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APR 08 2009

**DEPARTMENT OF
WATER RESOURCES**

April 7, 2009

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

RE: Amended Notice of Claim of Water Right 73-7000

To Whom It May Concern,

Enclosed is a copy of Standard Form 4 – Amended Notice of Claim for water right number 73-7000 for your files. The need for the change was made known through the BLM's response to our Snake River Adjudication Objection.

Feel free to contact us if you have any questions and/or comments.

Sincerely,

Nicole Kendall

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APR 08 2009
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 <u>73-07000</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).
Brett MacNeil – President of Aix Sponsa Inc. which is General Partner of Old Corrals and Sagebrush.

My name is Please see Power of Attorney on file with IDWR if needed.

My address is 453 S. Fitness Place; Eagle, ID 83616

My phone number is: Work 208-893-5333 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:

Amend To: Historical use and current use shows 3 sources and 3 Points of Diversions as follows: 3 wells - the first Located in the NE quarter of Section 24, Range 21E, Township 14N, the second located in the SW quarter of Section 13, Range 21E, Township 14N, and the third located in the SW Quarter of Section 17, Township 14N, Range 22E. Also historical use shows period of year to be March 1st to November 1st or otherwise consistent with other irrigation users in the Basin.



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

Attached is our Well Location Map which shows all Points of Diversion on property.

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 Ada

Brett MacNeil, 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]
Signature of person filing motion

N/A
Attorney signing in representative capacity

Subscribed and sworn to before me on 4-7-09.
(Insert Date)

[Signature]
Notary Public for Scipio F Spade Co
Residing at: Nampa
My Commission expires: 8/12/2011

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 7th, 2009, 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

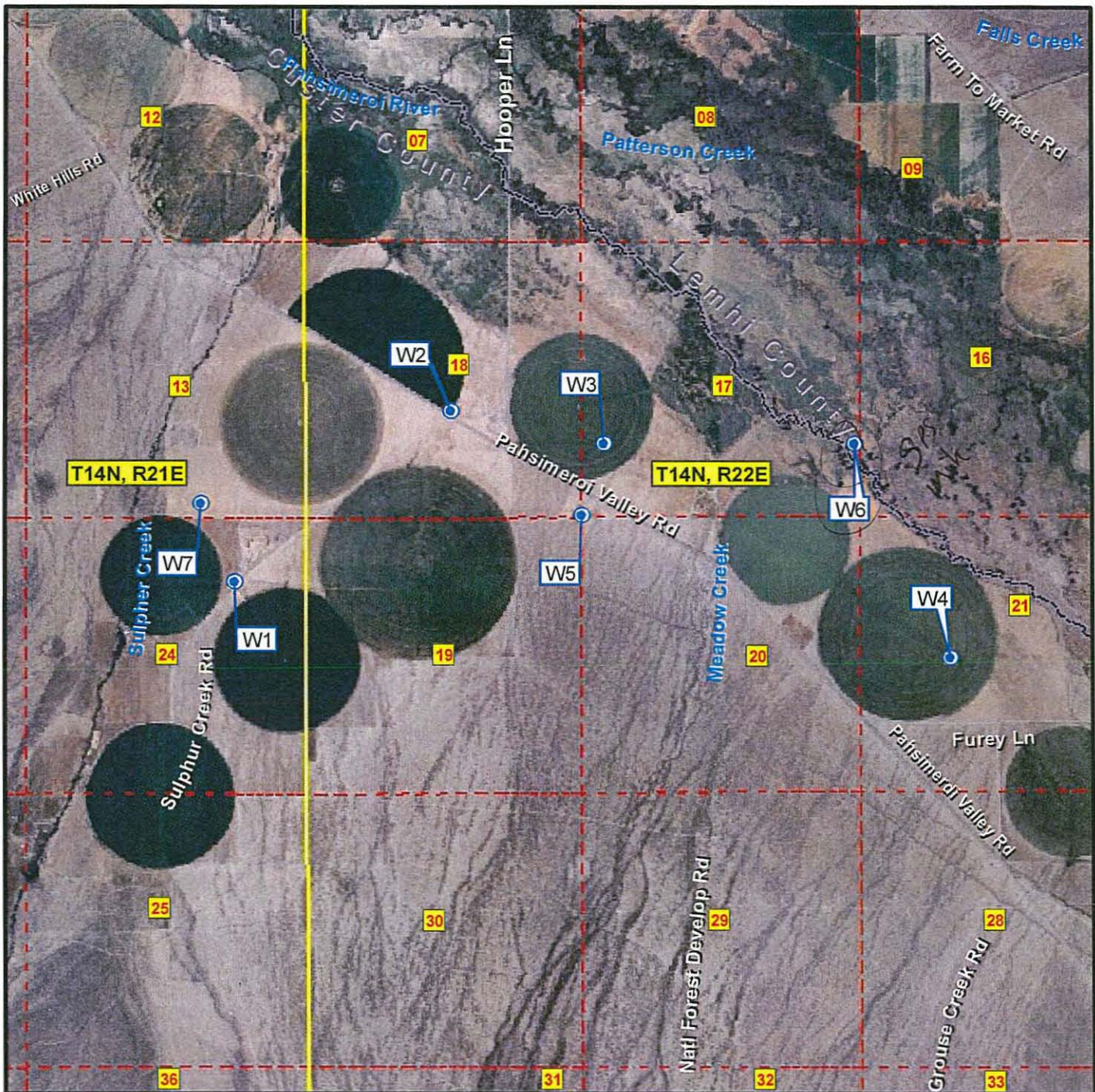
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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.

