

**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
Attorney signing in representative capacity

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

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 _____, 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 [7786]