

RECEIVED

JAN 28 2014
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 27 2014	
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

) Subcase Nos.: 74-2088, 74-2095, 74-2148

) and 74-15663

Case No. 39576

) NOTICE OF HEARING

)

)

Partial Decrees were issued for the above-captioned water rights on October 26, 2009. On January 16, 2014, the Clerk of the Court received correspondence from F. James Whittaker, claimant of the above-captioned water rights, asserting that the *Partial Decrees* contain clerical errors in the point of diversion element. A copy of the correspondence is attached hereto as Exhibit A. The correspondence requests that the Court set aside the *Partial Decrees* for the above-captioned water rights and amend the point of diversion element. As such, the Court will treat the correspondence as a *Motion to Set Aside and Amend Partial Decree to Correct Clerical Error* and will set the *Motion* for hearing.

Therefore, IT IS ORDERED that a hearing will be held on the *Motion to Set Aside and Amend Partial Decree to Correct Clerical Error* on **April 15, 2014, 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

January 27, 2014

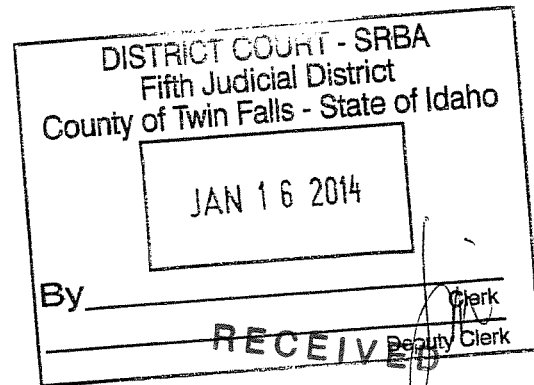
ERIC J. WILDMAN

Presiding Judge

Snake River Basin Adjudication

F. James Whittaker
PO Box 240
Leadore, ID 83464

SRBA Court
PO Box 2707
Twin Falls, ID 83303-2707



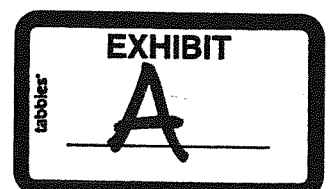
JAN 28 2014
DEPARTMENT OF
WATER RESOURCES

January 10, 2014

To Whom It May Concern:

The Idaho Department of Water Resources recently contacted me regarding some discrepancies in the designated points of diversion for four of my water rights. After reviewing these discrepancies I have determined that the discrepancies were entirely clerical. The water rights and diversions should be recorded as follows:

Water Right #	Diversions
74-2088	T14N R25E Sec 2 NENW T15N R25E Sec 36 NWSW T15N R25E Sec 36 SWSW T15N R25E Sec 36 SWNE T15N R25E Sec 35 SESE
74-2095	T14N R25E Sec 1 NWSW T14N R25E Sec 2 SENE T15N R25E Sec 35 SESE T15N R25E Sec 36 SWNE T15N R25E Sec 36 NWSW T15N R25E Sec 36 SWSW
74-2148	T14N R25E Sec 2 NWSE T15N R25E Sec 35 SESE T15N R25E Sec 36 SWNE T15N R25E Sec 36 NWSW T15N R25E Sec 36 SWSW
74-15663	T14N R25E Sec 1 NWSW T14N R25E Sec 2 SENE T14N R25E Sec 2 NENW T14N R25E Sec 2 NWSE



T15N R25E Sec 35 SESE
T15N R25E Sec 36 SWNE
T15N R25E Sec 36 NWSW
T15N R25E Sec 36 SWSW

The highlighted portions designate the clerical changes that need made regarding these water rights.

At this time I am requesting that these changes be made to the partial decrees issued by the SRBA Court **without** having to file an application for transfer of water right. These points of diversion have always been the designated points of diversion and the discrepancies were entirely clerical. Therefore, I feel a formal transfer of water right is not warranted in this case.

I appreciate your consideration in this matter. Please contact me with any questions or concerns you have regarding these changes. (208) 768-2491 home or (208) 303-0102 cell

Sincerely,

F. James Whittaker

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF HEARING was mailed on January 27, 2014, with sufficient first-class postage to the following:

~~F JAMES WHITTAKER
PAULA J WHITTAKER
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FL
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000~~

~~F JAMES WHITTAKER
PO BOX 240
LEADORE, ID 83464~~

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

F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE, ID 83464
Phone: 208-768-2491

