



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
Director

August 3, 2012

MARLOW AND RONALD GEUIN
PO BOX 1689
SUN VALLEY ID 83353

RE: Change of Ownership for Water Right No. 37-12172

Dear Water Right Holders:

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

By the map you included in your Change of Ownership submission, it is pointed out that your water right is located in the wrong section. Your right lists the location as T05S R17E Sec 15 NESE, when it should be T05N R17E Sec 14 NWSW. (See enclosed partial decree and map)

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.
or
2. File an Application for Transfer with IDWR to correct the elements of the right.

With option 1, you contact the SRBA Court at:

253 3rd Ave N/PO Box 2707, Twin Falls, ID, 83303-2707

Phone: 208-736-3011 Fax: 208 736-2121 with a request to set aside your right because it is in the wrong location. Your proof is the letters and maps we have sent you. The Court will then reply and the process is started. This process requires you to deal with the Court directly but there is no fee to proceed this way. This process does take time to work through the Courts.

With option 2 you are required to file an Application for Transfer with Idaho Dept of Water Resources (IDWR), 1341 Fillmore St Ste 200, Twin Falls ID 83301, Phone: 208-736-3033, Fax: 208-736-3037. Your proof is the maps and letters we have sent you. This process is much faster but there is a \$200 filing fee.

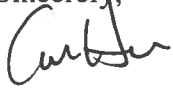
Both options have their relative pluses and minuses but if you take no action to correct the water right record it is uncertain what potential future impact this might have.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter. (208) 736-3033

Sincerely,

A handwritten signature in black ink, appearing to read "Carrie Hahn", written over the word "Sincerely,".

Carrie Hahn
Clerk
Enclosures

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-12172

NAME AND ADDRESS: JOHN FIX
PAULINE FIX
13803 ELM BROOK
SUN CITY WEST, AZ 85375

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 10/05/1965

POINT OF DIVERSION: T05N R17E S15 NESE 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 S15 NESE

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

**Water Right 37-12172
John and Pauline Fix**

Current Water Right location
5N 17E 15 NESE

Corrected Water Right location
5N 17E 14 NWSW HES 129