

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

RIGHT NUMBER: 35-2019

NAME AND ADDRESS: BRIDGETTE STIEGLITZ
646 US HWY 91
FIRTH ID 83236

JEFFREY BRIAN STIEGLITZ
646 US HWY 91
FIRTH ID 83236

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.040 CFS

PRIORITY DATE: 05/23/1910

POINT OF
DIVERSION:

T04S R32E S20 NWNE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

1.040 CFS

PLACE OF USE:

IRRIGATION in BINGHAM County

T04S R32E S20	NWNE	16.00	T04S R32E S20	SWNE	18.00
T04S R32E S20	NENW	4.10	T04S R32E S20	NWSE	14.00

52.1 ACRES TOTAL

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

The remainder of this right was forfeited for non-use from July 1987 to July 2006.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Source is also known as Upper Spring Creek.

STIEGLITZ PROPERTY

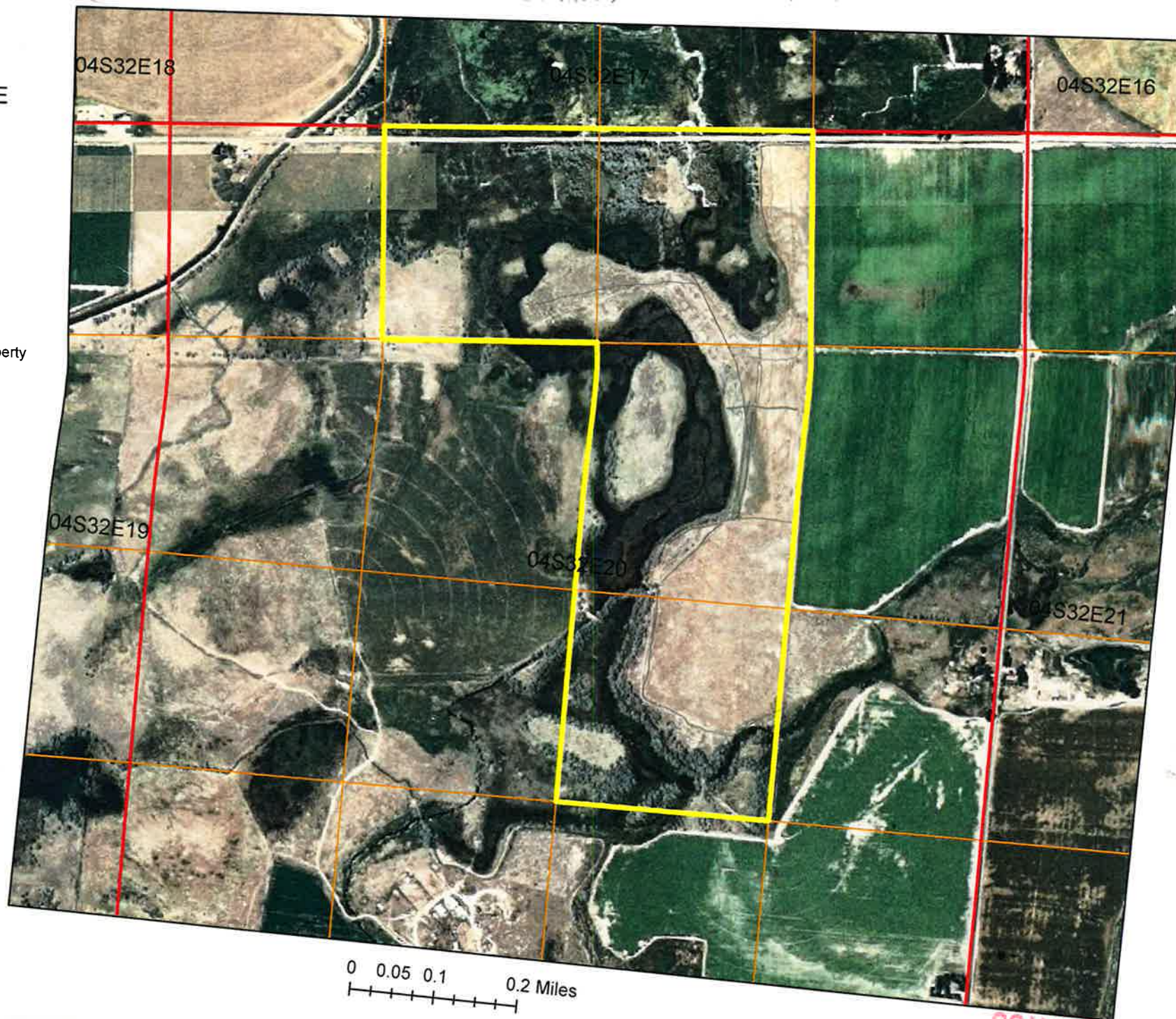
MARKED UP BY
JEFF TRAUGHER,
GRANDSON OF NELSONS

8/14/08



Legend

- Stieglitz_Property
- Cities
- MajorRoads
- gcdb_sections
- gcdb_qq



SCANNED
AUG 24 2009

2006 NAIP Aerial Photo

0 0.05 0.1 0.2 Miles

STIEGLITZ PROPERTY

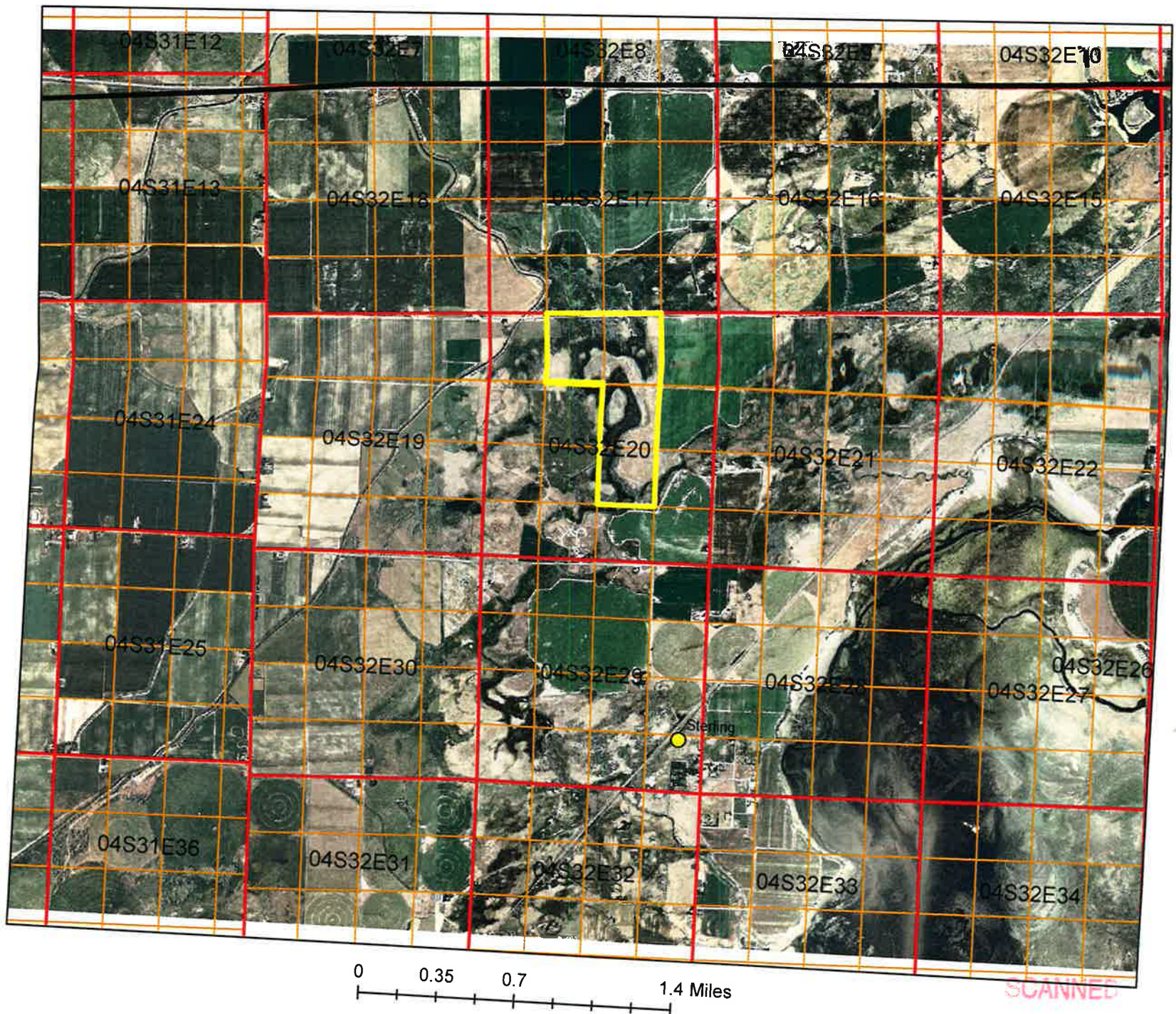


Legend

- Stieglitz_Property
- Cities
- MajorRoads
- gcdb_sections
- gcdb_qq

SCANNED
AUG 24 2003

2006 NAIP Aerial Photo

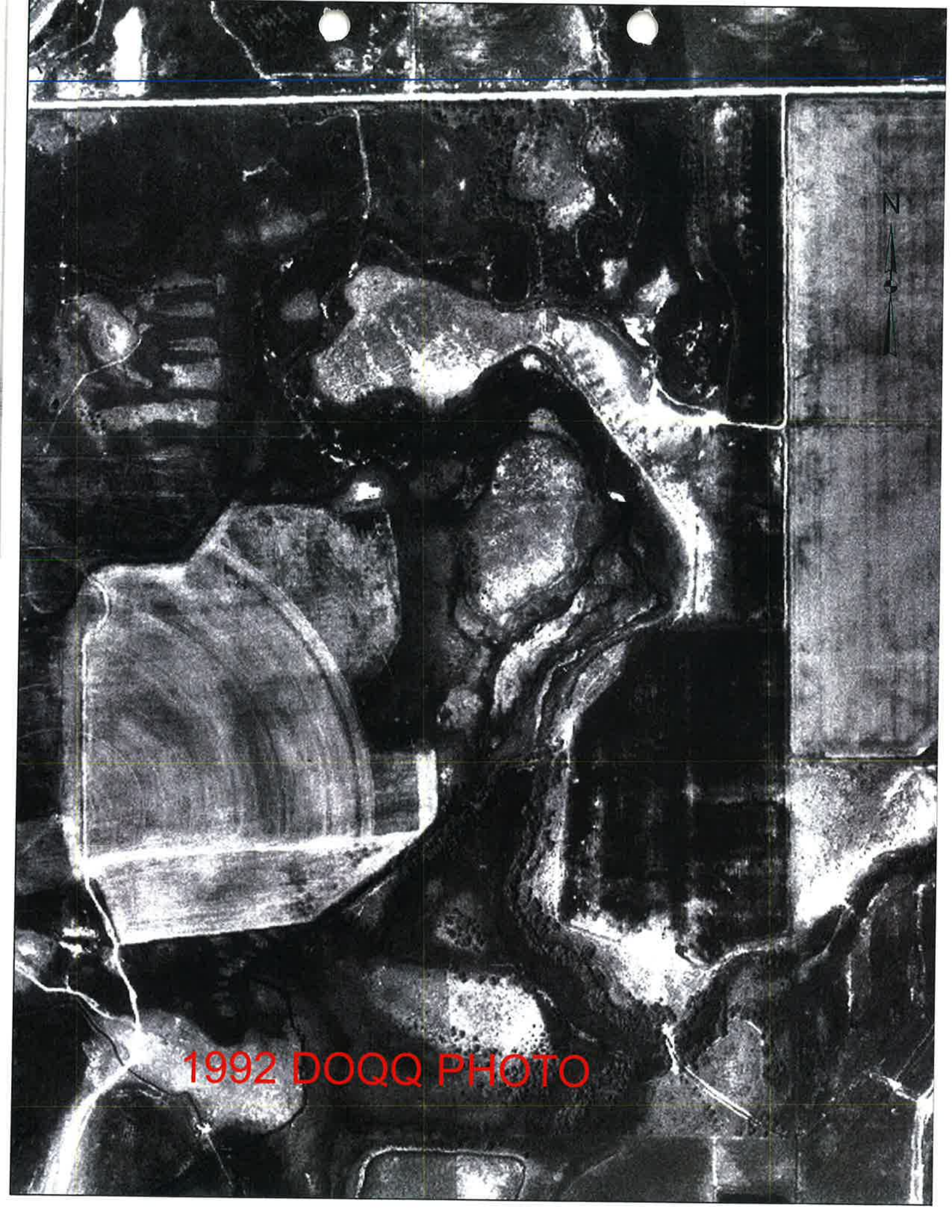


SCANNED

AUG 24 2003



1987/88 NAPP PHOTO



1992 DOQQ PHOTO



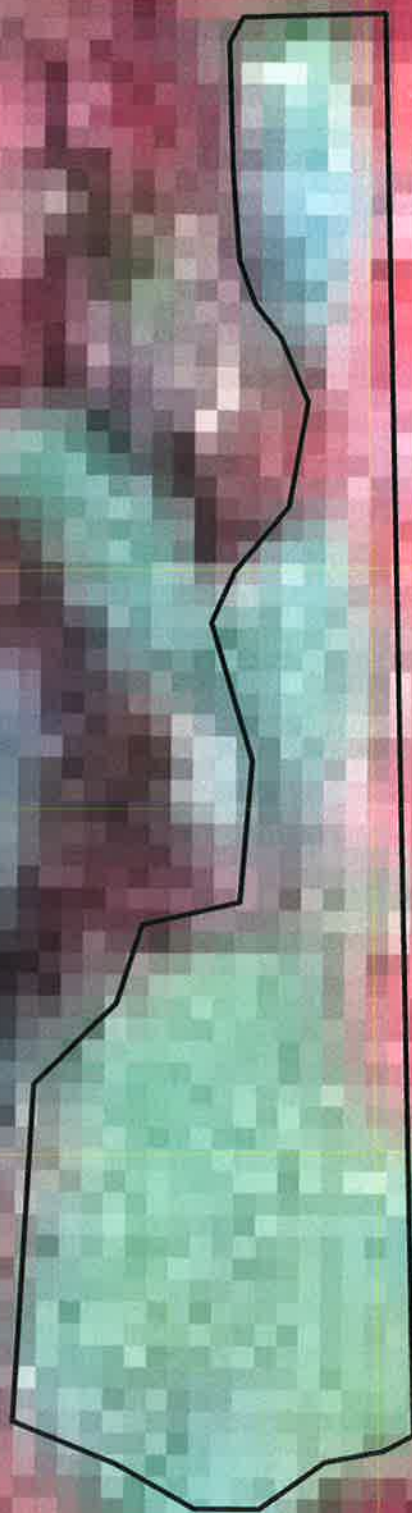
7/9/1998 LANDSAT PHOTO



6/4/2000 LANDSAT PHOTO



6/20/2000 LANDSAT PHOTO



7/6/2000 LANDSAT PHOTO



7/22/2000 LANDSAT PHOTO



8/7/2000 LANDSAT PHOTO



8/23/2000 LANDSAT PHOTO



9/8/2000 LANDSAT PHOTO

N



9/16/2000 LANDSAT PHOTO



4/7/2002 LANDSAT PHOTO

N



4/23/2002 LANDSAT PHOTO



5/25/2002 LANDSAT PHOTO



6/26/2002 LANDSAT PHOTO



7/4/2002 LANDSAT PHOTO



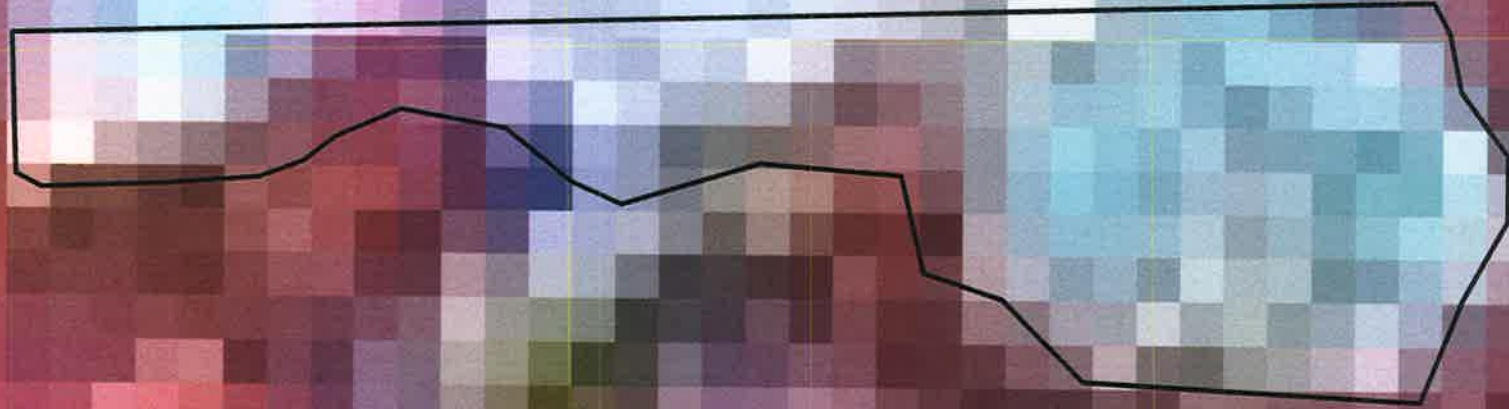
7/12/2002 LANDSAT PHOTO

7/28/2002 LANDSAT PHOTO

N

A satellite photograph showing a coastal region. A black outline delineates a landmass on the left side of the image. The landmass is irregularly shaped with several indentations. To the right of the landmass is a body of water, appearing in shades of blue and white. The rest of the image is a textured, reddish-brown area, likely representing a different land cover or vegetation. A north arrow is located in the bottom left corner, pointing upwards with the letter 'N' below it. The image has a low resolution, appearing pixelated.

