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APR 25 2013

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>61-7417</u>
	)	(Insert Water Right Number)
	)	
	)	STANDARD FORM 4
Case No. 39576	)	
	)	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 State of Idaho, Department of Lands ("IDL")

My address is 300 North 6th Street, Suite 103; P.O. Box 83720, Boise, ID 83270-0050

My phone number is: Work (208) 334-0200 Home Not Applicable

I am an attorney representing State of Idaho, Department of Lands

My name is Tyson K. Nelson, Deputy Attorney General

My address is 700 W. State Street, 2nd Floor; P.O. Box 44449, Boise, ID 83711-4449

My phone number is (208) 334-2400

MOTION TO FILE AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

On November, 21, 2012, the Court conditionally granted IDL's Motion for Late Notice of Claim subject to payment of filing fees and forwarded the claim to IDWR. During subsequent discussions with IDWR staff, IDL discovered the original claim did not accurately reflect how water has been used at the place of use. Water has been diverted from the spring to a pond for stockwater purposes since 1950. The pond has been historically used for stockwater storage, as well as stockwater from storage. The correct quantity is 1.25 A.F.A. In light of this information, IDL seeks to amend the claim to a beneficial use claim with a new priority date, an additional use, and a revised quantity.

☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must described these documents and attach a readable copy.

The Amended Notice of Claim form is attached hereto.

I have attached:

☒ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

No additional fees are required.

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 Tuesday, July 16, 2013, at 1:30 p.m.
at the SRBA courthouse, 253 Third Avenue, Twin Falls, Idaho.

VERIFICATION (Must be completed)

State of Idaho

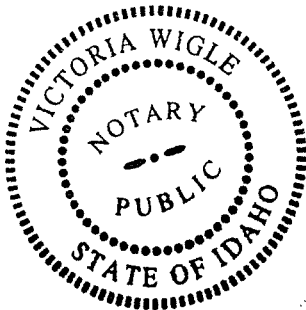
County of Ada

Tyson K. Nelson, 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 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]
Attorney signing in representative capacity

Subscribed and sworn to before me on April 24, 2013
(Insert Date)



[Signature]
Notary Public for Idaho
Residing at: Boise
My Commission expires: 4/22/16

CERTIFICATE OF MAILING

I certify that on the 24th day of April, 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 to:

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

U.S. MAIL

2. Copies to:

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

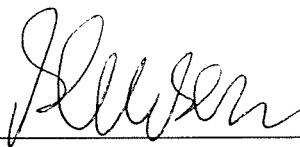
STATEHOUSE MAIL

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

(Not Applicable)

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

U.S. MAIL



Tyson K. Nelson
Deputy Attorney General

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 61-7417
Date Received: 8/30/2012
Receipt No:
Received By:

AMENDED CLAIM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST STE 103
PO BOX 83720
BOISE ID USA 83720-0050

Phone: (208)334-2400

2. Date of Priority: 09/26/1950

3. Source: SPRING

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	06E	34	SE SE	ELMORE	

5. Description of diverting works:

Pond from spring. Pond size about 0.25 surface acres and depth of 5 feet.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER STORAGE	01/01	12/31		1.25
STOCKWATER FROM STORAGE	06/01	11/30		1.25

7. Total Quantity Appropriated is:
1.25 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 199 cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	06E	34	SE	SE	STOCKWATER FROM STORAGE	

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

15. Basis of Claim: Beneficial Use

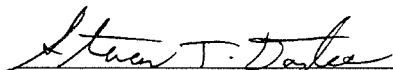
16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 (map)

For Organizations:

I do solemnly swear or affirm that I am Steven Douglas, Southwest Area Manager of the Idaho Department of Lands, that I have signed the foregoing document in the space below as Southwest Area Manager of the Idaho Department of Lands and that the statements contained in the foregoing document are true and correct.


Signature of Authorized Agent

Southwest Area Manager, Idaho Department of Lands
Title and Organization

4/19/13
Date

T01N06E

G600088

34

G600103

Point of Diversion

Place of Use

Legend

-  61-7417 Point of Diversion
-  61-7417 Place of Use
-  Streams
-  Township
-  Section
-  Quarter Lines
-  Subsection
-  Graze Leases
-  IDL Endowment Ownership

**Claim
61-7417**

T01N06E Section 34

4/22/2013

Scale 1:9,500

0 0.1 0.2 Miles



Map Notes

Projection: Idaho Transverse Mercator, NAD 27
Map Notes and Data Sources
Endowment Land current as of map date
ESRI Imagery
24K USGS TOPO

Disclaimer:
This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.

