

COPY

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JUN 27 2006

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 36-2701
) (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 Myron Huettig

My address is 1369 S 2000 E
Hazleton, Idaho 83335

My phone number is: Work 208-308-3514 Home 208-829-5774

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

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:

My father overlooked filing this storage claim when he
filed his ground water rights. I found this water right
in his personal papers after his death. I was
not aware of this until after my father died.

☐ 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.)

Water license # R-913 Priority July 1, 1953
Storage right to 30 acre feet.

36-2701

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 \$ 100.

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 _____
(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:

VERIFICATION (Must be completed)

State of IDAHO

County of TWIN FALLS

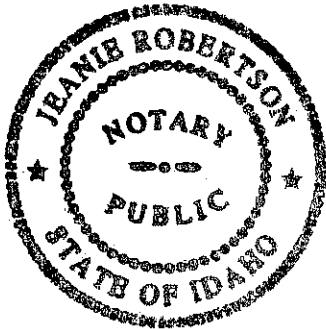
Myron Huettig, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Myron Huettig
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on June 26, 2006.
(Insert Date)



Jeanie Robertson
Notary Public for IDWR
Residing at: Twin Falls, ID.
My Commission expires: 9-23-06

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 June 26, 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

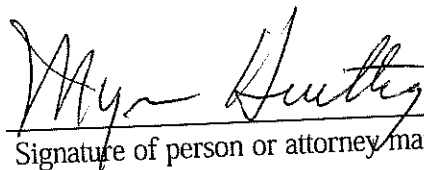
2. Copies to:

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)



Signature of person or attorney mailing the form

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 36-2701

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) MYRON HUETZIG Phone (208) 829-5774Mailing Address 1369 S 2000 E HAZELTON, ID Zip 833352. Date of Priority (Only one (1) per claim) JULY 1, 19533. Source of water supply (a) "PB" Lateral Storage Pond
which is tributary to (b) SNAKE RIVER4. a. Location of existing point of diversion is: Township 10S Range 20E Section 29,NW 1/4 of NW 1/4 of 29 1/4, Govt. Lot, _____ B.M., County of Jerome

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.A Storage Pond was completed
IN JUNE 1955 for 30 acre ft of water. The Pond received
water from the North Side Canal Company and from captured waste
water.Today The same pond receives water from The North Side
Canal Company and Wastewater from the North Side Canal's
"PB" Lateral.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation Storage purposes from 1-1 to 12-31 amount 30 or 30

For Irrigation from Storage purposes from 1-3-15 to 11-15 amount 30 or 30

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) 30 (acre feet)

8. Total consumptive use claimed is 1080 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
<u>10S</u>	<u>20E</u>	<u>28</u>						<u>40</u>	<u>40</u>										<u>80</u>
		<u>29</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>		<u>40</u>									<u>280</u>

Total number of acres irrigated 360

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

12. Do you own the property listed above as place of use? Yes X 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: The owner of the 360 acres is the Lenore Huettig Family Limited Partnership. I am a member of the LHF-LP and the renter of the 360 acres of farmland.

Last Name Huettig Ident No. 36-2701

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 15x15 grid of graph paper. The grid is composed of small squares, each containing a crosshair. Handwritten text is present in the upper left quadrant. The text "T10 S R 20 E S 29" is written in a dark, slightly irregular ink. Below this, the number "29" is written. A shaded rectangular area is drawn, covering a portion of the grid. The shading is done with a dark, slightly irregular ink. The text "PCND" is written in the top left corner of the shaded area. The grid is otherwise empty.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License 36-2701 Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number 36-2701 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 _____

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 26 June 2006

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

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

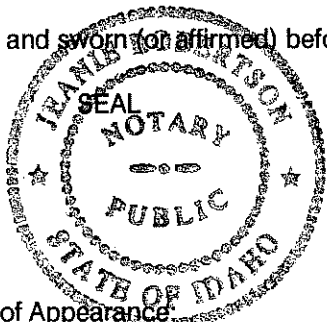
Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or IDAHO)
County of TWIN FALLS) SS.

Subscribed and sworn to (or affirmed) before me this 26th day of June 2006



Notary Public _____

Residing at _____

My Commission Expires 9-23-06

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, _____ 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 Huetting Ident. Number 36-2701



NORTH SIDE CANAL COMPANY, LTD.

921 NORTH LINCOLN * JEROME IDAHO 83338 * (208)324-2319 * FAX (208)324-8906

March 13, 2006

Myron Huettig
1369 South 2000 East
Hazelton, Idaho 83335

RE: Waste Water Filing

Dear Mr. Huettig:

North Side Canal Company, Ltd. has no objection on you filing for a waste water right at the tailend of "PB" Lateral. The location of the diversion is 1250 South 1900 East, Jerome County. There is from **0 to 3 cfs** waste water that passes through the end of the "PB" Lateral. Please notify the Company when your waste water filing is approved.

