

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 State of Idaho  
Date Received:  
Receipt No: C18729  
Received By: SEP 30 2008

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:

SCANNED

IAN 23 2009

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<br>74.3 |     |      |     |           |             | 7      |
|     |     | 31  |      |     |     |     |      | Lt 8<br>1.1 |     |     |      |     |              |     |      |     |           |             | 1      |
| 5N  | 5W  | 25  |      |     |     |     |      |             |     |     |      |     |              |     |      |     | Lt 2<br>1 | Lt 10<br>16 | 17     |

4.4 9.6  
19.4  
25 total claimed

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

SCANNED

JAN 7 3 2009

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: \_\_\_\_\_

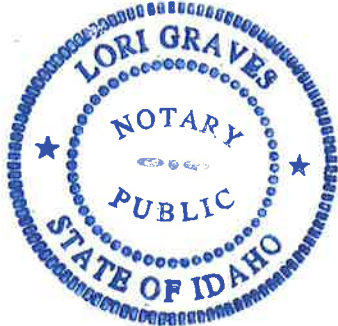
For Individuals:

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

Signature of Claimant(s): Laura Roche Date: 9/25/08  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 25<sup>th</sup> of Sept 2008

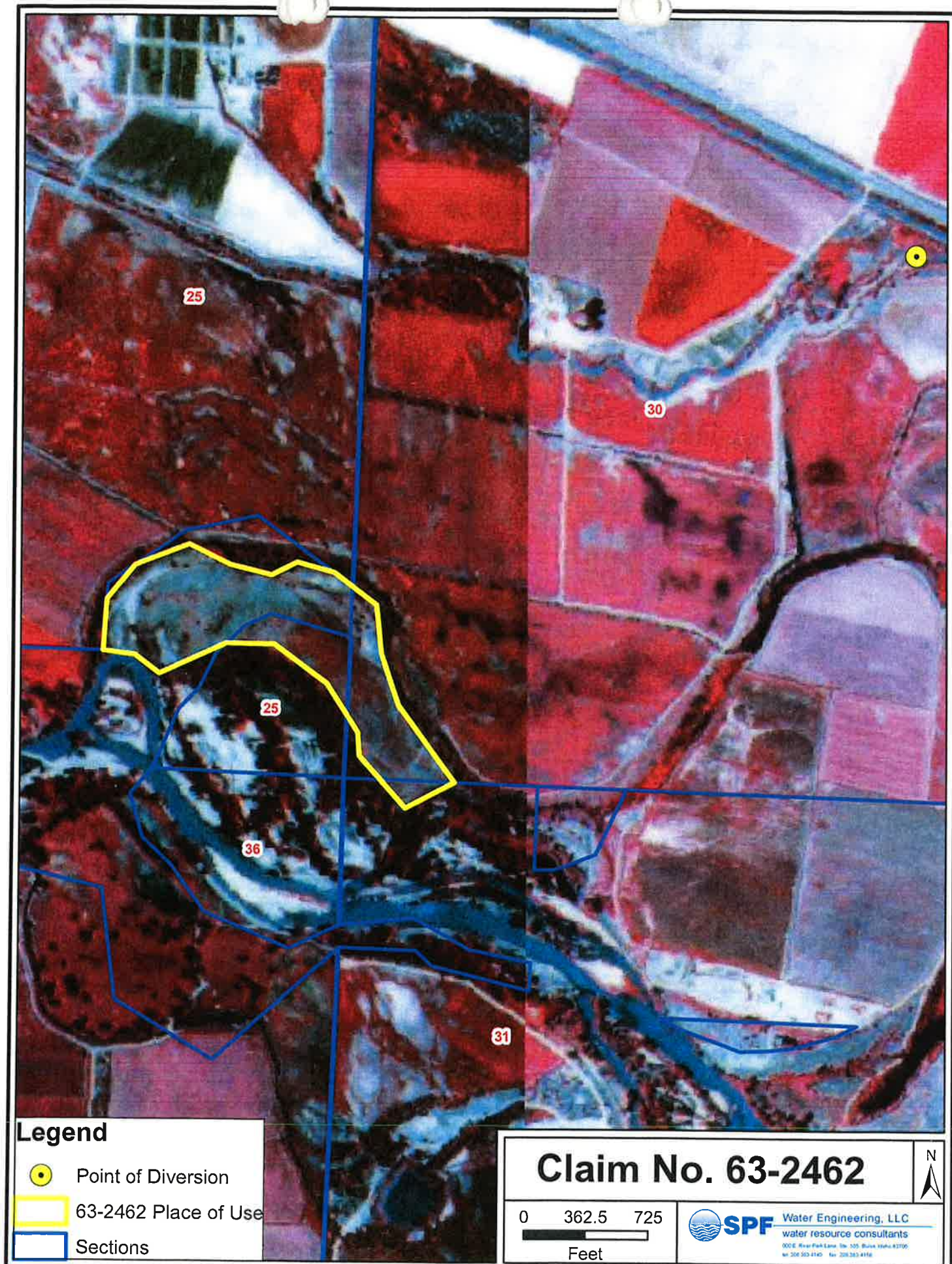


Lori Graves  
Notary Public

Residing at Boise

My commission Expires 6/18/2010

SCANNED  
JAN 7 3 2009



# 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 $\frac{1}{4}$  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<br>Described in Permit | No. Acres<br>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.

MAYN R. KULP

State Reclamation Engineer.

(SEAL)

63 2402

SCANNED

JAN 23 2009

RECEIVED

JAN 22 2009

DEPARTMENT OF  
WATER RESOURCES

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

JAN 21 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 SRBA

Subcase: 63-02462

Case No. 39576

ORDER GRANTING MOTION TO FILE  
LATE NOTICE OF CLAIM

On September 12, 2008, LaMar Roche filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearings were held on the *Motion* on December 16, 2008 and January 20, 2009. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated January 21, 2009.

  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on January 21, 2009, with sufficient first-class postage to the following:

SPF WATER ENGINEERING  
ATTN: LORI GRAVES  
300 E MALLARD STE 350  
BOISE, ID 83706

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

LAMAR ROCHE  
23019 HWY 20-26  
PARMA, ID 83660  
Phone: 208-722-6185

*Julie Murphy*

SCANNED

JAN 23 2009

RECEIVED

SEP 12 2008

DEPARTMENT OF  
WATER RESOURCES

*filed &*  
*Hearing: 12-16-08*

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.

SCANNED

SEP 13 2008

☒ 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

SCANNED

SEP 13 2008

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:

**SCANNED**

**SEP 13 2008**

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.

SCANNED

SEP 13 2008

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 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

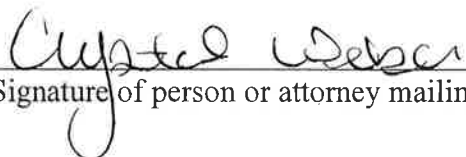
