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3 Movant's Name:
Roost Potato Co.

4 Attorney's Name & Address:
5 Roger D. Ling
6 LING, ROBINSON & WALKER
7 Attorneys at Law
8 P. O. Box 396
9 Rupert, Idaho 83350
10 Telephone (208) 436-4717
11 Facsimile (208) 436-6804
12 ISB No. 1018

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

15 In Re SRBA)

Subcase No. 36-07000

16 Case No. 39576)

17 **MOTION FOR RELIEF FROM CLERICAL**
MISTAKE IN PARTIAL DECREE

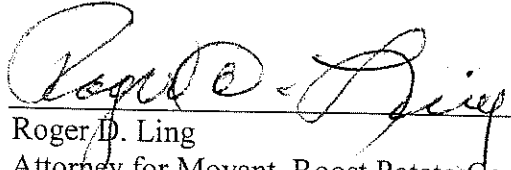
18 COMES NOW the claimant Roost Potato Co., by and through its attorney, and
19 moves the Court, pursuant to Rule 14d of the SRBA Administrative Order 1 and Rule 60(a) of
20 the Idaho Rules of Civil Procedure, for an Order striking the following words, to-wit: "The
21 quantity of water under this right shall not exceed 2,500 gallons per day." from the Partial Decree
22 entered herein on March 20, 1998, on the grounds and for the reasons that the inclusion of such
23 phrase under the quantity element of this water right was a clerical mistake and error arising from
24 oversight, and the phrase is inconsistent with the 134 acre-feet per year allowed under the
25 quantity element of this water right and the diversion rate of .56 cfs to provide water for a

26 MOTION FOR RELIEF FROM CLERICAL
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3 minimum of 2,000 cattle in a feedlot, and for the further reason that said limitation did not appear
4 in the Recommendation contained in the Director's Report for Water Right No. 36-07000, and
5 that a diversion rate of 0.56 cfs allows the pumping of 361,936 gallons per day.

6 DATED this 6th day of January, 2005.

7 LING, ROBINSON & WALKER

8
9 By: 

10 Roger D. Ling

11 Attorney for Movant, Roost Potato Co.

12 CERTIFICATE OF MAILING

13 I hereby certify that on January 7, 2005, I mailed the original and copies of this motion to
14 the following persons, by mailing the original and/or copies, postage prepaid and addressed as
15 follows:

16 1. Original to:

17 Clerk of the District Court
18 Snake River Basin Adjudication
19 253 Third Avenue North
20 P.O. Box 2707
21 Twin Falls, Idaho 83303-2707

22 2. Copies to:

23 IDWR Document Depository
24 P. O. Box 83720
25 Boise, ID 83720-0098

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

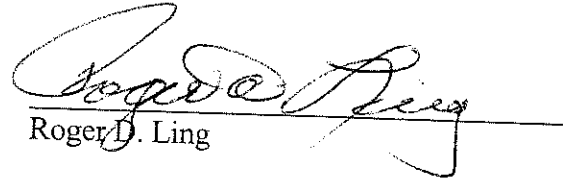
MOTION FOR RELIEF FROM CLERICAL
MISTAKE IN PARTIAL DECREE

LING, ROBINSON & WALKER

ATTORNEYS AT LAW

RUPERT, IDAHO 83350-0396

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734


Roger D. Ling

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