N



8/5/2002 LANDSAT PHOTO



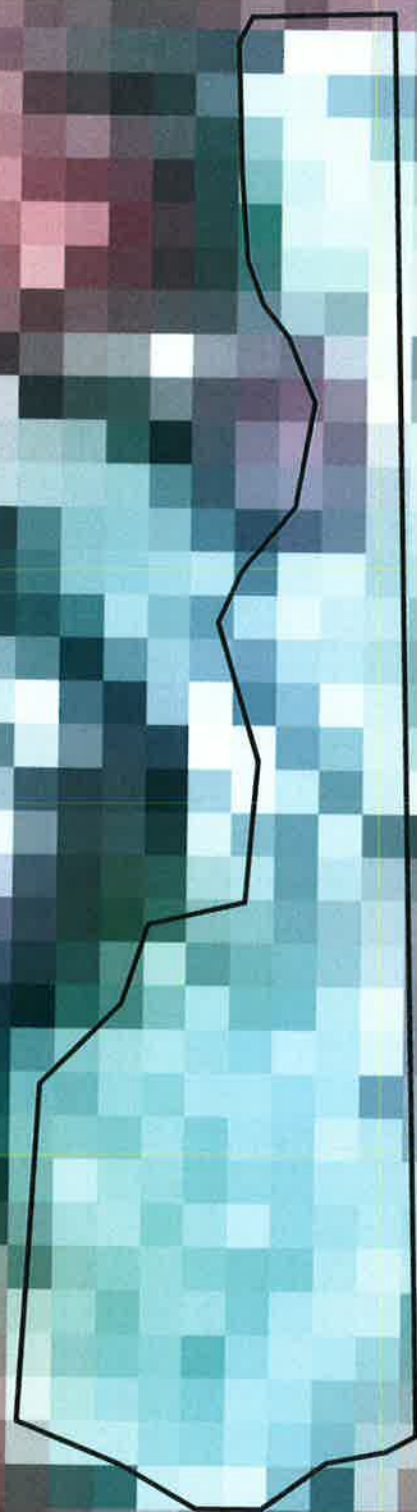
9/14/2002 LANDSAT PHOTO



10/8/2002 LANDSAT PHOTO

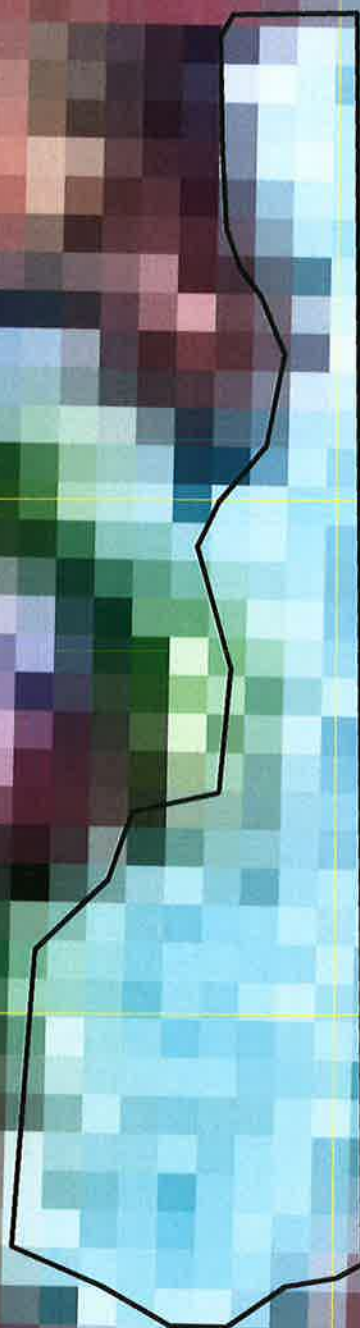


5/20/2003 LANDSAT PHOTO



6/5/2003 LANDSAT PHOTO

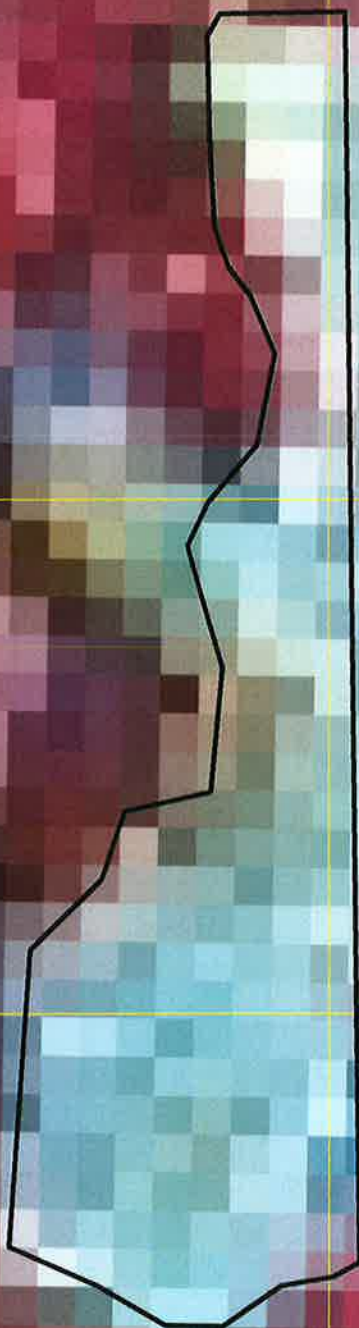
7/7/2003 LANDSAT PHOTO



© 2003

AUG 2 1 2003

8/24/2003 LANDSAT PHOTO



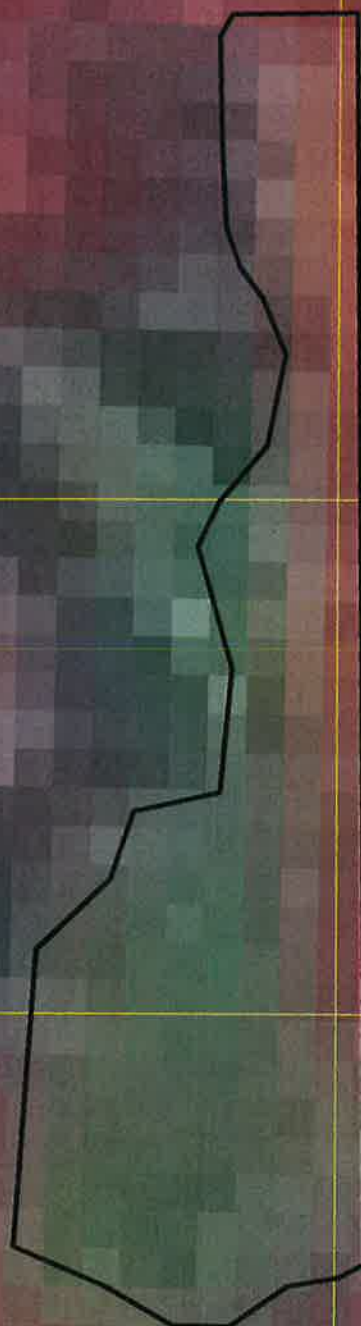
SCANNED
JUN 22 2004

6/23/2004 LANDSAT PHOTO



SCANNED
JUL 20 2009

6/26/2005 LANDSAT PHOTO



SCANNED

AUG 24 2009

5/12/2006 LANDSAT PHOTO



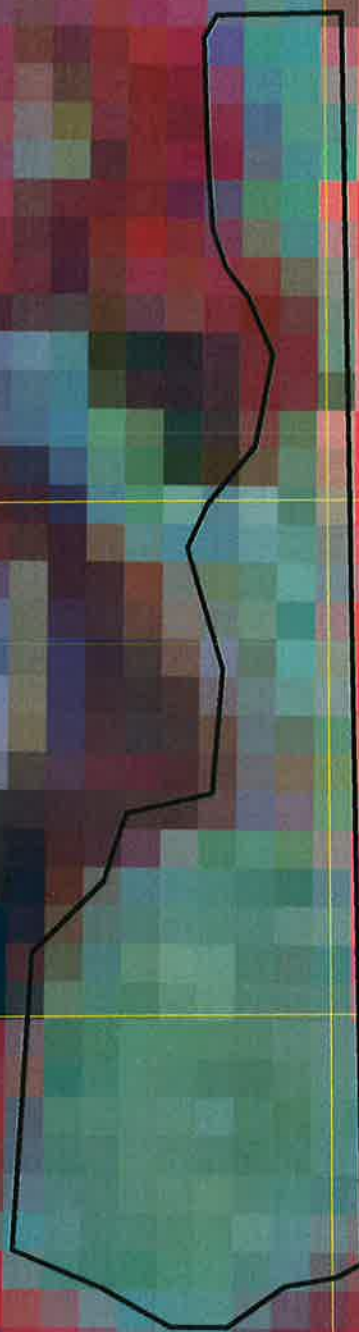
SCANNED
AUG 24 2009

6/13/2006 LANDSAT PHOTO



SCANNED
AUG 24 2009

7/15/2006 LANDSAT PHOTO



SCANNED
AUG 24 2006

8/16/2006 LANDSAT PHOTO

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AUG 2 1 12 PM '06

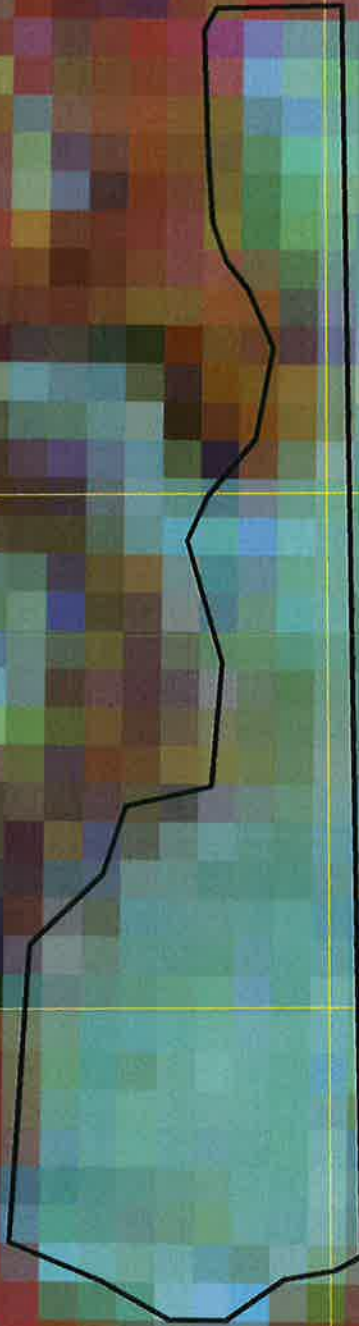
9/1/2006 LANDSAT PHOTO



SCANNED

AUG 24 2006

10/3/2006 LANDSAT PHOTO



SCANNED
AUG 24 2006

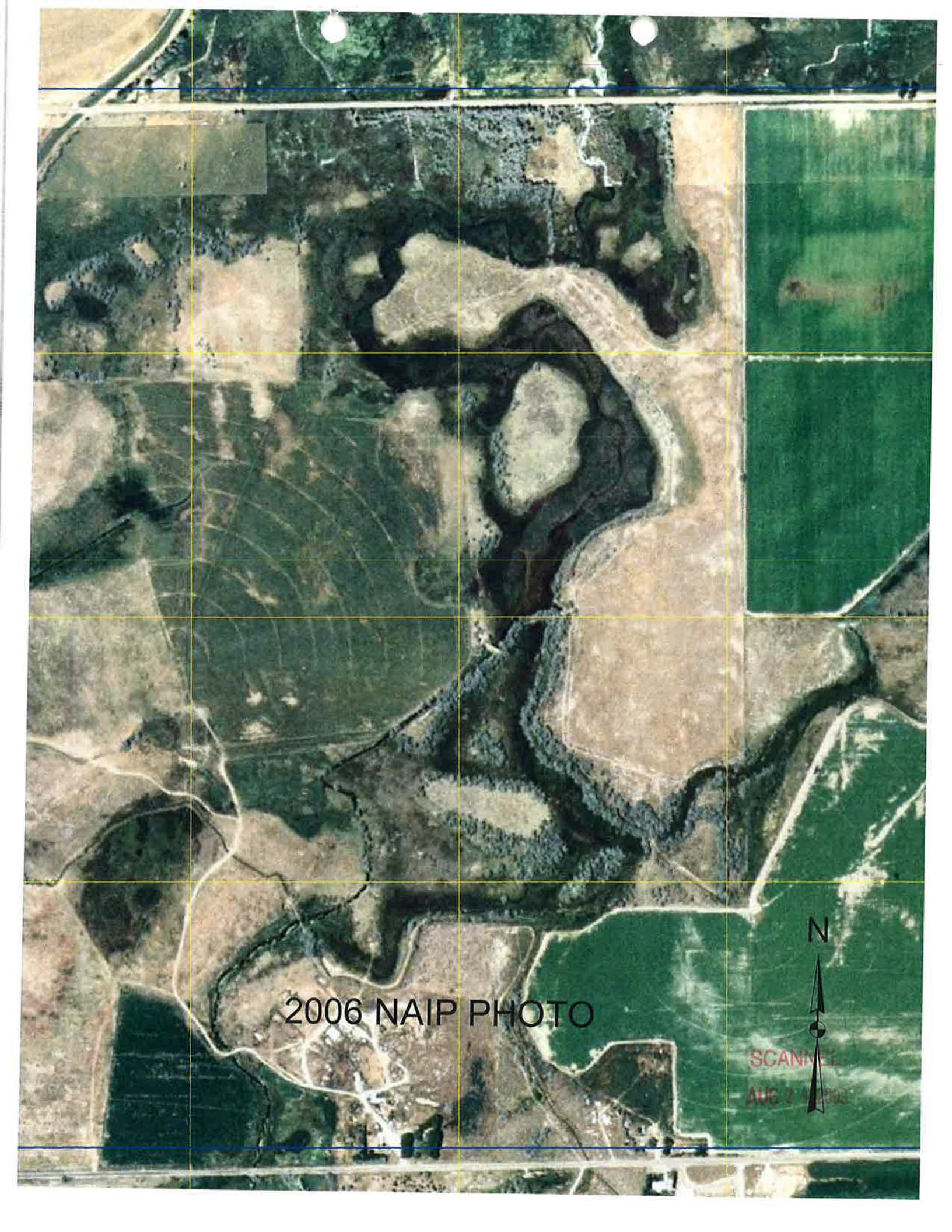
10/11/2006 LANDSAT PHOTO

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800

400 2 400 1



2006 NAIP PHOTO

SCANNED
AUG 24 2008



PORTABLE MOTOR & PUMP

SCANNED
AUG 24 2009

PORTABLE MOTOR & PUMP



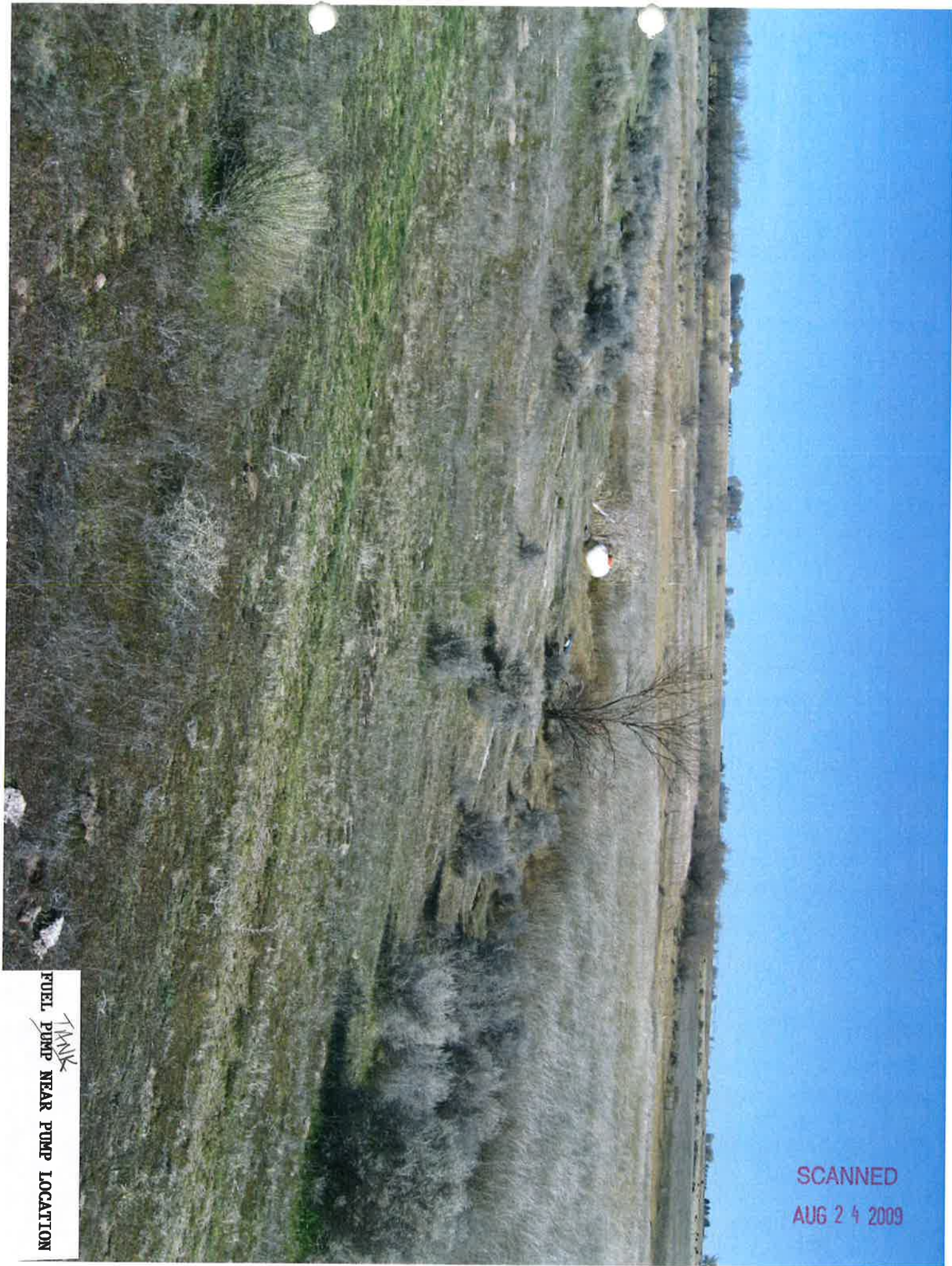


PORTABLE MOTOR & PUMP

SAFETY
AUG 20 2008



**FORMER LOCATION OF CHECK
STRUCTURE IN UNNAMED STREAM**



SCANNED
AUG 24 2009

TANK
FUEL PUMP NEAR PUMP LOCATION

SCANNED
AUG 24 2009

NEAR PUMP LOCATION



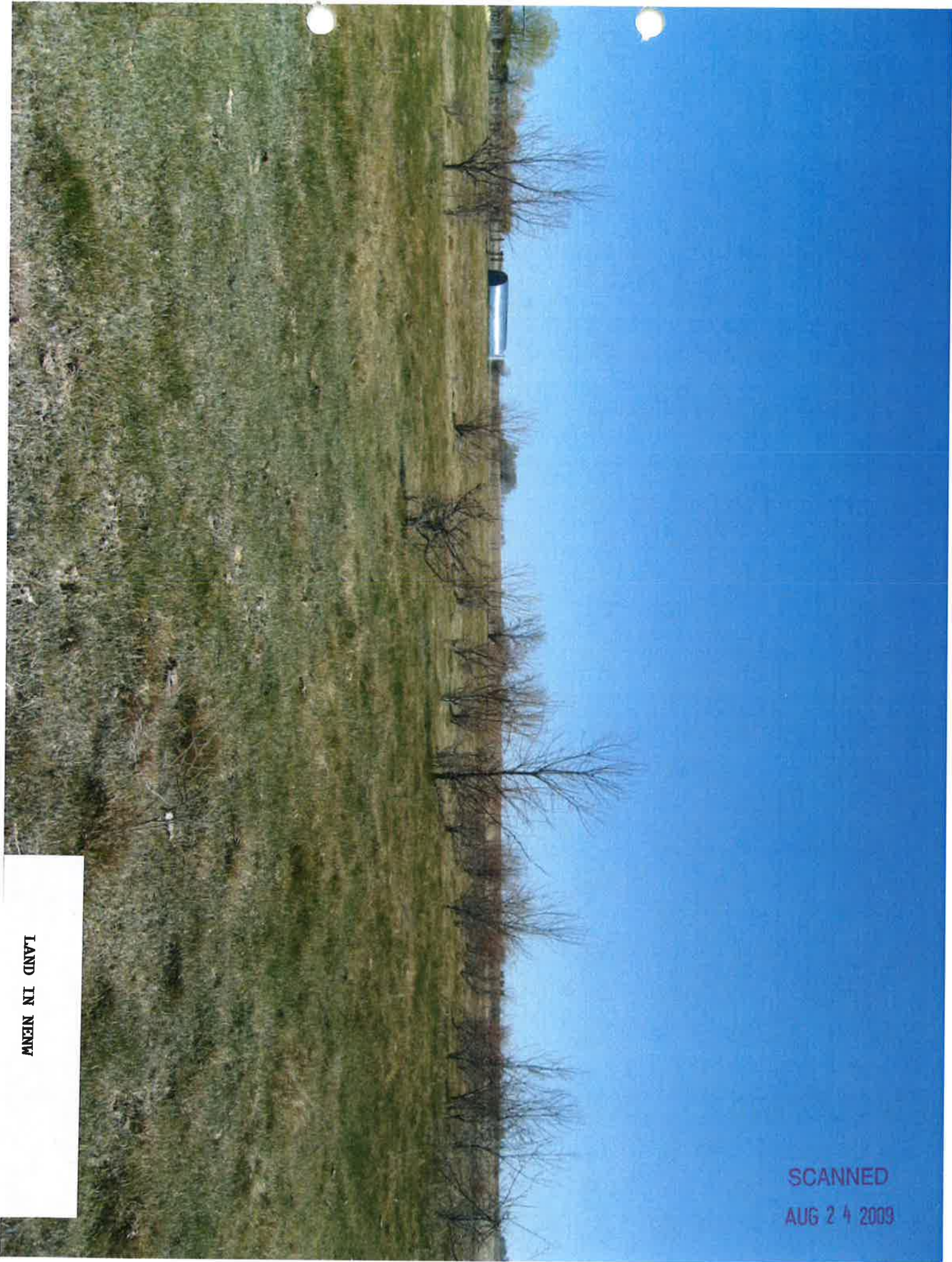
SCANNED
AUG 24 2009

DITCH IN NEW

SCANNED
AUG 24 2009

LAND IN NEW



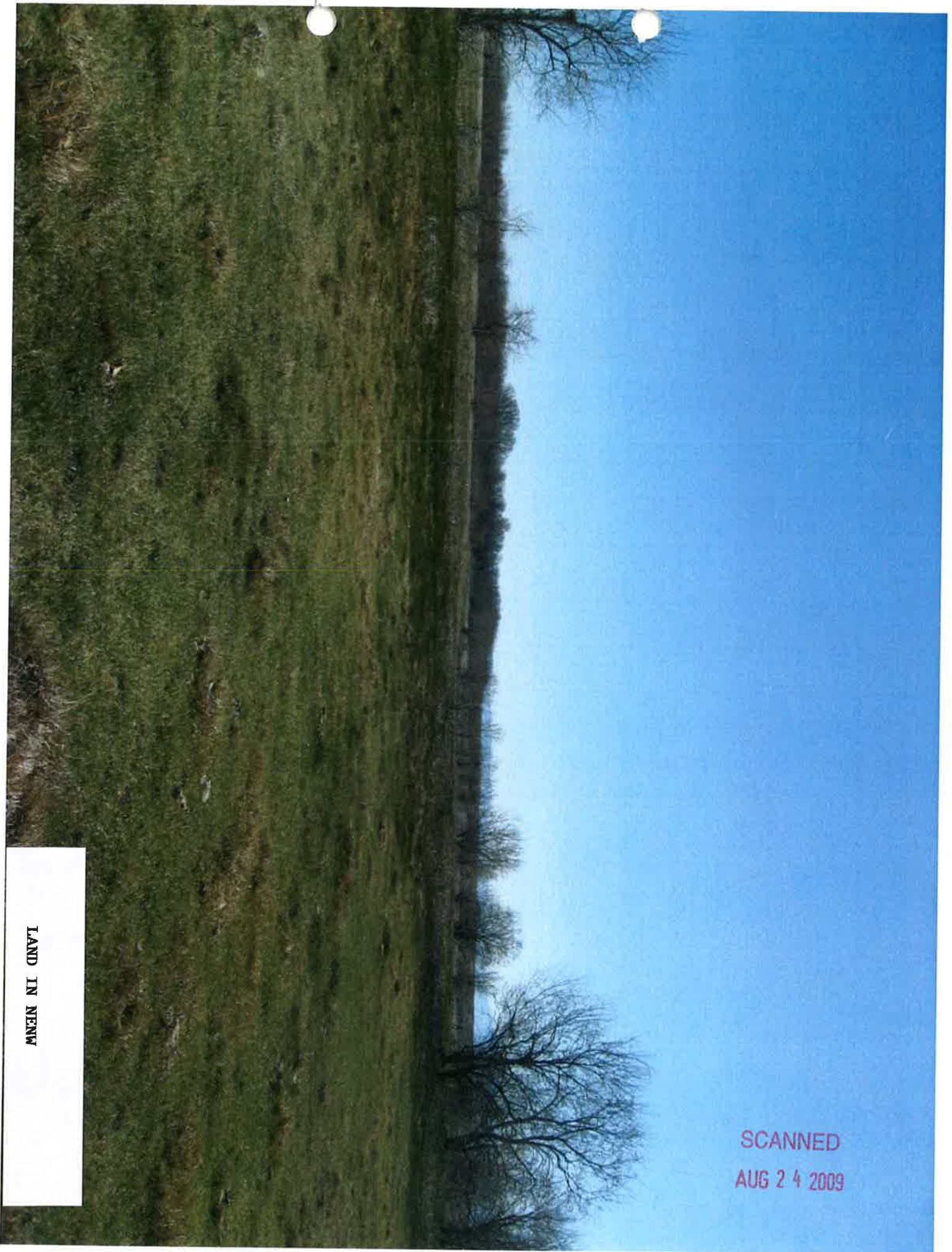


SCANNED
AUG 24 2009

LAND IN NEW

SCANNED
AUG 24 2009

LAND IN NEW



04/16/2007

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

RIGHT NUMBER: 35-2019

NAME AND ADDRESS: BRIDGETTE STIEGLITZ
646 US HWY 91
FIRTH ID 83236

JEFFREY BRIAN STIEGLITZ
646 US HWY 91
FIRTH ID 83236

Disallowed

SOURCE: UPPER SPRING CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.500 CFS

PRIORITY DATE: 05/23/1910

POINT OF
DIVERSION:

T04S R32E S20 NWNE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	2.500 CFS
PLACE OF USE:	<u>IRRIGATION in BINGHAM County</u>		
	T04S R32E S20 NWNE	40.00	T04S R32E S20 SWNE 40.00
	T04S R32E S20 NENW	25.00	T04S R32E S20 NWSE 20.00

125 ACRES TOTAL

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

Forfeited/abandoned due to non-use from 2002 to 2006.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Forfeited/abandoned: This is included for a claim based on a decree or license that is proposed to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

SCANNED
JUL 19 2007

Department of Water Resources
Eastern Region

NOV 30 2009

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 the water in the SRBA because:
- ☐ 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 described 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.)

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 \$_____.

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: Tuesday, _____, 2010 at 1:30 p.m.

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

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File and 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 the water in the SRBA because:
Only recently, during and following a hearing wherein the Special Master overturned the Director's Recommendation denying my claim based upon license# 35-2019, did I discover that it was also necessary to claim additional points of diversion which were not originally contained within said license but were in fact historically used through an accomplished transfer from the single point of diversion as described in the attached Notice of Claim. This amended claim is necessary in order to complete the present Director's Amended Recommendation as to all the lands under said original license.
