

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: 84-12248
)
) (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.

☒ 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

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: Phone: (208) 334-1936
FAX: (208) 334-1414

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

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

Claim 84-11946 was mistakenly Partially Decreed in the wrong Township (T35N but should be in T34N). This claim is being filed to correct this mistake and 84-11946 will be withdrawn.

☐ 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 _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

VERIFICATION (Must be completed)

State of Idaho

County of Ada

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

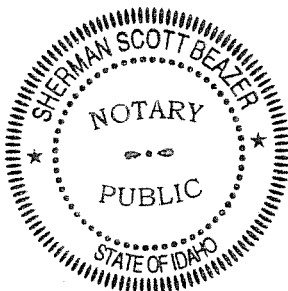
, being first duly sworn, upon oath, deposes and says:

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. Price
Signature of person filing motion

David Neig
Attorney signing in representative capacity

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



Sh. A. Bealer
Notary Public for State of Idaho

Residing at: Boise, ID

My Commission expires: 12/10/11

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 Nov 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:

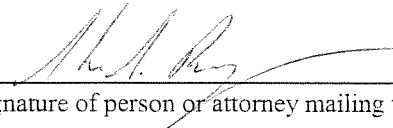
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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)

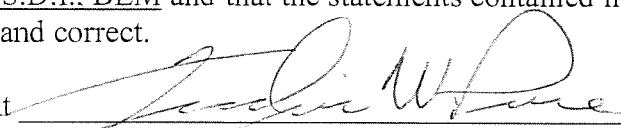
CLAIMANT VERIFICATION:

Water Right Number: 84-12248

(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:

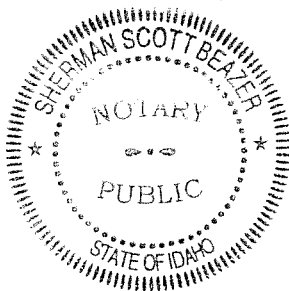
I do solemnly swear and affirm that I am Fredric W. Price, Water Rights Specialist of United States of America, acting through U.S.D.I., BLM, that I have signed the foregoing documents in the space below as Water Rights Specialist of United States of America, acting through U.S.D.I., BLM and that the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

