



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 18, 2006

KENT W FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #35-2019
Your Clients: Jeffrey B. & Bridgette Stieglitz

Dear Mr. Foster:

The Notice of Claim to a Water Right you filed for your clients referenced above was received from the SRBA Court recently. I have enclosed your receipt #C082707 for the filing fees you paid. Please retain the receipt for your records.

Your client's Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4921 if you have any questions.

Please notify us in writing if your client's address changes or if there is a change in ownership of their property and water rights.

Sincerely,

Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss:region

Enclosure:

Receipt #C082707

RECEIVED

SEP 08 2006

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP - 6 2006	
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	)	Water Right Claim: 35-02019
	)	
Case No. 39576	)	NOTICE SETTING HEARING
	)	ON MOTION TO FILE LATE
	)	NOTICE OF CLAIM

On September 6, 2006, Jeffrey B. and Bridgette Stieglitz, by and through their counsel, Kent W. Foster, filed a *Motion to File Late Notice of Claim* for the above-captioned water right.

NOTICE IS GIVEN that hearing on the *Motion to File Late Notice of Claim* is set for **Tuesday, November 21, 2006, at 1:30 p.m. (Mountain Time)**, at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing the number 1-918-583-3445 and when prompted entering code 406128.

Failure to appear at the hearing, either in person or by telephone, may result in dismissal of your *Motion to File Late Notice of Claim*.

Dated September 6, 2006.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE SETTING HEARING ON MOTION TO FILE LATE NOTICE OF CLAIM was mailed on September 06, 2006, with sufficient first-class postage to the following:

BRIDGETTE STIEGLITZ
JEFFREY B STIEGLITZ

Represented by:
KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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

NOTICE

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FILE COPY FOR 02225

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line that serves as a signature line.

NOV 28 2006
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 27 2006	
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	)	Subcase: 35-02019
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO FILE
	)	LATE NOTICE OF CLAIM
	)	
	)	

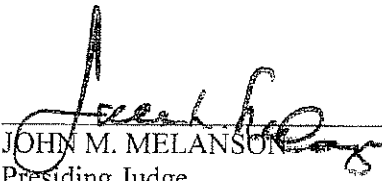
On September 6, 2006, Jeffrey B. and Bridgette Stieglitz, by and through counsel, Kent W. Foster, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on November 21, 2006. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS 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. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late 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 November 27, 2006.


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 November 27, 2006, with sufficient first-class postage to the following:

BRIDGETTE STIEGLITZ
JEFFREY B STIEGLITZ

Represented by:
KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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

ORDER

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FILE COPY FOR 02225 Deputy Clerk

Julie Murphy

RECEIVED

SEP 08 2006

DEPARTMENT OF
WATER RESOURCES

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

A. Subcase 35-2019
(Insert water right number
From the Objection Form)

Case No. 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 file 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 _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing _____ Jeffrey B. & Bridgette Stieglitz

My name is _____ Kent W. Foster

My address is _____ PO Box 50130, Idaho Falls, ID 83405-0130

My phone number is _____ 208-523-0620

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:

Mr. & Mrs. Stieglitz acquired this property from Mrs. Donnetta Nelson two years ago and understood that the water right was valid at the time. It was only recently discovered that no SRBA Claim had ever been filed and Mrs. Nelson had no idea that it was necessary to file a claim or why one was not filed. Her husband passed away in 2003; they were an elderly couple and Mrs. Nelson has no recollection of having ever seen any notices or other written documents requiring the filing of a claim. See attached affidavits.

☐ 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 a 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 you Notice of Claim.)

This right was a licensed right. See attached Affidavit of Mrs. Donnetta Nelson

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 \$ 225.00.

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 Tuesday, November 21, 2006, at 1:30 p.m.
(Insert Date and Time)
at the SRBA Court 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:

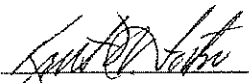
- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION

State of Idaho)
)ss:
County of Bonneville)

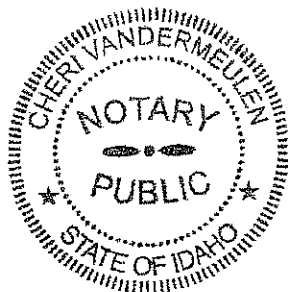
Kent W. Foster, being first duly sworn, upon oath, deposes and says:

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.



Kent W. Foster, Attorney

Subscribed and sworn to before me on this 5th day of September, 2006.





Notary Public for Idaho
Residing at: Idaho Falls, Idaho
My Commission expires: July 7, 2009

CERTIFICATE OF MAILING

I certify that on this 5th day of September, 2006, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. 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 amend 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.



