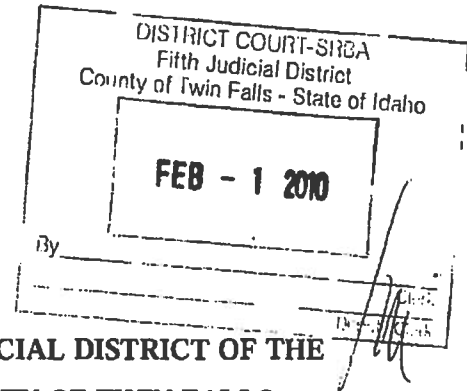




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase 63-33149

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Jerry and Mary Lou Tlucek

My name is Dylan Lawerence

My address is 101 S. Capitol Blvd., 10th Floor, Boise, ID 83702

My phone number is (208) 385-5417

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Claimants did file claims to 63-3323 and 63-3324 based upon existing licenses.

Claimants were not aware that filing a separate enlargement claim was necessary in
order to authorize irrigation of the permissible place of use recommended by IDWR.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

Completed Notice of Claim form, 1975 aerial photography, 1987 aerial photography

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 88.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on May 18, 2010 at 1:30 p.m.

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Ada

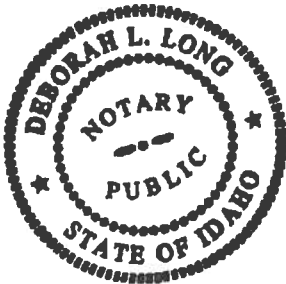
Dylan Lawrence, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Dylan

Subscribed and sworn to before me on

January 29, 2010
(Insert Date)



Deborah Long
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 10/10/2013

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on _____, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

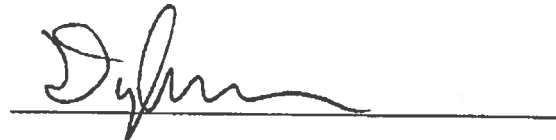
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



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
Date Received:
Receipt No:
Received By:

63-33149

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JERRY L AND/OR MARY LOUISE TLUCEK Phone: (208) 495-2550
15188 S CAN-ADA RD
MELBA, ID 83641

2. Date of Priority: MARCH 1, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	02W	26	NW NW	CANYON	
01N	02W	26	SW NW	CANYON	

5. Description of diverting works:

TWO WELLS, PUMPS, PRESSURIZED IRRIGATION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/1	11/15	0.76	

7. Total Quantity Appropriated is:
0.76 C.F.S.

8. Total consumptive use: N/A

9. Non-irrigation uses: N/A

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

FEB - 1 2010

By _____ Clerk
_____ Deputy Clerk

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	02W	26	NW	NW	IRRIGATION	39
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	39
					Section Acres	198
01N	02W	27	NE	NE	IRRIGATION	34
			NW	NE	IRRIGATION	18
			SW	NE	IRRIGATION	4
			SE	NE	IRRIGATION	31
					Section Acres	87
					Total Acres	285

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used: 63-3323, 63-3324

14. Remarks:

THIS CLAIM REPRESENTS AN ENLARGEMENT OF WATER RIGHT NOS. 63-3323 AND 63-3324, PURSUANT TO §42-1426, IDAHO CODE.

THE CLAIMED PLACE OF USE IS LIMITED TO 38 ACRES WITHIN THE 285 ACRES DESCRIBED IN ITEM #10 ABOVE.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

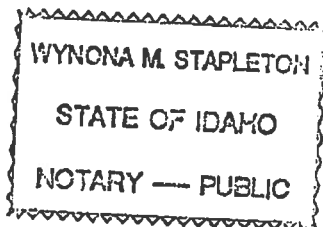
For Individuals:

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

Signature of Claimant(s): Jerry L. Duck Date: 1/25/10
Mary Lou Duck Date: 1-25-10

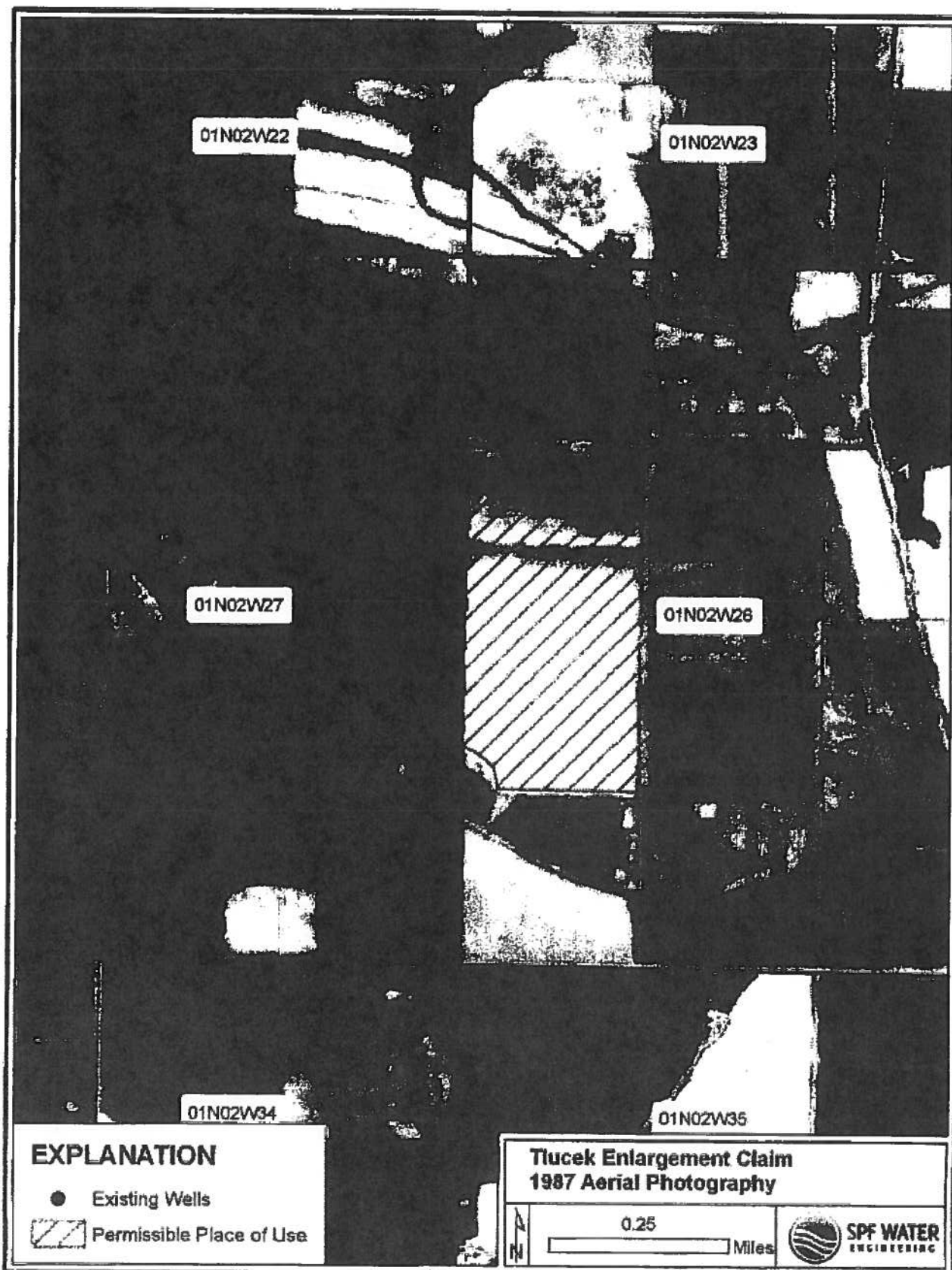
State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 25th of January, 2010.



