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APR 01 2015

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

**SECOND AMENDED
NOTICE OF CLAIM**

Case No. 39576

Federal Reserved Water Right 55-13903

**Battle Creek
Wild & Scenic River**

1. **Name and address of owner:**

UNITED STATES OF AMERICA, on behalf of the
Department of the Interior, Bureau of Land Management
Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709-1657

2. **Source of water:**

Battle Creek, tributary to Owyhee River

3. **Quantity of right:**

a. Stream flows at the Battle Creek quantification site:

- (1) When the stream flow at the Battle Creek quantification site, as identified in Section 3.a.(3) below ("Battle Creek quantification site"), is less than 389 cfs, the United States is entitled to the following flows.

Period of Use	Discharge (cfs)	Period of Use	Discharge (cfs)
January 1-15	17.2	July 1-15	18.6
January 16-31	35.3	July 16-31	10.9
February 1-15	43.1	August 1-15	8.9
February 16-28(29)	200	August 16-31	7.61
March 1-15	200	September 1-15	7.33
March 16-31	242	September 16-30	8.07
April 1-15	236	October 1-15	7.97
April 16-30	182	October 16-31	8.53

May 1-15	154	November 1-15	9.31
May 16-31	117	November 16-30	11.3
June 1-15	78.7	December 1-15	14.1
June 16-30	39.8	December 16-31	16.6

- (2) When the stream flow at the Battle Creek quantification site is greater than or equal to 389 cfs (as adjusted by accounting for upstream junior depletions), the United States is entitled to all flows.
 - (3) The quantification site for the flows identified above at the Battle Creek quantification site is the Battle Creek located in Lot 3 (SW1/4NE1/4NW1/4), Sec. 01, T.14S., R.02W., Boise Meridian; Latitude 42° 14' 24.088" N, Longitude 116° 31' 26.95" W (NAD 83).
- b. This water right does not prohibit the appropriation, diversion and use of water within the Battle Creek Basin upstream from the ending point, as identified in element 5.b. below ("Battle Creek Wild and Scenic River Basin"), when the stream flow at the Battle Creek quantification site exceeds the flow amount in Section. 3.a.(1) and is less than 389 cfs.
 - c. This water right precludes any diversion of water out of the watershed of the Battle Creek Wild and Scenic River Basin.

4. Priority date:

March 30, 2009

5. Point of diversion:

There is no diversion associated with this instream flow water right. The legal description of the beginning and ending points of the instream flow water right are as follows:

a. Location of beginning point:

At the point where the Battle Creek intersects with the boundary of the Owyhee River Wilderness:

SE1/4SE1/4NW1/4, Sec. 17, T.12S., R.01E., Boise Meridian.
Latitude 42° 22' 56.21" N, Longitude 116° 21' 58.459" W
(NAD 83).

b. Location of ending point:

At the point where Battle Creek intersects with the confluence of the Owyhee River:

Primary channel: NW1/4SW1/4NW1/4, Sec. 01, T.14S.,
R.02W., Boise Meridian. Latitude 42° 14' 17.187" N,
Longitude 116° 31' 44.996" W (NAD 83).

6. Purpose of use:

To fulfill the purposes of the Wild and Scenic Rivers Act, Pub. L. 90-542, 82 Stat. 906, Oct. 2, 1968 (codified as amended at 16 U.S.C. §§ 1271, et seq.), and the Omnibus Public Land Management Act of 2009, Pub. L. 111-11, 123 Stat. 991 [1037-1039], March 30, 2009 (codified as amended at 16 U.S.C. § 1274(a)(180)).

7. Period of use:

January 1 - December 31

8. Place of use:

This instream flow water right is used throughout the designated Battle Creek Wild and Scenic River from the beginning point to the ending point as identified above.

9. Annual volume of consumptive use:

This instream flow water right is non-consumptive (other than evaporation and evapotranspiration that may take place within the designated segment).

10. Other Provisions Necessary for Definition or Administration of the Water Right:

This is a federal reserved water right established pursuant to the Wild and Scenic Rivers Act, Pub. L. 90-542, 82 Stat. 906, Oct. 2, 1968 (codified as amended at 16 U.S.C. §§ 1271, et seq.), and the Omnibus Public Land Management Act of 2009, Pub. L. 111-11, 123 Stat. 991 [1037-1039], March 30, 2009 (codified as amended at 16 U.S.C. § 1274(a)(180)).

