

RECEIVED
MAY 29 2014
DEPARTMENT OF
WATER RESOURCES

Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 28 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 No.: 37-12168

Case No. 39576

) NOTICE OF EXPEDITED HEARING
)
)
)
)

A *Partial Decree* was issued for the above-captioned water right on January 5, 2001. On May 28, 2014, the Clerk of the Court received correspondence from Robert Curran, asserting that the *Partial Decree* contains an error 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 Decree* 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*. Given the current stage of the Snake River Basin Adjudication, the Court in an exercise of its discretion will hear the *Motion* on an expedited basis pursuant to *SRBA Administrative Order 1*, § 6.f.(2) as set forth below. The Court will send a copy of this *Order* as well as the *Motion* to each person on the current copy of the *Court Certificate of Mailing for Expedited Hearings*.

Therefore, IT IS ORDERED that an expedited hearing will be held on the *Motion to Set Aside and Correct Decree* on **July 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: May 28, 2014


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

May 27, 2014

SRBA Court
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303

RECEIVED
MAY 29 2014
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY 28 2014	
By _____	Clerk
	Deputy Clerk

RE: Water right 37-12168; petition to set aside partial decree and re-decree with correct elements

To Whom It May Concern:

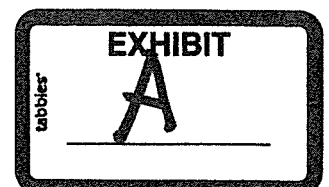
A couple years ago my parents were sent the attached letter and GIS images from Bill Mills of the IDWR, regarding their domestic water right #37-12168. In it, he alerted us that there was a mistake made in listing the location of the property and point of diversion for the water right.

It appears the location should be described within the SWNW $\frac{1}{4}$ of Section 25, Township 05N, Range 17E, B.M., and not within the NWNW $\frac{1}{4}$ of Section 25, Township 05N, Range 17E, B.M. as it is currently described.

Accordingly, my parents and I wish to petition the Court to set aside our partial decree and have it re-decreed with the correct elements. I have sent a copy of this petition and attached documents to the IDWR office.

Respectfully,


Robert M. Curran
P.O. Box 2643
Ketchum, ID 83340-2643





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 26, 2012

Robert J. Curran Trust
5530 NE 55th St
Seattle, WA 98105

RE: Notification of conflicting information relating to water right 37-12168

Dear Wateruser:

While reviewing water right records in your area using a geographic information system (GIS) that includes county taxlot information, an inconsistency between the described element(s) of the referenced water right and physical location was identified. (Please see the attached computer generated report of the referenced right from IDWR's database enclosed for your review.)

The right lists the location of the property and point of diversion within the NWNW¼ of Section 25, Township 05N, Range 17E, B.M. Using GIS review it appears the description is incorrect and should be described within the SWNW¼ of Section 25, Township 05N, Range 17E, B.M.

To correct this error you have two options to consider:

1. Petition the SRBA court to set aside your partial decree and have it re-decreed with the correct elements.
2. File an Application for Transfer with IDWR to correct the element(s) of the right.

To pursue option 1 you may contact the SRBA Court at 253 3rd Avenue North, P.O. Box 2707, Twin Falls, Idaho 83303-2707 Phone: 208-736-3011 Fax: 208-736-2121

To pursue option 2 you may contact IDWR at the office listed on the letterhead. You may also download the transfer application form and instruction using the following links:

http://www.idwr.idaho.gov/WaterManagement/WaterRights/PDFs/APPLICATION_FOR_TRANSFER_OF_A_WATER_RIGHT.pdf

http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/App_Transfer_Instructions.pdf

Both options have their relative pluses and minuses regarding time and money. Option 1 requires you deal with the SRBA court directly and if you are not comfortable doing it yourself you may need to consult a lawyer. Option 2 requires filing an application for transfer with supporting documents and paying a filing fee (\$200).