Kent W. Foster, Attorney

G:\WPDATA\KWF\13886 Stieglitz, Jeff\Motion to File Late Claim.wpd

**AFFIDAVIT OF
DONNETTA M. NELSON**

STATE OF IDAHO)
)ss
County of Bingham)

Donnetta M. Nelson being first duly sworn on her oath, deposes and says:

1. I am eighty-three (83) years of age, having been born December 13, 1922, a citizen of the United States, residing at 757 Aspen Drive, Shelley, Idaho 83274, and make this affidavit of my own personal knowledge.
2. I was married to the late Merland E. Nelson who was born July 21, 1920, and died July 28, 2003, at the age of eighty-three (83). During our marriage, we acquired approximately 160 acres of land in Bingham County, Idaho, from my husband's mother in about 1971. The land was described as:

T4N. R32E., Sec. 20: NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$

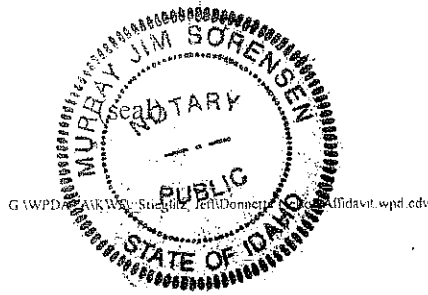
The above land had been owned by my husband's parents prior to our purchase from his mother. His father, Ed Nelson, passed away in about 1969. After we acquired the land, my husband installed a pump in Upper Spring Creek at the point of diversion, with mainline to a sprinkling system, and irrigated the land by means of the sprinkler system every year until his health prevented him from doing so, until sometime before his death. My husband had open heart surgery in 1985 and although he continued to irrigate the land, his health was never very good after the surgery.

3. My husband always did the irrigating and took care of matters related to the water rights. I have been informed that no claim was ever filed in the Snake River Basin Adjudication Proceeding, but I do not know why. I personally do not remember ever having been aware that such a claim might have been required.
4. In 2004, I sold the property to Jeffrey B. and Bridgette Stieglitz. In connection with the sale, someone checked on the water right and obtained a record showing the water right license was active. I have given that and other papers to Mr. Stieglitz. We assumed from the record that the water right was valid and never knew that anything else might have been required.

DATED this 23 day of August, 2006.

Donnetta Nelson
Donnetta Nelson

SUBSCRIBED AND SWORN TO before me this 23 day of August, 2006.



[Signature]
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 8-21-06

**AFFIDAVIT OF
JEFFREY B. STIEGLITZ**

STATE OF IDAHO)
)ss
County of Bonneville)

Jeffrey B. Stieglitz being first duly sworn, on his oath deposes and says:

1. I am over the age of eighteen (18) years, a citizen of the United States, residing at 646 US. Highway 91, Firth, Idaho 83236, and make this affidavit of my own personal knowledge.
2. On or about April of 2004, my wife, Brigitte Stieglitz, and I, purchased from Mrs. Donnetta M. Nelson, the following described real property situate in the County of Bingham, State of Idaho, to wit:

T4S., R32E.B.M., Sec. 20 NE¼NW¼; W¼NE¼; NW¼SE¼.

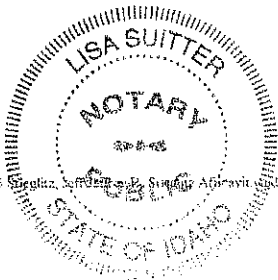
3. During the time we were considering the purchase of said land, I became aware that the land had a sprinkling system thereon and had previously been irrigated. When I sought to learn whether there was a water right appurtenant to the land, we were informed that there was and Mrs. Nelson provided some documents relating to a water right, copies of which are attached hereto. From this information, I understood there was a licensed water right number 35-2019, and since the documents indicated the water right was active, I assumed there was no further action needed with respect to the water right. In fact, I checked some information on the Internet which also disclosed that Water Right License No. 35-2019 was active and based on that confirmation, I concluded that the water right was in satisfactory condition and completed the purchase of the land.
4. After the purchase of the land, I prepared and filed a Notice of Change of Ownership form with the Idaho Department of Water Resources and enclosed with that notice the computer generated record I obtained confirming that the license was still active, assuming that was all that was necessary.
5. I have recently been informed that our predecessors in interest never filed an SRBA claim claiming the referenced water right in the adjudication proceeding and that such a claim needed to have been filed.

DATED this 31 day of August, 2006.

Jeffrey B. Stieglitz

SUBSCRIBED AND SWORN TO before me this 31 day of August, 2006.

(seal)



Lisa Suiter
Notary Public for Idaho

Residing at Idaho Falls, Idaho

My commission expires: 03-27-2008

Attachment -

Kempin - Stiglett / Nelson

Sub Case

35-2019

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on _____, 199__, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

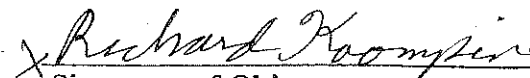
Name: _____
Address: _____

3. 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



Signature of Objector or attorney
mailing on Objector's behalf

F:

VERIFICATION (Must be Completed)

State of _____)
County of _____) ss.

Richard Koopin, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Richard Koopin
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

Karen A Williams

Karen A Williams

Notary Public for Idaho
Residing at: 1218 W 9th St Bldg ID 83221
My Commission Expires: 3/8/08

