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OCT 14 2011

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: 27-2003B
	)	
	)	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: Stucki Irrevocable Trust

My address is: 325 Algonquin Dr., Ballwin MO, 63011

My phone number is: (314) 394-6567

I am an attorney representing the Stucki Irrevocable Trust

My name is Robert H. Wood

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

My phone number is: (208) 356-3633

MOTION TO FILE AMENDED NOTICE OF CLAIM

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.

- ☒ The purpose of this amended claim is to amend the point of diversion previously claimed. The water right originally had a point of diversion on Slug Creek. At least 50 years ago, Slug Creek was diverted in its entirety into a ditch, which the claimant had believed was Slug Creek until Claimant was informed otherwise by Water District 1 and the Idaho Department of Water Resources. This change in point of diversion took place years before the Snake River Basin Adjudication, and is therefore an accomplished transfer.

The claimant's counsel was contacted by Water District 1 about this issue in 2010. The Claimant lives in Missouri, and it was not until this year that the Claimant and his counsel were able to meet and make a decision on this issue. Upon being notified of the issue, the Claimant had doubts about the accuracy of the information given by Water District 1. The Claimant has done his due diligence and is now ready to proceed with the amended claim.

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

This amended claim is being submitted based on information given to the claimant by Water District 01 and the Idaho Department of Water Resources.

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.

This motion will be heard on: November 30, 2011 at 1:30 p.m. at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho. Parties may participate by phone by dialing 1-215-446-0193 and when prompted enter participant code 926509.

MOTION TO FILE AMENDED NOTICE OF CLAIM

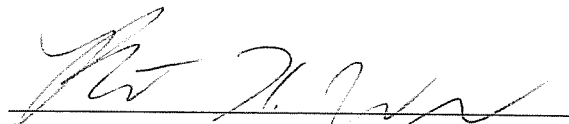
VERIFICATION

STATE OF IDAHO,)
 ss
County of Madison.)

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

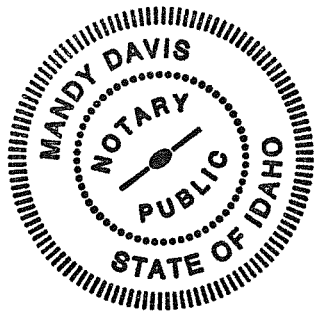
That I am the Secretary of party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 4204101A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and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

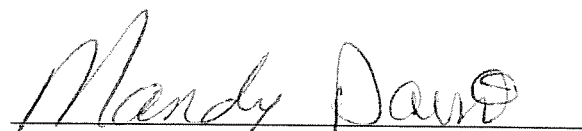
Signature of person filing motion



Attorney signing in representative capacity.

Subscribed and sworn to before me on this 12th day of OCTober, 2011.





Notary Public for Idaho
Residing at St. Anthony
My Commission Expires: 06/24/2017

MOTION TO FILE AMENDED NOTICE OF CLAIM

CERTIFICATE OF MAILING

I certify that on October 12, 2011, 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

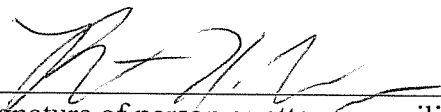
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, ID 83303-2707

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

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

United States of America
Regional Director PN Region
Bureau of Reclamation
1150 N Curtis RD STE 100
Boise, ID 83706-1234



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 _____

Date Received: _____

Receipt No: _____

Received By: _____

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

Please type or print clearly

1. Name of Claimant (s) Stucki Revocable Trust Phone (314) 394-6567

Mailing Address 325 Algonquin Dr. Ballwin MO ZIP 63011
Street or Box City State

2. Date of Priority (Only one (1) per claim) September 27, 1905
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Slug Creek
which is tributary to (b) Blackfoot River

4. a. Location of Point of Diversion is: Township 09S, Range 44E, Section 8,
NE, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of Caribou

Parcel (PIN) no. _____

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

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 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. Headgates/Ditch

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 04/15 to 10/15 amount .28 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) .28 (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.) S/ Inc. Stockwater 1000 Cattle

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	
09S	44E	8					14												14

Parcel (PIN) no(s).

Total number of acres irrigated 14

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

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 is an amended claim, the purpose of which is to amend the point of diversion previously claimed. This water right originally had a point of diversion on Slug Creek. At least 50 years ago, Slug Creek was diverted in its entirety into a ditch, which the claimant had believed was Slug Creek until Claimant was informed otherwise by the Idaho Department of Water Resources. This change in point of diversion took place before the Snake River Basin Adjudication commenced, and is therefore an accomplished transfer.

Last Name Identification No.

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

Court _____ Decree Date _____ Plaintiff v. Defendant _____

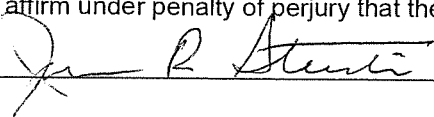
If applicable provide IDWR Water Right Number 27-2003B

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 notices 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)  Date: 10-11-11

Date: _____

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

Attorney _____ of Stucki Revocable Trust,
Title Organization

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

Attorney _____ of Stucki Revocable Trust,
Title Organization

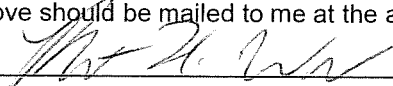
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization Attorney for Stucki Revocable Trust

16. Notice of Appearance:

Notice is hereby given that I, Jerry R. Rigby / Robert H. Wood, will be acting as attorney at law of 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  Date 10-11-11

Address Rigby, Andrus & Rigby, Chtd.

P.O. Box 250, Rexburg, ID 83440

Last Name _____ Identification No. _____