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Department of Water Resources

Movant:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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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. 78-10461
		)	
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

file an Amended Notice of Claim in subcase no. 78-10461, and as grounds therefore, states:

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

because:

The legal description of the point of diversion and the place of use must be corrected.

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).

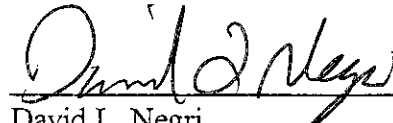
DAVID L. NEGRI
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
(208) 331-5943

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 10th day of September, 2002.

Respectfully submitted,



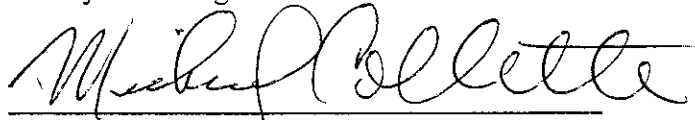
David L. Negri
United States Department of Justice

VERIFICATION

State of Idaho)
) ss.
County of Ada)

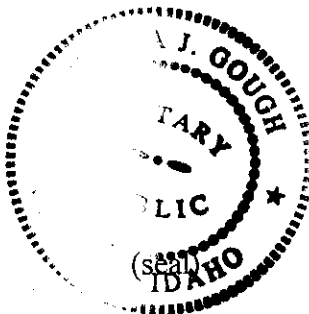
MICHAEL COLLETTE, duly sworn, upon oath, deposes and says:

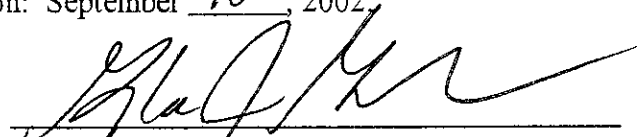
That I am the party/claimant filing this Amended Notice of Claim, as defined by I.C. §§ 42-1401A(1) and (6), and that I have read this Amended Notice of Claim, know its contents and believe that the statements are true to the best of my knowledge.



Michael Collette

Subscribed and sworn to before me on: September 10, 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 September 10, 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:

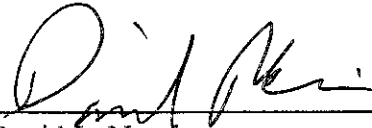
Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Right Number: 78-10461

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

Source: BROWN CREEK Tributary: HARD CREEK

Quantity: .02 CFS

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

Priority Date: 05-01-1895

Point of Diversion: T20N R02E S17 NWSE (Instream Beginning Point) Within IDAHO County
~~S32 SWNE (Instream Ending Point)~~
T21N R02E S32 SWNE (Instream Ending Point) Within IDAHO County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	07-01 TO 09-30	.02 CFS

Place of Use:	Stockwater	Within Idaho County
	T20N R02E S05	NWNE SENE NWSW SWSW
	S08	NWNW SWNW SWSW
	S17	SESW NENW SENW
	S32	NESW NWSE NWSE
	~~S32~~	~~SWNE~~ ~~SWSE~~
	<u>T21N R02E S32</u>	<u>SWNE</u> <u>SWSE</u> <u>NWSE</u>

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

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. SECTION 42-
1412(6), IDAHO CODE.

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

Explanatory Material: Basis of Claim - Beneficial Use

FOREST SERVICE RECORD ID = 0412 17060210 39 3711
STOCKWATER, 142 RANGE CATTLE