

RECEIVED
JUN 11 2014
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: 31-12314 (amended)
	)	
	)	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: Paul Gunderson (aka K Paul Gunderson)

My address is: 1555 E. 1500 N., Hamer, ID 83425

My phone number is: (208) 339-6670

I am an attorney representing the Paul Gunderson

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.

- ☒ The purpose of this amended claim is to conform to the evidence as produced since the original filing of the claim and pursuant to leave of the Court allowing the filing of an amended claim with deadlines, as set forth in that order dated June 4, 2014 filed herein.
- ☐ 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 provided to the claimant by Water District 01 and the Idaho Department of Water Resources personnel who have reviewed the amended claim and approved it for the purpose of filing the amended claim.

I have attached:

- ☒ An Amended Notice of Claim (available from IDWR). I am filing two claims as “claims made in the alternative”.
- ☐ Payment of the following additional fees required by IDWR in the amount of \$0.00:
- ☒ Fees have been paid when the claims were originally filed.

This motion will be heard on: To be determined by the Special Master 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.

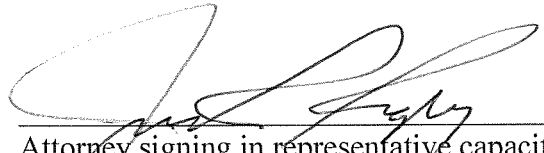
VERIFICATION

STATE OF IDAHO,)
 ss
County of Madison.)

Jerry R. Rigby, being first duly sworn, upon oath, deposes and says:

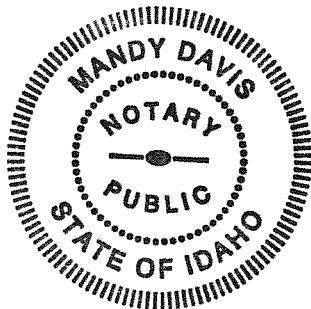
That I am the Secretary of party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 4204101A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and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

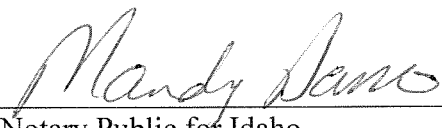
Signature of person filing motion



Attorney signing in representative capacity.

Subscribed and sworn to before me on this 9th day of June, 2014.





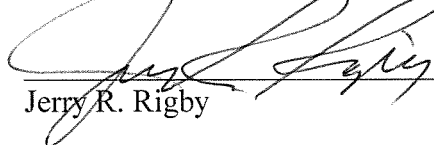
Notary Public for Idaho
Residing at: St. Anthony, ID
My Commission Expires: 06/24/17

CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY
OR FACSIMILE TRANSMISSION

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the persons named below, at the addresses set out below their name, either by mailing, hand delivery or by telecopying to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid; by hand delivery to them; or by facsimile transmission.

DATED this 9th day of June, 2014.

RIGBY ANDRUS & RIGBY LAW, PLLC



Jerry R. Rigby

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

☐ Mail
☐ Hand Delivery
☒ Facsimile
☐ Electronic Mail

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

☒ Mail
☐ Hand Delivery
☐ Facsimile
☐ Electronic Mail

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

☒ Mail
☐ Hand Delivery
☐ Facsimile
☐ Electronic Mail

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

☒ Mail
☐ Hand Delivery
☐ Facsimile
☐ Electronic Mail

Robert L. Harris
Holden, Kidwell
P.O. Box 50130
Idaho Falls, ID 83405

☐ Mail
☐ Hand Delivery
☐ Facsimile
☒ Electronic Mail

Amended**RECEIVED****JUN 11 2014****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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM****CIVIL CASE NUMBER: 39576**Ident. Number 31-12314

Date Received: _____

Receipt No: _____

Received By: _____

Amended**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW****Amended****Please type or print clearly**1. Name of Claimant (s) Paul Gunderson (aka K Paul Gunderson) Phone (208) 339-6670Mailing Address 1555 E 1500 N Hamer ID ZIP 83425
Street or Box City State2. Date of Priority (Only one (1) per claim) 07/15/1972
Month Day Year (YYYY)3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____4. a. Location of Point of Diversion is: Township 7N, Range 35E, Section 26,
_____, 1/4 of NE, 1/4 Govt. Lot SE, BM., County of Jefferson

Parcel (PIN) no. _____

Additional points of diversion if any: T07N, R35E in the SWNWSW Sec 25 and the NENESE Sec 27.

