

RECEIVED
AUG 21 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 20 2009
By _____ Clerk
_____ 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: 63-33198

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

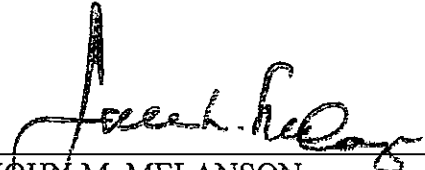
On May 12, 2009, Michael and Evelyn Stoddard filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on August 18, 2009. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made 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, contingent upon an additional payment of \$50.00 in filing fees.**

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 August 20, 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 August 20, 2009, with sufficient first-class postage to the following:

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

EVELYN STODDARD
MICHAEL STODDARD
2588 E BOOMER LN
BOISE, ID 83714
Phone: 208-939-4418

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

DISTRICT COURT-SRBA	
Ident. Number:	63-33198
Date Received:	Fifth Judicial District
Receipt No:	County of Twin Falls - State of Idaho
Received By:	
MAY 12 2009	
By	
Deputy Clerk	

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Michael and/or Evelyn Stoddard
2588 E. Boomer Ln.
Boise, ID 83714

Phone: (208) 939-4418

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	0.06	

7. Total Quantity Appropriated is:

0.06 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														2	3		5

(3 acres within a 5-acre permissible place of use)

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: **Well for domestic use**

14. Remarks: **Property also known as Lot 1, 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: _____

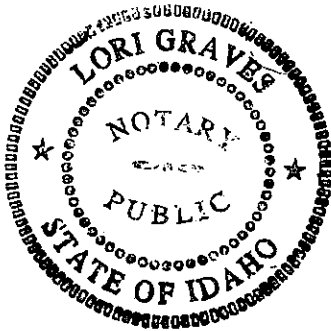
For Individuals:

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

Signature of Claimant(s): [Signature] Date: 5-11-09
_____ Date: _____

State of Idaho)
County of Ada) SS.

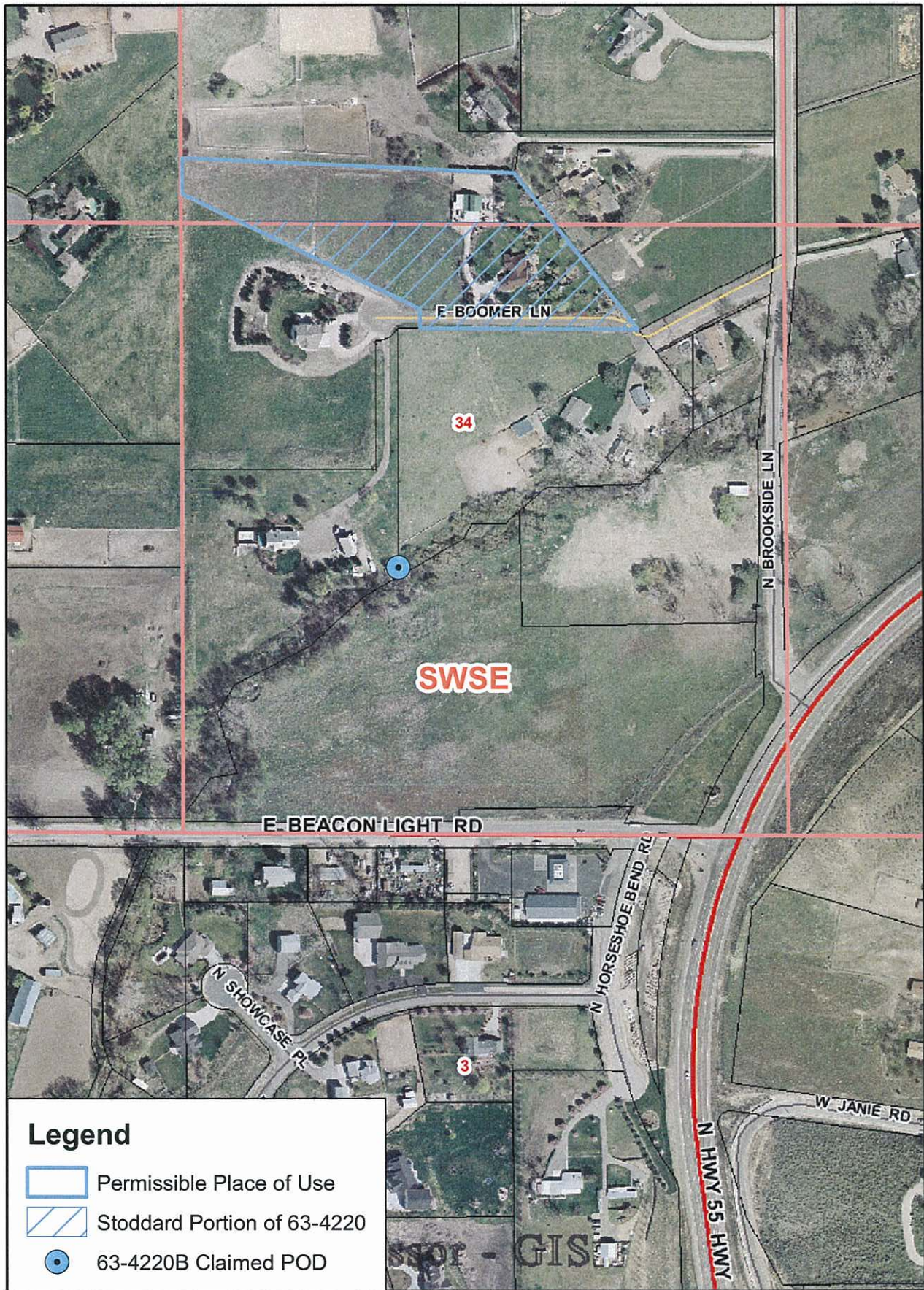
Subscribed and sworn (or affirmed) before me this 11 of May 2008



[Signature]
Notary Public

Residing at Boise

My commission Expires 5/6/2015



May 25, 2005

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

Revised Affidavit
previously
accepted for
decrees
63-32161 + 63-32162

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): ~~A63-42198~~

A63-33198

Current owner: ~~Perry and Isabel Flook~~
~~13153 N Horseshoe Bend Rd.~~
~~Boise ID 83714~~

MICHAEL + EVELYN STODDARD
2588 E. BOOMER LN.
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 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 Yagers property)~~.

Sincerely

Glenn Stillwell

5/1/09

Glenn Stillwell

CLAIM TO A WATER RIGHT

Notice is hereby given that GLENN STILLWELL &/or MARY STILLWELL
(name of claimant)
of Rt. #1, Boise, Idaho 83702, claims a right to the diversion and beneficial use of
(mailing address)

The extent and nature of said claim is as follows:

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount _____ Use _____ Period of Use: From _____ To _____

(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)

- (4) Priority claimed: (the date water was first applied to beneficial use) 1976

¹ "A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source."

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

- 1) SE ¼ SE ¼, Sec. 34, Twp. 5 N., Rge. 1 E., B.M. County of Ada
Additional points of diversion: SW ¼ Sec. 34, T. 5 N., R. 1 E., B.M. (pump)

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.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

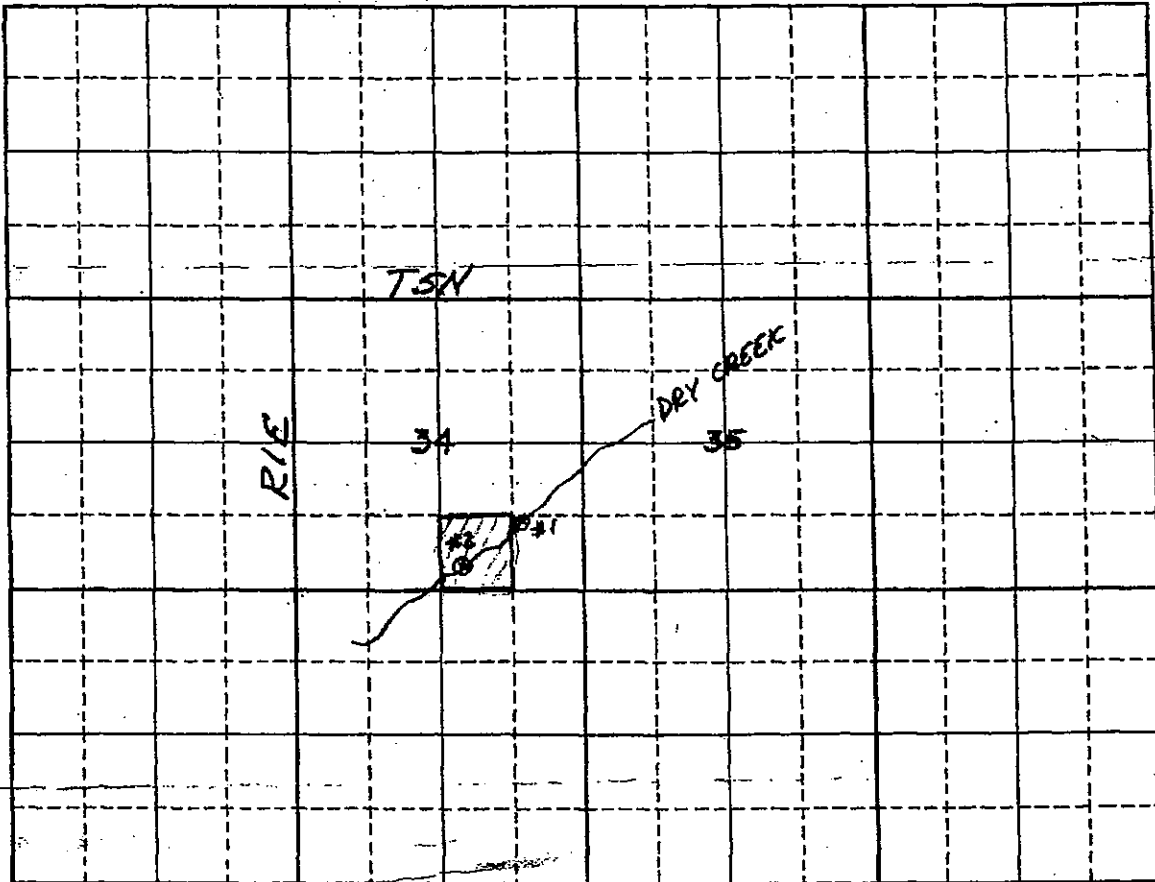
Total No. of acres 40

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

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks

6-1220



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 May, 1973

Glenn Stillwell - Mary Stillwell
(Claimant)

Notary Public

Residing at

Lawrence A. Fox
Boise, Idaho

My commission expires

May 26, 1974

Rec # 10532 For Department Use Only

Received by

Date

5-24-73

Exception filed by:

Forwarded to

Date

Prelim. check by

Date

5-24-73

claimant by:

\$10.00 fee received by

Date

5-24-73

Approved for publication by

Published in

Boise Statesman, Boise, Id.

Dates

5-31 & 6-7, 1973