

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 <u>47-7330</u> □
	)	(Insert water right number)
	)	
Case 39576	)	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.

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Twin Stop Hollister, LLC ☐

My address is P.O. Box 386, Twin Falls, ID 83303-0386 ☐

My phone number is: Work (208) 735-8885 ☐ Home _____

I am an attorney representing Twin Stop Hollister, LLC ☐

My name is Angela Schaer Kaufmann ☐

My address is Moffatt Thomas Barrett Rock & Fields, Chtd., P.O. Box 829, Boise, ID 83701 ☐

My phone number is (208) 345-2000 ☐

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Twin Stop Hollister, LLC purchased the property in May 2005 and only recently became ☐
aware that a claim had not been filed for this water right. ☐

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

Notice of Claim to a Water Right and License. ☐

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 102.00.

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 August 21, 2006, 1:30 p.m.

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

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:

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

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Ada

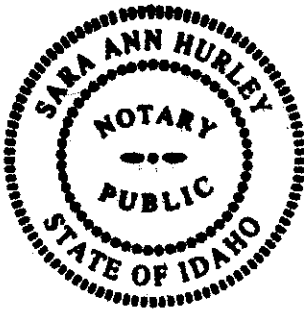
Angela Schaer Kaufmann, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Angela Schaer Kaufmann
Angela Schaer Kaufmann

Subscribed and sworn to before me on

May 19, 2006
(Insert Date)



Sara Ann Hurley
Notary Public for Idaho
Residing at: Boise, ID.
My Commission expires: October 6, 2011

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 May 19, 2006, 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

2. Copies to:

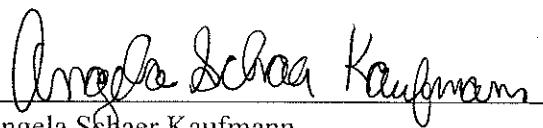
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

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

(Insert Names/address of parties)


Angela Schaer Kaufmann

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 47-7330
Date Received
Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Attorney: Angela Schaer Kaufmann
Moffatt, Thomas, Barrett,
Rock & Fields, Chartered
P. O. Box 829
Boise, Idaho 83706
(208) 345-2000

Please type or print clearly

1. Name of Claimant (s) Twin Stop Hollister LLC Phone (208) 735-8885
Mailing Address P.O. Box 386, Twin Falls, ID Zip 83303-0386

2. Date of Priority (Only one (1) per claim) April 20, 1976

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 12S Range 16E Section 28,
1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of Twin Falls

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Water is diverted using a well, drilled in 1976 to 400' with the state water level at 135'. To claimant's knowledge, the well
has not been changed.

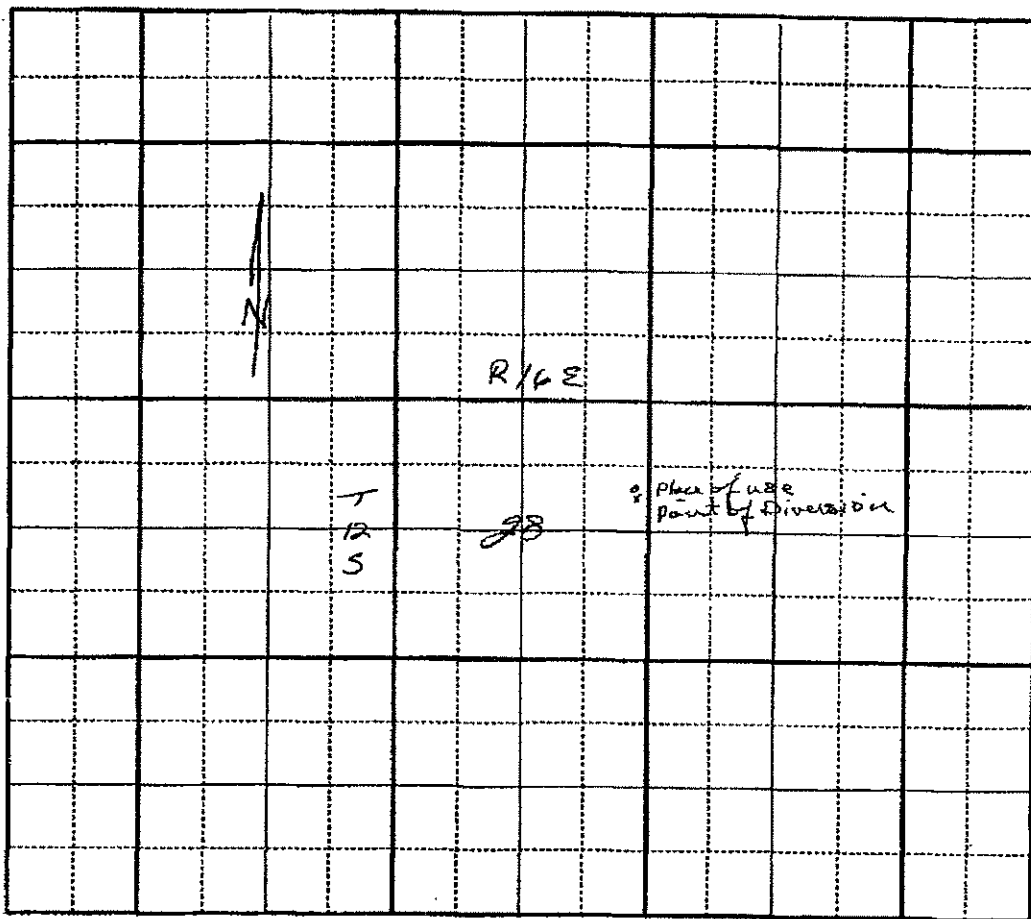
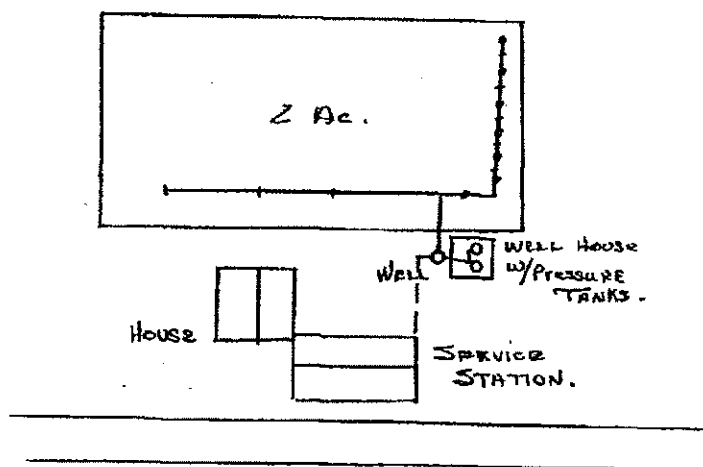


