

RECEIVED

MAY 17 2012

DEPARTMENT OF
WATER RESOURCES

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

MAY 16 2012

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

) WATER RIGHT NOS: 36-16908 & 36-16923

Case No. 39576

) ORDER CONDITIONALLY GRANTING

) LATE NOTICES OF CLAIM

)

)

)

)

On February 10, 2012, Claimants Richard Larry Stone and Nan Allison Stone, through their counsel of record Fritz X. Haemmerle, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. A hearing on the *Motions* was held on May 15, 2012. No party appeared in opposition to the *Motions*. However, at the hearing the Idaho Department of Water Resources notified the Court that Claimants needed to submit an additional \$40.00 fee associated with the late claims in addition to the amount already paid. Following a review of the file and after hearing the comments made in open court, the Court finds that good cause exists for granting the instant *Motions*, provided that Claimants first submit an additional \$40.00 fee to the Idaho Department of Water Resources.

THEREFORE, IT IS HEREBY ORDERED that the *Motions to File a Late Notice of Claim* for the above-captioned water rights are **conditionally granted** subject to Claimants first submitting an additional \$40.00 payment made payable to the Idaho Department of Water Resources to account for the additional late claim filing fee.

Dated May 16, 2012


ERIC J. WILDMAN

Presiding Judge

Snake River Basin Adjudication

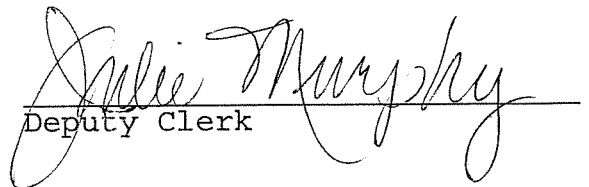
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER CONDITIONAL GRANTING LATE NOTICES OF CLAIM was mailed on May 16, 2012, with sufficient first-class postage to the following:

NAN ALLISON STONE
RICHARD LARRY STONE

Represented by:
HAEMMERLE, FRITZ X.
PO BOX 1800
HAILEY, ID 83333
Phone: 208-578-0520

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is fluid and extends slightly above and below the line.

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MAY 17 2012

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

DEPT. 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 36-16908

Date Received: 5/17/2012

Receipt No: C095352

Received By: SR7

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Richard Larry Stone and Nan Allison Stone Phone (208) 622-8122
Mailing Address P.O. Box 1331 Sun Valley ID 83353
Street or Box City State ZIP
2. Date of Priority (Only one (1) per claim) January 1, 1956
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (☒) (a) Billingsley Creek
which is tributary to (b) Snake River

4. a. Location of Point of Diversion is: Township 7S, Range 13E, Section 11,
SE, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of Gooding

Parcel (PIN) no. Unknown

Additional points of diversion if any: None

If available, GPS Coordinates Not available

- 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. Water is conveyed from Billingsley Creek to the local area in the

Buckeye Ditch. A small ditch diverts water from the Buckeye Ditch to a constructed pond (Pond #1) on the

applicants' property. Water from Pond #1 is discharged to a ditch which conveys water to a second constructed

pond (Pond #2, claimed under 36-16923). Water is discharged from Pond #2 to a ditch which conveys water to

the Bell Ditch. This is a claim for Pond #1.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Diversion to Storage purposes from 1/1 to 12/31 amount 0.20 or _____

For Wildlife Storage purposes from 1/1 to 12/31 amount _____ or 4.0

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) 4.0 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Wildlife habitat for water fowl

9. Description of place of use: WS = Wildlife Storage

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	
7S	13E	23							WS										

Parcel (PIN) no(s) Unknown

Total number of acres irrigated n/a

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

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.

SRBA Claim No. 36-16923 is for an additional pond. _____ or None ()

13. Remarks: Pond #1 has a surface area of 0.4 acres and is 10' deep.

Last Name Stone Identification No. 36-16908

Scale: 2 Inches equals 1 mile

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: 2

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: _____

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

_____ of _____,
Title Organization

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

_____ of _____,
Title 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, Fritz X. Haemmerle, 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 P.O. Box 1800

Hailey, ID 83333

T07S R13E S23

Pond #2

Pond #1

— Bell Ditch
— Buckeye Ditch
Local Ditches

Stone - Late Claims
36-16908, 36-16923

1

250

Feet



SPF WATER
ENGINEERING

RECEIVED

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

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 36-16923

Date Received: 5/17/2012

Receipt No: 0095352

Received By: SRJ

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Richard Larry Stone and Nan Allison Stone Phone (208) 622-8122
Mailing Address P.O. Box 1331 Sun Valley ID 83353
Street or Box City State
2. Date of Priority (Only one (1) per claim) January 1, 1970
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Billingsley Creek
which is tributary to (b) Snake River

4. a. Location of Point of Diversion is: Township 7S, Range 13E, Section 11,
SE, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of Gooding

Parcel (PIN) no. Unknown

Additional points of diversion if any: None

If available, GPS Coordinates Not available

- 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. Water is conveyed from Billingsley Creek to the local area in the

Buckeye Ditch. A small ditch diverts water from the Buckeye Ditch to a constructed pond (Pond #1) on the

applicants' property. Water from Pond #1 (claimed under 36-16908) is discharged to a ditch which conveys water

to Pond #2. Water is discharged from Pond #2 to a ditch which conveys water to the Bell Ditch. This is a claim

for Pond #2.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Diversion to Storage purposes from 1/1 to 12/31 amount 0.20 or _____

For Wildlife Storage purposes from 1/1 to 12/31 amount _____ or 0.4

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) 0.4 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Wildlife habitat for water fowl

9. Description of place of use: WS = Wildlife Storage

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	
7S	13E	23							WS										

Parcel (PIN) no(s). Unknown

Total number of acres irrigated n/a

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

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.

SRBA Claim No. 36-16908 is for an additional pond. _____ or None ()

13. Remarks: Pond #2 has a surface area of 0.4 acres and is 10' deep.

Last Name Stone Identification No. 36-16923

Scale: 2 Inches equals 1 mile

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: 2

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: _____

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

_____ of _____,

Title

Organization

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

_____ of _____,

Title

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, Fritz X. Haemmerle, 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 P.O. Box 1800

Hailey, ID 83333

T07S R13E S23

Pond #2

Pond #1

— Bell Ditch
— Buckeye Ditch
Local Ditches

Stone - Late Claims
36-16908, 36-16923

1

250

Feet

