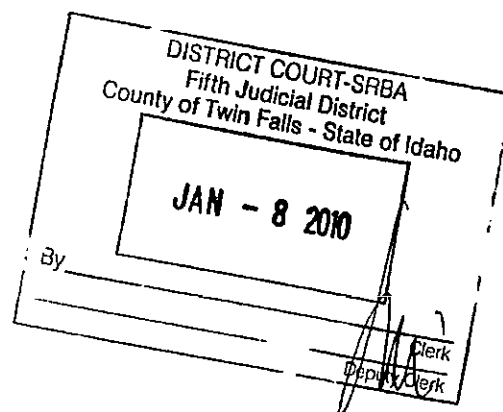


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Attorneys for River Grove Farms



BEFORE THE DEPARTMENT OF WATER RESOURCES
 OF THE STATE OF IDAHO

IN Re SRBA)
) APPLICATION TO CORRECT CLERICAL
 PETER TRUST,) ERROR ON LICENSE
 License for Water Right No.)
 37-8249)
)
)
)

COMES NOW PETER TRUST, dba RIVER GROVE FARM ("Petitioner"), by and through its undersigned counsel of record, and petitions the Idaho Department of Water Resources (the "Department") for an order correcting clerical errors on License for Water Right 37-8249 (hereinafter collectively referred to as the "License").

Petitioner seeks the Department's action correcting certain clerical errors on the above-numbered License as set forth hereinafter:

The License was issued following a beneficial use exam for Permit No. 37-08249 on March 24, 1990. The legal descriptions for the Point of Diversion and Place of Use described in the License are as erroneously described in Section 4, where in actuality the Point of Diversion and Place of Use should be described in Section 5. All other aspects of the License are correct.

By Order dated December 15, 2009, Special Master Bilyeu ordered Petitioner to File an Application to Correct the License with the Department on or before January 8, 2010. The basis for the correction is set forth in the emails of Charles G. Brockway and Kelly K. Christensen attached hereto.

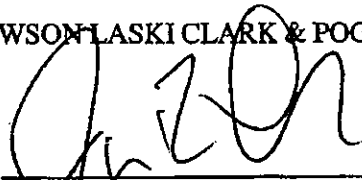
RELIEF REQUESTED

Petitioner respectfully requests that the Department correct the License as follows:

Delete "Section 4" from the section number under the legal descriptions for "Point of Diversion" and "Place of Use" on the License and replace with "Section 5."

RESPECTFULLY SUBMITTED this 8th day of January, 2010.

LAWSON LASKI CLARK & POGUE, PLLC

By: 

James R. Laski

Attorney for River Grove Farms

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 8th, 2010, I caused to be served a true copy of the foregoing document by the method indicated below, and addressed to each of the following:

Original:

Director
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Hand Delivery ☐
U.S. Mail ☒
Facsimile ☐
Overnight Mail ☐

Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, ID 83301

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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
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US Department of Justice
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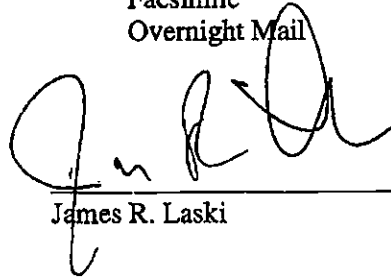
Scott L. Campbell, Esq.
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☐

Peter M. Thomas, Trust
Jerome D. Mack, Trustee
c/o E. Parry Thomas
PO Box 642
Sun Valley, ID 83353

Hand Delivery
U.S. Mail
Facsimile
Overnight Mail

☐
☒
☐
☐
James R. Laski

Jim Laski

From: Charles G. Brockway [charles.g.brockway@brockwayeng.com]
Sent: Thursday, December 03, 2009 12:04 PM
To: Christensen, Kelly; Spencer, Nick; Kelly, Vicki; Christopher H Meyer; Jim Laski
Cc: Keen, Shelley
Subject: RE: 37-8249 Peter Thomas Trust

I reviewed the beneficial use exam and it seems obvious that the license examiner erred. The pond is clearly shown on the USGS quadrangle as being in Section 5, but the examiner was apparently confused by conflicting aerial photos (exam report, page 4), and recommended the incorrect location.

Chuck

Charles G. Brockway, Ph.D., P.E.

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2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Christensen, Kelly [mailto:Kelly.Christensen@idwr.idaho.gov]
Sent: Thursday, December 03, 2009 11:46 AM
To: Spencer, Nick; Kelly, Vicki; Charles G. Brockway; Christopher H Meyer; Jim Laski
Cc: Keen, Shelley
Subject: 37-8249 Peter Thomas Trust

I started digging into this one and it appears that there are more problems here than first thought.

I am double checking to confirm that my observations are correct and that both the POD and POU should be identified in Sec 5 rather than Sec 4. Any additional information would be appreciated.

I am not sure if this one would qualify as a right that can be corrected through the adjudication process as a correction based upon better mapping or if this should be handled by the allocations section.

Status conference set for 12-9-2009.

<<37-8249 POD AND POU LEGAL DESCRIPTION ISSUES Thomas Trust.docx>>

Kelly K Christensen

Sr Water Resource Agt

Boise, Western Region

(208)-334-2190

37-8249 POD AND POU LEGAL DESCRIPTION ISSUES

In reviewing the available information it appears that this right was licensed with the wrong legal descriptions. The license was issued March 24, 1990. When comparing the licensing field exam map against the 2004 aerial photo it appears that both the POD and POU should be in Sec 5, 2N, 18E.

As the license was issued post adjudication commencement it appears that this should be corrected through the allocations section. This pond appears to be the pond claimed through 37-4420 and is described in that claim as being in Sec 5 NESE.

