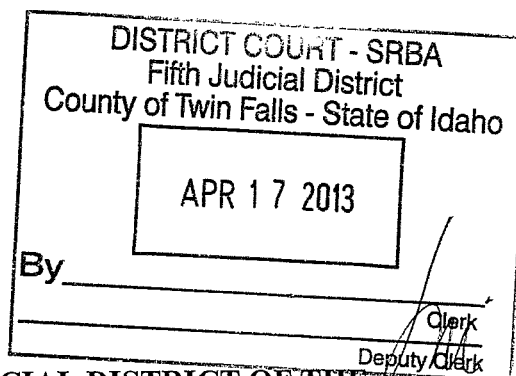


RECEIVED

APR 18 2013

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 SRBA

Case No. 39576

)
)
)
)
)
)
)

WATER RIGHT NO: 71-04011

NOTICE CONTINUING HEARING ON
MOTION TO FILE LATE NOTICE OF
CLAIM

On January 30, 2013, Thomas R. Stuart III and Anne Pasley-Stuart filed a *Motion to File Late Notice of Claim* in the above-captioned water right. Hearing on this matter was held on April 16, 2013.

NOTICE IS GIVEN that a continued hearing on this matter is set for **Tuesday, June 18, 2013, at 1:30 p.m. Mountain Time, at the Snake River Basin Adjudication District Court, 253 – 3rd Avenue North, Twin Falls, Idaho.** Parties may participate by telephone by dialing the number 1-215-446-0193 and when prompted entering code 406128, followed by the # sign.

Dated: April 17, 2013.

A handwritten signature in black ink, appearing to be "Eric J. Wildman", written over a horizontal line.

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE CONTINUING HEARING ON MOTION TO FILE LATE NOTICE OF CLAIM was mailed on April 17, 2013, with sufficient first-class postage to the following

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

ANNE PASLEY-STUART
THOMAS R STUART III
749 HIGH POINT LN
BOISE, ID 83712-6561
Phone: 208-343-3017

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

RECEIVED

JAN 13 2013

WATER RESOURCES
WESTERN REGION

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

Deputy Clerk: Number 71-4011

Date Received: 4-18-13

Receipt No: CD97000

Received By: DB

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

- Name of Claimant(s) THOMAS R. STUART III Phone (208) 343-3017
+ ANNE PASLEY-STUART
- Mailing Address 749 HIGH POINT LN, BOISE ID Zip 83712-6561
Street or Box City State
- Date of Priority: (Only one per claim) MAY 01/1963
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (a) SALMON RIVER
which is tributary to (b) SNAKE RIVER
- Location of Point of Diversion is: Township 11N, Range 13E, Section 34
SE 1/4 of SE 1/4, or Govt. Lot _____ BM., County of CLUSTER
BLOCK 1, LOTS 1 & 2, STANLEY GOVT TRNSSITE
Parcel (PIN) no. _____ (LOWER STANLEY)
- Additional points of diversion if any: _____
- If available, GPS coordinates: N44° 14.05' W 114° 55.0'
- Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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.
PUMP: 1-1 1/2 HP, PIPELINE + HOSES TO APPROX 1/3 ACRE
- Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)
For Domestic ~~Stockwater~~ purposes from JAN 1 to DEC 31 amount <13,000 gal/day
For _____ purposes from _____ to _____ amount _____
- Total Quantity claimed _____ cfs () or AFY () Not exceeding 13,000 gal/day
- Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;
Stockwater and Number of livestock) Domestic, 1 household in single ownership.

9. Location of Place of Use is: Township 11 N, Range 13 E, Section 34,
SE 1/4 of SE 1/4, Govt. Lot 1, BLK 1, LOTS 1 & 2, STANLEY GOV'T TOWNSITE (SPR) BM. Parcel (PIN) no. _____
If different than shown in Item 4

for (Check One) Domestic (☒) Stock () Domestic and Stock ()

Additional places of use, if any _____

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

11. Do you own the property listed above as place of use? Yes (☒) No ()

If the 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.