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. _____Wells mainline to sprinklers and ditches for flood irrigationWell in the NESE Sec 26, T07N, R35E was drilled sometime between 1935 & 1940. The well in NWSW Sec 25,
T7N, R35E was drilled in 1974. The well in the NENESE Sec 27, T7N, R35E was drilled in May 1968 and
deepened in June 1991.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 04/01 to 10/31 amount 4.99 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 4.99 (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	
7N	35E	25										38							38
		26				14									37	25	39	38	153
		27													40	39	38	39	156

Parcel (PIN) no(s).

Total number of acres irrigated 347

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

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.

31-11604, 31-11688, 31-11689, 31-7008 & 31-7338

or None ()

13. Remarks: See Attachment #1

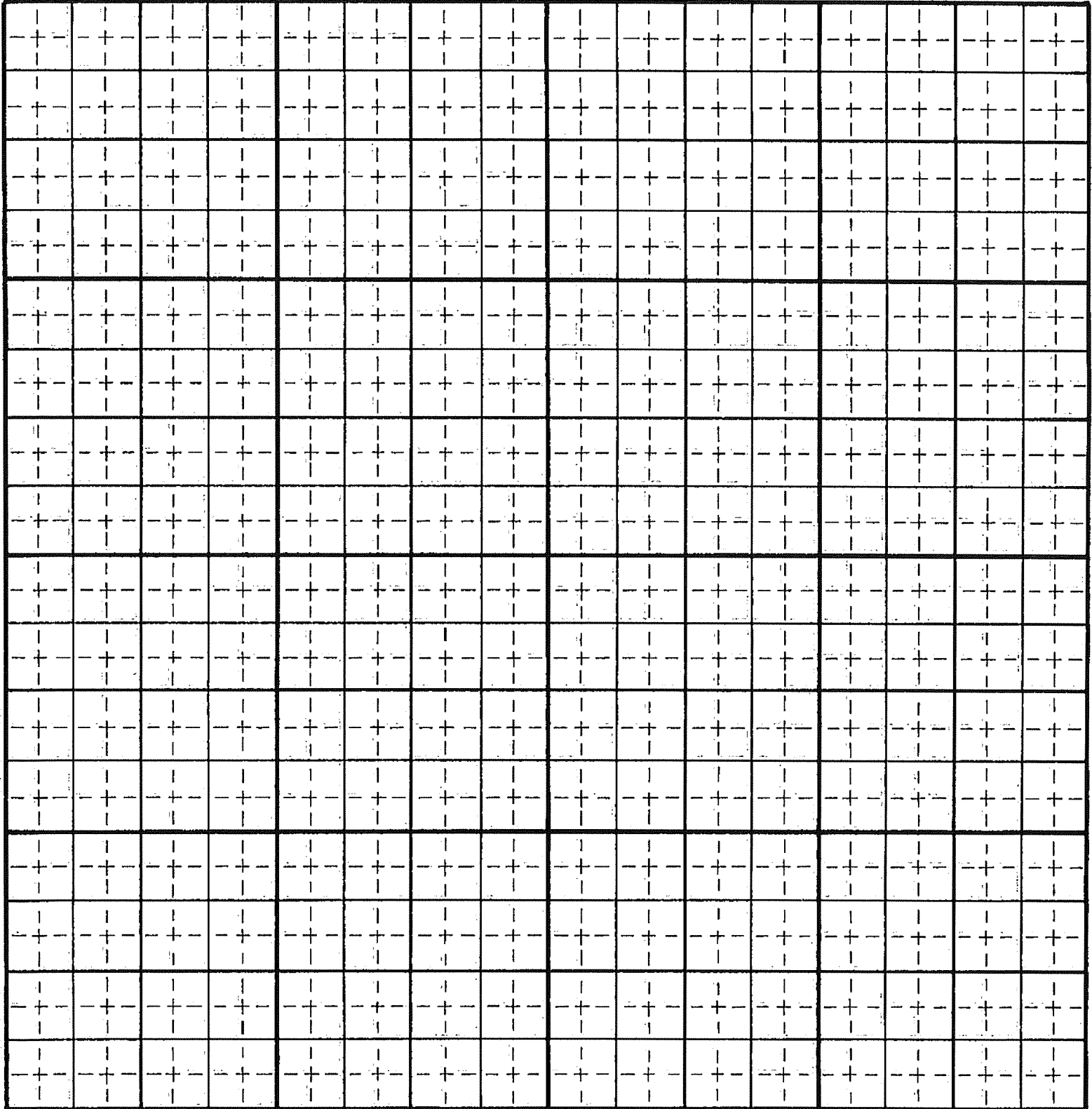
This is an expansion of water rights 31-11604, 31-11688, 31-11689, 31-7008 to a permissible place of use.

