

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: 61-02236B
)
)
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.

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

My name is: United States of America, acting through the
Department of Interior,
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
Department of Interior,
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
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

MOTION TO FILE A LATE NOTICE OF CLAIM

☒ I did not file a Notice of Claim to the use of water in the SRBA because:
Field investigations and/or review of BLM documentation revealed a need to make this
additional claim.

☐ 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
stockwatering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must
describe 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.)

This de minimis livestock License was mistakenly overlooked during the claim
filing period.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering 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 \$_____.
n/a
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering 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 (IDWR) in the amount of \$_____.
n/a

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.

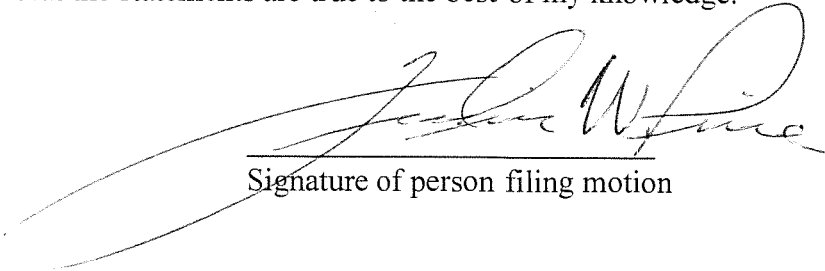
VERIFICATION (Must be completed)

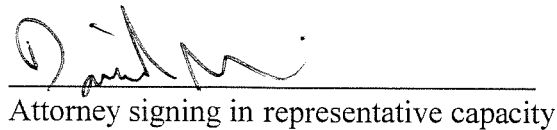
State of Idaho

County of Ada

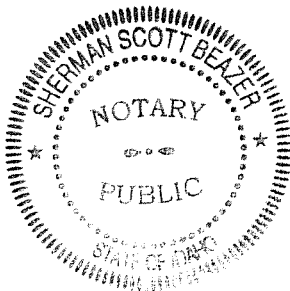
Fredric W. Price, Water Rights Specialist, being first duly sworn, upon
(Insert name of person filing form)
oath, deposes and says:

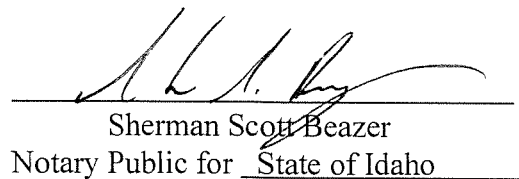
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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


Signature of person filing motion


Attorney signing in representative capacity

Subscribed and sworn to before me on November 29th, 2011




Sherman Scott Beazer
Notary Public for State of Idaho

Residing at: Boise, Idaho

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 29, 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

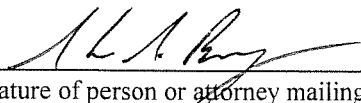
2. Copies to:

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.



Signature of person or attorney mailing the form

WATER RIGHT CLAIM VERIFICATION

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

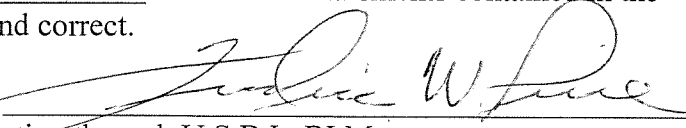
CLAIMANT VERIFICATION:

Water Right Number: 61-02236B

(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:

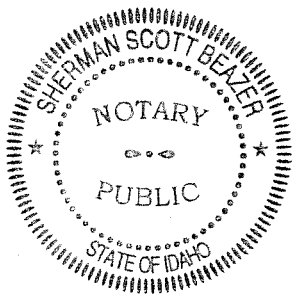
I do solemnly swear and affirm that I am Fredric W. Price, Water Rights Specialist of United States of America, acting through U.S.D.I., BLM, that I have signed the foregoing documents in the space below as Water Rights Specialist of United States of America, acting through U.S.D.I., BLM and that the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

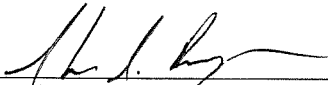
Signature of Authorized Agent  for the United States of America, acting through U.S.D.I., BLM

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

AMENDED NOTICE of CLAIM for
 Water Right number: 6102236B (IDWR number)

