

Jan. 23. 2009 4:00PM

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DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 12 2011

Form No.42-1409 (2)a (Internal)

By _____ Clerk
Deputy Clerk

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 21-12985

Date Received: _____

Receipt No: _____

Received By: _____

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

Please type or print clearly

1. Name of Claimant (s) Donna T. Fuchs Phone (208) 745-6268

Mailing Address 3857 E 500 N Rigby Idaho ZIP 83442
Street or Box City State

2. Date of Priority (Only one (1) per claim) 6/01/1890
Month Day Year (YYY)

3. Source of water supply (Check one) ~~Ground Water~~ () or Other () (a) Falls River
which is tributary to (b) Henry's Fork

4. a. Location of Point of Diversion is: Township 09N, Range 43E, Section 35,
SE, 1/4 of NW, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of Fremont

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, 1/4 of _____, 1/4 of _____

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, 1/4 of _____, 1/4 of _____

_____ 1/4 Govt. Lot _____, BM., 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. _____

Last Name _____ Ident. No. _____

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Eastern Region

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(S)

(across feet)

For Irrigation purposes from 04/01 to 10/31 amount 3.5 or _____

For Stockwater purposes from 01/01 to 12/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.5 (cfs) and/or (b) _____ (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:

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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			See Attachment A																

Total number of acres irrigated 429 acres

10. In which county (ies) are lands listed above as place of use located? Fremont

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

21-114C, 21-115A, 21-115B, 21-12991 _____ or None ()

13. Remarks: IDWR issued a Preliminary Recommendation for this water right on 11/28/2005, recommending a priority date of 12/10/1949 based upon the original claim which requested that same priority date. It is the Claimant's belief that the priority date should have been earlier. Having been already granted leave by the Special Master, the Claimant now files this Amended Claim for the limited purpose of requesting an earlier priority date and correcting the POU as stated in Attachment A.

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14. Basis of Claim (Check One) Beneficial Use X Posted Notice _____ License _____ Permit _____ Decree _____

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

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: 1

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) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____
Title Organization

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

Signature of Authorized Agent [Signature] Date 1-23-09

Title and Organization Scott J. Smith, attorney at law
Racine Olson Nye Budge & Bailey, Chartered

Please Print Name

16. Notice of Appearance:

Notice is hereby given that I, Scott J. Smith, 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 [Signature]

Address 201 E. Center St., Pocatello, Idaho 83201

Date 1-23-09

Last Name _____ Ident No. _____

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Department of Water Resources
Pocatello, Idaho

ATTACHMENT A**Irrigation within Fremont County**

T08N R41E S12 LOT 1	SENE	31.0 acres
T08N R42E S06 LOT 9	NESW	21.0 acres
T08N R42E S06 LOT 8	SWSW	9.0 acres
T08N R42E S06	SESW	40.0 acres
T08N R42E S06	NESE	39.0 acres
T08N R42E S06 LOT 14	NWSE	32.0 acres
T08N R42E S06	SWSE	40.0 acres
T08N R42E S06	SESE	40.0 acres
T08N R42E S07	NENE	40.0 acres
T08N R42E S07	NWNE	40.0 acres
T08N R42E S07	NENW	40.0 acres
T08N R42E S07 LOT 1	NWNW	27.0 acres
T08N R42E S07 LOT 2	SWNW	30.0 acres

TOTAL ACRES: 429.0 acres

Stockwater same as Irrigation

NOTE: This is the same Place of Use recommended in the Preliminary Recommendation dated 11/28/2005, with the exception that Lots 3 and 4 of T08N R42E S07 have been eliminated because the Claimant no longer owns them.

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Eastern Region