

RECEIVED

NOV 21 2002

Department of Water Resources

November 19, 2002

Bud Tracy
P.O. Box 654
Malta, Idaho 83342
208-645-2211 work
208-645-2425 home

Clerk of the District Court
Snake River Basin Adjudication
253 Third Ave. North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

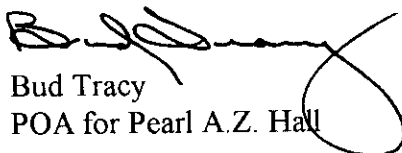
RE: Case 39576, - Subcase 43-91

Dear Clerk,

This letter is a request to amend the notice of claim on Case 39576, - Subcase 43-91 asking for the partial decree be set aside so that the point of use can be changed from 36 acres to 40 acres.

If you require further information or have any questions please contact me at the above address or telephone number.

Sincerely

 For Pearl A.Z. Hall
Bud Tracy
POA for Pearl A.Z. Hall

Enclosure

☒ I have read SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996).

My name is BUD TRACY (POA) FOR PEARL HALL

My address is 155 No. MAIN MALTA, IDAHO 83342

My phone number is: Work (208) 645-2211 Home 645-2425

I am an attorney representing _____

My name is BUD TRACY

My address is SAME

My phone number is SAME

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:

☐ 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.)

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 \$ _____.

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 _____
(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:

Not Fully Claimed

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

BENG FILED BASED ON 11-14-02
SETTLEMENT CONF.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☒ Payment of the following additional fees required by IDWR:

No additional fees due
Kelly K. Christensen
Sr Water Resource Agt.

VERIFICATION (Must be completed)

State of IDAHO

County of TWIN

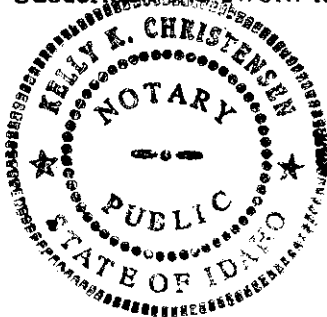
BUD TRACY, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Bud Tracy AS (POA)
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on Nov 14th 2002
(Insert Date)



Kelly K. Christensen
Notary Public for IDWR
Residing at: TWIN Falls
My Commission expires: 3-11-04

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 _____, 199__, 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
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/address of parties)

Signature of person or attorney mailing the form

Limited Durable Power of Attorney

Pearl A. Z. Hall, individually and in her capacity as surviving trustor/trustee of the Leonard E. Hall and Pearl A. Z. Hall Amended Revocable Trust Agreement under Declaration of Trust dated April 8, 1993 and amended and restated August 13, 1994, hereby designates and appoints Vernon Tracy, a.k.a. Bud Tracy, of Malta, Idaho, as her true and lawful attorney-in-fact, for herself and for said Trust, to act in her name, place and stead with respect to the following matter:

To appear on my behalf and to file pleadings, applications, objections, consents, factual representations and/or other documents in, or in any way relating to, the general adjudication proceeding which is currently in process in the District Court in the State of Idaho with respect to determination and adjudication of water rights from Cassia Creek and/or its tributaries which are appurtenant to the southeast quarter of the southeast quarter of Section 14, T13, R26, Boise principal meridian, in Cassia County, Idaho.

My said attorney-in-fact shall have all rights, powers and authority to represent my interests, and those of the trust, in said adjudication proceeding with the same force and effect as though I had personally appeared in the matter and had personally prepared and signed all the documents which he may, in his sole discretion, determine necessary or appropriate for filing in such adjudication proceeding.

This limited power of attorney shall be a durable power of attorney, shall not be affected by my incapacity or disability and shall continue with respect to my individual interests in water rights involved in said adjudication until my death or until the earlier of, the consummation of adjudication with respect to water rights involving lands in which I have an interest, or affirmative written revocation by me and shall similarly continue with respect to said trust until affirmatively revoked by me or by a successor trustee or until the consummation of said adjudication proceeding.

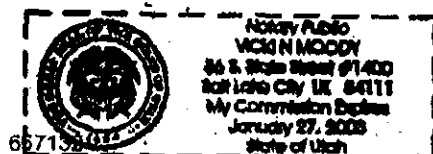
Dated this 25th day of August, 2002.

Pearl A. Z. Hall

Pearl A. Z. Hall, individually and in her capacity
as surviving trustor/trustee

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

The foregoing instrument was acknowledged before me this 25th day of August, 2002, by Pearl A. Z. Hall, individually and as Trustee of said trust.



