

11-30
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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: 51-02234
)
) (Insert Water Right Number)
)
Case No. 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, acting through the
USDI Bureau of Land Management,
Idaho State Office

My address is: 1387 South Vinnell Way
Boise, Idaho 83709-1657

My phone number is: Work: (208) 373-4000 Home: same

I am an attorney representing:
United States of America, acting through the
USDI Bureau of Land Management,
Idaho State Office

My name is: David L. Negri

My address is: U.S., Department of Justice
Environment and Natural Resources Division
Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

My phone number is: (208) 334-1936 Ph. (208) 334-1414 Fax

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

X I did not file a Notice of claim to use of water in the SRBA because:

The BLM did not realize that this license for Storage for Stockwater was inadvertently overlooked previously in the SRBA. It was believed that right was already claimed under a different water right number (51-11098) which turned out to be only a stockwater right on Big Jacks Creek within the same 40 acre tract. BLM now seeks to claim Storage for Stockwater.

I am providing legal and factual documentation to support my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to full this out if you are reinstating a Notice of Claim for domestic of stock watering use, but you must attach a copy of your Notice of Claim).

I have attached:

An amended Notice of Claim (available from IDWR).

A claim filing fee for a domestic and stock water 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 and stock water 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.

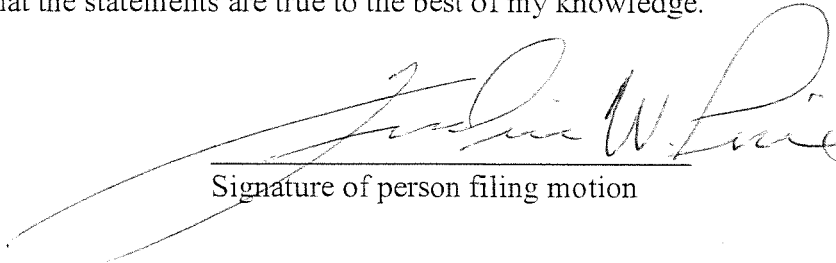
VERIFICATION (Must be completed)

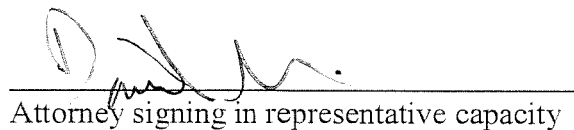
State of Idaho

County of ADA

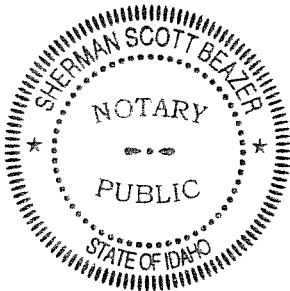
David Negri, being first duly sworn, upon oath, deposes and says:
(insert name of person filing form)

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


Attorney signing in representative capacity

Subscribed and sworn to before me on November 29th, 2011
(Insert Date)




Notary Public for Ada County State of Idaho
Residing at: Baile, ID Ada County
My Commission expires: 12/10/2015

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 November 29th, 2011, 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
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

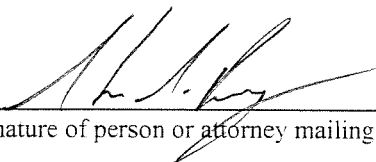
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

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

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

(Insert Names/Addresses of parties)



Signature of person or attorney mailing the form

WATER RIGHT CLAIM VERIFICATION

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

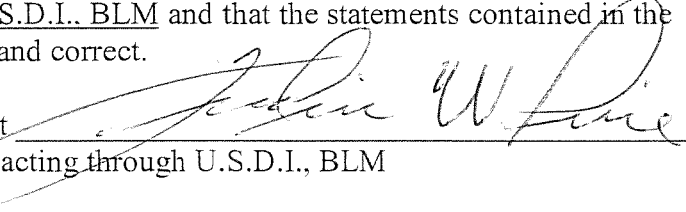
CLAIMANT VERIFICATION:

Water Right Number: 51-02234

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

For Organizations:

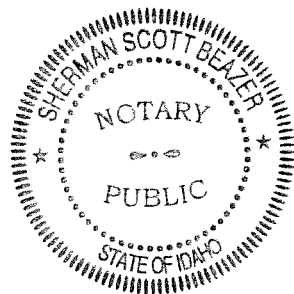
I do solemnly swear and affirm that I am Fredric W. Price, Water Rights Specialist of United States of America, acting through U.S.D.I., BLM, that I have signed the foregoing documents in the space below as Water Rights Specialist of United States of America, acting through U.S.D.I., BLM and that the statements contained in the foregoing documents are true and correct.

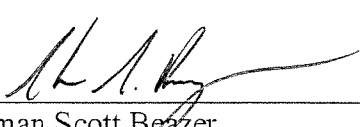
Signature of Authorized Agent  for the United States of America, acting through U.S.D.I., BLM

NOTARY:

Subscribed and sworn to before me on this 29th day of November, 2011.

Seal




Sherman Scott Beazer
Notary Public in and for: State of Idaho
Residing at: Boise, Idaho
My Commission Expires: December 10, 2015

☐ PPD? ☐ PD? ☐ Adm? ☐ Prob? ☐ IN THE DISTRICT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

NAME and
ADDRESS

United States of America acting through
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709 - 1657

NCAF

AMENDED NOTICE of CLAIM for
Water Right number:

5102234 (IDWR number)

BLMIDENT: 5101688300 Stg: L StFed: S

Other Right and date:

SOURCE:

Source Tributary

Big Jacks Creek Jacks Creek

QUANTITY:

CFS or VOLUME: 19.71 Acre Feet

FY12: ☒

PRIORITY DATE:

06/26/1941 Diversion Means:

REMARKS:

POINT of
DIVERSION:

Twtnship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
11S	03E	30		SE	NE			73	Owyhee

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcFt
05	0101 1231			19.71

CONSUMPTIVE
USE:

stockwater

DATE: 28-Nov-11

OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

PLACE
of USE:

Water Use	Twtn	Rge	Sec	T1	T2	LOT	Acres	within the County of
05	11S	03E	30	SE	NE			73 Owyhee

State of Idaho
License and Certificate of Water Right

Water License No. E-709

Amount 19.71 acre feet

Water District No. _____

Priority June 26, 1941

THIS IS TO CERTIFY that GRAZING SERVICE US DEPARTMENT OF THE INTERIOR
of Portland, Oregon, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 26, 1941; that Permit No. E-709
was issued under said application; that Certificate of Completion of works, with a ^{storage} ~~drainage~~ capacity of
19.71 ~~acres~~ ^{acre} feet, was issued thereunder on January 25, 1954, showing that said works
were completed on the 21st day of November, 1941; and that on the 21st
day of November, 1941,

GRADING SERVICE U. S. DEPARTMENT OF THE INTERIOR

of Portland, State of Oregon, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Jack Creek (rain and snow run-off), a tributary of Bruneau River, for the purpose of stock watering ~~here~~ under Use Permit No. R-709 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume nine of Licenses at page 5215, on the 25th day of January, 1954;

The right hereby confirmed dates from June 26, 1941;

outlet
The Point of [REDACTED] is located

in the SE 1/4 NE 1/4, Sec. 30, Tp. 11 S., R. 3 E., E. M. County Oregon

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 19.71 ~~cubic feet per second~~ cfs per annum.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, Range 3 East, E. M.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
25th day of January, 1954.

