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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 12

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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 63-22149
	)
Case No. 39576	) ORDER GRANTING MOTION TO FILE
	) AMENDED NOTICE OF CLAIM
	)
	) ORDER SETTING STATUS
	) CONFERENCE
	)

I. PROCEDURAL BACKGROUND

A *Partial Decree* was issued for the above-captioned water right on March 31, 2000. The *Partial Decree* is for a domestic water right and lists the owner of the right as Debbie and Stanley Bland, and the point of diversion in T04N R03W S03 SWNWSW. On September 20, 2004, the SRBA Court received correspondence from Mr. Pete Dias, stating that he had purchased his house, land, and the subject water right from the Blands in 1992, and that the well (point of diversion) is located on the property he purchased. Apparently, the point of diversion as listed in the *Partial Decree* is on land owned by the Blands, and accordingly, the Idaho Department of Water Resources has not allowed Mr. Dias to administratively change the ownership of the subject water right. Mr. Dias now seeks a remedy from the SRBA Court.

On February 28, 2005, Mr. Dias filed a *Standard Form 4, Motion to File Amended Notice of Claim*. A hearing on Mr. Dias' motion was held on April 6, 2005. Notice of the hearing was sent to the Blands at an address ascertained by the Court. Mr. Dias and Nick Spencer from the Idaho Department of Water Resources telephonically participated in the hearing. Mr. Bland did not participate.

At the hearing, Mr. Spencer explained that the POD for the subject water right appears to have been claimed and decreed incorrectly, and that the point of diversion is actually located in the SENWSW, rather than the SWNWSW of T04N R03W S03 as decreed. Also, according to IDWR records, in October of 1993, the Blands constructed another domestic well on land adjacent to the land said to be owned by Mr. Dias. The Blands have not filed a notice of claim in the SRBA for the 1993 domestic well.

II. ORDER GRANTING MOTION TO FILE AMENDED CLAIM

Based upon the comments of Mr. Dias and Mr. Spencer at the April 6, 2005 hearing, and good cause appearing therefore, the *Motion to File an Amended Notice of Claim* filed by Mr. Dias is **hereby granted**. Mr. Dias is instructed to contact Jan Shurte at the IDWR Western Regional Office to file the amended claim, claiming the correct point of diversion and claiming himself as the owner of the water right.

At the hearing, Mr. Spencer suggested that the Blands file a notice of claim in the SRBA for the 1993 domestic well, and this Special Master strongly urges the Blands to do so. The Blands are **hereby notified**, pursuant to Rule 25, Idaho Rules of Civil Procedure, that upon sufficient verification of ownership, this Special Master may order that Mr. Dias be substituted as the real party in interest in this subcase.

III. ORDER SETTING STATUS CONFERENCE

It is further ordered that a status conference will be held on June 14, 2005, a 10:00 am. Telephone participation will be available by calling 1-225-383-1099 participation code 675342.

Dated April 6, 2005



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

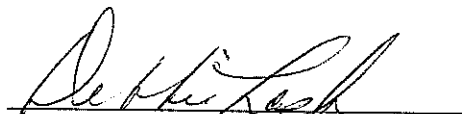
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM was mailed on April 6, 2005, with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Stan Bland
23258 El Paso Road
Caldwell, Idaho 83605

Pete Dias
23256 El Paso Road
Caldwell, Idaho 83607


Deputy Clerk