- ☐ 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:
- ☒ Fees have been paid when the claims were originally filed.

SCANNED

NOV 30 2009

VERIFICATION

STATE OF IDAHO,)
 ss
County of Madison.)

Jerry R. Rigby, being first duly sworn, upon oath, deposes and says:

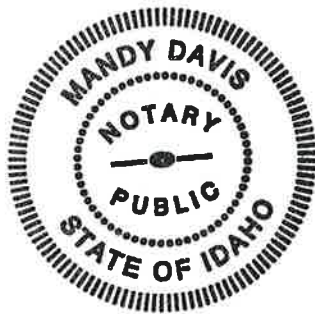
That I am the Secretary of party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 4204101A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

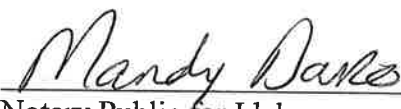
Signature of person filing motion



Attorney signing in representative capacity.

Subscribed and sworn to before me on this 24th day of November, 2009.





Notary Public for Idaho
Residing at St. Anthony
My Commission Expires: 06/24/2011

SCANNED
NOV 30 2009

CERTIFICATE OF MAILING

I certify that on ^{Nov. 24} ~~October 9~~, 2009, 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
P. O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

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

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

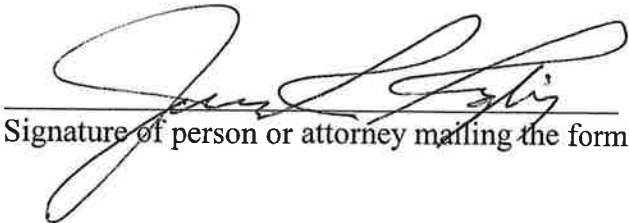
Conan Feld
P.O. Box 864
Aberdeen, ID 83210

Robert Harris
Kent W. Foster
P.O. Box 50130
Idaho Falls, ID 83405

Don & Ruth Adams
2201 W 1200 S
Aberdeen, ID 83210

Steve Adams
2215 W 1100 S
Aberdeen, ID 83210

Richard Koompin
2229 W 1000 S
Sterling, ID 83210


Signature of person or attorney mailing the form

SCANNED

NOV 30 2009

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 35-2019
Date Received:
Receipt No:
Received By:

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

1. Name of Claimant(s)

MARGARET DONNETTA NELSON Phone: (208)357-3466
757 ASPEN
SHELLEY ID USA 83274

2. Date of Priority: 05/23/1910

3. Source: UPPER SPRING CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
04S	32E	20	NW	NE	BINGHAM	pump
04S	32E	20	NW	NE	BINGHAM	strawbale+cut banks
04S	32E	20	NW	SE	BINGHAM	headgate
04S	32E	17	SE	SW	BINGHAM	headgate

5. Description of diverting works:

- Pump in Spring Creek at point of diversion with mainline to irrigated land which replaced Owen headgate and ditch in about 1971.
- Straw bale or soil mound into creek with cut banks to divert water to lands both east and west of creek.
- Headgate at bottom of pond used to spread water in lower (south) fields.
- Headgate near De Giulio diversion diverts water down ditch to our north fields.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	2.5	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	32E	20	NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	25
			NW	SE	IRRIGATION	20
Section Acres						125
Total Acres						125

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

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

Signature of Claimant(s): _____

[Handwritten Signature]
Attorney for Claimant

Date: 11-24-09

Date: _____

State of Idaho)

County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 24th
of November 2009

[Handwritten Signature: Mandy Davis]

Notary Public

Residing at St. Anthony

My commission Expires 6-24-2011



SCANNED
NOV 30 2009

Thursday, October 15, 2009

Meeting notes re: Claim No. 35-2019

Attendees: Donetta Nelson, Jeff Trosper, Roger Warner, and Michael Holliday

The primary purpose of the meeting was to discuss Donetta's recollection of the irrigation practices on the claimed place of use prior to commencement of the SRBA.

