

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

MAY 11 2010

By

**In Re SRBA**

)

**A. Subcase 37-04151**  
(Insert water right number)

**Case No. 39576**

)

**MOTION TO FILE AMENDED CLAIM TO  
WATER RIGHT NO. 37-04151**

)

Deputy Clerk

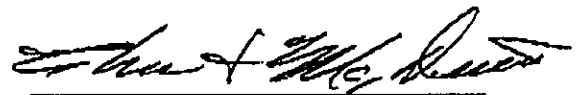
COMES NOW the Idaho Foundation for Parks and Lands Inc., a corporation, by and through its counsel of record, Chas F. McDevitt, of the firm of McDevitt and Miller, LLP., and moves this honorable Court pursuant to Idaho Rules of Civil Procedure 7(b)(1) for an order allowing the Idaho Foundation for Parks and Lands to file an Amended Claim to a water right (Amended Water Claim is attached).

This Motion is made due to negotiations in settlement conferences by and between the Idaho Foundation for Parks and Lands Inc and the Idaho Department of Water Resources who had objected to the existing claim to water right of the Idaho Foundation for Parks and Lands Claim No. 37-04151.

As amended, the claim for water right is acceptable to the IDWR and will settle that issue.

Dated this 11<sup>th</sup> day of May, 2010.

**MCDEVITT & MILLER LLP**



Chas. F. McDevitt

**CERTIFICATE OF MAILING**

I certify that on May 11<sup>th</sup>, 2010, I mailed the original and copies of this Motion to File an Amended Claim to Water Right No. 37-04151, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: Idaho Foundation for Parks and Lands Inc.  
Address: 5657 Warm Springs Ave.  
Boise, ID 83716

3. Copies to:

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

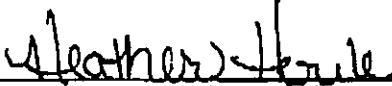
United States Department of Justice  
Environment & Nat'l Resources Div  
550 W Fort Street, MSC 033  
Boise, ID 83724

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

PEPIN CORSO-HARRIS  
Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

BILL MOLYNEUX  
GERALD BASHAW  
GRACE EAKIN  
JOHN F STEVENSON  
PETE VAN DER MEULEN  
TOM O. GARA  
Represented by:  
BARKER RSHOLT & SIMPSON LLP  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

BIG WOOD CANAL COMPANY  
Represented by:  
CRAIG D. HOBDEY  
125 5TH AVE  
PO BOX 176  
GOODING, ID 83330  
Phone: 208-934-4429

  
McDEVITT & MILLER LLP

SRBA Form No.42-1409-1 (Internet 2/09)

**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 37-4151

Date Received: \_\_\_\_\_

Receipt No: \_\_\_\_\_

Received By: \_\_\_\_\_

*Amended*  
**NOTICE OF CLAIM  
TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Idaho Foundation for Parks and Lands Phone (208) 344-7141Mailing Address 5657 Warm Springs Avenue Boise ID ZIP 83716  
Street or Box City State2. Date of Priority (Only one (1) per claim) 01-01-1939  
Month Day Year (YYYY)3. Source of water supply (Check one) Ground Water (✓) or Other ( ) (a) Elkhorn Creek  
which is tributary to (b) Bigwood River4. a. Location of Point of Diversion is: Township 04N, Range 18E, Section 30  
SE, 1/4 of NE, 1/4 Govt. Lot \_\_\_\_\_, BM., County of Blaine

Parcel (PIN) no. \_\_\_\_\_

Additional points of diversion if any: Pond thence returns to Bigwood River. See Exhibit A appended hereto.If available, GPS Coordinates Ident No. 37-4151

b. If instream flow, beginning point of claimed instream flow is:

Township 04N, Range 18E, Section 30, \_\_\_\_\_, 1/4 of \_\_\_\_\_, 1/4Govt. Lot \_\_\_\_\_, BM., County of Blaineending point is: Township 04N, Range 18E, Section 30, \_\_\_\_\_, 1/4 of \_\_\_\_\_, 1/4Govt. Lot \_\_\_\_\_, BM., County of Blaine

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Pond is approximately 7.5' to 9' deep. See pond and dimensions on Exhibit A appended hereto. Outlet of pond returns flow to Bigwood River.