None () Well-drilled in 2006 for residence, on site

13. Remarks: See attached letter, with supplemental information.

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 ORIGINAL, 71-4011 (copy attached)
AMENDED, 71-4012

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 Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do _____ wish to receive do not ☒ and pay a small annual fee for monthly copies of the docket sheet

Number of attachments: 1 - supplemental information letter

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) [Signature] Date: 01/15/2013

Date: 01/15/2013

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, _____, 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. _____

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

DECEMBER 18, 1979

THOMAS R. III STUART
1719N 11TH
BOISE

ID 83782

FE: Claim No. 71-4911

Dear Claimant:

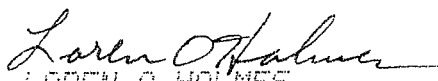
The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,


LOREN O. HOLMES
Southern Region Supervisor

Enclosure

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Department of Water Resources
Southern District Office
Cody, Idaho

OCT 30 1983

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

THOMAS R. STUART, JR.

(Name of Claimant)

1713 N. 11, Boise, ID 83702

(Mailing Address)

(Zip Code)

Telephone No. 345-4417

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) MAY 1963

(2) 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 is that a claim may be filed on single family domestic use from a ground water source.

(3) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) SALMON RIVER tributary to N/A

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

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From	To	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity	10 cfs	Use	DOMESTIC, DRUGS	Period of Use From	JAN 1	To	DEC 31
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	

(5) TOTAL QUANTITY USED.

10 cfs

(cfs, gpd, AFA)

(6) Point of diversion: (Location of point where water is diverted from its source)

SE 1/4 SE 1/4, Sec 134, Twp. 11 N, Rge. 13 E B.M., County of CUSTER

Additional points of diversion:

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. Describe any changes in the system and give the date of the change. Included Pump: 1 1/2 HP, 1" AND 2" DIAMETER PIPING + HOSES

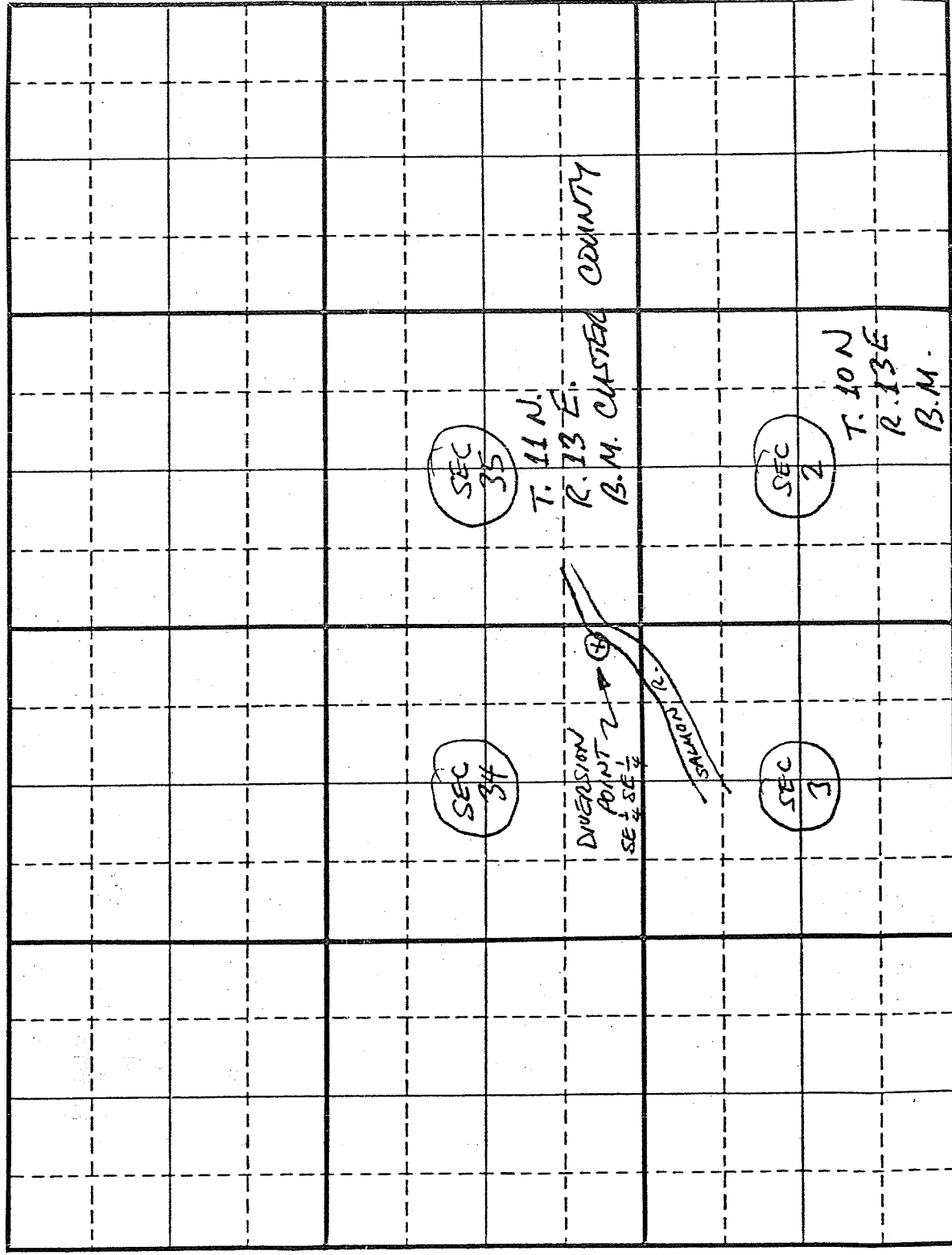
(7) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

