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Department of Water Resources

2003 OCT 17 PM 02:02
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	)	ORDER SETTING HEARING
	)	
Case No. 39576	)	
_____	)	SUBCASE NO: 85-10706

Please be advised that Special Master Terrence A. Dolan
has set for hearing the motion to set aside Partial Decree.

THURSDAY, NOVEMBER 13, 2003 at 02:00 PM

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Option: Parties may participate by phone if they contact the
clerk at (208) 736-3011 prior to NOVEMBER 12, 2003.

IT IS SO ORDERED.

Dated: OCTOBER 17, 2003

/S/ TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

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CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING HEARING was mailed on OCTOBER 17, 2003, with sufficient first-class postage to the following:

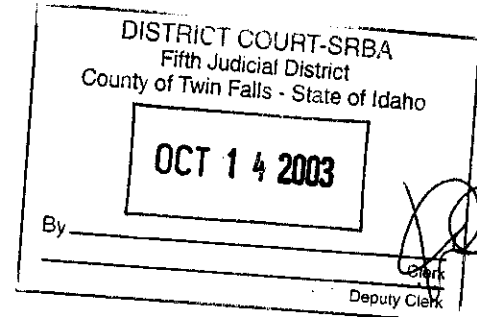
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DEAN SIMLER
EVELYN SIMLER
RT 2 BOX 120
KAMIAH, ID 83536
Phone: 208-935-2235

401

October 7, 2003

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



Dear Clerk of the District Court:

We are requesting to have a partial decree set-aside. The Department of Water Resources acknowledged the receipt of my Notice of Change in Water Right Ownership for Water Right 85-10706.

The Snake River Basin Adjudication Court issued a partial decree describing the water right with a place of use different than our property as described in our deed and in the legal description of the property provided by Lewis County. We believe that the legal description and our deed to the property have the correct legal description of the property and that the legal description on Water Right 85-10706 is incorrect.

We asking that you grant a set-aside motion to allow us to correct the partial decree. Thank you for considering our request.

Sincerely,


Shirley F. O'Connor

Timothy J. O'Connor
Shirley F. O'Connor
3358 Highway 12
Kamiah, ID 83536

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 85-10706

NAME AND ADDRESS: DEAN SIMLER
EVELYN SIMLER
RT 2 BOX 120
KAMIAH, ID 83536

SOURCE: GROUNDWATER

QUANTITY: 0.03 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1948

POINT OF DIVERSION: T33N R03E S02 NENESE Within Lewis County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.03 CFS

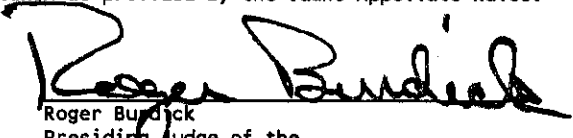
PLACE OF USE: Domestic Within Lewis County
T33N R03E S02 NESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication