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APR 22 2010

DEPARTMENT OF
WATER RESOURCES

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

APR 21 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: 47-17529

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On January 14, 2010, Ken Stutzman filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on April 20, 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 April 21, 2010.


ERIC J. 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 April 21, 2010, with sufficient first-class postage to the following:

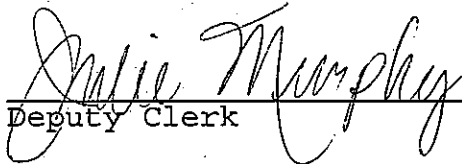
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

KEN STUTZMAN
4123 HIDDEN LAKES
KIMBERLY, ID 83341
Phone: 208-733-2693

ORDER

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FILE COPY FOR 01181


Deputy Clerk

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SRBA Form No.42-1409-1 (Internet 2/09)

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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 48-17827-10
Date Received 10905
Receipt No: 10905
Received By: SBT \$103

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) KEN STUTZMAN Phone (208) 733-2125
Mailing Address 4123 Hidden Lakes Kimberly ID 83341 ZIP 83341
Street or Box City State
2. Date of Priority (Only one (1) per claim) 7-07-1958
Month Day Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other () (a) UN NAMED STREAM
which is tributary to (b) ROCK CREEK
4. a. Location of Point of Diversion is: Township 10 S, Range 17 E, Section 22,
NW, 1/4 of SW, 1/4 Govt. Lot EE, BM., County of T.F.

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

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., 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.

12" Pipe with Side Gate was the diversion.
point from stream. Install prior 1958

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For IRRIGATION purposes from 3-15 to 11-15 amount 0.07 or _____

For STOCK WATER purposes from 1-1 to 12-31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.07 (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.) 4 - 400

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>105</u>	<u>17E</u>	<u>22</u>										<u>2.3</u>							<u>2.3</u>
												<u>S</u>							

Parcel (PIN) no(s). _____

Total number of acres irrigated 2.3

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

11. Do you own the property listed above as place of use? Yes (X) 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.

_____ or None ()

13. Remarks: WATER USE WAS IN THE EARLY 1950S

Last Name _____ Identification No. _____

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

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

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 notices 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) *K. S. [Signature]* Date: 1-13-10

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Title of _____ Organization

that I have signed the foregoing document in the space below as

Title of _____ Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of 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 _____ Date _____

Address _____

Last Name _____ Identification No. _____

IDAHO DEPARTMENT OF WATER RESOURCES



47-17529
Late Claim



D. Jones
1/2010

WAGNER TRANSPORTATION

Livestock and Produce
Transportation

P. O. BOX 192

OFFICE 208/733-7671

RES. 208/733-7297

TWIN FALLS, IDAHO 83303-0192

Idaho Department of Water Resources
1341 Filmore Street
Twin Falls, ID 83301

January 13th, 2010

Ref. 47-17529 Late Claim

To Whom It May Concern,

We purchased the property upon which the diversion point from seepage tunnel on property is located on July 7th, 1958 from George Secrist, section 22.10S-17E along with shares from the Twin Falls Canal Co.

Water from the seepage tunnel was in use for irrigation and stock watering at that time.

The point of diversion was existing when the property was purchased and has been in use for the same purposes up to the current date.

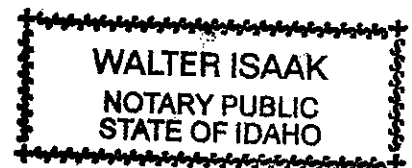
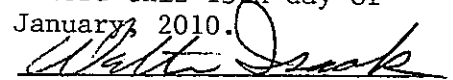
Sincerely,
Roscoe Wagner, Inc.



By Roger Wagner - President

Copy: Ken Stutzman

Subscribed and sworn to me
before this 13th day of
January, 2010.



COPY