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DEPARTMENT OF
WATER RESOURCES

Jerry R. Rigby (ISBN 2470)
of RIGBY, ANDRUS
& RIGBY, Chartered
Attorneys at Law
25 North Second East
Rexburg, Idaho 83340
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

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

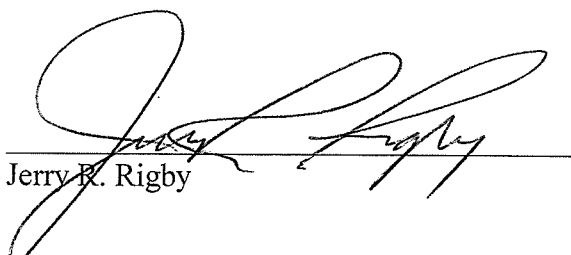
) **Subcase: 22-13457**
)
)
)

Case 39576

) **MOTION TO SET ASIDE PARTIAL**
) **DECREE**
)
)
)

The Claimant, Richard F. Smith, moves to set aside the Partial Decree for water right **22-13457**, pursuant to Idaho Rules of Civil Procedure 54(b) and 60(b)(6) and 60(a). Furthermore, Claimant moves to be allowed to file a late objection to the Director's recommendation for WR 22-13457. This motion is supported by the attached memorandum and affidavit of Richard F. Smith.

DATED this 28th day of December, 2012.


Jerry R. Rigby

CERTIFICATE OF MAILING

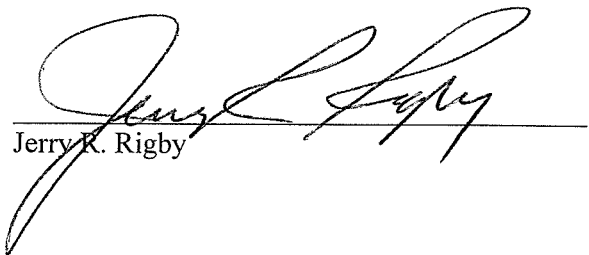
I certify that on December 28, 2012, I mailed the original and copies of this objection, including all attachments, to the following persons:

Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

United States Department of Justice
Environment and Nat'l Resources Div
550 W. Fort Street, MSC 033
Boise, ID 83724

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



Jerry R. Rigby

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

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DEPT. OF WATER RESOURCES

Ident. Number
22-13457

Date Received:

Receipt Nos:

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AMENDED

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Richard F. Smith
P.O. Box 8
Rexburg, ID 83440

2. Date of Priority:
12-29-1982

3. Source: Groundwater Trib. to:

4. Point of Diversion:

Township 5N Range 41E Section 7 SE1/4 of SW1/4 of SW1/4 Madison County

5. Description of diverting works:

Well with pump to mainlines and sprinkler lines

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	04/01	11/01	4.4	

7. Total Quantity Appropriated is:
4.4 C.F.S.

8. Total consumptive use: _____ Acre Feet Per Annum
9. Non-irrigation uses: None

Number of homes:

10. Place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
05N	40E	12	NE	SE		Irr	36	
			NW	SE		Irr	34.3	
			SW	SE		Irr	39.4	
			SE	SE		Irr	39.5	
		13		NE	NE		Irr	7.1
	41E	7	NE	SW		Irr	34.1	
			NW	SW	3	Irr	33.3	
			SW	SW	4	Irr	39.4	
			SE	SW		Irr	40	
			NE	SE		Irr	35.1	
			NW	SE		Irr	32.3	
			SW	SE		Irr	30.4	
			SE	SE		Irr	37.9	
	18		NE	NW		Irr	38.4	
			NW	NW	1	Irr	39.5	
			SW	NW		Irr	37.9	
			SE	NW		Irr	38.1	

Total Acres 592.7

11. Place of use in counties: Madison

12. Do you own the property listed above as place of use?

YES

13. Other Water Rights Used:

14. Remarks:

By agreement Mr. Smith leases 80 acres in W1/2NE1/4 Section 13, T5N, R40E to Franko Farms, Inc. who uses their own wells to irrigate this leased ground (partially decreed under WR22-13458). Franko Farms, Inc. in-exchange leases 80 acres

The claim relies upon the legal right of Accomplish Transfer for all elements necessarily modified in the exchanged leased grounds.

Mandy Prince

 Notary Public for Idaho
 Residing at: St. Anthony
 My Commission Expires: 6/24/2017