

Keen, Shelley

From: Keen, Shelley
Sent: Thursday, November 9, 2023 10:41 AM
To: 247ontherun@protonmail.com
Cc: Baxter, Garrick
Subject: Example of motion to set aside a decree
Attachments: 63-9245 Order Granting Motion to Set Aside Decree.pdf

Tammy,

It was a pleasure meeting with you this morning to discuss your options relative to Water Right 65-5054 and your domestic water use. One of the options we discussed was a motion to set aside the partial decree for Water Right 65-5054. As Garrick Baxter explained, we don't know how the SRBA Court would rule on such a motion. However, there is a recent example of the Court granting a motion to set aside a partial decree. I've attached a PDF of the SRBA Court's *Order Granting Motion to Set Aside Final Unified Decree and Correct or Amend the Partial Decree for Water Right 63-9245*. More information on this case is available from the Court's website at <http://164.165.134.61/S6309245XX.HTM>. For Water Right 65-5054, the issue and relevant facts are different from those presented to the Court regarding Water Right 63-9245. For that reason, this information about Water Right 63-9245 is probably more useful as insight into the procedural steps for a "motion to set aside" rather than as an indication of how the Court would respond if you were to file.

Other options we discussed included:

- A quiet title action requesting Court determination of the ownership of Water Right 65-5054. See Idaho Code §§ 42-248(8) and 6-401.
- Filing a motion to submit a late claim in the SRBA for your own domestic water use since 1990. More information is available <https://idwr.idaho.gov/water-rights/adjudication/SRBA/stockwater/>.
- Filing an application for a new water right in your name. Application forms are available at <https://idwr.idaho.gov/form/water-rights-forms/>.

To document our discussion, I'll add a printout of this email to the water right file for Water Right 65-5054.

Please call or email if you have more questions or need more information from IDWR.

Regards,

Shelley Keen | Deputy Director

☎ 208.287.4947

✉ shelley.keen@idwr.idaho.gov



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WATER RESOURCES