Vicki N. Moody
Notary Public

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 43-91
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Amended

1. Name of Claimant(s)

LEONARD E HALL Phone: (208)645-2531
PEARL HALL
PO BOX 652
MALTA ID USA 83342

2. Date of Priority: 04/01/1894

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	26E	14	SW SE SE	CASSIA	

5. Description of diverting works:

HEADGATE IN MIDDLE FORK OF CASSIA CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	0.4	

7. Total Quantity Appropriated is:
0.4 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
13S	26E	14	SE SE	IRRIGATION	40
				Section Acres	40
				Total Acres	40

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

CHANGE OF ADDRESS 12/22/97 DMS

Amended claim generated to recognize the entire irrigated property. kkc

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.

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

Signature of Claimant(s):

B. J. Christensen (POA)

Date: Nov. 14, 02

Date: _____

State of Idaho)

County of

Twin Falls

) SS.

Subscribed and sworn (or affirmed) before me this 14th day of Nov 2002

Kelly K Christensen

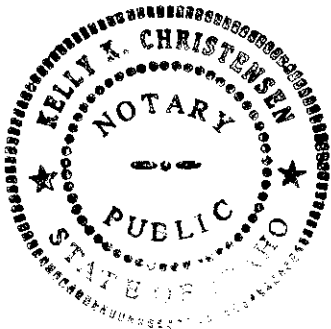
Notary Public

Residing at

Twin Falls

My commission Expires

3-11-04



RECEIVED

NOV 21 2002

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

43-92

(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 Sept. 30, 1996).

My name is BUD TRACY (POA)

My address is 155 NORTH MAIN MALTA, IDAHO 83342

My phone number is: Work 645-2211 Home 645-2425

I am an attorney representing _____

My name is BUD TRACY

My address is SAME

My phone number is SAME

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:

☐ 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.)

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 \$ _____.

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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:

PURSUANT TO HEARING CONF. NOV. 14, 02

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

As of HEARING CONFERENCE Nov. 14, 02

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☒ Payment of the following additional fees required by IDWR:

No additional Fees due
Kelly K. Christensen
Sr Water Resource Agt.

VERIFICATION (Must be completed)

State of IDAHO

County of TWIN FALLS

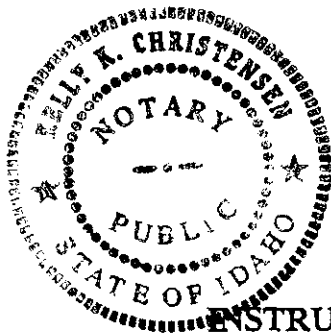
BUD TEACY, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

B. Teacy (PoA)
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on Nov 14, 2002
(Insert Date)



Kelly K. Christensen
Notary Public for IDWR
Residing at: Twin Falls
My Commission expires: 2-11-04

INSTRUCTIONS FOR MAILING

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CERTIFICATE OF MAILING

I certify that on _____, 199____, 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:

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Snake River Basin Adjudication
253 Third Avenue North
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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/address of parties)

Signature of person or attorney mailing the form

Limited Durable Power of Attorney

Pearl A. Z. Hall, individually and in her capacity as surviving trustor/trustee of the Leonard E. Hall and Pearl A. Z. Hall Amended Revocable Trust Agreement under Declaration of Trust dated April 8, 1993 and amended and restated August 13, 1994, hereby designates and appoints Vernon Tracy, a.k.a. Bud Tracy, of Malta, Idaho, as her true and lawful attorney-in-fact, for herself and for said Trust, to act in her name, place and stead with respect to the following matter:

To appear on my behalf and to file pleadings, applications, objections, consents, factual representations and/or other documents in, or in any way relating to, the general adjudication proceeding which is currently in process in the District Court in the State of Idaho with respect to determination and adjudication of water rights from Cassia Creek and/or its tributaries which are appurtenant to the southeast quarter of the southeast quarter of Section 14, T13, R26, Boise principal meridian, in Cassia County, Idaho.

My said attorney-in-fact shall have all rights, powers and authority to represent my interests, and those of the trust, in said adjudication proceeding with the same force and effect as though I had personally appeared in the matter and had personally prepared and signed all the documents which he may, in his sole discretion, determine necessary or appropriate for filing in such adjudication proceeding.