Wynona M. Stapleton
Notary Public

Residing at Merba, Idaho
My commission Expires 9-28-2010



EXPLANATION

● Existing Wells

▨ Permissible Place of Use

Tlucek Enlargement Claim
1987 Aerial Photography



0.25

Miles



SPF WATER
ENGINEERING

01N02W22

01N02W23

01N02W27

01N02W26

EXPLANATION

● Existing Wells

□ Permissible Place of Use

Tlucek Enlargement Claim
1975 U2 Imagery (6109-75-131)



0.1

Miles



SPF WATER
ENGINEERING

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 **63-33149**
Date Received:
Receipt No: **C090857**
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

JERRY L AND/OR MARY LOUISE TLUCEK Phone: (208) 495-2550
15188 S CAN-ADA RD
MELBA, ID 83641

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

FEB - 1 2010

By _____ Clerk
_____ Deputy Clerk

2. Date of Priority: MARCH 1, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	02W	26	NW NW	CANYON	
01N	02W	26	SW NW	CANYON	

5. Description of diverting works:

TWO WELLS, PUMPS, PRESSURIZED IRRIGATION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/1	11/15	0.76	

7. Total Quantity Appropriated is:
0.76 C.F.S.

8. Total consumptive use: N/A

9. Non-irrigation uses: N/A

SCANNED
MAY 26 2010

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01N	02W	26	NW	NW		IRRIGATION	39
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	39
						Section Acres	198
01N	02W	27	NE	NE		IRRIGATION	34
			NW	NE		IRRIGATION	18
			SW	NE		IRRIGATION	4
			SE	NE		IRRIGATION	31
						Section Acres	87
						Total Acres	285

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used: 63-3323, 63-3324

14. Remarks:

THIS CLAIM REPRESENTS AN ENLARGEMENT OF WATER RIGHT NOS. 63-3323 AND 63-3324, PURSUANT TO §42-1426, IDAHO CODE.

THE CLAIMED PLACE OF USE IS LIMITED TO 38 ACRES WITHIN THE 285 ACRES DESCRIBED IN ITEM #10 ABOVE.

15. Basis of Claim: Beneficial Use

SCANNED
MAY 26 2010

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

Signature of Claimant(s):

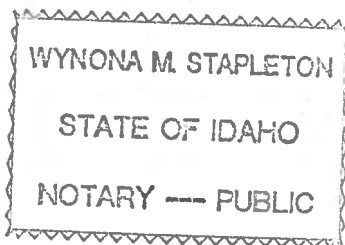
Jerry L. Truck
Mary Lou Truck

Date: 1/25/10

Date: 1-25-10

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 25th of January, 2009.



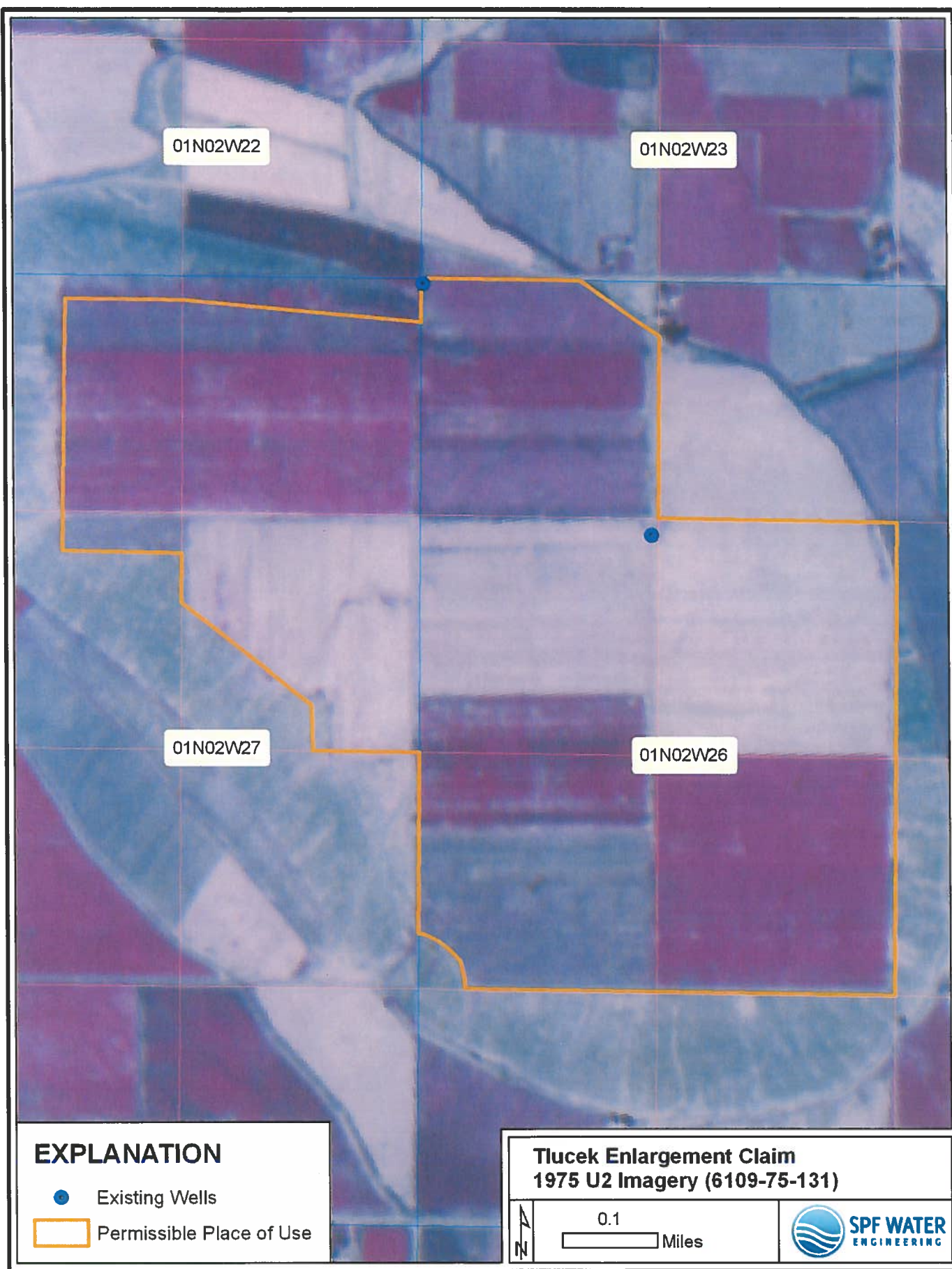
Wynona M. Stapleton
Notary Public

Residing at Merba, Idaho

My commission Expires 9-28-2010

SCANNED
MAY 26 2010





RECEIVED

MAY 25 2010

Department of Water Resources

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

MAY 24 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: 63-33149

Case No. 39576

**ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM**

On February 1, 2010, Jerry L. and Mary Louise Tlucek, by and through counsel, Dylan Lawrence, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on May 18, 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: May 24, 2010.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

SCANNED
MAY 26 2010

CERTIFICATE OF MAILING

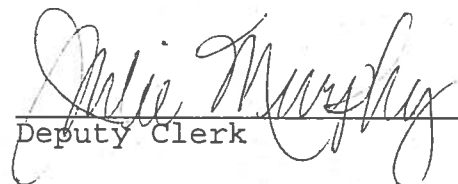
I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on May 24, 2010, with sufficient first-class postage to the following:

JERRY L TLUCEK
MARY LOUISE TLUCEK

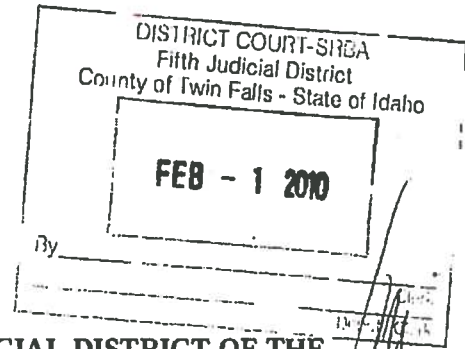
Represented by:
DYLAN B LAWRENCE
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829

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

SCANNED
MAY 26 2010

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

5-18-10
Hearing



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 63-33149

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Jerry and Mary Lou Tlucek

My name is Dylan Lawrence

My address is 101 S. Capitol Blvd., 10th Floor, Boise, ID 83702

My phone number is (208) 385-5417

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Claimants did file claims to 63-3323 and 63-3324 based upon existing licenses.

Claimants were not aware that filing a separate enlargement claim was necessary in order to authorize irrigation of the permissible place of use recommended by IDWR.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

Completed Notice of Claim form, 1975 aerial photography, 1987 aerial photography

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 88.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on May 18, 2010 at 1:30 p.m.

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Ada

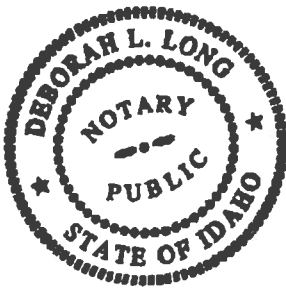
Dylan Lawrence, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Dylan

Subscribed and sworn to before me on

January 29, 2010
(Insert Date)



Deborah Long
Notary Public for Idaho
Residing at: Boise Idaho
My Commission expires: 10/10/2013

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on _____, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

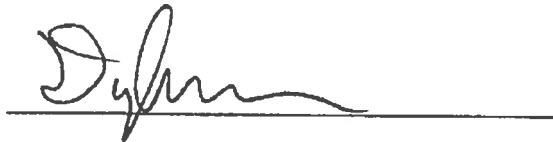
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



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
Date Received:
Receipt No:
Received By:

63-33149
x.e. 2-22-10

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JERRY L AND/OR MARY LOUISE TLUCEK Phone: (208) 495-2550
15188 S CAN-ADA RD
MELBA, ID 83641

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

FEB - 1 2010

By _____ Clerk
_____ Deputy Clerk

2. Date of Priority: MARCH 1, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	02W	26	NW NW	CANYON	
01N	02W	26	SW NW	CANYON	

5. Description of diverting works:

TWO WELLS, PUMPS, PRESSURIZED IRRIGATION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/1	11/15	0.76	

7. Total Quantity Appropriated is:
0.76 C.F.S.

8. Total consumptive use: N/A

9. Non-irrigation uses: N/A

SCANNED
MAY 06 2010

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	02W	26	NW	NW	IRRIGATION	39
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	39
Section Acres						198
01N	02W	27	NE	NE	IRRIGATION	34
			NW	NE	IRRIGATION	18
			SW	NE	IRRIGATION	4
			SE	NE	IRRIGATION	31
Section Acres						87
Total Acres						285

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used: 63-3323, 63-3324

14. Remarks:

THIS CLAIM REPRESENTS AN ENLARGEMENT OF WATER RIGHT NOS. 63-3323 AND 63-3324, PURSUANT TO §42-1426, IDAHO CODE.

