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Jan. 18, 2005

Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

RE: Snake River Basin Claim No-15783
To--Snake River Basin Adjudication,

It has just come to my attention that an incorrect legal description is part of my filing for adjudication. Inclosed is a copy of the letter and information that I received from the Dept. of Water Resouces on Jan. 12, 2005.

I am requesting a Motion to set aside the Decree until this error can be corrected. I do not know what must be done next and would appreciate any assistance you can give.

I sincerely apologize for this inconvenience. I have reviewed the legal description from the tax assessors office and have determined that the legal description explanation described in the letter from Dept. of Water Resources to be accurate. I await a responce from the Snake River Basin Adjudication.

Cordially

William M Flack
4035 N. Hartley Rd.
Eagle, Idaho 83616

Phone No. # 208-286-7392

**State of Idaho****DEPARTMENT OF WATER RESOURCES**Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

January 11, 2005

DIRK KEMPTHORNE
GovernorKARL J. DREHER
DirectorWILLIAM M. FLACK
JUNE C. FLACK
4035 HARTLEY RD
EAGLE ID 83616

RE: Snake River Basin Claim No: 63-15783

Dear Mrs. and Mr. Flack,

It has come to our attention during a review of Hazel and Henry Dixon's claims, that Water Right No: 63-15783 (domestic and stockwater purposes) contains an incorrect legal description for both the point of diversion and the place of use. While reviewing the Dixon's claims for overlapping water rights, it came to our attention that the home located at 4035 Hartley Road (Parcel No: S0334134400) is not located in the SE ¼ NE 1/3, Section 34 as claimed, but instead is located in the ~~SE ¼ NE 1/3, Section 34~~ (refer to the attached 1989 project map and the 2003 aerial photo).

Since this claim has been partially decreed, you will need to contact the Snake River Basin Adjudication (SRBA) and request a *Motion To Set Aside the Decree* in order to correct the legal description.

Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

#(208) 736-3011

ddelaney@SRBA.state.id.us

Respectfully Submitted,

Adjudication Bureau
Western RegionEnclosure: 2003 aerial photograph
1989 Notice of Claim project map

1.6.05

SRC - M160 Box W10074 State

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-15783

Microfilm/Storage

AJ

WATER RIGHT NUMBER: 63-15783

Owner Type Name and Address
Current Owner WILLIAM M FLACK
 4035 HARTLEY RD
 EAGLE, ID 83616
 (208)286-7392
Current Owner JUNE C FLACK
 4035 HARTLEY RD
 EAGLE, ID 83616
 (208)286-7392

Priority Date: 05/20/1940

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01	12/31	0.040 CFS	
STOCKWATER	1/01	12/31	0.050 CFS	
	<u>Total Diversion:</u>		0.090 CFS	

Location of Point(s) of Diversion

GROUND WATER

ADA County

SW
SE 1/4 NE 1/4

Sec. 34, Twp 05N, Rge 01W, B.M.

Place of Use

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	01W	34			X	X									

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	01W	34			X	X									

Conditions of Approval: