

Residing at _____

My commission Expires _____