Diagram of System



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount .04 or 7

For domestic purposes from 1/1 to 12/31 amount .04 or 1.2

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) .074 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic use includes one house, gas station, and convenience store

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
125	16E	28				2													2
125	16E	28				D													

Total number of acres irrigated 2

11. In which county (ies) are lands listed above as place of use located? Twin Falls

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. or None (☐)

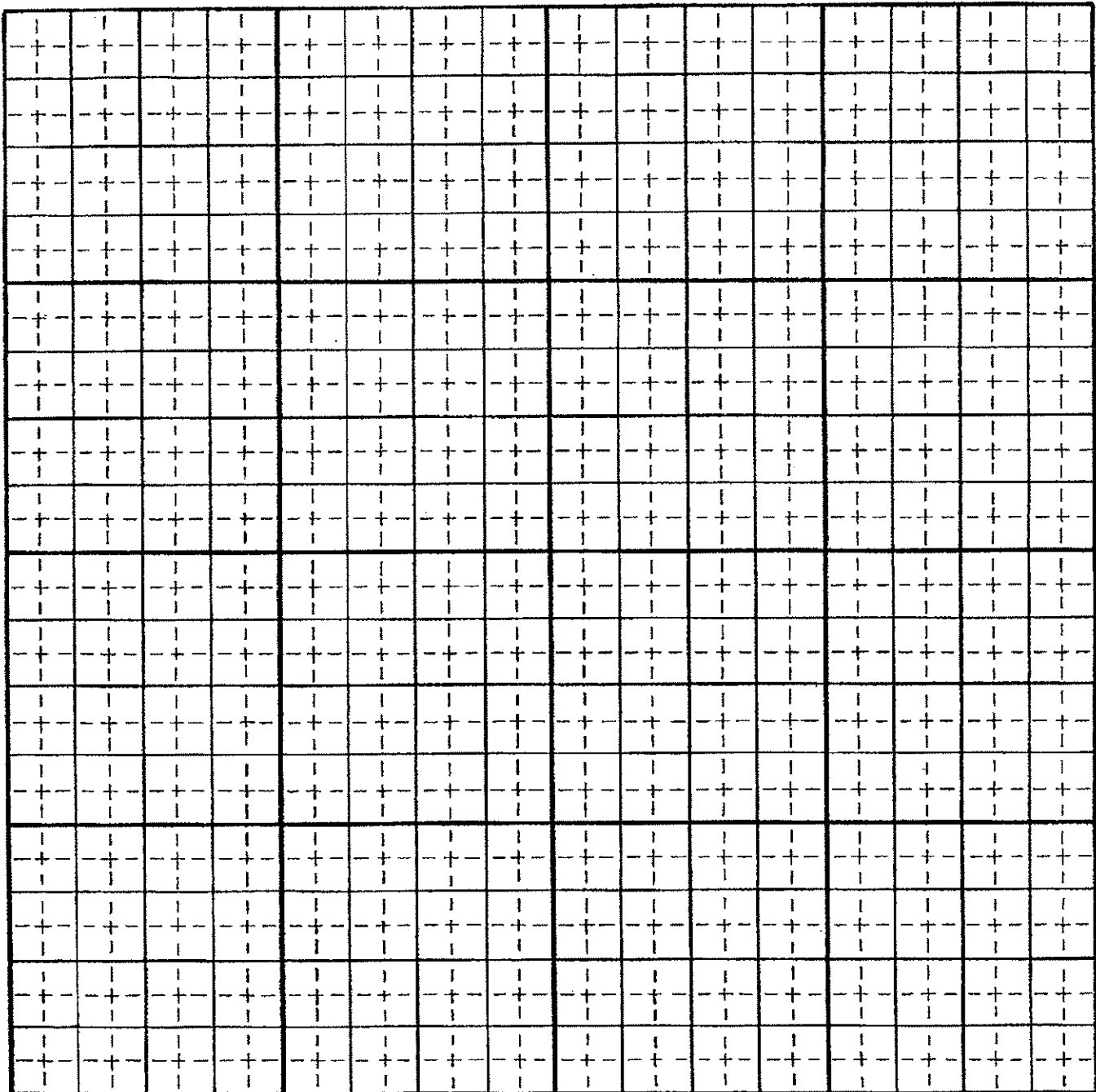
14. Remarks:

Last Name Twin Stop Hollister LLC Ident No. 47-7330

BOI_MT2:614328.1

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile See attached map.



Last Name Twin Stop Hollister LLC

Ident No. 47-7330

BOI_MT2:614328.1

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____ 47-7330
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am a member

of Twin Stop LLC, sole member of Twin Stop Hollister, LLC Title _____
that I have signed the foregoing
document in the space below as a member Organization _____ of Twin Stop LLC, sole member of Twin Stop
Title _____ Organization _____

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

Hollister, LLC

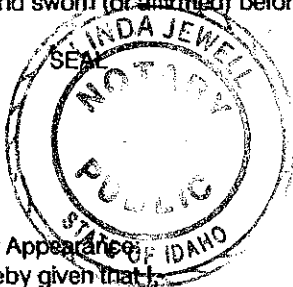
Signature of Authorized Agent Mac Evans

Title and Organization Member, Twin Stop Hollister LLC

Date 5/8/06

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day of May 2006



Notary Public Linda Jewell

Residing at Twin Falls

My Commission Expires Jan 29, 2008

Please Print Name

17. Notice of Appearance

Notice is hereby given that _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Twin Stop Hollister LLC Ident. Number 47-7330

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 47-7330 Priority April 20, 1976 Amount 0.04 cfs

THIS IS TO CERTIFY, that JOSEPH G. &/or PATRICIA COSINTENO
of Twin Falls, Idaho, has complied with the terms and conditions of Permit
No. 47-7330 issued pursuant to Application for Permit dated April 20, 1976,
and has submitted proof to the Department of Water Resources on April 4, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.074 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u>	at <u>0.04</u> cfs and	<u>7</u> acre feet
Domestic	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____ at _____ cfs and		
(both dates inclusive)			

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
8.2 acre feet per year, said waters to be diverted within the SE 1/4, Sec. 28, Twp. 12S,
Rge. 16E, B.M., in the County of Twin Falls

Description and location of place of use:

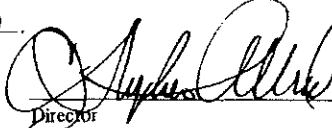
Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				Totals			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
12S	16E	28				X (domestic) 2												2

Total number of acres irrigated 2

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of
August, 19 79.


Director

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

APR 23 1977

APPLICATION FOR EXTENSION OF TIME

Department of Water Resources

State of Idaho)

County of Twin Falls.)

Permit No. 47-7330

Joseph G. &/or Patricia Cosinteno of Rte #1 Twin Falls, Ida 83301
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 47-7330.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before June 1, 19 77.

That he has heretofore performed the following work described under said permit:

water is being used for the domestic.

Costing \$ 5000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: The Cost this year would be prohibitive.
and the shortage of water for the moisture would
require too much watering.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to June 1, 19 78.

Joseph B. Cosinteno
(signature) *

Subscribed and sworn before me this 27 day of April, 19 77.

seal

Michael L. Smith
(notary public)

My commission expires Lifetime

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION
Chief, Water Rights Bureau

I, BOBBY D. FLEENOR, ~~Director~~ of the Idaho Department of Water Resources
State of Idaho, hereby APPROVE the above extension of time and extend the time
within which to submit proof of beneficial use of water to June 1, 1978.

Witness my hand this 12 day of May, 19 77.

Bobby D. Fleenor
Director

BOBBY D. FLEENOR, Chief, Water Rights Bureau

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

RECEIVED