Last Name Gunderson

Identification No.

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile See Attachment #1



Last Name Gunderson 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 31-11688, 31-11689, 31-11604, 31-7008

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: _____

_____ 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 _____ Date _____

Title and Organization _____

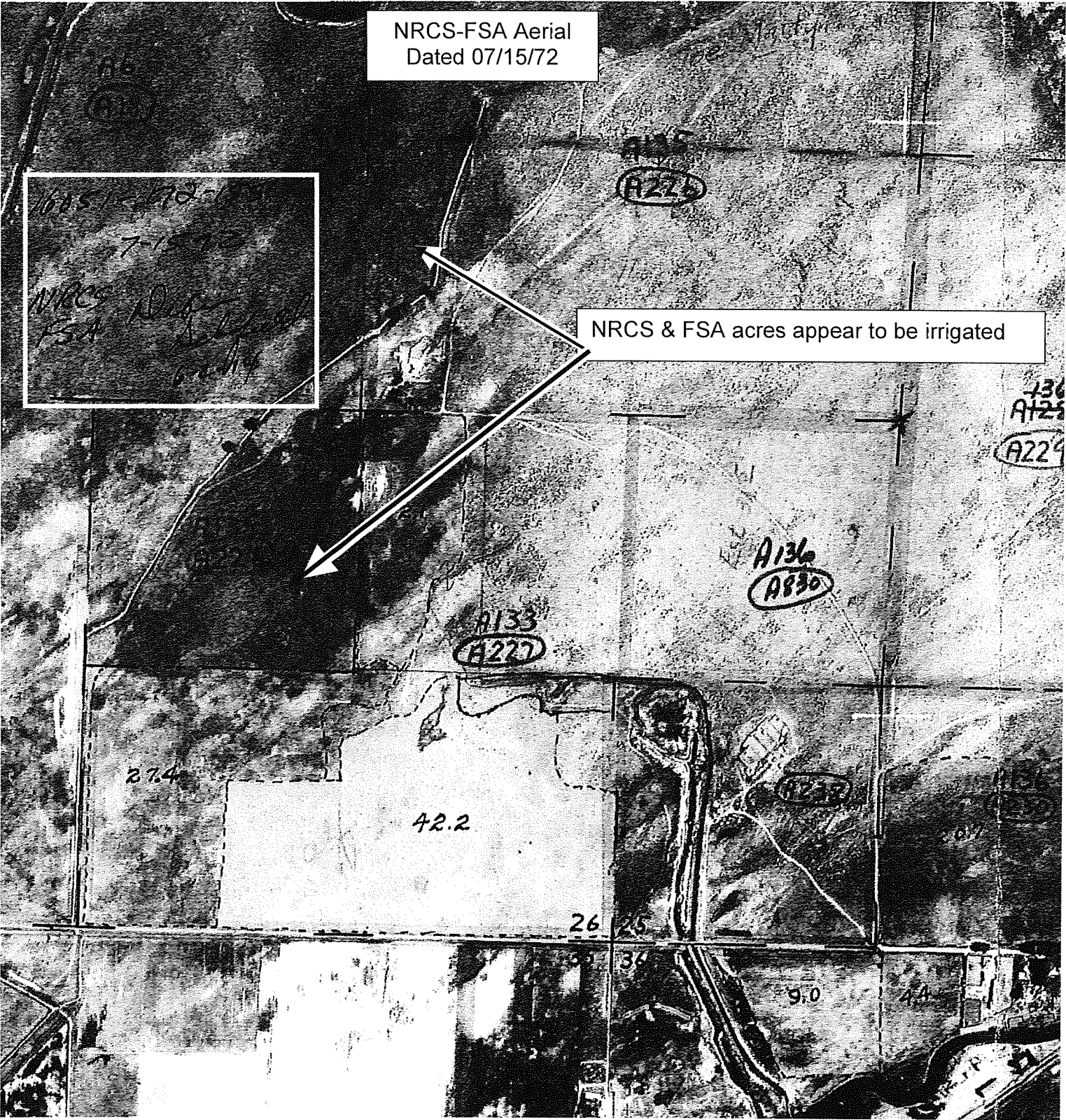
16. Notice of Appearance:

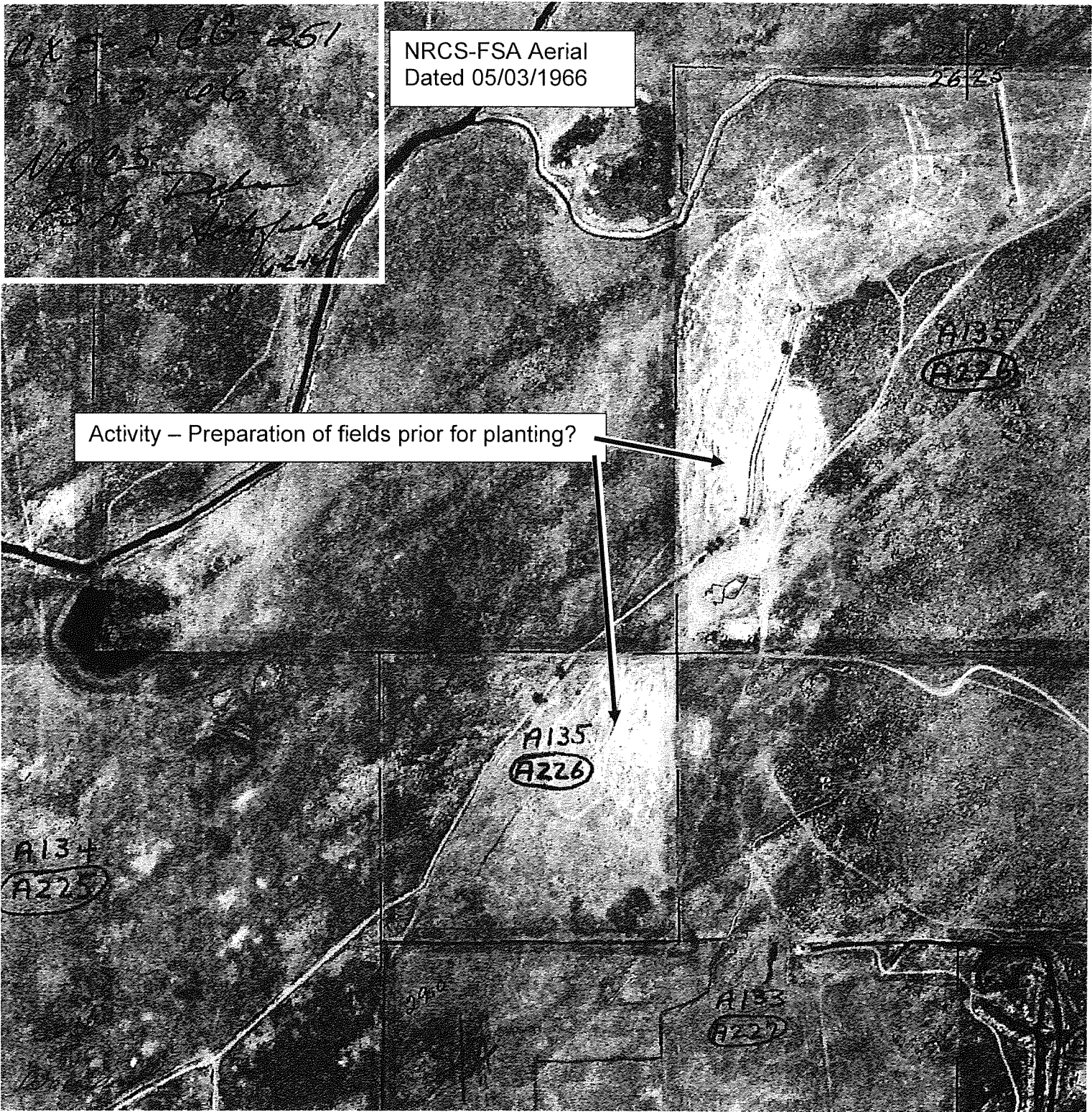
Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Last Name Gunderson Identification No. _____





Amended

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Street or Box City State2. Date of Priority (Only one (1) per claim) 12/32/1976
Month Day Year (YYYY)3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____4. a. Location of Point of Diversion is: Township 7N, Range 35E, Section 26,
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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. _____Wells mainline to sprinklers and ditches for flood irrigationWell in the NESE Sec 26, T07N, R35E was drilled sometime between 1935 & 1940. The well in NWSW Sec 25,
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(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 04/01 to 10/31 amount 4.99 or

For purposes from to amount or

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For purposes from to amount or

7. Total quantity claimed (a) 4.99 (cfs) and/or (b) (acre feet)

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Twn	Rng	Sec	NE				NW				SW				SE				Totals
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7N	35E	25										38							38
		26				14									37	25	39	38	153

Parcel (PIN) no(s).

