

RECEIVED

OCT 21 2004

DEPARTMENT OF
WATER RESOURCES

2004 OCT 20 PM 4:22

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

**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

)
)
) **ORDER GRANTING MOTION TO FILE**
) **LATE NOTICE OF CLAIM**
) **For Water Right Claim: 65-22890**
) **And**
) **ORDER DENYING MOTION TO FILE**
) **LATE NOTICE OF CLAIM.**
) **For water right Claim: 65-04255.**
)

On March 30, 2004, a *Standard Form 4, Motion to File Late Notice of Claim* was filed for water right 65-04255. The *Standard Form 4* was incomplete as to the claimant's name and address and the basis of the motion. The *Notice of Claim* submitted with the *Standard Form 4* indicated the claimants were Charlie Ford and Beverly Ford. On June 15, 2004, a hearing was held on the *Motion to File Late Notice of Claim*. Neither the Fords nor their attorney appeared at the hearing. Marques Family Trust, through attorney Glen R. Lewis, appeared as the current owner of the water right. The Court ordered the Marques Family Trust to contact the Idaho Department of Water Resources regarding the change of ownership and refile a completed *Standard Form 4* with the Court. On July 6, 2004, Marques Family Trust filed a *Motion to File Late Notice of Claim* for water right 65-22890. The *Standard Form 4* also referenced water right 03-10179. On October 19, 2004, a hearing was held, and Mr. Lewis appeared. No other parties appeared to oppose the *Motion*.

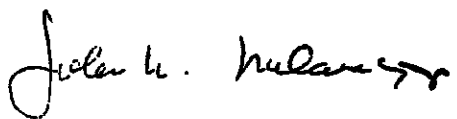
Following questioning by the Court, the Court has concluded that the Claimant Marques Family Trust presented proper grounds for the *Motion to File Late Notice of Claim* for water right 65-22890 to be granted. Because water right 65-22890 replaces

water right 65-04255, the Court finds it appropriate to disallow the *Motion to File Late Claim* for water right 65-04255. The Court informed the Marques Family Trust that leave of the Court was not required to file a claim for water right 03-10179, as the *Director's Report* has not been issued for Basin 03.

Therefore, IT IS ORDERED, that water right 65-22890 is hereby **allowed** to proceed as a claim. The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the I.D.W.R for further action.

IT IS FURTHER ORDERED that the *Motion to File Late Notice of Claim* for water right 65-04255 is **denied**. The Clerk of the Court is ordered to return any fees paid by Charlie and Betty Ford.

Dated: October ____ 2004.

A handwritten signature in black ink, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOITON TO FILE LATE CLAIM FOR 65-22890 AND ORDER DENYING MOTION TO FILE LATE CLAIM FOR 65-04255 was mailed on October 20, 2004, with sufficient first-class postage to the following:

CLARENCE MARQUES
MARQUES FAMILY TRUST
Represented by:
GLEN R LEWIS
PO BOX 1980
ATASCADERO, CA 93423
Phone: 805-466-6644

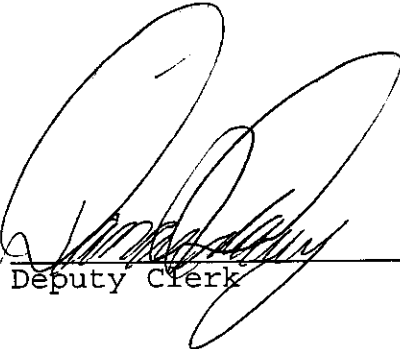
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BEVERLY FORD
CHARLIE FORD
642 PIONEER RD
WEISER, ID 83672
Phone: 208-549-2740

ORDER

Page 1 10/20/04

FILE COPY FOR 00976


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

CIVIL CASE NUMBER: 39576

Ident. Number 65-22890
Date Received: / /2004
Receipt No: C075557 & C075558
Received By: *M*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARQUES FAMILY TRUST
375 WHITEWATER RD
TEMPLETON CA 93465

Phone: (805) 610-8755

2004 JUL - 6 AM 11:11
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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	SW NW 5	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	01/01	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:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	05W	5	SW	NW	5	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 Organizations:

I do solemnly swear or affirm that I am _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

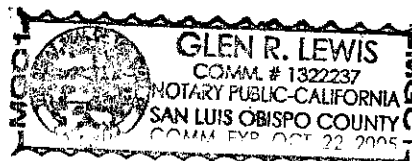
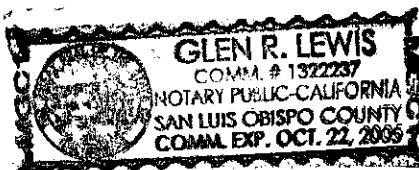
MARQUES FAMILY TRUST

BY: Clarence Marques, Trustee
CLARENCE MARQUES, Trustee

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)

SUBSCRIBED AND SWORN TO BEFORE ME ON June 28, 2004

Glen R. Lewis
GLEN R. LEWIS



GLEN R. LEWIS
5855 CAPISTRANO AVE.
ATASCADERO, CA 93423

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE FORM TWC-3 V-5A

DATE	DESCRIPTION	AMOUNT	DISTRIBUTIONS	
			ACCT. NO.	AMOUNT
6/28/04	STATE OF IDAHO DEPARTMENT OF WATER SERVICES Late claim fee Clarence Marques- Marques Family Trust	#19238 MARQCL 10-002	51.092	\$50.00

EMPLOYEE _____

PERIOD ENDING	TOTAL EARNINGS	DEDUCTIONS								TOTAL DEDUCTIONS	NET PAY
		F.I.C.A.	WITHHOLDING U.S. INC. TAX	S.D.I.	STATE INCOME TAX						

Idaho Department of Water Resources Receipt

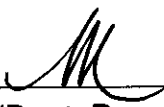
Receipt ID C075558

Payment Amount Date Received Region Status
Payment Type Check Number

Payer
Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION LATE FEE	0337		41503	1155



Signature Line (Dept. Representative)

GLEN R. LEWIS
5855 CAPISTRANO AVE.
ATASCADERO, CA 93423

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED

DELUXE FORM TWC-3 V-5A

DATE	DESCRIPTION	AMOUNT	DISTRIBUTIONS	
			ACCT. NO.	AMOUNT
6/28/04	STATE OF IDAHO DEPARTMENT OF WATER SERVICES Filing fee domestic water use Clarence Marques - Marques Family Trust	#19237 MARQCL 10-002	51.092	\$25.00

EMPLOYEE _____

PERIOD ENDING	TOTAL EARNINGS	DEDUCTIONS								TOTAL DEDUCTIONS	NET PAY
		F.I.C.A.	WITHHOLDING U.S. INC. TAX	S.D.I.	STATE INCOME TAX						

Idaho Department of Water Resources Receipt

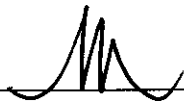
Receipt ID C075557

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	ADJUDICATION FILING FEE	0337		41503	1155



Signature Line (Dept. Representative)