

RECEIVED

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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 NO: 37-17677

)

(Insert Water Right Number)

)

Case No. 39576

)

STANDARD FORM 4

)

)

MOTION TO FILE:

)

☐ LATE NOTICE OF CLAIM

)

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

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

My name is: United States of America, acting through the
Department of Interior,
Bureau of Land Management,
Idaho State Office

My address is: 1387 South Vinnell Way
Boise, Idaho 83709-1657

My phone number is: Work: (208) 373-4000 Home: same

I am an attorney representing:
United States of America, acting through the
Department of Interior,
Bureau of Land Management,
Idaho State Office

My name is: Larry A. Brown

My address is: U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

My phone number is: (202) 305-0435 Ph. (202) 305-0274 Fax

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 (IDWR). Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:
The priority date needs to be amended to 06-28-1934 pursuant to a settlement with the State of Idaho.

The Place of Use (hereinafter "POU") element is missing a land description. The desired extent of the claimed stream segment is properly represented by the beginning and ending Points of Diversion (hereinafter "POD"), but the POU description falls one POU short of the extent defined by the PODs.

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

1. A Proposed Amended Director's Report; and
2. An Amended Notice of Claim Packet

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:
n/a

VERIFICATION (Must be completed)

State of Idaho

County of Ada

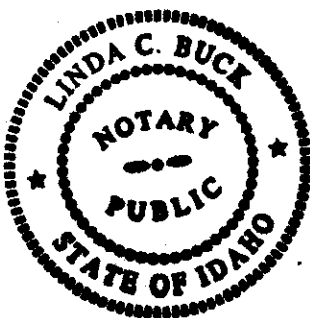
FREDRIC W. PRICE, being first duly sworn, upon oath, deposes and says:
(insert name of person filing motion)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(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.

Fredric W. Price
Signature of person filing motion

Larry A. Brown
Attorney signing in representative capacity

Subscribed and sworn to before me on June 24, 2003
(Insert Date)



Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home, Idaho

My Commission expires: 12-22-05

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on June 26, 2003, 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:

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

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 Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.


Signature of person or attorney mailing the form

PROPOSED AMENDED DIRECTOR'S REPORT

RIGHT NUMBER: 37-17677

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: COTTONWOOD CREEK TRIBUTARY: DEER CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: ~~01/01/1879~~ 06/28/1934

POINT OF DIVERSION: T03S R12E S12 NENESE (INSTREAM BEGINNING POINT)
 R13E S18 LOT 2 (SESWNW) (INSTREAM ENDING POINT) Within GOODING County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:	STOCKWATER				Within GOODING County
	T03S	R12E	S12		NESE
					SESE
			S13		NENE
		R13E	S18	Lot 1	(NWNW)
				Lot 2	(SWNW)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
BLM RECORD ID = 3705680306
~~STOCKWATER, 1100 RANGE CATTLE, 2000 RANGE SHEEP. WILDLIFE~~
~~VAR AMT~~

37-17677

Amended
Notice of Claim
Packet

WATER RIGHT CLAIM VERIFICATION

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

CLAIMANT VERIFICATION:

Water Right Number: 37-17677

(a.) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

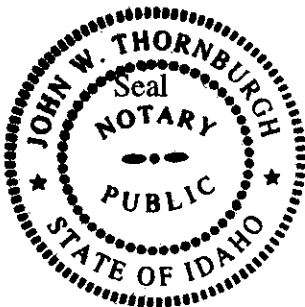
For Organizations:

I do solemnly swear or affirm that I am Fredric W. Price Water Rights Specialist
Title
of United States of America, acting through U.S.D.I., BLM, that I have signed the foregoing documents in the space below as Water Rights Specialist of United States of
Title
America, acting through U.S.D.I., BLM and that the statements contained in the foregoing documents are true and correct.

Signature of Authorized Agent _____
for the United States of America, acting through U.S.D.I., BLM

NOTARY:

Subscribed and sworn to before me on this 20th day of June, 2003.



John W. Thornburgh

Notary Public in and for: State of Idaho
Residing at: Boise, Idaho
My Commission Expires: May 16, 2009

☒ PPD? ☐ PD? ☐ Adm? ☐ Prob? ☐ IN THE DISTRICT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
 AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA **REVI** AMENDED NOTICE of CLAIM for Water Right number:

Case No. 39576 3717677 (IDWR number)

NAME and ADDRESS United States of America acting through
 Bureau of Land Management
 Idaho State Office
 1387 South Vinnell Way Other Right and date:
 Boise, ID 83709 - 1657

SOURCE: Source Tributary
 COTTONWOOD CREEK DEER CREEK

QUANTITY: 0.02 CFS or VOLUME: Acre Feet

The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/28/1934 Diversion Means: INSTREAM USE

REMARKS:

POINT of DIVERSION:

Twtnship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
03S	12E	12	NE	NE	SE		B	47	GOODING
03S	13E	18	SE	SW	NW	02	E	47	GOODING

PURPOSE and PERIOD OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcFt
04	0101	1231	0.02	

CONSUMPTIVE USE:

de minimis stockwater DATE: 20-Jun-03

OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT:

