



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 16, 2009

Special Master Brigette Bilyeu
Snake River Basin Adjudication
253 3rd Ave. N.
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: Subcase No. 32-11223

Dear Special Master:

Enclosed is an executed Standard Form 5-Amended Claim for subcase number 32-11223. Ordinarily the SF5-Amended Claim form accompanies a claim with domestic and/or stockwater purposes. Here, however, the claim is for stockwater and wildlife purposes. To resolve its objection (the sole objection) before initial hearing, Claimant/Objector Bureau of Land Management seeks to amend its claim to correct the place of use and point of diversion and move a remark to explanatory material. The Department of Water Resources concurs with these changes. The initial hearing for this subcase is currently set for July 1, 2009.

As we discussed in a telephonic conversation last month, you indicated you would consider accepting the SF5-Amended Claim in this circumstance and setting objection and response deadlines. In that event, perhaps the initial hearing could be vacated and reset as necessary.

If you have questions about this matter, please contact me at (208) 287-4810.

Sincerely,

A handwritten signature in black ink that reads "Andrea L. Courtney".

Andrea L. Courtney

Enc.

Cc: David Negri, Scott Beazer

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. 32-11223
)
)

Case No. 39576

) **STANDARD FORM 5**
)
)

) **AMENDED CLAIM**
)

) FOR DOMESTIC & STOCKWATER RIGHTS

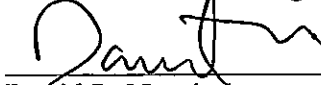
This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

United States on behalf of the
Bureau of Land Management

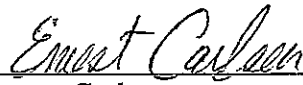


David L. Negri
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

5/27/09

Date



Ernest Carlsen
Water Resource Program Manager

6/1/09

Date



Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

6/9/09

Date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 32-11223

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: SPRING TRIBUTARY: NORTH JUMP CREEK

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 05/15/1963

POINT OF
DIVERSION:

T12N R28E S12 ~~SENWSE~~ NESWSE Within LEMHI County *Emc*

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	5/10 12/31	0.020 CFS
WILDLIFE	1/01 12/31	0.020 CFS

ATC DN

PLACE OF USE: STOCKWATER in LEMHI County
T12N R28E S12 NWSE SWSE
WILDLIFE in LEMHI County
T12N R28E S12 NWSE SWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR 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.

~~BLM IDENTIFICATION # 3204688078 BREAZEALE SPRING PROJECT~~
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
BLM IDENTIFICATION # 3204688078 BREAZEALE SPRING PROJECT

CERTIFICATE OF MAILING

I certify that on June 17, 2009, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

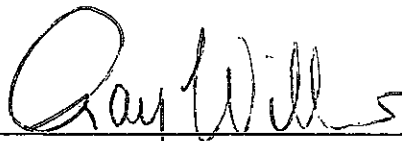
2. Copy to:

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

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase:

U.S. Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of person or attorney mailing the form