



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 8, 2013

Diana Delaney
Case Administrator
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707

RE: Motion to Set Aside Partial Decree for Water Right 37-12701

Dear Diana:

Water right 37-12701, claimed by Ann and Drew Nosworthy, was recommended in the Director's Report for Domestic and Stockwater Uses, Reporting Area 16, IDWR Basin 37, filed on March 5, 1999. The recommendation was unobjected to, and moved to partial decree on January 10, 2001.

On April 17, 2013, the Court received correspondence from the claimants regarding right 37-12701. The Nosworthys explained that the Idaho Department of Water Resources (IDWR) had notified them of an error in the legal descriptions of their domestic water right, which had been discovered during a recent review of water right records. The legal descriptions partially decreed to the right did not accurately describe the physical location of the Point of Diversion (POD) and Place of Use (POU). Those elements of right 37-12701 were recommended and decreed in the SENE of Section 26 of T05N R17E. The review found the correct location of the POD and POU to be at the SWNW of Section 25 of T05N R17E.

The Court docketed the claimant's correspondence as a Motion to Set Aside Partial Decree, which is scheduled to be heard on May 15, 2013. IDWR concurs with the Motion. Carter Fritschle, Manager Adjudication Section, has prepared a Proposed Correction to Partial Decree (attached) addressing the legal description error. The current IDWR standard language addressing domestic rights has also been added ("Domestic use is for 1 home") to the Purpose and Period of Use element. And enclosed for the Court's convenience is a copy of the 1999 recommendation and the 2001 partial decree.

Any questions regarding the Proposed Correction of water right 37-12701 should be directed to Carter Fritschle, Manager Adjudication Section, at 208-287-4917. Should the Court

require anything further from IDWR, please let me know. I can be reached at 208-287-4816.

Sincerely,

A handwritten signature in black ink, appearing to read "Vicki Kelly". The signature is written in a cursive, flowing style with a large, stylized "V" at the beginning.

Vicki Kelly,
Paralegal

Encs.

cc: Ann and Drew Nosworthy
Special Master Brigitte Bilyeu

05/07/2013

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-12701

NAME AND ADDRESS: DREW J NOSWORTHY
PO BOX 2381
SUN VALLEY ID 83353

ANN C NOSWORTHY
PO BOX 2381
SUN VALLEY ID 83353

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/15/1986

POINT OF
DIVERSION:

T05N R17E ~~S26~~ S25 ~~SENE~~ SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS
<u>Domestic use is for 1 home.</u>		

PLACE OF USE: DOMESTIC in BLAINE County

T05N R17E ~~S26~~ S25 ~~SENE~~ SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO
LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO. RP002500020050 ALSO KNOWN AS 112 WEST VIEW LN. &
LOT 5 BLK 2 GLASSFORD HEIGHTS SUB.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAR-3-1999
PAGE: A-3050

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 37-12701

NAME & ADDRESS: ANN NOSWORTHY
DREW NOSWORTHY
PO BOX 2381
SUN VALLEY ID 83353

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/15/1986

POINT OF DIVERSION: T05N R17E S26 SENE Within BLAINE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within BLAINE County
T05N R17E S26 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP002500020050
ALSO KNOWN AS 112 WEST VIEW LN. & LOT 5 BLK 2 GLASSFORD HEIGHTS
SUB.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 37-12701

NAME AND ADDRESS: ANN NOSWORTHY
DREW NOSWORTHY
PO BOX 2381
SUN VALLEY, ID 83353

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/15/1986

POINT OF DIVERSION: T05N R17E S26 SENE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Blaine County
T05N R17E S26 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication