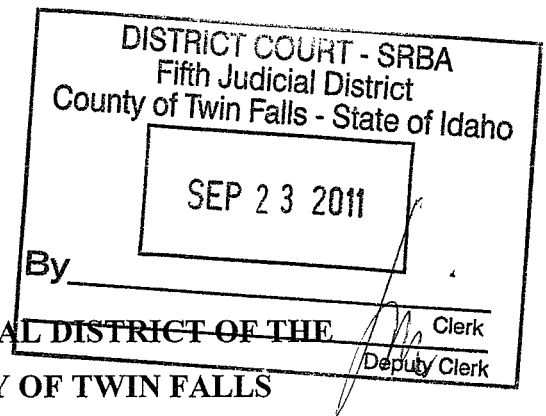


RECEIVED
SEP 26 2011
DEPARTMENT OF
WATER RESOURCES



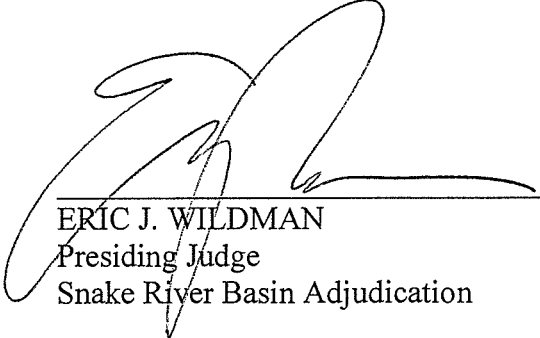
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcase No: 75-14060
)
Case No. 39576)
) NOTICE OF HEARING
)
)
)
)

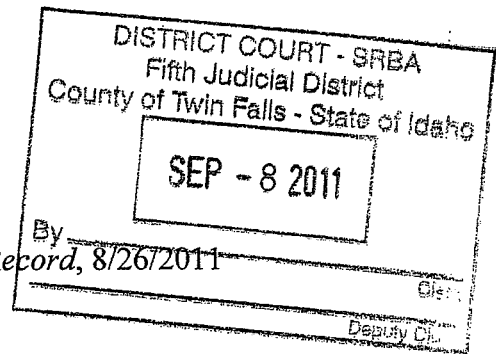
A *Partial Decree* was issued for the above-captioned water right on May 31, 2011. On September 8, 2011, the Clerk of the Court received correspondence from Albert and Alvera Fols, claimants of the above-captioned water right, asserting that the *Partial Decree* contains an error with respect to the place of use element. A copy of the September 8, 2011 correspondence is attached hereto as Exhibit A. The correspondence requests that the Court set aside the *Partial Decree* for the above-captioned water right and amend the place of use element. As such the Court will treat the correspondence as a *Motion to Set Aside and Amend Partial Decree* and will set the *Motion* for hearing.

Therefore, IT IS ORDERED that a hearing will be held on the Fols' *Motion to Set Aside and Amend Partial Decree* on **December 16, 2011, at 1:30 p.m.** at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Telephone participation will be available by calling **1-215-446-0193** and entering **406128 followed by the # sign** when prompted. Video teleconferencing ("VTC") will also be available by appearing at the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Conference Rm. B, Boise, Idaho.

DATED: Sept. 23, 2011


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

September 7, 2011
Honorable Eric Wildman, Presiding Judge
P.O. Box 2707
Twin Falls, Idaho 83303-2707



RE: *Order Granting Leave to Withdraw as Attorney of Record*, 8/26/2011
Water Right 75-14060

Honorable Eric Wildman,

Special Master Terrance A. Dolan recently issued an *Order Granting Leave to Withdraw as Attorney of Record*, 8/26/2011, for the Carmen Creek Users' water rights listed in EXHIBIT A & EXHIBIT B of the Order (copy attached). The Special Master stipulated that the Carmen Creek Users shall notify the Court in writing if they intend to pursue further action in the subcases listed in EXHIBITS A & B.

The deadline of 20 days for the Carmen Creek Users to notify the Court of further action in their subcases prompted me to further review my water rights. I found water right 75-14060 that was partially decreed on 5/31/2011 with the place of use (POU) misidentified.

Alvera and I request that the Court set aside the partial decree and amend the POU to reflect the same location as identified in my other water rights. The amended POU should be:

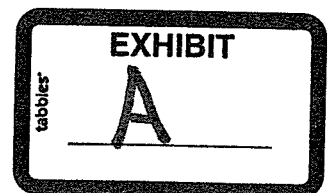
T22N R22E Sec 03 LOT 2 (NWNE) 9.5 Acres Total

We will pursue this matter pro se.

Respectfully,

Albert & Alvera Fols
PO Box 56
Carmen, ID 83462
(208) 756-1535

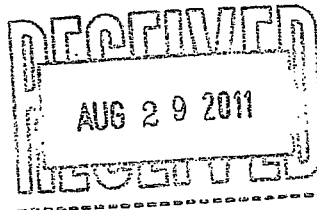
Cc: Garrick Baxter, IDWR (via email, without attachment)



RECEIVED

AUG 31 2011

DEPARTMENT OF
WATER RESOURCES



DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 26 2011
By _____ Clerk
Deputy Clerk

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	)	Subcases 75-69M, et al.
	)	(See Exhibits A & B attached)
	)	(Carmen Creek Users)
Case No. 39576	)	
	)	ORDER GRANTING LEAVE TO WITHDRAW
	)	AS ATTORNEY OF RECORD

Motion

On July 29, 2011, Travis L. Thompson and Paul L. Arrington, Barker Rosholt & Simpson LLP, filed a *Motion to Withdraw as Counsel of Record* for Albert and Alvera Fols, Charles and Mary Harling, A.C. and Luella Pilkerton, Lloyd and Sheryl Tutor, Jim Edgren and Jennifer Brady and Tracy Mascia ("collectively referred to as "Carmen Creek Users"). The *Motion* stated:

The Carmen Creek Users have requested counsel to withdraw as attorneys of record so that they may receive notice directly from the Court as to any further matters and complete any future work pro so [sic]. It is counsels' understanding that most of the water right claims on Exhibit A have already been partially decreed and there are no outstanding issues related to those claims. Accordingly, this motion is really a "housekeeping matter to assist the clients in their request. In addition, although the undersigned counsel have not represented the Carmen Creek Users as to the claims listed in Exhibit B, the motion and order authorizing withdrawal should cover those subcases as well, to avoid any confusion in the future (counsel have received notices from the Court on some matters relating to those subcases.

Since most of the water rights have already been partially decreed granting this motion will not prejudice any parties or cause any delay. Notice has been provided to all parties in this action including the Carmen Creek Users.

Hearing

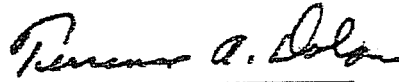
A hearing on the *Motion to Withdraw* was held by telephone conference on August 25, 2011. Albert and Alvera Fols appeared; Travis L. Thompson appeared; and Garrick L. Baxter appeared for IDWR. No one opposed the *Motion*; good cause has been shown; and there is no evidence such withdrawal will cause delay in determination and disposition of pending actions or impair the rights of the parties.¹

Order

THEREFORE, IT IS ORDERED that:

1. The *Motion to Withdraw* is **granted**;
2. Attorneys Travis L. Thompson and Paul L. Arrington shall forthwith, with due diligence, serve copies of this **Order** upon the Carmen Creek Users and all other parties to their pending subcases and shall file proof of service with the Court; and
3. If the Carmen Creek Users intend to pursue further action in their subcases, they shall file and serve an additional written appearance in those subcases in person, in writing or or through a newly appointed attorney with 20 days after service of this **Order**.

DATED August 26, 2011.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

¹ Following the August 25, 2011 hearing, Mr. Thompson e-mailed the Court to add subcases 75-14055 and 75-14057 (Mascia) to Exhibit A. They were partially decreed on January 5, 2011.

EXHIBIT A

Subcase Nos:

75-00069M
75-00070M
75-10061N
75-10061X
75-10062L
75-10062V
75-14019
75-14021
75-14025
75-14027
75-14038
75-14040
75-14044
75-14046
75-14050
75-14052
75-14055
75-14056
75-14057
75-14058

(Subcase list: W/D EX A)
8/26/11

EXHIBIT B

Subcase Nos:

75-02025D

75-02025F

75-14023

75-14029

75-14042

75-14048

75-14054

75-14060

75-14233

75-14235

(Subcase list: W/D EX B)
8/26/11

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
LEAVE TO WITHDRAW AS ATTORNEY OF RECORD was mailed on August
26, 2011, with sufficient first-class postage to the following:

A C & LUELLA PILKERTON
A C PILKERTON
ALBERT C & ALVERA C FOLS
ALBERT C FOLS
ALVERA C FOLS
CHARLES E & MARY N HARLING
CHARLES E HARLING
JAMES DAN EDGREN
JAMES EDGREN & JENNIFER BRADY
JENNIFER BRADY
LLOYD A & SHERYL L TUTOR
LLOYD A TUTOR
LUELLA PILKERTON
MARY N HARLING
SHERYL L TUTOR
TRACY MASCIA
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

GEORGE MATEJKO
BOX 129
CARMEN, ID 83462

ROBERT M & JACQUELINE ERNEST
BOX 132
CARMEN, ID 83462

JAMES R & ROWENA D QUINN
BOX 1473
CARMEN, ID 83462

JOHN E & RUTH C BURNS
BOX 264
CARMEN, ID 83462

RICK & LINDA RICE
BOX 285
CARMEN, ID 83462

LLOYD A TUTOR
SHERYL L TUTOR
HC 60 BOX 52E12
ROUND MOUNTAIN, NV 89045

MARCI M DIXON
PO BOX 221
CARMEN, ID 83462-0221
Phone: 208-940-1925

WILLIAM W CLEMENTZ
PO BOX 225
CARMEN, ID 83462

A C PILKERTON
PO BOX 23
CARMEN, ID 83462

RICK & LINDA RICE
PO BOX 285
CARMEN, ID 83462

LUELLA PILKERTON
PO BOX 34
CARMEN, ID 83462
Phone: 208-756-4209

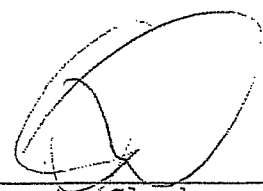
ALBERT C FOLS
ALVERA C FOLS
PO BOX 56
CARMEN, ID 83462
Phone: 208-756-1535

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

ORDER

Page 1 8/26/11

FILE COPY FOR 00214


Deputy Clerk

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF HEARING was mailed on September 23, 2011, with sufficient first-class postage to the following:

ALBERT C FOLS
ALVERA C FOLS
PO BOX 56
CARMEN, ID 83462
Phone: 208-756-1535

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

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first and last names being clearly legible despite the cursive style.