THE CLAIMED PLACE OF USE IS LIMITED TO 38 ACRES WITHIN THE 285 ACRES DESCRIBED IN ITEM #10 ABOVE.

15. Basis of Claim: Beneficial Use

SCANNED
MAY 06 2010

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

Signature of Claimant(s):

Jerry L. Duck
Mary Lou Duck

Date:

1/25/10

Date:

1-25-10

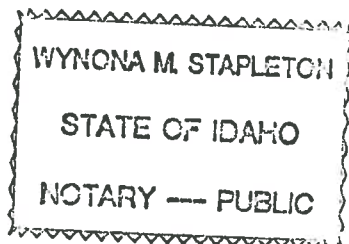
State of Idaho)

County of

Canyon

) SS.

Subscribed and sworn (or affirmed) before me this 25th of January, 2010.



Wynona M. Stapleton
Notary Public

Residing at

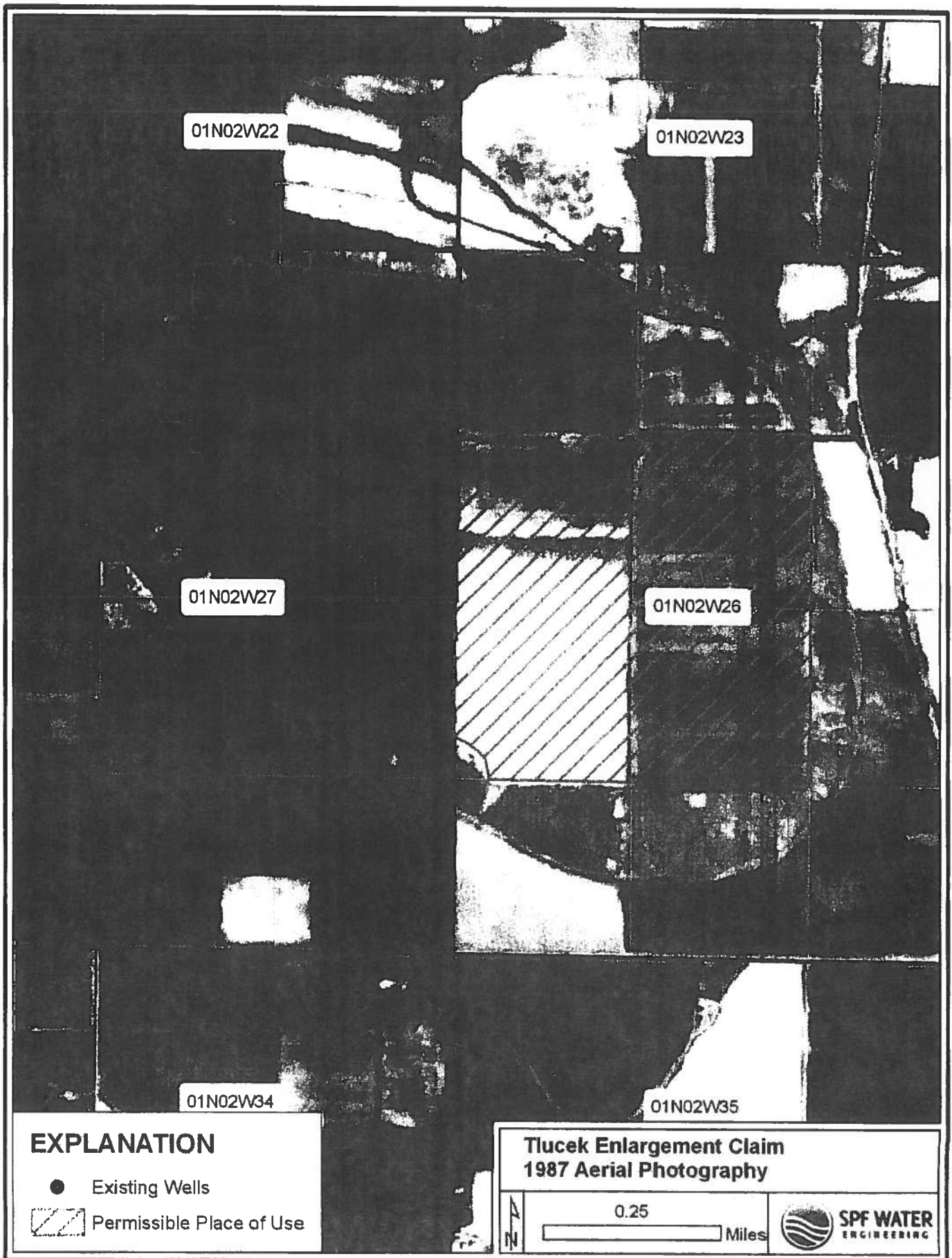
Merba, Idaho

My commission Expires

9-28-2010

SCANNED

MAY 06 2010



EXPLANATION

● Existing Wells

▨ Permissible Place of Use

Tlucek Enlargement Claim
1987 Aerial Photography



0.25

Miles



SPF WATER
ENGINEERING

SCANNED

MAY 06 2010

01N02W22

01N02W23

01N02W27

01N02W26

EXPLANATION

● Existing Wells

□ Permissible Place of Use

Glueck Enlargement Claim
1975 U2 Imagery (6109-75-131)



0.1

□ Miles



SPF WATER
ENGINEERING

SCANNED

MAY 06 2010

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-33149 V1

WATER RIGHT NUMBER: 63-33149 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JERRY TLUCEK 15188 S CAN-ADA RD MELBA, ID 83641 (208)495-2550
Attorney	DYLAN LAWRENCE 101 S CAPITOL BLVD 10TH FL PO BOX 829 BOISE, ID 83701-0829 (208)385-5417
Current Owner	MARY LOUISE TLUCEK 15188 S CAN-ADA RD MELBA, ID 83641 (208)495-2550
Security Interest	NORTHWEST FARM CREDIT SERVICES 16034 EQUINE DR NAMPA, ID 83687 (208) 468-1600

Priority Date: 03/01/1975

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.600 CFS	171.00 AF
	<u>Total Diversion:</u>	0.600 CFS	171.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 26, Twp 01N, Rge 02W, B.M.
CANYON County		
GROUND WATER	SW1/4NW1/4	Sec. 26, Twp 01N, Rge 02W, B.M.
CANYON County		

Place of UseIRRIGATION Within CANYON County

T01N R02W S26	NWNW	39.0	T01N R02W S26	SWNW	40.0
T01N R02W S26	SENW	40.0	T01N R02W S26	NESW	40.0
T01N R02W S26	NWSW	39.0	T01N R02W S27	NENE	34.0
T01N R02W S27	NWNE	18.0	T01N R02W S27	SWNE	4.0
T01N R02W S27	SENE	31.0			

Total Acres: 285

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-33149 V1

Conditions of Approval:

1. K09 This right is for an enlargement of 38 acres within the place of use described for this right.
2. K02 This right is based upon an enlargement of Right Nos. 63-3323 and 63-3324 pursuant to Section 42-1426, Idaho Code.
3. E56 The rights listed below are limited to the irrigation of a combined total of 285 acres in a single irrigation season. Combined Right Nos.: 63-3323, 63-3324 and 63-33149.
4. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
6. E61 The rights listed below are limited to a total combined diversion rate of 4.43 cfs and to a total combined annual diversion volume of 1282.5 AF. Combined Right Nos.: 63-3323, 63-3324 and 63-33149.

Remarks:

Comments:

1. kchriste 2/9/2011 copied fm remarks

Comment: This claim represents an enlargement of water right nos. 63-3323 and 63-3324, pursuant to Section 42-1426, Idaho Code.

The claimed place of use is limited to 38 acres within the 285 acres described in item #10 above.

Water Supply Bank:



Northwest
FARM CREDIT SERVICES

16034 Equine Drive
Nampa, Idaho 83687
Voice: 208.468.1600 Toll Free: 800.819.3312 Fax: 208.468-1605

~~WJA~~

November 10, 2010

Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

RECEIVED

DEC 16 2010

WATER RESOURCES
WESTERN REGION

RECEIVED

NOV 12 2010

DEPARTMENT OF
WATER RESOURCES

Dear Sir or Madam:

Enclosed please find three Assignment of Permit for Jerry L. and Mary L. Tlucek, permit number 63-32659, 63-33333, 63-33149. This is notice that Northwest Farm Credit Services has taken security of the listed Permits. We request that copies of all notices and correspondence be sent to our office at the following address:

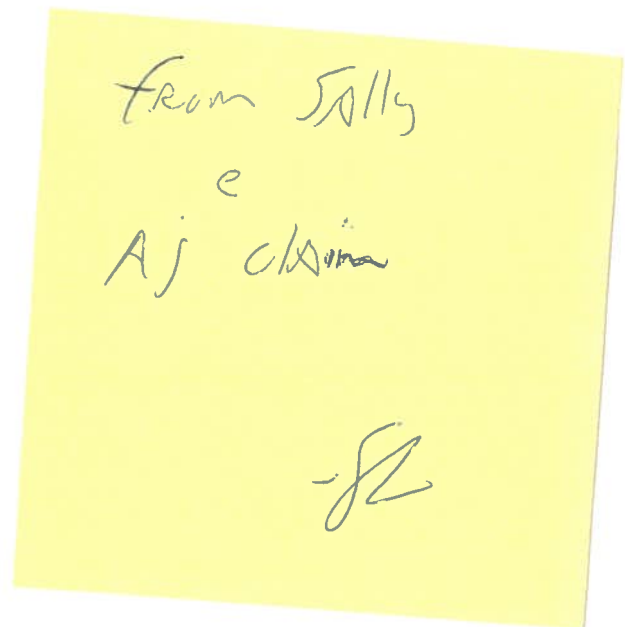
Northwest Farm Credit Services, PCA
16034 Equine Drive
Nampa, Idaho 83687

If you have any questions or if I can be of any further assistance please contact me at the above phone number.

Sincerely,

Mecale Dunn

Mecale Dunn
Financial Specialist



COPY

SCANNED

NOV 26 2010

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED

NOV 12 2010

DEPARTMENT OF
WATER RESOURCES

Adj.
BU.
claim

I, Jerry L. Tlucek and Mary L. Tlucek, hereby assign to Northwest Farm Credit Services, FLCA and Northwest Farm Credit Services, PCA

of 16034 E. Equine Drive Nampa ID 83687
Address City State Zip

and

Jerry L. Tlucek and Mary L. Tlucek

of 15188 S. Can Ada Road Melba, ID 83641
Address City State Zip

☒ All my right, title, and interest in and to Permit No. 63-33149 to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit No. to appropriate the public waters of the State of Idaho.

Made this 1st day of Nov., 20 10.

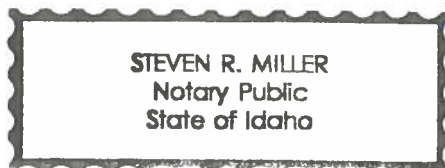
Jerry L. Tlucek
Permit Holder

Mary L. Tlucek
Spouse of Permit Holder

STATE OF IDAHO)
)ss.
County of Canyon)

On this 1st day of November, 20 10, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he/she executed the same.

SEAL



Sh. R. Holtz
Notary Public
Residing at Nampa
My commission expires 8-24-2013

SCANNED

NOV 26 2010



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

Gary Spackman
Interim Director

June 3, 2011

IDAHO PRESS TRIBUNE
legals@idahopress.com
PO BOX 9399
NAMPA ID 83652

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We request the publication dates be June 9, 2011 and June 16, 2011. If you cannot publish the notice on the proposed dates, please contact me immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill to me at Idaho Water Resources, PO Box 83720, Boise, ID 83720-0098.