If you need any further help, please call me.

Sincerely,

Ted Diehl,
Manager

RECEIVED

MAR 30 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

LEASE AGREEMENT

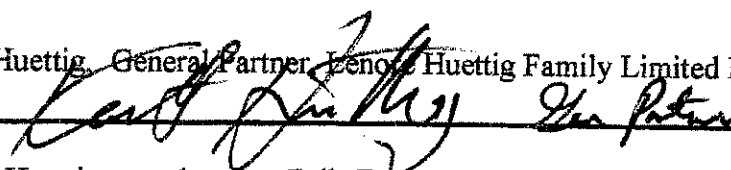
Land rental agreement between Myron Huettig, dba Star Falls Farm LLC (SFF) and the Lenore Huettig Family Limited Partnership, LHFLP

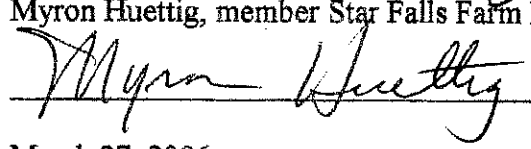
SFF agrees to rent from LHFLP the "Home Place" farm consisting of 340 acres of farm land located in section 29 T10S R20E, the "Green Acres" farm consisting of 320 acres located in section 20 T10SR20E and the "Larson Place" farm consisting of 160 acres located in S28 and S29 T10SR20E for the purpose of general farming. The time of the lease would be yearly with the lease commencing with the 2006 season.

SFF agrees to pay \$100/Acre for the 820 acres and a total of \$82000. The rent is due December 1, 2006

SFF shall have all responsibility for management and control of commodity production and the use and control of the real estate during the term of the lease.

Keith Huettig, General Partner, Lenore Huettig Family Limited Partnership


Myron Huettig, member Star Falls Farm LLC


March 27, 2006

36-2701

State of Idaho

License and Certificate of Water Right

Water License No. R-913 Priority July 1, 1953 Amount 30 acre feet

THIS IS TO CERTIFY that HERMAN E. HUETTIG

of Hazelton, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 1, 1953; that Permit No. R-913 was issued under said application; that Certificate of Completion of works, with a ^{storage} ~~conveying~~ capacity of 30 ^{acre} ~~second~~ feet, was issued thereunder on November 23, 1955, showing that said works were completed on the 24th day of June, 1955; and that on the 12th day of August, 1955

of Hazelton, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the ^{storage and} ~~use~~ of the waters of an un-named stream a tributary of Snake River for the purpose of Irrigation, under Use Permit No. R-913 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses, at Page 5618, on the 23rd day of November, 1955; The right hereby confirmed dates from July 1, 1953;

The Point of ^{outlet} ~~DIVERSION~~ is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, Tp. 10 S., R. 20 E., B.M. Jerome County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed thirty(30)acre ~~cubic feet per second~~ feet per annum.

Description and location of use:

TWP.	RANGE	SECTION	FORTY-ACRE TRACT	NO. ACRES DESCRIBED IN PERMIT	NO. ACRES ACTUALLY IRRIGATED
10 S.	20 E.	28	NW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$	40	40
		29	NE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$	40	40
Number of Acres Actually Irrigated -				- 360	

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 23rd day of November, 1955

Mark R. Kulp

State Reclamation Engineer.

141184

Registration "O."
STATE OF IDAHO }
County of Jerome } SS

I hereby certify that this
instrument was filed for re-
cord at the request of

Herman E. Huettig
at 35 minutes past 31
o'clock P., this 8
day of December, 1952
in my office and duly
recorded in Book 150 at
Page 582.

Herman E. Huettig
Ex-Officio Recorder
By Louise H. Huettig
Fees \$ 90
Return to

Herman E. Huettig
Hazelton, Idaho

Recorded ✓
Compared ✓
Index ✓
Revised ✓

State of Idaho License and Certificate of Water Right

Water License No. R-913

To Herman E. Huettig

Hazelton, Idaho

Source of Supply Un-named stream
tributary to Snake River

Jerome County

Amount 30 acre feet 820000

Point of ~~diversion~~ outlet: NW 1/4 NW 1/4 Sec. 2,

Twp. 10 South, Range 20 East, E. M.

Place of Use NW 1/4 Sec. 28; NE 1/4 NW 1/4
SE 1/4 NW 1/4 Sec. 29; Twp 10 South,
Range 20 East, E. M.

Purpose Irrigation

Date of Priority July 1, 1953

Recorded November 23, 1955

in Book 2 of Licenses, Page 5618



20

21

36-2184
(310 Ac)

POND

13.31

only canal
shores?

NGCC
Shores

29

28

T70383
(511 Ac)

