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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.: 21-13161

)

Case 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 State of America, Acting Through Regional Director, PN Region Code PN-3100
Bureau of Reclamation

My address is 1150 N. Orchard Street, Suite 100 Boise, Idaho 83706-1234

My phone number is 208-378-5306

I am an attorney representing The United States Bureau of Reclamation

My name is David W. Gehlert

My address is U.S. Department of Justice, 999 18th St, South Terrace, Suite 370, Denver CO 80202

My phone number is: Work 303-844-1386 Fax 303-844-1350

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding.

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

See attached **The United States' Memorandum in Support of Standard Form 4 Motions to File Late Notices of Claim.**

X I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy.

See attached **The United States' Memorandum in Support of Standard Form 4 Motions to File Late Notices of Claim.**

I have attached:

X A fully completed Notice of Claim.

 Payment of the following additional fees required by IDWR:

The United States is not subject to fees.

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 May 21, 2013 at 1:30 PM at the SRBA courthouse,
253 Third Avenue North, Twin Falls, Idaho.

VERIFICATION (Must be completed)

State of Colorado

County of Denver

David W. Gehlert, 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.

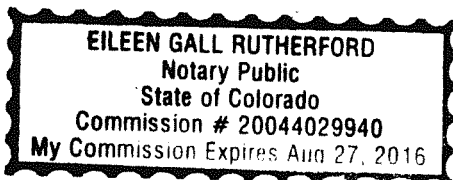
Signature of person filing motion

David W. Gehlert

Attorney signing in representative capacity

Subscribed and sworn to before me on January 31, 2013

(Insert Date)



Eileen Gall Rutherford
Notary Public for Colorado

Residing at: Denver, Co

My Commission expires: 8/27/2016

CERTIFICATE OF MAILING

I certify that on January 31, 2013, 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 hand carried to:

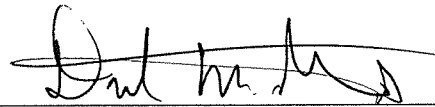
Clerk of the District Court Snake
River Basin Adjudication 253 Third
Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository PO
Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General State
of Idaho
PO Box 44449
Boise, ID 83711-4449

All other parties listed on the Certificate of Service attached to The United States' Memorandum in Support of Standard Form 4 Motions to File Late Notices of Claim

A handwritten signature in black ink, appearing to read "D. W. Gehlert", written over a horizontal line.

David W. Gehlert