This limited power of attorney shall be a durable power of attorney, shall not be affected by my incapacity or disability and shall continue with respect to my individual interests in water rights involved in said adjudication until my death or until the earlier of, the consummation of adjudication with respect to water rights involving lands in which I have an interest, or affirmative written revocation by me and shall similarly continue with respect to said trust until affirmatively revoked by me or by a successor trustee or until the consummation of said adjudication proceeding.

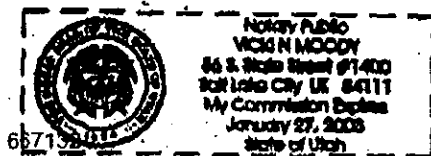
Dated this 25th day of August, 2002.

Pearl A. Z. Hall

Pearl A. Z. Hall, individually and in her capacity
as surviving trustor/trustee

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

The foregoing instrument was acknowledged before me this 25th day of August, 2002, by Pearl A. Z. Hall, individually and as Trustee of said trust.



Vicki N. Moody
Notary Public

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 43-92
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Amended

1. Name of Claimant(s)

LEONARD E HALL Phone: (208)645-2531
PEARL HALL Phone: (208)645-2531
PO BOX 652
MALTA ID USA 83342

2. Date of Priority: 11/15/1886

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	26E	14	SW SE SE	CASSIA	

5. Description of diverting works:

DIVERSION DAM IN MIDDLE FORK OF CASSIA CREEK -- IRRIG. DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	0.4	

7. Total Quantity Appropriated is:
0.4 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
13S	26E	14	SE SE	IRRIGATION	40
				Section Acres	40
				Total Acres	40

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

CHG OF ADDRESS PER LETTER 12/22/97 DMS
Amended claim generated to recognize the entire irrigated property. kkc

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.

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

Signature of Claimant(s): [Signature] (FOA) Date: Nov. 14, 02
_____ Date: _____

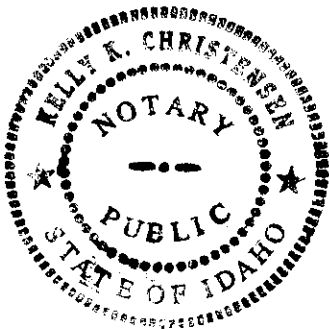
State of Idaho)
County of Twin Falls) SS.

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Kelly K. Christensen
Notary Public

Residing at Twin Falls

My commission Expires 3-11-04



RECEIVED

NOV 21 2002

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 43-13261
(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

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My name is BUD TRACY (POA) FOR PEARL HALL

My address is 155 NORTH MAIN MALTA, IDAHO 83342

My phone number is: Work 645-2211 Home 645-2425

I am an attorney representing _____

My name is SAME

My address is _____

My phone number is SAME

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:

WANTED TO ESTABLISH STOCK WATER
RIGHT FOR THIS PROPERTY

☐ 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.)

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- ☐ 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:

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- ☒ Payment of the following additional fees required by IDWR:

Filing Fee Due = \$2500

Kelly L. Christensen
for IDWR

VERIFICATION (Must be completed)

State of IDAHO

County of CASSIA

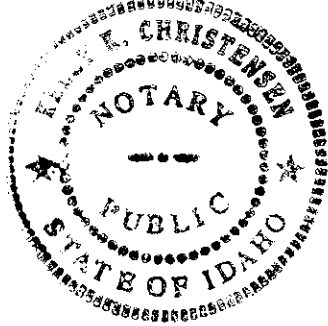
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(Insert name of person filing form)

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BWD Tracy
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on Nov 14 2002
(Insert Date)



Kelly K. Christensen
Notary Public for IDWR
Residing at: Twin Falls
My Commission expires: 3-11-04

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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/address of parties)

Signature of person or attorney mailing the form

Limited Durable Power of Attorney

Pearl A. Z. Hall, individually and in her capacity as surviving trustor/trustee of the Leonard E. Hall and Pearl A. Z. Hall Amended Revocable Trust Agreement under Declaration of Trust dated April 8, 1993 and amended and restated August 13, 1994, hereby designates and appoints Vernon Tracy, a.k.a. Bud Tracy, of Malta, Idaho, as her true and lawful attorney-in-fact, for herself and for said Trust, to act in her name, place and stead with respect to the following matter:

To appear on my behalf and to file pleadings, applications, objections, consents, factual representations and/or other documents in, or in any way relating to, the general adjudication proceeding which is currently in process in the District Court in the State of Idaho with respect to determination and adjudication of water rights from Cassia Creek and/or its tributaries which are appurtenant to the southeast quarter of the southeast quarter of Section 14, T13, R26, Boise principal meridian, in Cassia County, Idaho.

