

Movant:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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**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 no. 81-10307
		)	
Case No:	39576	)	STANDARD FORM 4
		)	
		)	MOTION TO FILE:
		)	AMENDED NOTICE OF CLAIM
		)	

MOTION

Pursuant to I.R.C.P. 15(a) and SRBA Administrative Order 1, Rules of Procedure the United States of America, on behalf of the United States Department of Agriculture, Forest Service ("United States") respectfully moves the Court to enter an Order granting permission to

STANDARD FORM 4 - MOTION TO FILE AMENDED NOTICE OF CLAIM

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file an Amended Notice of Claim in subcase no. 81-10307, and as grounds therefore, states:

1. The United States must amend its Notice of Claim to the use of water in the SRBA because:

This water right should be acquired under state law. The basis of the claim should be "Beneficial Use". The purpose of use should be "Domestic".

The priority date should be October 15, 1919.

2. Counsel for the United States in this matter is designated below and has read SRBA Administrative Order 1, Rules of Procedure (Amended October 16, 1997).

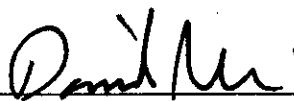
DAVID L. NEGRI
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
(208) 331-5943

3. Attached is an Amended Notice of Claim.

WHEREFORE, for good cause shown, the United States respectfully requests this Court enter an Order granting leave to file the Amended Notice of Claim.

Dated this 2 day of May, 2003.

Respectfully submitted,



David L. Negri
United States Department of Justice

VERIFICATION

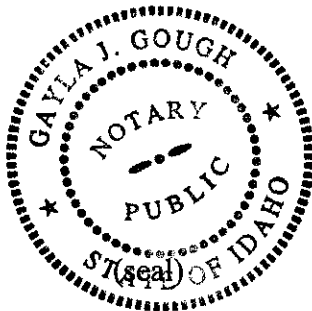
State of Idaho)
) ss.
County of Ada)

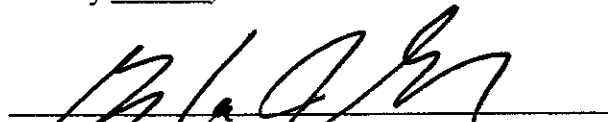
MICHAEL COLLETTE, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this Amended Notice of Claim, as defined by I.C. §§ 42-1401A(1) and (6), and that I have read this Amended Notice of Claim, know its contents and believe that the statements are true to the best of my knowledge.


Michael Collette

Subscribed and sworn to before me on: May 1, 2003.




Gayla J. Gough
Notary Public for: Idaho
Residing at: Kuna, Idaho
My Commission Expires: 11-17-2004

CERTIFICATE OF MAILING

I certify that on May 2, 2003, I mailed the original and copies of this STANDARD FORM 4 - Amended Notice of Claim, including all attachments, to the following persons:

1. Original to:

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

2. Copies to:

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

United States Department of Justice
550 W. Fort St. MSC033
Boise, ID 83724



David L. Negri

NOTICE OF AMENDED CLAIM
~~RESERVED UNDER FEDERAL LAW~~
ACQUIRED UNDER STATE LAW

Right Number: 81-10307

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

Source: ELK CREEK

Tributary: SELWAY RIVER

Quantity: .02 CFS

Priority Date: ~~02-22-1897~~ 10-15-1919

Point of Diversion: T31N R13E S28

NWSE

Within Idaho County

Purpose and

Period of Use: Purpose of Use
Domestic
~~Administrative~~

Period of Use
05-01 TO 11-30

Quantity
.02 CFS

Place of Use:

Domestic
~~Administrative~~
T31N R13E S28

Within Idaho County

NWSE

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - ~~Reserved~~ Beneficial Use

FOREST SERVICE RECORD ID = 0117 17060301 02 0811

Shearer Guard Station