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Department of Water Resources

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UNITED STATES OF AMERICA

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ISB # 6697

Counsel for the United States of America

**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. 63-25204, 63-31398, 63-31539 |
|                | ) |                                           |
|                | ) | <b>MOTION TO CORRECT CLERICAL ERRORS</b>  |
| CASE NO: 39576 | ) |                                           |
|                | ) |                                           |
| _____          | ) |                                           |

**DESCRIPTIVE SUMMARY**

This is a motion by the United States of America, acting through the United States Department of Agriculture, Forest Service ("Forest Service") to correct clerical errors in the Partial Decrees issued for subcase nos. 63-25204, 63-31398 and 63-31539.

On June 3, 2003 the United States filed a Motion to File an Amended Notice of Claim for subcase 63-31539 to correct the tributary element.

On July 2, 2003 the United States filed the Affidavit of John Shelly (63-25204) and the Affidavits of Terry L. Teeter ( 63-31398 and 63-31539) ("Affidavits"). Attached to the Affidavits are the amended claims for the aforementioned subcase numbers (see Exhibit 1). The amended claims correctly identify the tributaries for the water right claims.

On July 15, 2003 the SRBA Court held evidentiary hearings for these subcases.

On July 22, 2003 the SRBA Court issued Partial Decrees pursuant to I.R.C.P. 54(b) for 63-25204, 63-31398 and 63-31539. There are clerical errors in the "tributary" field of the partial decrees that require correction. The correct tributaries are as follows:

63-25204 - Boise River, South Fork

63-31398 - Boise River, Middle Fork

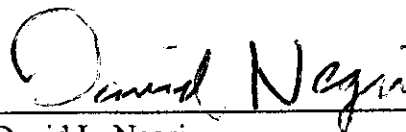
63-31539 - Slaughterhouse Gulch

#### MOTION

Therefore, pursuant to I.R.C.P. 60(a), the Forest Service requests that the clerical errors found in the Partial Decrees for subcase nos. 63-25204, 63-31398, 63-31539 be corrected to reflect the tributaries as identified in the Affidavits.

Dated this 9 day of August, 2003.

Respectfully submitted,



David L. Negri  
United States Department of Justice

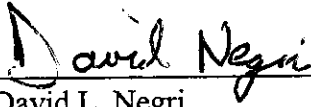
**Certificate of Service**

I certify that on August 19, 2003, I caused to be served a true and correct copy of the **MOTION TO CORRECT CLERICAL ERROR -63-25204, 63-31398, 63-31539** to the addresses listed below, by U.S. mail, postage prepaid:

Chief, Natural Resources Division  
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State of Idaho  
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