



Holden Kidwell
Hahn & Crapo PLLC
LAW OFFICES

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NOV 26 2008

DEPARTMENT OF
WATER RESOURCES

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November 24, 2008

Idaho Department of Water Resources
ATTN: Garrick Baxter
PO Box 83720
Boise, ID 83720-0098

COPY

RE: Amended Notice of Claim to a Water Right No. 35-13639.

Dear Garrick:

Enclosed with this letter is an Amended Notice of Claim for Water Right for Water Right No. 35-13639. Andrea Courtney participated on your behalf at a recent status conference on this water right, wherein I informed her and the Court that I had made an error in filling out my original claim. I originally only claimed 25 enlargement acres, when I should have claimed 34. I apologize for the error. It is my understanding that Neal Ward has visited with Monica Van Bussum regarding the evidence of historical use on the property, and I simply claimed that area currently irrigated by a center pivot and which was identified in a Notice of Violation as acres that were recently irrigated, not the entire remainder of the quarter-quarter as it was irrigated in 1987. If you have any questions regarding this Amended Notice of Claim, please let me know.

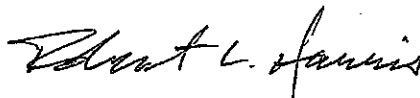
To the extent the Amended Claim is recommended by the Department, based upon my calculations, Water Right Nos. 35-2314, 35-2441, 35-13601, and 35-13639, should all be limited to a total combined diversion rate of 10.5 cfs and a total combined annual diversion volume of 2,656 acre feet per annum. Additionally, all of the above water rights would be limited to a total of 664 acres in a single irrigation season. The acre feet amount was obtained by multiplying the number of acres by 4 afa/acre, the diversion rate of 10.5 cfs is the amount previously licensed under the two parent rights, and the acreage amount was calculated based on the number of acres under the original parent rights and the enlargements. If you have any questions regarding our calculations, please let me know, and I would be happy to clarify them.

Excluded to 12/9/08

Idaho Department of Water Resources
ATTN: Garrick Baxter
November 24, 2008
Page 2 of 2

Thank you again for your patience, and I apologize again for the error. We will wait to receive an Amended Director's Report on this water right claim, and go from there.

Best Regards,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

c: Andrea Courtney
Neal Ward
SRBA Court - Claim Only
Monica Van Bussum

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

COPY

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 35-13639

Date Received _____

Receipt Number _____

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

RECEIVED

NOV 26 2008

DEPARTMENT OF
WATER RESOURCES

1. Name of Claimant(s) Neal D. Ward, Shelley Ward, Viola J. Ward, DeLoy Z. Ward Phone (208) 356-5190

Mailing Address 1305 S. 2 E., Rexburg, ID Zip 83440

2. Date of Priority (Only (1) per claim) April 1, 1987

3. Source of water supply (a) Groundwater

which is tributary to (b) _____

4.a. Location of existing point of diversion is:

Township 1S Range 34E Section 26, NE 1/4 of SW 1/4 of NW 1/4, Govt. Lot _____,
County of Bingham

Additional points of diversion if any: T1S, R34E, Sec. 35, SWNW; T1S, R34E., Sec. 35, SWSWNE;

If Available, GPS Coordinates: _____

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, 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. Interconnected wells to mainline to irrigate all land.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 10/31 amount 0.68 cfs or 136 afa

7. Total quantity claimed (a) 0.68 (cfs) and/or (b) 136 (acre feet)

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

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	34E	26						34											34

Total number of acres irrigated 34

10. In which county(ies) are lands listed above as place of use located? Bingham
11. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.
12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

13. Remarks:

This water is for an enlargement of 34 acres within the place of use described for this right. Right Nos. 35-2314, 35-2441, 35-13601 and 35-13639 are limited to a total combined diversion rate of 10.5 cfs and to a total combined annual diversion volume of 2656 af. The rights listed below are limited to the irrigation of a combined total of 664 acres in a single irrigation season. Combined Right Nos.: 35-2314, 35-2441, 35-13601 and 35-13639. This right is based upon an enlargement of Right Nos. 35-2314 and 35-2441 pursuant to Section 42-1426, Idaho Code. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right. The following rights are also diverted through point of diversion described above: 35-2314, 35-2441, 35-13601.

14. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice ☐ Permit ☐ Decree ☐ License ☐
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

15. 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/we do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Robert L. Harris Date Nov. 24, 2008
Robert L. Harris, Attorney

Last Name Ward Ident. Number 35-13639

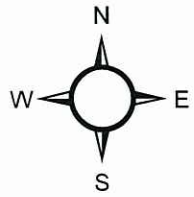
17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, 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 Robert L. Harris
Address Holden, Kidwell, Hahn & Crapo, PLLC
PO Box 50130, Idaho Falls, ID 83405-0130
Date Nov. 24, 2008

G:\WPDATA\RLH\14161 4W Farms\Claim, 35-13639.wpd:cdv

4W FARMS



Legend

- 34_Enlargement_Acres
- Mitigation_Acres
- 4W_Water_Rights
- Property_Line
- Section_Lines
- Quarter-quarters

Prepared by:
Robert L. Harris
November 24, 2008
2006 Photo

