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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Indian Cove Irrigation District

**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 NOS.: 2-2033, 2-00083
	)	
Case No. 39576	)	INDIAN COVE IRRIGATION DISTRICT'S
	)	MOTION TO SET ASIDE PARTIAL
	)	DECREES
	)	

COMES NOW, INDIAN COVE IRRIGATION DISTRICT ("ICID"), by and through its attorneys of record Barker Rosholt & Simpson, LLC, and hereby moves this Court to set aside the Partial Decrees to the above referenced water rights pursuant to Idaho Rules of Civil Procedure 60(b)(6), and to allow for Amended Notices of Claim, attached herewith, to be filed and processed in order to accurately reflect the correct number of acres within ICID's service area or place of use for these water rights.

The partial decrees entered May 12, 2009, inaccurately state the overall place of use and service area of Indian Cove Irrigation District, conditioning and limiting the water rights to the irrigation of "a combined total of 1,149 acres." The correct place of use and combined total irrigable acres should be 1,275 acres within the service area of the Indian Cove Irrigation District.

We respectfully request that this court set aside the partial decrees for these water rights and accept the amended Notices of Claim, submitted herewith, so that these matters accurately reflect the true elements of the water rights, and avoid future conflicts. This Motion is supported by Indian Cove Irrigation District's Memorandum in Support of Motion to Set Aside Partial Decrees, and the Affidavit of Shelley M. Davis in support thereof. Indian Cove Irrigation District has a late claim that is set to be heard for February 19, 2013 at 1:30 p.m. in the Snake River Basin Adjudication District Court in subcase 02-02097A, and it may be prudent to hear these matters together. We anticipate that upon receipt of this motion, the Court will set an appropriate time and date for the hearing to have the matter heard.

DATED this 10th day of January, 2013.

BARKER ROSHOLT & SIMPSON LLP



Shelley M. Davis
Attorneys for Indian Cove Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of January, 2013, I caused to be served a true and correct copy of the foregoing **INDIAN COVE'S MOTION TO SET ASIDE PARTIAL DECREES** by the method indicated below, and addressed to each of the following:

Original filed via U.S. Mail with:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707
Fax No. 208-736-2121

Copy mailed to:

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

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

United States Department of Justice
Environment & Natural Resc Division
550 West Fort Street, MSC 033
Boise, ID 83724



Shelley M. Davis

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

Ident. Number 2-83
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

INDIAN COVE IRRIGATION DISTRICT Phone: (208)366-2158
PO BOX 35
HAMMETT ID USA 83627

2. Date of Priority: 03/15/1935

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	08E	6	NW NW 4	OWYHEE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	8.97	
STOCKWATER	1/01	12/31	0.02	

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

8. Non-irrigation uses:

9. Place of use:

10. Place of use in counties: OWYHEE

1275 acres within the service area of the Indian Cove Irrigation District

11. Do you own the property listed above as place of use? No

12. Other Water Rights Used:

2-2033

13. Remarks:

14. Basis of Claim: Beneficial Use

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization
that I have signed the foregoing document in the space below as

_____ of _____
Title Organization

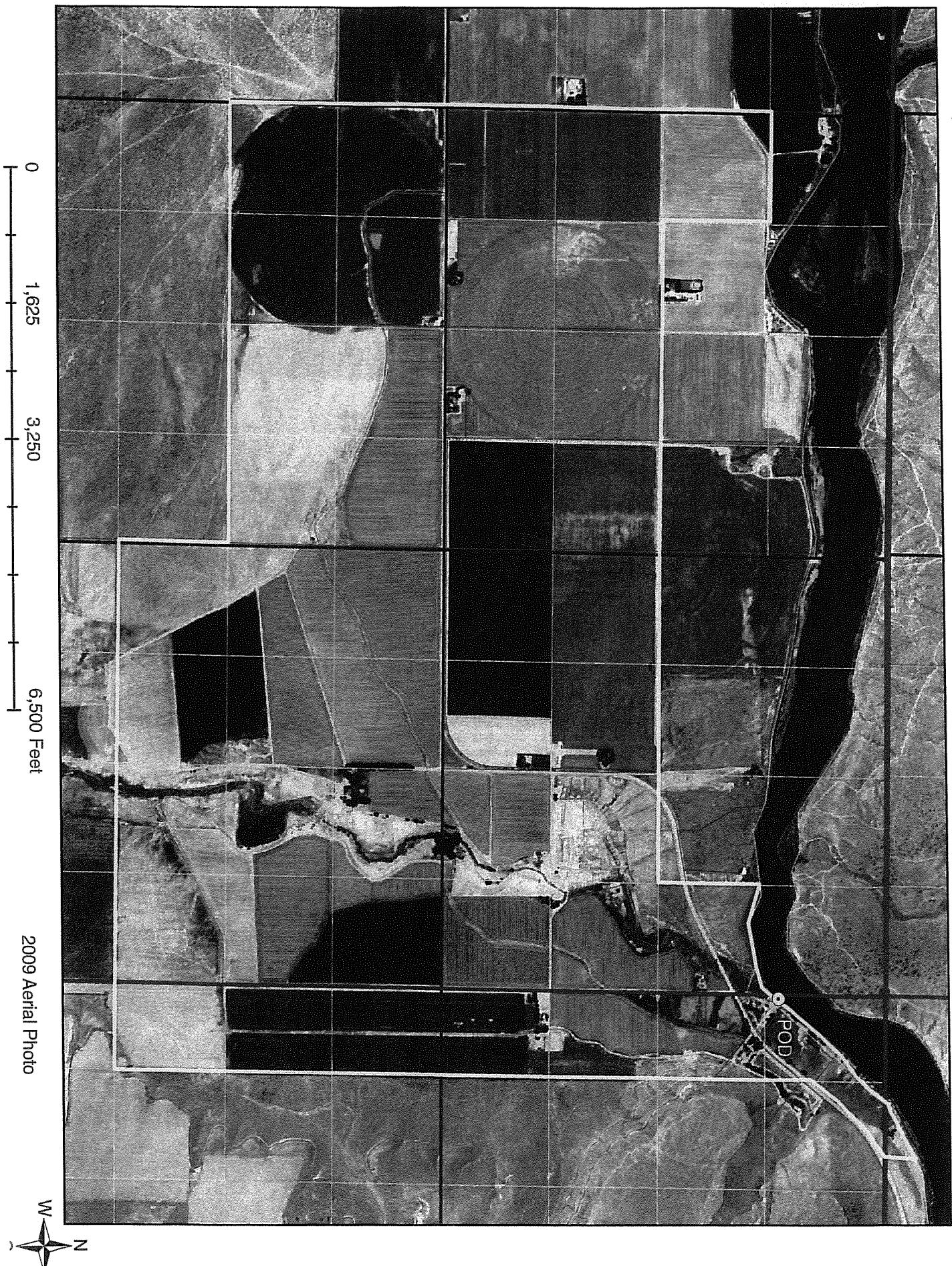
and that the statements contained in the foregoing document are true and correct.

Andrew S. Johnson
Signature of Authorized Agent

Chairman Indian Cove Irr.
Title and Organization

12/11/12
Date

Indian Cove Service Area



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

Ident. Number 2-2033
Date Received:
Receipt No:
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

INDIAN COVE IRRIGATION DISTRICT Phone: (208) 366-2158
PO BOX 35
HAMMETT ID USA 83627

2. Date of Priority: 11/14/1919

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot				County	Type
06S	08E	6	SW	NW	NW	4	OWYHEE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	25.5	
STOCKWATER	1/01	12/31	0.02	

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

8. Non-irrigation uses:

9. Place of use:

1275 acres within the service area of the Indian Cove Irrigation District

10. Place of use in counties: OWYHEE

11. Do you own the property listed above as place of use? No

12. Other Water Rights Used:

2-83

13. Remarks:

14. Basis of Claim: License

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization
that I have signed the foregoing document in the space below as

_____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Andrew S. Johnson
Signature of Authorized Agent

Chairman Indian Cove Irrigation
Title and Organization

12/11/12
Date

Indian Cove Service Area