Donetta said that she and Merland purchased the property in 1974 from her in-laws, but that she first became familiar with the property in 1943, the year of her marriage. Donetta and Merland lived with his parents in a house that was located about a quarter mile west of the NW corner of the claimed POU. The land east of the creek was irrigated by sprinklers beginning in 1975 (the year after she and Merland purchased the place). Donetta said that the land irrigated by sprinkler irrigation was not irrigated prior to the installation of the sprinkler system in 1975, because the ground was too high.

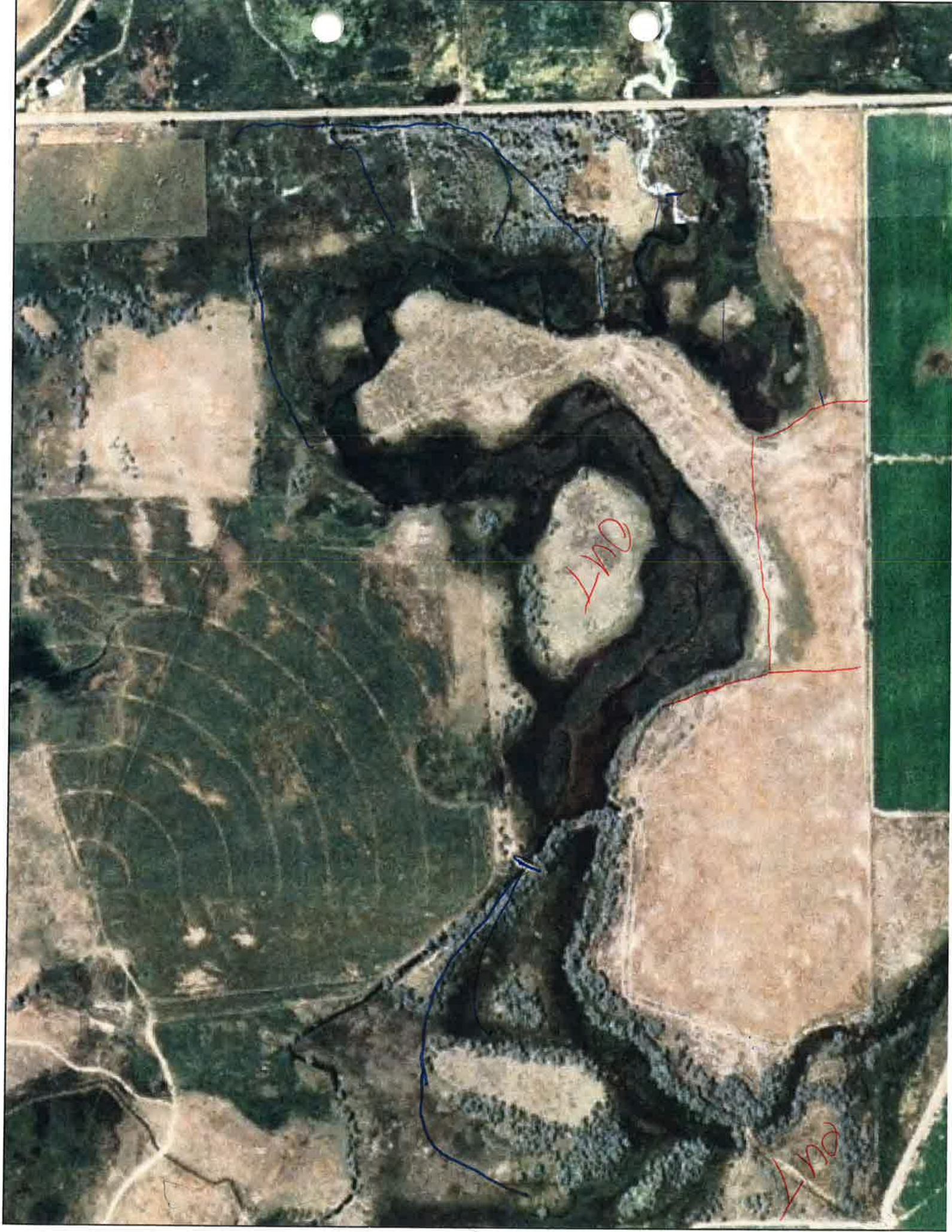
Based on Donetta's direction I marked up a 2006 aerial photo showing the location of the mainline in red and the ditches shown in blue. According to Donetta, the land east of the creek could only be watered with the sprinkler system, except for a small part of the NWNE. She showed me a point on the creek where the bank was cut to allow the water to flow east for flood irrigation. She said that in the spring the creek would overflow into that area.

She indicated that the land lying west of the creek was irrigated by the water that flowed under the road into the NENW. She said that everything under the ditches was irrigated in both directions, except for the westernmost ditch, which was used to drain the area when it "pooled up". That ditch only irrigated to the east.

She said that the area south of the dam in the NWSE was very "subby" and that you had to watch out or you could "lose a horse in there." She said there was a ditch which led from the dam southward that irrigated that area in both directions. The source for that ditch would be the creek, not the water that flowed under the road into the NENW.

She mentioned 2 areas that were not irrigated within the claimed POU. I marked those as "OUT" on the map.

MWH



147 ac

UPHILL

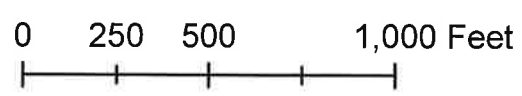
Water Right 35-2019 Stieglitz Property

Legend

-  Pump
-  Haybales
-  Ditches
-  Flood & Sub irrigated
-  Sprinkler Irrigated
-  Section
-  QQ



2006 NAIP Photography



Thursday, September 17, 2009

Field exam for Claim No. 35-2019

Accompanied by: Steven Adams & Richard Koornpin

At the trial the Nelsons indicated that the place of use was irrigated from a second point of diversion. The purpose of this second field exam was to look at this second diversion and to attempt to identify what land could have been irrigated under this right.

First I gathered a gps point of a corner fence post near the center of the SW quarter of section 17. I took the gps reading in order to show where I was standing when I took photos 1 and 2. Photo 1 was taken looking north towards what is known locally as "Upper Spring Creek." Photo 2 was taken looking WNW towards another spring which was notably higher than "Upper Spring Creek." There was dry land located between the spring and "Upper Spring Creek." It appeared to me that this spring was a separate source, though it is tributary to "Upper Spring Creek". This spring is the source of water right 35-4079A.

The second gps point taken was at a headgate located approximately 200 feet SSE of the corner fence post mentioned above. I believe that this is the point of diversion for decreed right 35-4079A. It appears that this diversion was created in order to divert water away from "Upper Spring Creek" for the purpose of irrigating the SESW and the SWSE of section 17. Photos 3 & 4 are of the headgate mentioned above. Photo 3 shows the headgate and a portion of the channel that would lead to "Upper Spring Creek" if it were not diverted. Note that the water level here is significantly higher than "Upper Spring Creek." The ditch from this spring crosses the road into the NENW of section 20.

Photo 5 was taken close to the point where the ditch from the spring crosses the road. The photo shows the water level about 5 feet below the point where I was standing in the pasture.

In the earlier field exam I had taken a photo of a ditch in the SW portion of the NENW of section 20. I discovered during this field exam that this ditch would flow in a northeasterly direction across the NENW quarter. The ditch delivers water from the canal, which makes sense based on the aerial photos and the topo map. Although it was difficult to tell due to high weeds and thick vegetation, it looked like the ditch from the canal dumped into the ditch from the spring mentioned above, just east of where it crossed under the road into the NENW quarter.

After the ditch from the spring crosses the road it goes east. I followed it until I was clearly in wetlands type vegetation, but I did not find any lateral ditches south of it. The north half of the NENW was very wet even though there has been no intentional irrigation on the property for several years. I also walked in the NW portion of the NWNE quarter. I found what appeared to be one or two shallow ditches (I can't be sure whether there were two different ditches or whether I was looking at 2 different portions

of the same ditch), but the thickness of the brush and the weeds in the area made it difficult to determine the source of the ditch(es) or the direction of flow. If there were 2 ditches, one appeared to parallel the ditch from the spring. It was on north side of it. I think that the portion of the ditch that I saw would have run ESE towards the creek. I saw another small portion of a ditch further to the southeast in the same QQ. This ditch would probably have run more toward the south. It appeared that the most likely source of the ditch(es) would have been the spring rather than the creek because there looked like there was a dike or an old road that would have prevented flow from the east.

MWH







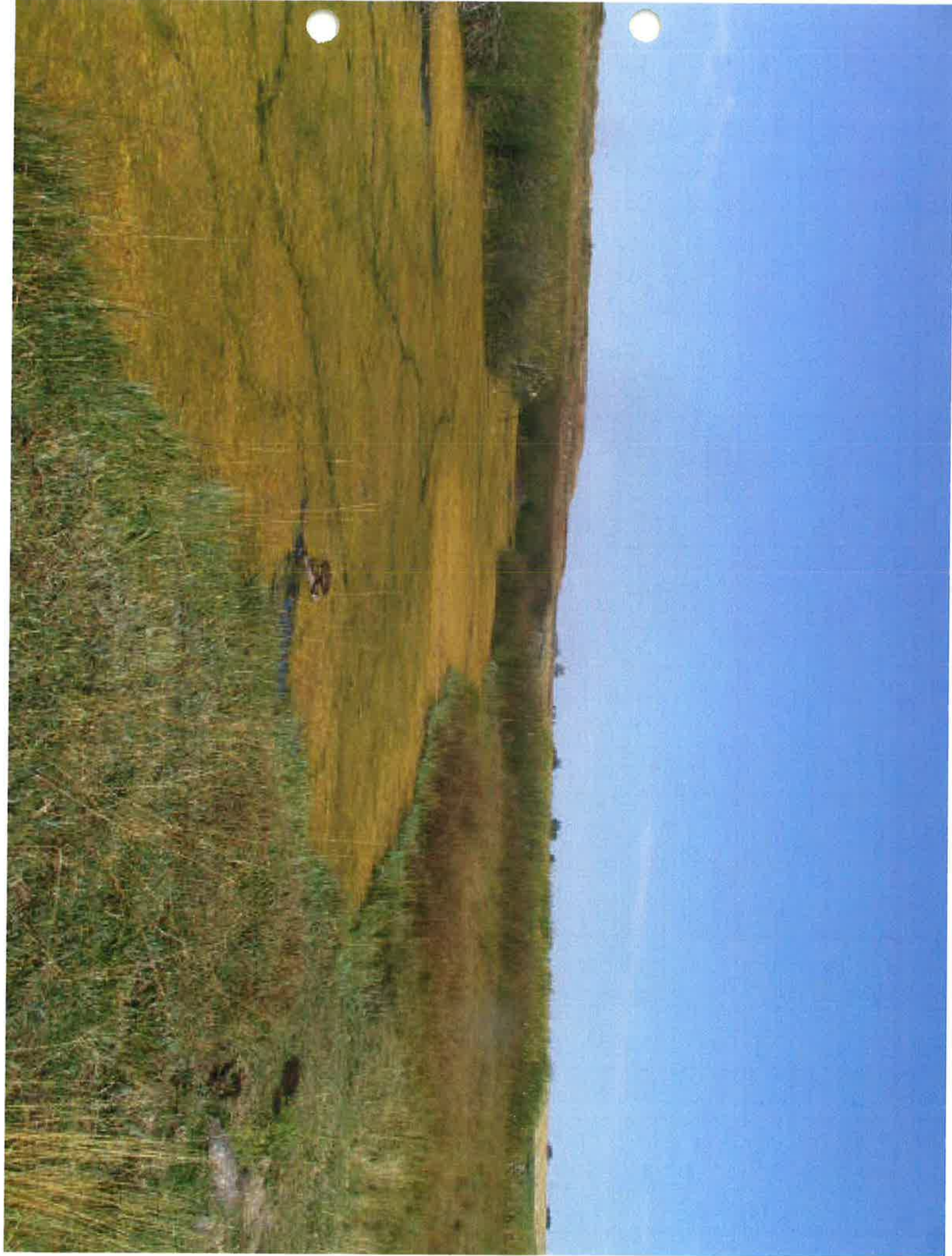




photo 1+2 taken from GPS pt DGU1 near
center of SW gtr.

photo 1 looking W towards spring cr

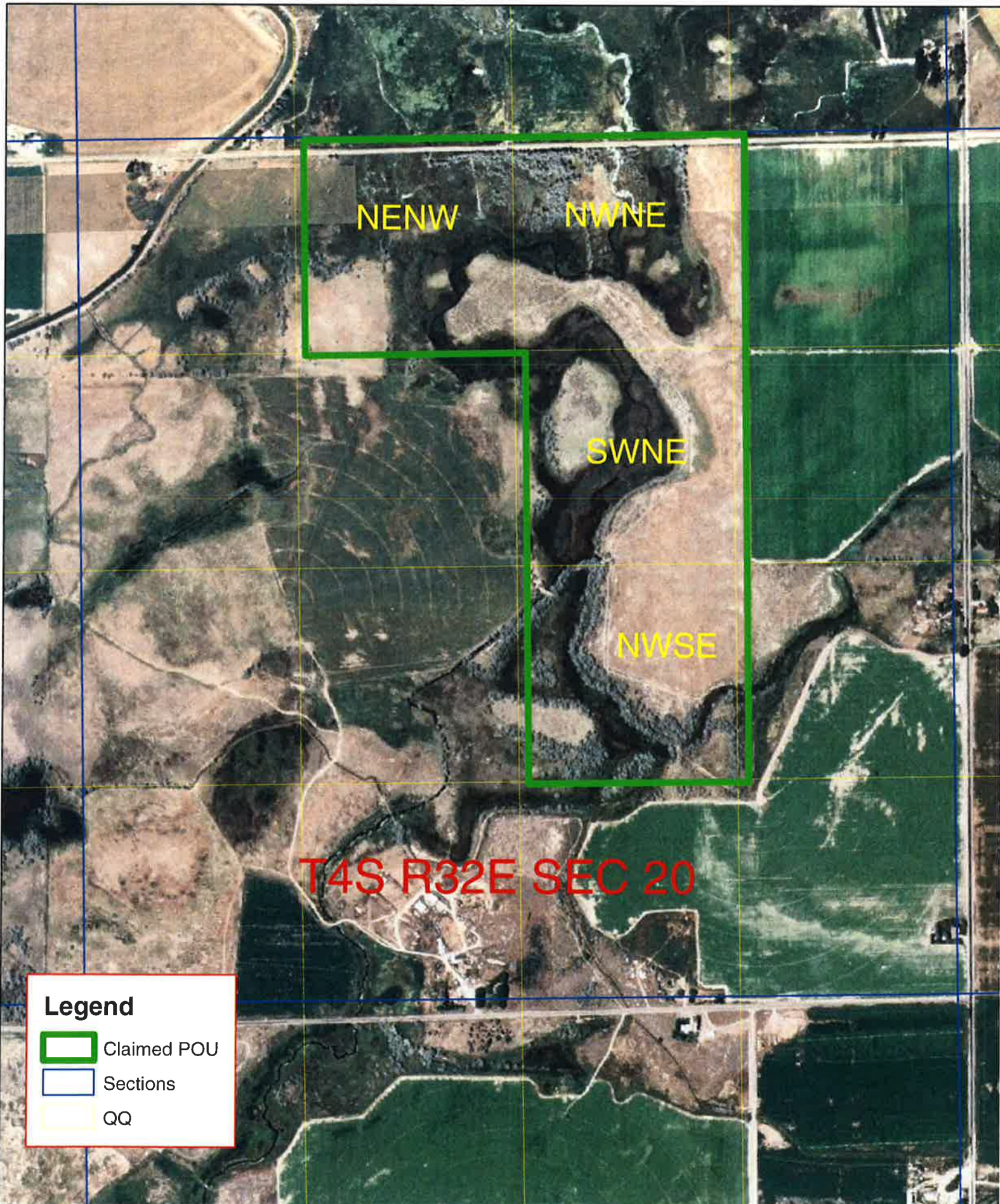
photo 2 looking WNW towards what
appears to be separate spring

photo 3+4 DGU80D

note water level much higher than
creek.

