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DEPARTMENT OF
WATER RESOURCES

SIXTH JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO
FILED _____

2007 FEB 28 PM 2 05

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

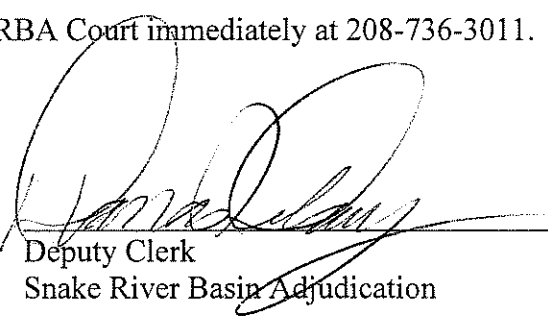
) Water Rights: 47-7312A, 47-7312B and 47-7312C

)
) NOTICE SETTING HEARING ON MOTION
) TO SET ASIDE PARTIAL DECREES
)

On February 28, 2007, Beverly Fulmore filed a *Motion to Set Aside the Partial Decree* for water rights 47-7312A, 47-7312B and 47-7312C.

NOTICE IS GIVEN that hearing on the *Motion to Set Aside Partial Decree* is set for **Tuesday, May 22, 2007, at 1:30 p.m., at the Snake River Basin Adjudication Courthouse, 253 – 3rd Avenue North, Twin Falls, Idaho.** Parties may participate by telephone by dialing the number 1-918-583-3445 and when prompted entering code 406128. If you have any difficulty connecting to this call, call the SRBA Court immediately at 208-736-3011.

Dated February 28, 2007.


Deputy Clerk
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE SETTING HEARING ON MOTION TO SET ASIDE PARTIAL DECREES was mailed on February 28, 2007, with sufficient first-class postage to the following:

ED MOFFETT
JENNIFER MOFFETT
PO BOX 2207
KETCHUM, ID 83340
Phone: 208-726-4016

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

RICHARD KASTER
RT 4
BUHL, ID 83316
Phone: 208-543-6150

BEVERLY FULMORE
4732 RIVER ROAD
BUHL, ID 83316

CHARLES P DICKINSON
5219 N CASA BLANCA RD #54
PARADISE VALLEY, AZ 85253
Phone: 602-481-3134

2/27/07

WATER RIGHT-388A
TWIN FALLS CO., IDAHO
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Beverly Fulmore
4732 River Road
Buhl, Idaho 83316

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

Dear Sirs,

I would like to file a motion to set aside The Department of Water Resources decree regarding Water Right 47-7312A, 47-7312B and 47-7312C. The well was drilled by Richard Kastor in 1975 and there are questions as to who the rightful owners of the well are supposed to be. Briefly, when the subdivision was developed in 1975 all the lots in the subdivision were to have a right to the well. In 1980, according to The Department of Water Resources, Rickard Kastor found out that he did not have enough water for all of the lots. He made an addendum to the Restrictive and Protective Covenants in 1980 stating that the first five purchasers of the lots for Oregon Trail Subdivision, Block 1 and 2 would share the water from well 47-7312A. Lots 4 and 5 of Block 1 were sold on 1/9/1980. Lot 1 of Block 2 sold on 4/18/1980. Lot 3, Block 1 sold on 7/14/1980. Lastly Lot 2, Block 1 sold on 9/14/1982. However, before the land had become a subdivision, Richard Kastor sold what is now Lot1, Block 1 to C. Ralph Miller, before he had even drilled well 47-7312A. In 1983, Richard Kastor conveyed to Violet Miller, owner of now Lot 1, Block 1, an undivided one-fifth (1/5) ownership in the well after he had already sold to the five lots previously mentioned. I have spoken to Doug Johnson of the Department of Water Resources. He said we needed to file for a motion to set aside so this issue of rightful ownership of the well can be resolved.

Sincerely,



Beverly Fulmore
Owner Lot 5, Block 1, Oregon Trail Subdivision