WATER RIGHT CLAIM VERIFICATION

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

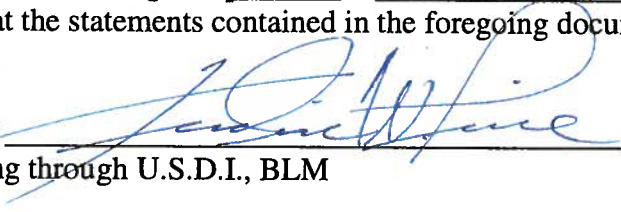
CLAIMANT VERIFICATION:

Water Right Number: 55-13903 (Battle Creek)

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

For Organizations:

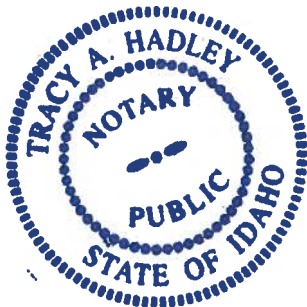
I do solemnly swear and affirm that I am Fredric W. Price, Water Rights Specialist of United States of America, acting through U.S.D.I., BLM, that I have signed the foregoing documents in the space below as Water Rights Specialist of United States of America, acting through U.S.D.I., BLM and that the statements contained in the foregoing documents are true and correct.

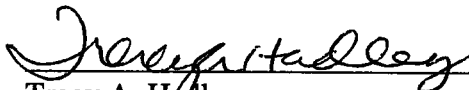
Signature of Authorized Agent  for the United States of America, acting through U.S.D.I., BLM

NOTARY:

Subscribed and sworn to before me on this 30 day of March, 2015.

Seal




Tracy A. Hadley
Notary Public in and for: State of Idaho
Residing at: Meridian, Idaho
My Commission Expires: August 22, 2015

Notice is hereby given that the United States Department of Justice will represent the United States of America, including the United States Department of Interior, Bureau of Land Management, in all matters pertaining to the Snake River Basin Adjudication.

All notices required by law should be mailed to the following identified individuals at the address below:

Bruce D. Bernard
David L. Negri
U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 W. Fort Street, MSC 33
Boise, Idaho 83724

This form is an attachment to a general Notice of United States' claims. The signature and affirmation on such Notice constitutes the required signature of the authorized agent representing the United States.

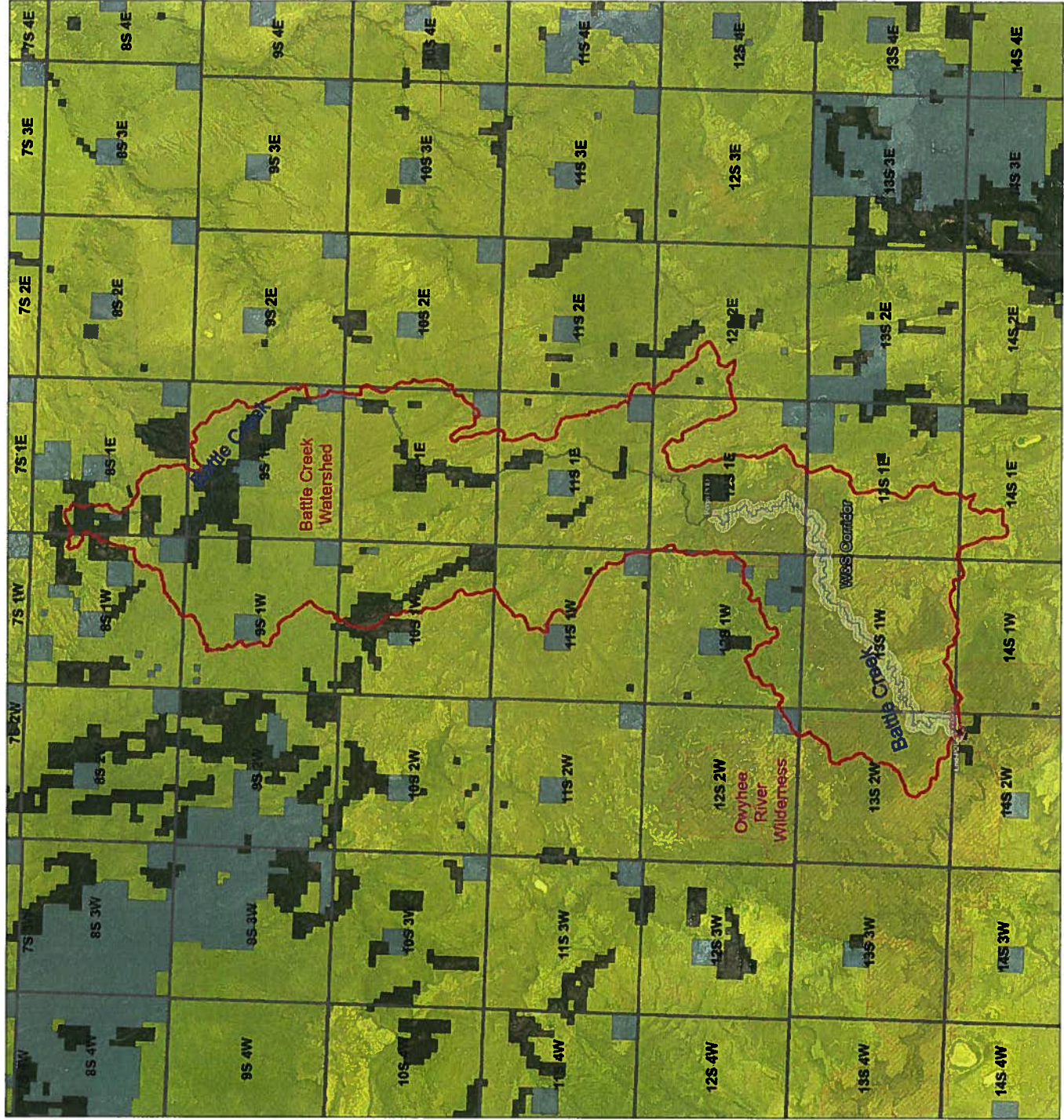
Wild and Scenic
Second Amended
Claim Map

Battle Creek
Watershed Overview

55-13903



1:79,273



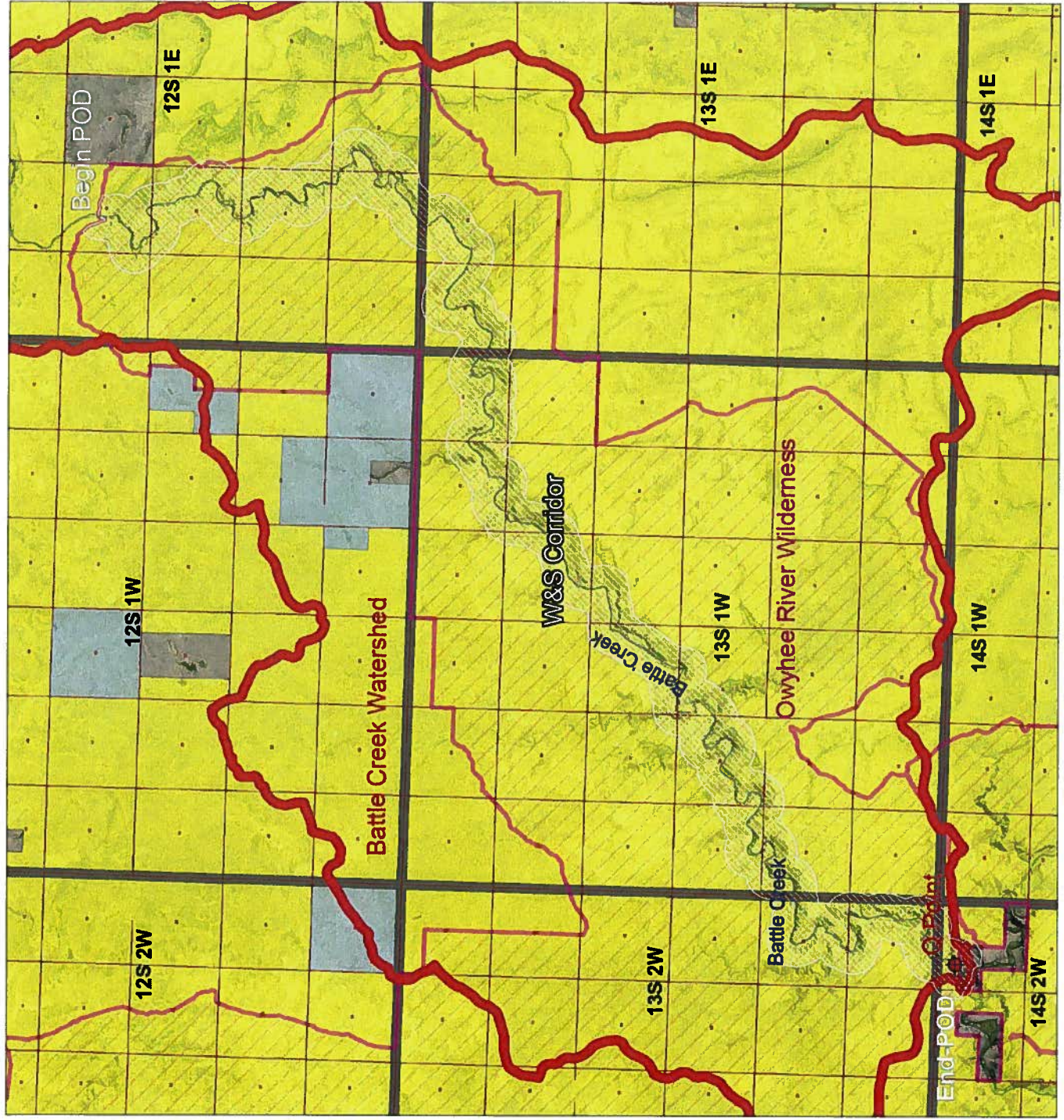
Wild and Scenic
Second Amended
Claim Map

