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 27-02116**
	)	
	)	
Case 39576	)	**STANDARD FORM 4**
	)	
	)	**MOTION TO FILE**
	)	**AMENDED NOTICE OF CLAIM**

✔ I have read ***SRBA Administrative Order 1, Rules of Procedure*** (amended October 16, 1997).

My name is Basic American Foods

My address is: 415 Collins Road
Blackfoot, ID 83221

My phone number is (208) 785-8590

I am an attorney representing the above-listed claimant.

My name is Josephine P. Beeman

My address is Beeman & Associates, P.C.
409 West Jefferson Street
Boise, Idaho 83702

My phone number is (208) 331-0950 Fax: (208) 331-0954

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:

Basic American Foods' water right 27-2116 has two points of diversion (wells) which were operating and interconnected prior to November 19, 1987. The amended claim corrects original SRBA claim 27-2116 which listed only 1 of the 2 points of diversion. The amended claim also provides a more accurate legal description of both points of diversion.

Basic American Foods' water right 27-4019 has the same two points of diversion (wells) as 27-2116 and requires a similar amendment which is also being filed today.

The correction of the points of diversion will also help resolve Basic American Food's objection regarding total combined annual diversion volumes for water rights 27-2116 and 27-4019.

Basic American is the only objector to 27-2116, and Basic American Foods and the Idaho Department of Water Resources (IDWR) have been in discussions to resolve Basic American Foods' objections to IDWR's recommendation for 27-2116. These amendments are a result of those discussions.

✔ I am providing legal and factual documentation to support my amended Notice of Claim.

Prior to the filing of the Director's Report for 27-2116, Basic American Foods provided the Affidavit of Robert Beal in Support of SRBA Claims 27-2116 and 27-4019 to confirm the two points of diversion and their interconnection prior to November 19, 1987. The Affidavit is attached to this motion. Subsequent investigation by Basic American Foods and IDWR established more accurate legal descriptions of the two points of diversion. These more recent legal descriptions are included in the Amended Notices of Claim for 27-2116 and 27-4019.

I have attached:

✔ An Amended Notice of Claim 27-02116.

☐ Payment of the following additional fees required by IDWR:

VERIFICATION

State of Idaho)
) ss:
County of Ada)

Josephine P. Beeman, being first duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant filing this motion for late claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Josephine P. Beeman

Josephine P. Beeman
Attorney signing in representative capacity

Subscribed and sworn to before me on July 18, 2007.

JOYCE E. ANGELL NOTARY PUBLIC STATE OF IDAHO

Joyce E. Angell

Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 7-29-08

CERTIFICATE OF MAILING

I certify that on July 18th, 2007, I caused to be served 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 Div
550 West Fort Street, MSC 033
Boise, ID 83724

Garrick Baxter
Deputy Attorney General
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Basic American Foods
415 Collins Road
Blackfoot, ID 83221

Josephine P. Beeman

Josephine P. Beeman [7786]

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number **A27-02116**
Date Received _____
Receipt Number _____

AMENDED NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

1. Name of Claimant **Basic American Foods** Phone **(208) 785-8590**
   Mailing Address **415 Collins Road**
   Blackfoot, ID 83221

2. Date of Priority: **April 15, 1958**

3. Source of water supply: **Ground water**

4. Location of point of diversion: **Township 01N Range 37E Section 32 SWSENE County of Bingham**
   Additional points of diversion: **Township 01N Range 37E Section 32 NWNESE County of Bingham**

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. **Two Wells, approximately 150 feet deep, pump and pipelines.**

6. Water is claimed for the following purposes:

(both dates are inclusive)

For **Commercial** purposes from **01/01 to 12/31** amount **2.660 cfs**

7. Total quantity claimed: **2.660 cfs**

8. Total consumptive use claimed is **1277.5 acre feet per annum.**

9. Non-irrigation uses; describe fully: **Commercial use for the processing of potatoes**

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.

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
01N	37E	32				C									C	C			
01S	37E	2					C			C	C		C	C					
		3					C	C	C	C	C	C							
		11					C	C	C	C	C	C							

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? **Yes**

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.
A27-4019 and A27-7411

14. Remarks:
Water is used in washing, transporting, and processing potatoes. During the summer months this water is commingled with irrigation water from other sources to irrigate crops.

15. Basis of Claim: **License**

If applicable provide IDWR Water Right Number **27-02116**
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature

By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." I **do not** wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

I, **Bruce Wright**, do solemnly swear or affirm that I am the **Senior Project Manager – Environmental** of **Basic American Foods**, that I have signed the foregoing **Amended Notice of Claim to a Water Right** as the **Senior Project Manager – Environmental** of **Basic American Foods** and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Bruce Wright
Title and Organization Senior Project Manager – Environmental, Basic American Foods Date: July 18, 2007

State of Maine)
) SS.
County of Aroostook)

Subscribed and sworn (or affirmed) before me this 18 day of July 2007

SEAL

Notary Public Geoffrey A Dyer
Residing at Presque Isle ME
My Commission Expires Sept 20, 2012

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman, 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 Josephine P. Beeman
Josephine P. Beeman
Beeman & Associates, P.C.
409 W. Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (fax)

Date: July 18th, 2007