

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	)	65-22890
	)	Subcase <u>03-10179</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 Clarence Marques, Trustee of the Marques Family Trust

My address is 375 Whitewater Road, Templeton, CA 93465

My phone number is: Work 805-239-2850 Home 805-461-0654

I am an attorney representing _____

My name is Glen R. Lewis

My address is P.O. Box 1980, Atascadero, California 93423

My phone number is 805-466-6644

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 recently purchased Idaho property, inquired of the Seller about water rights and discovered Seller had not filed for water rights when they purchased the property. We are now requesting water rights as we are the present owners.

☐ 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 am enclosing copy of our deed to the property, copy of Notice of Change of Water Rights Ownership previously filed by me, copy of letter from Dept. of Water Resources dated 5/10/04, Copy of Dept. of Water Resources letter to our Sellers, Charlie and Beverly Ford dated 3/15/02

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 \$ _____.

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 _____

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho. 83303-2707
P.O. Box 2707

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 California

County of San Luis Obispo

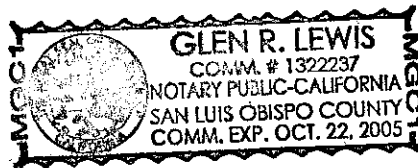
Clarence Marques, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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

Clarence Marques
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on June 28, 2004
(Insert Date)



[Signature]
Notary Public for California
Residing at: 5855 Capistrano Ave, Atascadero, CA.
My Commission expires: OCT 22, 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.

317429

READ & APPROVED
m. mjm

WARRANTY DEED

Order No.: AT-4060402144

FOR VALUE RECEIVED

Charles L Ford and Beverly Ford, Husband and Wife,
the grantor(s), do(es) hereby grant, bargain, sell and convey unto
Marquez Family Trust,
whose current address is

9180 Ash St, Atascadero, CA, 93422,

the grantee(s), the following described premises, in Payette County, Idaho, TO WIT:

All of that certain parcel of real property, being portions of Sections 5 and 6, Twp. 8 N., R. 5 W.,
B.M., Payette County, Idaho, being more particularly described as follows:

Beginning at the Northwest corner of Government Lot 5, in Sec. 5;
thence along the Easterly line of said Lot 5, S. 00°21'06" E., 121.02 feet;
thence S. 89°38'54" W., 75.00 feet;
thence S. 00°21'06" E., 155.00 feet;
thence N. 89°38'54" E., 75.00 feet;
thence S. 00°21'06" E., 955.00 feet, to a point 33.00 feet Northerly of the Southeast corner of said
Lot 5;

thence parallel with and 33.00 feet Northerly to the Southerly line of said Lot 5, S. 89°25'59" W.,
811.17 feet, to the Easterly bank of the Snake River;
thence along said Easterly bank the following courses and distances:

N. 79°35'02" W., 116.54 feet;
N. 84°24'10" W., 51.96 feet;
N. 05°17'46" E., 128.85 feet;
N. 18°51'26" W., 147.23 feet;
N. 23°59'38" W., 169.89 feet;
N. 19°40'40" W., 113.73 feet;
N. 01°07'29" E., 135.62 feet;
N. 09°21'58" W., 303.77 feet;
N. 15°36'18" E., 86.37 feet;
N. 01°04'27" W., 109.08 feet;
N. 11°51'06" W., 41.57 feet to the Northerly line of said Lot 5;
N. 11°51'06" W., 179.27 feet;
N. 18°39'26" E., 81.04 feet;
N. 10°53'03" W., 81.89 feet;
N. 06°43'23" W., 513.11 feet;
N. 10°53'45" W., 135.58 feet;
N. 21°50'31" W., 131.82 feet to the Westerly line of said Sec. 5;
N. 21°50'31" W., 545.05 feet;

N. 0 7°37'23" W., 204.64 feet to the Northwest corner of this parcel;
thence departing said river bank, N. 90°00'00" E., 279.66 feet, to the centerline of a drain ditch;
thence along said centerline of a drain ditch the following courses and distances:

N. 31°37'46" E., 108.56 feet;
N. 60°39'00" E., 130.10 feet;
N. 80°22'02" E., 31.23 feet;
S. 86°32'59" E., 310.57 feet;

N. 63°19'19" E., 22.40 feet;
thence departing said ditch, S. 05°34'58" E., 266.54 feet, on a course hereinafter referred to as
Course "A", to the Southwest corner of the Wein property, as described in Warranty Deed,
Instrument No. 239236;

thence along the Southerly line of said Wein property, S. 72°00'00" E., 759.00 feet, on a course
hereinafter referred to as Course "B", to the West 1/16th line of Sec. 5;
thence along said West 1/16th line, S. 00°22'03" E., 10 79.28 feet, to the Point of Beginning.

