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MAR 02 2009

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

) Subcase 63- 33166

) (Insert water right number)

)

Case 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 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 Brian H. and/or Sandra D. Doerty

My address is 2543 Boomer Ln., Boise, ID 83714

My phone number is: Work _____ Home 208-939-2303

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:
I purchased the property in May, 2008 and recently became aware a claim had not been filed in the SRBA.

☐ 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.)

1. Statutory Claim 63-4220 filed by Glenn Stillwell in 1973 that indicates water was first put to beneficial use in 1916.

2. Affidavit describing historical water use from Glenn Stillwell.

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 \$55. (Late fee not applicable; claimant did not own the property until May, 2008 and did not receive an SRBA notice to file)

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, May 19, 2009 at 1:30 p.m.
(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:

CERTIFICATE OF MAILING

I certify that on 2-27, 2009, 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

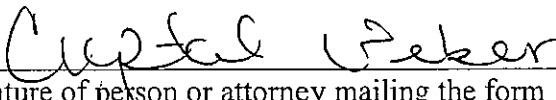
2. Copies to:

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.



Signature of person or attorney mailing the form

VERIFICATION (Must be completed)

State of IDAHO

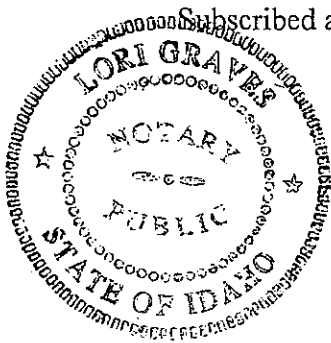
County of ADA

Brian Doerty, 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.

Brian Doerty
Signature of person filing motion

Attorney signing in representative capacity



Subscribed and sworn to before me on February 19, 2009

(Insert Date)

Lori Graves
Notary Public for SPF Water Eng.

Residing at: Boise

My Commission expires: 6/18/2010

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.

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: 63-33166

Date Received:

Receipt No:

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Brian H. and/or Sandra D. Doerty
2543 Boomer Ln.
Boise, ID 83714

Phone: (208) 939-2303

2. Date of Priority: March 1, 1916

3. Source: Dry Creek Trib. to: Boise River

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County	Type
5N	1E	34		SW	SE		Ada	

5. Description of diverting works:

Pump, pipe

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	3/1	11/15	0.10	

7. Total Quantity Appropriated is:

0.10 cfs

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	1E	34															5		5

11. Place of use in counties: Ada

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used: None

14. Remarks: Property also known as Lot 2, Block 1, McCaw Subdivision. This claim is a portion of Statutory Claim 63-4220.

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

Number of attachments: _____

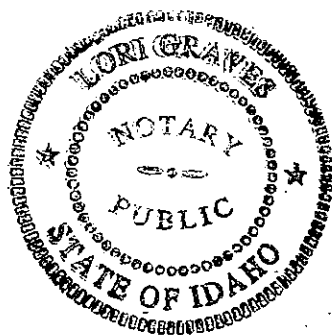
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Susan Dewitz* Date: 2/19/09
_____ Date: _____

State of Idaho)
County of *Ada*) SS.

Subscribed and sworn (or affirmed) before me this 19th of Feb 2009



Notary Public

Residing at *Boise*

My commission Expires 6/18/2010

1987 Aerial Photo

SWSE, S34

Legend



Claimed POD



Doerty Property-5 acres

Claim 63-33166

Doerty



0 180 360 Feet



SPF WATER
ENGINEERING

CLAIM TO A WATER RIGHT

Notice is hereby given that: GLENN STILLWELL &/or MARY STILLWELL
(name of claimant)

The extent and nature of said claim is as follows:

- (4) Priority claimed: (the date water was first applied to beneficial use) 1916

(5) A) Point of diversion: (give location of point where water is diverted from its source)

