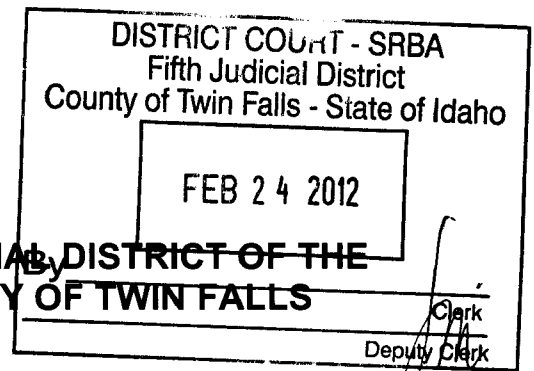




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**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 61-12268

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) State of Idaho, Department of Lands Phone (208) 334-0200

Mailing Address 300 N. 6th St., Ste. 103, P.O. Box 83720 Boise ID 83720-0050
Street or Box City State ZIP

2. Date of Priority (Only one (1) per claim) 08/20/1892
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Frenchman Springs
which is tributary to (b) Rattlesnake Creek

4. a. Location of Point of Diversion is: Township _____, Range _____, Section _____,
_____, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of _____

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates E Spring 115:34:26.37W, 43:12:30.17N; W Spring 115:34:28.26W, 43:12:31.85N

b. If instream flow, beginning point of claimed instream flow is: **The response to section 4.b is attached.**

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

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. This claim is for de minimis in-stream (non-diverted) stockwater use.

Two springs flow into two nearly parallel natural channels in the SWNW of Section 36.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Stockwater purposes from 01-01 to 12-31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.02 (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.) Stockwater (de minimis): 150 head of cattle.

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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	7E	36							S										

Parcel (PIN) no(s). _____

Total number of acres irrigated _____

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

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.

_____ or None (✓)

13. Remarks: _____

Attachment 2 is Homestead Certificate No. 915 issued to Charles P. Oliver for private land located in T 2S, R 7E,

Section 35 (located adjacent to the State land in Section 36). The certificate was issued on August 20, 1892.

IDL claims a priority date of August 20, 1982, based on the certificate and the fact that Mr. Oliver, as the

claimant, would have been required to settle upon and improve the property in Section 35 in order to

obtain title to the land from the United States. Since Frenchman Springs, located in Section 36, flows onto the

land described in the certificate (Section 35), Mr. Oliver probably applied water from Frenchman Springs

to a beneficial use, such as watering stock from the spring.

Last Name Idaho Department of Lands Identification No. 61-12268

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 _____

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: 5

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

Area Manager for the Southwest Supervisory Area of State of Idaho, Department of Lands,
Title Organization

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

Area Manager for the Southwest Supervisory Area of State of Idaho, Department of Lands,
Title Organization

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

Signature of Authorized Agent *Steven T. Dwyer* Date 2/22/12

Title and Organization Area Manager, State of Idaho, Department of Lands

16. Notice of Appearance:

Notice is hereby given that I, Tyson K. Nelson, Deputy Attorney General, 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 *Tyson K. Nelson* Date 2/22/2012

Address Office of the Attorney General, Natural Resources Division

P.O. Box 44449, Boise, ID 83711-4449

Last Name Idaho Department of Lands Identification No. 61-12268

ATTACHMENTS TO

*Amended Notice of Claim to a Water
Right, filed 2/24/12*

ON FILE WITH THE

COURT

To request a copy, (\$1.00 per page) please contact
Clerk of the Court at 208-736-3011.