

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 1-83X
) (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 Island Irrigation Company c/o Richard Sheppard

My address is 3837 E. 850 N. Rigby, Idaho 83442

My phone number is: Work _____ Home 208-745-6114

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:

We as a Board of Directors of The Island Irrigation Co. have decided to add stockwater to our claim in the amount of 50 cfs.

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

*Affidavits from: Ted Hanson, Lloyd C.
Merrill, A. Gail Sheppard*

I have attached:

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

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

\$ 4500

VERIFICATION (Must be completed)

State of Idaho

County of Jefferson

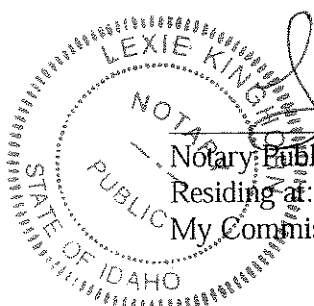
Richard Sheppard, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Richard Sheppard
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on March 12, 2007.
(Insert Date)

A circular notary seal for Lexie King, Notary Public for the State of Idaho. The seal is partially obscured by the signature and text of the notary.
Lexie King
Notary Public for Jefferson County
Residing at: Levensville, Id.
My Commission expires: 1-13-2009

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 March 13, ²⁰⁰⁷~~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:

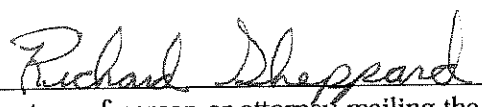
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

11-27-2006

I being a stockholder of the Island Irrigation Co.
canal in Arnis Idaho.

I have been with ^{the} Company all the years that
I have farmed. My father used water from
this canal from 1906 - till his death in 1957.
We have had water for livestock through
the fall of each year.

It was left running in the canal till early
winter, when it had to be shut out due
to hard freezing and ice conditions.

This late water for livestock is very
important when grazing the fields through
the fall.

It also helps to keep several springs
in this area flowing, and prevents some
streams from drying up to early.
~~which~~ ^{which} is a benefit to the fish.

an interested
stockholder
Floyd C. Merrill

~~the~~ my memory goes back to 1940^{'s} when
world war II started - at that time water ran
in the Canals most of the year. on the tail End of
The Island Canal water run through our pond and down
to the river through a Swale - we ice skated on
the pond and it would have water over the ice regularly
to keep it smooth ~~those~~ ^{those along the land used it as} a source of water for their stock -
a creek which run through the farm started
as a spring in the Sneyhous Field, when water was
near in the Canal the Spring flow was high.
Several of the Neighbours depended on the creek
for their stock water as did we - the water level
in the Creek depended somewhat on the Canal
which raised the water table in the area and kept
the Creek running. In those days they realized
the value of Recharge to keep the ^{Creek} Springs running
we watered Sheep Cattle and milk cows with
the Creek -

Ed. Hansen
Island Canal

11-30-06

I come to this area in 1949. We live in the Annis area on the south bank of the Snake river north of Bigley. There are several sloughs running through the farms. The Island Canal would run into later November. We would water our cattle out of the sloughs. The canals would help supply the water in the sloughs. The first watering of hay was easier when the sloughs were full of water. This is what raised the sub water level.

A. Gail Sheppard

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 1-83X
Date Received: 11/30/1988
Receipt No: E004804
Received By: MWH

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

RECEIVED

MAR 15 2007

DEPARTMENT OF
WATER RESOURCES

1. Name of Claimant(s)

ISLAND IRRIGATION CO Phone: (208)745-7549
C/O KENNETH THORNGREN
3829 E MENAN LORENZO HWY
RIGBY ID USA 83442

2. Date of Priority: 06/01/1891

3. Source: DRY BED Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	39E	10	SW NE SE	JEFFERSON	

5. Description of diverting works:

SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	125.26	
STOCKWATER	01/01	12/31	50	

7. Total Quantity Appropriated is:
125.26 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
05N	38E	13	SW SW	IRRIGATION	30
			SE SE	IRRIGATION	30