My said attorney-in-fact shall have all rights, powers and authority to represent my interests, and those of the trust, in said adjudication proceeding with the same force and effect as though I had personally appeared in the matter and had personally prepared and signed all the documents which he may, in his sole discretion, determine necessary or appropriate for filing in such adjudication proceeding.

This limited power of attorney shall be a durable power of attorney, shall not be affected by my incapacity or disability and shall continue with respect to my individual interests in water rights involved in said adjudication until my death or until the earlier of, the consummation of adjudication with respect to water rights involving lands in which I have an interest, or affirmative written revocation by me and shall similarly continue with respect to said trust until affirmatively revoked by me or by a successor trustee or until the consummation of said adjudication proceeding.

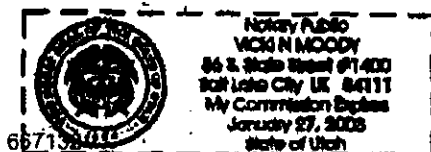
Dated this 25th day of August, 2002.

Pearl A. Z. Hall

Pearl A. Z. Hall, individually and in her capacity
as surviving trustor/trustee

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

The foregoing instrument was acknowledged before me this 25th day of August, 2002, by Pearl A. Z. Hall, individually and as Trustee of said trust.



Vicki N. Moody
Notary Public

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 43-13261
Date Received: 11/14/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PEARL HALL Phone: (208) 645-2531
PO BOX 654
MALTA ID USA 83342

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NOV 21 2002

Department of Water Resources

2. Date of Priority: 11/15/1886

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
13S	26E	23	NW	SW	NE	CASSIA	

5. Description of diverting works:

CEMENT DAM IN CASSIA CREEK, DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.03	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 100

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	26E	14	SE	SE	STOCKWATER	

11. Place of use in counties: CASSIA
12. Do you own the property listed above as place of use? Yes
13. Other Water Rights Used:
14. Remarks:

This claim was created for a request for late claim filing in the SRBA.

15. Basis of Claim:

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: _____

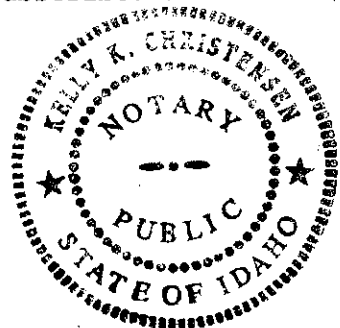
For Individuals:

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

Signature of Claimant(s): Bud Dwyer (POA) Date: Nov. 14, 2002
 _____ Date: _____

State of Idaho)
) SS.
 County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 14____ day of ____ November 2002



Kelly K. Christensen
 Notary Public

Residing at _____ Twin Falls _____

My commission Expires 3-11-04

RECEIVED

NOV 21 2002

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 43-2938
) (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 Sept. 30, 1996).

My name is BUD TEACY (PE) LAVERE TEACY FOR FONTELLA TEACY

My address is 155 NORTH MAIN MALTA, IDAHO 83842

My phone number is: Work 645-2211 Home 645-2425

I am an attorney representing _____

My name is BUD TEACY

My address is SAME

My phone number is SAME

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:

☐ 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.)

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 \$ _____.

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 _____
(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:

CHANGE IN POINT OF DIVERSION

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

SETTLEMENT CONF. NOV. 14, 2002

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 TWIN FALLS

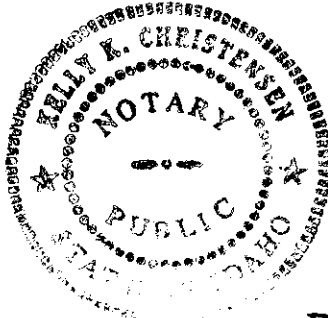
BUD TRACY, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Bud Tracy
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on Nov 14, 2002
(Insert Date)



Kelly K. Christensen
Notary Public for IDWR
Residing at: Twin Falls
My Commission expires: 3-11-04

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 _____, 199____, 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
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/address 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 43-293B
Date Received: 6/2/1989
Receipt No: S007472
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FONTELLA TRACY Phone: (208)645-2271
LAVERE TRACY
149 W 1ST N
MALTA ID USA 83342

2. Date of Priority: 04/30/1880

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	26E	14	NE NE NE	CASSIA	

5. Description of diverting works:

GRAVITY IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2.8	

7. Total Quantity Appropriated is:
2.8 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
12S	26E	25	NE SE	IRRIGATION	5

2

1 **TUFT & BYWATER**

2 Attorneys at Law
205 East 15th Street
3 P. O. Box 1088
Burley, Idaho 83318
4 Telephone: (208) 678-1164
Fax: (208) 678-2924

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NOV 21 2002

Department of Water Resources

(SPACE BELOW FOR FILING STAMP ONLY)

RECEIVED

AUG 21 2002

Department of Water Resources
Southern Region

5 Attorneys for

6 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
7 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA
8

9 IN THE MATTER OF THE ESTATE OF)
10)
11)
12)
13)

11 JESSE LAVERE TRACY,
a/k/a J. L. TRACY, J. LAVERE TRACY,
12 LAVERE TRACY, and JESSE TRACY,
Deceased.

CASE NO. SP 96-286

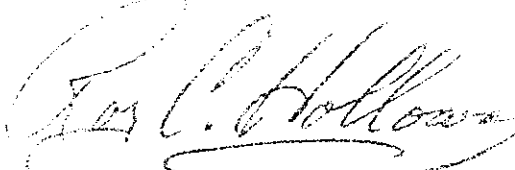
LETTERS OF ADMINISTRATION

14
15 Vernon L. "Bud" Tracy was duly appointed and qualified as General Personal
Representative of the estate of the above-named decedent on the 27 day of June, 1996, by the
16 Court with all authority pertaining thereto.

17 Administration of the estate is unsupervised.

18 These letters are issued to evidence the appointment, qualification, and authority of
the said personal representative or special administrator.

19 WITNESS, my signature and the Seal of this Court, this 27 day of June, 1996.

20
21
22 

MAGISTRATE

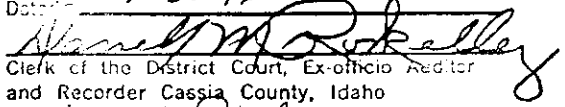
23
24
25
26 Letters Testamentary -1

28 C:\ESTATE\LETTESTM.TRA

State of Idaho } ss
County of Cassia }

I hereby certify that the foregoing instrument
is a full, true and correct copy of the original
as _____ in this office.

Dated: 7-3-96


Clerk of the District Court, Ex-officio Auditor
and Recorder Cassia County, Idaho

By K. Garhe
Deputy

ORIGINAL

GENERAL POWER OF ATTORNEY Durable - Comprehensive

I, **Fontella H. Tracy**, a single person, of Malta, Cassia County, Idaho 83342, hereby appoint **Bud Tracy**, of P.O. Box 617, Malta, Idaho, 83342, my true and lawful attorney-in-fact for me and in my name, place and stead, and for my use and benefit.

TO EXERCISE, DO, OR PERFORM Any act, right, power, duty, or obligation whatsoever that I now have or may acquire the legal right, power, or capacity to exercise, do or perform in connection with, arising out of, or relating to any person, item, thing, transaction, property, real or personal, tangible or intangible, or matter whatsoever;

TO ENGAGE IN AND TRANSACT Any and all lawful business of whatever nature or kind for me and in my name;

TO SIGN, ENDORSE, EXECUTE, Acknowledge, assign, transfer, surrender, and deliver such contracts, agreements, deeds, conveyances, mortgages, deeds of trust, bills of sale, assignments, transfers, security agreements, financing statements, leases, rental agreements, documents of title, certificates of title, annuities, insurance policies, applications, endorsements, purchase orders, options, proofs of loss, claims, liens, releases, satisfactions, settlements, compromises, checks, drafts, savings certificates, certificates of deposit, promissory notes, commercial paper, stock certificates, bonds, warrants, dividends, proxies, transfers of stock certificates or bonds, or other instruments of any kind and nature as may be necessary or proper in the exercise of the rights and powers herein granted;

AND WITHOUT LIMITING Any of the foregoing rights, powers, and privileges, to exercise any or all of the same in connection with or in furtherance of acting for me and on my behalf, in any or all of the following kinds of matters:

--*Government Payments.* To collect, manage and disburse social security benefits, Medicare benefits, Medicaid benefits, or other government payments, entitlements or benefits, endorsing any checks for such payments, and arranging for automatic deposit of any such payments into a bank account on which my attorney-in-fact is authorized to draw checks.

--*Financial Institution Transactions.* Managing any checking account, savings account, or savings certificates or deposits, including drawing checks and withdrawing sums, renewing certificates, making deposits, or acquiring or opening additional certificates or accounts.