2. Copies to:

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

SCANNED

SEP 13 2008

# 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 SW  $\frac{1}{4}$  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<br>Described in Permit | No. Acres<br>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 2402

SCANNED

SEP 13 2008

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

*d.e. 009-16-08.*

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<br>7 |     |      |     |           |             | 7      |
|     |     | 31  |      |     |     |     |      | Lt 8<br>1 |     |     |      |     |           |     |      |     |           |             | 1      |
| 5N  | 5W  | 25  |      |     |     |     |      |           |     |     |      |     |           |     |      |     | Lt 2<br>1 | Lt 10<br>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): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )

) SS.

County of \_\_\_\_\_ )

Subscribed and sworn (or affirmed) before me this \_\_\_\_ of \_\_\_\_\_ 2008

\_\_\_\_\_  
Notary Public

Residing at \_\_\_\_\_

My commission Expires \_\_\_\_\_





**SPF WATER**  
ENGINEERING

**RECEIVED**

**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](http://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

OCT 01 2008

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

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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.

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SCANNED

OCT - 1 2008

☒ 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

SCANNED

OCT - 1 2008

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:

SCANNED

OCT - 1 2008

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.

SCANNED

OCT - 1 2008

## 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

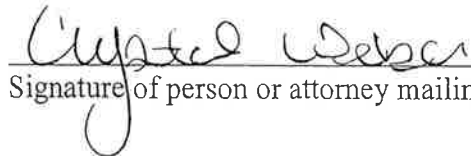
2. Copies to:

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

SCANNED

OCT - 1 2008

# 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 SW 1/4 NE 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<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------------------------------------------|------------------|----------------------------------|---------------------------------|
| 5 N. | 4 W.  | 30                                       | SW 1/4 SW 1/4    | 3.8                              | 2                               |
|      |       | 31                                       | NW 1/4 NW 1/4    | 20.7                             | 27.1                            |
|      | 5 W.  | 25                                       | SE 1/4 SE 1/4    | 17.8                             | 17.8                            |
|      |       | 36                                       | NE 1/4 NE 1/4    | 25.5                             | 3.0                             |
|      |       | 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 2400

