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‡ALSO MEMBER IL BAR
‡‡ALSO MEMBER WA BAR

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CANDICE M. MCHUGH***

RECEIVED
MAY 17 2007
DEPARTMENT OF
WATER RESOURCES

May 14, 2007

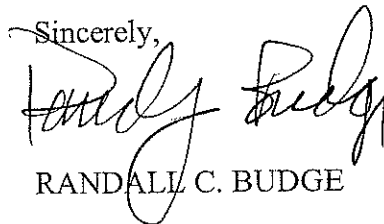
Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: *Aberdeen-Springfield Canal Company*
Subcase Nos. 01-0023B, 01-00279, 35-02543, 35-04246

Dear Clerk:

Enclosed for filing in the captioned matter please find four Standard Form 4 Motions to File Amended Notice of Claim. Thank you for your assistance.

Sincerely,


RANDALL C. BUDGE

RCB:rr
Enclosure
cc: Mailing List

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 <u>35-04246</u>
	)	(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 Aberdeen-Springfield Canal Company

My name is Randall C. Budge

My address is P.O. Box 1391
Pocatello, ID 83204-1391

My phone number is 208-232-6101

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:

Revised and corrected maps have more accurately
identified the place of use resulting in a larger
number of acres than originally claimed.

- ☐ 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

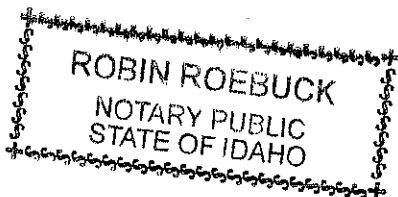
Randall C. Budge, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Signature of person filing motion

Randall C. Budge
Attorney signing in representative capacity

Subscribed and sworn to before me on May 14, 2007
(Insert Date)



Robin Roebuck
Notary Public for Idaho
Residing at: Pocatello
My Commission expires: 8/18/2012

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 MAY 15th, ~~1999~~ 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:

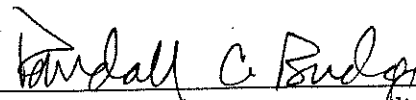
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 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

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 35-4246
Date Received: 5/8/1990
Receipt No:
Received By:

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

1. Name of Claimant(s)

ABERDEEN-SPRINGFIELD CANAL CO Phone: (208)397-4192
PO BOX 857
ABERDEEN ID USA 83210

2. Date of Priority: 10/15/1934

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	31E	4	SW NW	BINGHAM	

5. Description of diverting works:

WELL/PUMP 110' DEEP / **30** HP/ 10" CASE/ CANALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.44	

7. Total Quantity Appropriated is:
2.44 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Total Acres 61,772.6

11. Place of use in counties: BINGHAM, POWER

12. Do you own the property listed above as place of use? No
35-4246 04/23/2007

13. Other Water Rights Used: 1-23b, 1-297, and 35-2543

14. Remarks:

USED AS A SUPPLEMENTAL SOURCE OF WATER

Water is delivered through Aberdeen-Springfield Canal Company.

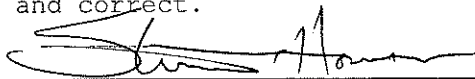
15. Basis of Claim: Beneficial Use

16. Signature(s)

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Secretary of
Title
ABERDEEN-SPRINGFIELD CANAL CO, that I have signed the foregoing
document in the space below as Secretary of
Title
ABERDEEN-SPRINGFIELD CANAL CO and that the statements contained in the
foregoing document are true and correct.



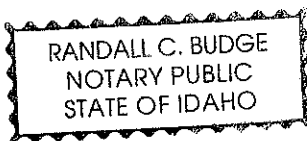
Signature of Authorized Agent

Secretary, Aberdeen-Springfield Canal Company
Title and Organization

May 15, 2007
Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 15th of MAY 2007



Randall C. Budge

Notary Public

Residing at Bozelle, ID.

My commission Expires 10/11/2012



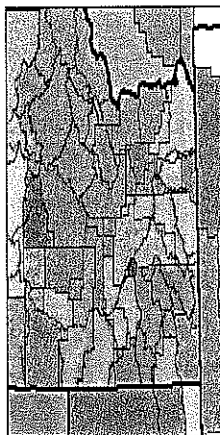
Aberdeen-springfield Canal Co

SRBA Recommendations: 1-23B, 1-297, 35-2543, 35-4246

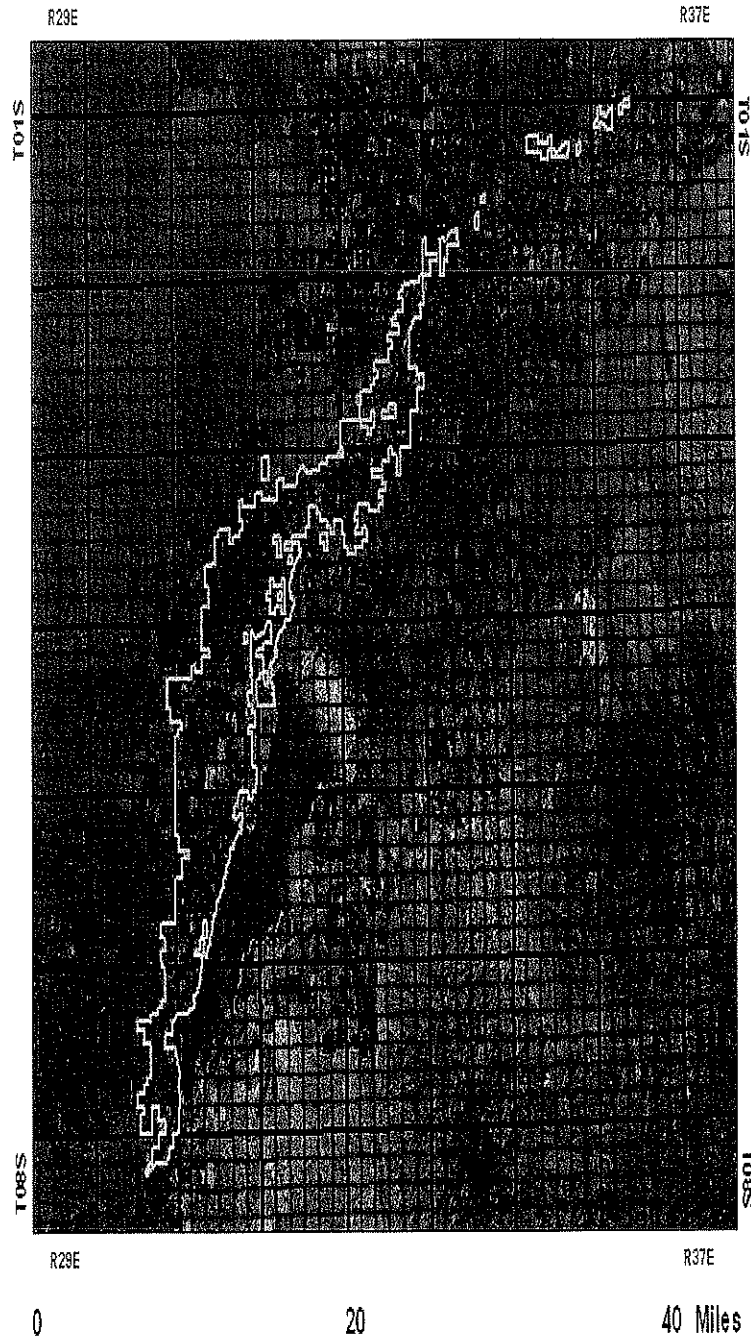
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections



Bingham, Bannock, Power Counties
IDWR Basin 1



Prepared by C. Moore
On Wednesday, April 25, 2007
2004 Aerial Photography