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DEPARTMENT OF
WATER RESOURCES

JAY R. FRIEDLY
HALL, FRIEDLY & WARD
Attorneys for Petitioner
340 East 2nd North
Mountain Home, Idaho 83647
Telephone: (208) 587-4412
Facsimile: (208) 587-3144
Idaho State Bar No. 1479

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 63-19448
	)	
Case 39576	)	MOTION TO SET ASIDE
	)	PARTIAL DECREE
_____	)	

COMES NOW, petitioner herein, Featherville Townsite Water Corporation, an Idaho corporation, and hereby moves the Court to set aside the Partial Decree entered in this case and subcase in order to allow petitioner to file with the Court its Motion to File Amended Notice of Claim and Amended Notice of Claim to a Water Right Acquired under State Law, copies of which are attached hereto as Exhibits A and B respectively.

Petitioner desires that the purpose of the above water right be changed from domestic use to use as a municipal provider as that term is defined by Idaho Code § 42-202B(5)(c) and Idaho Code § 39-103(12). The water right is being used now and has been used in the past for both commercial and domestic purposes.

HALL, FRIEDLY & WARD

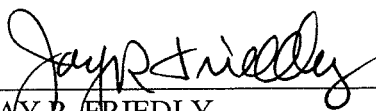
By: _____

JAY R. FRIEDLY

STATE OF IDAHO)
):ss
COUNTY OF ELMORE)

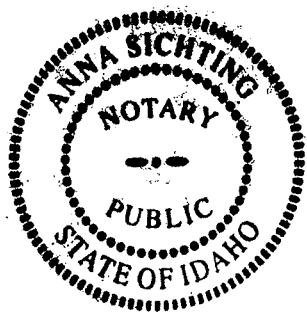
Jay R. Friedly, being first duly sworn, upon oath, deposes and says:

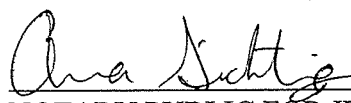
That I am the attorney for the party/claimant filing this motion and that I have read this motion, knows its contents and believe that the statements are true to the best of my knowledge.



JAY R. FRIEDLY

Subscribed and sworn to before me on this 15th day of April, 2013.





NOTARY PUBLIC FOR IDAHO
Residing at : Mtn. Home, Idaho.
My commission expires: 7/17/2017

CERTIFICATE OF MAILING

I certify that the 18th day of April, 2013, I mailed the original and copies of this motion, 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, Idaho 83303-2707

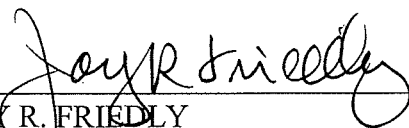
2. Copies to:

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

IDWR
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-2190

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

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



JAY R. FRIEDLY

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Idaho State Bar No. 1479

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 63-19448
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE AMENDED
	)	NOTICE OF CLAIM
	)	

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

I am an attorney representing Featherville Townsite Water Corporation. My name is Jay R. Friedly. My address is 340 East 2nd North, Mountain Home, Idaho 83647. My phone number is (208) 587-4412.

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.

Featherville Townsite Water Corporation (FTWC) must amend its Notice of Claim to the use of water in the SRBA because FTWC is a "municipal provider" as that term is defined by



Idaho Code § 42-202B(3)(c) and Idaho Code § 39-103(12). FTWC provides water in and near the community of Featherville to approximately 24 homes or second homes, a bar, a restaurant and a commercial store (trading post) and has done so in the past. It is now and has historically been a community water system supplying water to both residential and commercial uses. A spring (Water Right No. 63-19447) and a well (Water Right No. 63-19448) are both part of the same system.

I have attached an Amended Notice of Claim and payment of the following additional fees required by IDWR: _____.

HALL, FRIEDLY & WARD

By: Jay R. Friedly
JAY R. FRIEDLY

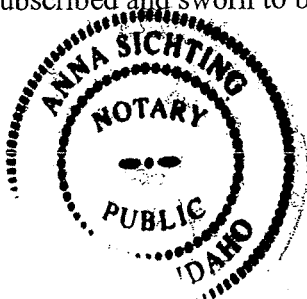
STATE OF IDAHO)
):ss
COUNTY OF ELMORE)

Jay R. Friedly, being first duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant filing this motion for the amended claim and that I have read this motion, knows its contents and believe that the statements are true to the best of my knowledge.

Jay R. Friedly
JAY R. FRIEDLY

Subscribed and sworn to before me on this 15th day of April, 2013.



Anna Sicking
NOTARY PUBLIC FOR IDAHO
Residing at: Mtn. Home, Idaho
My commission expires: 7/1/2017

CERTIFICATE OF MAILING

I certify that the 18th day of April, 2013, 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, Idaho 83303-2707

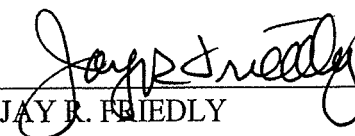
2. Copies to:

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Boise, Idaho 83720-0098

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Western Regional Office
2735 Airport Way
Boise, Idaho 83705-2190

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

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


JAY R. FRIEDLY

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 63-19448
Date Received:
Receipt No: M005078
Received By:

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

1. Name of Claimant(s)

FEATHERVILLE TOWNSITE WATER CORP Phone: (208) 587-6360
C/O JONI VANN
130 W 15TH N
MOUNTAIN HOME ID 83647

2. Date of Priority: 06/01/1951

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	10E	10	SW NW	ELMORE	

5. Description of diverting works:

WELL 180' DEEP, 8" CASING, SUBM. PUMP, WELL REPLACED IN 1985

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	1/01	12/31	0.20	

7. Total Quantity Appropriated is:

0.2 C.F.S.

8. Non-irrigation uses:

9. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	10E	10	SE	NW	MUNICIPAL	
			SW	NW	MUNICIPAL	

10. Place of use in counties: ELMORE

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

12. Other Water Rights Used:

63-19447

13. Remarks:

CORPORATION SUPPILES WATER TO OWNERS. THIS CLAIM IS BASED UPON STATUTORY CLAIM 63-4345.

14. Basis of Claim: Beneficial Use

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 Organizations:

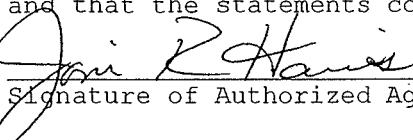
I do solemnly swear or affirm under penalty of perjury that I am

President _____ of Featherville Townsite Water Corporation,
Title Organization

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

President _____ of Featherville Townsite Water Corporation,
Title Organization

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


Signature of Authorized Agent

President - Featherville Townsite Water Corporation
Title and Organization

April 15, 2013
Date