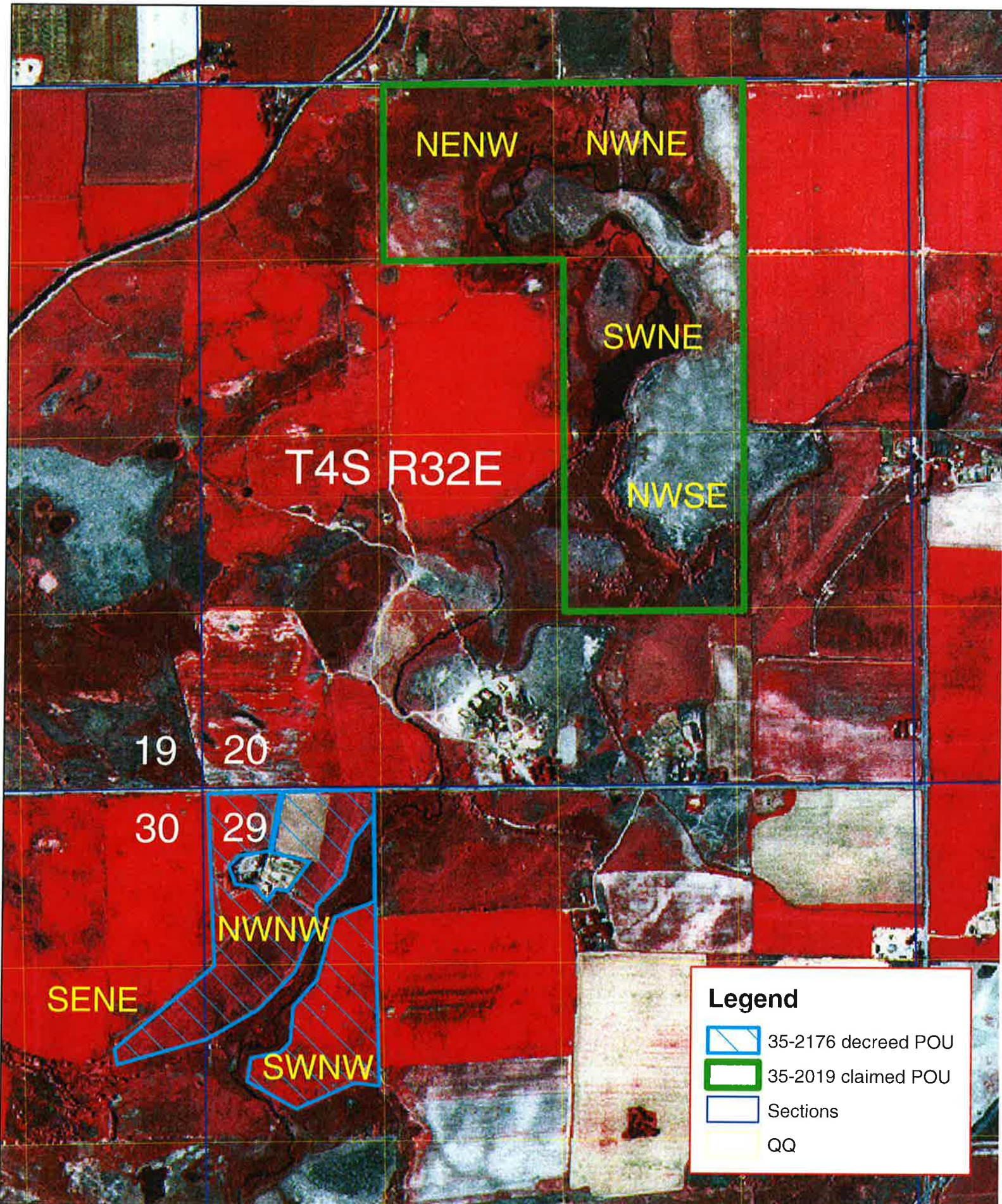
35-2019 S.eglitz

GIS Illustration
2006 NAIP Photography
Prepared by M. Holliday



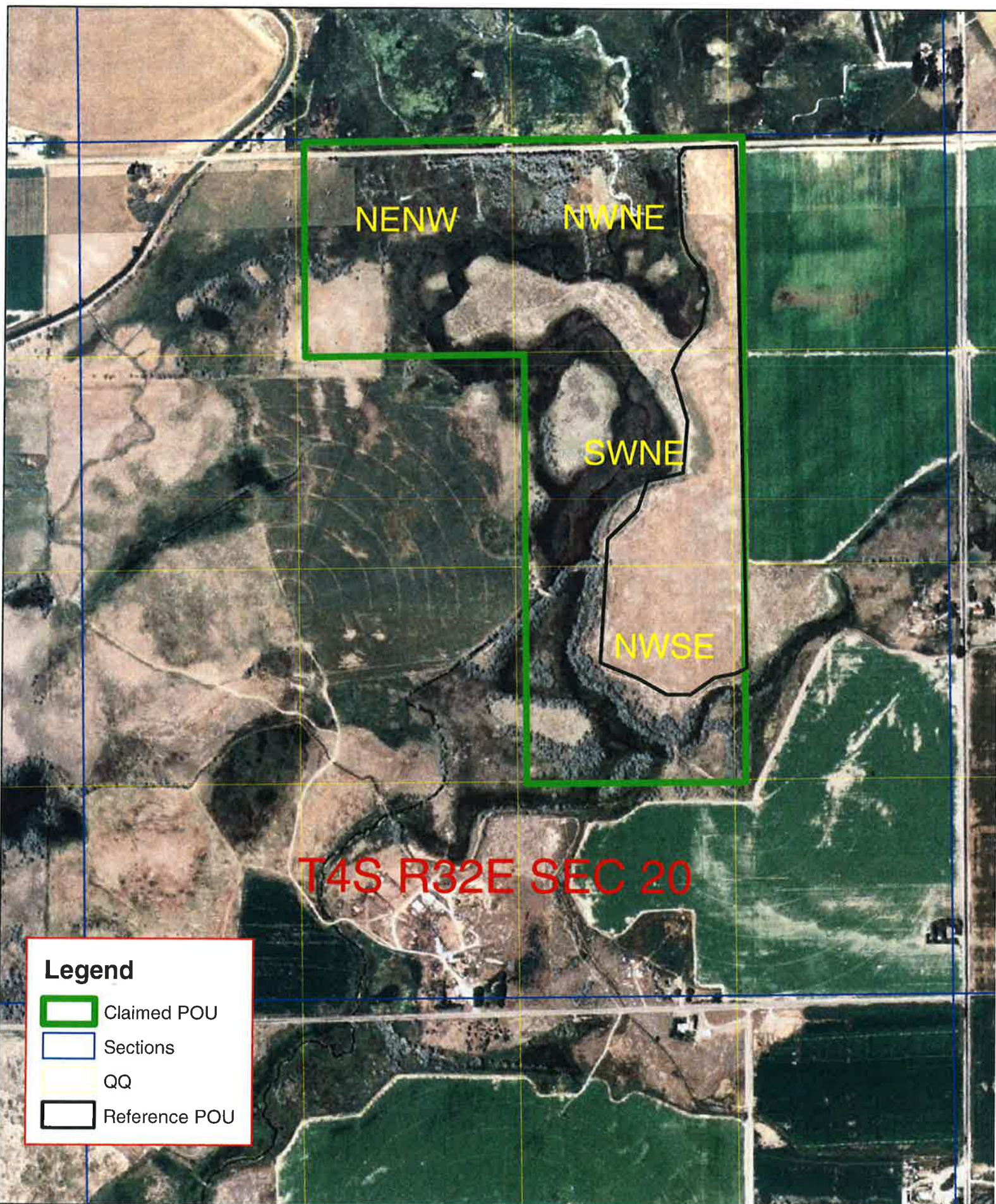
35-2019 and 35-2176

GIS Illustration
1987/88 NAPP Photography
Prepared by M. Holliday



35-2019 Sueglitz

GIS Illustration
2006 NAIP Photography
Prepared by M. Holliday



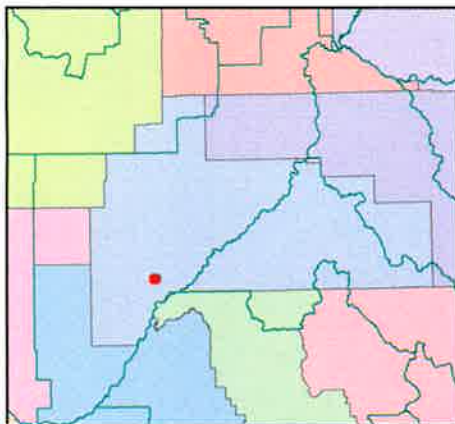


Idaho Department of Water Resources

Adjudication Recommendation
35-2019
(IRRIGATION)

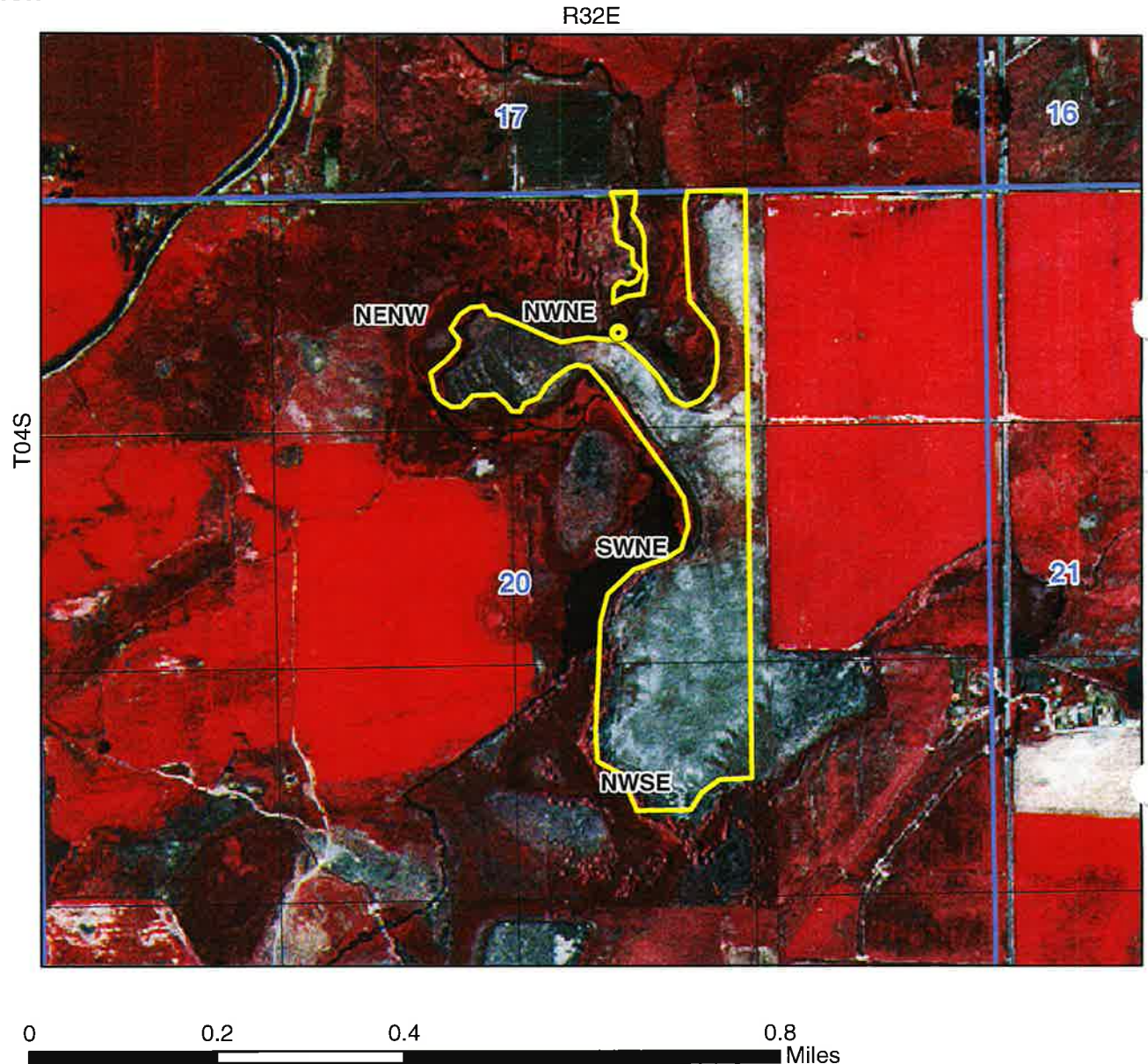
Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Bingham County
IDWR Basin 35

Prepared by Barg, Jonie
On January 05, 2011
1987/88 Aerial Photography





January 29, 2010

RMEA 09-0087

Andrea L. Courtney
State of Idaho Office of the Attorney General
Natural Resources Division
Water Resources Section
P.O. Box 83720,
Boise, ID 83720-0098

Re: Response to December 11, 2009 Request. Case No. 39576.

Dear Ms Courtney,

In response to your letter request, please find attached an affidavit from Mrs Donetta Nelson.

In regards to the request concerning the "Extent of Wetlands on the claimed place of use."

We are unaware of any such designation by a professional or otherwise. However, plants that occur under shallow ground water conditions appear on the property. The reported practices of the Nelson's was that the property was naturally sub-irrigated by ground water during portions of the year but when there was not sufficient sub-irrigation occurring (i.e. late summer), that actions were taken to back up surface water in both the "ditch" and creek to increase the ground water elevation sufficiently to again adequately sub-irrigate most all of the lands in question. The sub-irrigated lands were used for grazing.

Areas that did not respond to the sub-irrigation techniques were equipped with a sprinkler pipe irrigation system and irrigated conventionally.

Please feel free to call if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roger", is written over a horizontal line.

W. Roger Warner, Hydrologist
Vice-President

enclosures: Donetta Nelson Affidavit signed and dated on January 29, 2010.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA

Subcase: 35-2019

Case No. 39576

AFFIDAVIT OF DONETTA NELSON

STATE OF IDAHO

ss.

County of Madison

Donetta Nelson, having been duly sworn, states under oath as follows:

1. I am a resident of Bingham County, Idaho and reside at 757 Aspen Ave., Shelley ID 83274-1464.
2. I was married to Merlin Nelson on October 16, ¹⁹⁴⁰~~1941~~. Soon after marrying, my husband and I moved into a small home located just west of the property next to a canal located at Section 20, R32E, T04S EBM. The house was originally owned by my husband's family but was later gifted to my husband and me along with 40 acres of property surrounding the house.
3. ^{Merland}~~Merlin~~'s father, Ed Nelson, purchased the subject property around 1971. The ditches that are on the property today are basically the same that existed at that time. At that time, the ditches were not as deep as they are today but they still required regular maintenance. I recall on many occasions bringing my husband

something to eat and/or drink while he was working on the ditches and irrigating the lands set forth in the above entitled claim (hereinafter "the Land").

4. The water which irrigated the Land entered from two locations along the north boundary along the roadway. One fork of the creek entered the Land in the northeast corner. The other fork of the creek from the northwest corner. Both entry locations were from the same source, a spring fed creek that split and flowed two different directions. Only recently did I learn that one of the forks of the creek was considered by the Idaho Department of Water Resources (IDWR) to be a ditch. At some point in time, someone installed a headgate on the west fork of the creek. This headgate is located on what is known as the Degullio property. This west fork of the creek always flowed at about 25 inches.

5. My father had to constantly work the ditches off of the creek to get our water. We diverted water out of the creek onto the adjacent land by placing hay bales or if the ditch was smaller, flakes of hay bales to back up the water so that it would flood and/or sub-irrigate the adjacent lands. We also shoveled out smaller cross ditches to aid in the distribution of water. Most of the property was used for grazing purposes and therefore keeping the vegetation growing was of high importance. My husband was a cattle buyer and at any given time we would be grazing 150 +/- head of cattle.

6. Other than small diversions out of the creeks, we had the following four main locations which were important in providing water to the Land:

- a. T32E, R04S, Section 20, NW quarter of the NE quarter. This is the

location of the pump that was used to pressurize sprinkler lines which irrigated all of the upland areas. The pipe was purchased soon after we acquired the property in about 1974.

