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JAN 21 2010

DEPARTMENT OF
WATER RESOURCES

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

JAN 20 2010

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: 21-13112

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On October 30, 2009, DGM Properties, LLC, *et al.*, by and through counsel, Robert L. Harris, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on January 19, 2010. 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 January 20, 2010.


ERIC I. WILDMAN
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 January 20, 2010, with sufficient first-class postage to the following:

DGM PROPERTIES LLC
FUNK-DRUSSEL LLC
G & S DEVELOPMENT LLC
WENGREEN DEVELOPMENT LLC

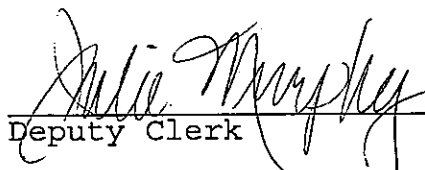
Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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

ORDER

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FILE COPY FOR 00494


Deputy Clerk

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

RECEIVED ✓

JAN 21 2010

DEPARTMENT OF
WATER RESOURCES

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 21-13112

Date Received 1-21-2010Receipt Number C089927SR7
6100-

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 OCT 30 AM 10 13

1. Name of Claimant(s) DGM Properties, LLC; G&S Development, LLC; Funk-Drussel, LLC; Wengreen Development, LLC Phone(208) 523-5959

Mailing Address 5990 Gleneagles Dr., Idaho Falls, ID Zip 83401

2. Date of Priority (Only (1) per claim) June 1, 1945

3. Source of water supply (a) Ground water

which is tributary to (b) _____

- 4.a. Location of existing point of diversion is:
Township 15N Range 43E Section 6, 1/4 of NW 1/4 of NW 1/4, Govt. Lot 2,
County of Fremont
Parcel (PIN) No. _____

Additional points of diversion if any: _____

If Available, GPS Coordinates: _____

- b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. 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 well.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 05/01 to 10/31 amount 0.09 cfs or _____

7. Total quantity claimed (a) 0.09 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the table below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	43D	6						4.3											4.3

Parcel (PIN) No(s). _____

Total number of acres irrigated 4.3

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

11. 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.

12. Describe any other water rights used at the same place and for the same purposes as described above.

21-7362 or None ()

13. Remarks:

This resort has been landscaped and irrigated since at least 1945. When the water rights were filed for in the SRBA, the applicant inadvertently left off the irrigation portion of his water rights.

14. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice ☐ Permit ☐ Decree ☐ License ☐

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

15. 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

Last Name _____ Ident. Number _____

For Organizations: I do solemnly ☐ swear or affirm under penalty of perjury ☐ that I am The Manager of GTS Development LLC, that I have signed the foregoing document in the space below as Manager of GTS LLC Development and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Mgr. GTS LLC Development

Date 10-29-09

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris 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 Robert L. Harris
Address PO Box 50130, Idaho Falls, ID 83405-0130
Date Oct. 29, 2009

Olde Staley Resort Place of Use



Legend

- Tax Lot RPI009000000BA
- Tax Lot RPI009000000AD
- Place of Use
- Section Lines

Total Place of Use: 4.3 acres



2004 NAIP Photo

Michael A. Horton

Attorney at Law

225 East Mendenhall, Suite C, Bozeman MT, 59715
Phone: 406-586-9268 - Fax: 406-587-9752 Email: hortonlaw@hotmail.com

5/15/2008

Mr. William Moss
Via Email: bmoss@grwei.com

Re: Staley Springs Lodge - Historical Water Use.

Dear Bill:

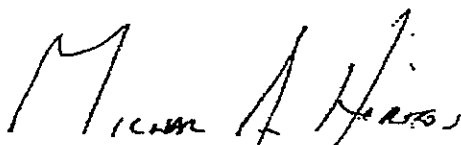
As per your request I have written a short note concerning my experience and knowledge of use of the water system for irrigation at Staley Springs Lodge during my tenure there. I helped out as a part time boat boy for Leonard McMinin while vacationing there, then worked as boat boy a season for Don Hart, and finally managed the resort for Stan Horton, so my experience covers three separate ownerships of Staleys.

Lawns are a big deal at a vacation resort and over my time with Staleys we used each of the wells located thereon a great deal to irrigate the grass and water landscaping. Further, during the season I worked for Don Hart, he required use of an irrigation pump for these purposes taking water directly from the springs themselves. This water would have come from both the spring and from the input of the Timber Creek water right that emptied directly into the springs at that time.

Simply put, both of the wells at Staleys have been used for agricultural purposes over the years in order to maintain the property. Further, I have been told by history buffs and some of the older clients that these water sources have been used to maintain livestock and at one time the Timber Creek water right wove through the property and was used to irrigate as well as being a fishable waterway.

That is about all I have on the subject, but if you have any further use or need of my recollections regarding Staleys, I stand ready to assist.

Best Regards:


Michael A. Horton

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JUL

Department of Water Resources
San Diego District Office

LEONARD MANNINEN being first duly sworn,

In Nov of 1980.

sold Stanley Springs Lodge to Charles
Hart. I had owned the Lodge
for 17 years prior to selling.

To my knowledge, the well supplying water to the entire property was drilled in 1945.

Leonard Munninen
(Signature)

Subscribed and sworn to before me this 21st day of June, 1985

Kathleen Clark
(Notary Public)

Residing at West Yellowstone
My Commission Expires 1-17-87

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