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Department of Water Resources

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Attorneys for Aslett Ranches

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. 51-00134 & 51-00135

Case No. 39576

MOTION TO CORRECT CLERICAL ERROR

Aslett Ranches Partnership, by and through its attorneys of record Moffatt, Thomas, Barrett, Rock & Fields, Chtd., hereby files this Motion to Correct Clerical Error. The changes which Aslett Ranches seeks to make to the Special Master's Report and Recommendation are strictly clerical in nature. Therefore, Aslett Ranches is proceeding under Idaho Rule of Civil Procedure 60(a) to request that the Special Master amend his Report and Recommendation as to SRBA Claim Numbers 51-00134 and 51-00135 in order to correctly reflect the legal description of the place of use for those water rights.

Idaho Rule of Civil Procedure 60(a) provides, in pertinent part:

Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. . . .

I.R.C.P. 60(a). That Rule provides the Special Master with the authority to correct the clerical errors discussed herein.

Aslett Ranches compared the Special Master's Report and Recommendation with the Standard Form 5's filed in SRBA Subcase Numbers 51-00134 and 51-00135, as well as the transfer approval documents from IDWR, approved in 2001 during the pendency of the SRBA proceedings. The Standard Form 5's were identical to the transfer approval documents as to the elements of SRBA Claim Numbers 51-00134 and 51-00135, with the exception of the period of use which was changed pursuant to the agreement of the parties to this subcase. However, there are certain discrepancies between the Standard Form 5's and the Special Master's Report and Recommendation for those rights.

Based upon that review, Aslett Ranches respectfully request the following corrections to the place of use description:

T15S R12E § 5 NENE (8.1 acres) **should be** T16S R12E § 5 NENE (8.1 acres)

T15S R12 E § 5 SENE (0.1 acres) **should be** T16S R12E § 5 SENE (0.1 acres)

T16S R12 E § 32 SWSE (28.3 acres) **should be** T15S R12E § 32 SWSE (28.3 acres)

Aslett Ranches respectfully request that those changes be made to the place of use description on the Special Master's Report and Recommendation for SRBA Claim Numbers 51-00134 and 51-00135.

DATED this 3rd day of July 2002.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Scott L. Campbell
Scott L. Campbell - Of the Firm

By Angela D. Schaer
Angela D. Schaer - Of the Firm
Attorneys for Aslett Ranches

CERTIFICATE OF SERVICE

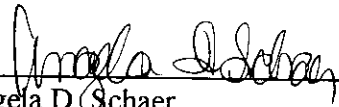
I HEREBY CERTIFY that on the 5th day of July 2002, I caused a true and correct copy of the foregoing **MOTION TO CORRECT CLERICAL ERROR** to be served by the method indicated below, and addressed to the following:

John R Coleman
Po Box 525
Twin Falls, ID 83303

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Director of IDWR
P.O. Box 83720
Boise, Idaho 83702-0098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Angela D. Schaer