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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. <u>79-2023</u>
	)	(Insert Water Right Number)
	)	
	)	STANDARD FORM 4
Case No. 39576	)	
	)	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.

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

My name is State of Idaho, Department of Fish and Game, hereinafter referred to as the "IDF&G."

My address is PO Box 25, Boise, Idaho 83707

My phone number is: Work (208) 334-3700 Home Not Applicable

I am an attorney representing the IDF&G

My name is David J. Barber, Deputy Attorney General

My address is JRW Building, Second Floor, 700 West State Street, P.O. Box 44449, Boise, Idaho 83711-4449

My phone number is (208) 334-2400

MOTION TO FILE 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 described 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 (available from IDWR).
- ☐ The IDWR has advised that the claim filing fee for this notice of claim is ____.

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 _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue, Twin Falls, Idaho.

MOTION TO FILE 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:

The Bureau of Land Management, U.S. Department of the Interior, (BLM) filed an
objection to this water right because the place of use included a small parcel of federal land
administered by the BLM. The purposes of the amended claim are to resolve the objection
by removing the 1.2 acres of federal land from the authorized place of use and to correct
some minor errors in the description of the water right.

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

No documents are attached in support of this amendment because of the minor nature of these changes. Rather, the changes and bases for the changes are described here. First, as described above, the federal land in the amount of 1.2 acres in the NW1/4NW1/4 of section 18, Township 30N Range 03W, B.M. is deleted from the place of use, and this amount of irrigated land is added to the place of use in the NE1/4NE1/4 of section 13, Township 30N, Range 04W, B.M. Second, the irrigation season is described as the March 1st of each year to November 15th of each year to conform it to the standard irrigation season recommended for this area. Third, the place of use for the domestic use is reduced to the specific quarter-quarter where the existing residence exists.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☒ Payment of the following additional fees required by IDWR:

The IDWR has confirmed that no additional fee is required for this amended claim.

VERIFICATION (Must be completed)

State of Idaho

County of Ada

David J. Barber, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

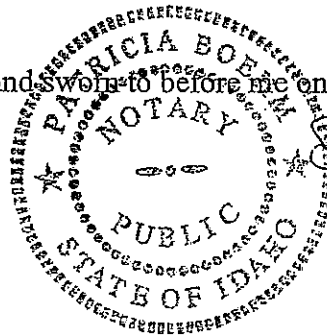
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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

Signature of person filing motion

David J. Barber
Attorney signing in representative capacity

Subscribed and sworn to before me on

August 11, 2008
(Insert Date)



Patricia Boehm
Notary Public for Idaho
Residing at: Boise, ID
My Commission expires: 4/6/09

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 this 11th day of August 2008, I caused to be served the original and/or copy of this form on the following persons by the indicated method:

1. Original to:

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

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to

State of Idaho,
Department of Fish and Game
Clearwater Region
3316 16th Street
Lewiston, ID 83501

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☐ Statehouse Mail

State of Idaho,
Department of Fish and Game
600 South Walnut St.
P.O. Box 25
Boise, ID 83707

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile:
☒ Statehouse Mail

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

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: (303) 312-7379
☐ Statehouse Mail

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

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____
☒ Statehouse Mail

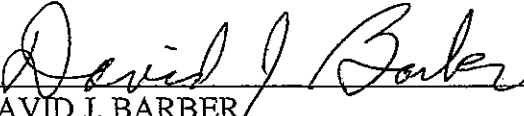
Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Not Applicable

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Not Applicable



DAVID J. BARBER
Deputy Attorney General

ATTACHMENT I

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 79-2023
Date Received:
Receipt No: C005871
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STATE OF IDAHO Phone: (208)334-3700
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

2. Date of Priority: 05/23/1910

3. Source: WAPSHILLA CREEK Trib. to: SALMON RIVER
UNNAMED STREAM Trib. to: WAPSHILLA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
30N	03W	18	NW SW	7	NEZ	PERCE
30N	04W	13	NW NE		NEZ	PERCE

5. Description of diverting works:

PIPE, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION		3/01	11/15	0.50
DOMESTIC		1/01	12/31	0.04

7. Total Quantity Appropriated is:
0.50 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
30N	03W	18	NE SW	6	IRRIGATION	5
			NW SW	7	IRRIGATION	12
			SW NW	3	IRRIGATION	6.8
			NW SW	7	DOMESTIC	
Section Acres						23.8
30N	04W	13	NE NE		IRRIGATION	1.2
Section Acres						1.2
Total Acres						25

11. Place of use in counties: NEZ PERCE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used: Not applicable.

14. Remarks:

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication."

(b.) I/We do not wish to receive an pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: None.

For Organizations

I do solemnly swear or affirm under penalty of perjury that I am Deputy Director
Title
of the State of Idaho, Department of Fish and Game Organization, that I have signed the foregoing document in the space below as Deputy Director Title of the State of Idaho, Department of Fish and Game Organization and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Deputy Director
Title
State of Idaho, Department of Fish and Game
8/8/08
Date

State of Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this 8th day of August 2008

Rachel J. Byington
Notary Public
Residing at Boise
My commission expires: October 18, 2013