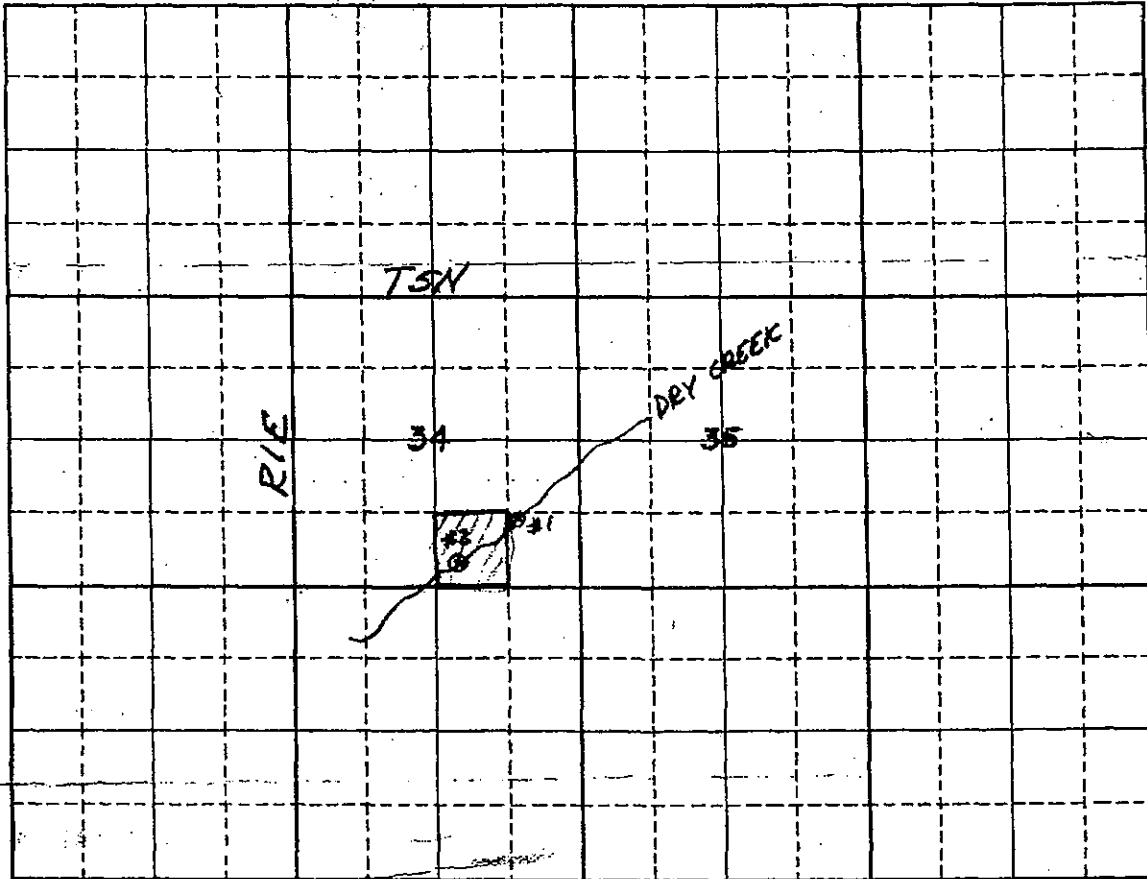
- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. #1) diversion dam and ditch 3' X 1 1/2' and about 1200' long. #2) 150 g.p.m. pump, 3" suction & 2" discharge operating 30 sprinkler heads.

- [illegible]

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

- 63 4220

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of ADA

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 14th day of MayGlenn Stillwell - Mary Stillwell
(Claimant)1973

Notary Public

Residing at Boise, IdahoMy commission expires May 26, 1974

Rec'd # 10532 For Department Use Only

Received by <u>JPWH</u>	Date <u>5-24-73</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JPWH</u>	Date <u>5-24-73</u>		claimant by:	
\$10.00 fee received by <u>JPWH</u>	Date <u>5-24-73</u>			
Approved for publication by <u>JPWH</u>				
Published in <u>Idaho Statesman, Boise, Id.</u>				
Dates <u>5-31-73 to 6-7, 1973</u>				

February 17, 2009

~~May 25, 2005~~

Vicky L. Music
Water Resource Agent
Dept. of Water Resources
State of Idaho

RE: EVIDENCE OF PRIORITY

SNAKE RIVER BASIN CLAIM NO(S): ~~A63-4219E~~ **A63-33166**

Current owner: ~~Perry and Isabel Flook~~

~~13153 N Horseshoe Bend Rd.~~

Boise ID 83714

BRIAN H. + SANDRA D. DOEKTY
2543 E. BOOMER LN

EVIDENCE AFFIDAVIT:

Mr. Glenn Stillwell provides this statement of evidence. Mr. Stillwell is the previous owner of said property and Claims.

WALT EDELBRUCK

The ~~Mary Glenn Subdivisions present~~ point of diversion (off Dry Creek) for irrigation purposes is at the same location on the creek, and has been in use for irrigation since the land was originally homesteaded.

This was prior to 1900.

My Family (STILLWELLS), rented /leased this property from the original homesteaders the Clemmens family, before the turn of the century. I latter purchased the said property along dry creek. Myself and my Grand parents before me have always irrigated the land adjoining Dry Creek from that "point of diversion" on Dry creek at its present location, ~~(which is now, Helen Yeagers property)~~.

Sincerely

Glenn Stillwell Feb 17 2009

Glenn Stillwell

30
May 25, 2005

Vicky L. Munn **JOHN / VICKI MUNE**
Water Resource Agent
Dept. of Water Resources
State of Idaho

**AFFIDAVIT ACCEPTED
FOR DECREES 63-3216
+ 63-32162 (SPLITS
FROM CLAIM 63-4220.**

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-4219E

Current owner: ~~Benny and Isabel Flook~~ **CARL IRMINGER**
~~12155 N Horseshoe Bend Rd.~~ **3473 BROOKSIDE LN.**
Boise ID 83714 **BOISE, ID. 83714**

EVIDENCE AFFIDAVIT:

Mr. Glenn Stillwell provides this statement of evidence. Mr. Stillwell is the previous owner of said property and Claims.

WALT ERDEL-BROCK

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W CARL IRMINGER'S

Sincerely

Glenn Stillwell

*** REVISIONS PER CONVERSATION WITH GLENN & MARY
STILLWELL 5-30-05 AT THEIR RESIDENCE OFF HIWA**

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