SCANNED

OCT - 1 2008

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<br>7 |     |      |     |           |             | 7      |
|     |     | 31  |      |     |     |     |      | Lt 8<br>1 |     |     |      |     |           |     |      |     |           |             | 1      |
| 5N  | 5W  | 25  |      |     |     |     |      |           |     |     |      |     |           |     |      |     | Lt 2<br>1 | Lt 10<br>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): *Tamara Roche* Date: 9/25/08  
\_\_\_\_\_  
Date: \_\_\_\_\_

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

Subscribed and sworn (or affirmed) before me this 25<sup>th</sup> of Sept 2008



*Loi Branner*  
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



**Water Engineering, LLC**  
water resource consultants

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

SCANNED



OCT - 1 2008

COPY

**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 No. 63-2462      |
|                | ) |                          |
| Case No. 39576 | ) |                          |
|                | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

---

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

**The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.**

**CLAIMANT/OBJECTOR:**

---

Lamar Roche

Date

**DWR Concurrence:**

Kelly K. Christensen 7-15-09

Kelly Christensen                      Date  
Senior Water Resource Agent

\_\_\_\_\_  
Nicholas B. Spencer                      Date  
Deputy Attorney General  
Attorney for IDWR

07/07/2009

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2462

NAME AND ADDRESS: LAMAR ROCHE  
23019 HWY 20-26  
PARMA ID 83660

SOURCE: SAND HOLLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: ~~42~~ 0.920 CFS

PRIORITY DATE: 01/20/1945

POINT OF  
DIVERSION:

T05N R04W S30 SWNE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                            | <u>PERIOD OF USE</u>     | <u>QUANTITY</u>         |
|--------------------------------------------------|--------------------------|-------------------------|
| IRRIGATION                                       | 03/01 11/15              | <del>42</del> 0.920 CFS |
| PLACE OF USE: <u>IRRIGATION in CANYON County</u> |                          |                         |
| T05N R04W S30 SWSW 0.70                          | T05N R04W S30 Lot 8 SWSW | 3.30                    |
| T05N R04W S31 Lot 8 NWNW 1.40                    | T05N R05W S25 SESE       | 11.00                   |
| T05N R05W S25 Lot 10 SESE 4.50                   |                          |                         |

20.9 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2009, 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  
P. O. BOX 2707  
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

LORI GRAVES  
SPF WATER ENGINEERING  
300 E. MALLARD, STE. 350  
BOISE, ID 83706

LAMAR ROCHE  
23019 HWY. 20/26  
PARMA, ID 83660

DIRECTOR OF IDWR  
P.O. BOX 83720  
BOISE, ID 83720-0098

---

Signature of person or attorney

## Christensen, Kelly

---

**From:** Christensen, Kelly  
**Sent:** Tuesday, July 07, 2009 1:15 PM  
**To:** Williams, Ray; Spencer, Nick  
**Subject:** 63-2462 and 63-30175 Roche V2 SF-r recommendations

**Attachments:** 63-30175 ROCHE V2 SF-5 recom.doc; 63-2462 ROCHE V2 SF-5 recom.doc

Attached are the recommendations generated to resolve the objections. Basically the only changes are to the diversion rates that are now based upon the excess flow analysis supplied by Marcie Pape for SPF.

The rate for 63-2462 is limited by the calculated rate per acre times the found acreage.  
The rate for 63-30175 is limited by the claimed rate as the calculated rate per acre times the found acreage exceeds the claimed rate.

As the objection period for 63-2462 has not run the course I don't know if we have to set on this one or not.



63-30175 ROCHE 63-2462 ROCHE V2  
V2 SF-5 recom.d... SF-5 recom.do...

Kelly K Christensen  
Sr Water Resource Agt  
Boise, Western Region  
(208)-334-2190

VERIFIED BY KKC  
7-7-09

07/07/2009

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2462

NAME AND ADDRESS: LAMAR ROCHE  
23019 HWY 20-26  
PARMA ID 83660

VERIFIED BY KKC  
7-7-09

SOURCE: SAND HOLLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: ~~42~~ 0.920 CFS

PRIORITY DATE: 01/20/1945

POINT OF  
DIVERSION:

T05N R04W S30 SWNE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

~~42~~ 0.920 CFS

PLACE OF USE: IRRIGATION in CANYON County

|                           |      |      |                          |       |
|---------------------------|------|------|--------------------------|-------|
| T05N R04W S30             | SWSW | 0.70 | T05N R04W S30 Lot 8 SWSW | 3.30  |
| T05N R04W S31 Lot 8 NWNW  |      | 1.40 | T05N R05W S25 SESE       | 11.00 |
| T05N R05W S25 Lot 10 SESE |      | 4.50 |                          |       |

20.9 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

4-3-09

Review Analysis.

