



SPF WATER
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OCT 01 2008

DEPARTMENT OF
WATER RESOURCES

September 26, 2008

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

Re: Subcase 63-2462

Dear Clerk,

A Motion to File a Late Notice of Claim (SF4) was mailed and received by you September 12, 2008. The notice of claim attached to the SF4 was not signed and the date of certified mailing was not completed. To remedy these oversights, included is a copy of the original SF4 with today's mailing date inserted and a signed notice of claim attached. Copies will again be mailed to the parties listed below.

Please let me know if you have any questions. Thank you.

Sincerely,

Lori Graves
Water Rights Specialist
SPF Water Engineering, LLC
www.spfwater.com

Enclosure

Cc: IDWR Document Depository
Chief, Natural Resources Division Office of the Attorney General State of Idaho
United States Department of Justice, Environmental and Natural Resource Division

File No. 395.0010

RECEIVED

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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 63-2462

) (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 Lamar Roche

My address is 23019 Hwy 20-26, Parma, ID 83660

My phone number is: Work _____ Home 208-722-6185

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:

I purchased the property October 12, 1995 and recently became aware a claim had not been filed in the SRBA.

☐ 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.)

1. Water right 63-2462 was licensed by the Idaho Department of Water resources in 1956.

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. (The acres were previously claimed under 63-30175.)

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 DECEMBER 16, 1:30 PM
(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 ADA

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

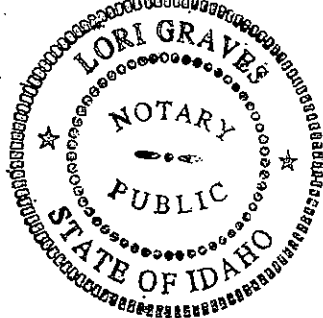
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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

Lamar Roche
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on September 10, 2008

(Insert Date)



Lori Graves
Notary Public for SPF WATER ENG.

Residing at: BOISE

My Commission expires: 6/18/2010

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 9/26, 2008, 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

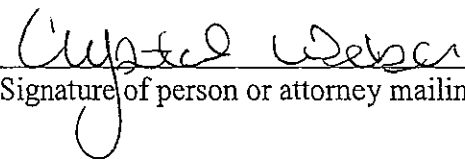
2. Copies to:

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.



Signature of person or attorney mailing the form

State of Idaho

License and Certificate of Water Right

Water License No. 17588

Amount 1 second foot

Water District No.

Priority January 20, 1945

THIS IS TO CERTIFY that Helen G. Mack
of Pittsburgh, Pennsylvania, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 15, 1931; that Permit No. 17588
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1 (one) second foot was issued thereunder on October 22, 1936, showing that said works
were completed on the 21st day of October, 1936; and that on the 20th
day of January, 1956,

C. A. RODGERS, Assignee of Helen G. Mack
of Parma, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Sand Creek
, a tributary of Boise River, for the purpose of irrigation
, under Use Permit No. 17588 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5663, on the 29th day of February, 1956;
The right hereby confirmed dates from January 20, 1945;

The Point of Diversion is located
in the S $\frac{1}{2}$ 4 NE $\frac{1}{4}$, Sec. 30, Tp. 5 N., R. 4 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1 (one) cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permlt	No. Acres Actually Irrigated
5 N.	4 W.	30	SW $\frac{1}{4}$ SW $\frac{1}{4}$	3.8	2
		31	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.7	27.1
	5 W.	25	SE $\frac{1}{4}$ SE $\frac{1}{4}$	17.8	17.8
		36	NE $\frac{1}{4}$ NE $\frac{1}{4}$	25.5	<u>3.0</u>
		Total Number of Acres Actually Irrigated			

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
29th day of February, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

63 24-2

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: 63-2462
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Lamar Roche
23019 Hwy 20-26
Parma ID 83660

Phone: (208) 722-6185

2. Date of Priority: January 20, 1945

3. Source: Sand Hollow Creek

Trib. to: Boise River

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County	Type
5N	4W	30		SW	NE		Canyon	

5. Description of diverting works:

Headgate, ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	3/1	11/15	1.0	

7. Total Quantity Appropriated is:

1.0 cfs

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	4W	30											Lt 8 7						7
		31						Lt 8 1											1
5N	5W	25															Lt 2 1	Lt 10 16	17

11. Place of use in counties: Canyon

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

13. Other Water Rights Used:

14. Remarks: 50 inches of water have historically been diverted for 25 acres of irrigation due to gravelly soils.

15. Basis of Claim: License

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: _____

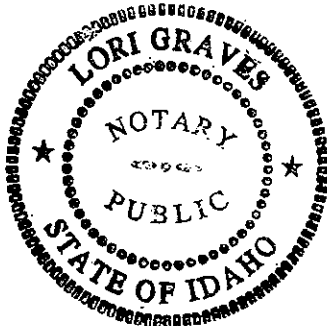
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Ta Ma Roche* Date: 9/25/08
_____ Date: _____

State of Idaho)
County of *Ada*) SS.

Subscribed and sworn (or affirmed) before me this 25th of Sept 2008



Lori Graves
Notary Public

Residing at *Boise*

My commission Expires 6/18/2010



Legend



Point of Diversion

63-2462 Place of Use



Sections

Claim No. 63-2462



0 362.5 725



Feet



SPF Water Engineering, LLC
water resource consultants

630 E. River Park Lane, Ste. 105, Boise, Idaho 83706
Tel. 208.363.4140 Fax 208.363.4156