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DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

) Subcase 29-13685
) (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 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 \$ 100-_____.

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, September 21, 2004 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:

VERIFICATION (Must be completed)

State of IDAHO

County of BANNOCK

A MARIE ROGERS
L. NORMAN ROGERS

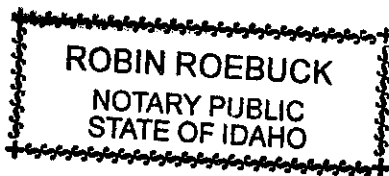
, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I ^{we are} am the party/claimant ⁱⁿ 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 ^{we} have read this motion, know its contents, and believe that the statements are true to the best of my ^{our} knowledge.

A. Marie Rogers
L. Norman Rogers
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 6/7/04
(Insert Date)



Robin Roebuck
Notary Public for Idaho
Residing at: Pocatello
My Commission expires: 8/18/2006

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.

ATTACHMENT 1
#29-13685

We did not own the property at the time the SRBA made the recommendations. When we purchased the property in June of 2004, we timely filed for change of ownership to the the water rights that went with this piece of property. At that time we discovered that we only had .02 cfs to water this property, 4 ½ acres. In a phone call to the SRBA office in Idaho Falls, it was suggested that I should have .09 cfs.

Therefore, we recently amended our claim 29-291A to increase the quantity to .09 cfs but discovered that there is no additional water available on the old water right. We discovered in the *Stewart v. Damron* decree, dated June 23, 1906, a part of 29-302 covers our land also. The claim attached to the Motion describes part of 29-302.

ATTACHMENT 2

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 29-13685
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

A MARIE ROGERS Phone: (208)775-4776

3020 N RAPID CREEK RD
INKOM ID USA 83245

L NORMAN ROGERS Phone: (208)233-3789

3020 N RAPID CREEK RD
INKOM ID USA 83245

2. Date of Priority: 06/01/1904

3. Source: RAPID CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	36E	15	SE SE SE	BANNOCK	

5. Description of diverting works:

pump and pipeline

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.07	

7. Total Quantity Appropriated is:
0.07 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
07S	36E	15	SE	SE	IRRIGATION	3
					Section Acres	3
07S	36E	22	NE	NE	IRRIGATION	1.5
					Section Acres	1.5
					Total Acres	4.5

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used: 29-291A

14. Remarks:

This right is a split of 29-302 of Damron right in 1906 Stewart v Damron. This right is used in conjunction with 29-291A for a total of .09 cfs for the 4.5 acres in the place of use.

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 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): *A Marie Rogers* Date: 6-7-04
J. Marie Rogers Date: 6-7-04

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 7th
of June 2004 *Robin Roebuck*

Notary Public

Residing at Pocatello

My commission Expires 8/18/2006

