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JUN 10 2005

Department of Water Resources

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
PO BOX 2707
TWIN FALLS, ID 83303-2707

June 6, 2005

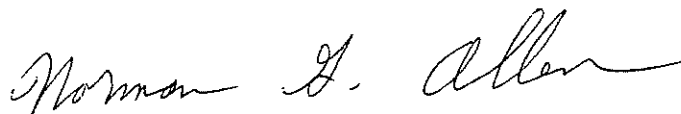
RE: Amended Notices of Claim to Water Right # 33-7173 and # 33-7175

We Allen Farms Inc. request that you will please set aside the partial decrees listed below. Please find the enclosed Amended Notices of Claim to the Water Right # 33-7173 and # 33-7175. We request that the priority dates on both claims be changed from 05/29/85 to 03/22/55.

For many years we have been attempting to get these dates changed, but due to illness and lack of factual or legal documentation, we have been unsuccessful. Recently we have been given a copy of the "Permit and Licensed Rights for Hope Land and Water Co. Inc., and W.T. Williams", as recorded in the Department of Reclamation for the State of Idaho.

We hope that this will be both the factual and legal documentation required to get these priority dates changed.

Sincerely,



Norman G. Allen
President
Allen Farms Inc.

Cc:
IDWR Document Depository, Chief, Natural Resources Division, United States Department of Justice

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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 33-7173

) (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 _____

My address is _____

My phone number is: _____ Work _____ Home _____

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

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. *See SRBA Administrative Order 1, Rule 1.1.*

☐ 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:

THE PRIORITY DATE LISTED IS INCORRECT. CURRENTLY, THE
PRIORITY DATE REFERENCED IS 05/29/85, BUT WE HAVE
RECORD THE ACTUAL DATE IS 03/22/55.

☐ Payment of the following additional fees required by IDWR:

☒ An amended Notice of Claim (available from IDWR).

I have attached:

* LICENSE: 33-2079, HOFELAND & WATER CO. IUC, TWIN, AMT: 7.5 CFS, DATE OF FILING OR PRIORITY: 03/22/55, SUBJECT: 3 WELLS SWSE, SESE, SWSE, SEC: 10, TWA: 10, RGE: 29E, PLACE OF USE, REMARKS, ETC:
N²UE, S²UE, E²SE, SE1, T5U, R29E, NE⁴
NW⁴, SW⁴, SE⁴, SEC 10 W²UW SEC 5, T5U, R30E
RECLAIMATION, STATE OF IDAHO.
READS AS FOLLOWS:

CO. IUC & W.T. WILLIAMS "AS RECORDED" IN DEPARTMENT OF
ATTACHED IS THE "PERMIT & LICENSED RIGHTS FOR HOFELAND & WATER

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

VERIFICATION (Must be completed)

State of IDAHO

County of BUTTE

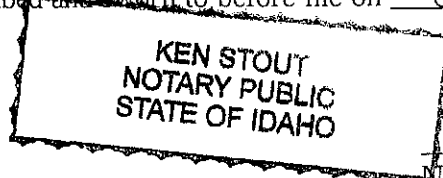
NORMAN G. ALLEN, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Norman G. Allen
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 6-7-05



(Insert Date)

State of ID County of Madison

Subscribed and sworn to before me on 6-7-05

Ken Stout (Norman G. Allen)
(Date)

Notary Public for _____ (Notary Signature)

Residing at: Rexburg Ken Stout

My Commission expires: 4-22-10

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 06/08, 1999, 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)

Thomas G. Allen
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 33-7173
Date Received: 12/29/1999
Receipt No: E025533
Received By:

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

1. Name of Claimant(s)

ALLEN FARMS INC Phone: (208)767-3430

BOX 1072
HOWE ID USA 83244

2. Date of Priority: 03/22/1955

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	29E	16	SW SE SE	BUTTE	

5. Description of diverting works:

WELL/PUMP TO MAINLINE AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	4.07	1102.5

7. Total Quantity Appropriated is:

4.07 C.F.S. and/or 1102.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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06N	29E	16	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	38
			SE	SE	IRRIGATION	38
Section Acres						315
Total Acres						315

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:

14. Remarks:

ACREAGE ADJUSTED PER GIS. NO NET GAIN/LOSS.

15. Basis of Claim: License

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: 1

For Organizations:

I do solemnly swear or affirm that I am Norman G. Allen President of

Allen Farms INC Title
Organization, that I have signed the foregoing
document in the space below as President of

Allen Farms INC Title
Organization and that the statements contained in the
foregoing document are true and correct.

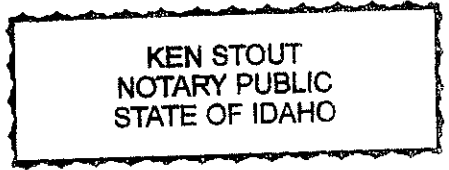
Norman G. Allen
Signature of Authorized Agent
President Allen Farms Inc
Title and Organization

06 / 07 / 05
Date

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this
of 6-7 2005

[Signature]



Notary Public
Residing at Rexburg
My commission Expires 4-22-10

