

RECEIVED
NOV 30 2011
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>51-04087</u>
	)	(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 mistakenly withdrew this de minimis claim from IDWR prior to the Domestic and Stockwater Director's Report because it was believed that the use was already claimed under a different water right number (51-02265).

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:

~~X~~

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 Adair

Fredric W. Rice
(Insert name of person filing form)

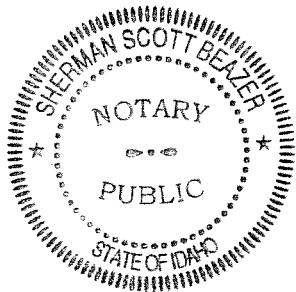
being first duly sworn, upon
oath, deposes and says:

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) 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.

Fredric W. Rice
Signature of person filing motion

David May
Attorney signing in representative capacity

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



M. A. Ryz
Notary Public for State of Idaho

Residing at: Boise, ID

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:

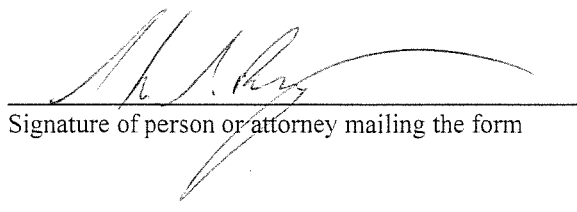
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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: 51-04087

(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:

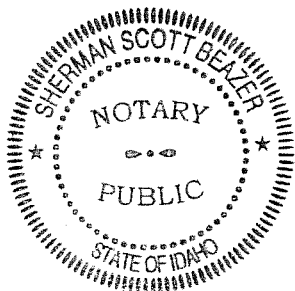
I do solemnly swear and affirm that I am Fredric W. Price, Water Rights Specialist of United States of America, acting through U.S.D.I., BLM, that I have signed the foregoing documents in the space below as Water Rights Specialist of United States of America, acting through U.S.D.I., BLM and that the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

Signature of Authorized Agent *Fredric W. Price* 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
Sherman Scott Beazer
Notary Public in and for: State of Idaho
Residing at: Boise, Idaho
My Commission Expires: December 10, 2015

RevDate

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[BLM Comments with claim data PRINTOUT]

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PPD?: PD?: Adm?:

Prob? ☐

IDWR has this in S08.

REINAMENDED NOTICE of CLAIM for
Water Right number:

5104087 (IDWR number)

BLMIDENT: 5101688203 Stg: S StFed: S

WATER FEDERALLY
RESERVED, SEE
REMARKS

SOURCE:

Source

Tributary

UNNAMED STREAM

SUGAR CREEK

QUANTITY: 0 CFS or VOLUME: 13.89 Acre Feet

*The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day.*

PRIORITY DATE: 4/15/1940 Diversion Means: EARTHEN DAM IN DRAINAGE

REMARKS: Also reserved pursuant to Federal law

This right when used with 51-02265 is limited to a total combined diversion volume of 13.89 acre feet. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

POINT of DIVERSION:	Twntship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
	10S	05E	8	SE	SW	SE			73	OWYHEE
PURPOSE and PERIOD OF USE:	Purpose of Use	Period of Use (from - to):		Rate in CFS		or		Volume in AcFt		
	17	0101		1231		0		13.89		
	18	0101		1231		0		13.89		

CONSUMPTIVE
USE:

de minimis wildlife

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	Twnt	Rge	Sec	T1	T2	LOT	Acres	within the	County of
	18	10S	05E	8	SE	SW			73	OWYHEE
	17	10S	05E	8	SE	SW			73	OWYHEE
	18	10S	05E	17	NW	NE			73	OWYHEE
	17	10S	05E	17	NW	NE			73	OWYHEE

JUN 9 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Western Regional Office

CLAIM TO A WATER RIGHT

JUN 7 1983



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

US Dept. Interior
Bureau of Land Management
1300 N. 10th Street
Boise, ID 83725

(Mailing Address)

Telephone No. 334 1582

claims a right to the diversion and beneficial use of the surface or ground waters. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 15, 1940

