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APR 23 2002

Department of Water Resources

Movant:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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United States Department of Justice
Environment and Natural Resources Division

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United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
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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. 77-11536
		)	
Case No:	39576	)	STANDARD FORM 4
		)	
		)	MOTION TO FILE:
		)	AMENDED NOTICE OF CLAIM
		)	

MOTION

Pursuant to I.R.C.P. 15(a), SRBA Administrative Order 1, Rules of Procedure, and the
Scheduling Order Re: Deadline to File Motions for Amended Claims to Federal Reserve Water

Rights (United States Department of Agriculture and Agricultural Research Service) dated October 22, 2001, 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 file an Amended Notice of Claim in subcase no. 77-11536, 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 priority date should be May 17, 1917.

The quantity should be .06 CFS.

2. This motion and the amended notice of claim are timely.

3. 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).

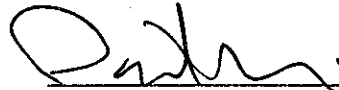
DAVID L. NEGRI
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
(208) 331-5943

4. 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 19 day of April, 2002.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Negri", is written over a horizontal line.

David L. Negri
United States Department of Justice

VERIFICATION

State of Idaho)
) ss.
County of Ada)

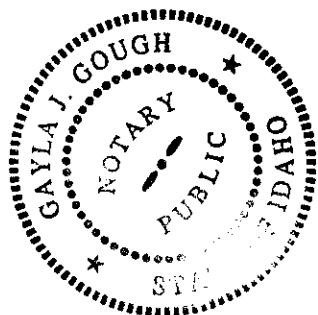
MICHAEL COLLETTE, duly sworn, upon oath, deposes and says:

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: April 19, 2002.



(seal)



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

CERTIFICATE OF MAILING

I certify that on April 19, 2002, 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:

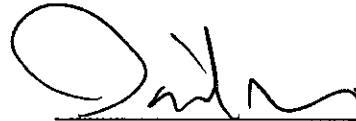
Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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: 77-11536

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

Source: INDIAN CREEK Tributary: LOON CREEK

Quantity: ~~-.03~~ .06 CFS

Priority Date: ~~11-05-1906~~ 05-17-1917

Point of Diversion: T16N R15E S30 SWNW Within Custer County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Domestic	05-01 TO 10-31	~~-.03~~ <u>.06</u> CFS

Place of Use:	Domestic	Within Custer County
	T16N R15E S30	SWNW

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

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

FOREST SERVICE RECORD ID = 0406 17060205 66 0002