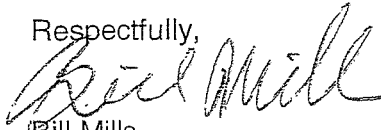
Please note that if you are not listed as the current right holder of record, an ownership change will also be necessary to complete the correction of the record. There is an associated filing fee of \$25 for ownership change. The form for ownership change may be downloaded using the following link:

http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/NOTICE_OF_CHANGE_OF_WATER_RIGHT_OWNERSHIP.pdf

If you take no action to correct the water right record, it is uncertain what potential impact this might have on future ownership questions or actions related to this water right.

If you have questions please feel free to contact this office at 208-736-3033.

Respectfully,

A handwritten signature in cursive script, appearing to read "Bill Mills".

Bill Mills,
Water Resource Agent
Southern Regional Office

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-12168

WATER RIGHT NUMBER: 37-12168

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GENEVIEVE A HARPER PO BOX 262 KETCHUM, ID 83340 (208)726-4738

Priority Date: 07/15/1963

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 25, Twp 05N, Rge 17E, B.M.
BLAINE County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	25						X											

Conditions of Approval:

1. PARCEL NO. RP002500030010T
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-12168

Comments:

1. DUNN1 1/8/1994 COPIED FROM REMARKS

Comment: LOT, BLK 3, GLASSFORD HEIGHTS SUB

2. CORR3 10/1/1997 COPIED FROM REMARKS

Comment: PARCEL NO. RP002500030010T PROPERTY ALSO KNOWN AS 101 WESTVIEW LN

3. DJONES 3/8/1999 CLAIMANT CONTACT

Comment: MS HARPER CALLED TO FIND OUT IF SHE HAD TO DO ANYTHING, HAVING A LETTER FROM THE DIRECTOR IN HAND. I DREW OUT THAT THE CLAIM WAS FOR HER HOME AND THAT THE HOME IS LOCATED ON LOT 1, BLOCK 3 OF GLASSFORD HEIGHTS SUBD. THE ORIGINAL CLAIM DIDNT HAVE THE LOT NUMBER SO HAVE ADDED THAT IN THIS COMMENT. ALL ELSE APPEARED OK.

4. ameritt 1/25/2012 error in the description of the pou

Comment: Based on current gcdb the taxlot layer information it appears the pou should be the SWNW Section 25, T5N, R17E.

Dates and Other Information:

Licensed Date:

Decreed Date: 1/5/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

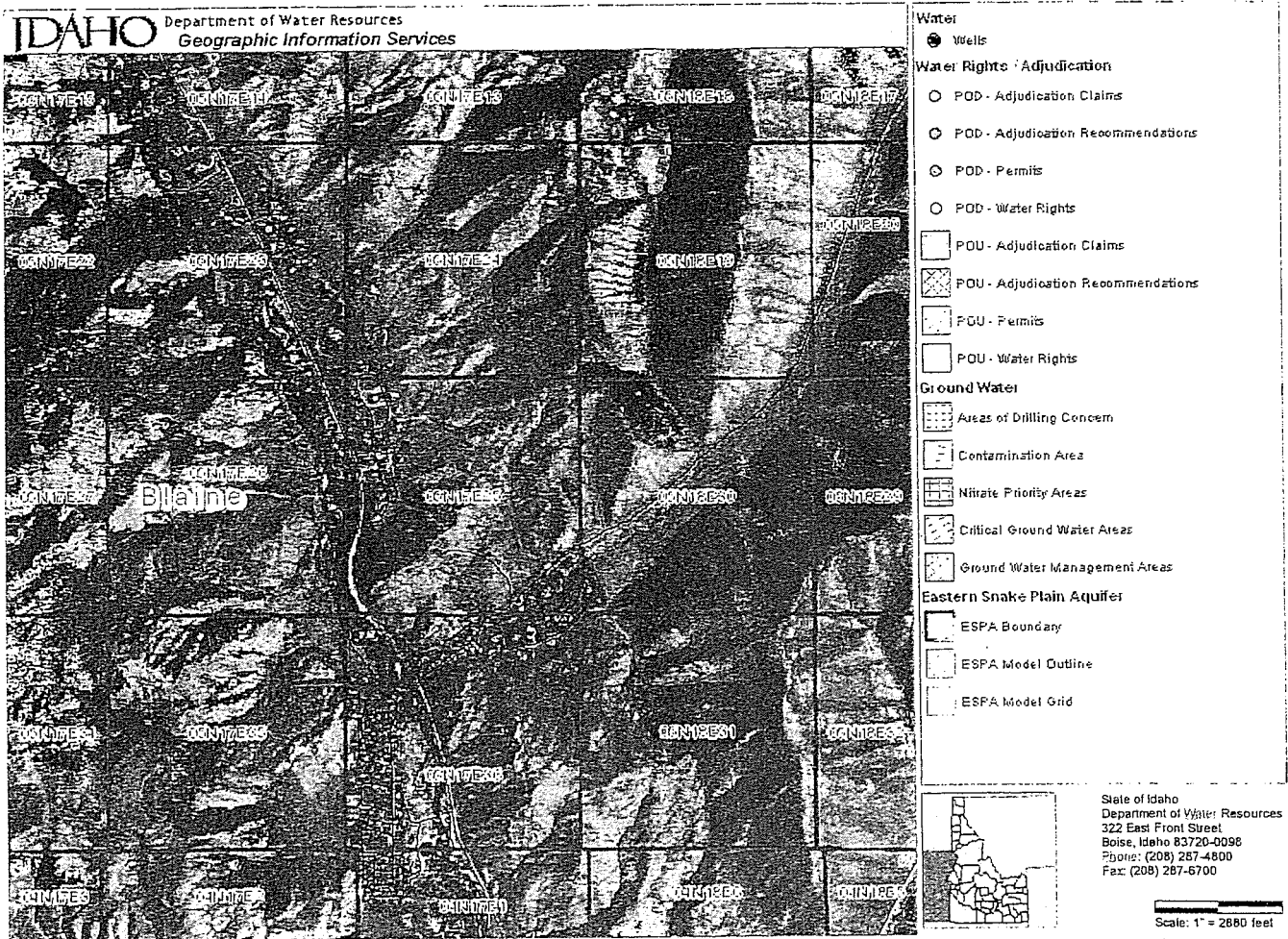
Combined Use Limits:Water Supply Bank:

[Home](#)
[Contact Us](#)



1. Layers

- WORKS**



Created: Sunday, January 29, 2012 - Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.



Layers Legend

Layers

- ☒ Base Map
- ☒ Major Roads
- ☒ Streets
- ☒ Cities
- ☒ Counties
- ☒ Townships
- ☒ Sections
- ☒ PLSD
- ☒ Water
- ☒ Major Rivers
- ☒ Wells
- ☒ Point of Diversion
- ☒ PDD - Adjudication Claims
- ☒ PDD - Adjudication Recommendations
- ☒ PDD - Permits
- ☒ PDD - Water Rights
- ☒ Place of Use
- ☒ POU - Adjudication Claims
- ☒ POU - Adjudication Recommendations
- ☒ POU - Permits
- ☒ POU - Water Rights
- ☒ Ground Water
- ☒ Areas of Diking Concern
- ☒ Contamination Area
- ☒ Nevada Risky Areas
- ☒ Critical Ground Water Areas
- ☒ Ground Water Management Areas
- ☒ Elected State Panel Aquifer

SELECT ACTIVE LAYER

Wells

2469346; 1303354

CERTIFICATE OF MAILING

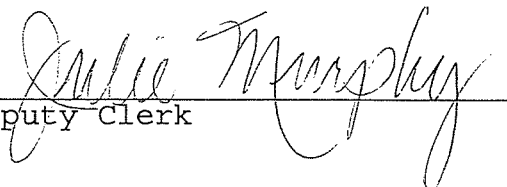
I certify that a true and correct copy of the NOTICE OF EXPEDITED HEARING (FOR WATER RIGHT 37-12168) was mailed on May 28, 2014, with sufficient first-class postage to the following:

GENEVIEVE A HARPER
PO BOX 262
KETCHUM, ID 83340
Phone: 208-726-4738

ROBERT M CURRAN
PO BOX 2643
KETCHUM, ID 83340-2643

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

ROBERT J CURRAN TRUST
5530 NE 55TH ST
SEATTLE, WA 98105

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF EXPEDITED HEARING (FOR WATER RIGHT 37-12168) was mailed on May 28, 2014, with sufficient first-class postage to the following:

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