Yours truly,

A handwritten signature in blue ink that reads "Danni M. Smith". The signature is written in a cursive, flowing style.

Danni M. Smith
SRBA Admin Asst I

Enclosure

NOTICE OF ENLARGEMENT OF WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Canyon County are shown to the nearest section -- more specific locations are available upon request.

Water Right: 63-33149

NAME & ADDRESS: JERRY TLUCEK
15188 S CAN-ADA RD
MELBA ID 83641

SOURCE: GROUNDWATER

PRIORITY DATE: 03/01/1975

POINT OF DIVERSION: T01N R02W S26 SWNW NWNW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T01N R02W S26 NWNW SWNW SENW NESW NWSW
S27 NENE NWNE SWNE SENE

This right is for an enlargement of 38 acres within the total 285 acres recommended within the place of use described for this right.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082 on or before July 17, 2011.

02/09/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-33149

NAME AND ADDRESS: MARY LOUISE TLUCEK
15188 S CAN-ADA RD
MELBA ID 83641

JERRY TLUCEK
15188 S CAN-ADA RD
MELBA ID 83641

VERIFIED BY: KKC
2-10-11

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.600 CFS
171.00 AFY

The rights listed below are limited to a total combined diversion rate of 4.43 cfs and to a total combined annual diversion volume of 1282.5 AF. Combined Right Nos.: 63-3323, 63-3324, and 63-33149.

PRIORITY DATE: 03/01/1975

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T01N R02W S26 NWNW Within CANYON County
T01N R02W S26 SWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.600 CFS 171.00 AFY

PLACE OF USE: IRRIGATION in CANYON County

T01N R02W S26	NWNW	39.00	T01N R02W S26	SWNW	40.00
T01N R02W S26	SENW	40.00	T01N R02W S26	NESW	40.00
T01N R02W S26	NWSW	39.00	T01N R02W S27	NENE	34.00
T01N R02W S27	NWNE	18.00	T01N R02W S27	SWNE	4.00
T01N R02W S27	SENE	31.00			

285 ACRES TOTAL

This right is for an enlargement of 38 acres within the place of use described for this right.

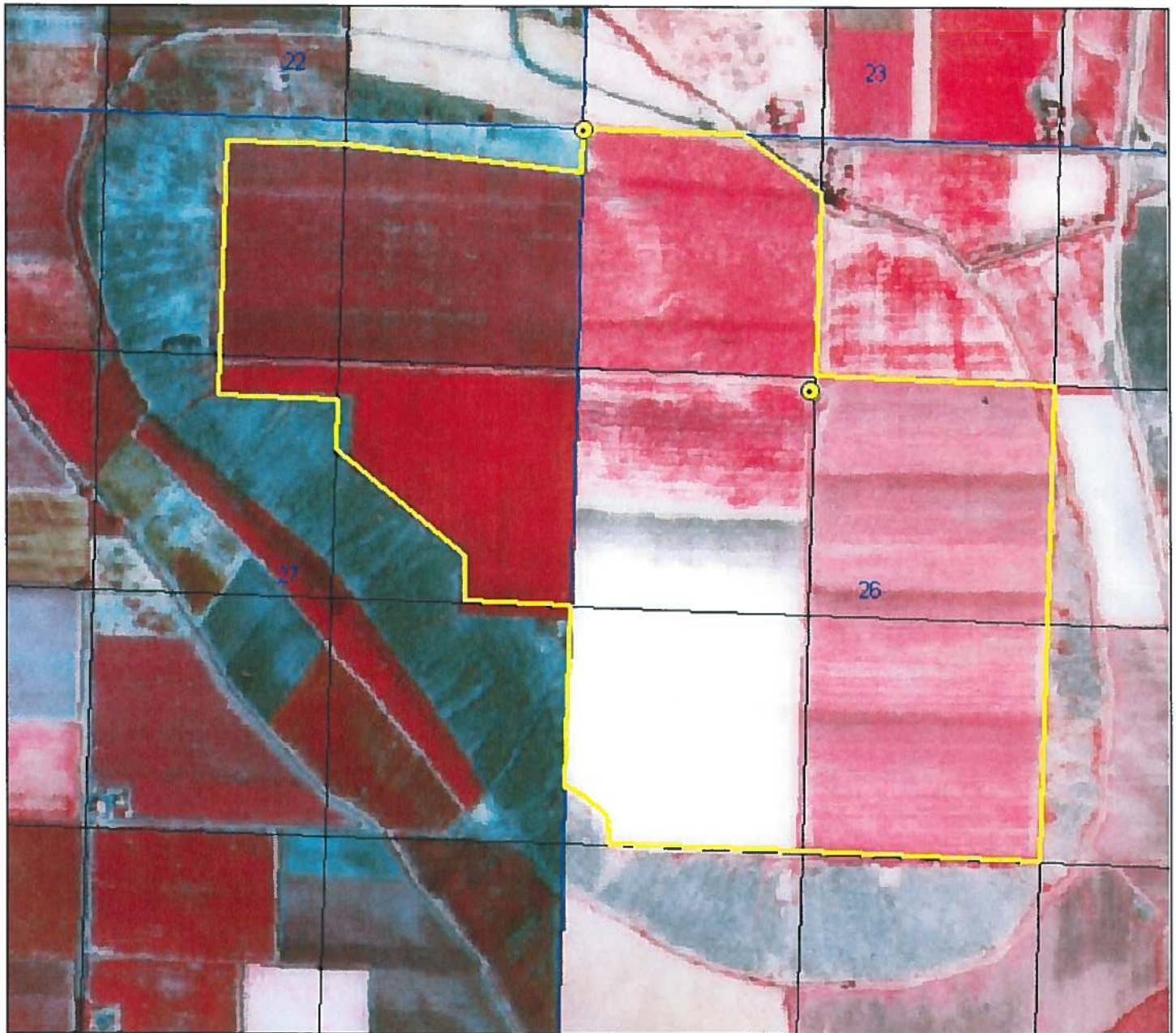
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

