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Department of Water Resources

Albert P. Barker, ISB #2867

BARKER ROSHOLT & SIMPSON LLP

205 N. 10th Street, Suite 520

P. O. Box 2139

Boise, Idaho 83701

Telephone: (208) 336-0700

Facsimile: (208) 344-6034

Gray A. Young

Associate General Counsel

J.R. SIMPLOT COMPANY

999 Main Street, Suite 1300

P. O. Box 27

Boise, Idaho 83707

Telephone: (208) 389-7318

Facsimile: (208) 389-7464

Attorneys J.R. Simplot Company

**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 Number 43-00103C**

) **MOTION TO ALTER OR AMEND**

) **SPECIAL MASTER'S REPORT AND**

) **SPECIAL MASTER RECOMMEN-**

Case No. 39576

) **DATION FOR PARTIAL DECREE**

) **FOR WATER RIGHT 43-00103C**

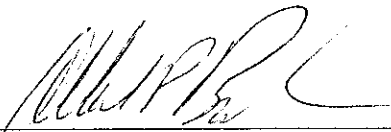
COMES NOW, the J.R. Simplot Company, by and through its attorneys of record, and in response to the Special Master Report and attached Special Master Recommendation for Partial Decree for Water Right 43-00103C entered by the Special Master on December 22, 2003, hereby, pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure, requests that the place of use on the Recommendation for the Partial Decree be

amended because it appears that a clerical transposition of numbers resulted in an incorrect designation of the place of use of the water right.

The Standard Form 5 filed by the parties accompanying the Joint Motion to Set Aside Partially Decreed Subcases listed a place of use in 22 different sections. The place of use in the Recommended Partial Decree also includes 22 sections. However, one section listed in the Recommended Partial Decree appears to have the section number transposed. The place of use in T13S R26E includes 39 acres in section 31 on the Recommended Partial Decree. The Stipulated SF5 included 39 acres in section 13 of that same township and range. All others of the 21 sections are the same as in the SF5. Consequently, J.R. Simplot Company requests that the Recommended Partial Decree be amended pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure to change the place of use description from section 31 in T13S R26E to section 13 in that same T13S R26E.

DATED this 7 day of January, 2004.

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7 day of January, 2004, I caused to be served a true and correct copy of the foregoing **MOTION TO ALTER OR AMEND SPECIAL MASTER'S REPORT AND SPECIAL MASTER RECOMMENDATION FOR PARTIAL DECREE FOR WATER RIGHT 43-00103C** by the method indicated below, and addressed to the following:

US Department of Justice
General Litigation Section
Environmental & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
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Boise, ID 83720-0098

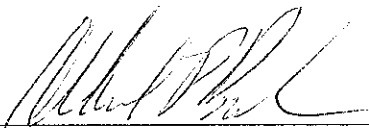
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Albert P. Barker