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DEPARTMENT OF
WATER RESOURCES

COPY

1 WILLIAM D. COLLINS

Idaho State Bar No. 1054

2 WESTBERG, McCABE & COLLINS, CTD

ATTORNEYS & COUNSELORS AT LAW

3 516 WEST FRANKLIN STREET

P.O. BOX 2836

4 BOISE, IDAHO 83701-2836

FACSIMILE: (208) 336-2121

5 TELEPHONE: (208) 336-5200

6 Attorneys for Petitioner

7 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

8 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

9
10 In Re SRBA

) SUBCASE: 63-05139A

11 Case No. 39576

)
) MOTION TO CORRECT CLERICAL
) ERROR
)

12
13
14 COMES NOW, J. PATRICK GARROW, Personal Representative of the Estate of James D.

15 Garrow, by and through William D. Collins of the firm of Westberg, McCabe & Collins, Ctd., and

16 hereby moves the Court to correct a clerical error appearing in the Partial Decree for Water Right No.

17 63-05139A entered February 16, 2007, which clerical error occurred from oversight or omission.

18
19 The error occurred in the description of the fractional section in which the place of use
20 occurred. The Partial Decree lists the place of use as being in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 31, T. 5N., R. 2E.,
21 B.M., Ada County, Idaho. The actual place of use is the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of that same section and range.

22 The Partial Decree is founded upon Claim No. 63-5139. That claim listed place of use as
23 being in both of the fractional sections. In 1991, James D. Garrow, the claimant, sold a portion of the

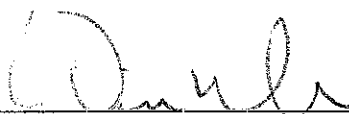
1 land to which the water right was appurtenant to Michael G. Brady and Kathleen L. Brady. As a result
2 of that transfer, Claim No. 63-05139 was split into two claims, 63-05139A (Garrow) and 63-05139B
3 (Brady). However, the land retained by Garrow to which the water right was appurtenant is located
4 in the SE¼NE¼. A copy of the Idaho Department of Water Resources' photographic imagery of the
5 land retained by Garrow and to which the water right is appurtenant clearly lists the location of the
6 water right as being in the SE¼NE¼. A copy of that photograph is attached as Exhibit A.
7

8 James D. Garrow died January 22, 2004. His surviving spouse, Geraldine E. Garrow, died
9 May 9, 2007. J. Patrick Garrow was appointed as personal representative of their joint estates May
10 24, 2007. A copy of Letters of Administration of the joint estates of James D. Garrow and Geraldine
11 E. Garrow is attached as Exhibit B.
12

13 Oral argument on the above motion is requested.

14 DATED this 1 day of August, 2007

15 WESTBERG, MCCABE & COLLINS, CTD.

16
17
18 By 
19 William D. Collins
20 Attorneys for J. Patrick Garrow
21
22
23

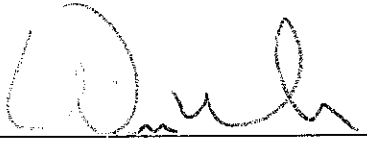
1 CERTIFICATE OF MAILING

2 I certify that on the 1st day of August, 2007, I mailed the original and copies of this Motion,
3 including all attachments, to the following persons:

4 1. Original to:
5 Clerk of the District Court
6 Snake River Basin Adjudication
7 253 Third Avenue North
8 P O. Box 2707
9 Twin Falls, Idaho 83303-2707

10 2 Copies to:
11 IDWR Documentary Depository
12 P.O. Box 83720
13 Boise, Idaho 83720-0098
14 Chief, Natural Resources Division
15 Office of the Attorney General
16 State of Idaho
17 P.O. Box 44449
18 Boise, Idaho 83711-4449

19 United States Dept. of Justice
20 Environmental & Natural Resource Division
21 550 W Fort Street
22 MSC 033
23 Boise, Idaho 83724

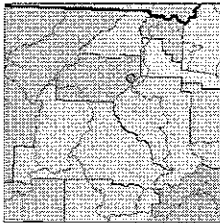

William D. Collins



SRBA Recommendation:
63-5139A
(Irrigation)

Legend

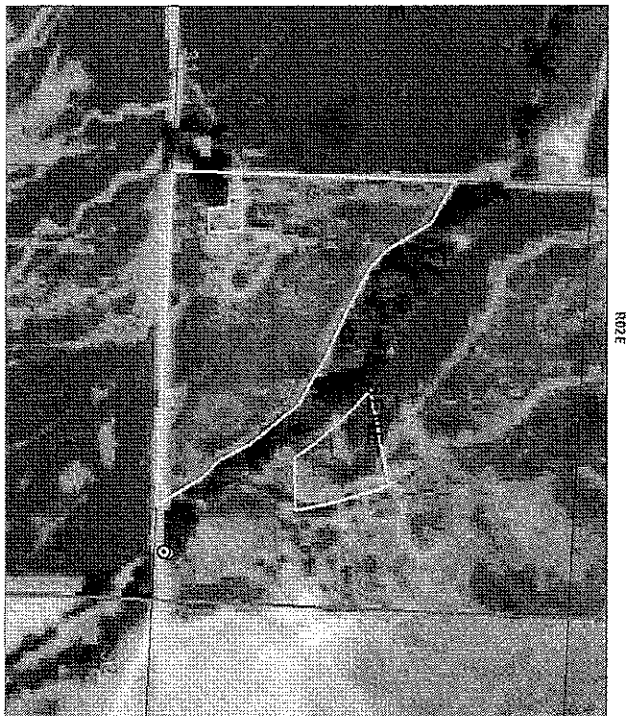
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63



Prepared by C. Clark
On Wednesday, July 28, 2007



COPY

NO _____
FILED _____
A.M. _____ P.M. _____

MAY 24 2007

J. DAVID NAVARRO, Clerk
By E. CHILD
DEPUTY

1 WILLIAM D. COLLINS
2 Idaho State Bar No. 1054
3 WESTBERG, McCABE & COLLINS, CTD.
4 ATTORNEYS & COUNSELORS AT LAW
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10 ATTORNEYS FOR PETITIONER

11 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
12 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

13 In the Matter of the Estate of)

Case No. **CV IE 0709332**

14 JAMES D. GARROW and)
15 GERALDINE E. GARROW,)

16 LETTERS OF ADMINISTRATION
17 OF THE JOINT ESTATES OF
18 JAMES D. GARROW AND
19 GERALDINE E. GARROW
20 (I.C. 15-3-602 and 15-3-702)

21 Deceased)
22)
23)

24 J. PATRICK GARROW is hereby appointed personal representative of the joint estates of
25 JAMES D. GARROW and GERALDINE E. GARROW, deceased, without bond but with all authority
26 pertaining thereto. Administration of the joint estates is unsupervised

27 These letters are issued to evidence the appointment, qualification and authority of the personal
28 representative.

29 WITNESS: CHRISTOPHER M. BIETER, Magistrate of District Court, County of Ada, State
30 of Idaho, with the seal of the Court affixed the 24th day of May, 2007.

31 STATE OF IDAHO }
32 COUNTY OF ADA }

33 I, J. David Navarro, Clerk of the District Court of the Fourth
Judicial District of the State of Idaho, in and for the County
of Ada, do hereby certify that the foregoing is a true and cor-
rect copy of the original on file in this office. In witness
whereof, I have hereunto set my hand and affixed by official
seal this 24 day

CHRISTOPHER M. BIETER

Judge

LETTERS OF ADMINISTRATION - 1
wdc/GarrowG.7766/Letters 051407

By E. Child Deputy

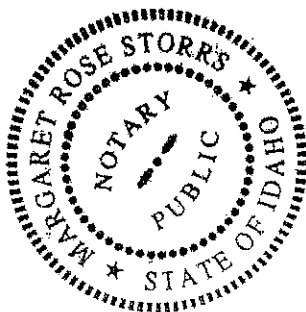
EXHIBIT B-1

1 STATE OF IDAHO)
2 : ss.
3 County of Ada)

4 The undersigned hereby accepts the appointment to the office of personal representative of the
5 joint estates of JAMES D GARROW and GERALDINE E GARROW, deceased, and does solemnly
6 swear that he will perform, according to law, the duties of personal representative of the estates.

7 Patrick Garrow
8 J. Patrick Garrow
9 13920 N. McFarland Creek Road
10 Boise, Idaho 83714
11 229-6634

12 SUBSCRIBED and SWORN To before me this 22 day of May, 2007



24 Margaret Rose Storrs
25 Notary Public for State of Idaho
26 Residing at Boise, Idaho
27 My Commission Expires: 05/14/2010