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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 21-12906

(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 Laura A. Hubbard, Idaho State Director

My address is The Nature Conservancy, 116 1st Ave., N, Hailey, ID 83333

My phone number is: Work 208-788-8988 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.

☐ 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:

An historically irrigated and decreed place of use for this water right
was omitted from the original claim filed by The Nature Conservancy's
predecessor. The reason for this omission is unknown.

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

Document 1 – Relevant portion of Aberdeen-Springfield Canal Company Decree dated March 12, 1969

Document 2 – Recorded deed

I have attached:

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

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

\$2/acre for 40-acre addition to place of use

Total: \$80

VERIFICATION (Must be completed)

State of Idaho

County of Blaine

Laura A. Hubbard, being first duly sworn, upon oath, deposes and says:
(insert name of person filing form)

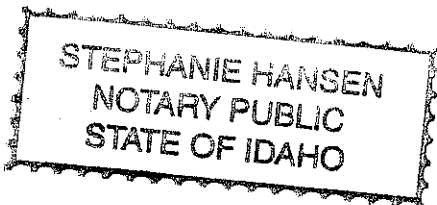
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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

Laura A. Hubbard

Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 4-11-2007
(Insert Date)



[Signature]
Notary Public for Blaine Co.
Residing at: 661 Myrtle Ct. Harley ID
My Commission expires: 11/11

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 April 11 ~~14~~ ²⁰⁰⁷, 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:

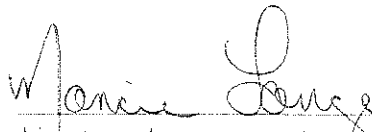
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 14449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83721

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 21-12906

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) The Nature Conservancy Phone 208) 788-8988
Mailing Address 116 1st Ave., North, Hailey, ID Zip 83333

2. Date of Priority (Only one (1) per claim) 04/01/1939

3. Source of water supply (a) Henrys Fork
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 15N Range 43E Section 36
NE 1/4 of NE 1/4 of SW 1/4, Govt. Lot, B.M., County of Fremont

Additional points of diversion if any: T15N R43E S36 SENESW within Fremont County

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, Walls, 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.

A diversion dam and two headgates are located in the NESW quarter - quarter of section 36 along the
Henry's Fork Outlet. One headgate diversion (36" conduit) feeds a ditch running the length of property
on the East side of the outlet providing water for irrigation in section 1 and sections 6, 7 and 18. The other
headgate (56" W 36" H Arch CMP Conduit) feeds a ditch which runs through most of the West side of the outlet
and also provides water to neighboring property. This ditch supports irrigation in section 1 and section 7.
The diversion dam was reconstructed in the summer of 2002 along with both headgates. The westside ditch has
numerous side ditches and associated lateral ditches along its length. Most of the diversion from the westside
ditch is done without the aid of headgates though a few exist at various culverts. The westside ditch crosses
the SW corner of NENE quarter - quarter of Section 12 with a lateral originating in the SESE quarter of section 1.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 05/01 to 10/31 amount 2.14 or _____

For Stockwater purposes from 01/01 to 12/31 amount 0.230 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of householders served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

(See attached)

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE 1/4	NE 1/4	SW 1/4	SE 1/4	NE 1/4	NE 1/4	SW 1/4	SE 1/4	NE 1/4	NE 1/4	SW 1/4	SE 1/4	NE 1/4	NE 1/4	SW 1/4	SE 1/4	

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Fremont

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.

21-178, 21-179, 21-11192

or (None)

14. Remarks:

This right is limited to the irrigation of 155 acres within the place of use described above
In a single irrigation season.

The rights listed (21-178, 21-179, 21-12906, 21-11192) are limited to the irrigation of
a combined total of 1066.4 acres in a single irrigation season.