23-2462

Lie for 49.9ac @ 1.00cb

Found  $\approx$  17ac      claimed 25.ac  
@ .02cb/ac  
.34cb (mat rate)

To recommend 7 1" ac effluent flow calc needed.

e-mailed Lori Graves 4-3-09

## Christensen, Kelly

---

**From:** Christensen, Kelly  
**Sent:** Friday, April 03, 2009 10:30 AM  
**To:** 'info@spfwater.com'  
**Subject:** 63-2462 Roche late claim Attn Lori Graves

**Attachments:** 37-2462 Late claim Roche pou.doc

The state office has set May 27, 2009 as the deadline for late claims reporting to the SRBA court. I am currently working on this right and after the initial review I noted that there is no excess flow calculations for this right. Without the calculations I will be limited to recommending a maximum of 1 in per acre. Also I found fewer acres than was claimed. I have attached a word document showing the shape outline that I used.

Please review this information and provide me feedback as soon as possible. As there is another round of initial hearings set for April 22 thru 24 I will have to shoe-horn this review into the mix in order to have it completed by May 27.

Thanks,

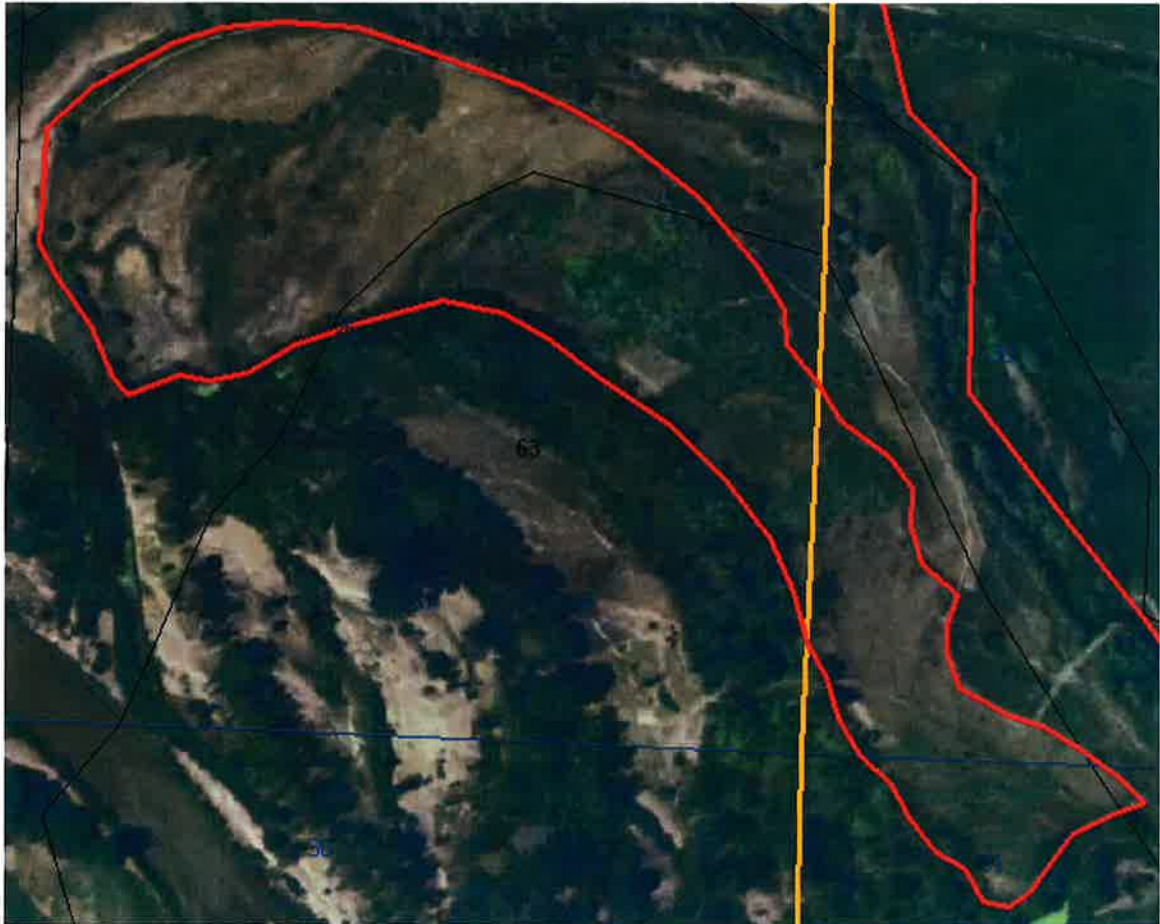


37-2462 Late claim  
Roche pou.d...

Kelly K Christensen  
Sr Water Resource Agt  
Boise, Western Region  
(208)-334-2190

### 37-2462 Late claim

When I conducted a field examination of this property with Mr. Roche we discussed the irrigation of this property and it was my understanding that the irrigation area was from the ditch, then west to south west. The area I have outlined is approximately 17 acres which is what I expect to recommend unless additional information is provided.



IMS  
Claim No(s). 63-2462

Claim No(s). 63-2462

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

January 27, 2009

LAMAR ROCHE  
23019 HWY 20-26  
PARMA ID 83660

RE: Snake River Basin Adjudication (SRBA)  
Late Notice of Claim to a Water Right #63-2462

Dear Claimant:

The Notice of Claim you filed was received from the SRBA Court recently. I have enclosed receipt #C087929 for the fees you paid. Please retain the receipt for your file.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton  
Water Rights Supervisor  
Adjudication Bureau

CLS:ss:state

Enclosure:

Receipt Referenced Above

C: Lori Graves

SCANNED

JAN 23 2009

**Saxton, Craig**

**From:** Lori Graves [LGraves@spfwater.com]  
**Sent:** Monday, September 22, 2008 2:51 PM  
**To:** Saxton, Craig  
**Subject:** RE: Late Claim 63-2462 - no signature

OK CG 1-23-09

