

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

A. Subcase 27-12095

STANDARD FORM 4

Case No. 39576

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 file 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 Torgesen Ranch, Inc.

My name is Kent W. Foster

My address is PO Box 50130, Idaho Falls, ID 83405-0130

My phone number is 208-523-0620

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 a 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 you 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 Tuesday, April 18, 2006, at 1:30 p.m.
 (Insert Date and Time)
 at the SRBA Court 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 legal description of the place of use was inadvertently listed incorrectly; half of the place of use was omitted.

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

1. Copy of deed showing correct legal description

2. Copy of map showing place of use.

I have attached:

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

□ Payment of the following additional fees required by IDWR:

VERIFICATION

State of Idaho

County of Bonneville

Kent W. Foster, being first duly sworn, upon oath, deposes and says:

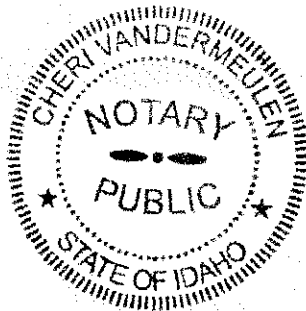
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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

Signature of person filing motion

Kent W. Foster

Attorney signing in representative capacity

Subscribed and sworn to before me on Jan. 24th 2009



Cheri Vandermeulen

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission expires: 7 July 2009

CERTIFICATE OF MAILING

I certify that on 1/24, 2006, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

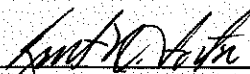
2. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. 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 amend 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.



Kent W. Foster

G:\WPDATA\KWF\1270 Torgesen, Dick\Greg Torgesen\Objection.wpd

STATE OF IDAHO,)
) ss.
County of Caribou,)

On this 27th day of _____, 1952, The Undersigned a
Notary Public in and for the State of Idaho, ARGIL C. DAVIDS
and ATHENE S. DAVIDS, whose names
are subscribed to the foregoing instrument, and acknowledged the
same.

IN WITNESS WHEREOF, I have hereunto set my hand and
the day of _____, 1952, at _____, Idaho.
At _____
October _____
1952

Argil C. Davids
Recorder
--- 000 ---

Instrument No. 31504

WARRANTY DEED

For Value Received (\$5,200.00)

RALPH S. GORTON and RETA LAU GORTON, husband and wife, the grantors, do hereby
grant, bargain, sell and convey unto RICHARD TORGESEN, the grantee, the following described
premises, to-wit:

The South half of the Southwest quarter of Section Twenty-three; the West half of
Section Twenty-six; and the Northeast quarter of the Northwest quarter, and the Northwest
quarter of the Northeast quarter of Section Thirty-six; all in Township Seven South, Range
Forty-two East of the Boise Meridian, Caribou County, State of Idaho.

Subject to Taxes for the year 1952 and subsequent years.

Subject to reservations contained in Patents from the United States of America, and
to all rights-of-way and easements of any nature or kind as the same now exist, whether con-
veyed by Deed or otherwise.

(\$6.05 I.R. Stamps)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with
the said Grantee, that they are the owners in fee simple of said premises; that they are free
from all incumbrances incurred by said Grantors, and that they will warrant and defend the
same from all lawful claims whatsoever, as to the acts of Grantors only.

Dated: August 14, 1952.

Ralph Gorton
Reta Lau Gorton

STATE OF IDAHO, COUNTY OF Caribou)SS.

On this 14th day of August, 1952, before me, a notary public in and for said State,
personally appeared RALPH S. GORTON and RETA LAU GORTON, husband and wife, known to me to be
the persons whose names are subscribed to the within instrument, and acknowledged to me
that they executed the same.

S.E. Matthews
Notary Public

I hereby certify that this instrument was filed
at the request of Elaine G. Torgeson
at Boise, Idaho on the 12th day of
Nov. 1975. 12 day of Nov. and day
recorded in Memorial Book No. 10
ELAINE G. TORGESON
Ex-Officio Recorder

WARRANTY DEED

THIS INSTRUMENT, Made this 25th day of August, 1975, between J. Richard Torgeson and Ariana T. Torgeson, husband and wife, of Soda Springs, Caribou County, Idaho, the parties of the first part, and Torgeson Ranch, Inc., an Idaho corporation, of Soda Springs, Caribou County, Idaho, the party of the second part, -

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS, lawful money of the United States, and other good and valuable consideration, the receipt whereof is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to its successors and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, bounded and more particularly described as follows, to-wit:

Township 5 South, Range 42 East of the Boise Meridian:

- Section 23: SW $\frac{1}{4}$, SE $\frac{1}{4}$, and that part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying Easterly and above the crest of the lava rim rock as the same now exists.
Section 24: SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
Section 25: NW $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
Section 26: NE $\frac{1}{4}$, and that part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying Easterly and above the crest of lava rim rock as the same now exists.

Township 5 South, Range 43 East of the Boise Meridian:

- Section 18: Lots 1, 2 and 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
Section 30: Lots 3 and 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Township 6 South, Range 41 East of the Boise Meridian:

- Section 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.
Section 34: All.
Section 35: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$.

Township 7 South, Range 41 East of the Boise Meridian:

- Section 1: SW $\frac{1}{4}$.
Section 2: Lots 1, 2, 3 and 4, SE $\frac{1}{4}$.
Section 3: Lots 1 and 2, and that portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying North and East of the Corral Creek Road as the same now exists.
Section 11: All.
Section 12: NW $\frac{1}{4}$.
Section 14: NE $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 15: NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Township 7 South, Range 42 East of the Boise Meridian:

- Section 23: SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
Section 24: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Section 26: NE $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 33: NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Section 34: SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 36: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Township 8 South, Range 41 East of the Boise Meridian:

- Section 25: The West 330 feet of the NE $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 26: NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, East 330 feet of SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Section 27: Beginning at the Northeast corner of said Section 27, and running thence West 330 feet; thence Southeast to the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence North 1220 feet, to the point of beginning.

Section 35: NE $\frac{1}{4}$ SW $\frac{1}{4}$. Also, Beginning at the Northeast corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, and running thence West 330 feet; thence Southwesterly to the Southeast corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 1320 feet, to the point of beginning. ALSO, Beginning at the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, and running thence South 1650 feet; thence West 660 feet; thence North 330 feet; thence West 330 feet; thence Northwestwardly to the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence East 1320 feet, to the point of beginning.

Township 2 South, Range 42 East of the Boise Meridian:

Section 3: Lots 3 and 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 Section 4: Lots 1, 2, 3, 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 Section 5: SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 Section 6: NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 Section 7: NW $\frac{1}{4}$ SW $\frac{1}{4}$. ALSO, Beginning at a point South 89°54' West 2254.23 feet from the Northeast corner of said Section 9, and running thence South 0°13' West 1320 feet, more or less, to the North one-sixteenth line; thence West on said one-sixteenth line 385.67 feet, more or less, to the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 1320 feet; thence North 89°54' East 385.67 feet, more or less, to the point of beginning.
 Section 17: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

EXCEPT THEREFROM any portion of the above described premises lying within the right of way of State Highway No. 34; the Monsanto Haul Road or the right of way of the Union Pacific Railroad.

This conveyance is made in exchange for corporate stock of Torgeson Ranch, Inc., an Idaho corporation.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs the said premises in the quiet and peaceable possession of the said parties of the second part, its successors and assigns against the said parties of the first part, and their heirs and against all and every person or persons whatsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands, the day and year first above written.

L. Paul Torgeson
Arline T. Torgeson

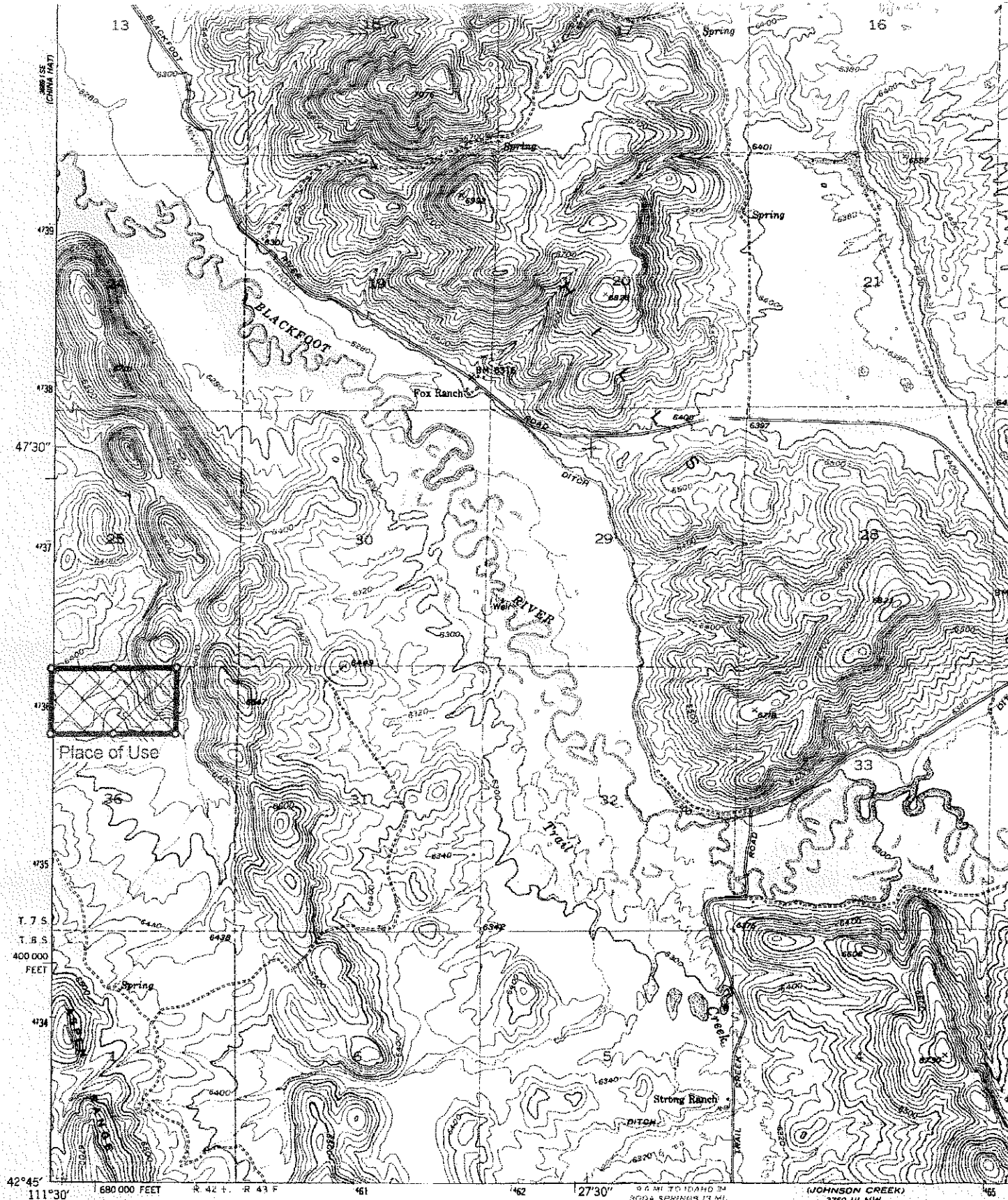
STATE OF IDAHO)