This right is based upon an enlargement of Right Nos. 63-3323 and 63-3324 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RECOMMENDED PLACE OF USE FOR 63-33149



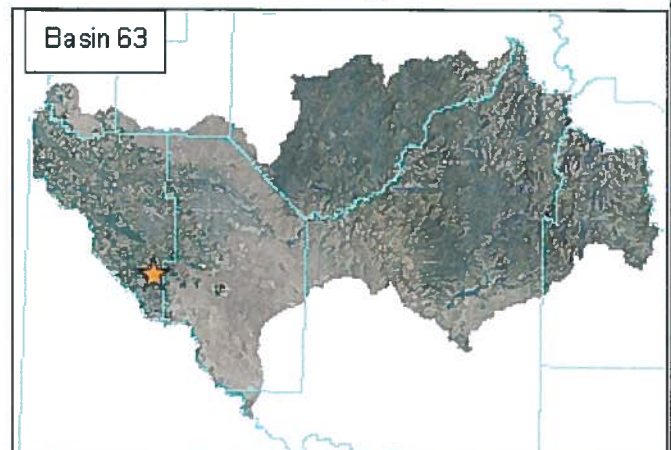
★ LOCATION IN BASIN

PLACE OF USE
TWP 01N, RNG 02W Sec 26 & 27
Data Entry on February 10, 2011



- Recommended point of diversion
- Recommended place of use
- Township lines
- Section lines
- Quarter/quarter lines

**GIS PLACE OF USE PRESENTATION
1987 or 1988 NAIP PHOTOGRAPHY
BY KELLY K CHRISTENSEN**



63-33149 TLUCEK

This claim is asserting beneficial use as an enlargement of rights 63-3323 and 63-3324 with a 1975 priority date. Evidence of priority consists of a 1975 aerial photo that shows the entire 285 acre PPU as irrigated at that time. This is sufficient to accept the claimed priority date.

The irrigation system is two wells tied into a common irrigation system. 63-3323 and 63-3324 have been decreed through the SRBA as follows.

63-3323	2.40 cfs	1111.5 af	247 ac within 285 acre PPU
63-3324	<u>2.03 cfs</u>	<u>1046.9 af</u>	<u>247 ac within 285 acre PPU</u>
Comb limit	none (4.43 cfs)	1111.5 af	247 ac

<i>Volume limits:</i>	<u>3.5 af Consumptive use</u>	<u>4.5 af Field headgate requirement</u>
<i>Irrigation season</i>	3-1 to 11-15	or 260 days

Calculations:

Volume -- $2.40 \text{ cfs} * 1.98 * 260 \text{ days} = 1235.5 \text{ af}$
 -- $2.03 \text{ cfs} * 1.98 * 260 \text{ days} = 1045.0 \text{ af}$

-- $247 \text{ ac} * 4.5 \text{ af} = 1111.5 \text{ af}$

63-33149 --- 0.76 cfs for 38 acres within 285 ac PPU

$4.43 \text{ cfs} / 285 \text{ ac} = 0.0155 \text{ cfs/ac}$
 $38 \text{ ac} * 0.0155 \text{ cfs/ac} = 0.589 \approx \underline{0.60 \text{ cfs}}$

$0.60 \text{ cfs} * 1.98 * 260 \text{ days} = 308.9 \text{ af}$
 $38 \text{ ac} * 4.5 \text{ afa} = \underline{171 \text{ af}}$

Combined volume limit

$4.43 \text{ cfs} * 1.98 * 260 \text{ days} = 2280.6 \text{ af}$
 $285 \text{ ac} * 4.5 \text{ afa} = \underline{1282.5 \text{ af}}$

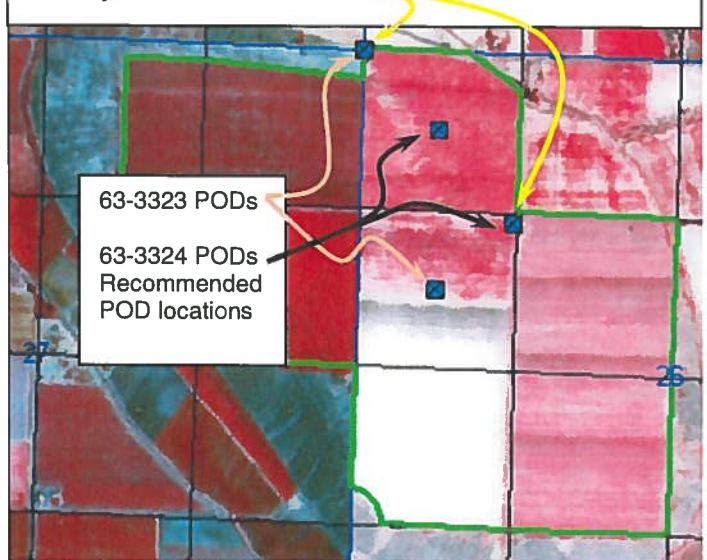
When 63-3323, 63-3324, and 63-33149 are combined they are limited to a diversion rate of 4.43 cfs and a combined volume of 1,282.5 af.

When 63-3323, 63-3324, and 63-33149 are combined they are limited to the irrigation of 285 acres.

