

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 74-15537
(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:
To correct how the original claim was filed.
To ammend the point of diversion and point of use.

X

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

Copy of Deed ; 1961 letter Department of
Reclamation
Stinson Map

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

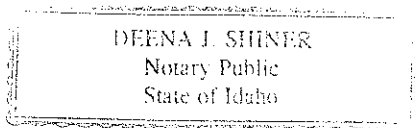
Velma Mahaffey, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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
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 17 Jan, 2008, 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:

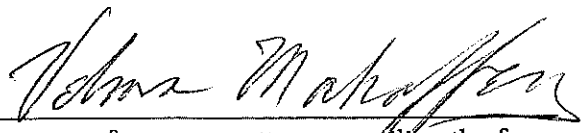
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 74-15537
Date Received: 11/22/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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: WASTE WATER , WASTE WATER , SPRINGS 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	NE NW 4	LEMHI	
18N	24E	33	NW NW 4	LEMHI	
18N	24E	33	NW SW NW	LEMHI	

5. Description of diverting works:

springs and wastewater discharge into a canal which delivers to 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	0.14	
STOCKWATER	01/01	12/31	0.04	
HEATING	01/01	12/31	0.04	
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 2

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
18N	24E	33	NW	NW	4	DOMESTIC
			NW	NW	4	HEATING
			NW	NW	4	IRRIGATION
			NW	NW	4	STOCKWATER
						4.5
					Section Acres	4.5
					Total Acres	4.5

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)

Velma McLaughlin

(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: 1 - IDWR Place of use 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): Volma M. Haffey Date: 1-17-08

Date:

State of Idaho)
County of Lemhi) SS.

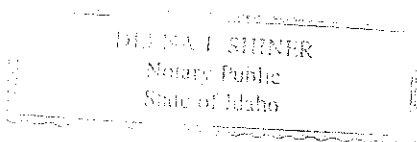
Subscribed and sworn (or affirmed) before me this

of Jan. 18th 2008

Deena J. Shiner
Notary Public

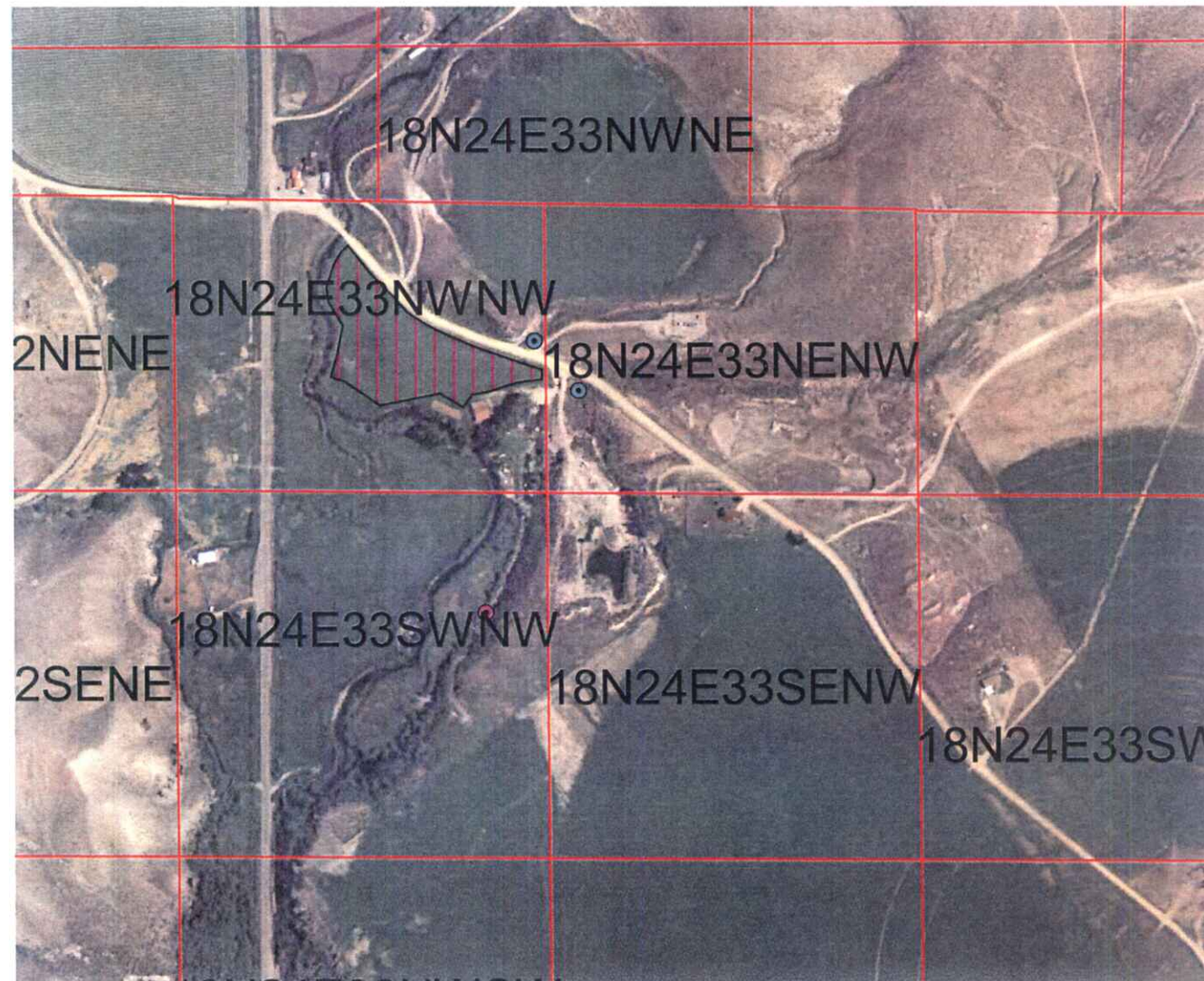
Residing at Lemhi, Id

My commission Expires 10-1-2011



Place of Use Map

74-15537



0.2 0 0.2 0.4 Miles

- Wastewater.shp
- Place Of Use
- GCDB18N24E GCDB
- Spring



Hailey 05756 THE UNITED STATES OF AMERICA,
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of John E. Rees has been established and duly consummated, in conformity to law, for the Southwest quarter of the Northwest Quarter and the Lots Three and Four of Section Thirty-three, and the Southeast quarter of the Northeast Quarter and the Lot One of Section Thirty-two in Township Eighteen North of Range Twenty-four East of the Boise Meridian, Idaho, containing one hundred seventy-five and sixty-four-hundredths acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the United States unto the said claimant the tract of Land above described; To have and to hold the said tract of Land, with the appurtenances thereof, unto the said claimant, and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of Courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, William H. Taft, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed. GIVEN under my hand, at the City of Washington, the sixteenth day of May in the year of our Lord one thousand nine hundred and twelve and of the Independence of the United States the one hundred and thirty-sixth.

Seal.

By the President: Wm. H. Taft.

Recorded: Patent Number 266845

By M.P. LeRoy, Secretary,

H.W. Sanford, Recorder of the General Land Office.

Recorded at the request of Frank L. Plummer, Nov. 18th, 1912, at 30 minutes past 10 o'clock A.M., in Book W of Deeds, page 64, Records of Lemhi County, Idaho.

J. H. Kintley Jr.
County Recorder

By W. W. Simmonds
Deputy

Instrument No. 12774

THIS INDENTURE, made this day of September in the year of our Lord one thousand nine hundred and twelve (1912) between John E. Rees and Alice Rees his wife, of Lemhi County, Idaho, parties of the first part and L.T. Ramsey, of Lemhi County, Idaho, the party of the second part. WITNESSETH, that the said parties of the first part, for and in consideration of One thousand (\$1000.00) Dollars, lawful money of the United States of America, to them in hand paid, by the said party of the second part, the receipt whereof is hereby acknowledged, have Granted, Bargained, and sold, and by these presents do Grant, Bargain, Sell, Convey and Confirm unto the said party of the second part, and to his heirs and assigns forever, all those certain tracts of land situated in Lemhi County Idaho and described as follows, to wit: The Southwest quarter of the Northwest quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) and the Lots Three and Four (3 & 4) of Section Thirty-three (33) and the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) and the Lot One (1) of Section Thirty-two (32), in Township Eighteen (18) North of Range Twenty-four East of the Boise Meridian, Idaho, and containing One Hundred and seventy five and 64/100 acres, excepting and reserving therefrom, a certain strip of land running through the said property which the first parties have conveyed to the Gilmore and Pittsburgh Railroad Company for the purpose of right of way, and a description of which is found in Book B of Real Estate agreements at page 240, in the office of the County Recorder of Lemhi County Idaho, and which contains 6 and 54/100 acres.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all estate, right, title, interest in and to the said property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of in or to the said premises, and every part and parcel thereof, with the appurtenances, to have and hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns, against the said parties of the first part and their heirs and against all and every person and persons whomsoever, lawfully claiming or to claim, the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.



