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APR 11 2005

DEPARTMENT OF
WATER RESOURCES

Attorneys for Charles & Jennie Winter

**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. 39576

Subcase: 29-04491 & 29-13557

**SUPPLEMENTAL AUTHORITY
RE: MOTION TO SET ASIDE
PARTIAL DECREES**

COMES NOW, Charles and Jennie Winter (the "Winters"), by and through their attorneys of record, Givens Pursley LLP, and hereby submits the following supplemental authority regarding the Motion to Set Aside Partial Decrees issued for claim numbers 29-13557 and 29-4491 (the "Motion"). The Motion was brought by Harrison Moon and Debbie Sluder and was argued to the Court at 10:00am on March 30, 2005.

At that hearing, the Winters argued to the Court that Idaho Rule of Civil Procedure 60(b) precluded Mr. Moon and Ms. Sluder from setting aside the two partial decrees because more than six (6) months had passed since those partial decrees were entered. At the conclusion of the hearing, the Court reserved ruling upon the Motion and, more specifically, whether Rule 60(b) would be applied to the Motion. The Court openly opined that because the decrees were "partial" decrees, they may not be "final judgments" subject to Rule 60(b).

**SUPPLEMENTAL AUTHORITY RE: MOTION
TO SET ASIDE PARTIAL DECREES - 1**

The Winters submit for the Court's consideration Paragraph 14(d) of S.R.B.A. Administrative Order #1, which provides: "Parties seeking to modify a partial decree shall comply with I.R.C.P. 60(a) or 60(b). Partial decrees are final judgments and cannot be modified by an administrative proceeding except as provided in I.C. § 42-222."

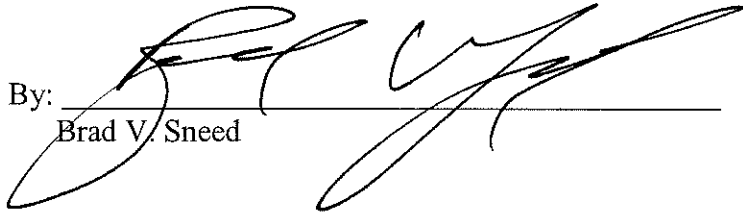
The Court has set a scheduling conference for 10:00am on April 20, 2005, at which time the Court has indicated it will rule upon the Motion brought by Mr. Moon and Ms. Sluder.

DATED this 8th day of April, 2005.

GIVENS PURSLEY LLP

By: _____

Brad V. Sneed

A handwritten signature in black ink, appearing to read "Brad V. Sneed", is written over a horizontal line. The signature is stylized with large, sweeping loops.

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of April, 2005, I served a true and correct copy of the foregoing by delivering the same to each of the following individuals by the method indicated below, addressed as follows:

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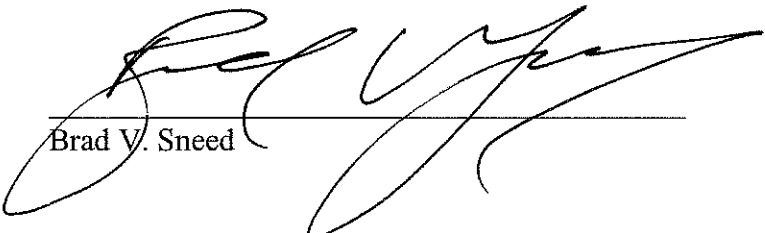
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