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DEPARTMENT OF
WATER RESOURCES

Island Capitol, LLC

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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY**

In Re SRBA

Case No. 39576

) Subcase Nos. 65-02585, 65-03114,
) 65-03115, 65-03116, and 65-22587

) **Motion to Alter or Amend or Motion to**
) **Correct Partial Decrees Pursuant to**
) **Rules 59(e), 60(a) and 60(b), I.R.C.P.**
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)
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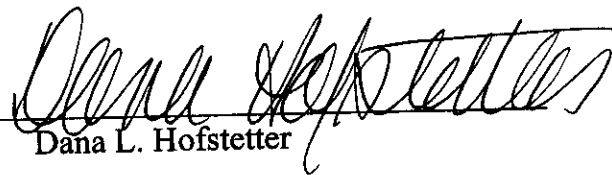
Island Capitol, LLC, by and through its counsel of record, Dana L. Hofstetter,
hereby moves this Court, pursuant to Rules 59(e), 60(a) and 60(b), I.R.C.P., to alter or
amend or correct Roseberry Irrigation District boundary map referred to in the *Partial*
Decrees in the above-referenced Subcases. These Motions are made on the basis that the
Roseberry Irrigation District boundary maps referenced in the *Partial Decrees* for the

above-referenced Subcases incorrectly identify a superseded boundary map dated November 9, 1999, rather than a map corrected and finalized by the Idaho Department of Water Resources and dated August 12, 2002. These Motions are supported by the record and the contemporaneously filed *Affidavit of Dana L. Hofstetter*. Oral argument is requested.

DATED this 15th day of November, 2004.

HOFSTETTER LAW OFFICE, LLC

By


Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November, 2004, I caused to be served copies of the foregoing **Motion to Alter or Amend or Correct Partial Decrees Pursuant to Rules 59(e), 60(a) and 60(b), I.R.C.P** by depositing a copy thereof in the U.S. mail, postage prepaid, upon:

Joe Eld
2554 East Roseberry
McCall, Idaho 83638

Lyle Points
P.O. Box 53
Donnelly, Idaho 83615

Charles F. McDevitt
P.O. Box 2564
Boise, Idaho 83701

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, Idaho 83724

David Gehlert
Environment and Natural Resources Division
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202


Dana L. Hofstetter

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