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 $\text{NE}\frac{1}{4}\text{SW}\frac{1}{4}$ 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,

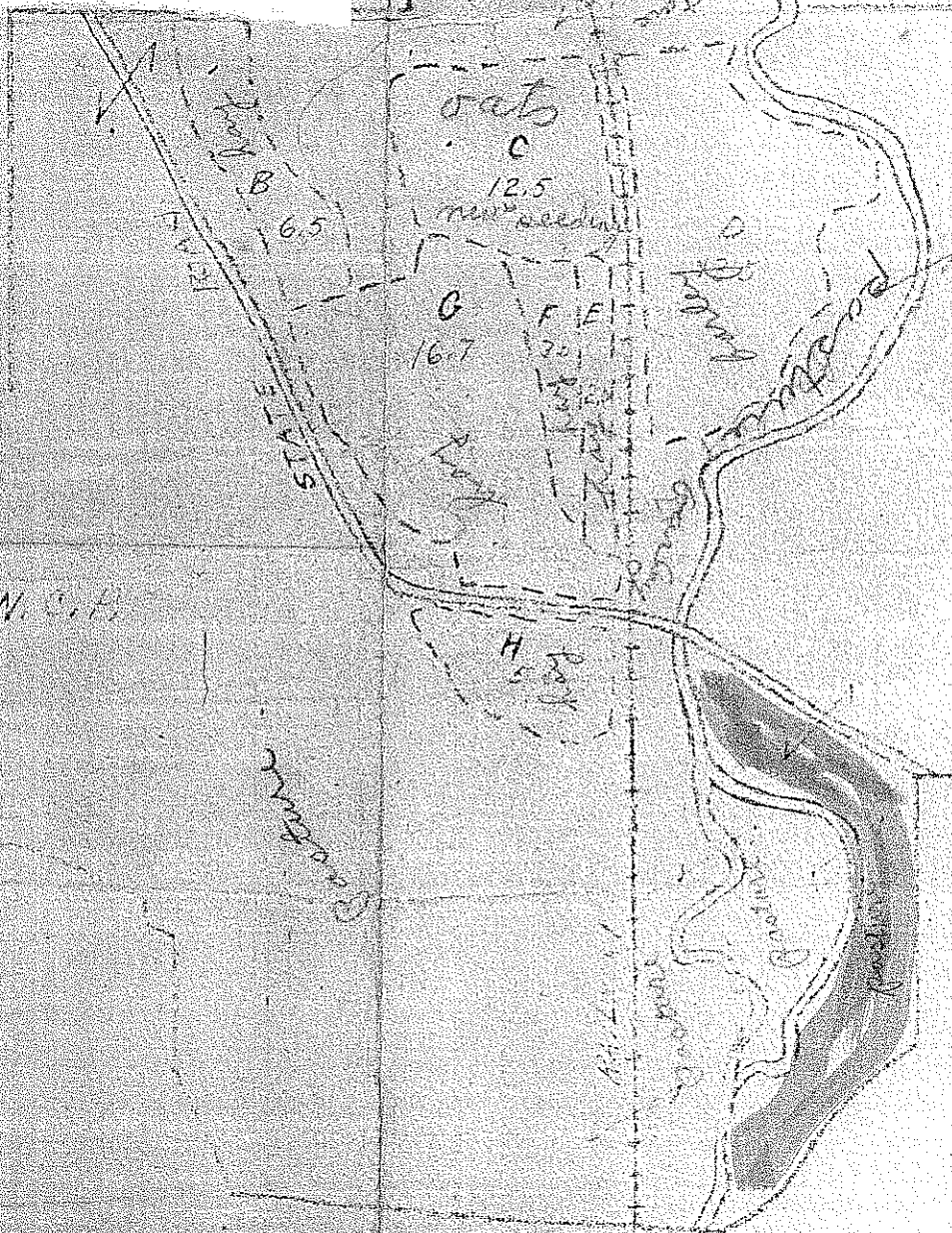
GEO. N. CARTER
State Reclamation Engineer

By:

Ralph W. Thomas

RALPH W. THOMAS, Deputy
State Reclamation Engineer

page 48
 Nov 27 1937
 NW 1/4 sec 28
 Ltr 34, 67, 8 all
 in T18 R24
 To Roy Stinson



OP- R. STINSON

DHS- 62-5

Map- 23 86

Sec 28, SW 1/4 SEC 28; P. SW 1/4 SEC

PT. SE 1/4 SEC 32

T18N R24E