

29-04198
Motion to Set
Aside/Modify
Partial Decree

State of Idaho
District Court
Snake River Basin Adjudication
P. O. Box 2707
Twin Falls, ID. 83303-2707

437
MAY 17 AM 10:46
MAY 14 2004
J.M.

Judge John M. Melanson

In response to the letter regarding Case No. 39576, water right 29-04198.

Please see attached notice of error reply sent April 2, 2003 requesting the balance of parcel amounting to an additional 2.33 acres be included and an explanation why.

I called Idaho Falls and was told that I needed to approach the Court of the 5th District for Consideration in this matter.

I would greatly appreciate you looking at this change for consideration and inclusion of such acres.

Sincerely,

Timothy B. Shaffer


2428 N. Pamela Dr.

Inkom, Idaho 83245

Home (208) 775-3970

Work (208) 233-7454

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 29-04198

NAME AND ADDRESS: LETA K SHAPPER
 PO BOX 359
 INKOM, ID 83245

TIMOTHY B SHAPPER
PO BOX 322
INKOM, ID 83245

SOURCE: JACKSON CREEK TRIBUTARY: RAPID CREEK

QUANTITY: 0.14 CFS

PRIORITY DATE: 09/01/1936

POINT OF DIVERSION: T07S R36E S23 NENWSW Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.14 CFS

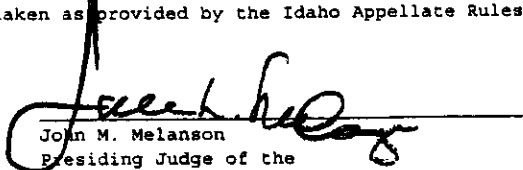
PLACE OF USE: Irrigation Within Bannock County
 T07S R36E S23 NWSW 4.6
 4.6 Acres Total

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. 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.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

Congratulations **Here's your decreed water right!**

You have received your partial decree of water rights in the Snake River Basin Adjudication (SRBA) with this brochure. The partial decree is the SRBA Court's official decision on your water right based on the claim to a water right you submitted.

The term "Partial Decree" simply means your water right represents only a small portion of the future SRBA decree. This partial decree is final; however, you may have the opportunity to correct errors and the right to an appeal.

This brochure is designed to help answer questions you may have about your water right and to provide a way to get more information or to have your questions answered.

Commonly Asked Questions

1. Do I need to do something?

Yes. Carefully check your partial decree to make sure all the information is correct. If there are errors, immediately call the Idaho Department of Water Resources (IDWR) to discuss the problem. You may need to request a change form. In some instances the correction can only be made by the SRBA Court. If so you will need to contact the court or approach an attorney to assist you. The phone numbers are on the back of this brochure.

If the partial decree correctly describes your water right, you do not need to do anything more. However, be sure to keep IDWR notified of any changes in ownership for all your water rights.

2. This is a copy of the partial decree for my water right. Where is the original?

The original partial decree for your water right will be retained by the Snake River Basin Adjudication

(SRBA) Court, and a certified copy will be permanently archived at IDWR. Copies are available upon request.

3. When will the SRBA be completed so my partial decree becomes part of the final decree?

The final decree will be issued at the end of the case when all water rights have been reviewed and disputes resolved. The SRBA Court and IDWR are moving forward as quickly as possible. This is a large, complex case with many legal and technical problems to resolve.

We anticipate that finalization of the process will require many more years of hard work. In the meantime, your partial decree represents a completion of the effort to decree your individual water right, and if you are not advised otherwise you can consider this process complete.

A Very Important Reminder

While the SRBA continues, the law requires that you notify IDWR if there are any name or address changes. If the property to which the right applies changes hands, please file a change of ownership with the form obtained from an IDWR office. Failure to file an ownership change may result in your right not being included in the final decree at the end of the case, a penalty of up to \$100 and restrictions on water use.

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-4198

TIMOTHY B SHAFFER
PO BOX 322
INKOM ID 83245
Telephone Number: (208)775-3790

LETA K SHAFFER
PO BOX 359
INKOM ID 83245
Telephone Number: (208)775-3790

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Adjacent property 2.33 Acres used for pasture to sustain Summer feed for Animals.

2. Describe the changes you wish to make in the proposed recommendation:

Please add the 2.33 Acres left off of proposal.

