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(1907-1988)

Of Counsel
Fred J. Hahn

RECEIVED
JAN 18 2005
DEPARTMENT OF
WATER RESOURCES

COPY

January 13, 2005

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

RE: Water Right No. 23-10165

Dear Sir or Madam:

Enclosed are the following documents:

1. Motion for Relief from Partial Decree and one copy;
2. Motion to File Late Objection and one copy;
3. Standard Form 1 Objection and one copy; and
4. Affidavit of William T. Holden.

Please file the originals, date stamp the copies and return them to this office in the enclosed, pre-addressed, stamped envelope provided for your convenience.

Thank you for your kind assistance with this matter. If you have any questions, please feel free to contact us at your earliest convenience.

Yours very truly,



Kent W. Foster

Enclosures

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COPY

**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

Case No. 35976

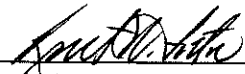
A. Subcase 23-10165

**MOTION FOR RELIEF FROM
PARTIAL DECREE**

Claimant, William T. Holden, hereby moves this court for relief from the Partial Decree disallowing the above numbered claim and for an order authorizing claimant to file a late objection, a copy of which, together with supporting documentation, is appended hereto, to the Director's Recommendation of Disallowance, pursuant to Idaho Rules of Civil Procedure, Rule 60(b) for reasons of mistake, inadvertence or excusable neglect, and hereby calls upon the court to exercise its inherent equitable powers to prevent a serious detriment and injustice to claimant without causing any injury or prejudice to the rights of the state or any other person, because claimant can produce substantial and undisputed evidence that water has been diverted and applied to beneficial use for a small recreational pond system each season, commencing with the irrigation of 1947.

Claimant further hereby moves this court for an order to expedite the hearing herein and to schedule the same at the earliest convenience of the court.

DATED this 13th day of January, 2005.



Kent W. Foster
Holden, Kidwell, Hahn & Crapo, PLLC

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of January, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Kent W. Foster, Esq.

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