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DEPARTMENT OF
WATER RESOURCES

Names of Parties Filing Document:

UNITED STATES OF AMERICA

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**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: 69-10515
	)	
	)	MOTION TO CORRECT CLERICAL
Case No. 39576	)	ERROR
	)	
_____	)	

MOTION

Pursuant to Idaho R. Civ. P. 60(a), the United States of America, by and through the undersigned attorney, respectfully moves this Court to correct a clerical error in the partial decree filed in the above-captioned subcase because, through oversight, the water right was incorrectly decreed with a tract of land listed twice in the legal description of the place of use.

MEMORANDUM OF POINTS AND AUTHORITIES

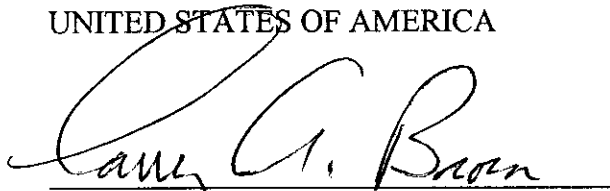
The above-captioned subcase is a state-law based claim for the in-stream watering of livestock filed by the United States Department of the Interior, Bureau of Land Management (hereinafter "BLM"). Through oversight, the director's report for the water right claim twice listed "T13N R06W S06 Lot 2" as a place of use. The error in the legal description of the place of use was never corrected. After all objections were dismissed, the Special Master filed a Special Master's Report and Recommendation that amended the priority date to 06/28/1934, but T13N R06W S06 Lot 2 was twice listed as a place of use. The District Court filed a partial decree that is essentially identical to the Special Master's Report and Recommendation. The United States respectfully requests the District Court to correct the clerical error in the partial decree by deleting one tract of land listed as T13N R06W S06 Lot 2 (), retaining one tract of land listed as T13N R06W S06 Lot 2 (), and adding NWNE within the parenthesis to complete the legal description to comport with Idaho Department of Water Resources standards for legal descriptions of government lots.

Therefore, for good cause shown, this Court should correct the above-referenced clerical error in the partial decree.

DATED this 22nd day of August 2004.

Respectfully submitted,

UNITED STATES OF AMERICA

A handwritten signature in black ink, appearing to read "Larry A. Brown", is written over a horizontal line.

Larry A. Brown
Of Attorneys for the United States

CERTIFICATE OF SERVICE

I certify that on Aug. 22, 2004, I served a true and correct copy of the foregoing **MOTION TO CORRECT CLERICAL ERROR; SUBCASE NUMBER 69-10515** by placing the documents in the United States Mail in Washington D.C., postage paid, and addressed as follows:

Original to:

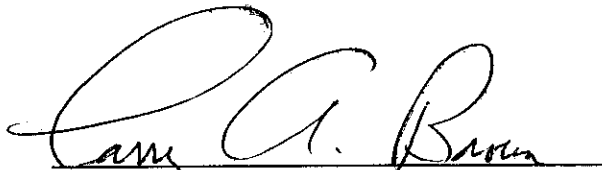
Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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