					Section Acres	60
05N	38E	23	NE	NE	IRRIGATION	20
			SE	NE	IRRIGATION	22
			SW	NW	IRRIGATION	14
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	34
			SW	SW	IRRIGATION	32
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	37
					Section Acres	359
05N	38E	24	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	35
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	30
			NW	SE	IRRIGATION	36
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	38
					Section Acres	619
05N	38E	25	NE	SE	IRRIGATION	25
			NW	SE	IRRIGATION	14
			NE	NE	IRRIGATION	20
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	35
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	33
			NW	SW	IRRIGATION	35
			SW	SW	IRRIGATION	3
					Section Acres	405
05N	38E	26	NE	NE	IRRIGATION	36
			NW	NE	IRRIGATION	34
			NE	NW	IRRIGATION	40
			SW	NW	IRRIGATION	4
			SE	NW	IRRIGATION	18
					Section Acres	132
05N	39E	19	SE	NE	IRRIGATION	10
			NE	NW	IRRIGATION	6
			NW	NW	IRRIGATION	30
			SW	NW	IRRIGATION	40

			SE	NW	IRRIGATION	10
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	30
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	406
05N	39E	20	SW	SW	IRRIGATION	15
					Section Acres	15
05N	39E	28	NW	NW	IRRIGATION	10
			NE	SW	IRRIGATION	20
			NW	SW	IRRIGATION	30
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	32
			NW	SE	IRRIGATION	5
			SW	SE	IRRIGATION	20
			SE	SE	IRRIGATION	5
					Section Acres	162
05N	39E	29	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	20
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	38
			SW	NW	IRRIGATION	38
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	35
			SW	SW	IRRIGATION	36
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	35
					Section Acres	574
05N	39E	30	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	35
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	35
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	30
			NW	SW	IRRIGATION	20
			SE	SW	IRRIGATION	15
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	35
			SE	SE	IRRIGATION	38
					Section Acres	528

05N	39E	31	NE	NE	IRRIGATION	27
			NW	NE	IRRIGATION	19
					Section Acres	46
05N	39E	32	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	37
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	35
			NE	NW	IRRIGATION	35
			NW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	10
					Section Acres	237
05N	39E	33	NE	NE	IRRIGATION	5
			NW	NE	IRRIGATION	10
			SW	NE	IRRIGATION	32
			SE	NE	IRRIGATION	15
			NE	NW	IRRIGATION	30
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	25
			NE	SE	IRRIGATION	10
					Section Acres	207
05N	39E	34	NW	NW	IRRIGATION	5
			NW	SW	IRRIGATION	5
					Section Acres	10
					Total Acres	3760

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

TRANSFER P/D #137, 420, 611.
CANAL ORIGINALLY WAS DIVERTED DIRECTLY FROM THE SNAKE RIVER IN SEC 34 OF T5N, R39E. IN 1929 A RIGHT-OF-WAY WAS ACQUIRED AND A POINT OF DIVERSION WAS ESTABLISHED ON THE GREAT FEEDER ALMOST DUE SOUTH OF THE ORIGINAL HEAD ON THE SNAKE RIVER. THIS IS THE PRESENT LOCATION. AT THE HEAD, THERE IS AN INCOMING CHANNEL FROM THE GREAT FEEDER WITH THREE GATES, SIDE BY SIDE, EACH 6' WIDE, WITH A CHECK AND SPILLWAY BELOW.
OTHER WATER RIGHTS: DONNEL WEBER FARM; 61 ACRES IN SEC 23 OF T5N R38E, NESW, SWSW, AND SESW. WATER RIGHT ON HY POOLE SLOUGH.
CANAL WATER TO DUMP IN SLOUGH. DIVERTED FROM HY POOLE SLOUGH.
JERRY HALL FARM; #A25-04095, 56.8 ACRES IN NE OF SEC 25, T5N, R38E. WATER RIGHT ON SPRING, TRIBUTARY TO HY POOLE SLOUGH.
DIVERTED FROM HY POOLE SLOUGH.
GARTH HALL FARM; NESE AND SENE OF SEC 25, T5N, R38E. 37 ACRES IRRIGATED WITH LONG ISLAND WATER OR ISLAND IRRIGATION CO. WATER.

16. Signature(s)

Number of attachments: 8

For Organizations:

I do solemnly swear or affirm that I am President of
Title
Island Irrigation Co., that I have signed the foregoing
Organization
document in the space below as President of
Title
Island Irrigation Co. and that the statements contained in the
Organization
foregoing document are true and correct. Richard Sheppard
Signature of Authorized Agent
President Island Irrigation Co.
Title and Organization
1-13-2007
Date

Subscribed and sworn (or affirmed) before me this
of March 2007

Notary Public

Residing at

Mv commission Expires

C