

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

Case 39576

Subcase

47-17490

(Insert water right number)

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 RoseAnn Hughes

My address is 2491 E. 3700 N.
Twin Falls, Idaho 83301

My phone number is: Work _____ Home 733-7397

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:

We purchased the property in December of 2006.
We did not realize we needed to claim
use of the water rights.

☐ 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 \$ 100.00.

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 Sept 16, 1:30
(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 Twin Falls

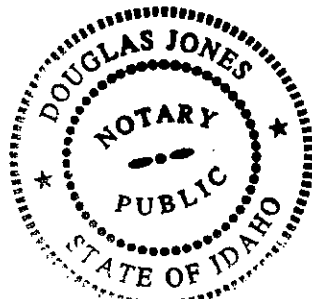
Rose Ann Hughes, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Rose Ann Hughes
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 5-28-2008
(Insert Date)



Douglas Jones
Notary Public for Idaho
Residing at: Buhl
My Commission expires: 8/8/2013

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 4, 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:

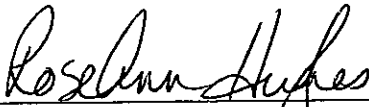
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

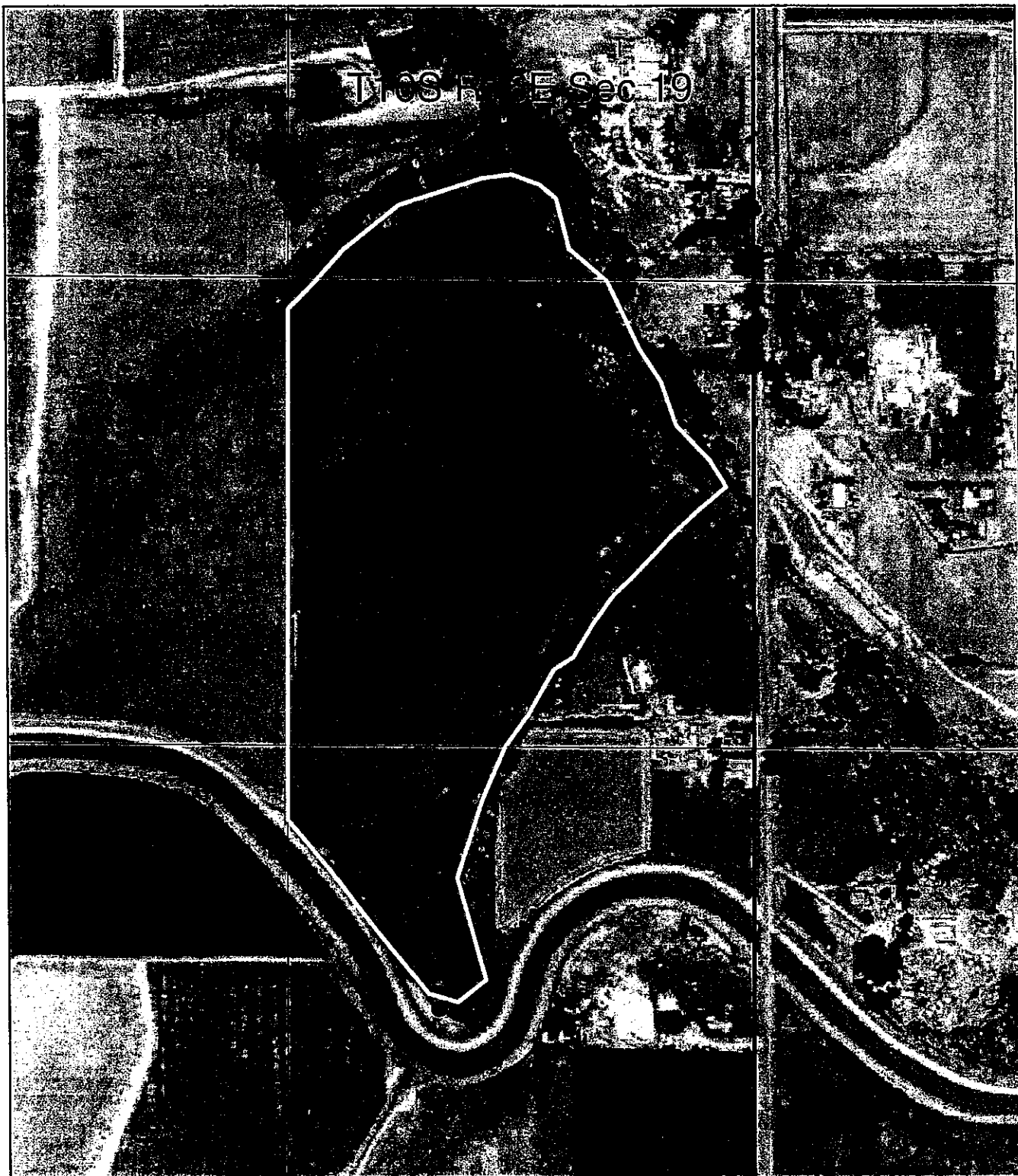
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



47-17490

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 47-17490

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

and/or

1. Name of Claimant (s) Jim & RoseAnn Hughes Phone (208) 733-7397

Mailing Address 2491 E. 3700N, Twin Falls Id. ZIP 83301
Street or Box City State

2. Date of Priority (Only one (1) per claim) 4-1-1910
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (x) unnamed stream
which is tributary to (b) Cedar draw

4. a. Location of Point of Diversion is: Township 10S, Range 16E, Section 19
SW, 1/4 of NE, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of Twin Falls

Additional points of diversion if any: _____

If available, GPS Coordinates _____

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

Township _____, Range _____, Section _____, 1/4 of _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, 1/4 of _____, 1/4 of _____

_____, 1/4 Govt. Lot _____, BM., 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 20x30 pond at the outskirts

of a pipe that goes under the low line canal of the
NECC. The water can leave the pond from the NW
and the SW S.E. edges. From the NW release it goes
into gated pipe to water irrigate.

Last Name _____ Ident No. _____

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For irrigation purposes from 4-15 to 10-15 amount 0.78 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.78 (cfs) and/or (b) _____ (acre feet)

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

9. 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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>10S</u>	<u>16E</u>	<u>19</u>	<u>3.7</u>			<u>29</u>									<u>6.3</u>				<u>39</u>

Total number of acres irrigated 39

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

11. 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.

12. Describe any other water rights used at the same place and for the same purposes as described above.

62 shares TFCC or None ()

13. Remarks: _____

Last Name _____ Ident No. _____

14. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. 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/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) RoseAnn Hughes Date: 5-28-2008

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Title of _____ Organization

that I have signed the foregoing 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 _____ Date _____

Title and Organization _____

Please Print Name

16. 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 _____ Ident No. _____



TWIN FALLS CANAL COMPANY

357 6TH AVE WEST
POST OFFICE BOX 326
TWIN FALLS, IDAHO 83303-0326
April 25, 2008



RECEIVED

JUN 11 2008

DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
1341 Fillmore St.
Suite 200
Twin Falls, Idaho 83301

To Whom It May Concern:

When the Twin Falls Canals were first built in the early 1900's there were numerous intermittent desert streams that intersected the canals. These were used by TFCC to capture wastewater and either redeliver it if it was feasible, or transport it to a larger drainage like Cedar Draw. In many cases these "coulees" were siphoned under the Low Line Canal because the coulees were too low to flow into the canal. This was the case with "B" Coulee which has always been siphoned under the Low Line Canal in section 19 south of Filer. The Jim Hughes farm south of Filer diverts wastewater when it is available from B Coulee after it siphons under the Low Line Canal. This farm has been utilizing this wastewater since approximately 1910. If the wastewater in these coulees isn't in a location and quantity suitable for redirection to a TFCC delivery system, farmers have historically been able to put this wastewater to beneficial use on their farm.

It has always been TFCC policy that farmers have the right to use this system wastewater on their farms when it is available, but because these are waste water rights, there is no obligation upon the up-gradient farmer who paid for those water shares to continue wasting the water, or for TFCC to supply water to that location if the waste water is no longer there. If you have further questions or need more information, please call me at 733-6731.

Sincerely

Brian Olmstead
General Manager

I, William Coates, purchased property located at 3749 N. 2200 E., Filer, Idaho, in the year 1966. At the time of purchase, there was an existing pipeline under the canal. It delivered wastewater that was used to irrigate a 10 acre section of a 32 acre field, as well as about 8 acres of pasture. This ground couldn't be watered in any other way. I also used the water to supplement the canal water to irrigate the rest of the 32 acre field because of light soil which needed watered more often. The previous owner used this water in the same way. I don't know when the pipeline was put under the canal, but it looked old when I purchased the property. The canal company has no record of it being added after the canal was built, so it is their thinking that it was installed when the canal was put in.

W C

Additional comments: Total farm acres is 62 acres with 62 shares of TF canal
The legal description being: Company water

*

TOWNSHIP 10 SOUTH, RANGE 16 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

SECTION 19: A PARCEL OF LAND LOCATED IN THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ AND NE $\frac{1}{4}$ SE $\frac{1}{4}$, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE QUARTER (E $\frac{1}{4}$) CORNER OF SAID SECTION 19 FROM WHICH THE SOUTHEAST SECTION CORNER BEARS S00°05'31"E-2653.07 FEET, SAID EAST ONE QUARTER (E $\frac{1}{4}$) CORNER BEING THE TRUE POINT OF BEGINNING:

THENCE S00°05'31"E ALONG THE EAST BOUNDARY OF THE SE $\frac{1}{4}$ OF SAID SECTION 19 FOR A DISTANCE OF 627.32 FEET TO A POINT OF INTERSECTION WITH THE APPROXIMATE CENTERLINE OF THE LOW LINE CANAL;

THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID LOW LINE CANAL ON THE FOLLOWING COURSES:

N48°59'56"W 131.42 FEET;

N62°02'43"W 148.33 FEET;

S87°43'40"W 101.15 FEET;

THENCE LEAVING THE CENTERLINE OF SAID LOW LINE CANAL N00°05'31"W PARALLEL WITH THE EAST BOUNDARY OF THE SE $\frac{1}{4}$ OF SAID SECTION 19 FOR A DISTANCE OF 575.02 FEET;

THENCE S89°54'56"E PARALLEL WITH THE EAST-WEST CENTER OF SECTION LINE FOR A DISTANCE OF 331.00 FEET TO A POINT ON THE EAST BOUNDARY OF THE NE $\frac{1}{4}$ OF SAID SECTION 19;

THENCE S00°06'23" E ALONG THE EAST BOUNDARY OF THE NE $\frac{1}{4}$ OF SAID SECTION 19 FOR A DISTANCE OF 98.95 FEET TO THE EAST ONE QUARTER (E $\frac{1}{4}$) CORNER AND BEING THE TRUE POINT OF BEGINNING.

Signature: *William Coates*

Date: 1-8-8

* Also described as:
The SE $\frac{1}{4}$ NE $\frac{1}{4}$ and that part of the N $\frac{1}{2}$ SE $\frac{1}{4}$ lying North of the Low Line Canal of Twin Falls Canal Company, all in Section 19, Township 10 S., R. 16 E., B.M., in Twin Falls County, Idaho.