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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 35-4037

**MOTION FOR RELIEF FROM
PARTIAL DECREE**

Claimant, Richard D. Polatis, 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 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 on approximately 151.6 acres of irrigated land during each irrigation season, commencing with the irrigation season of 1959.

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 7 day of April, 2005.



Richard D. Polatis

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of April, 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



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