Battle Creek
Corridor Overview

55-13903



1:22,805



Wild and Scenic
Second Amended
Claim Map

Battle Creek
Blowup - Beg POD

55-13903

12S 1E

Battle Creek Watershed

SENW

Begin POD

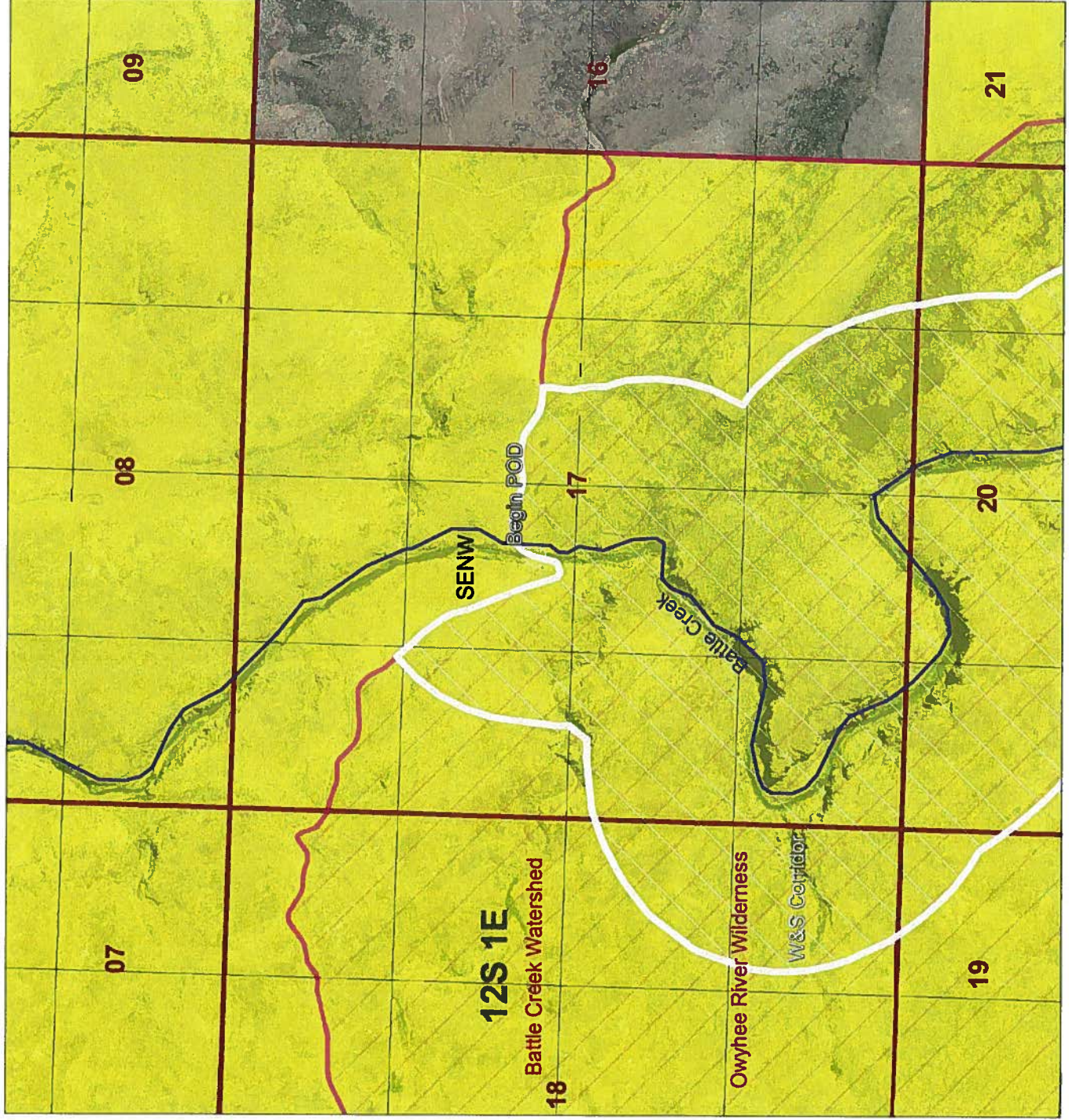
Battle Creek

Owyhee River Wilderness

W&S Corridor



1:3,046



Wild and Scenic
Second Amended
Claim Map

Battle Creek
Blowup -End POD

55-13903



1:3,046

