

RECEIVED

JUN 19 2009

DEPARTMENT OF
WATER RESOURCES

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

JUN 18 2009

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

Clerk
Deputy Clerk

In Re SRBA

Subcase: 63-33166

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On March 2, 2009, Brian H. and Sandra D. Doerty filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on June 16, 2009. 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 June 18, 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 LATE NOTICE OF CLAIM was mailed on June 18, 2009, with sufficient first-class postage to the following:

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

BRIAN H DOERTY
SANDRA D DOERTY
2543 BOOMER LN
BOISE, ID 83714
Phone: 208-939-2303

ORDER

Page 1 6/18/09

FILE COPY FOR 02268

Deputy Clerk

A handwritten signature in cursive script, appearing to read "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".

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: DISTRICT COURT-SRBA
Receipt No: Fifth Judicial District
Received By: of Twin Falls - State of Idaho

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

MAR 2 - 2009

Phone: (208) 939-2303

1. Name of Claimant(s)

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

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:

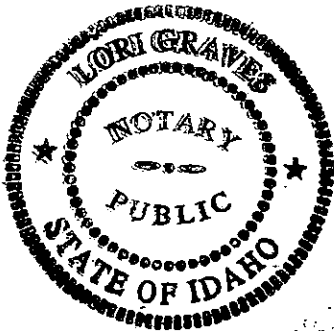
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Laura Daulton* 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



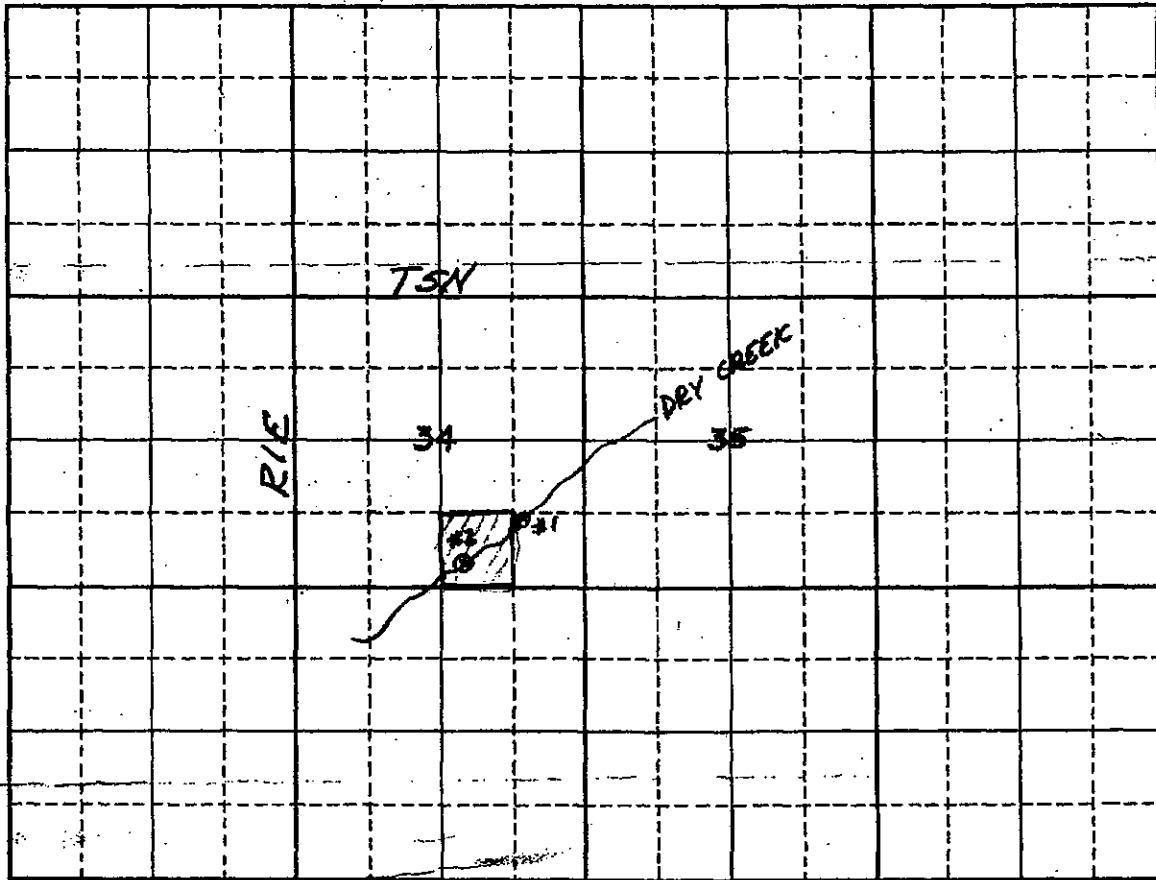
0 180 360 Feet



SPF WATER
ENGINEERING

- 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 affiant's knowledge.

Sworn to before me this 14th day of May, 1973

Glen Hillwell - Mary Stillwell
(Claimant)

Notary Public

Residing at

Kenneth A. Lait
Boise, Idaho

My commission expires

May 26, 1974

Rec # 10532 For Department Use Only

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

February 17, 2009

~~May 25, 2006~~

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. DOEHTY
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 23, 2005

Vicki L. Muntz JOHN / VICKI MUSK
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: Penny and Isabel Flock CARLE IRMINGER
18199 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

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-Youngers property),

CARL IRMINGER'S

Sincerely

Glenn Stillwell

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

16

Idaho Department of Water Resources Receipt

Receipt ID: C088859

Payment Amount	\$50.00	Date Received	6/19/09 11:03	Region	STATE
Payment Type	Check	Check Number	1709		
Payer	DOERTY, BRIAN OR SANDRA				

Comments Subcase: 63-33166

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$50.00	ADJUDICATION FILING FEE	0337		41503	1155

SRZ

Signature Line (Department Representative)

Idaho Department of Water Resources Receipt

Receipt ID: C088858

Payment Amount	\$55.00	Date Received	6/19/09 10:57	Region	STATE
Payment Type	Check	Check Number	1592		
Payer	DOERTY, BRIAN OR SANDRA				

Comments Subcase: 63-33166

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$55.00	ADJUDICATION FILING FEE	0337		41503	1155



Signature Line (Department Representative)