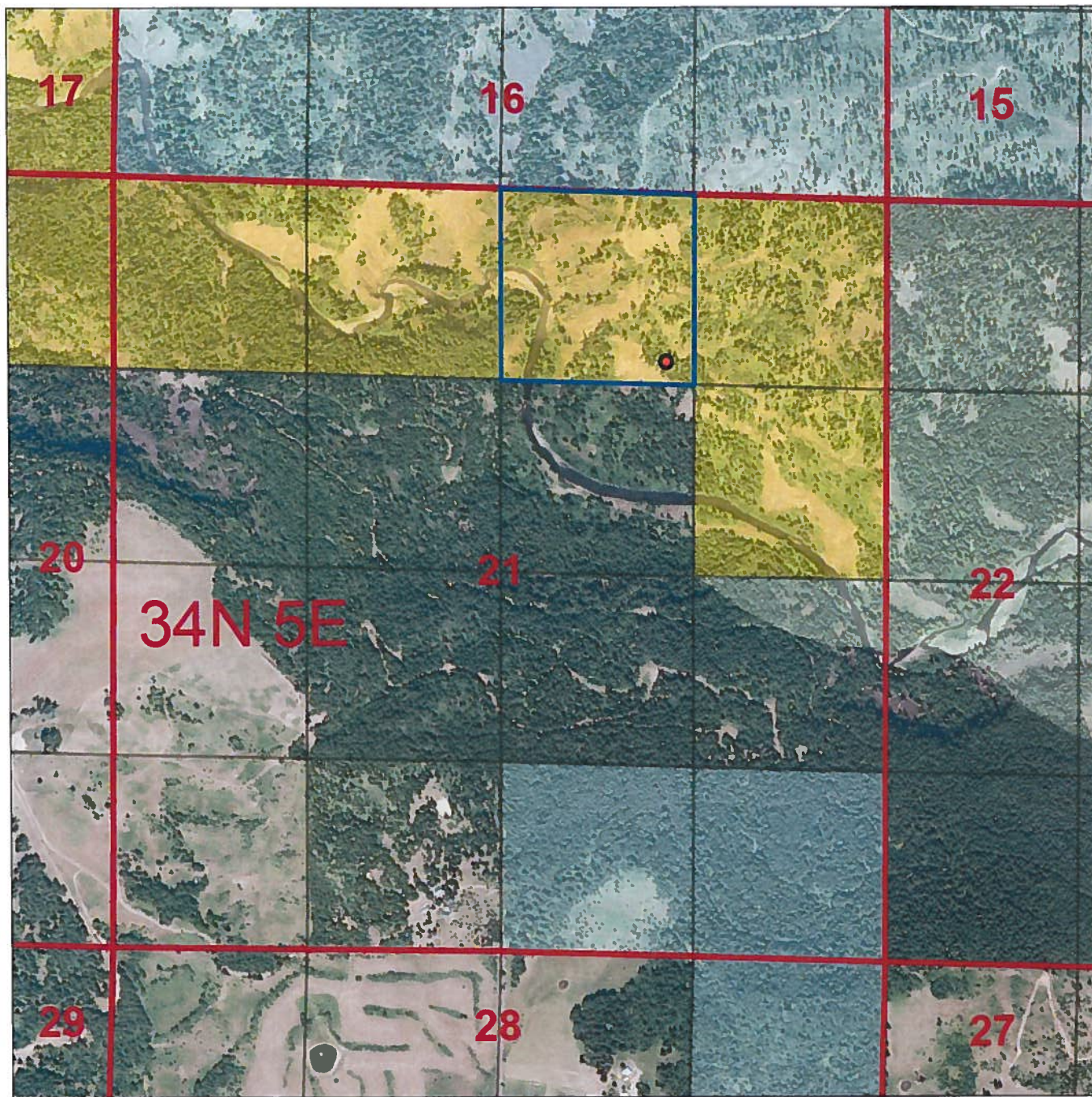
Seal




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 NCAF	NOTICE of CLAIM for Water Right number: 8412248 (IDWR number)																				
In Re SRBA Case No. 39576	United States of America acting through Bureau of Land Management Idaho State Office 1387 South Vinnell Way Boise, ID 83709 - 1657	BLMIDENT: 8406581451 Stg: F StFed: F Other Right and date: 4/17/1926																				
NAME and ADDRESS	Source Tributary SPRING LOLO CREEK																					
SOURCE:																						
QUANTITY:	0.02 CFS or VOLUME: 0 Acre Feet																					
☒	<i>The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day.</i>																					
PRIORITY DATE:	04/17/1926 Diversion Means: UNDEVELOPED SPRING																					
REMARKS:	Reserved pursuant to Federal law (PWR) This water right is also claimed based on Federal Law with an April 17, 1926 date of priority pursuant to and executive order signed the same date and known as Public Water Reserve 107.																					
POINT of DIVERSION:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Twtnship</td> <td>Range</td> <td>Section</td> <td>T1</td> <td>T2</td> <td>T3</td> <td>LOT</td> <td>B/E</td> <td>within the</td> <td>County of</td> </tr> <tr> <td>34N</td> <td>05E</td> <td>21</td> <td>SE</td> <td>NW</td> <td>NE</td> <td></td> <td></td> <td>49</td> <td>IDAHO</td> </tr> </table>		Twtnship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of	34N	05E	21	SE	NW	NE			49	IDAHO
Twtnship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of													
34N	05E	21	SE	NW	NE			49	IDAHO													
PURPOSE and PERIOD OF USE:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Purpose of Use</td> <td>Period of Use (from - to):</td> <td>Rate in CFS</td> <td>or</td> <td>Volume in AcFt</td> </tr> <tr> <td>04</td> <td>0101 - 1231</td> <td>0.02</td> <td></td> <td>0</td> </tr> </table>		Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcFt	04	0101 - 1231	0.02		0										
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04	0101 - 1231	0.02		0																		
CONSUMPTIVE USE:	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:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Water Use</td> <td>Twtn</td> <td>Rge</td> <td>Sec</td> <td>T1</td> <td>T2</td> <td>LOT</td> <td>Acres</td> <td>within the County of</td> </tr> <tr> <td>04</td> <td>34N</td> <td>05E</td> <td>21</td> <td>NW</td> <td>NE</td> <td></td> <td></td> <td>49 IDAHO</td> </tr> </table>		Water Use	Twtn	Rge	Sec	T1	T2	LOT	Acres	within the County of	04	34N	05E	21	NW	NE			49 IDAHO		
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04	34N	05E	21	NW	NE			49 IDAHO														

84-12248 (8406581451)



Legend



POD Location



Place of Use



BLM Ownership

COEUR D'ALENE DISTRICT

MT PLAT

[illegible]

Sec 3: Lots 1,2

- Sec 3: Lots 1,2
Sec 13: Part SE in Clearwater County
Sec 18: Part SE in Clearwater County
Sec 21: Part NESE in Clearwater County
Sec 22: NW, Part N2SW in Clearwater County
Sec 24: Part W2SE in Clearwater County

IDI 08098 Del PL 167 (Act of Cong 07/23/1955) completed
05/04/1962. All NF surface Mgmt by USFS

IDI 07899 Del PL 167 (Act of Cong 07/23/1955) completed
06/13/1962. All PD surface Mgmt by BLM