1987 aerial photo

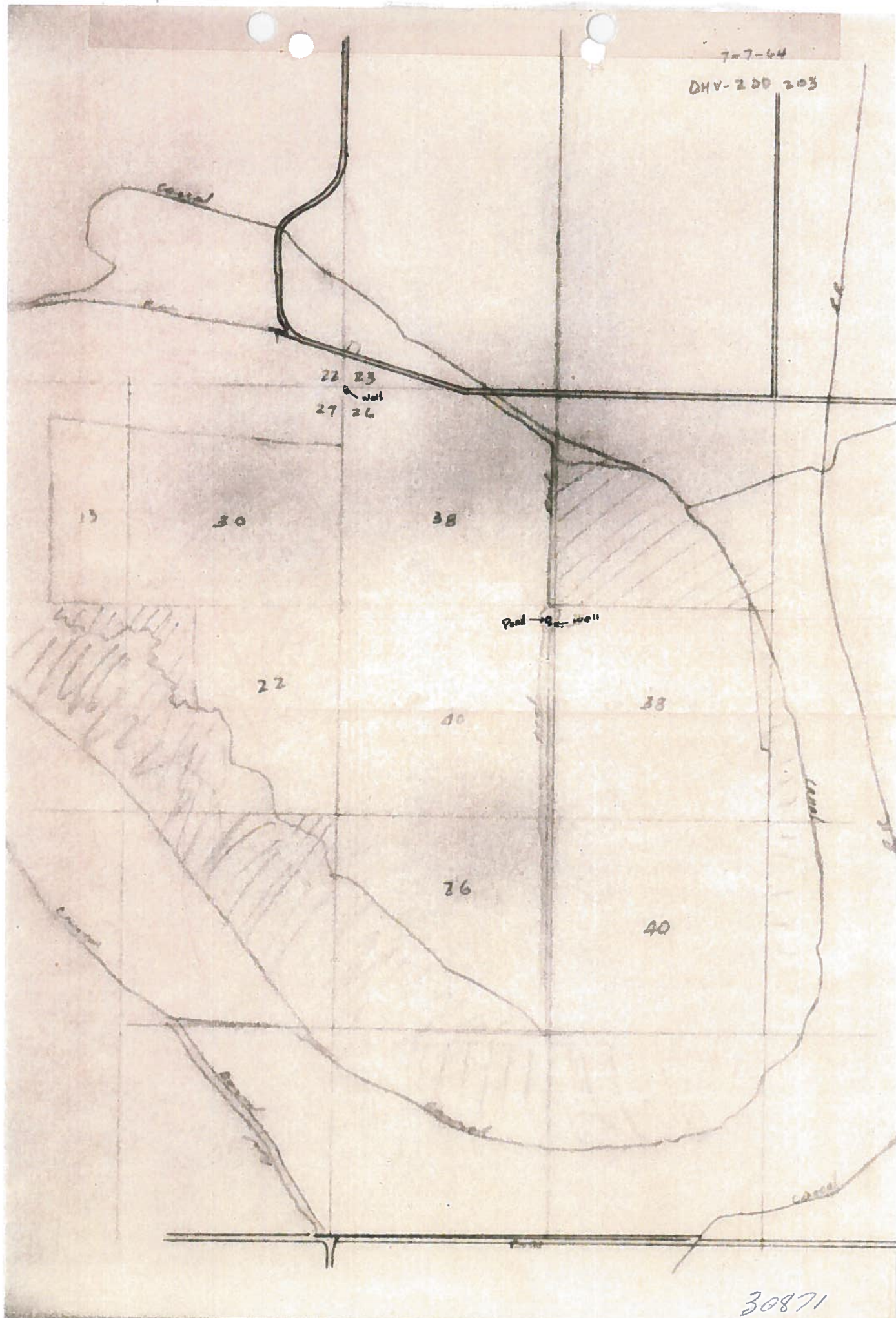
1N, 2W, Sec 26 & 27

The system is for 2 PODs



7-7-64

DHV-200 203





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 15, 2010

DYLAN LAWRENCE
MOFFATT THOMAS BARRETT ROCK & FIELDS
PO BOX 829
BOISE ID 83701-0829

Re: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right No. 63-33149

Dear Dylan:

The Notice of Claim you filed on behalf of Jerry & Mary Tluczek has been received from the SRBA Court. I have enclosed Receipt Nos. C090848 & C090857 for the filing fees you paid. Please retain the receipts for your records.

The Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. If you have any questions, please feel free to contact our office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section

LH:I
Enclosures

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD. MAY 24 2010

RECEIVED

Boise
Idaho Falls
Pocatello
Twin Falls

DEPARTMENT OF
WATER RESOURCES

Eugene C. Thomas
John W. Barrett
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
David B. Lincoln
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns
Michael E. Thomas

Patricia M. Olsson
Christine E. Nicholas
Bradley J. Williams
Lee Radford
Michael O. Roe
Nancy J. Garrett
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGraham
David P. Gardner
Julian E. Gabiola
Tara Martens
Kimberly D. Evans Ross
Mark C. Peterson
Tyler J. Anderson
Jon A. Stenquist

Jason G. Murray
Rebecca A. Rainey
Paul D. McFarlane
Tyler J. Henderson
C. Edward Cather III
Andrew J. Waldera
Dylan B. Lawrence
Benjamin C. Ritchie
Tonn K. Petersen
Matthew J. McGee
David J. Dance

Robert E. Bakes, *of counsel*
Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

May 21, 2010

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

Craig L. Saxton
Water Rights Supervisor, Adjudication Bureau
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

Re: **Water Right 66-33149**
MTBR&F File No. 22377.0001

Dear Mr. Saxton:

Pursuant to your e-mail of May 18, 2010 to Dylan Lawrence regarding the above-referenced water right, enclosed is our firm's check in the amount of \$50.00 to cover the remaining filing fee balance for our motion to file a late claim.

Please do not hesitate to contact our office if you have any questions, or need anything else. Thank you.

Very truly yours,

Lela L. Pena
Administrative Assistant to
Dylan B. Lawrence

/llp
Enclosure

SCANNED
MAY 26 2010

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, May 18, 2010 2:42 PM
To: 'Dylan Lawrence'
Cc: Courtney, Andrea; Shurte, Jan
Subject: Tlucek Late Claim: 63-33149

Good Afternoon Dylan,

It came to my attention that today was the hearing for the motion to file late claim 63-33149 in the name of Tlucek. I neglected to bring to Andrea's attention that filing fees paid for this claim were short \$50. The motion indicates that \$88 in filing fees were submitted with the late claim to the court. Actual filing fees should be as follows:

\$50 claim fee
\$50 Late fee
\$38 (\$1 per acre for 38 acre limit)
Total \$138.00

You can submit the final \$50 filing fee to IDWR directly rather than the SRBA court. Please be sure to reference water right 63-33149 so we know where to apply the fees.

Thanks Dylan,

Craig L. Saxton
Water Rights Supervisor
craig.saxton@idwr.idaho.gov