

RECEIVED

MAY 19 2011

DEPARTMENT OF
WATER RESOURCES

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

MAY 18 2011

By _____ Clerk
Deputy Clerk

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 No. 39576

) WATER RIGHT NO: 75-14698
)
) ORDER CONDITIONALLY GRANTING
) LATE NOTICE OF CLAIM
)
)
)
)

On February 9, 2011, Claimants Johnny and Lana Cabigas filed a *Motion to File Late Notice of Claim* for the above-captioned water right. On March 14, 2011, Claimants filed an *Amended Motion to File Late Notice of Claim* for the above-captioned water right. A hearing on the *Motion* was held on May 17, 2011. No party appeared in opposition to the *Motion*. However, at the hearing the Idaho Department of Water Resources notified the Court that Claimants needed to submit an additional \$50.00 late fee associated with the late claim. Following a review of the file and after hearing the comments made in open court, the Court finds that good cause exists for granting the instant *Motion*, provided that Claimants first submit an additional \$50.00 late fee to the Idaho Department of Water Resources.

THEREFORE, IT IS HEREBY ORDERED that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **conditionally granted** subject to Claimants first submitting an additional \$50.00 payment made payable to the Idaho Department of Water Resources to account for the late claim filing fee.

Dated May 18, 2011


ERIC L. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER CONDITIONALLY GRANTING LATE NOTICE OF CLAIM was mailed on May 18, 2011, with sufficient first-class postage to the following:

JOHNNY J CABIGAS
LANA J CABIGAS
PO BOX 145
CARMEN, ID 83462
Phone: 208-756-1740

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first name "Julie" and last name "Murphy" clearly distinguishable.

ORIGINAL 152
COURT

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 756-1746
Date Received 756-1746
Receipt No: 756-1746
Received By: County of Twin Falls - State of Idaho

MAR 14 2011

By [Signature] Clerk
Deputy Clerk

AMENDED

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of Claimant (s) LANA J. CABIGAS AND JOHNNY J. CABIGAS Phone (208) 756-1746
Mailing Address P.O. Box 145 CARMEN, IDAHO ZIP 83462
Street or Box City State
- Date of Priority (Only one (1) per claim) 4/1/15
Month Day Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (☒) (a) CARMEN CREEK
which is tributary to (b) SALMON RIVER
- a. Location of Point of Diversion is: Township T23N, Range R22E, Section 35,
NE, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of LEMHI
- Parcel (PIN) no. _____
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
Govt. Lot _____, BM., County of _____
ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4
Govt. Lot _____, BM., County of _____
- 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. HEADGATE AND DITCH FROM CARMEN CREEK.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/1 to 10/31 amount .036 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .036 (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	
22N	22E	3			2.2					0.8									3.0

Parcel (PIN) no(s) _____

Total number of acres irrigated 3.0

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

11. 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.

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

10061 AC, 10062 AA, 02025 H, 02025 H (ALL DIST. 750) or None ()

13. Remarks: _____

WATER DISTRICT 750

Last Name _____ Identification No. _____

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

Court _____ Decree Date _____ Plaintiff v. Defendant _____

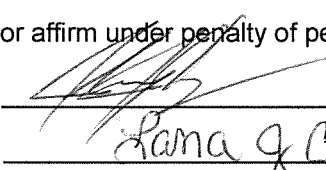
If applicable provide IDWR Water Right Number _____

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 notices 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: 1 AERIAL PHOTO MAP