County of Carbon)

On this 8th day of December, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared J. Richard Torgesen and Arlene T. Torgesen, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

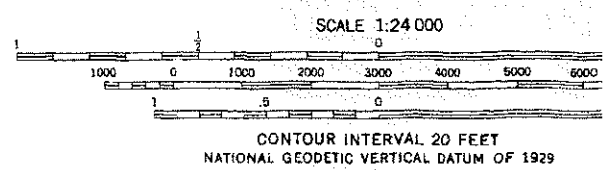
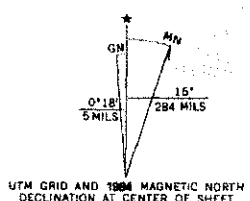
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.


NOTARY PUBLIC for the State of Idaho,
Residing at Soda Springs, Idaho.
My commission expires August 14, 1977.



3693 II
(500A SPRINGS)
1:62,500

Mapped, edited, and published by the Geological Survey
Control by USGS and NOS/NOAA
Topography from aerial photographs by multiplex methods
and by plane-table surveys 1949
Aerial photographs taken 1947
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
east zone
1000-meter Universal Transverse Mercator grid, zone 12
1927 North American Datum
To place on the predicted North American Datum 1983
move the projection lines 12 meters north and
86 meters east as shown by dashed corner ticks
There may be private inholdings within the boundaries of
the National or State reservations shown on this map.



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARD
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTRICTED
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

47'30"

4737

4736

4735

T. 7 S.

T. 8 S.

400 000

FEET

4734



Place of Use

Spring

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 _____

Date Received _____

Receipt Number _____

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

1. Name of Claimant(s) Torgesen Ranch, Inc. Phone (208) 523-0620

Mailing Address c/o Kent W. Foster, PO Box 50130, Idaho Falls, ID Zip 83405-0130

2. Date of Priority (Only (1) per claim) May 1, 1946

3. Source of water supply (a) Springs

which is tributary to (b) _____

4.a. Location of existing point of diversion is:
Township 7S Range 42E Section 36, 1/4 of NE 1/4 of NW 1/4, Govt. Lot ,
County of Caribou

Additional points of diversion if any: NWNE, Sec. 36, T.7S, R42E.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Stockwater purposes from 04/01 to 11/01 amount 0.020 cfs or _____

7. Total quantity claimed (a) 0.02 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	42E	36		S			S												

Total number of acres irrigated _____

11. In which county(ies) are lands listed above as place of use located? Caribou
12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

15. Basis of Claim (Check one) Beneficial Use X Posted Notice Permit Decree License
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ of _____ (Title)

_____, that I have signed the foregoing document in the space below as (Organization)

_____ of _____ and that the statements contained in the (Title) (Organization) foregoing document are true and correct.

Last Name Torgesen Ranch, Inc. Ident. Number 27-12095

Signature of Authorized Agent Leah M. Foster

Title and Organization attorney for claimant Date 1/24/06

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this ____ day of _____, 2002.

Notary Public _____
Residing at _____
My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Leah M. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Leah M. Foster
Address PO Box 50130, Volcano, ID 83405
Date 1/24/06