

2. I am Counsel and Secretary of North Fork Reservoir Company (NFRC), the water right owner of all storage space located in Henry's Lake, located in the upper reaches of the Henry's Fork of the Snake River. I also represent several Irrigation Districts and many more canal companies, each of which have interests and water rights in one or more reservoirs located above Milner Dam in what is known as Water District Number 01.

3. When the issue of “re-fill” or “2nd fill” came up in the adjudication, on behalf of my several clients, I immediately became directly involved. When the *Order Designating Basin-Wide Issue 17* was entered on September 21, 2012, I was involved on behalf of my several clients. Due to the large number of individual clients which have similar interests in this case, as has been my history of past basin-wide issues, I entered an appearance and became involved in Basin-Wide Issue 17 with just my typical “representative clients” which were selected from the numerous clients for their various regions as well as their various entities and reservoir rights in order to get as wide a spectrum of my clients as possible without listing all of them individually.

4. One of the legal positions taken by my clients was that the original storage right itself included the right of refill even though such right was without a priority. This position and argument was argued before the above entitled court at the oral arguments held on Basin-Wide Issue 17 on February 12, 2013. A *Memorandum Decision*, dated March 20, 2013 was then entered and on May 01, 2013, that decision was appealed to the Idaho Supreme Court. Finally, oral arguments were heard in the Idaho Supreme Court cases of 40974-2013 & 40975-2013 on January 24, 2014. A decision from the Supreme Court has just this week been rendered and leaves the question as to refill not fully resolved, which now makes a settlement or pursuing a beneficial use claim even more important.

5. The claim NFRC seeks to file is a direct result of the "refill" controversy described above and formally touched off late in the SRBA process and still pending. Notwithstanding the above, the parties have been diligently negotiating a resolution to the refill issue with numerous meetings and negotiations. However, recent analysis undertaken in the context of the ongoing settlement negotiations demonstrated to NFRC that Henry's Lake Reservoir is similarly

situated to the several other reservoirs for which parties have previously filed late claims and should receive the same benefit from a supplemental storage water right as all other similarly situated reservoirs. Thus, NFRC is not seeking to file late claims due to its culpability in failing to file earlier, although it believes it meets the criteria for such relief. Rather, the late Notice of Claim is a product of recent judicial proceedings and related negotiations.

6. Although we believe that a resolution for those storage rights above Milner Dam is extremely close with possibly only one issue remaining, the fact of the matter is that a signed agreement will most likely NOT be inked and entered prior to the above entitled Court's intended date to sign the Final Decree in the Snake River Basin Adjudication presently set for August 25th and 26th of 2014. Therefore, in order to insure that a "placeholder" is filed "prior" to the Final SRBA Decree, we have deemed it important and perhaps necessary to file this late claim in order to protect our rights of a beneficial use claim for refill. The reasons for failing to file it in the first place are similar to all other late claims that have been filed by other "beneficial use refill claim holders" in the adjudication for which the above entitled Court has ruled sufficient grounds to allow the late claims to be filed and pursued in the SRBA.

7. Furthermore, because this proposed late claim is a result of pending litigation, it should come under an extension of the exception to a bar from filing of late claims, the closing of this particular basin notwithstanding.

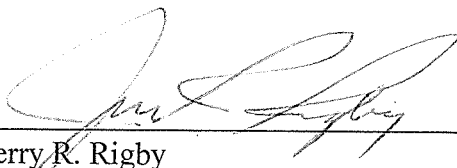
8. The claimed water rights, although claimed as beneficial use claims, are all based upon valid decrees, licenses or permits. Also, because all claimed water rights have been and are currently being diverted and stored since their original priority dates, no other water user has been or will be injured by granting the valid rights. Furthermore, because the "2nd fill" or "refill" right

issue has properly been designated a basin-wide issue (BWI 17), then no party can claim to not have been given proper notice of these claims. To further insure notice to all other potential parties, I am filing under the expedited hearing rules which will allow them to have proper notice.

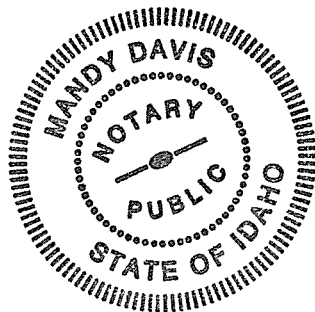
9. I recognize that basin 21 has been closed. Nevertheless, the claimed water rights have always been diverted whenever space in the reservoir was available and there was adequate flows over and above other priority water right diversions and due to the fact that I did not purposefully delay filing a late claim, and due to the fact that no other parties will be injured by this late claim, and due to the fact that all parties involved with BWI 17 will receive notice by me through mailed copies of the claimed water rights, the Motion to File a Late Claim should be granted.

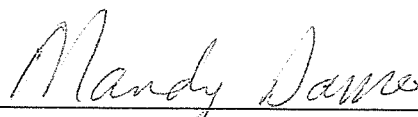
10. The water right claimed pursuant to these Motions are extremely valuable to North Fork Reservoir Company as storage in Water District 01 is critical to all water users.

DATED this 6th day of August, 2014.


Jerry R. Rigby

SUBSCRIBED AND SWORN To before me this 6th day of August, 2014.




Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/17