

RECEIVED

FEB 22 2005

DEPARTMENT OF
WATER RESOURCES

1134 Linden Avenue
Lewiston, ID 83501
February 18, 2004

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

MOTION TO FILE LATE OBJECTION TO WATER RIGHT 86-4233

This objection is being filed because the Idaho Department of Water Resources reported the above water right with the original (1925) c.f.s. water quantity rather than the 1991 amended quantity. Unfortunately, the records Amy Farrington had were incomplete and did not include a copy of that amended claim so we were not aware of the error until after the objection deadline of December 3, 2004.

On December 17, 2004, I called the Boise office of IDWR to check the water right in regard to selling one of the houses served by that water source. At that time Mr. Carter Fritschle told me that the water right was reported to the court for one house and 1.5 acres irrigation. I knew that to be incorrect so called the Northern Region office in Coeur d'Alene. Mr. Kenneth Knoblock researched the water right file and found the attached amended Notice of Claim to Water Right Acquired Under State Law dated 02/01/91. He checked further and found that the amended quantity had not been entered into the IDWR computer system.

We would appreciate this correction being made to the water right to be approved by the Court.

Carole L. Rogers

CAROLE L. ROGERS, DAUGHTER OF OWNER OF WATER RIGHT 86-4233

In Re SRBA

A.

Subcase

86-4233

(Insert water right number)

Name: Carole L. Rogers

Address: 1134 Linden Avenue

Lewiston, ID 83501

Daytime Phone: 208-748-3047

Name & Address of Attorney, if any:

Stephen C. Rice

1212 Idaho Street

Lewiston, ID 83501

Name: Amy R. Farrington c/o Carole Rogers

Address: 1066 Farrington Road 1134 Linden Avenue

Kendrick, ID 83537 Lewiston, ID 83501

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 0.130 c.f.s. Domestic plus 0.050 c.f.s.
Irrigation = 0.180 c.f.s. total
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): Claim for 0.180 c.f.s. was
appropriately filed with IDWR per attached amended claim dated
02/01/91. On 01/03/05 Mr. Kenneth Knoblock confirmed that through
an administrative oversight this amended quantity had not been
entered into their computer system.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Nez Perce)

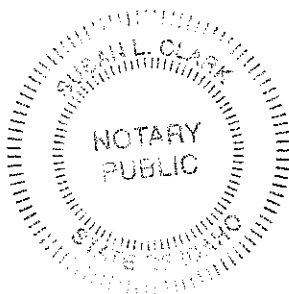
Carole L. Rogers, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Carole L. Rogers
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 17, 2005



Susan L. Clark
Notary Public for _____
Residing at: Lewiston, Idaho
My Commission Expires: 06/18-2009

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: A86-04233
Date Received: 2/22/1989
Receipt No: N002347
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: LLOYD FARRINGTON
Address: RT 1, BOX 97
KENDRICK, ID

208-289-5501

83537

2. Date of Priority: JUN 1, 1925

3. Source: SPRING

Trib. to: UNNAMED STREAM

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
38N	03W	23	NE	NE	SE		LATAH

5. Description of diverting works:
SPRING AND GRAVITY FLOW SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.050		
DOMESTIC	01/01	12/31	0.130		

7. Total Quantity Appropriated is:
0.180 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC USE IS FOR 2 HOMES AND 6 TRAILERS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
38N	03W	23	SE	SE		DOMEST	
			SE	SE		IRR	0.2

A86-04233

Page 1

Date: 02/01/91

MICROFILMED
APR 26 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	0.2
		25	NW	NW	DOMEST	
			NW	NW	IRR	0.6
					Section Acres	0.6
		26	NE	NE	DOMEST	
			NE	NE	IRR	0.7
					Section Acres	0.7
					Total Acres	1.5

11. Place of use in counties: LATAH

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

13. Other Water Rights Used:
NONE

14. Remarks:

The original Statutory Claim filed by the City of Kendrick was for less water than had been historically used. This claim represents the current uses that are the result of the sale of the spring/water right to Mr. Farrington. The source of water is locally known as the Rowden Spring. The tributary is locally known as Brady Gulch Creek.

15. Basis of Claim: STATUTORY CLAIM

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): *Lloyd Farrington* Date: 1/31/91
Date: _____

State of Idaho)
County of Kootenai) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of February 19 91
Seal *William H. Ayres*
Notary Public

Residing at Kathlamet
My Commission Expires 12/10/93

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on February 18, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: Amy R. Farrington
Address: 1066 Farrington Road
Kendrick, ID 83537

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Carol L. Rogers
Signature of objector or attorney
mailing on Objector's behalf