The acres were paid for under original claim 63-30175. I'll get a signed claim ASAP. Thanks Craig. (I'm still waiting for pictures)

---

**From:** Saxton, Craig [mailto:Craig.Saxton@idwr.idaho.gov]  
**Sent:** Monday, September 22, 2008 1:58 PM  
**To:** Lori Graves  
**Cc:** Spencer, Nick; Courtney, Andrea; Williams, Ray  
**Subject:** RE: Late Claim 63-2462 - no signature

Hey Lori,

I am sorry but it also appears that we need an additional filing fees of \$25.00.

The motion says a fee of \$100 was paid. I calculate the fees to be:

\$50 claim fee  
 \$50 late fee  
\$25 (\$1 per acre @ 25 acres)  
 \$125.00

Unless of course the acreage fee has been paid for by someone else?

An overlap analysis shows that Farmers Cooperative Ditch Co identifies some of it's POU in some of the same QQ's that your client claimed, but the associated shapfiles on both the claim and recommended layer don't indicate that the claimed acreage is included in Farmers POU. Do your clients use Farmers water to irrigate the field? If so, drop me an e-mail and I will throw it in the file. If not, then we will need an additional \$25 filing fee. That fee should be sent to the court until the motion is granted and then it can be sent to us.

Thanks,

Craig

---

**From:** Saxton, Craig  
**Sent:** Monday, September 22, 2008 1:34 PM  
**To:** 'LGraves@spfwater.com'  
**Cc:** Spencer, Nick; Courtney, Andrea; Williams, Ray  
**Subject:** Late Claim 63-2462 - no signature

Hey Lori,

How are you doing? Sally forwarded me some shape files you made for late claim 63-2462. I updated the POU in the claim database so we are set to go there.

However, when I got to looking at the motion, I notice that the claim isn't signed. It isn't critical right now, but even if the judge approves the motion, I will have to keep it at temporary status until we get a signature.

SCANNED

JAN 23 2009

1/23/2009

I think you could just get them to sign it and send me a copy, but in other instances when I have found the claim that was included in the motion to be incomplete, the claimant has been required to resend the motion to all the people on the mailing list so everyone has an up to date copy before the hearing. I don't know if we need to do that for a signature since the elements of the claim wouldn't change.

I will inform legal via this e-mail and maybe we can get some guidance on how to handle this.

Thanks & sorry,

Craig

SCANNED

JAN 23 2009

1/23/2009