

RECEIVED

JAN 23 2008

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 74-15535
(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 Velma Mahaffey

My address is PO Box 14 Lemhi ID 83465

My phone number is: Work _____ Home (208) 768-2413

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:

☐ 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.)

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 \$ _____.

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:

Can not get water to place of use from the
Lemhi River. Has been historically irrigated
from Indian Springs Creek.



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

Highway map #1 showing springs
6 Affidavits, Map #2 water right dated 11-22-04
Map #3 ASCS Headgate, #4 Department of
Reclamation letter. 1961.

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 Lemhi

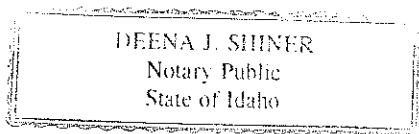
Velma Mahaffey, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Velma Mahaffey
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on January 18, 2008
(Insert Date)



Deena J. Shiner
Notary Public for
Residing at: Lemhi, Id
My Commission expires: 10-1-2011

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 January 17, 1998, 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:

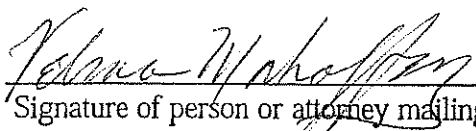
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 74-15535
Date Received: 12/18/2007
Receipt No:
Received By:

RECEIVED

JAN 23 2008

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

DEPARTMENT OF
WATER RESOURCES

1. Name of Claimant(s)

VELMA MAHAFFEY Phone: (208) 768-2413

PO BOX 14
LEMHI ID USA 83465

2. Date of Priority: 02/12/1875

3. Source: INDIAN SPRINGS CREEK Trib. to: LEMHI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
18N	24E	33	SW SW SW	LEMHI	

5. Description of diverting works:

Indian Springs Creek is diverted by a Wier to a ditch which delivers to the
Place of Use

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.12	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.14 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
18N	24E	33	NW	NW	4	IRRIGATION	4
			NW	NW	4	STOCKWATER	
						Section Acres	4
						Total Acres	4

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

16. Signature(s) *Volund Mahaffey*

(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: 12-18-07 IDWR map

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Valma Mahaffey* Date: 1-17-08

_____ Date:

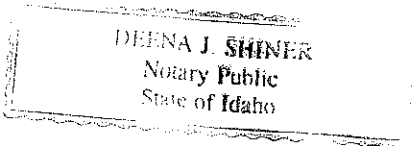
State of Idaho)
County of *Lemhi*) SS.

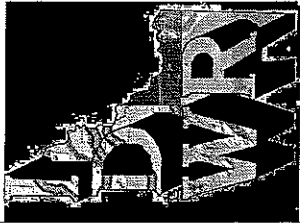
Subscribed and sworn (or affirmed) before me this

of *Jan. 18th* 20*08*

Deena J. Shiner
Notary Public

Residing at *Lemhi Id*
My commission Expires *10-1-2011*





Idaho Department of Water Resources

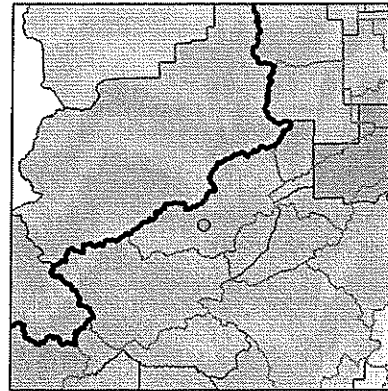
SRBA Claim:

74-15535

(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Lemhi County
IDWR Basin 74



R24E

T18N



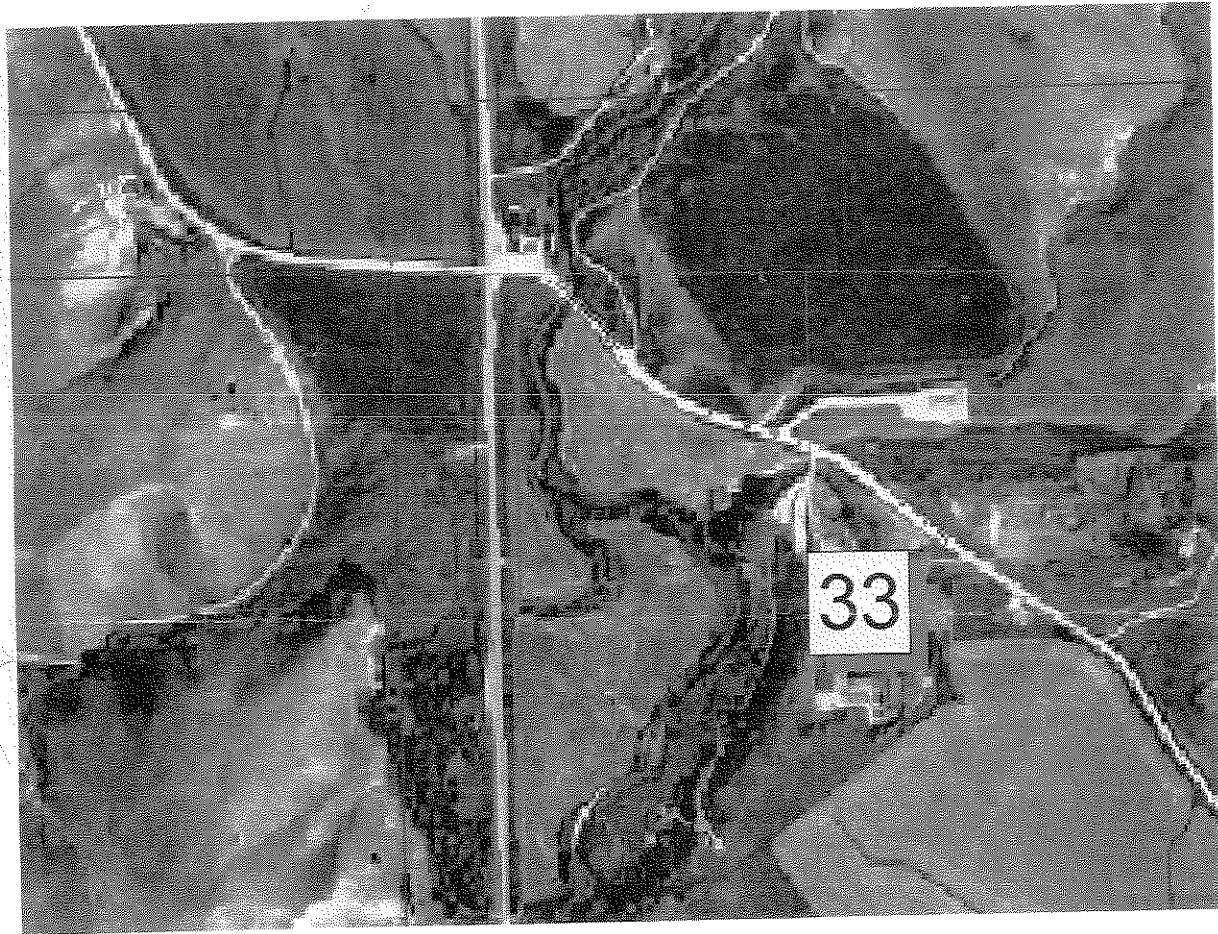
0.4 Miles

0.2

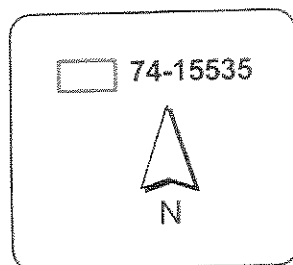
0

Prepared by N. Arave
On Tuesday, December 18, 2007
2004 Aerial Photography

Idaho Dept. of Water Resources
Water Right No. 74-15535
Velma Mahaffey



0.1 0 0.1 0.2 Miles



GIS Presentation
Prepared by R. Brown
November 22, 2004
1993/94 True Color Photography

#2



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
GEO. N. CARTER, STATE RECLAMATION ENGINEER
BOISE

ROBERT E. SMYLIE
Governor

March 22, 1961

Velma Mahaffey
P. O. Box 14
Lemhi, Idaho

Dear Mrs. Mahaffey:

In regard to your letter of March 16, we have found the following licensed water rights, all from Lemhi River, for lands you describe.

License No. 5236 to Rees and Ramsey for 2.84 c.f.s., priority Sept. 24, 1909, point of diversion in $\text{SW}\frac{1}{4}\text{NW}\frac{1}{4}$, Sec. 33, T. 18 N., R. 24 E to irrigate 142 acres, $\text{NE}\frac{1}{4}\text{SW}\frac{1}{4}$ 40 acres; $\text{SE}\frac{1}{4}\text{SW}\frac{1}{4}$ 40 acres, $\text{SW}\frac{1}{4}\text{SE}\frac{1}{4}$ 20 acres; Sec. 28; Lot 7 14 acres lot 4 20 acres, $\text{SW}\frac{1}{4}\text{NW}\frac{1}{4}$ 5 acres, Sec. 33; Lot 1 3 acres, Sec. 32.)

License No. 5362 to L. H. Allison, Wm. Pyeatt and O. C. Amonson for 3.6 c.f.s., priority Sept. 16, 1909, point of diversion $\text{NW}\frac{1}{4}\text{NW}\frac{1}{4}$, Sec. 28 to irrigate 180 acres, $\text{NW}\frac{1}{4}\text{NW}\frac{1}{4}$ 8 acres; $\text{SW}\frac{1}{4}\text{NW}\frac{1}{4}$ 17 acres; $\text{NW}\frac{1}{4}\text{SW}\frac{1}{4}$ 17 acres; $\text{SW}\frac{1}{4}\text{SW}\frac{1}{4}$ 18 acres, Sec. 16; $\text{NW}\frac{1}{4}\text{NW}\frac{1}{4}$ 35 acres; $\text{SW}\frac{1}{4}\text{NW}\frac{1}{4}$ 35 acres; $\text{NW}\frac{1}{4}\text{SW}\frac{1}{4}$ 5 acres; Sec. 21; $\text{NE}\frac{1}{4}\text{NE}\frac{1}{4}$ 15 acres; $\text{SE}\frac{1}{4}\text{NE}\frac{1}{4}$ 5 acres; $\text{NE}\frac{1}{4}\text{SE}\frac{1}{4}$ 15 acres; $\text{SE}\frac{1}{4}\text{SE}\frac{1}{4}$ 10 acres; Sec. 20 T. 18 N., R. 24 E., B.M.

License No. 5890 to Roscoe C. Martin for 0.5 c.f.s., priority March 25, 1910, point of diversion in $\text{SW}\frac{1}{4}\text{NW}\frac{1}{4}$, Sec. 33, to irrigate $\text{SW}\frac{1}{4}\text{SW}\frac{1}{4}$ 20 acres, Sec. 28; Lot 8 5 acres, Sec. 33 T. 18 N., R. 24 E.

License No. 8433 to Walter H. Pyeatt for 0.2 c.f.s., priority June 22, 1912, point of diversion in $\text{NE}\frac{1}{4}\text{SE}\frac{1}{4}$, Sec. 17, to irrigate $\text{SE}\frac{1}{4}\text{SE}\frac{1}{4}$ 5 acres; $\text{NE}\frac{1}{4}\text{SE}\frac{1}{4}$ 5 acres, Sec. 17, T. 18 N., R. 24 E.

You should give the point of diversion and name of stream if there are other rights for the lands described.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

Ralph W. Thomas

RALPH W. THOMAS, Deputy
State Reclamation Engineer

#4

Affidavit Stating Facts on Information and Belief
In Support of Amended Claim

Royden O. Capps
Residing at
13 Basin Creek Road
Lemhi, Id 83465

Personally came and appeared before me, the undersigned Notary, and makes this statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of her knowledge:

I have lived up Hayden Creek Since 1961. I have done work for Mahaffey Brothers such as haying, plowing, ditch work and other farming needs. I have hayed the ground irrigated by the water from the Indian caves for many years. The water crosses under the road close to mile post 108 on Highway 28 to this field.

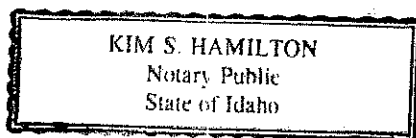
Dated this the 15 day of JANUARY, 2008.

Royden O Capps
Signature of Affiant

Sworn to and subscribed before me, this the 15 day of JANUARY, 2008.

Kim S. Hamilton
Notary Public

My Commission Expires: 03/09



Lavar R. Hutchison
803 Jefferson St.

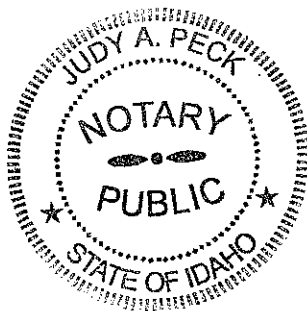
Salmon, ID 83467 Affidavit Stating Facts on Information and Belief
In Support of Amended Claim

I started working up The Lemhi at the age of
12. Working on the ranch with Dean Mphaffey.
I married a Pugh girl that her parents owned the ranch
then. It was watering that piece of ground then.

Dated this the 15th day of January, 2008.

Lavar Ralph Hutchison By Verla Hutchison
Signature of Affiant

Sworn to and subscribed before me, this the 15th day of January,
2008.



Judy A. Peck
Notary Public

My Commission Expires: 7-31-2012

Affidavit Stating Facts on Information and Belief
In Support of Amended Claim

Kathleen Knight
Residing at
2981 Lemhi Road
Lemhi, Id 83465

Personally came and appeared before me, the undersigned Notary, and makes this statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of her knowledge:

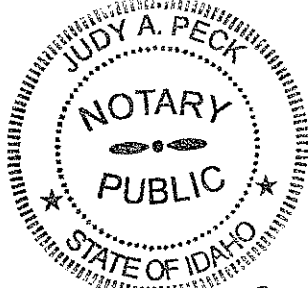
I was born in 1965 and have lived at Lemhi all my life. As I grew up I remember mom irrigating the apple tree, garden and raspberry patch with water what was called Indian Springs. I also remember the hay field as I used to ride the hay rake behind the 9n Ford tractor. My husband (Andy) and I used the water from Indian Springs to irrigate when we had the ranch leased in 1990. Andy, mom and I were all assured mom's water would not be affected in any way when Andy and I put the sprinkler system in across the highway from moms said ground.

Dated this the 16th day of January, 2008.

Kathleen Knight

Signature of Affiant

Sworn to and subscribed before me, this the 16th day of January, 2008.



Judy A. Peck
Notary Public

My Commission Expires: 7-31-2012

Affidavit Stating Facts on Information and Belief
In Support of Amended Claim

Melva McFarland Kauer
Residing at
32 Maiers Lane
Lemhi, Id 83465

Personally came and appeared before me, the undersigned Notary, and makes this statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of her knowledge:

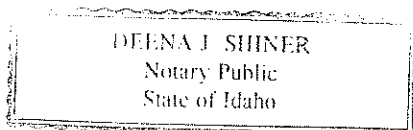
I have lived all my life 1934 – present in Lemhi County; I have been neighbors and purchased raspberries from Velma's garden plot that was irrigated from the water from the Indian Caves. There was a hay field above it and then I remember Velma plowed a corner of the field and planted apple trees and several rows of raspberry bushes that produced beautifully.

Dated this the 10th day of January, 2008.

Melva McFarland Kauer

Signature of Affiant

Sworn to and subscribed before me, this the 10th day of January, 2008.



Deena J Shiner
Notary Public

My Commission Expires: 10-1-2011

Affidavit Stating Facts on Information and Belief
In Support of Amended Claim

June L. Playfair
Residing at
2704 Highway 28
Lemhi, Id 83465

Personally came and appeared before me, the undersigned Notary, and makes this statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of her knowledge:

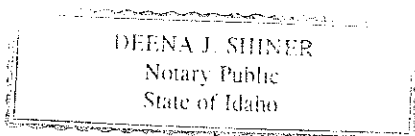
I was born in June 1960 and have lived on the same ranch to this date. I have irrigated the ground with the water from Big Indian Springs for many years. I have had to hike through the willows up the ditch and remove beaver dams and silt deposits. While going to school during the summer my mother, sisters and I would pick raspberries from the garden where water was used. We would sell the raspberries to neighbors. The money earned went to purchase bridles for our horses to show at the Lemhi County Fair.

As long as I can remember the water has always flowed from above the Indian Caves down along the hillside, under the road, then down the ditch along the road to the raspberry patch. The raspberry patch is now gone but the apple tree is still there receiving water from Big Indian Springs.

Dated this the 18 day of January, 2008.

June L Playfair
Signature of Affiant

Sworn to and subscribed before me, this the 18th day of January, 2008.



Deena J Shiner
Notary Public

My Commission Expires: 10-1-2011

Affidavit Stating Facts on Information and Belief
In Support of Amended Claim

Shirley A. DeCora
Residing at 147 Lemhi Rd
Salmon, Id 83467

Personally came and appeared before me, the undersigned Notary, and makes this statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of her knowledge:

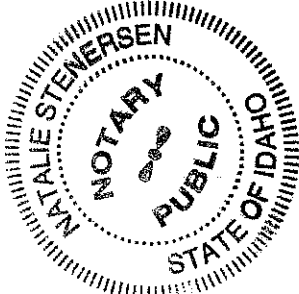
I have lived in Lemhi Co., Idaho for 50 years. Velma and I have been friends since we were six years old, when we both grew up in Indiana. I happened to be visiting the Mahaffey's when they bought the Ranch by the Lemhi Store in 1956. I know this piece of property has been irrigated as I helped with the haying that summer.

Dated this the 15 day of January, 2008.

Shirley A. DeCora

Signature of Affiant

Sworn to and subscribed before me, this the 15 day of January, 2008.



Natalie Stenersen

Notary Public

My Commission Expires: 5-18-2010