

January 30, 2009

Rose Hahn
970 Bracken N
Twin Falls ID 83301

Carrie Hahn
874 Maurice St
Twin Falls ID 83301

RECEIVED

FEB 02 2009

DEPARTMENT OF
WATER RESOURCES

SRBA Court
253 3rd Ave N
Twin Falls ID 83301

RE: Motion to set aside Water right 47-10387, 47-10388

To whom it may concern:

Enclosed are two domestic water rights claimed in the Adjudication in 1987 using Plat maps at the office of Water Resources. These rights were re-checked in 1999 using Plat maps before the partial decrees were sent by the court.

I re-checked the decrees on-line with current County maps using Arcmap and now I find through better technology and a more accurate mapping system these two rights are now in adjacent quarter sections. I am asking the court to set aside these rights and correct them to their proper quarter sections.

Water right 47-10388 should be in the SENW instead of the NENW and right 47-10387 should be in the SESW instead of the SWSW. (See enclosed Maps)

I would appreciate any help in this matter.

Sincerely,



Carrie Hahn

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 47-10387

WATER RIGHT NUMBER: 47-10387

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROSE B HAHN 970 BRACKEN ST N TWIN FALLS, ID 83301 (208)734-4095

Priority Date: 01/01/1950

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

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

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4	Sec. 5, Twp 10S, Rge 17E, B.M.
TWIN FALLS County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	17E	5												X					

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. PARCEL NO. RP T21810040060
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:Comments:

1. CORR2 8/20/1997 COPIED FROM REMARKS
Comment: PARCEL NO. RP T21810040060 PROPERTY ALSO KNOWN AS 970 BRACKEN ST N, LOT 6, BLOCK 4, GOLDEN VIEW SUB

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 47-10387

Dates and Other Information:

Licensed Date:
Decreed Date: 5/21/1999
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 47-10388

WATER RIGHT NUMBER: 47-10388

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARRIE L HAHN 874 MAURICE TWIN FALLS, ID 83301 (208)734-0755

Priority Date: 01/01/1953

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

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

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 15, Twp 10S, Rge 17E, B.M.
TWIN FALLS County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	17E	15					X												

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. PARCEL NO. RP T3561000005E

Remarks:Comments:

1. DUNN1 3/23/1994 COPIED FROM REMARKS
Comment: T.F. MURTAUGH E. ADDN W. 222' OF N 66 OF S 226' LOT 5.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 47-10388

Dates and Other Information:

Licensed Date:
Decreed Date: 5/21/1999
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

AVE

EAST

RPT356100000SE
874 Maurice

T10s R17e Sec 15 SENW

Side
Sch

J-C: Park

ELIZ

LOCUS

BARRION

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the motion to set aside were
mailed on January 30, 2009, by first-class mail to the following:

Original to:

SRBA District Court
PO Box 2707
Twin Falls, ID 83303

Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724