Total number of acres irrigated 191

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

11. Do you own the property listed above as place of use? Yes (✓) No ()

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31-11604, 31-11688, 31-11689, 31-7338 or None ()

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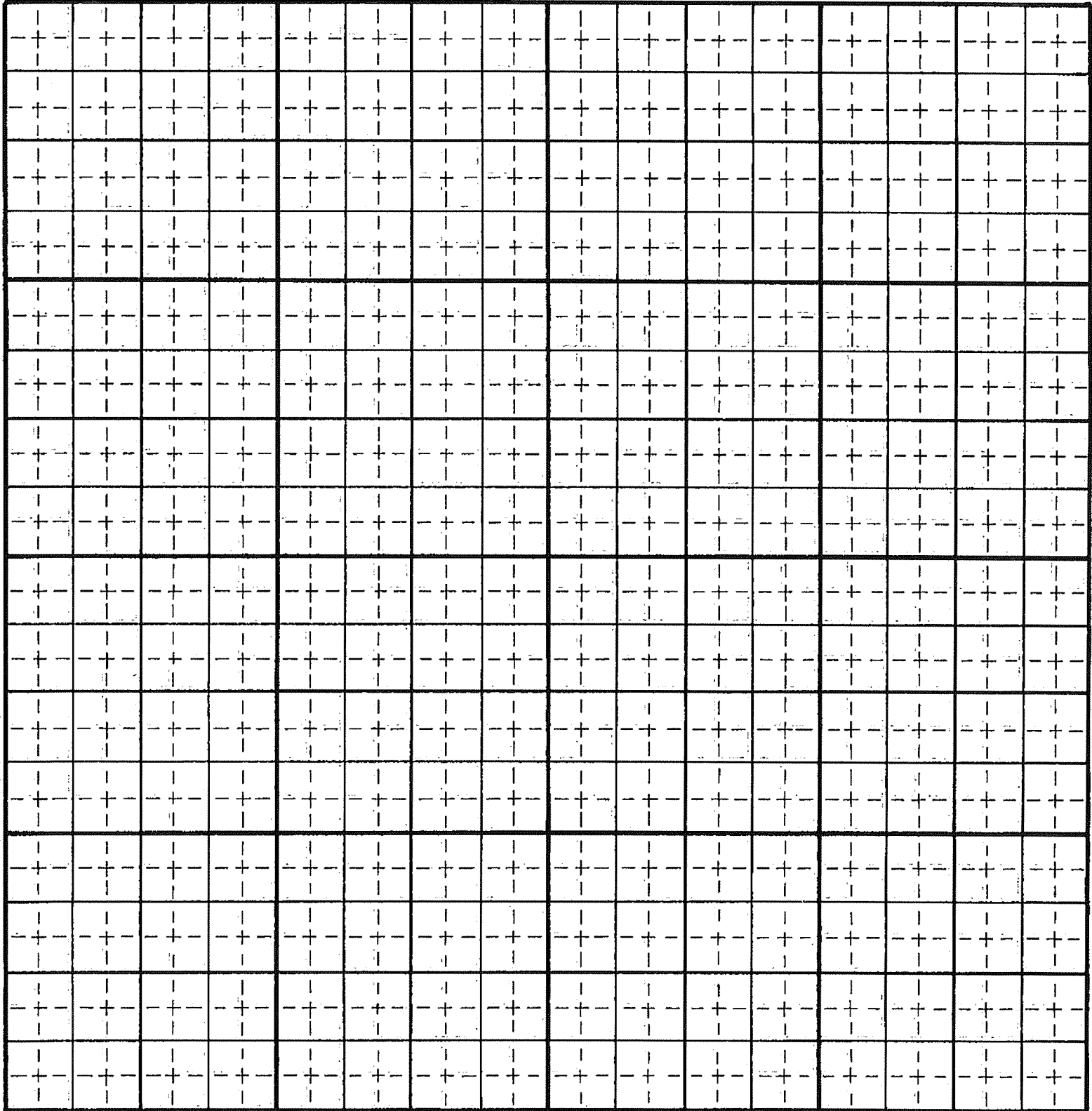
This is an expansion of water rights 31-11604, 31-11688 & 31-11689

Last Name Gunderson

Identification No.

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile See Attachment #1



Last Name Gunderson 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 31-11688 & 31-11689 & 31-11604

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: _____

_____ 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 _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, 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 _____

Address _____

Last Name Gunderson Identification No. _____