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Sugar Creek tributary to Bonneau River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From		(Both dates inclusive)	
				(Mo., Day)	To	(Mo., Day)	To
<u>14 AF</u>		Use <u>Storage for stockwater</u>		From <u>1/1</u>	To <u>12/31</u>		
<u>14 AF</u>		Use <u>Stockwater/wildlife</u>		From <u>1/1</u>	To <u>12/31</u>		
<u>14 AF</u>		Use <u>From storage</u>		From <u>1/1</u>	To <u>12/31</u>		
<u>14 AF</u>		Use <u>_____</u>		From <u>_____</u>	To <u>_____</u>		

- (4) 14 AF TOTAL QUANTITY USED.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 SE 8 Twp. 14S Rge. 5E B.M., County of Owyhee

Additional points of diversion: NONE

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Reservoir

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>105</u>	<u>SE</u>	<u>8</u>															<u>X</u>		

No. of acres _____

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

used by cattle and wildlife yearround

NOTE: Include here the type and number of stock watered: 800 cattle

- (7) If you are claiming water as a member of an organization, list name of organization: US Dept Interior

MICROFILMED

JUL 27 1983

Sugar Valley Res.

(8) Remarks

BLM Proj # 0271

RSE

T 10S

8

A

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.

State of Idaho

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ss.

County of

Ada

}

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 20 day of May, 1983.

William D. Dugan
Claimant

Lawrence F. Hanlon
Notary Public
Residing at Boise ID

My commission expires

2/17/84

ID-910-BP3-0003

C-9-83 FOR DEPARTMENT USE ONLY

Received by

SAC

Date

6/7/83

Exception filed by:

Forwarded to

Date

Prelim. check by

6/25

Date

6/20/83

\$30.00 fee received by

SA

Date

9-2-83 #32644

claimant by:

Published in

Campana

Date

8/24 & 8/31/83

Dates

Approved 12/15/39 Period 1		Camp Project No. 65 #0271	
Location SW 2 SE 2 S. 1, T. 10S R. 5E	Units Ea	Name Sugar Valley Reservoir	
Tie Checked See Back	T. 10S R. 5E	State, Idaho County Owyhee	
Public Domain X Private	Easement Secured none	Region 5 Graz. Dist. 1 Cong. Dist. 2	
Started 11/39 Per. 14 Fin. 4/40	Per. 15	Allotment of General Use none	
ESTIMATED COST		ACTUAL COST	
Super. (S.E. & F)	570.00	Super. Prorated	2232.94
Supplies-Materials		Supplies-Materials	98.12
Gas-Oil-Equip	809.90	Gas-Oil-Equip.	859.59
Skilled Labor		Total DG	XXXXXX
Total Div. Grazing	XXXXXX	Contributions Private	XXXXXX
Contributions Private		" 25% fund	XXXXXX
Contributions D G		" 50% fund	XXXXXX
Total Contributions	XXXXXX	Total Contributions	XXXXXX
Total Estimated Cost	XXXXXX	Total Actual Cost	XXXXXX
Man-Days 2000	XXXXXX	Man-Days	XXXXXX
FOR WATER DEVELOPMENT PROJECTS ONLY		UNITS FINISHED	
Well 146- Depth	Size	Spring 159- Flow	GPM
Windmill-Make	Wheel	Tower	Gas Pump
Troughs, Kind	Sheep	Cattle	Ft. Cap.
Storage 145- Kind	Ft. Size	Ft. Cap.	Gal.
Conduit 14- Size	Width	Cap.	Gal.
Waterhole 160- Reservoir 161- Cap Gal.	Depth	Length	
Dam 122 Type Earth	Top Length 121	Max. Ft. 18	Acre Ft. 13.80
Detailed narrative stating purpose, justification, value to the community and/or reason for, on reverse side of card.		Remarks	

FORM 1-519 COMPLETED WORK PROJECT

The tie on this reservoir is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec 8 T10S R5E Boise Meridian to NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 17 T10S R5E, 679 feet due west from Station X on center line of dam to the $\frac{1}{4}$ corner between sections 8 and 17 T10S R5E, Boise Meridian.

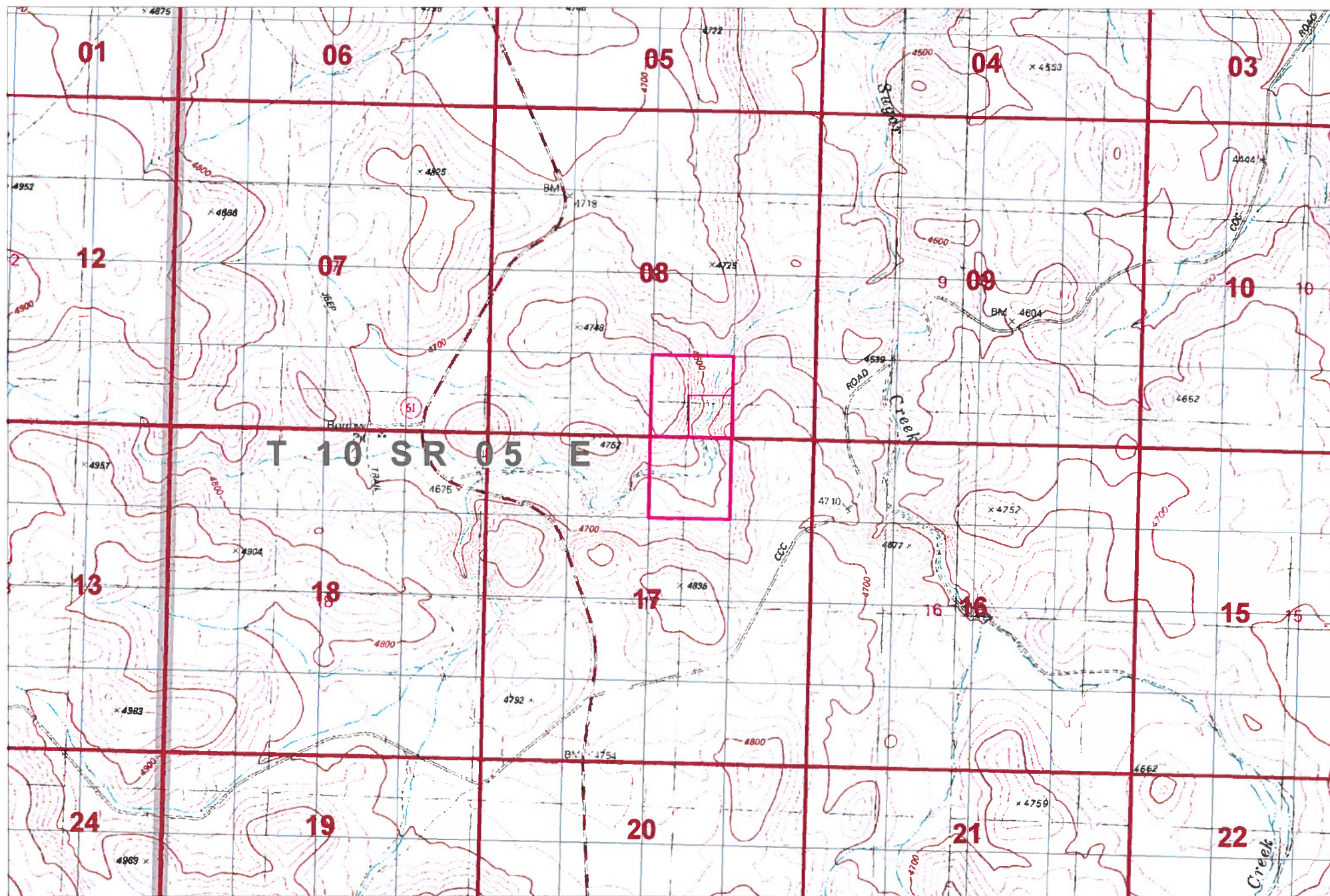
I certify that this reservoir has been constructed in accordance with the specifications and plans approved by the Regional Office.