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

BLMIDENT: 6101688155 Stg: L StFed: S

NAME and ADDRESS: OtherRight and date:

SOURCE: Source: WARM SPRINGS CREEK Tributary: SNAKE RIVER

QUANTITY: 0 CFS or VOLUME: 4 Acre Feet

☒ **EX-2** The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/24/1965 Diversion Means: PUMPHOUSE, PIPELINE, STORAGE TANKS, TROUGHS

REMARKS:

POINT of
DIVERSION:

PURPOSE
and
PERIOD
OF USE:

CONSUMPTIVE
USE:

Twntship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
04S	08E	9	SE	SE				39	ELMORE
04S	08E	16	NE	NE				39	ELMORE

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcFt
05	0101	1231		4
06	0101	1231	0	4

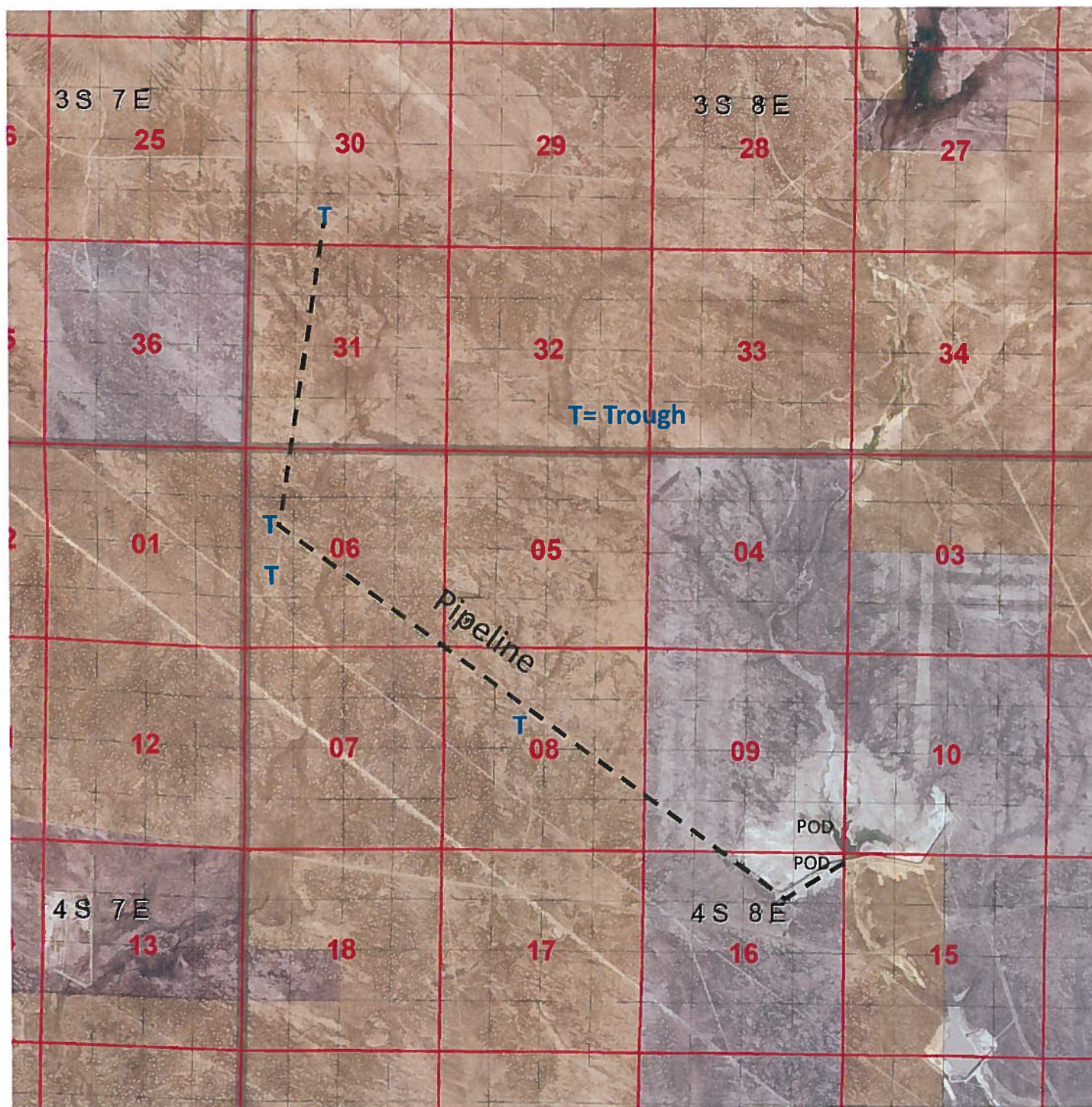
de minimis stockwater DATE: 28-Nov-11

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.