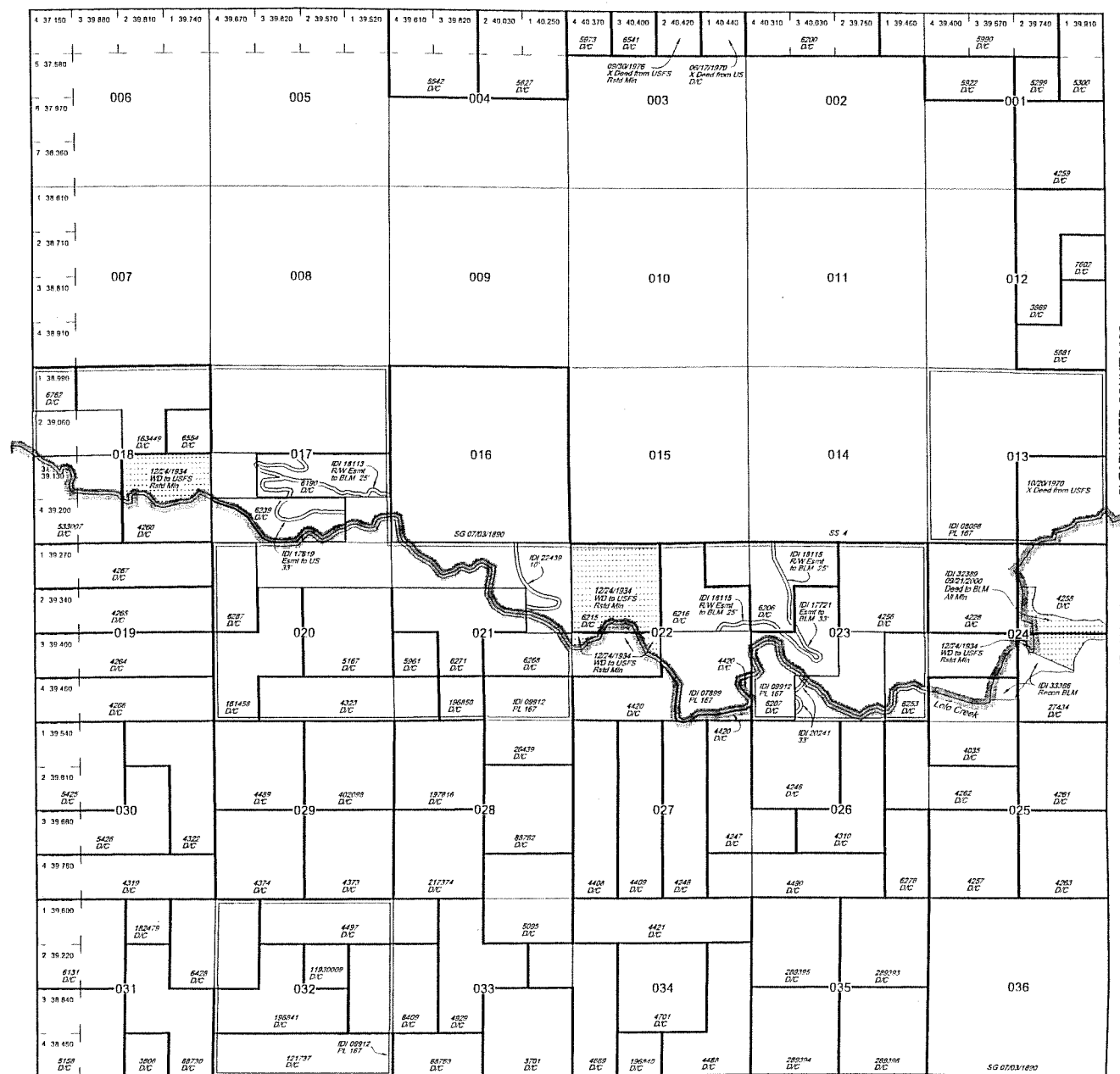
IDI 29574 PX WD to BLM NOE Until Order Issues
Sec 17: NWSW, S2SW South of Lolo Creek

IDI 33366 PX WD to BLM OE on 03/02/2001
Sec 24: M&B

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

FILE REF: ID283494D565AM100000.dwg	
CONVERTED TIF: 0/12/2011	BY: LFM
LAST UPDATED: 0/12/2011	BY: LFM
QA/QC #1:	QA/QC #2:
POSTED TO PUBLIC RECORDS: BY: July 28, 2011	
PUBLIC LAND SURVEY SYSTEM (PLSS):	
BLM GCSB ACQUIRED:	04/26/2005
OWNER:	NIA
PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, NAD 1983	
NOTES:	
USE PLATS:	

Dolco Mar.
T. 34 N
R. 5 E



Lat. 46° 14' 11" N
Long. 115° 45' 55" W

DISCLAIMER:

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records herein 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 first action taken, but may not be the effective date. See the historical index for the date

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.



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