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)  Date: 3-9-11 ✓

Lana G Cabigas Date: 3-9-11 ✓

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

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

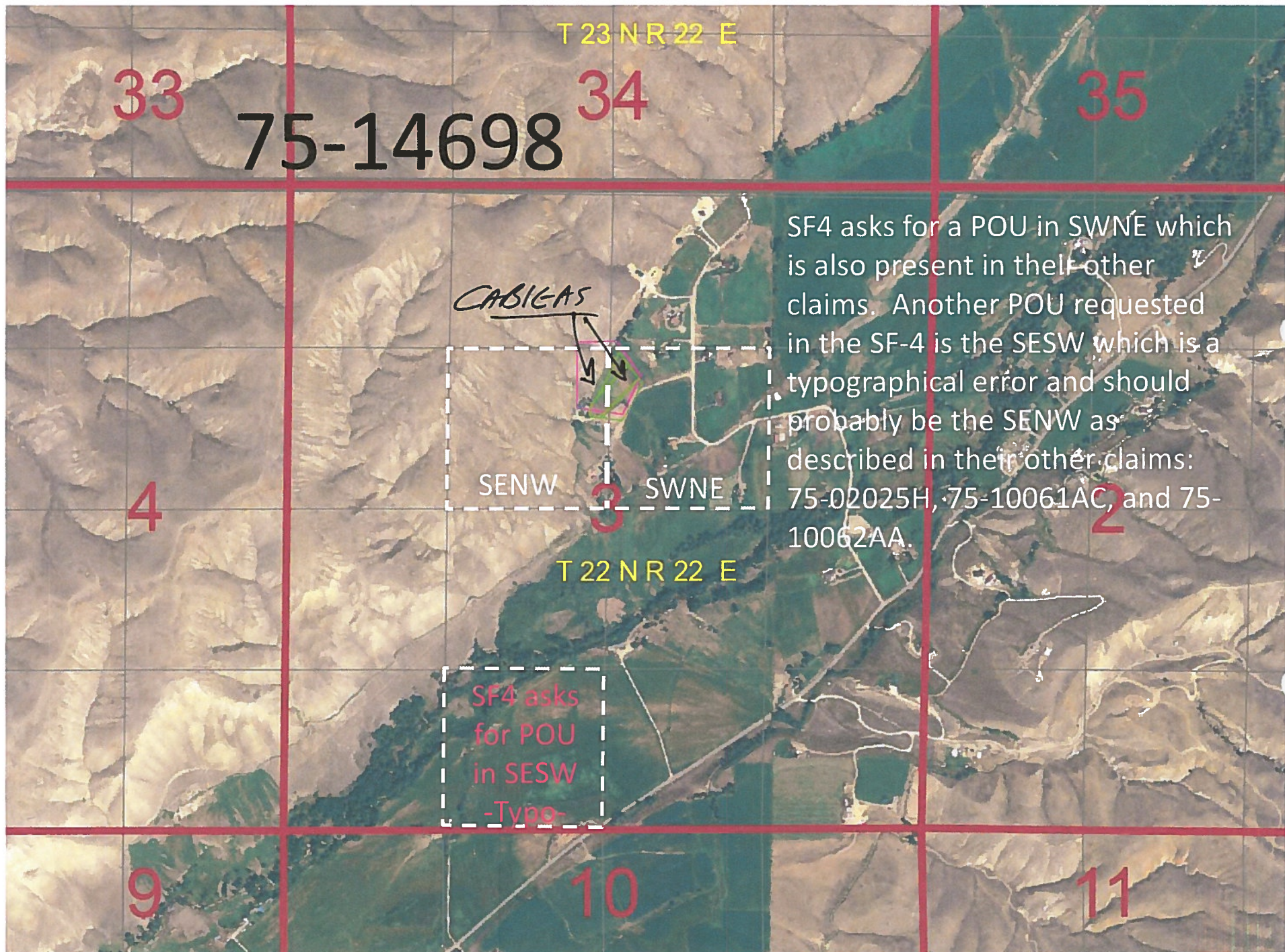
16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of 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 _____ Date _____

Address _____

Last Name _____ Identification No. _____



33

75-14698

34

35

T 23 NR 22 E

CABIGAS

SENW

SWNE

T 22 NR 22 E

SF4 asks
for POU
in SESW
-Type-

SF4 asks for a POU in SWNE which is also present in their other claims. Another POU requested in the SF-4 is the SESW which is a typographical error and should probably be the SENW as described in their other claims: 75-02025H, 75-10061AC, and 75-10062AA.

4

3

2

9

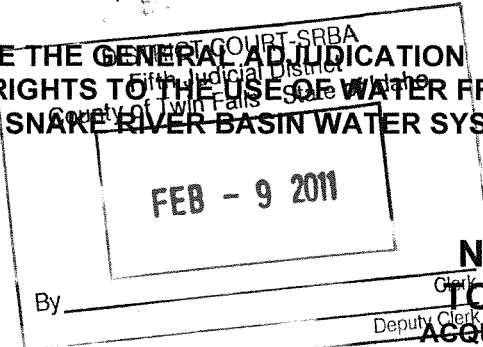
10

11

CABIGAS
COUNT COPY
(PRIG)

**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 75-14698
Date Received: _____
Receipt No: _____
Received By: _____

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

Please type or print clearly

- Name of Claimant (s) Lana J Cabigas and Johnny J. Cabigas Phone (208) 756-1740
Mailing Address PO Box 145 Carmen ID ZIP 83462
Street or Box City State
 - Date of Priority (Only one (1) per claim) 4/1/15
Month Day Year (YYYY)
 - Source of water supply (Check one) Ground Water () or Other () (a) Carmen Creek
which is tributary to (b) Salmon River
 - a. Location of Point of Diversion is: Township T23N, Range R22E, Section S35,
NE, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of Lemhi
- Parcel (PIN) no. _____
- 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
- Govt. Lot _____, BM., County of _____
- ending point is: Township _____, Range _____, Section _____, _____, 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. _____
Head Gate + Ditch from Carmen Creek

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 04-01 to 10-31 amount 036 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 036 (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	
22N	22E	03			2.2									0.8					3.0

Parcel (PIN) no(s). _____

Total number of acres irrigated 3.0

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

11. 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.

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

10061 AC - 10062 AA - 14593 - 10678 - 2025H or None ()

13. Remarks: Water District 75 D

Last Name _____ Identification No. _____

Cabigos →

RP22N22E030801

RP001440000140

RP001440000180

RP001440000150

RP001440000190

RP001440000120

RP001440000200

RP001440000110

RP001440000100

RP001440000210

RP001440000090

RP001440000070

RP001440000060

RP001440000080

RP001440000088

RP001440000078

RP22N22E034801

14. Basis of Claim (Check One) Beneficial Use (X) 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 notices 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 Map

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) [Signature] Date: 2-4-11
[Signature] Date: 2-4-11

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

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of 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 _____ Date _____

Address _____

Last Name _____ Identification No. _____