

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2004 JAN 27 PM 1 31

**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: 81-10307

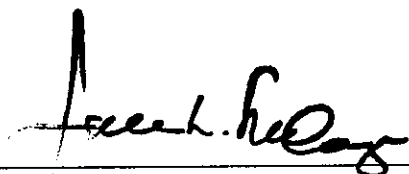
Case No. 39576

**ORDER GRANTING MOTION TO AMEND
NOTICE OF CLAIM**

On May 2, 2003, the United States Department of Agriculture, Forest Service, filed a *Standard Form 4, Motion to File Amended Notice of Claim* for water right claim 81-10307. No opposition was filed to the *Motion*. Hearing on the *Motion* was held August 19, 2003.

IT IS ORDERED THAT the United States' *Motion to File Amended Notice of Claim* for water right 81-10307 is **granted**. The Amended Notice of Claim and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

DATED January 27, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

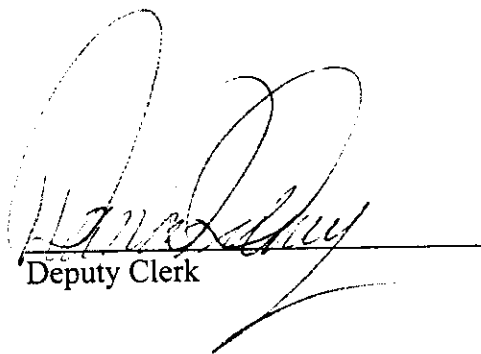
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO AMEND NOTICE OF CLAIM** was mailed on January 27, 2004, with sufficient first-class postage to the following:

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

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098



Deputy Clerk

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	Period of Use	Quantity
	<u>Domestic</u>	05-01 TO 11-30	.02 CFS
	~~Administrative~~		

Place of Use: Domestic Within Idaho County
~~Administrative~~
T31N R13E S28 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

40
DISTRICT COURT - SRBA
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2003 MAY 2 PM 3 25

Movant:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

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

**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).

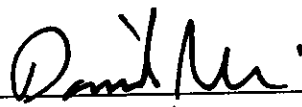
DAVID L. NEGRI
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
(208) 331-5943

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

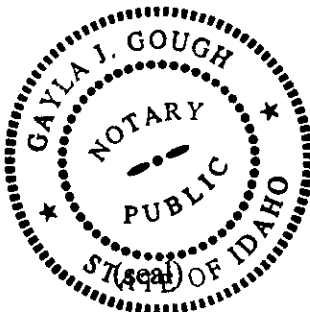
State of Idaho)
) ss.
County of Ada)

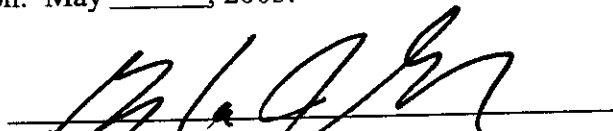
MICHAEL COLLETTE, duly sworn, upon oath, deposes and says:

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:

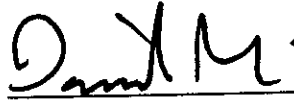
Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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