3. Give a brief explanation as to why you disagree with these portions:

All property is on adjacent land part of water right. This is also a long feed creek which water right comes from.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

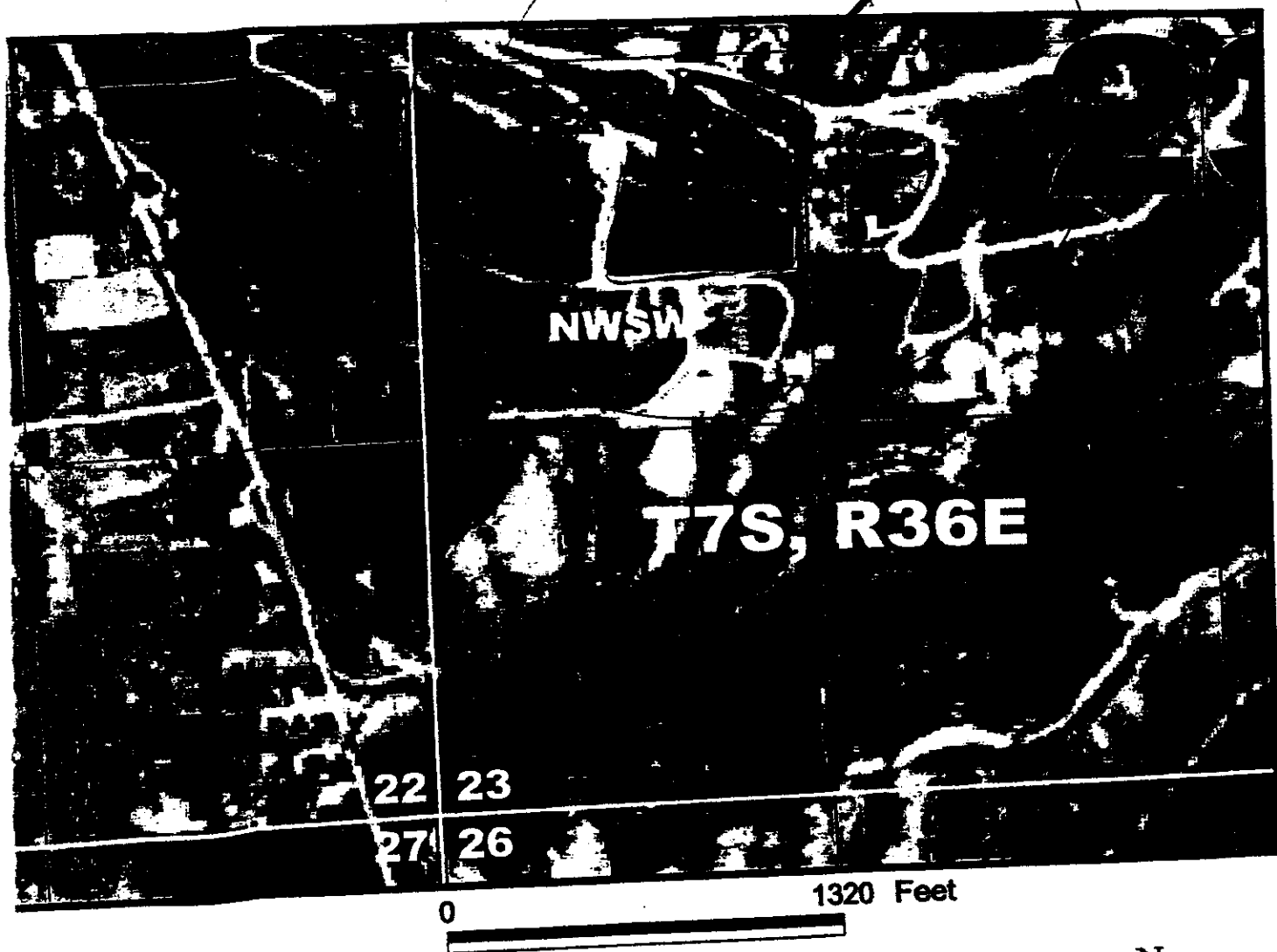
*Thank you
Tim Shaffer
Apr. 2 2003*

STATE OF IDAHO

Department of Water Resources
Eastern Region

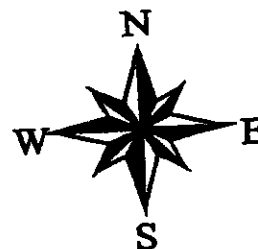
Water Right(s): 29-04198

to be added



Total Irrigated Acres: 4.6

- Point(s) of Diversion
- Place of Use
- Quarter Quarter Lines
- Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: December 2004

02/18/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-4198
NAME AND ADDRESS: TIMOTHY B SHAFER
PO BOX 322
INKOM ID 83245

LETA K SHAFER
PO BOX 359
INKOM ID 83245

SOURCE: JACKSON CREEK
TRIBUTARY: RAPID CREEK

QUANTITY: 0.140 CFS

PRIORITY DATE: 09/01/1936

POINT OF DIVERSION:
T07S R16E S23 NENWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.140 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County
T07S R36E S23 NWSW 4.6

4.6 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 - Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.