

RECEIVED

JUN 18 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 17 2009

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

By

Clerk
Deputy Clerk

In Re SRBA

Subcase: 75-14593

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On February 6, 2009, Johnny J. Cabigas and Lana J. Greenway, by and through counsel, Jerry R. Rigby, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. A hearing on the *Motion to File Late Notice of Claim* was held on May 19, 2009. No party appeared in opposition to the *Motion* and the *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*.

Therefore, upon a *Motion to File Amended Notice of Claim* duly made by the claimants to amend the basis of the original Notice of Late Claim from "beneficial use" to "decree," IT IS HEREBY ORDERED that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. The Idaho Department of Water Resources will report the claims in the forthcoming *Late and Miscellaneous Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated June 17, 2009.

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE AMENDED LATE NOTICE OF CLAIM was mailed on June 17, 2009, with sufficient first-class postage to the following:

JOHNNY J CABIGAS

LANA J GREENWAY

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

Page 1 6/17/09

FILE COPY FOR 00620

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

620

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
75-14593

Date Received:

Receipt Nos:

Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 JUN 12 PM 10 58

1. Name of Claimant(s)

Johnny J. Cabigas
Lana J. Greenway
1267 Mobil Ave.
Camarillo, CA 93010
(661)978-6010

2. Date of Priority: 05/01/1888

3. Source: Carmen Creek Trib. to: Salmon River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	22E	35	NE NE	LEMHI	

5. Description of diverting works:

Headgate, open ditch, flood irrigation

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	04/01	10/31	.77	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	22E	03	SW	NE	Irrigation	2.2
			SE	NW	Irrigation	.8

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:

75-2025H, 75-10061AC, 75-10062AA, 75-10678

14. Remarks:

15. Basis of Claim: Decree

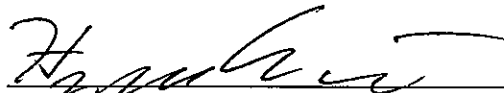
16. Signature(s)

(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 XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

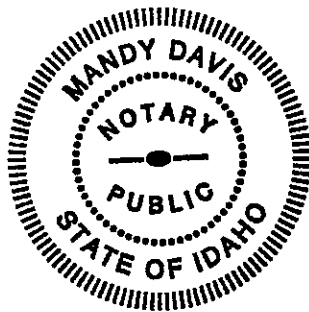
DATED this 11th day of June, 2009.


Hyrum D. Erickson, Attorney for
Johnny J. Cabigas and Lana J. Greenway

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 11th day of June, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Hyrum D. Erickson, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Mandy Davis
Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

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
75-14593

Date Received:

Receipt Nos:

Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

Johnny J. Cabigas
Lana J. Greenway
1267 Mobil Ave.
Camarillo, CA 93010
(661)978-6010

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 9 2009	
By _____	Clerk
_____	Deputy Clerk

2. Date of Priority: 05/01/1888

3. Source: Carmen Creek Trib. to: Salmon River

4. Point of Diversion:

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			SE	NW	Irrigation	.8

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:

75-2025H, 75-10061AC, 75-10062AA, 75-10678

14. Remarks:

Mr. Cabigas's predecessor in interest failed to file on this claim. This is the same 1888 right previously filed on by all of the other members of the "Burns Group" with whom Mr. Cabigas is equally situated.

15. Basis of Claim: Beneficial Use

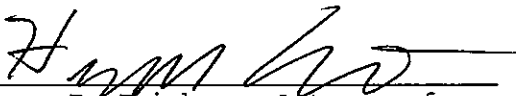
16. Signature(s)

(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 XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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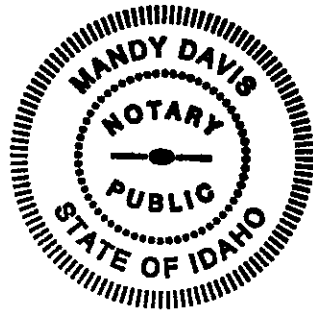
DATED this 6th day of February, 2009.


Hyrum D. Erickson, Attorney for
Johnny J. Cabigas and Lana J. Greenway

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 6th day of February, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Hyrum D. Erickson, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Mandy Davis

Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

a

Idaho Department of Water Resources Receipt

Receipt ID: C088843

Payment Amount	\$103.00	Date Received	6/18/09 10:18	Region	STATE
Payment Type	Check	Check Number	27688		
Payer	RIGBY, ANDRUS & MOELLER, CHARTERED				

Comments Subcase: 75-14593, Johnny J. Cabigas and Lana J. Greenway

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$103.00	ADJUDICATION FILING FEE	0337		41503	1155

SR7

Signature Line (Department Representative)