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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 29-13407

) (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 Brett & Nancy Casperson

My address is 8893 E Maughan Road
LAVA Hot Springs Id 83246

My phone number is: 208 Work _____ Home 776-5428

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.

☐ 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:

2.40 CFS reflects the total quantity
of our decreed rights, and this has been
recommended by IDWR.

- ☐ 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:

- ☒ 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 Bannock

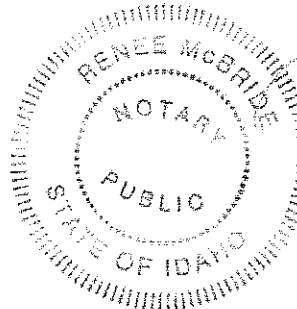
Brett Casperson, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Brett Casperson
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on April 18 2006
(Insert Date)



Renee McBride
Notary Public for State of Idaho
Residing at: Lava Hot Springs, Idaho
My Commission expires: May 31, 2006

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **TAX 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 SERVICE

I **HEREBY** CERTIFY that on this 20 day of April, 2006, I mailed a true and Complete copy of the foregoing documents, postage prepaid, to each of the following:

Original to:

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

Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 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
Environmental & Natural Resources Division
550 W. Fort Street, MSC 003
Boise, ID 83724

Portneuf Marsh Valley Canal Co
Randall C. Budge
201 E. Center, Ste A2
PO Box 1391
Pocatello, ID 83204-1391

McCammon Ditch Company
James A. Spinner
P.O. Box. 6009
Pocatello, Idaho 83205

Portneuf Irrigating Company
Randolph C. Stone
P.O. Box 910
Burley, Idaho 83318

Jerry Rigby
25N. 2nd E.
PO Box 250
Rexburg, ID 83440

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 29-13407
Date Received: 10/22/2002
Receipt No:
Received By:

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

1. Name of Claimant(s)

BRETT CASPERSON Phone: (208)776-5428

8893 E MAUGHAN RD
LAVA HOT SPRINGS ID USA 83246

NANCY CASPERSON Phone: (208)776-5428

8893 E MAUGHAN RD
LAVA HOT SPRINGS ID USA 83246

2. Date of Priority: 08/07/1932

3. Source: DEMPSEY CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	38E	33	SE NW NW	BANNOCK	

5. Description of diverting works:

POD OFF DEMPSEY CREEK ALSO SERVES TOPAZ CANAL SYSTEM.

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/01 10/31	~~1.2~~ 2.40	
STOCKWATER	04/01 10/31	0.04	

7. Total Quantity Appropriated is:

~~1.2~~ 2.40 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Stock water for 25 range cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	38E	30	SW	NE	IRRIGATION	37
			SE	NE	IRRIGATION	33
			NE	SE	IRRIGATION	33
			NW	SE	IRRIGATION	39
			SW	SE	IRRIGATION	18
			SE	SE	IRRIGATION	17
			NW	NE	IRRIGATION	3
			NW	SE	STOCKWATER	
			SW	SE	STOCKWATER	
			SE	SE	STOCKWATER	
			SW	NE	STOCKWATER	
			SE	NE	STOCKWATER	
			NE	SE	STOCKWATER	
			Section Acres			
Total Acres						180

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:

CLAIM AMENDED TO CHANGE PRIORITY DATE TO 1932.

THIS IS AN EXTENDED SEASON OF USE CLAIM FOR 2-10831.

15. Basis of Claim: Beneficial Use

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):

Bret Casper

Date: 4-18-06

Spencer Casperson

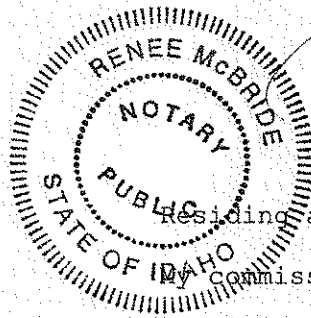
Date: 4-18-06

State of Idaho

County of Bannock

SS.

Subscribed and sworn (or affirmed) before me this 18 of April 2006



Renee McBride

Notary Public

Residing at

Laurel Hot Springs

My

Commission Expires

May 31, 2006