## 6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Wildlife Habitat purposes from 01/01 to 12/31 amount .975 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) .975 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic; Give number of households served; Stockwater; Type and number of livestock, Etc.) \_\_\_\_\_

## 9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 18E | 30  |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Parcel (PIN) no(s). \_\_\_\_\_

Total number of acres irrigated \_\_\_\_\_

10. In which county (ies) are lands listed above as place of use located? Blaine

11. Do you own the property listed above as place of use? Yes (✓) No ( )

If your answer is No, describe in Remarks below the authority you have to claim this water right.

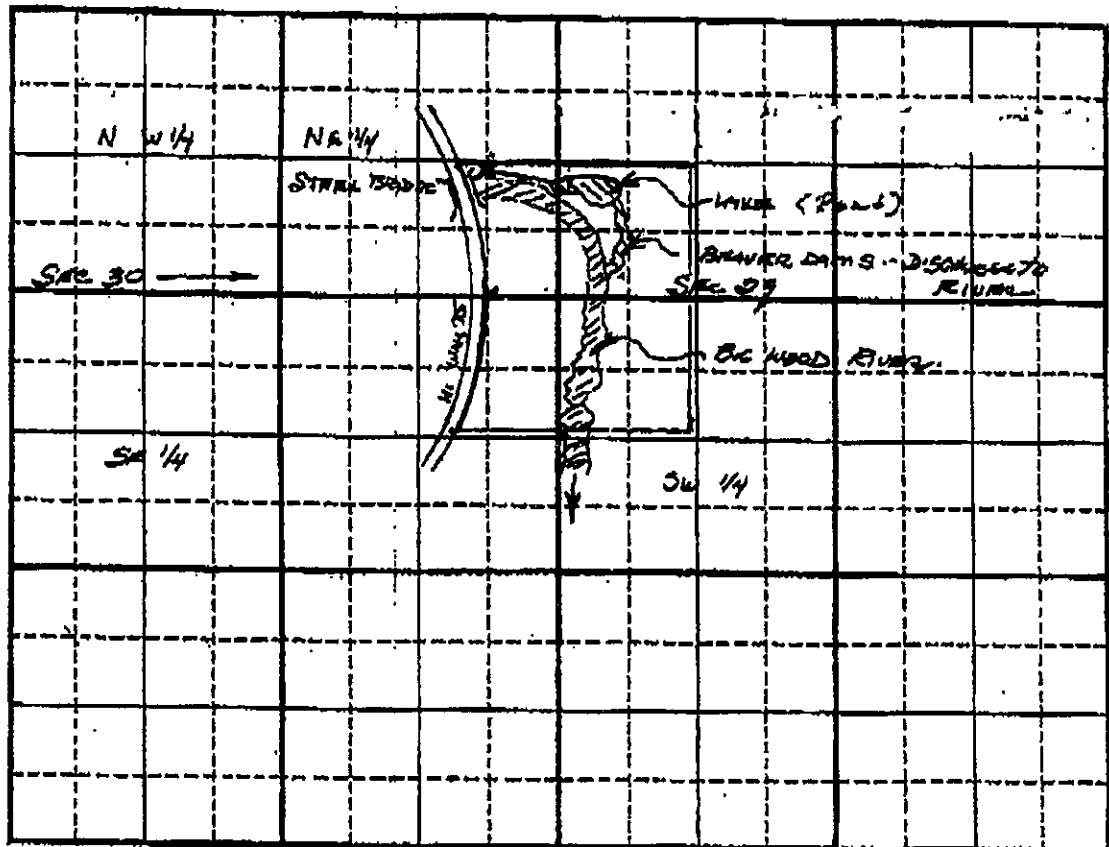
12. Describe any other water rights used at the same place and for the same purposes as described above.

Wildlife habitat-water source for elk, deer, moose and various birds or None ( )13. Remarks: This is an amended claim to water right 37-04151