BLM
Attn: Fred Price
1387 Vinnell Way
Boise, ID 83709

Nicole Kendall
Signature of person or attorney mailing the form

Well Locations



-  County
-  Township/Range
-  Section
-  Well



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 73-7000
Date Received:
Receipt No: E011506
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE ID USA 83616

Phone: (208)893-5333

2. Date of Priority: 10/26/1967

3. Source: GROUND WATER Amend To: 3 wells - the first Trib. to:
Located in the NE quarter of Section 24, Range 21E, Township 14N, the second located
in the SW quarter of Section 13, Range 21E, Township 14N, and the third located in
the SW Quarter of Section 17, Township 14N, Range 22E.

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
----------	-------	---------	-----------------------	--------	------

14N	21E	24	SE NW NE	CUSTER	
-----	-----	----	----------	--------	--

Amend To: 3 wells - the first Located in the NE quarter of Section 24, Range 21E,
Township 14N, the second located in the SW quarter of Section 13, Range 21E, Township
14N, and the third located in the SW Quarter of Section 17, Township 14N, Range 22E.

5. Description of diverting works:

WELL/PUMP DIVERT WATER TO POU THROUGH SPRINKLER IRR SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION		4/01	11/01 3	
	Amended to 3/1 to 11/1			

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	21E	24	NE	SW	IRRIGATION	36
					Section Acres	36
14N	22E	19	NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
					Section Acres	200
					Total Acres	236

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425,
IDAHO CODE.
CHANGED OWNERSHIP PER REQUEST/CV/09-11-00

15. Basis of Claim: License

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 xx wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President
Title
of Aix Sponsa Inc. which is General Partner in Old Corrals & Sagebrush LLLP and holds
Power of Attorney, Organization

that I have signed the foregoing document in the space below as
President of
Title
Aix Sponsa Inc. which is General Partner in Old Corrals & Sagebrush LLLP and holds
Power of Attorney Organization

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



[Signature]
Signature of Authorized Agent

President of Aix Sponsa Inc. which is
General Partner in Old Corrals &
Sagebrush LLLP and holds Power of Attorney
Title and Organization

4/6/09
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this
of April 2009

[Signature]
Notary Public

Residing at Naupa
My commission Expires 8/12/2011