

RECEIVED

APR 23 2002

Department of Water Resources

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. 81-10394    |
|          |       | ) |                         |
| 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. 81-10394, 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 February 20, 1963.

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).

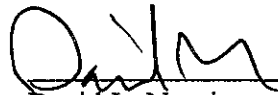
DAVID L. NEGRI  
United States Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724  
(208) 331-5943

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

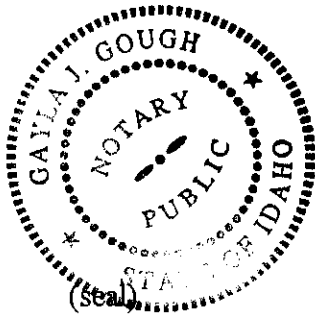
State of Idaho )  
                  ) ss.  
County of Ada)

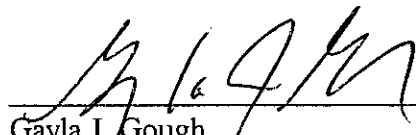
MICHAEL COLLETTE, duly sworn, upon oath, deposes and says:

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<sup>th</sup>, 2002.



  
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: 81-10394

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

Source: SPRING Tributary: LOCHSA RIVER

Quantity: .02 CFS

Priority Date: ~~02-22-1897~~ 02-20-1963

Point of Diversion: T37N R14E S28 NWSE Within Idaho County

| Purpose and<br>Period of Use: | Purpose of Use | Period of Use  | Quantity |
|-------------------------------|----------------|----------------|----------|
|                               | Domestic       | 01-01 TO 12-31 | .02 CFS  |

Place of Use: Domestic Within Idaho County  
T37N R14E S33 NWNW

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

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

FOREST SERVICE RECORD ID = 0105 17060303 00 A001