

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG (ISB # 2207)
Deputy Attorney General
Chief, Natural Resources Division

HARRIET A. HENSLEY (ISB # 5235)
Deputy Attorneys General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-4543
Facsimile: (208) 854-8072

RECEIVED
MAR 19 2014
DEPARTMENT OF
WATER RESOURCES

Counsel for the Idaho Department of Fish and Game

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 37-02787
	)	
	)	STANDARD FORM 4
Case 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: Idaho Department of Fish and Game

My address is: 600 S. Walnut Street, Boise, ID 83712

My phone number is: Work: (208) 334-3700 Home: N/A

I am an attorney representing: Idaho Department of Fish and Game

My name is: Harriet A. Hensley

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

My phone number is: (208) 334-4543

MOTION TO FILE AN 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:

This amended claim is being submitted in connection with IDFG's objection to the Director's Report for claim no. 37-02787. Water right no. 37-02787 is a licensed water right with a priority date of June 30, 1947. Although the beneficial use exam documents that the water has at all times been diverted for wildlife storage in Star Lake, for some unknown reason the license does not describe storage as a purpose of use or set out a quantity in acre feet. To ensure the use and quantity of water beneficially used is accurately described in the partial decree, the IDFG requests permission to file an amended claim based on beneficial use with an advanced priority date of July 30, 1948, one day after the date of the beneficial use exam.

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

Beneficial use exam and other materials of record with IDWR.

I have attached:

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

☐ Payment of the following additional fees required by IDWR: No additional fees required.

VERIFICATION

State of Idaho)
) ss
County of Ada)

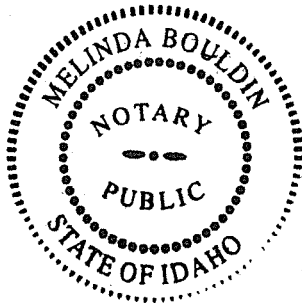
Harriet A. Hensley, being first duly sworn, upon oath, deposes and says:

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.

Harriet A. Hensley
Harriet A. Hensley

Subscribed and sworn to before me on March 18, 2014

Notary Public for State of Idaho
Residing at: Boise, ID
My Commission expires: 12.8.16



CERTIFICATE OF MAILING

I certify that on March 18, 2014, 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

FedEx

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

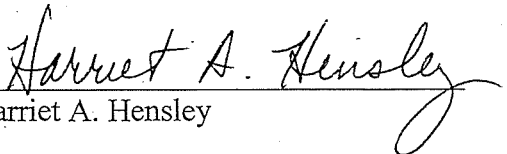
N/A

United States Department of Justice
Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

U.S. MAIL

Idaho Department of Fish & Game
c/o Walt Poole
P.O. Box 25
Boise, ID 83707

STATEHOUSE MAIL


Harriet A. Hensley

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 37-2787
Date Received:
Receipt No:
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STATE OF IDAHO Phone: (208) 287-2714
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

2. Date of Priority: 07/30/1948

3. Source: WASTE WATER Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
07S	19E	11	SE	NE	LINCOLN	
07S	19E	12	SW	NW	LINCOLN	

5. Description of diverting works:

Lateral 702-A, Big Wood Canal system, metal screw gate diversion structure.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DIVERSION TO STORAGE	03/01	11/30	2.00	
WILDLIFE STORAGE	01/01	12/31		220.0

7. Total Quantity Appropriated is:
2.00 C.F.S. and/or 220 A.F.A.

8. Non-irrigation uses:
Water for wildlife in Star Lake

9. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	19E	11	SE	NE	WILDLIFE STORAGE	
			SE	NE 1	WILDLIFE STORAGE	
			NE	SE	WILDLIFE STORAGE	
07S	19E	12	SW	NE	WILDLIFE STORAGE	
			NW	NW	WILDLIFE STORAGE	
			SW	NW	WILDLIFE STORAGE	
			SE	NW	WILDLIFE STORAGE	
			NE	SW	WILDLIFE STORAGE	
			NW	SW	WILDLIFE STORAGE	
			NW	SE	WILDLIFE STORAGE	

10. Place of use in counties: LINCOLN

11. Do you own the property listed above as place of use? No

12. Other Water Rights Used:

None

13. Remarks:

The BLM and IDFG cooperatively manage isolated parcels of BLM land, commonly referred to as Wildlife Tracts, through the Cooperative Wildlife Management Program. Our ability to cooperatively manage federal land was made possible through the 1960 Sikes Act (P.L. 93-452). The Act originally directed the Department of Interior and Department of Defense to cooperate in developing and implementing fish and wildlife conservation programs on military installations. The Act was amended in 1974 to include cooperation between state and federal agencies for planning.

14. Basis of Claim: Beneficial Use

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 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.

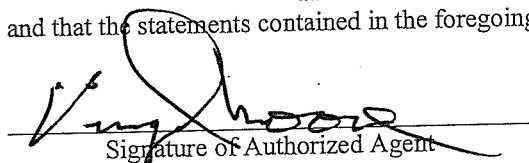
Number of attachments: 2

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am

Virgil Moore, Director of Idaho Department of Fish and Game,
Title Organization
that I have signed the foregoing document in the space below as

Secretary of Idaho Fish and Game Commission
Title Organization
and that the statements contained in the foregoing document are true and correct.


Signature of Authorized Agent

Secretary, Idaho Fish and Game Commission
Title and Organization

3/18/2014
Date

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 20115This proof is for Beneficial use In Water District No. _____1. Name of applicant State Fish & Game Department2. Source of water supply: Waste water from Big Wood River Canal3. Location of point of diversion: Is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10T. 7 S. R. 19 E. County of Lincoln4. Describe works as they exist, giving dimensions and capacities of same: Diversion is from an earlier

waste water canal; Thence by new ditch of three feet width, and one and a half foot dept
about one and $\frac{1}{4}$ miles to and through a small Stock Pond into Star Lake.

5. Water is used for: Wild life propagation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres
 under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Nons

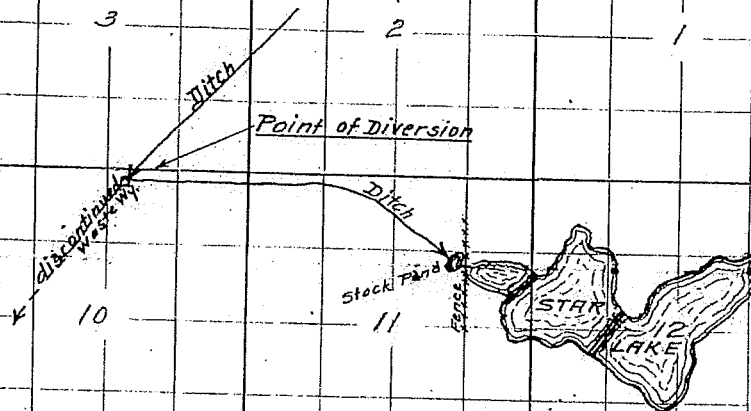
Remarks: Star Lake is divided into three sections by two dikes of 600 and 1000
feet respectively. These dikes are of 8ft. height, 12ft. top width, and
are properly rip rapped against wave erosion. The lower dike has an 18 inch
pipe outlet with a concrete and steel gate installation; Also a Spillway crest
20ft. long X 2 $\frac{1}{2}$ feet deep.

This examination was made on the 29th day of July, 1948

(Signed)

A. H. Johnson
 Examiner.

20115



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

20/15