- b. T32E, R04S, Section 20, NW quarter of the NE quarter. This location is just north of the pump diversion location. At this location, straw bales were used to dam up the creek to the point that it would overflow the banks. Nearby, is a high spot in the ground which, as I recall, was a culvert bridge to the upland irrigated by sprinklers. Concrete and wood debris used to dam up water still exists at this location today. At times, it would require cutting notches into the bank allowing the water a pathway to follow.
- c. T32E, R04S, Section 20, NW quarter of the SE quarter. This location is the furthest south and is located on the creek at a point which was also dammed with straw bales until later it was equipped with a headgate/culvert. By damming this location, water would back up and be directed to all lowland areas in the Koompin's Corner area. Areas which were not directly irrigated by flooding were subirrigated by the backed up water.
- d. T32E, R04S, Section 17, SE quarter of the SW quarter. As discussed above, we always considered this to be from the same source as the other water since it was just a split from the same creek. In fact, my husband or his father, routinely would have to walk up that "ditch" to get more water

to flow down the "ditch" channel. His routine consisted of removing debris from the so-called "ditch" and placement of debris in front of the other channel to get more water flow into the west channel. Water which flowed down this channel was then dammed with straw bales and forced to spread and also to subirrigate adjacent low lands.

7. My husband purchased sprinkler pipe for the purpose of better irrigating the uplands of the Land in about 1974. We installed the pump and mainline and irrigated all of the Lands where we possibly could even beyond fence barriers since we pastured those areas regularly. It was routine and customary to attach hand lines through the fence to irrigate as much pasture beyond the hay field as possible.
8. The reason that I remember so much of this is because I baled (harvested) all of the hay crop off of the Land and this ground myself since my husband had an asthma condition which prohibited him from doing this part of the work.
Basically, ^{Merland D.N. [signature]} Merlin performed the irrigation and I cut and baled the hay.
9. ^{Merland D.N. [signature]} Merlin was a potato inspector for the state of Idaho for 22 years. He was also a cattle buyer and often we had 100 head of mother cows. He died in 2003.
10. The conditions I have described within this affidavit would apply to each and every year from the time we acquired the Land up to the time of the sale of the Land to Dr. ^{D.N. [signature]} Shieglitz, who is the present owner of the Land. The only major change in the conditions described herein was during the last two years of my husbands life due to the illness which eventually took his life. However, even

though the watering wasn't as consistent and as plentiful as before his illness,
there was NOT one year where NO watering occurred on any one parcel of the
Land.

Respectfully submitted, this 29 day of January, 2010.

Donnetta Nelson
Donetta Nelson

SUBSCRIBED AND SWORN to before me this 29 day of January, 2010.



[Signature]
Notary Public for Idaho
Residing at: BONNEVILLE County, IDAHO
My Commission Expires: 12/09/2011

Friday, April 13, 2007

Field exam for Claim No. 35-2019

Accompanied by: Jeff Stieglitz & Nate Arave

Motor & pump: Portable centrifugal pump driven by approximately 65 HP Ford straight six which runs on propane

POU: Claimant had not yet irrigated the property himself. However he identified the place of use based on conversations he had with Mrs. Nelson, the previous owner. Claimant marked up an aerial photo to show what he believed was the irrigated ground. Nate and I observed existing ditches and portable irrigation mainline, although much of it had been stolen per claimant. Much of the licensed POU appeared previously irrigated, although not as much as was licensed. Some of the ground identified by Jeff on the map did not appear irrigable.

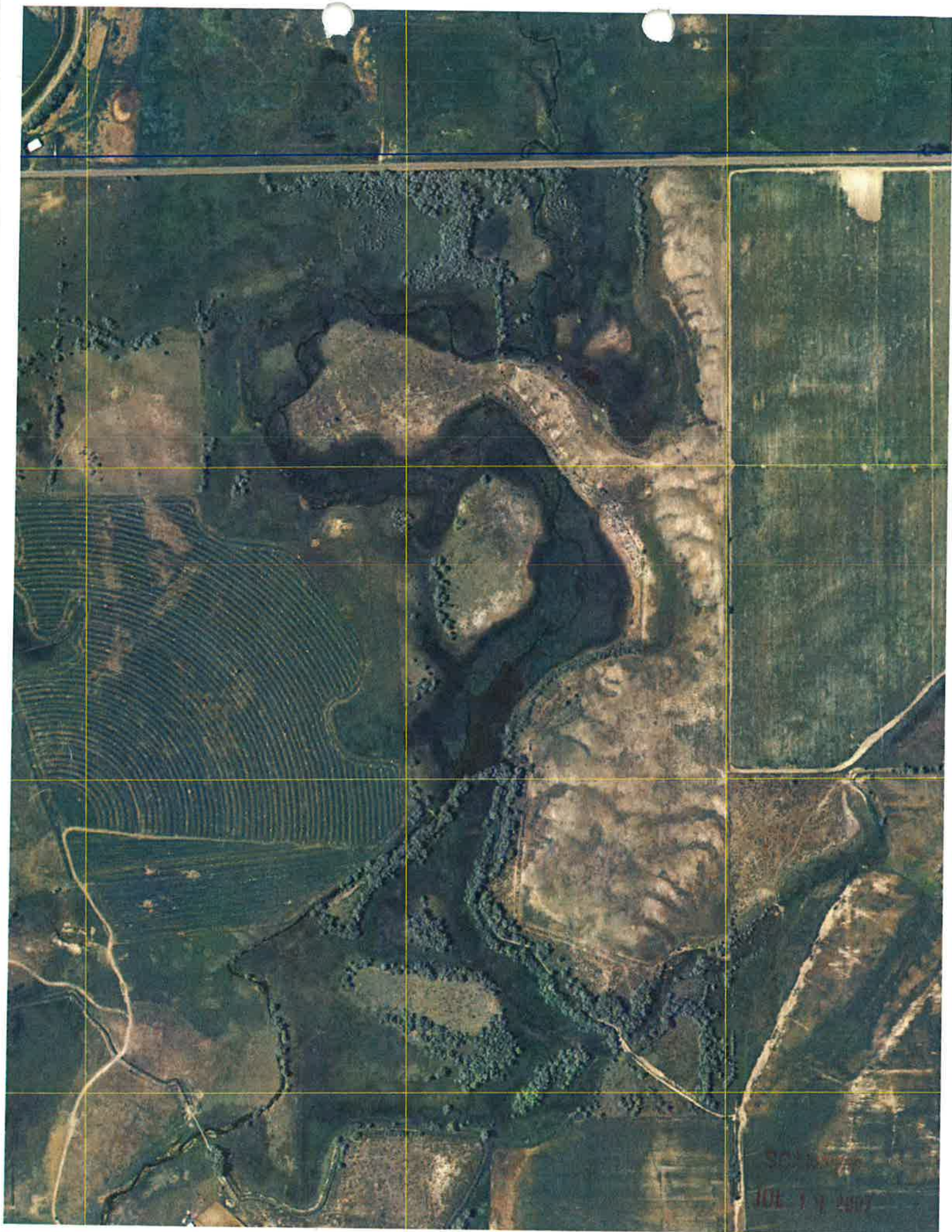
POD: Claimant said that hay bales were thrown into the stream in order to raise the water level at the location of the pump. Gathered gps points for check structure and pump location.

Comments: The claimant said that he purchased the property in 2003 and has not irrigated it yet, although he intends to irrigate this year. He said that the property was not irrigated because he was pursuing putting the land in a federal wetland preserve program. Claimant is no longer pursuing that course of action. The claimant's only knowledge of irrigation prior to his purchase of the property is second hand, based on conversations with the former owner, Mrs. Nelson. Her husband, the primary operator of the irrigation system, died in 2003. The extent of water use is unclear between the time that he had a heart attack in 1985 and his death. However, it is clear that some of the land was irrigated in 1992 based on the DOQQ photos. Also the 1998 landsat photos show that some of the licensed POU was being irrigated. There were no landsat photos available for the years 1999 and 2001. The landsat photos for 2000 and 2002 through 2006 show no evidence of irrigation.

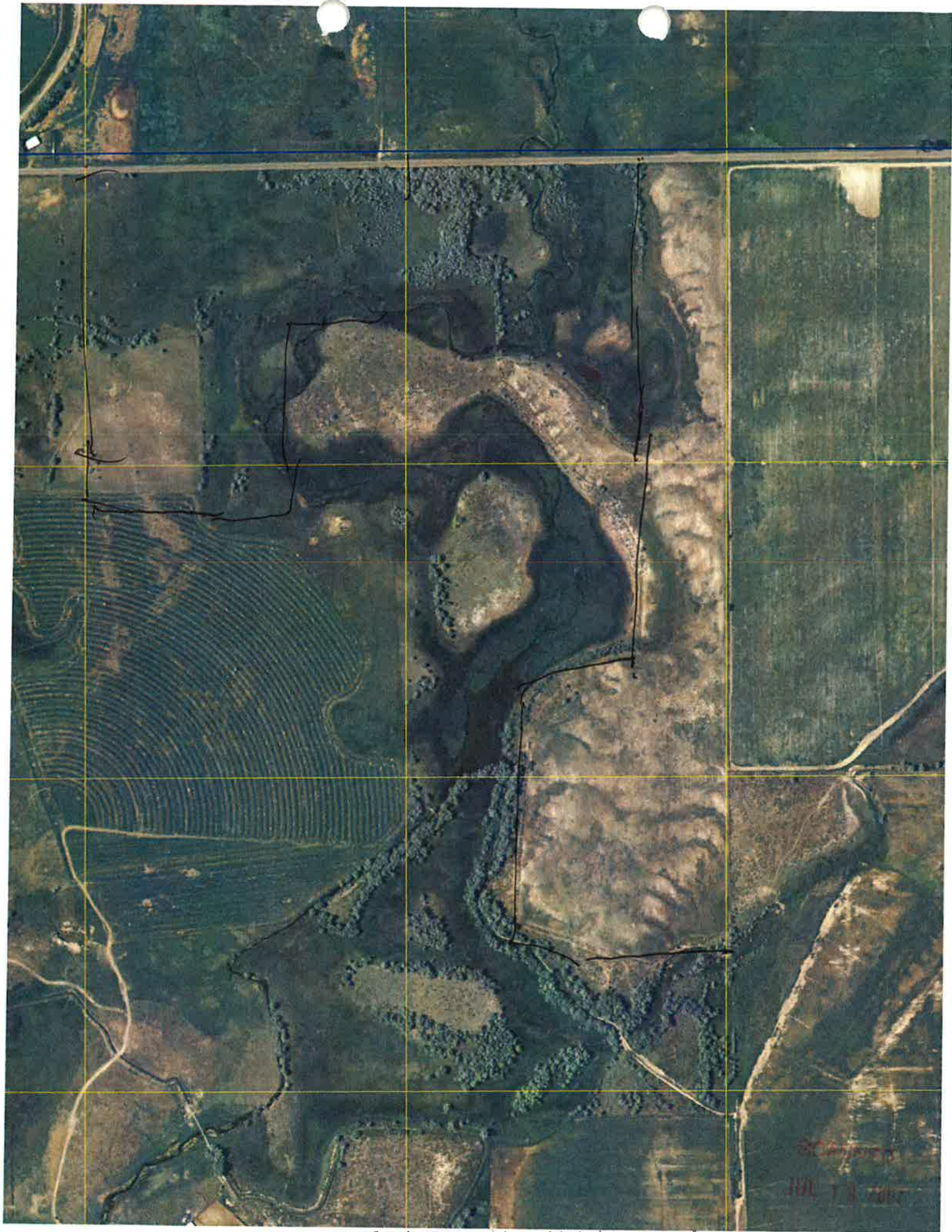
MWH

ACRES 2005 → 2009
33 acres in
13 dry grazing
1 waste
113 meadowland
RP 0097401
TAX BOOKS current

SCANNED
JUL 19 2007



SC 1007
JUL 1 1 1007



CLAIMANT'S DRAWING OF POU

WATER RIGHT NUMBER: 35-2019

Priority Date: 05/23/1910
Basis: License
Status: Not Claimed

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	2.500 CFS	
DOMESTIC	/	to /		
		<u>Total Diversion:</u>	2.500 CFS	

UPPER SPRING CREEK NW1/4NE1/4 Sec. 20, Twp 04S, Rge 32E, B.M.
BINGHAM County

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	32E	20		40.0	40.0		25.0									20.0			125.0

DOMESTIC same as IRRIGATION

Comments:

Dates and Other Information:

SCANNED
AUG 24 200

SCANNED
JUL 19 2007

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Dev

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
Adj. ~~WTR~~ 35-2019					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Bertie Hamilton
4. New Owner/Claimant(s) Springfield ID 83277
Jeffrey and Bridgette Stieglitz
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 646 Highway 91
- City, State and ZIP Code FIRTH, ID 83236
- New Telephone Number (208) 521-1849
5. Date you acquired the property 4-14-2004

RECEIVED

JUL 10 2006

**DEPARTMENT OF
WATER RESOURCES**

RECEIVED

JUL 13 2007

Department of Water Resources
Eastern Region

RECEIVED

JUN 28 2006

Department of Water Resources
Eastern Region

SCANNED

NOV 08 2007

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____
06/29/05

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by	<u>KNO</u>	Date	<u>6/28/05</u>
Received by	<u>KNO</u>	Date	<u>6/29/05</u>
Processed by	<u>AJ</u>	Date	<u>6/29/05</u>
		Fee	<u>\$25.00</u>
		Receipt No.	<u>E032029</u>
		WR	_____
		Date	_____

SCANNED

NOV 08 2007

539781

WARRANTY DEED

2004 APR 16 PM 2:49

For Value Received Donnetta M. Nelson, individually and Donnetta Nelson, Successor Trustee under the Merland and Donnetta Nelson Living Trust dated October 2, 1995,

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Jeffrey B. Stieglitz and Bridgette Stieglitz, husband and wife

FIRST AMERICAN TITLE COMPANY

whose address is: 646 US Highway 91, Firth, ID 83236

Hereinafter called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit:

Township 4 South, Range 32 E.B.M., Bingham County, Idaho
Section 20: NE $\frac{1}{4}$ /NW $\frac{1}{4}$; W $\frac{1}{2}$ /NE $\frac{1}{4}$; NW $\frac{1}{4}$ /SE $\frac{1}{4}$.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: April 14, 2004

Donnetta M. Nelson

Donnetta M. Nelson

Donnetta Nelson

Donnetta Nelson, Trustee under The Merland and Donnetta Nelson Living Trust dated October 2, 1995

STATE OF Idaho)

) ss.

COUNTY OF BINGHAM)

On this 04/14/2004, before me Michelle Koford, personally appeared Donnetta Nelson, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument as Trustee of The Merland and Donnetta Nelson Living Trust dated October 2, 1995 and acknowledged to me that she executed the same as such Trustee of The Merland and Donnetta Nelson Living Trust dated October 2, 1995.

Michelle Koford
Notary Public of Idaho
Residing at Blackfoot, Idaho
Commission Expires: 04/14/05



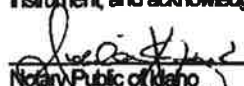
SCANNED

NOV 08 2007

STATE OF Idaho)

COUNTY OF Bingham)

On this 14th day of April, in the year of 2004, before me Michelle Kofoed, personally appeared Donnetta Nelson, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same.


Notary Public of Idaho
Residing at: Blackfoot, Idaho
Commission Expires: 04/14/07

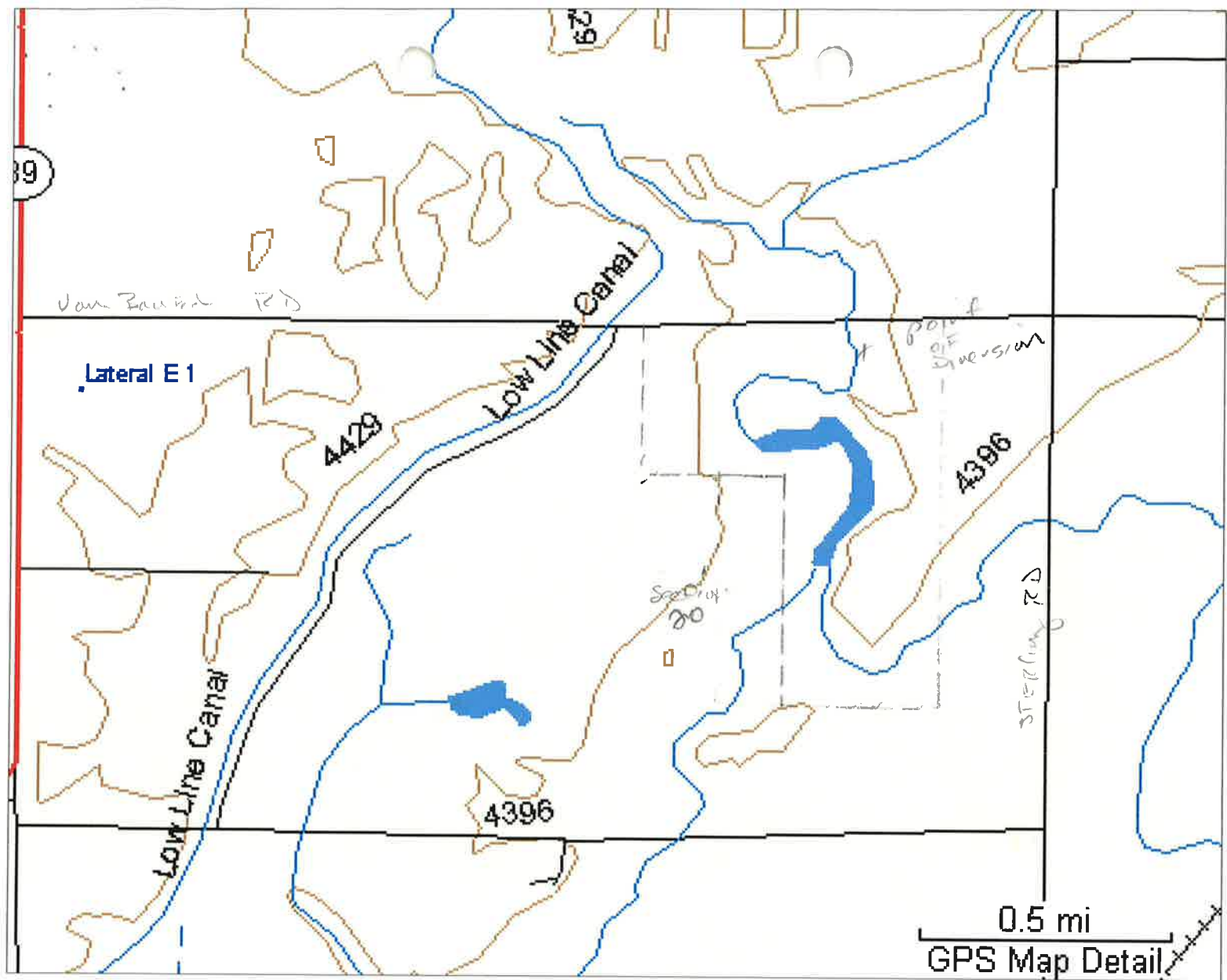


539781

SCANNED

NOV 08 2007





Idaho Department of Water Resources Receipt

Receipt ID E032029

Payment Amount \$25.00 Date Received 6/29/2006 9:05:31 AM Region Eastern Status ☐
Payment Type Check Check Number 6071

Payer STIEGLITZ, JEFF

Comment 35-2019 CHANGE OF OWNERSHIP

Fee Detail

Amount Description

Fund FD PCA SO

\$25.00 OWNERSHIP CHANGES/SECURITY INTERESTS 0229 21 63140 1155



Signature Line (Dept. Representative)

SCANNED

AUG 24 2009

State of Idaho License and Certificate of Water Right

Water License No. 6190

Water District No. 6B

Amount 2.5 sec. ft.

Priority May 23, 1910

THIS IS TO CERTIFY that MRS. BERTHA HAMILTON of Springfield, Idaho, made application for a permit to appropriate the public waters of the State of Idaho dated May 23, 1910; that Permit No. 6190 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3 second feet, was issued thereunder on June 7, 1913, showing that said works were completed on the 4th day of June, 1913; and that on the 19th day of June, 1917,

MRS. BERTHA HAMILTON,

of Springfield, State of Idaho, made proof to the satisfaction of the State Engineer of Idaho, of a right to the use of the waters of Upper Spring Creek, a tributary of _____, for the purpose of irrigation & domestic use, under Use Permit No. 6190 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Commissioner of Reclamation Engineer of Idaho and entered in Volume 5 of Licenses, at page 2638, on the 14th day of September, 1920;

The right hereby confirmed dates from May 23, 1910;

The Point of Diversion is located in the NW 1/4, SE 1/4, Sec. 20, Tp. 4 S., R. 32 E., B. M. County of Blingham.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 S.	32 E.	20	NW 1/4	40	25
			NE 1/4	40	40
			SW 1/4	40	40
			SE 1/4	40	20

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, this 14th day of September, 1920.

J. O. STEINER,
Commissioner of Reclamation State Engineer.

By S. T. BAER,
Deputy.

(SEAL)

35 2019

SCANNED

JUL 19 2007

F:

VERIFICATION (Must be Completed)

State of _____)
)ss.

Country of _____)

Richard Koopin, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Richard Koopin
(Signature of person filing objection)

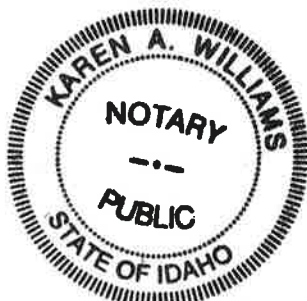
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

Karen A. Williams

Karen A. Williams

Notary Public for Idaho
Residing at: 1218 W 9th St Bldg ID 83221
My Commission Expires: 3/8/08



SCANNED

JUL 19 2007

E. Reasons for supporting Objection. (s)

Steven B. Adams
2215 W. 1100 S.
Sterling, ID 83210
(208) 681-0853 Cell
(208) 328-2279 Home

25 April 2007

To Whom It May Concern:

My name is Steven B. Adams. I am 54 years old. I have been raised on, farmed, and lived my entire life on the property below the property previously owned by Merlin Nelson and then sold to Jeff Stiglett. This letter is in reference to water right sub case 35-2019.

In the early 1990's, Ron Inskip Jr. rented this ground from the Nelson's and raised one crop of Barley that was irrigated by water brought through a neighbor's pasture. This type of water usage has been the only means of providing water to this property. They were using water from the Aberdeen Springfield Canal, not from the streams that I and other farmers have water rights on.

Over the last 10 years, the amount of water that comes down the streams has been greatly reduced. If Mr. Stiglett were allowed to obtain water rights and back the water up, he would greatly affect the other water share holders down stream, and adversely affect their ability to sustain acceptable water levels.

For these reasons, I strongly OBJECT to the water right being granted for sub case 35-2019. Please feel free to contact me if you might have any questions concerning this document or my feelings concerning this situation. Thank you for your time and consideration.

Respectfully,

Steven B. Adams

Steven B Adams
4/25/07

SCANNED
JUL 19 2007

E. Reasons for supporting Objection. (s)

Don and Ruth Adams
2201 W. 1200 S.
Sterling, ID 83210
(208) 397-4641 Home

25 April 2007

To Whom It May Concern:

For the past 80 years, we have farmed the property below the property previously owned by Merlin Nelson and then sold to Jeff Stiglett. This letter is in reference to water right sub case 35-2019.

In the early 1990's, Ron Inskip Jr. rented this ground from the Nelson's and raised one crop of Barley that was irrigated by water brought through a neighbor's pasture. This type of water usage has been the only means of providing water to this property. They were using water from the Aberdeen Springfield Canal, not from the streams that we and other farmers have water rights on.

Over the last 10 years, the amount of water that comes down the streams has been greatly reduced. If Mr. Stiglett were allowed to obtain water rights and back the water up, he would greatly affect the other water share holders down stream, and adversely affect our ability to sustain acceptable water levels.

Don has been active to follow and keep track of all the water rights in question, since 1953.

For these reasons, we strongly OBJECT to the water right being granted for sub case 35-2019. Please feel free to contact us if you might have any questions concerning this document or our feelings concerning this situation. Thank you for your time and consideration.

Respectfully,

Don and Ruth Adams

Don L. Adams 4/25/07
Ruth M. Adams 4/25/07

SCANNED

JUL 19 2007

ATTACHMENT - 35-2019
Koompin - Stiglett/NELSON

E. REASONS SUPPORTING OBJECTION(S):

Richard Koompin
2229 West 1000 South
Sterling, Idaho 83210
208-328-2286 – Home
208-681-2286 – Cell

24 May 2007

To Whom It May Concern:

I am 62 (sixty two) years old and have been raised on, and farmed, the property adjoining the property previously owned by Merlin and Donnetta Nelson and then sold to Jeff Stiglett.

Through neighboring and working relationships with Nelsons, I have personal knowledge there have never been any fees paid, or a filing in the 1980's, that was required by the State of Idaho, for establishing of the water rights in question.

In the early 1990's, Ron Inskip, Jr. rented this ground from Nelson's and raised one crop of barley that was irrigated by water brought through a neighbors pasture. This type of water usage has been the only means of providing water to this property.

In summary, since this water right was not used, established or filed on in the 1980's, and no fees have been paid, **I OBJECT** to this water right being granted.

Richard Koompin

SCANNED
JUL 19 2007

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

A. Subcase 35-2019
(Insert water right number
From the Objection Form)

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 are 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 file 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 Jeffrey B. & Bridgette Stieglitz

My name is Kent W. Foster

My address is PO Box 50130, Idaho Falls, ID 83405-0130

My phone number is 208-523-0620

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:

Mr. & Mrs. Stieglitz acquired this property from Mrs. Donnetta Nelson two years ago and understood that the water right was valid at the time. It was only recently discovered that no SRBA Claim had ever been filed and Mrs. Nelson had no idea that it was necessary to file a claim or why one was not filed. Her husband passed away in 2003; they were an elderly couple and Mrs. Nelson has no recollection of having ever seen any notices or other written documents requiring the filing of a claim. See attached affidavits.

☐ 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 a 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 you Notice of Claim.)

This right was a licensed right. See attached Affidavit of Mrs. Donnetta Nelson

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 \$ 225.00.

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 Tuesday, November 21, 2006, at 1:30 p.m.

(Insert Date and Time)

at the SRBA Court 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

State of Idaho)
)ss:
County of Bonneville)

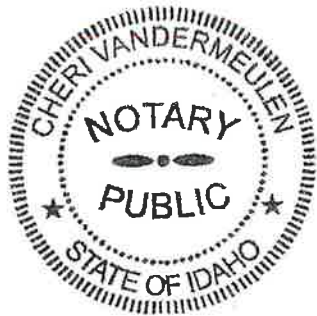
Kent W. Foster, being first duly sworn, upon oath, deposes and says:

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.



Kent W. Foster, Attorney

Subscribed and sworn to before me on this 5th day of September, 2006.





Notary Public for Idaho
Residing at: Idaho Falls, Idaho
My Commission expires: July 7, 2009

CERTIFICATE OF MAILING

I certify that on this 5th day of September, 2006, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

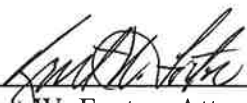
2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. 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 amend 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.



Kent W. Foster, Attorney

G:\WPDATA\KWF\13886 Stieglitz, Jeff\Motion to File Late Claim.wpd

**AFFIDAVIT OF
DONNETTA M. NELSON**

STATE OF IDAHO)
)ss
County of Bingham)

Donnetta M. Nelson being first duly sworn on her oath, deposes and says:

1. I am eighty-three (83) years of age, having been born December 13, 1922, a citizen of the United States, residing at 757 Aspen Drive, Shelley, Idaho 83274, and make this affidavit of my own personal knowledge.
2. I was married to the late Merland E. Nelson who was born July 21, 1920, and died July 28, 2003, at the age of eighty-three (83). During our marriage, we acquired approximately 160 acres of land in Bingham County, Idaho, from my husband's mother in about 1971. The land was described as:

T4N. R32E., Sec. 20: NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$

The above land had been owned by my husband's parents prior to our purchase from his mother. His father, Ed Nelson, passed away in about 1969. After we acquired the land, my husband installed a pump in Upper Spring Creek at the point of diversion, with mainline to a sprinkling system, and irrigated the land by means of the sprinkler system every year until his health prevented him from doing so, until sometime before his death. My husband had open heart surgery in 1985 and although he continued to irrigate the land, his health was never very good after the surgery.

3. My husband always did the irrigating and took care of matters related to the water rights. I have been informed that no claim was ever filed in the Snake River Basin Adjudication Proceeding, but I do not know why. I personally do not remember ever having been aware that such a claim might have been required.
4. In 2004, I sold the property to Jeffrey B. and Bridgette Stieglitz. In connection with the sale, someone checked on the water right and obtained a record showing the water right license was active. I have given that and other papers to Mr. Stieglitz. We assumed from the record that the water right was valid and never knew that anything else might have been required.

SCANNED
SEP 11 2006

DATED this 23 day of August, 2006.

Donnetta Nelson
Donnetta Nelson

SUBSCRIBED AND SWORN TO before me this 23 day of August, 2006.



G:\WPD\AKW\Stiegler, Jeff\Donnetta Affidavit.wpd:cdv

[Signature]
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 8-21-06

**AFFIDAVIT OF
JEFFREY B. STIEGLITZ**

STATE OF IDAHO)
)ss
County of Bonneville)

Jeffrey B. Stieglitz being first duly sworn, on his oath deposes and says:

1. I am over the age of eighteen (18) years, a citizen of the United States, residing at 646 US. Highway 91, Firth, Idaho 83236, and make this affidavit of my own personal knowledge.
2. On or about April of 2004, my wife, Brigette Stieglitz, and I, purchased from Mrs. Donnetta M. Nelson, the following described real property situate in the County of Bingham, State of Idaho, to wit:

T4S., R32E.B.M., Sec. 20 NE $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$.

3. During the time we were considering the purchase of said land, I became aware that the land had a sprinkling system thereon and had previously been irrigated. When I sought to learn whether there was a water right appurtenant to the land, we were informed that there was and Mrs. Nelson provided some documents relating to a water right, copies of which are attached hereto. From this information, I understood there was a licensed water right number 35-2019, and since the documents indicated the water right was active, I assumed there was no further action needed with respect to the water right. In fact, I checked some information on the Internet which also disclosed that Water Right License No. 35-2019 was active and based on that confirmation, I concluded that the water right was in satisfactory condition and completed the purchase of the land.
4. After the purchase of the land, I prepared and filed a Notice of Change of Ownership form with the Idaho Department of Water Resources and enclosed with that notice the computer generated record I obtained confirming that the license was still active, assuming that was all that was necessary.
5. I have recently been informed that our predecessors in interest never filed an SRBA claim claiming the referenced water right in the adjudication proceeding and that such a claim needed to have been filed.

SCANNED
SEP 11 2006

DATED this 31 day of August, 2006.

Jeffrey B. Stieglitz

SUBSCRIBED AND SWORN TO before me this 31 day of August, 2006.

(seal)



Lisa Suitter
Notary Public for Idaho

Residing at Idaho Falls, Idaho

My commission expires: 03-27-2008

G:\WPDATA\KWF\13886 Stieglitz, Jeffrey B. Stieglitz Affidavit.pdf

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 35-2019

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Jeffrey B. & Bridgette Stieglitz Phone (208) 346-6566

Mailing Address 646 US Hwy. 91, Firth, ID Zip 83236

2. Date of Priority (Only (1) per claim) May 23, 1910

3. Source of water supply (a) Upper Spring Creek

which is tributary to (b) Spring Creek

4.a. Location of existing point of diversion is:

Township 4S Range 32E Section 20, 1/4 of NW 1/4 of NE 1/4, Govt. Lot ,
County of Bingham

Additional points of diversion if any: _____

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. Pump in Spring Creek at point of diversion with mainline to irrigated land which replaced Owen headgate and Ditch in about 1971.

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

For Irrigation purposes from 04/01 to 10/31 amount 2.5 cfs or _____

7. Total quantity claimed (a) 2.5 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

COPY

SCANNED
SEP 11 2006

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of household served; Stockwater: Type and number of livestock Etc.) _____
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation 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	
4S	32E	20		40	40		25									20			125

Total number of acres irrigated 125

11. In which county(ies) are lands listed above as place of use located? Bingham
12. 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.
13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)
14. Remarks: _____
15. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☐ License ☒
If applicable provide IDWR Water Right Number 35-2019
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) [Signature] Date 9.5.06

Date _____

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 5th day of September, 2006.

[Signature]
Notary Public Idaho
Residing at IDAHO FALLS
My Commission Expires 11/20/2010



Last Name Stieglitz, Jeffrey B. & Brigitte Ident. Number 35-2019

SCANNED
SEP 11 2006

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster 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



Address: PO Box 50130, Idaho Falls, ID 83405-0130

Date

9/5/06

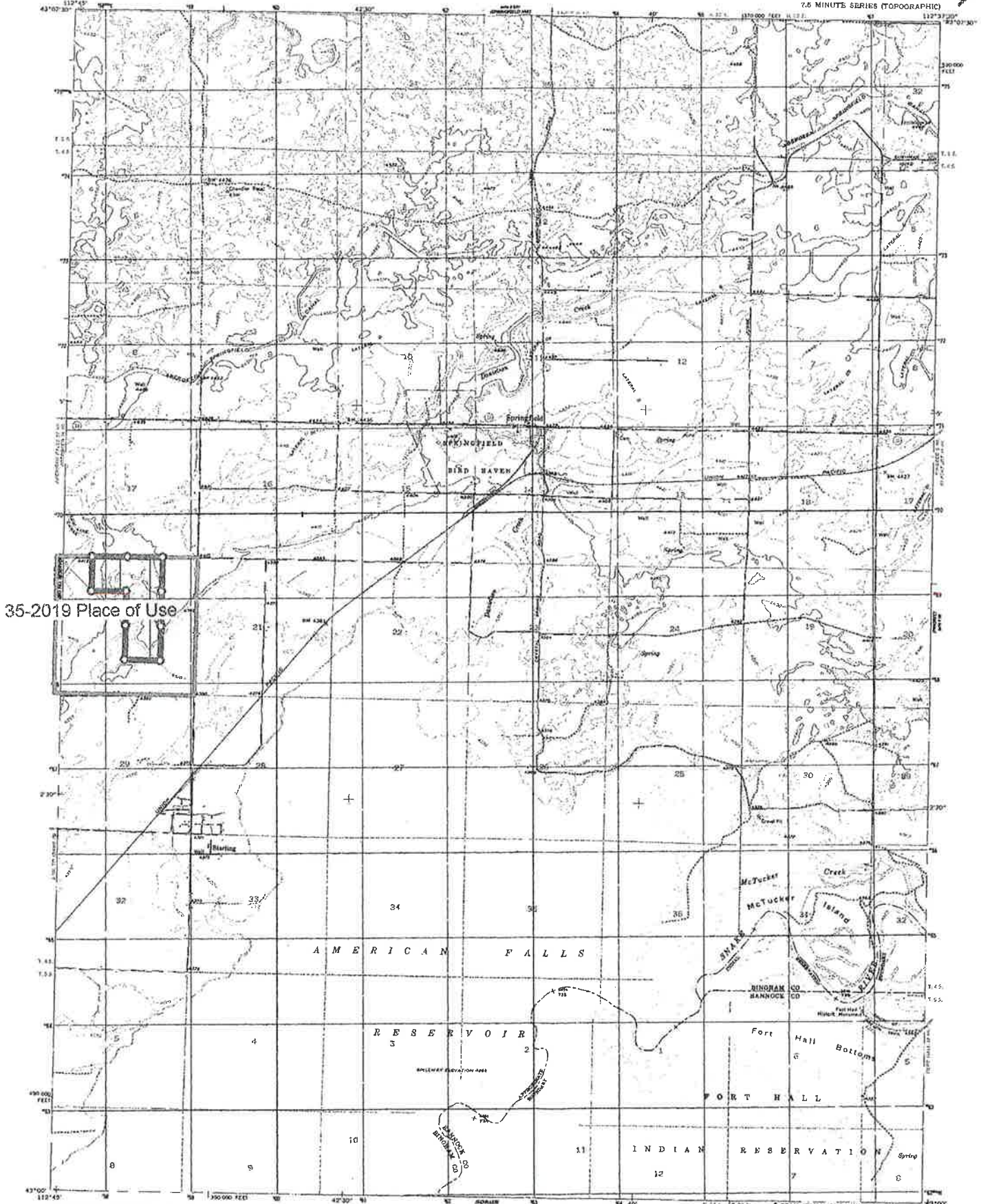
G:\WPDATA\KWF\13886 Stieglitz, Jeff\Claim.wpd:cdv

SCANNED

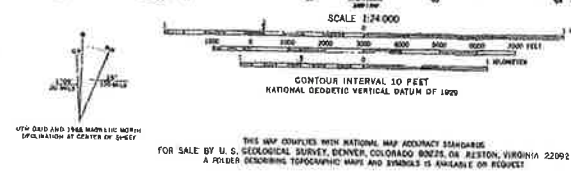
Last Name Stieglitz, Jeffrey B. & Brigitte Ident. Number 35-2019

SEP 11 2006

35-2019 Place of Use



Maped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography from aerial photographs by Keith Phillips
and by plane-table surveys 1955. Aerial photographs taken 1950
Photocopy projection. 1927 Pacific American datum.
10,000-foot grid based on 1916 Pacific datum, east zone
1000-meter Universal Transverse Mercator grid lines.
Spot 12 shown in blue. 1927 North American datum.
To place within projected North American Datum 1983,
move the projection lines 13 meters down and
87 meters east as shown by dashed corner ticks.
Dashed land lines indicate approximate locations.
Unchecked elevations are shown in brown.
There may be private landings within the boundaries of
the National or State reservation shown on this map.



ROAD CLASSIFICATION
Heavy-duty ——— Light-duty ———
Medium-duty ——— Unimproved dirt ———
U.S. Route State Route
SCANNED
SEP 1 1 2006
SPRINGFIELD, IDAHO
14300-W11207-57.5
1968
PHOTOGRAPHED 1968
DMA 5470 BY G-50308 V424



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 18, 2006

KENT W FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #35-2019
Your Clients: Jeffrey B. & Bridgette Stieglitz

Dear Mr. Foster:

The Notice of Claim to a Water Right you filed for your clients referenced above was received from the SRBA Court recently. I have enclosed your receipt #C082707 for the filing fees you paid. Please retain the receipt for your records.

Your client's Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4921 if you have any questions.

Please notify us in writing if your client's address changes or if there is a change in ownership of their property and water rights.

Sincerely,

Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss:region

Enclosure:

Receipt #C082707

SCANNED
DEC 16 2006

NOV 28 2006
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 27 2006	
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: 35-02019

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

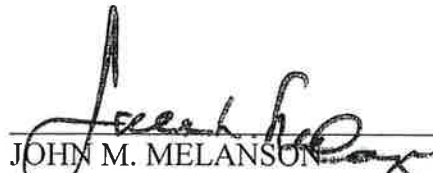
On September 6, 2006, Jeffrey B. and Bridgette Stieglitz, by and through counsel, Kent W. Foster, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on November 21, 2006. This *Motion* complied with all procedural requirements under *SRBA 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 November 27, 2006.


JOHN M. MELANSON
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 November 27, 2006, with sufficient first-class postage to the following:

BRIDGETTE STIEGLITZ

JEFFREY B STIEGLITZ

Represented by:

KENT W FOSTER

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

Page 1 11/27/06

FILE COPY FOR 02225

Deputy Clerk

SCANNED

NOV 28 2006

IMS
Claim No(s). 35-2019

35-2019

SCANNED
AUG 25 2009

d-l
ss
12-16-06

By _____ Clerk
_____ Deputy Clerk

10. Description of place of use:

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

[illegible]

Last Name Stieglitz, Jeffrey B. & Brigitte Ident. Number 35-2019 NOV 28 2006

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster 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 Kent W. Foster

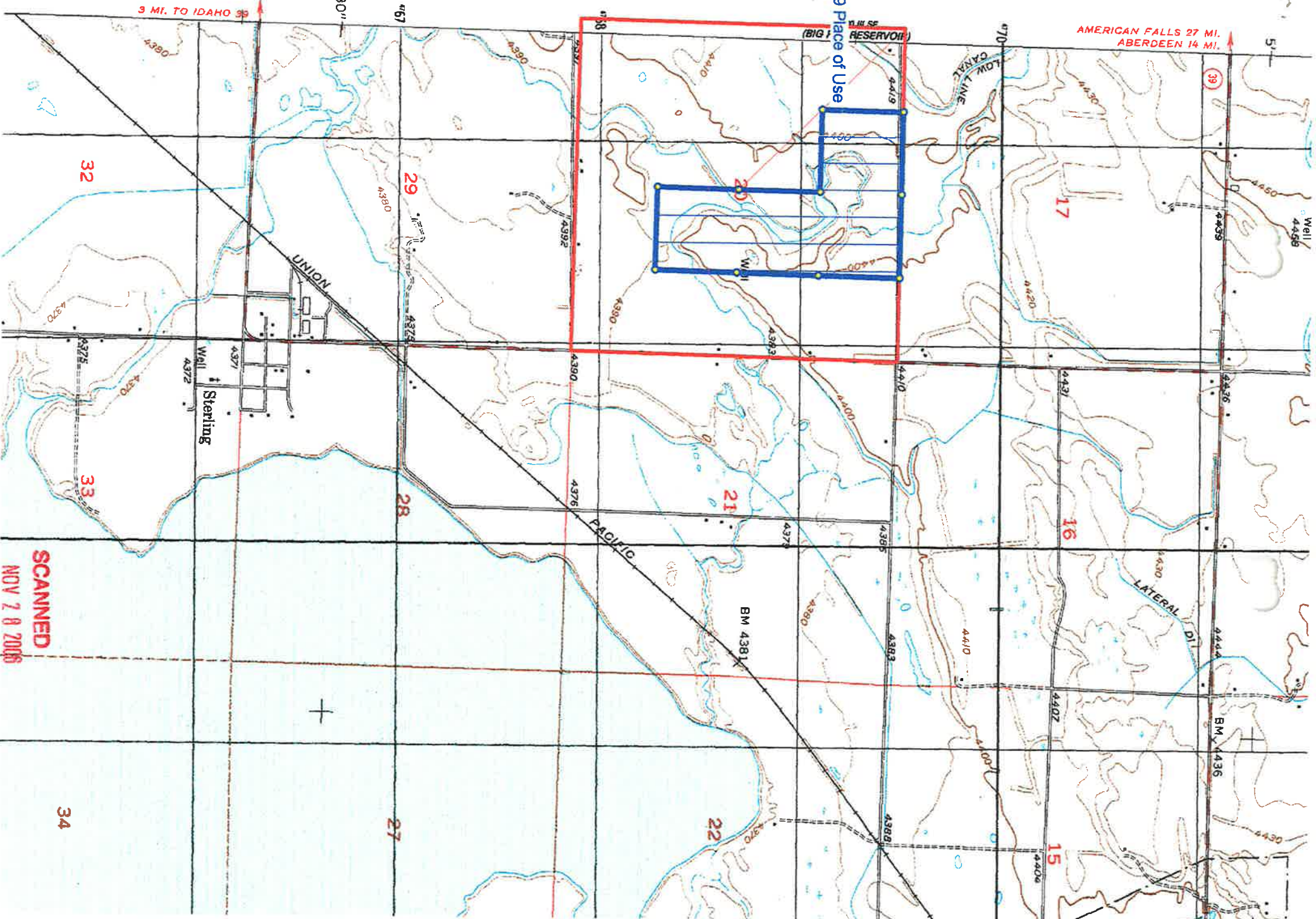
Address: PO Box 50130, Idaho Falls, ID 83405-0130

Date 9/5/06

G:\WPDATA\KWF\13886 Stieglitz, Jeff\Claim.wpd:cdv

SCANNED

Last Name Stieglitz, Jeffrey B. & Brigitte Ident. Number 35-2019 NOV 28 2006



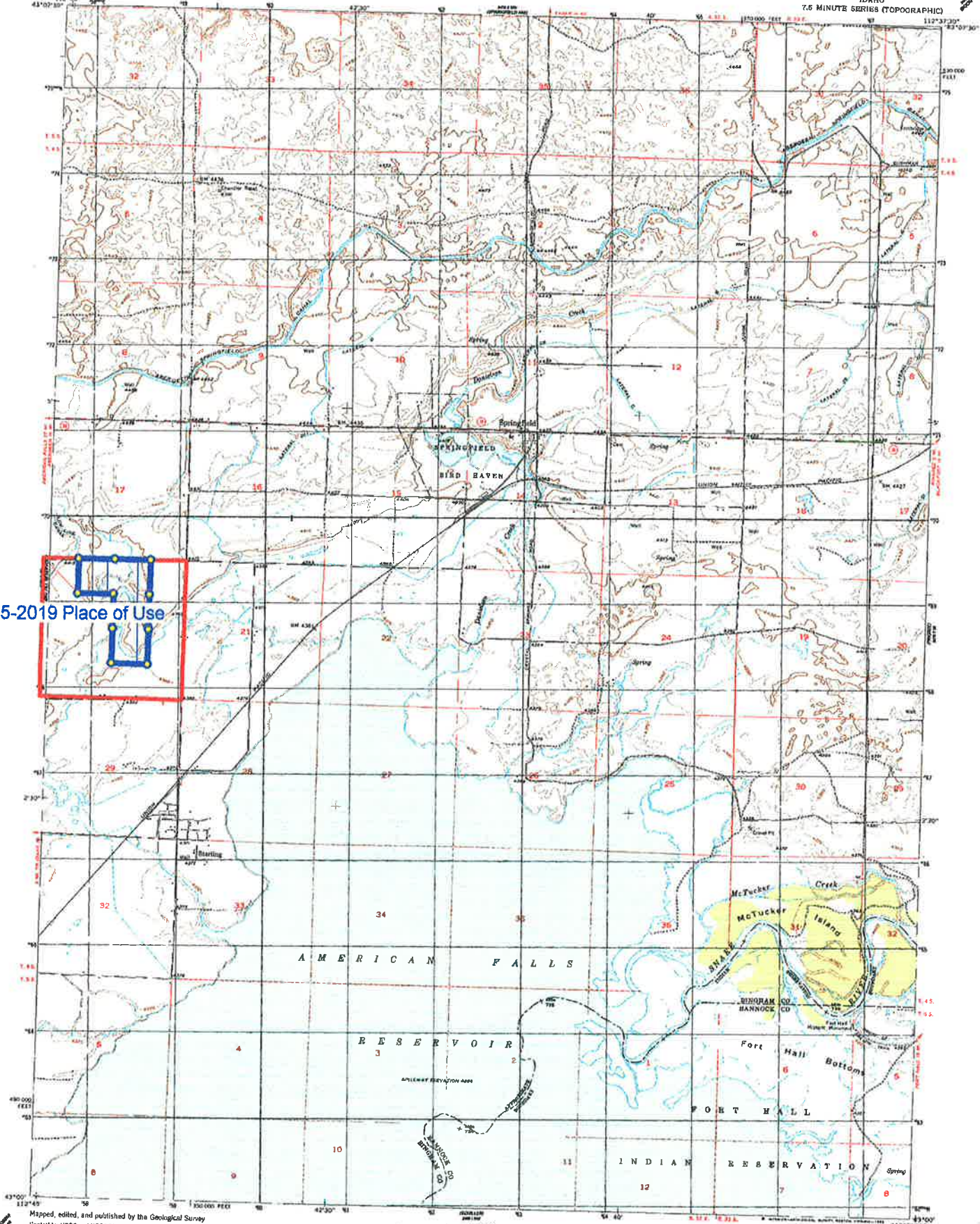
AMERICAN FALLS 27 MI.
ABERDEEN 14 MI.

35-2019 Place of Use

3 MI. TO IDAHO 39

SCANNED
NOV 28 2016

35-2019 Place of Use



Maped, edited, and published by the Geological Survey
Control by USGS and USGAS
Topography from aerial photographs by Kelch plotter
and by plane-table surveys 1955. Aerial photographs taken 1950
Photocopy projection. 1927 North American datum
10,000-foot grid based on State coordinate system, east zone
1000-meter Universal Transverse Mercator grid zone
zone 12, shown in blue. 1927 North American datum
To place on the projected North American Datum 1983,
move the projection lines 12 meters north and
87 meters east as shown by dashed corner ticks.
Dashed line lines indicate approximate locations
Unlocated elevations are shown in brown
There may be private landholdings within the boundaries of
the National or State Reservations shown on this map.

UTM GRID AND 1983 NAD83 NORTH
POLARIZATION AT CENTER OF SHEET

SCALE 1:24,000
CONTOUR INTERVAL 50 FEET
NATIONAL GEODETIC DATUM OF 1983

THIS MAP COMPLETES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, BENTON, COLORADO 80025, OR RESTON, VIRGINIA 22092
A COLOR COPIED TOPOGRAPHIC MAP AND SYMBOLS IS AVAILABLE ON REQUEST

SCANNED
NOV 28 2006

ROAD CLASSIFICATION
Heavy-duty Light-duty
Medium-duty Unimproved dirt
U.S. Route State Route

SPRINGFIELD, IDAHO
7.5 MINUTE SERIES
1965
7.5 MINUTE SERIES
7.5 MINUTE SERIES