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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: 51-13091 (Little Jacks)

) (Insert Water Right Number)

Case No. 39576

) STANDARD FORM 4

) MOTION TO FILE:

) ☐ LATE NOTICE OF CLAIM

) ☒ AMENDED NOTICE OF CLAIM

_____)
The SF-4 filed with the SRBA Court on March 31, 2015 by the United States was captioned as "Subcase No. 55-13901 (Little Jacks)," however, whereas the reference to Little Jacks was correct, the subcase number was incorrect and should have been listed as 51-13091, consistent with the Second Amended Notice of Claim filed in 51-13091. The reason for amendment statement on page 2 explains the need to amend the beginning point of diversion of the Wild & Scenic reach, however the reference to "ending" in the third to the last line of that paragraph should have been to "beginning point." The United States offers this corrected motion to fix these typographical errors.

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: United States of America acting through
Department of Interior, Bureau of Land Management

My address is: 1387 S. Vinnell Way
Boise, Idaho 83709-1657

My phone number is: Work: (208) 373-3831 Home: () _____

Attorneys for the United States of America:

David L. Negri (ISB #6697)

Bruce D. Bernard

My address is:

U.S. Department of Justice
Environment and Natural Resources Div.
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

U.S. Department of Justice
Environment and Natural Resources Div.
Natural Resources Section
999 18th St., South Terrace, Suite 370
Denver, Colorado 80202

Work: (208) 334-1936

FAX: (208) 334-9375

Work: (303) 844-1361

FAX: (303) 844-1350

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 (IDWR). Leave to amend a claim shall be freely given when justice so requires.

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

BLM filed its original claim on 12/27/2012 based upon provisional data from USGS regarding flows in the subject stream/river reach. BLM amended its claim on 01/31/2014 pursuant to final USGS Report 2013-5212. The Omnibus Public Land Management Act of 2009 designating the Little Jacks Creek reach as Wild & Scenic describes the beginning point at the confluence with OX Prong, however the beginning point is currently described slightly upstream of the confluence, therefore this Second Amended Notice of Claim is being filed to conform with the Act.

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

See attached Second Amended Notice of Claim.

I have attached:

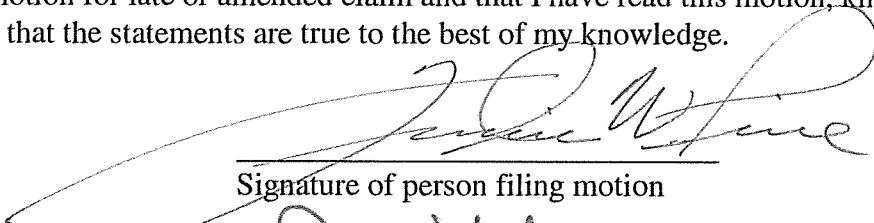
- ☒ An amended Notice of Claim (available from IDWR).
☐ Payment of the following addition fees required by IDWR:
N/A

VERIFICATION (Must be completed)

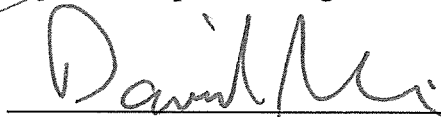
State of Idaho)
) ss
County of Ada)

Fredric W. Price, Water Rights Specialist, 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.

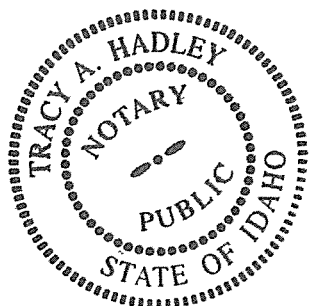


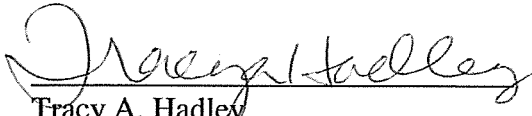
Signature of person filing motion



Attorney signing in representative capacity

Subscribed and sworn to before me on April 2, 2015





Tracy A. Hadley

Notary Public for State of Idaho

Residing at: Meridian, ID

My Commission expires: August 22, -2015

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April 2, 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 to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

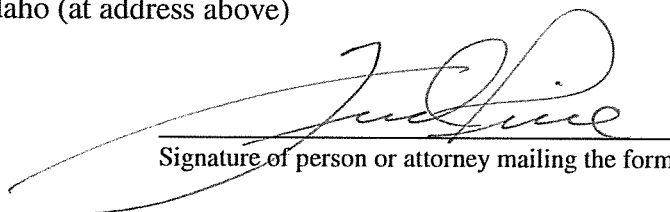
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 83720
Boise, Idaho 83720-0010

United States, Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.

State of Idaho (at address above)



Signature of person or attorney mailing the form