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DEPARTMENT OF  
WATER RESOURCES

**Movant:**

UNITED STATES OF AMERICA

**Attorneys' Names and Addresses:**

MATTHEW J. McKEOWN  
Acting 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  
Natural Resources Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724  
(208) 333-1936; facsimile (208) 334-1414  
ISB# 6697

**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. 77-14231    |
|          |       | ) |                         |
| Case No: | 39576 | ) | STANDARD FORM 4         |
|          |       | ) |                         |
|          |       | ) | MOTION TO FILE:         |
|          |       | ) | AMENDED NOTICE OF CLAIM |
|          |       | ) |                         |

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**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. 77-14231, 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 purpose of use for this claim is for administrative purposes on National Forest System land. In order to accurately describe the purpose of use, this water right claim should be amended to describe the purpose of use as "administrative".

The priority date for this claim should be November 6, 1906.

The season of use should be from June 1 through October 31.

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 14 day of February, 2007

Respectfully submitted,

  
\_\_\_\_\_  
David L. Negri  
United States Department of Justice

## VERIFICATION

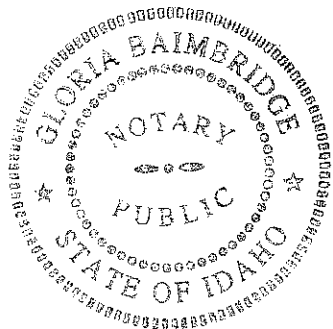
State of Idaho )  
                  ) ss.  
County of Ada)

STEVEN M. SPENCER, 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.

Steven M. Spencer  
Steven M. Spencer

Subscribed and sworn to before me on: February 13, 2007



Gloria Baimbridge  
Gloria Baimbridge  
Notary Public for: Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 10-17-2008

## CERTIFICATE OF MAILING

I certify that on February 14, 2007, 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:

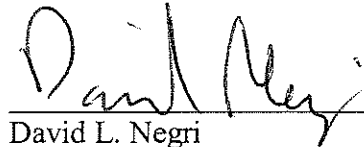
Clerk of the District Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: 77-14231

RESERVED UNDER FEDERAL LAW

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service  
Address: 550 W. Fort Street MSC033  
Boise ID 83724
2. Date of Priority: 11/06/1906
3. Source of water: TRIBUTARY OF ELK CREEK Tributary: ELK CREEK
4. Location Meridian BOISE  
Description of Diversion Works: Pipe From: Stream  
Location of Point of Diversion  
T: 13 N R 09 E S: 32 NWNE  
Location of Place of Use  
T: 13 N R 09 E S: 32 NWNE ac: 0
5. Quantity claimed: Period Quantity For  
6/01 -- 10/31 0.11 CFS Administrative
6. Total Consumptive Use Claimed for Present and Future Use is:  
0.11 CFS
7. Present and future uses to which the water is or will be used:  
Administrative
8. Remarks:  
State Basin: 77  
National Forest: Boise  
Forest Service Record ID: 4 2 17060205 68 0000  
Elk Creek Guard Station

I verify to the best of my knowledge the statements contained in this document are true and correct.

Steven M. Spencer  
STEVEN M. SPENCER  
Consumptive Use Water Specialist

Subscribed and sworn to before me on:

February 14, 2007  
Maria Baimbridge  
Notary Republic

Residing at:

Boise, Idaho

My Commission Expires:

10/17/2008

