

11-21

RECEIVED
NOV 21 2012
DEPARTMENT OF
WATER RESOURCES

TERRY C. COPPLE (ISB No. 1925)
MICHAEL E. BAND (ISB No. 8480)
DAVISON, COPPLE, COPPLE & COPPLE, LLP
Attorneys at Law
Chase Capitol Plaza
199 North Capitol Boulevard
Suite 600
Post Office Box 1583
Boise, Idaho 83701
Telephone: (208) 342-3658
Facsimile: (208) 386-9428
tc@davisoncopples.com
band@davisoncopples.com

Attorneys for Wilson & Wilson Company, Inc.

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

Subcase Nos. 2-2047, 2-2054, 2-7272, and
2-10060

MOTION TO WITHDRAW MOTION TO
SET ASIDE PARTIAL DECREES TO
WATER RIGHT NOS. 2-2047, 2-2054,
2-7272, AND ENLARGEMENT RIGHT
2-10060

COMES NOW, Claimant Wilson & Wilson Company, Inc. ("Claimant"), by and through its attorneys of record, Terry C. Copple and Michael E. Band of the firm Davison Copple, Copple & Copple, of Boise, Idaho and hereby moves to withdraw its MOTION TO MODIFY OR SET ASIDE PARTIAL DECREES ("Motion to Set Aside") which was filed on or about May 31, 2012 and is currently set for hearing on January 17, 2013, at 9:30 a.m.

MOTION TO WITHDRAW MOTION TO SET ASIDE PARTIAL DECREES

COPY
- 1 -

Claimant originally filed its Motion to Set Aside pursuant to IDAHO RULE OF CIVIL PROCEDURE 60(b) in order to modify the Partial Decrees to water rights 2-2047, 2-2054, 2-7272, and set aside the Partial Decree to enlargement right 2-10060. The Motion to Set Aside was filed on the grounds that Claimant had also filed late claim numbers 2-2049 and 2-2050 which, if granted, would add a sufficient number of acres to the permissible place of use described in the foregoing water rights so that the previously decreed enlargement right, 2-10060, would no longer be necessary. Claimant anticipated that the conditions of water right numbers 2-2047, 2-2054, and 2-7272 would need to be modified, accordingly.

Claimant now files this motion on the grounds that Claimant has recently discovered that Claimant has adequate water rights and acres for the Eagle Cove Property, the lands in which water rights 2-2047, 2-2054, 2-7272, and enlargement right 2-10060 are appurtenant. Claimant, however, possesses inadequate water rights and acres for the Indian Cove Property. Water rights 2-2049 and 2-2050 were originally licensed to be diverted through the Indian Cove Irrigation District's system, which is where Claimant still requires them. Concurrently with this motion, Claimant is filing Amended Notices of Claim for water rights 2-2049 and 2-2050.

Therefore, Claimant respectfully requests to withdraw its MOTION TO MODIFY OR SET ASIDE PARTIAL DECREES with regard to water rights 2-2047, 2-2054, 2-7272, and enlargement right 2-10060. Claimant will supplement this motion with additional information as necessary.

No oral argument is requested on this motion.

DATED this 19 day of November, 2012.

DAVISON, COPPLE, COPPLE & COPPLE, LLP

By: 
Michael E. Band, of the firm
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of November, 2012, I caused a true and accurate copy of the foregoing document to be served upon the following individual, by the method indicated, and addressed as follows:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

[☒] U.S. Mail, postage prepaid
[☐] Hand Delivered
[☐] Facsimile
[☐] E-Mail

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

[☒] U.S. Mail, postage prepaid
[☐] Hand Delivered
[☐] Facsimile
[☐] E-Mail

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

[☒] U.S. Mail, postage prepaid
[☐] Hand Delivered
[☐] Facsimile
[☐] E-Mail

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

[☒] U.S. Mail, postage prepaid
[☐] Hand Delivered
[☐] Facsimile
[☐] E-Mail



Michael E. Band