STANLEY GOV'T TOWNSHIP (LOWEN STANLEY), BLOCK 1, LOTS 1 and 2.

T	R	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				SE %				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11N	13E	34																			1/2	1/2	

(8) Remarks

DIVERSION POINT: STANLEY COUNTRY TOWNSHIP,
BLOCK 1, LOTS 1 AND 2.



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

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 29 day of October

(Claimant)

1929.

Thomas Stewart

Notary Public
Residing at Boise, Id.

My commission expires

Life

FOR DEPARTMENT USE ONLY

Received by Marga

Prelim. check by K. K. K. K.

\$20.00 fee received by \$20.00

Published in Register Publishing Co

Dates 11/29 & 12/16/29

Exception filed by:

10/29/29

Date

Date

Date

Date

Date

Date

Date

Date

Date

Date

Date

Date

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: November 6, 1998

PAGE: 1

RIGHT NUMBER: 71-04012 - *Combined original 71-04011 and 71-04012*NAME AND ADDRESS: THOMAS R STUART III
2301 HILLWAY DRIVE
BOISE ID 83702

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.03 CFS

PRIORITY-DATE: 05/01/1944

POINT OF DIVERSION T11N R13E S34 LOT 2 (NESESE) Within CUSTER County
LOT 2 (SESESE)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	05-01 10-31	0.03 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T11N R13E S34 LOT 2 (SESE) 1
1 ACRES TOTAL

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 71:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PROPERTY IS KNOWN AS REDWOOD MOTEL.
PROPERTY IS WITHIN LOTS 1 THRU 7, BLK. 1 OF STANLEY TOWNSITE
(LOWER STANLEY).
FIRE PROTECTION FOR MOTEL IS INCIDENTAL*Now should be
Lots 3-7, Block 1 -
for Redwood Motel*

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 71-04012

*Redwood
River irrigation
Court decree - off*

NAME AND ADDRESS: THOMAS R STUART III
2301 HILLWAY DRIVE
BOISE, ID 83702

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.03 CFS

PRIORITY DATE: 05/01/1944

POINT OF DIVERSION: T11N R13E S34 LOT 02 (SESESE) Within Custer County
LOT 02 (NESESE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	0.03 CFS

PLACE OF USE: Irrigation Within Custer County
T11N R13E S34 LOT 02 (SESE) 1.0
1.0 Acres Total

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

B. Wood

Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication