

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2004 FEB 19 PM 12 06

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	)	Water right claim 72-16646
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO FILE
_____	)	LATE NOTICE OF CLAIM

On November 14, 2003, Claimants Steven and Bonnie Garman, filed a *Motion to File Late Notice of Claim*. A hearing was held on the *Motion* February 17, 2004. The *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, no objections were filed, and good cause for filing the late claim was shown.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for water right 72-16646 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.

IT IS SO ORDERED.

Dated February 19, 2004.



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 LATE NOTICE OF CLAIM** was mailed on February 19, 2004, with sufficient first-class postage to the following:

STEVEN GARMAN
BONNIE GARMAN
PO BOX 4029
KETCHUM, ID 83340

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

CHIEF, NATURAL RESOURCES DIVISON
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

U.S. DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES DIV.
550 WEST FORT STREET, MSC 033
BOISE, ID 83724


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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 72-16646
Date Received 2/24/04
Receipt Number 072799

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of Claimant (s) Steven & Bonnie Garman Phone (208) 726-2475
Mailing Address P.O. Box 4029 Zip 83340
- Date of Priority (Only one (1) per claim) 05/01/1880
- Source of water supply (a) Salmon River, East Fork
which is tributary to (b) Salmon River
- a. Location of existing point of diversion is: Township 10N Range 18E Section 24,
SW 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Custer
Additional points of diversion if any: Lot #13
- b. If instream flow, beginning point of claimed instream flow is:
Township 10N Range 18E Section 24, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of Custer (SE1/4SW)
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., 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. Existing ditch runs across lot 13, from lot 10, through 13, to lot 14. Both adjoining lots have water rights that use own. Original construction. Headgate and ditches to place of use.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 07-01 to 10-31 amount .15 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .15 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 12.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. 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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10N	18E	13											5						5

Total number of acres irrigated 5

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

12. 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.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: This claim is a portion of old Right
72-230. - UH. This claim is for lot 13, block 2 of the East Fork
subdivision of Custer, Co. I.D. See attached letter. (SPG)

Last Name Garman Ident No. 72-16646

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 72-16646
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant Gossi, ET. AL vs GIAMPAGLIA, ET. AL ?

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 X do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) St. D. Garman Date November 11, 03
Bonnie J. Garman Date 11-11-03

For Organizations: I do solemnly swear or affirm 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 _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 13th day of November 2003



Notary Public Sonia D. Greene
Residing at Jerome, Idaho
My Commission Expires 02-10-09

Please Print Name

17. Notice of Appearance
Notice is hereby given that _____ 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 Garman Ident. Number 72-16646

The District Court of the 5th Judicial District
Of the State of Idaho, for the County of Twin Falls

November 11, 2003
P.O. Box 4029
Ketchum, Id 83340
208-726-2475

To Whom It May Concern:

We purchased this lot in July of 1999 from a private individual. He told us that water rights were included and recorded. We believed this to be true as lot 13, the lot in question, has always been irrigated. The lots contiguous to this property have recorded water rights.

As we purchased this property from an individual with no Realtor involved, we had no recourse. We recently realized that we have no recorded rights on this property and would like to pursue the water rights at this time.

We would appreciate your consideration.

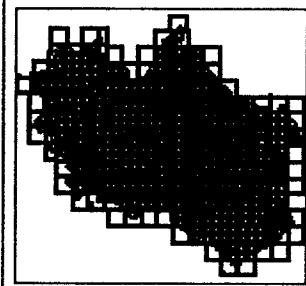
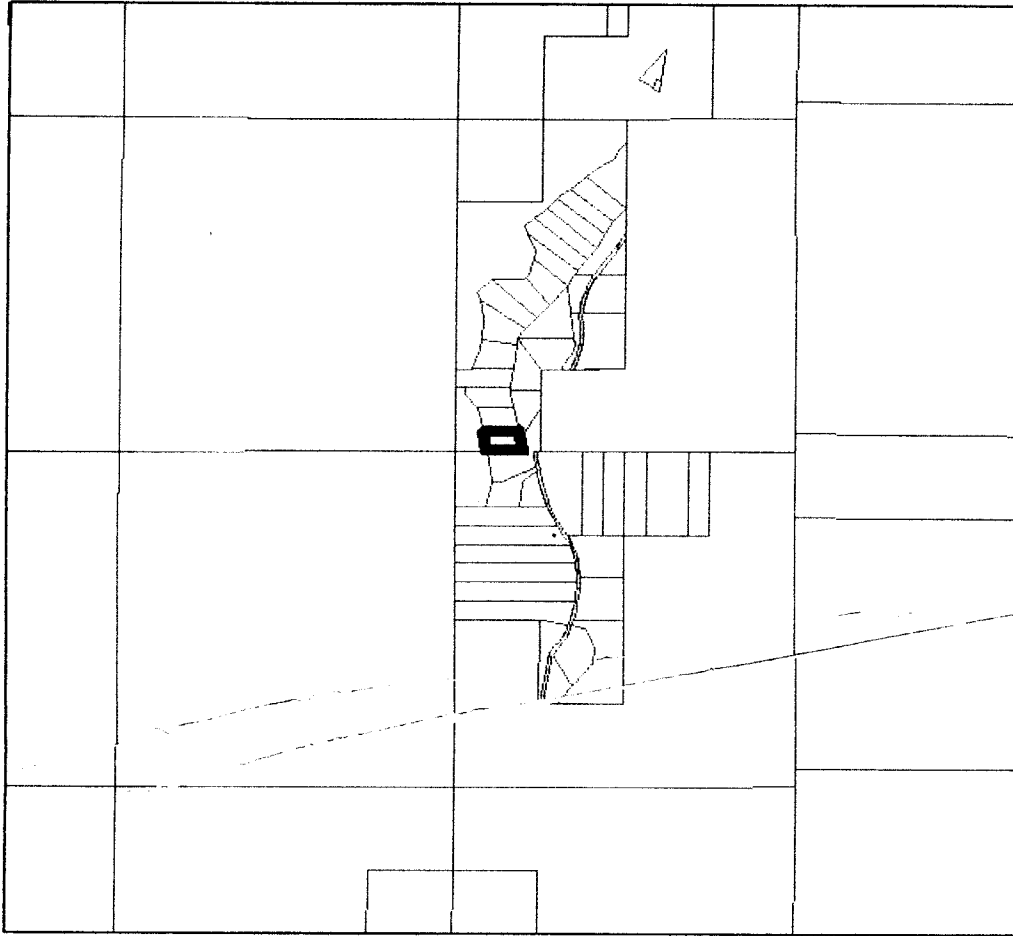
Thank you,

A handwritten signature in dark ink, appearing to read 'S. P. Garman', with a horizontal line extending to the right.

Steven P. Garman

GARMAN, STEVEN P

Lot 13



T.10N R.18E

Sec.13



Selected Parcel

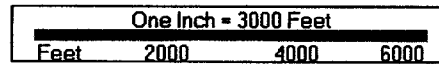
--- Tax lots

--- Farm Roads and
highway easements

— Roads

--- Railroads

1:36000



THIS DRAWING IS TO BE USED FOR
REFERENCE PURPOSES ONLY. THE COUNTY
IS NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED HEREIN.

Paula Patecky + Stoney B. Harris

Sold 1978 To: Jack Pieper

Sold 1994 To: Fred + Robert Bowen (brothers)

Sold 2001 Steven + Bonnie Garman