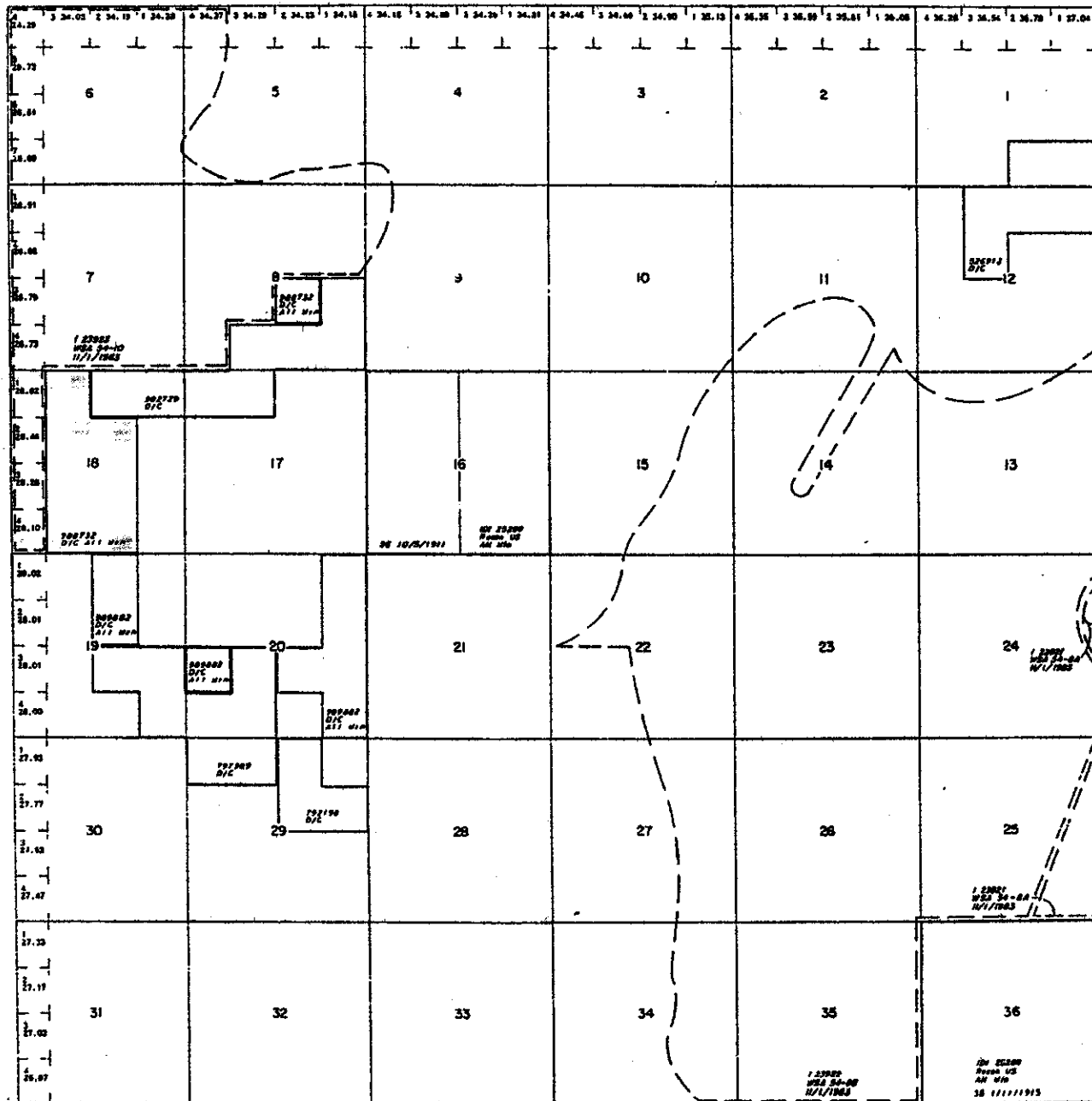
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

PLACE of USE:

Water Use	Twtn	Rge	Sec	T1	T2	LOT	within the	County of
04	03S	12E	12	NE	SE		47	GOODING
04	03S	12E	12	SE	SE		47	GOODING
04	03S	12E	13	NE	NE		47	GOODING
04	03S	13E	18	NW	NW	01	47	GOODING
04	03S	13E	18	SW	NW	02	47	GOODING

3705680306 TOWNSHIP 3 SOUTH RANGE 13 EAST OF THE BOISE MERIDIAN, IDAHO

GOODING COUNTY 047
SHOSHONE DISTRICT SEC 3



SCALE in Chains
0 5 10 20 30 40

The plan is the Bureau's Record of Title, and should be used only as a general display of the recorded survey data. Surveys shown do not indicate title claims which they have been offered for federal instruments of record or other forms of notice. Refer to the national survey for official survey information.