Last Name \_\_\_\_\_ Identification No. \_\_\_\_\_

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

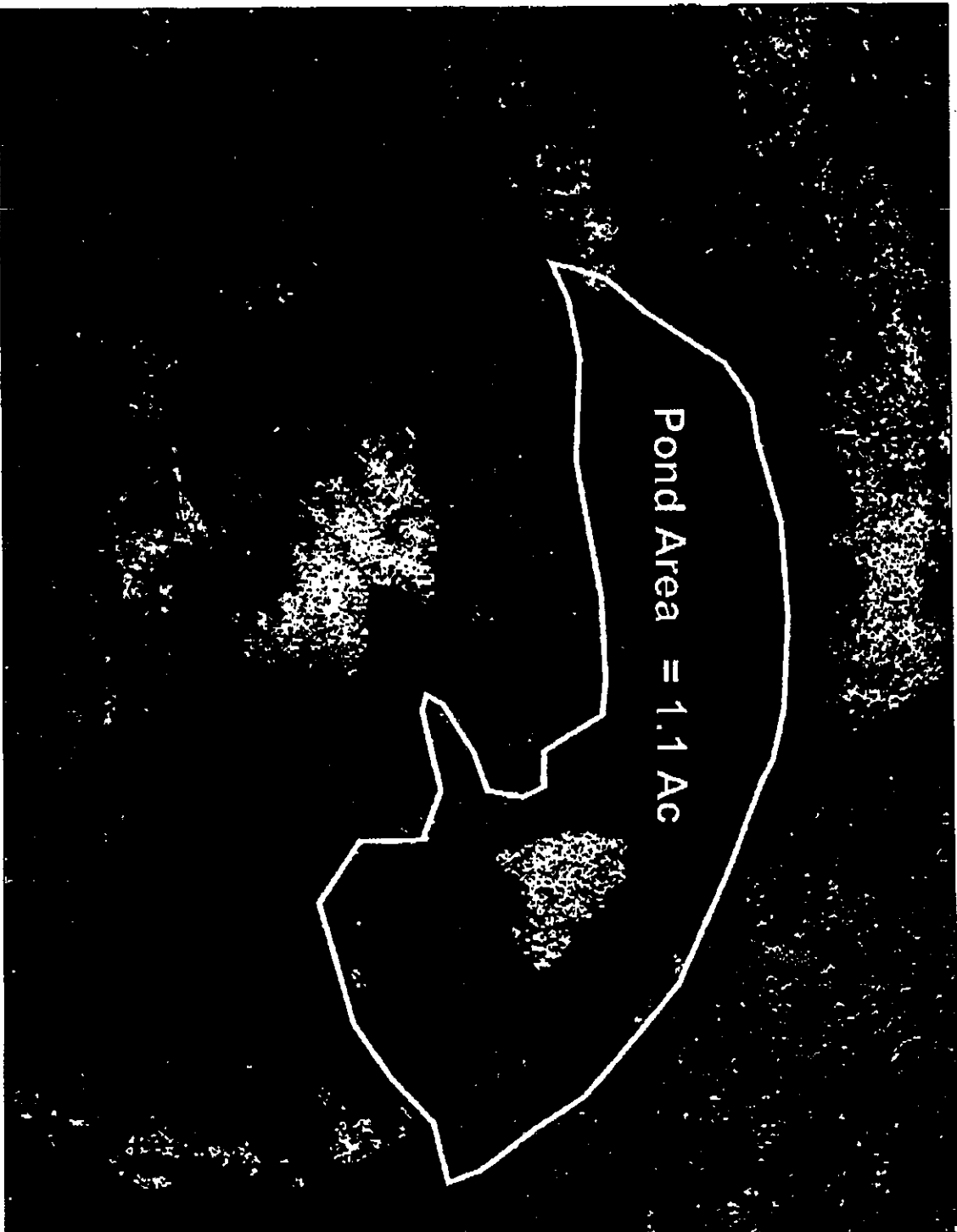
Scale: 2 inches equals 1 mile



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

# IDAHO FOUNDATION FOR PARKS AND LANDS POND AREA CALCULATION



Aerial Imagery: Valley Air Photo  
May 19, 2006

14. Basis of Claim (Check One) Beneficial Use ( ) Posted Notice ( ) License (✓) Permit ( ) Decree ( )

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number 37-04151

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Snake River Basin Adjudication." (b.) I/We do ( ) do not ( ) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Attorney \_\_\_\_\_ of Idaho Foundation for Parks and Lands Inc.,  
Title \_\_\_\_\_ Organization \_\_\_\_\_

that I have signed the foregoing document in the space below as

\_\_\_\_\_ of \_\_\_\_\_,  
Title \_\_\_\_\_ Organization \_\_\_\_\_

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization Idaho Foundation for Parks and Lands Inc.

16. Notice of Appearance:

Notice is hereby given that I, Chas F. McDevitt, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Chas F. McDevitt Date 5/11/10

Address P.O. Box 2564, Boise, Idaho 83702

Last Name \_\_\_\_\_ Identification No. \_\_\_\_\_

01/17/2007 15:29

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PARKS & REC

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