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DEPARTMENT OF
WATER RESOURCES

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. 78-10625
	)	
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☐ LATE NOTICE OF CLAIM
	)	☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

X I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is United States of America, USDA Forest Service

My address is 550 W. Fort St. MSC 033, Boise, Idaho 83724

My phone number is: Work _____ Home _____

I am an attorney representing: United States of America on behalf of the USDA Forest Service

My name is David L. Negri

My address is 550 W. Fort St. MSC 033, Boise, ID 83724

My phone number is 208-334-1936

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

- ☐ I did not file a Notice of claim to the use of water in the SRBA because:
- ☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.
- ☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at

(800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ ____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:

While preparing affidavit for the Evidentiary Hearing it was discovered that the following changes need to be made to the claim description in the Directors Report:

The Quantity should be **0.08 cfs**;
The Purpose of Use should be **Administrative**;
The use is at **Silvers** Administrative Site.

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

A copy of the water right as it would customarily appear in the Directors Report with corrections shown in the ~~strikeout~~ and underline format that would be part of an regular SF5 settlement, effectively constituting an amended claim*.

I have attached:

☒ An amended Notice of Claim (available from IDWR). See above *.

☐ Payment of the following additional fees required by IDWR:

Pursuant to United States v. Idaho ex rel. Dir., Idaho Dep't of Water Resources, 508 U.S. 1, 113 S. Ct. 1893, 123 L. Ed. 2d 563 (1993) the McCarran Amendment (43 U.S.C. § 666(a)) does not waive the United States' sovereign immunity from fees required by the State of Idaho.

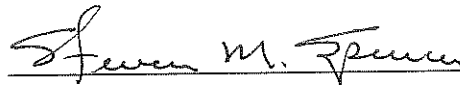
VERIFICATION (Must be completed)

State of Idaho

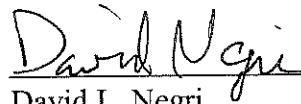
County of Ada

Steven M. Spencer, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



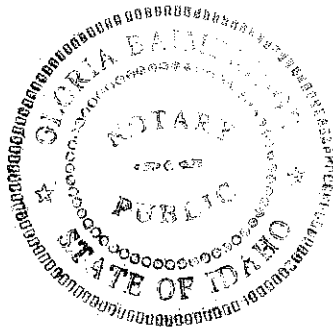
Steven M. Spencer



David L. Negri

Attorney for the United States of America

Subscribed and sworn to before me on January 8, 2008.





Gloria Baimbridge

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires: 10-17-2008

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on January 8, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

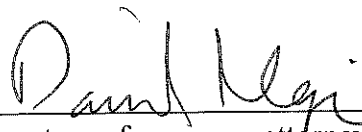
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS RESERVED UNDER FEDERAL LAW

Right Number: 78-10625

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

Source: SHINGLE CREEK Tributary: RAPID RIVER

Quantity: ~~-.80~~ .08 CFS
~~10.00~~ 1.00 AFY

Priority Date: 05-10-1906

Point of
Diversion: T23N R01W S01 SWNE Within Idaho County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Irrigation~~	01-01 TO 12-31	~~-.80~~ .08 CFS
	<u>Administrative</u>		~~10.00~~ 1.00 AFY

Use is for ~~Slivers~~ Silvers Administrative Site.

Place of Use: ~~Irrigation~~ Administrative Within Idaho County
T23N R01W S01 SWNE

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 011717060210010220 00