Instrument # 317429

PAYETTE COUNTY

2004-04-08

04:05:00 No. of Pages: 2

Recorded for: ALLIANCE TITLE & ESCROW

BETTY J OWSEN

Fee: 6.00

Ex-Office Recorder Deputy

INDEX TO: WARRANTY DEED

CONTINUED

317429

EXCEPTING THEREFROM the following described parcel of land:
 All that portion of Government Lots 5 and 7 of Sec. 5, Twp. 8 N., R. 5 W., B.M., Payette County,
 Idaho, lying South of the following described line:
 Beginning at the Southwest 1/16th corner of said Sec. 5, being a point on the Easterly line of said
 Government Lot 5;
 thence along the West 1/16th line N. 00°21'06" W., 86.51 feet, to a point that is two (2) feet Northerly
 of the projection of an existing East-West fence line;
 thence N. 89°24'15" W., 981.37 feet, more or less, to the bank of the Snake River and a point of
 terminus of this line.
 TOGETHER WITH a road right of way turn around easement having a 50 foot radius being the
 West 100 feet of the above described exception.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and
 assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the
 owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes,
 conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: March 30, 2004

Charlie L. Ford

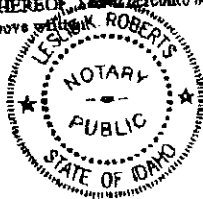
Deputy Ford

State of Idaho

County of Payette

On this 8 day of April, 2004, before me, a Notary Public in and for said state, personally
 appeared Charlie L. Ford and Deborah Ford known or identified to
 me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they
 executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this
 certificate first above written.



Leslie K. Roberts
 Notary Public for the State of Idaho
 Residing at Naupah
 Commission Expires 7-14-06

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
	65-4255	☐			☐
	03-10179	☐			☐
		☐			☐
		☐			☐
		☐			☐

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) Charlie + Beverly Ford
642 Pioneer Road, Wieser ID 83672
4. New Owner/Claimant(s) Marques Family Trust
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
375 Whitewater Road
Templeton CA 93465
(205) 610-8755
4-9-04
5. Date you acquired the property

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.

na

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 03-10179 and 65-4255

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		<u>75 acres</u>
Stock		
Domestic		<u>home</u>
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) *Dorance Margules*
(include title if applicable) Trustee - Margules Family Trust

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 _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 10, 2004

MARQUES FAMILY TRUST
375 WHITEWATER RD
TEMPLETON CA 93465

Re: Notice of Claim to a Water Right No. 03-10179

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

In addition, the ownership change for water right number 65-4255 is still being processed, and a copy will be mailed upon completion.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

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 03-10179
Date Received: 4/18/1990
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARQUES FAMILY TRUST
375 WHITEWATER RD
TEMPLETON CA USA 93465

Phone: (805) 610-8755

2. Date of Priority: 02/27/1953

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08N	05W	6	SE 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
IRRIGATION	03/15	11/15	1.51	

7. Total Quantity Appropriated is:
1.51 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
08N	05W	5	NW	SW	IRRIGATION	30
			NW	NW	IRRIGATION	5
			SW	NW	IRRIGATION	37
			Section Acres			
08N	05W	6	NE	NE	IRRIGATION	1
			SE	NE	IRRIGATION	2
			Section Acres			
Total Acres						75

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:

This claim is the result of a split due to change in ownership for a portion of 03-2033. DB 3/15/2002

Address change by S.O. 12/31/2003

Ownership changed by DB 5/10/2004

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 15, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHARLIE FORD
BEVERLY FORD
121 S 327TH PL
FEDERAL WAY WA 98003

Re: Original Notice of Claim to a Water Right No. 03-2033

Renumbered Notice of Claim to a Water Right No. 03-10179

Dear Claimants:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim. Also enclosed is a copy of the original claim for your reference.

In addition, you had also listed water right number 65-4255 on this ownership change form. This claim was not filed in the SRBA; therefore no changes can be made at this time. If you wish to file on this claim, you will need to file with the SRBA Court in Twin Falls. I have enclosed the appropriate forms for completion.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB: db

Enclosure

CERTIFICATE OF MAILING

I certify that on June 29, 2004, ~~1889xx~~, 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:

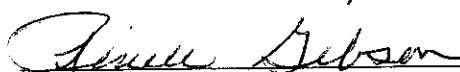
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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)



Signature of person or attorney mailing the form
Rinell Gibson