

**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 <u>65. 4255</u>
	)	(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 _____

My name is _____

My address is _____

My phone number is _____

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:

*We did not own the property at the
time the adjudication claim was due.
We were unaware this ~~was~~ necessary as notice
went to previous owner.*

☐ 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.)

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 \$ 25.00.
- ☐ 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 \$ 50.00.

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 June 15, 2004 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 WASHINGTON

Charles R. Ford
Remedy J. Ford
(Insert name of person filing form)

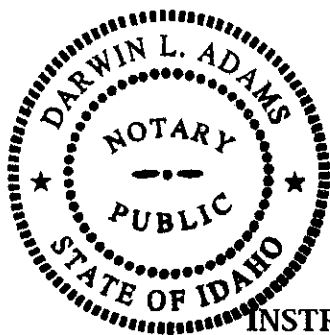
, being first duly sworn, upon oath, deposes and says:

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.

Charles R. Ford
Remedy J. Ford
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on March 26, 2004
(Insert Date)



Darwin L. Adams
Notary Public for Idaho
Residing at: Weiser Idaho
My Commission expires: 8/20/2005

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 March 26, 2004, 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:

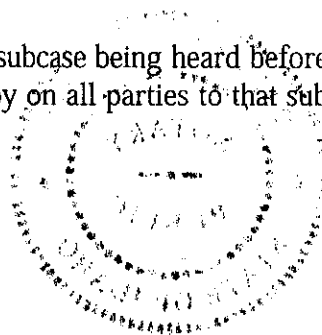
IDWR Document Depository ✓
PO Box 83720
Boise, ID 83720-0098

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)



Kenneth J. Ford
Signature of person or attorney mailing the form

RECEIVED

MAR 15 2004

Department of Water Resources

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 65-4255
Date Received:
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 19 2004

WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

CHARLIE FORD Phone: (208)549-2740

642 PIONEER RD
WEISER ID USA 83672

BEVERLY FORD Phone: (208)549-2740

642 PIONEER RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1956

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08N	05W	5	NE NE	PAYETTE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	1/01	12/31	0.04	1.2

7. Total Quantity Appropriated is:
0.04 C.F.S. and/or 1.2 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

SCANNED

MAR 17 2004

08N

05W 5

NE NE

DOMESTIC

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

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): Charles R Ford Date: 3/11/04
Jennifer J. Ford 3/11/04 Date:

State of Idaho)
County of Washington) SS.

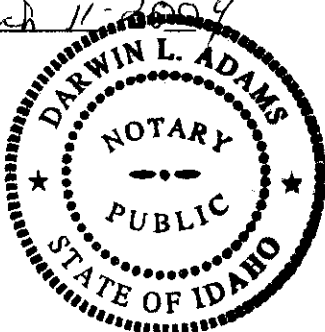
Subscribed and sworn (or affirmed) before me this
of March 11-2004

Darwin L Adams

Notary Public

Residing at Weiser Idaho

My commission Expires 8-20-2005



Beverly Ford

642 Pioneer Road ~ Weiser, ID 83672-1556

Phone: 208 549-2740 ~ Cell: 208 550-1878 ~ Fax: 208-549-2937

E-mail: bevford@unidial.com ~ Website: <http://www.5pillars.com/bevford>

RECEIVED

MAR 29 2004

Department of Water Resources

March 26, 2004

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707,
Twin Falls, ID 83303-0098

**RE: Notice of Claim to a Water Right No. 65-4255 ~ Standard Form 4
9353 Kennedy Road ~ Payette, ID**

Dear Sirs:

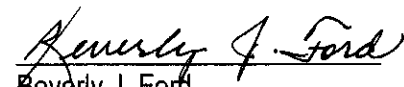
Enclosed is the paperwork regarding the water right for our rental property. We received the information today.

At the time we purchased this property we lived in the State of Washington. We have used it as a rental and have never occupied the property. We were completely unaware that this type of water documentation was required for the house.

The only way we discovered this requirement was when we put the property up for sale and one of the buyers inquired about water so I called to see if there was some type of paperwork we were supposed to have. We have since learned that at the time the adjudication claim was due we did not even own the property. We know that ignorance is not a valid excuse and would like this put in order as quickly as possible.

Please review the enclosed paperwork we are submitting, along with 2 checks (\$25.00 and \$50.00) and let us know if anything else is required.

Respectfully,


Beverly J. Ford

Copies to: IDWR Document Depository
Chief, Natural Resources Division
United States Department of Justice

Enclosures

RECEIVED

MAR 29 2004

19-2/1250

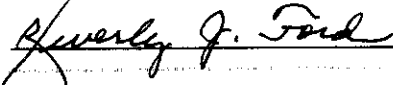
CHARLIE L. OR BEVERLY J. FORD
642 PIONEER ROAD
WEISER, ID 83672-1556
PHONE: (208) 549-2740

Department of Water Resources

8141

CHECK
AMOUNTPAY TWENTY FIVE DOLLARS & NO/100 DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NO.
3/26/04	STATE DEPT. OF WATER RESOURCES	SUB CASE 65-4255	8141

\$ 25.00Bank of America. 

⑈008141⑈ ⑆125000024⑆ 91883 967⑈

SECURITY FEATURES: MICRO PRINT BORDERS - COLORED BRICK PATTERN - WATERMARK & CARBON STRIP ON REVERSE SIDE - MISSING FEATURE INDICATES A COPY

19-2/1250

CHARLIE L. OR BEVERLY J. FORD
642 PIONEER ROAD
WEISER, ID 83672-1556
PHONE: (208) 549-2740

8142

CHECK
AMOUNTPAY FIFTY & NO/100 DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NO.
3/26/04	STATE OF IDAHO DEPT OF WATER RESOURCES	65-4255 FILING FEE	8142

\$ 50.00Bank of America. 

⑈008142⑈ ⑆125000024⑆ 91883 967⑈

SECURITY FEATURES: MICRO PRINT BORDERS - COLORED BRICK PATTERN - WATERMARK & CARBON STRIP ON REVERSE SIDE - MISSING FEATURE INDICATES A COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

RECEIVED

MAR 29 2004

Department of Water Resources

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 24, 2004

CHARLIE FORD
BEVERLY FORD
642 PIONEER RD
WEISER ID 83672

RE: Notice of Claim to a Water Right No. 65-4255

Dear Mr. & Mrs. Ford:

Enclosed you will find Standard Form 4, Late Notice of Claim to a Water Right, along with the computer generated copy of this claim recently submitted. Our records indicate that this water right has not been previously filed with the Department. In order to complete the process of filing this water right, please complete the Standard Form 4. Also, make any necessary changes on the Notice of Claim. Please initial any changes made. Upon completion, please return these forms to the *Snake River Basin Adjudication Court in Twin Falls* at your earliest convenience. The mailing address for the Court is 253 Third Ave North, PO Box 2707, Twin Falls, ID 83303-2707.

The Department has already completed reviewing water right claims in this reporting area; therefore, you will need to file this claim with the Court. There is no filing fee for this particular claim.

If you have any questions regarding this matter, please feel free to contact this office at any time. Thank you for your patience and cooperation.

Sincerely,

Adjudication Section
Western Region

Enclosure

DB: db