

10-14

RECEIVED

OCT 15 2010

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: 22-13955
	)	
	)	STANDARD FORM 4
Case 39576	)	
	)	MOTION TO FILE
	)	☐ LATE NOTICE OF CLAIM
	)	☒ AMENDED NOTICE OF CLAIM
_____	)	

X I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Summerco, Inc.

My address is: 27 North 3000 East, Sugar City, ID 83448

My phone number is: (208)356-7314

I am an attorney representing Summerco, Inc.

My name is Jerry R. Rigby

My address is: 25 North 2nd East, P.O. Box 250, Rexburg, Idaho 83440

My phone number is: (208) 356-3633

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File and 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 the water in the SRBA because: The original late claim filed on this right only included one point of diversion. There are actually two points of diversion. Also, the original claim did not include the entire place of use. The reason for which the original late claim was filed without this new information is that there was uncertainty about the elements of the right at the time it was filed. These uncertainties have now been ascertained.

☐ 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:

Fees have been paid when the claims were originally filed.

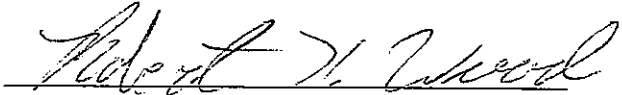
VERIFICATION

STATE OF IDAHO,)
 ss
County of Madison.)

Robert H. Wood, being first duly sworn, upon oath, deposes and says:

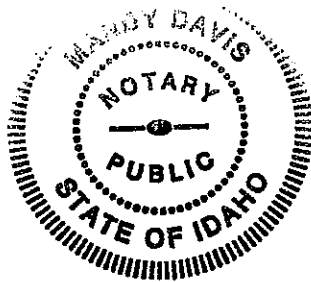
That I am the Secretary of party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 4204101A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

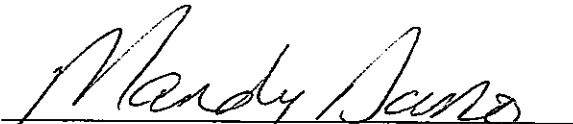
Signature of person filing motion



Attorney signing in representative capacity.

Subscribed and sworn to before me on this 13th day of September, 2010.





Notary Public for Idaho
Residing at St. Anthony
My Commission Expires: 06/24/2011

CERTIFICATE OF MAILING

I certify that on ~~September 14~~ ^{October 13}, 2010, 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
P. O. Box 2707
Twin Falls, ID 83303-2707

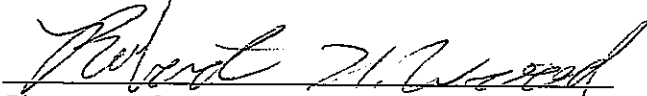
2. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources 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 Special Master, you must serve a copy on all parties in that subcase.


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 22-13955
Date Received:
Receipt No:
Received By:

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

1. Name of Claimant(s)

SUMMERCO INC Phone: (208)356-7314

27 N 3000 E
SUGAR CITY ID USA 83448

2. Date of Priority: 06/01/1968

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
06N	40E	26	NE	SW	SW	MADISON	
06N	40E	26	SE	NW	NE	MADISON	

5. Description of diverting works:

WELL AND PUMP TO SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	3.10	

7. Total Quantity Appropriated is:
3.10 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
06N	40E	22	NE	NE	IRRIGATION	5.2
			SW	NE	IRRIGATION	1.6

			SE	NE	IRRIGATION	31
			NE	SE	IRRIGATION	36
			NW	SE	IRRIGATION	8.4
			SW	SE	IRRIGATION	4.8
			SE	SE	IRRIGATION	37
					Section Acres	124
06N	40E	23	NE	NE	IRRIGATION	12
			SW	NE	IRRIGATION	4
			SE	NE	IRRIGATION	39
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	21
			SW	SE	IRRIGATION	39
			SE	SE	IRRIGATION	39
					Section Acres	273
06N	40E	24	NE	SE	IRRIGATION	35
			NW	SE	IRRIGATION	18
			SW	SE	IRRIGATION	26
			SE	SE	IRRIGATION	39
					Section Acres	118
06N	40E	25	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	24
			SW	NE	IRRIGATION	29
			SE	NE	IRRIGATION	38
			NE	SW	IRRIGATION	29
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	39
			SE	SW	IRRIGATION	38
			NE	SE	IRRIGATION	12
			NW	SE	IRRIGATION	39
			SW	SE	IRRIGATION	15
					Section Acres	343
06N	40E	26	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	39
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
					Section Acres	319
					Total Acres	1177

11. Place of use in counties: MADISON

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

13. Other Water Rights Used: 22-2258A

14. Remarks:

THIS IS AN EXPANSION OF LICENSE 22-2258.

WATER RIGHTS 22-2258A AND 22-2183 WERE COMINGLED COMBINING POD AND POU. THIS LATE CLAIM IS FOR AN ENLARGEMENT OF 158 ACRES FOR 22-2258A WHICH IS ALSO COVERED BY 22-2183.

15. Basis of Claim: Beneficial Use

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 X 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 Robert H. Wood of Rigby, Andrus & Rigby, Chtd., that I have signed the foregoing document in the space below as Attorney of Summerco, Inc., and that the statements contained in the foregoing document are true and correct.

Robert H. Wood
Signature of Authorized Agent

Attorney, Rigby, Andrus + Rigby Chtd.
Title and Organization

10/13/2010
Date

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 13th day of October, 2010.

Mandy Davis

Notary Public

Residing at St. Anthnoy

My commission Expires 6/24/2011