--*Real Estate Transactions.* Managing any real estate or interest therein owned by me; exercising the right to sell, lease, or mortgage the same for me; and repairing and maintaining such property.

--Securities Transactions. Managing any and all investments of mine in corporate stocks, bonds, or other interests, limited partnership interests, interests in limited liability companies, trust investments, or other forms of securities or investments; exercising the right to sell or transfer, receive and collect dividends or other returns, change investments, reinvest, buy and sell, transfer, change ownership, or change the titles of, stocks and bonds and any other financial instruments or evidences of investments; and hire, direct, and discharge brokers, brokerage firms, or other representatives.

--Business Operations. Managing any business or farming operations owned by me or in which I have an interest.

--Claims and Litigation. Pursuing any claims, actions, or causes of action which I may at any time have, including through litigation; defending any claims or litigation brought against me; and exercising the discretionary right and power to compromise and settle any or all claims by or against me.

--Borrowing and Selling. To borrow money, including on a secured basis, or sell assets, as is necessary or appropriate to provide for my support or to protect or preserve any of my assets and properties.

--Tax Returns. To prepare, sign and file for me, income tax returns, Federal and state, and to adjust or settle any problems arising or audits connected therewith.

--Planning for Personal and Health Care. My attorney-in-fact shall have the power to transfer property, establish special trusts, enter annuity contracts-- commercial or private, purchase life insurance policies, acquire medical insurance and nursing home insurance, and take any and all other steps and actions with the object of assuring that if I am confined to a hospital, nursing home, or similar facility, where extended care is required, or if extended care can be provided in my home or the home of a family member, that I will qualify, as appropriate, for medicaid or other government assistance, or have means provided to the extent of my resources, to assure support and maintenance in my home or in a substitute home or facility that may be required.

--Making Gifts. Make gifts to family members or to charitable organizations, where appropriate in the discretion of my attorney-in-fact, for estate planning or tax planning purposes, or for health care planning, or to provide for family members in need, or to support worthy charities, or for any other purpose deemed appropriate by my attorney in fact, considering the nature and extent of my estate, any information available as to my wishes, and any other relevant factors. Maintaining resources to assure support, maintenance, health and comfort of myself under my accustomed standard of living, shall have the highest priority.

I GRANT TO MY SAID ATTORNEY-IN-FACT Full power and authority to perform all and every act and thing whatsoever requisite, necessary, and proper to be done in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that my said attorney-in-fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorneys and the rights and powers herein granted.

IF MY ATTORNEY-IN-FACT Should be unable or unwilling, for any cause, at any time, to act for me, then VERNA HAMBY, of SALT LAKE CITY, UTAH, shall serve as my alternate or successor attorney-in-fact with all powers, authorities and rights granted herein. If he should be unable or unwilling, for any cause, at any time, to act for me, then KENDALL TRACY, shall serve as my alternate or successor attorney-in-fact with all powers, authorities and rights granted herein.

THIS IS A DURABLE POWER OF ATTORNEY And shall become effective upon my disability or incapacity to act for myself, certified in writing by a licensed medical doctor who has examined me at the request of my attorney-in-fact; or shall become effective upon a written direction signed by me directing my attorney-in-fact to commence acting for me under this power of attorney. Any third party dealing with my attorney-in-fact shall be justified in acting upon the representation of my attorney-in-fact that he is authorized to act for me, when coupled with the certificate from the medical doctor or my written direction. This General Power of Attorney shall not be affected by subsequent disability or incapacity of me, but all powers and authority granted herein shall continue and survive any disability or incapacity on my part.

IF PROTECTIVE PROCEEDINGS Be commenced at any time by anyone, for my person or estate, I nominate Bud Tracy, if he be qualified and willing to serve, as guardian of my person and as conservator of my estate, and if not (or if appointed and thereafter shall cease to serve for any reason), I nominate _____ (and as an alternate or successor, _____), to serve as guardian of my person and as conservator of my estate, and request and direct that the Court, if determining that a guardian or conservator, or both, be appointed, to appoint the persons named, in that order of priority.

THIS POWER OF ATTORNEY Shall continue in force and effect from date hereof until revoked in writing by me.

THIS INSTRUMENT IS TO BE Construed and interpreted as a general power of attorney.

DATE: June 2nd, 1997.

GENERAL POWER OF ATTORNEY - Page 4 of 4
S:\WP6\SB\TRACYF.GPA