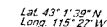
PLACE
of USE:

Water Use	Twnt	Rge	Sec	T1	T2	LOT	Acres	within the	County of
06	03S	08E	30	SE	SW			39	ELMORE
05	03S	08E	30	SE	SW			39	ELMORE
06	04S	08E	6	NW	SW	6		39	ELMORE
05	04S	08E	6	NW	SW	6		39	ELMORE
06	04S	08E	6	SW	NW	5		39	ELMORE
05	04S	08E	6	SW	NW	5		39	ELMORE
06	04S	08E	8	SW	NW			39	ELMORE
05	04S	08E	8	SW	NW			39	ELMORE



61-02236B

ELMORE COUNTY 039
BOISE DISTRICT SEC 3



MT PLAT

[illegible]

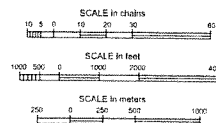
Historical information only, does not denote public access

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

FILE REF: ID09304200905AM\000090.dwg	
CONVERTED TIME: 07/19/2010	BY: JCB
LAST UPDATED: 07/13/2010	BY: LFM
QA/QC #1:	QA/QC #2:
POSTED TO PUBLIC RECORDS:	July 13, 2010
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS):	
BLM GCDB ACQUIRED:	04/26/2005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM:	UTM Zone 11N, NAD 1983
NOTES:	
USE PLATS:	

Boise Mer
T. 4 S
R. 8 E

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



This plat is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records hereon do not reflect the changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

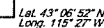
The notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

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.

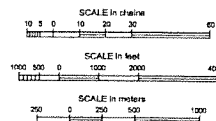
ELMORE COUNTY 039
BOISE DISTRICT SEC 3

MT PLAT

Historical information only, does not denote public access



FILE REF: ID618232550018a1T0000a.ewg	
CONVERTED TTF: 09/26/2006	BY: ST
LAST UPDATED: 09/26/2006	BY: ST
QA/QC #1:	QA/QC #2:
POSTED TO PUBLIC RECORDS:	
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BUM GCS# ACQUIRED:	04/26/2005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, NAD 1983	
NOTES:	
USE PLATS:	



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.

Bojan Mar.
T. 3 S
R. 8 E

State of Idaho
Department of Water Resources

SEP 16 1991

Department of Water Resources
Western Regional Office

WATER RIGHT LICENSE

WATER RIGHT NO. 61-02236B

Priority: March 24, 1965

Maximum Storage Volume:

4.0 AF

This is to certify, that U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated March 24, 1965; and
has submitted Proof of Beneficial Use on January 28, 1976. An examination indicates
that the works have a storage capacity of 4.000 af of water from:

BENNETT CREEK
WARM SPRINGS CREEK

tributary to SNAKE RIVER
tributary to SNAKE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		4.0 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		4.0 AF
	Totals		4.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 9, Township 04S, Range 08E
NENE , Sec. 16, Township 04S, Range 08E
ELMORE County

PLACE OF USE: STOCKWATER STORAGE
TWN RGE SEC

03S 08E 30	SESW
04S 07E 1	SENE
08E 6	LOT 6(NWSW)
8	SENW

PLACE OF USE: STOCKWATER FROM STORAGE, same as STOCKWATER STORAGE use

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

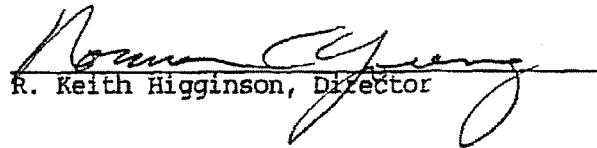
WATER RIGHT NO. 61-02236B

CONDITIONS/REMARKS:

4. This right, when considered with all other rights common to the same grazing allotment, shall be limited to the quantity of water beneficially used by the number of stock within the allotment.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 4TH day of SEPTEMBER, 1991.

Acting for


R. Keith Higginson, Director