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Department of Water Resources

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Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Idaho State Bar Number 1198

**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

**AMENDED 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 1955. As alternative grounds, claimant adds the language of IRCP, Rule 60(a) and Rule 60(b)(5).

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 27th day of May, 2005.



Richard D. Polatis

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of May, 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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