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DEPARTMENT OF
WATER RESOURCES

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Attorney for Boise City

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

Water Right Claim 63-18216

**MOTION TO SET ASIDE PARTIAL
DECREE; IRCP 60(b)**

**MOTION TO CORRECT CLERICAL
ERROR; IRCP 60(a)**

DOMESTIC RIGHT

COMES NOW, Matthew K. Wilde, attorney for Petitioner Boise City and files these motions in order to set aside a partial decree and amend the partial decree which incorrectly identifies the point of diversion and place of use for Water Right Claim 63-18216 due to what is presumed to be a clerical error.

Specifically, the above-referenced water right claim mistakenly identified the point of diversion and place of use, in a partial decree issued on January 19, 2000, as:

Point of diversion: T03N R02E S30 NENW
Place of use: T03N R02E S30 NENW

The point of diversion and place of use should actually be:

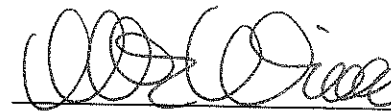
Point of diversion: T03N R02E S30 NWNE
Place of use: T03N R02E S30 NWNE

Boise City hereby seeks 1) the partial decree issued in this matter be set aside, and 2) an amended partial decree to correct the clerical error. IRCP Rules 60(b) and (a). Attached hereto is the *Affidavit in Support of Correcting the Legal Description of Decreed Claim, Water Right 63-18216*, which supports the modification requested in these motions.

Boise City seeks to correct this clerical error prior to the issuance of a final, unified decree.

Boise City agrees that the Snake River Basin Adjudication (SRBA) Court has jurisdiction over the parties and subject matter to enter a partial decree for this water right.

DATED this 5th day of May, 2005.



Matthew K. Wilde
Assistant City Attorney

CERTIFICATE OF SERVICE

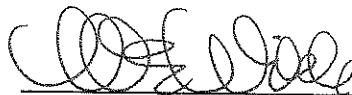
I hereby certify that I have on this 5th day of May, 2005, served the foregoing Motion to Set Aside Partial Decree and Motion to Correct Clerical Error on counsel for the Plaintiff(s) as follows:

Eric Wildman
Staff Attorney
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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Matthew K. Wilde
Assistant City Attorney