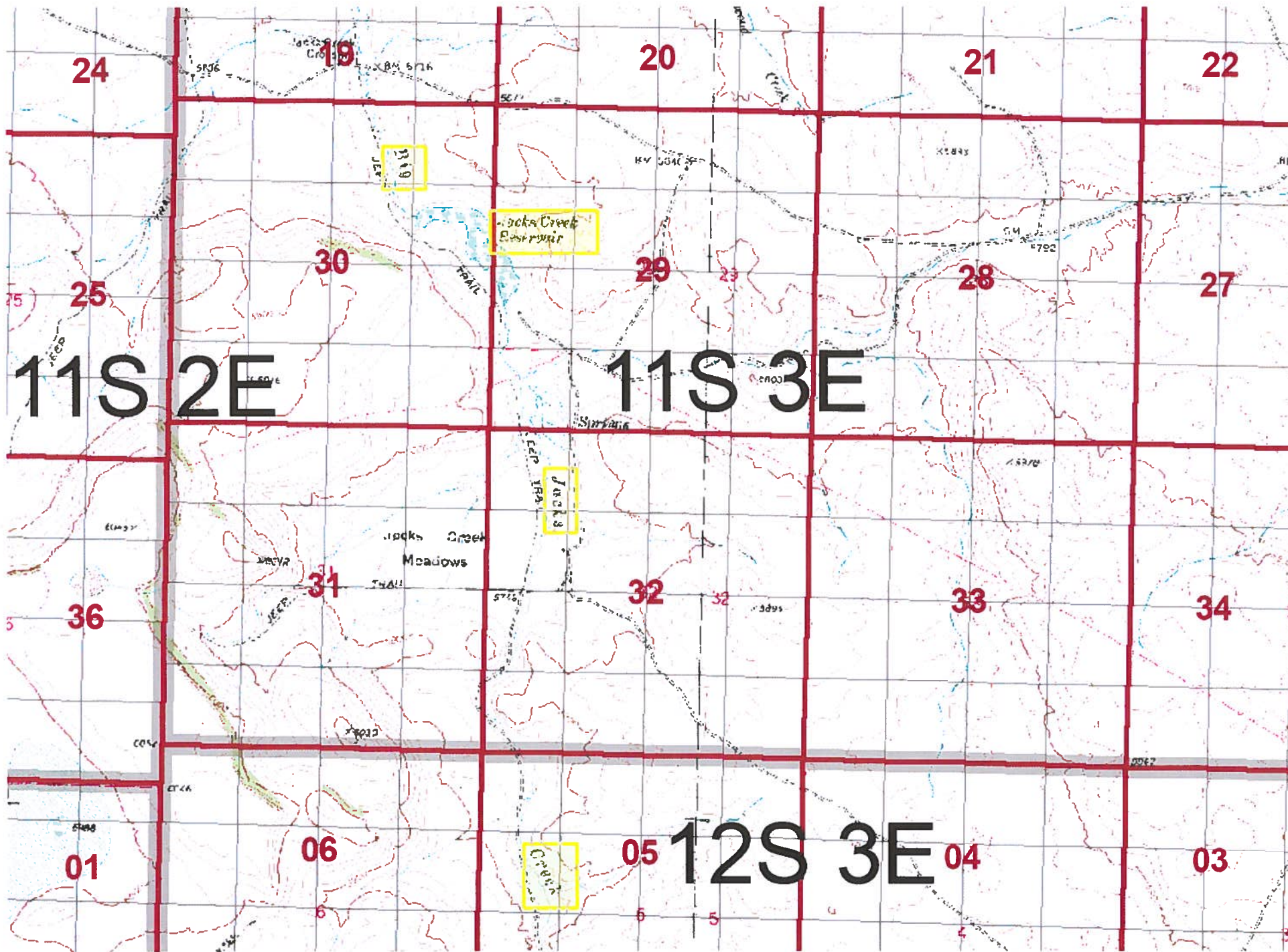
MARK R. KULP

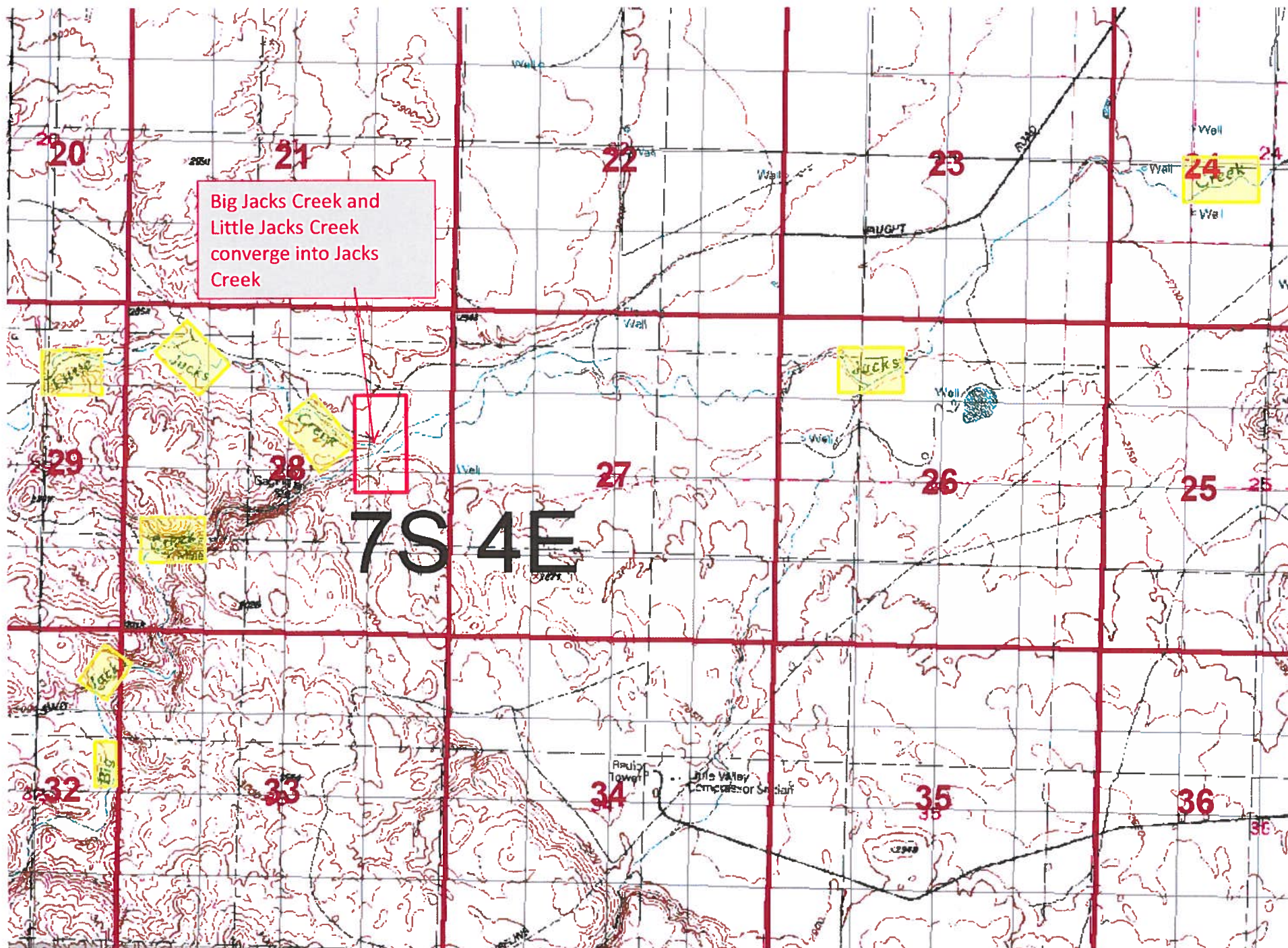
State Reclamation Engineer.

(SEAL)

51 2234

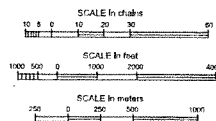






OWYHEE COUNTY 073
BOISE DISTRICT SEC 3

U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000



No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

[illegible]

IDI 35073, PW Res 107, EO 04/17/1926; Withdraws Public Land containing a spring or waterhole from settlement, location, sale or entry, US vs. Idaho, 131 Idaho 468, 959 P. 2d 449 (1998)

Pending Survey Group No 1317
Partial Tp

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: 10D68115293306A100000.dwg	
CONVERTED TIF: 10/20/2008	BY: JCB
LAST UPDATED: 05/04/2010	BY: JCB
QA/QC #:	QA/QC #2:
POSTED TO PUBLIC RECORDS:	May 6, 2010
	BY:
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GCSB ACQUIRED:	04/26/2005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM:	UTM ZONE 11N, NAD 1983
NOTES:	
USE PLATS:	

Bolsa Mar.
T. 11 S
R. 3 E