THE NOTATION SHOWN ON THIS ACTION TAKEN BUT MAY NOT BE THE HISTORICAL INDEX FOR THE ORIGINAL ORDER

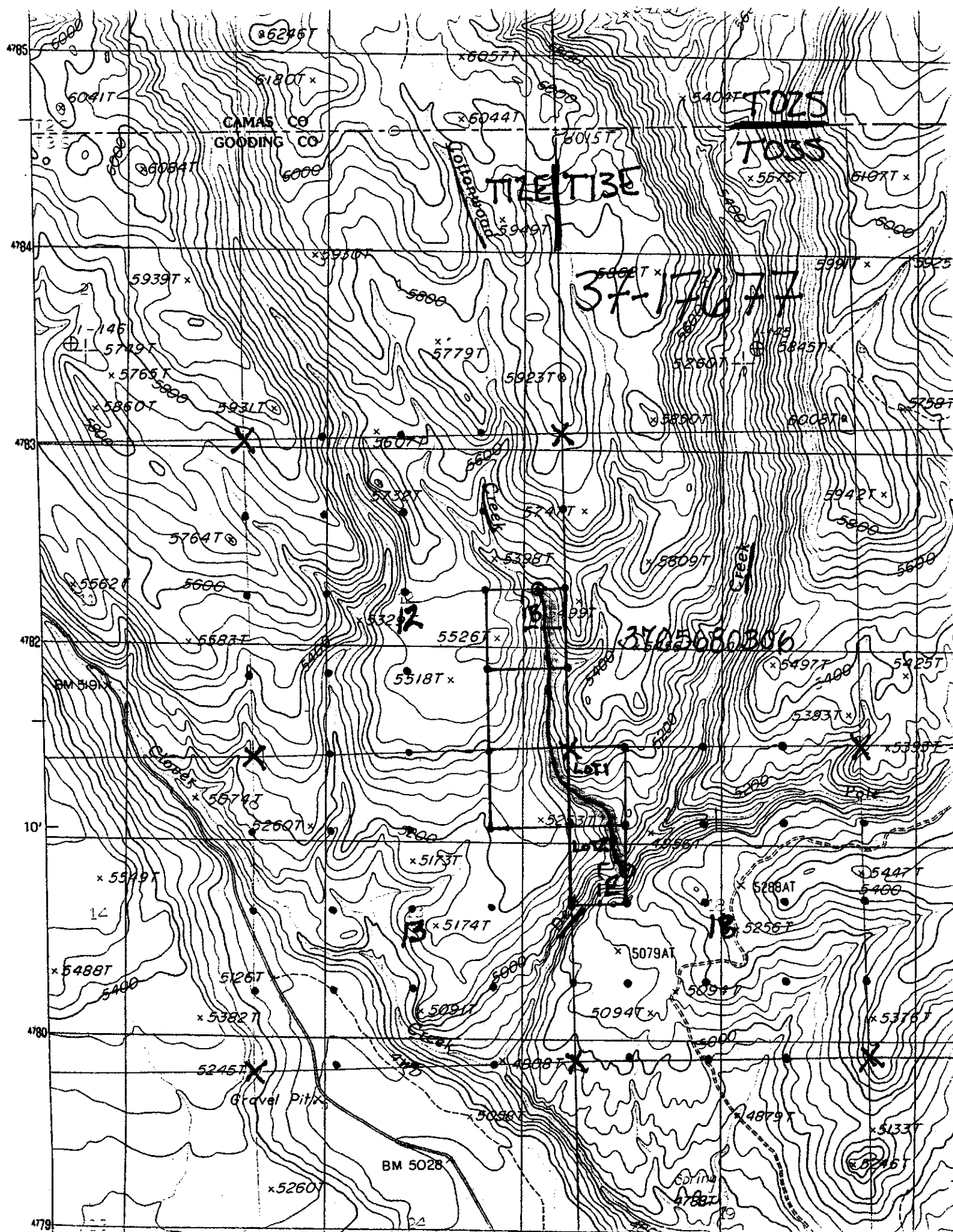
Lat. 43°52' N
Long. 116°51' W

3705680306

GOODING COUNTY 047

SNOWBONE DISTRICT SEC 3





UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENTIdaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657In Reply Refer To:
7250/1230 (933) P*July 27, 2001*

EMS

Instruction Memorandum No. ID-2001-063

Expires: 09/30/2002

To: ICT

From: State Director

Subject: Water Rights Delegation of Authority

Idaho State Office 1203 - Delegation of Authority Manual Supplement is amended to add adelegated authority to both the Deputy State Director for Resource Services and the Branch Chieffor Lands and Minerals to negotiate and settle Snake River Basin Adjudication (SRBA) waterrights issues. The SRBA water rights team leader (Gary Madenford) and senior water rightsspecialist (Fred Price) will continue to have authority to represent the BLM regarding all waterrights issues.

This delegation is effective immediately. The Idaho Delegation of Authority Supplement will berevised to reflect these changes.

Contact Jimmie Buxton if you have comments or questions regarding this issue.

Signed by: Authenticated by:
Martha G. Hahn Susanna M. Henry
 Staff Assistant (ID-933)

cc:

ISO Water Rights Team
Larry Brown, DOJ Attorney
Mel Matlock (950)
Bill Ferry, Field Solicitor - Boise