

RECEIVED

MAR 06 2015

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR - 5 2015	
By _____	Clerk _____ Deputy Clerk _____

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. 21-13194
	)	
Case No. 39576	)	
	)	NOTICE OF HEARING
	)	
	)	
	)	
	)	

On February 19, 2015, the United States filed a *Motion to File Late Notice of Claim* in the above-captioned matter. A copy of that *Motion*, and the corresponding *Notice of Claim*, is attached hereto as Exhibit A. A hearing on the *Motion to File Late Notice of Claim* was set for May 19, 2015. On March 3, 2015, the United States filed a *Motion for Expedited Hearing*, requesting that its *Motion to File Late Notice of Claim* be heard on an expedited basis.

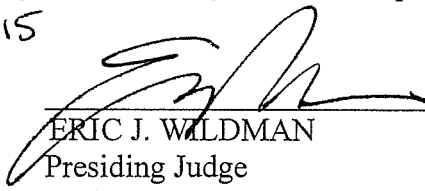
THEREFORE, BASED ON THE FOREGOING THE FOLLOWING ARE HEREBY ORDERED:

1. Notice is hereby given that a hearing on the United States' *Motion for Expedited Hearing* is set for **March 16, 2015, at 1:30 p.m.** (Mountain Time) at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. However, no cell phones or speaker phones will be permitted as they interfere with our sound system making the proceeding difficult to accurately record. Telephone participation will be available by dialing 1-215-446-0193 and entering 406128# when prompted. Video teleconferencing ("VTC") will also be available by appearing at the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Conference Rm. B, Boise, Idaho.

2. In the event the *Motion for Expedited Hearing* is granted, the Court will hear the United States' *Motion to File Late Notice of Claim* on March 16, 2015, at 1:30 p.m., and the hearing presently set for May 19, 2015, will be vacated.

3. In the event the *Motion for Expedited Hearing* is denied, the Court will hear the United States' *Motion to File Late Notice of Claim* on May 19, 2015, as presently scheduled.

Dated March 5, 2015


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 19 2015

By _____

Clerk
Deputy Clerk

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

Case 39576

Subcase No.: 21-13194

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

AMENDED NOTICE OF CLAIM

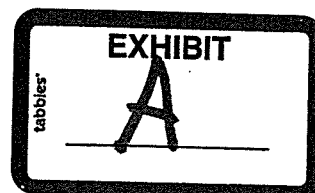
INSTRUCTIONS

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 I, 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 19, 2015 at 1:30 PM at the SRBA courthouse,
253 Third Avenue North, Twin Falls, Idaho.

VERIFICATION (Must be completed)

State of COLORADO

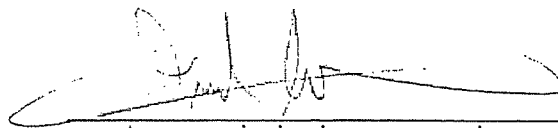
County of DENVER

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.

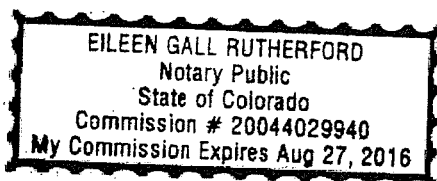
Signature of person filing motion



Attorney signing in representative capacity

Subscribed and sworn to before me on FEBRUARY 20, 2015

(Insert Date)



Eileen Gall Rutherford
Notary Public for COLORADO

Residing at: 999 18TH ST South Terrace
Suite 370 DENVER CO 80202

My Commission expires: 8/27/2016

CERTIFICATE OF MAILING

I certify that on February 19, 2015, 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 sent by Email to:

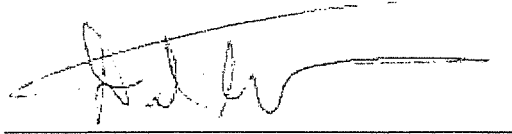
Clerk of the District Court Snake
River Basin Adjudication 253 Third
Avenue North
PO Box 2707
Twin Falls, ID 83303-2707
ddelaney@idcourts.net

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 "David W. Gehlert", is written over a horizontal line.

David W. Gehlert

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

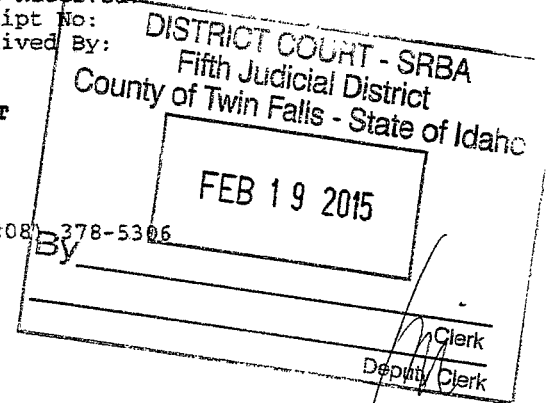
CIVIL CASE NUMBER: 39576

Ident. Number 21-13194
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

UNITED STATES OF AMERICA ACTING THROUGH Phone: (208) 378-5306
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE ID USA 83706-1234



2. Date of Priority: 10/31/1978

3. Source: CASCADE CREEK
GRASSY SPRING

Trib. to: FALL RIVER
FALL RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09N	46E	17	3	FREMONT	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION STORAGE	01/01	12/31		11,800

7. Total Quantity Appropriated is:
11,800 A.F.A.

8. Non-irrigation uses:

9. Place of use:

10. Place of use in counties:

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

12. Other Water Rights Used:

21-4155

13. Remarks:

The point of diversion shown above is where Fall River enters the State of Idaho, recognizing, however, the storage water is physically stored in and released from Grassy Lake which is located within the State of Wyoming.

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: 0

For Organizations:

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

Snake River Area Office Manager of the Bureau of Reclamation,
Title Organization

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

Manager of the Snake River Area Office Bureau of Reclamation
Title Organization

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

[Signature]
Signature of Authorized Agent

Snake River Area Manager
Title and Organization

2/6/2015
Date

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF HEARING was mailed on March 05, 2015, with sufficient first-class postage to the following:

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ARKOOSH LAW OFFICES
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