Lewis H. Rinebold
Camp Engineer

I certify that the man-days and costs reported on the reverse side of this form are correct to the best of my knowledge.

George S. Craig

Project Superintendent

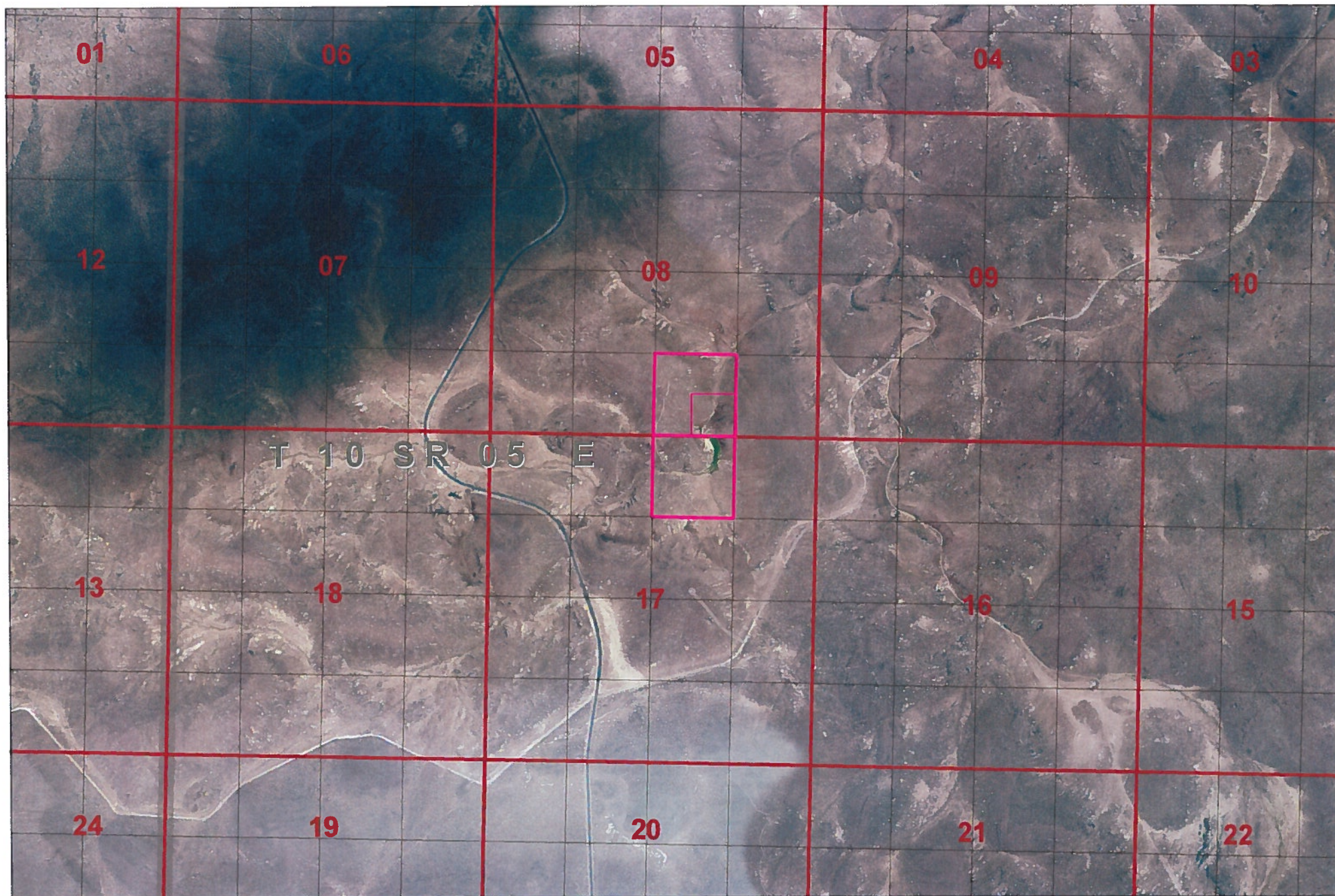


51-04087



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Miles





0.00060.120.180.24
Miles

51-09087
51-02265