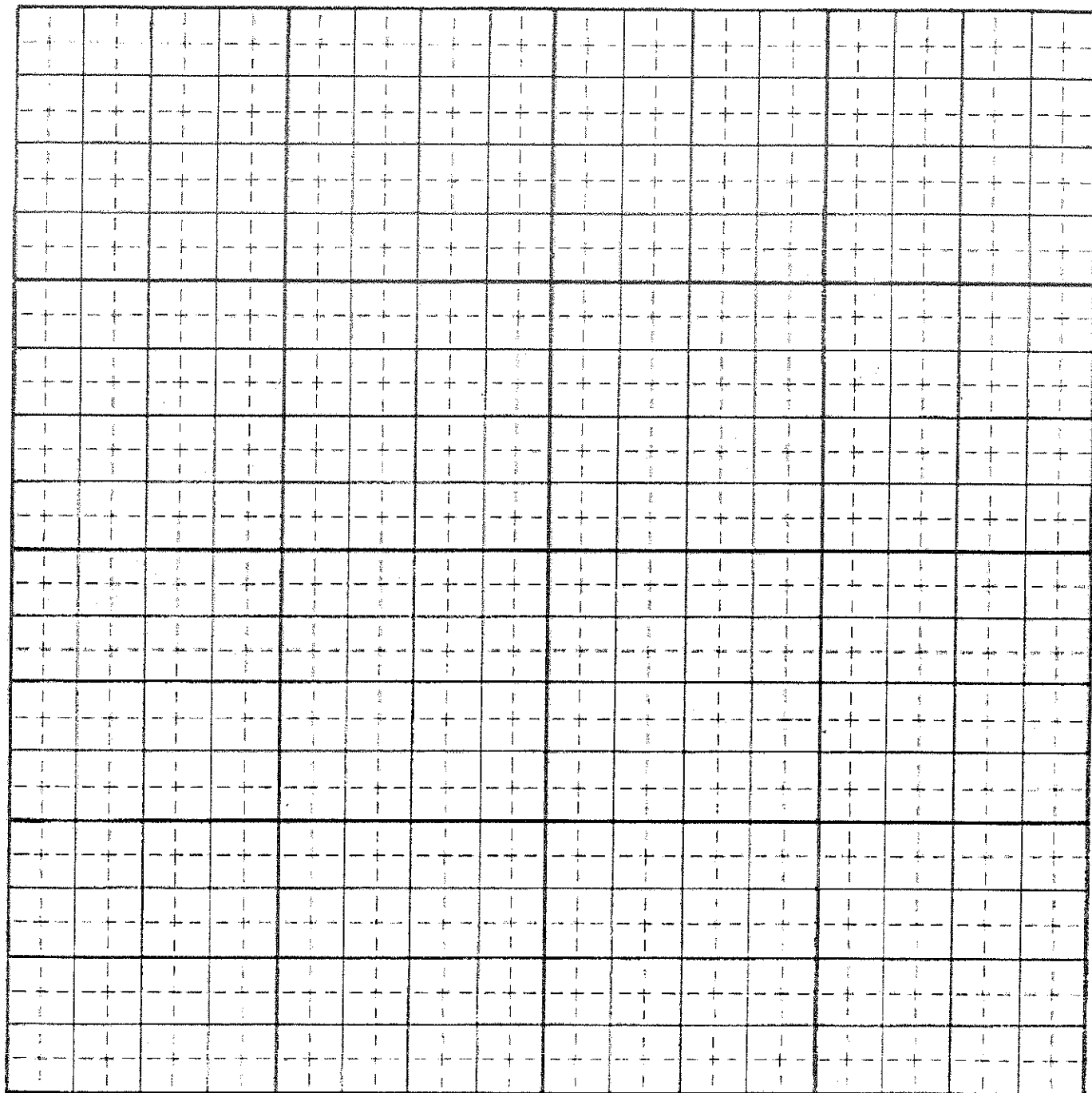
Last Name _____

and No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Map Attached



Last Name _____ Agent No. _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 21-12906
Court District Ct, 7th District Case Number 39576 Decree Date _____
Plaintiff vs Defendant _____

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 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 Idaho State Director

of The Nature Conservancy that I have signed the foregoing
document in the space below as Idaho State Director of The Nature Conservancy
Title Organization

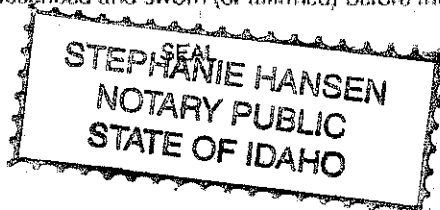
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Idaho State Director, The Nature Conservancy Date 4-11-07

State of Idaho/or _____)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 11th day of April 2007



Notary Public [Signature]

Residing at 661 W. Myrtle Hwy, ID

My Commission Expires 11/11

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

T14N	R43E	S12		NENE	40.0
T14N	R43E	S01	Lot 1	NENE	6.1
		S01	Lot 2	NWNE	38.0
		S01		SWNE	37.0
		S01		SENE	21
		S01	Lot 3	NENW	24.0
		S01	Lot 4	NWNW	1.7
		S01		SWNW	11.0
		S01		SENW	40.0
		S01		NESW	40.0
		S01		SESW	36.0
		S01		NESE	40.0
		S01		NWSE	38.0
		S01		SWSE	40.0
		S02		SESE	38.0
T14N	R44E	S06		NESW	34.0
		S06	Lot 6	NWSW	34.0
		S06	Lot 7	SWSW	34.0
		S06		SESW	40.0
		S07		NENE	29.0
		S07		NWNE	40.0
		S07		SWNE	40.0
		S07		SENE	32.0
		S07		NENW	40.0
		S07		SENW	3.9
		S07	Lot 4	SENW	26.0
		S07	Lot 7	SENW	8.3
		S07		NESW	1.2
		S07	Lot 6	NESW	1.1
		S07	Lot 7	NESW	36.0
		S07	Lot 9	SWSW	7.0
		S07		SESW	37.0
		S07		NESE	0.5
				NESE	0.1
		S07	Lot 5	NESE	33.0
		S07		NWSE	2.8
		S07	Lot 6	NWSE	0.1
		S07	Lot 6	NWSE	26.0
		S07	Lot 6	NWSE	8.4
		S07	Lot 10	SWSE(?)	40.0
		S07		SESE	8.6
		S07	Lot 5	SESE	0.4
		S07	Lot 11	SESE	18.0
		S18		NENE	0.2
		S18		NENE	0.4
		S19		NENE	0.5
		S18	Lot 1	NENE	0.1
		S18	Lot 3	NENE	33.0
					1066.4

Water Rights 21-11192 and 21-12906 Place of Use

21-11192 and 21-12906 Place of Use Flat Ranch Property ● Point of Diversion

