

RECEIVED
MAR 28 2006
DEPARTMENT OF
WATER RESOURCES
MAR 28 2006

Law Offices

***RIGBY, THATCHER, ANDRUS,
RIGBY & MOELLER, Chartered***

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com*

March 23, 2006

SENT VIA FACSIMILE TRANSMISSION: 736-2121

Clerk of the Court
SRBA Court

RE: SRBA Subcase Nos. 29-10816

Dear Clerk:

We enclose for fax filing, "**Movant Lava Irrigation Company, Limited's Motion to Alter or Amend Director's Recommendation.**"

Sincerely,



Jerry R. Rigby

JRR:aw

COPY

Jerry R. Rigby (Bar No. 2470)
of RIGBY, THATCHER, ANDRUS,
RIGBY & MOELLER, Chartered
25 North Second East
P.O. Box 250
Rexburg, Idaho 83440
Phone: 208 356-3633
FAX: 208 356-0768

Attorneys for Movant Lava Irrigation Company, Limited (hereinafter "Movant")

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 Nos.: 29-10816____
)
) MOVANT LAVA IRRIGATION
) COMPANY, LIMITED'S MOTION TO
) ALTER OR AMEND SPECIAL
) MASTER'S RECOMMENDATION
)

Movant, Lava Irrigation Company, Limited, an Idaho Corporation ("Movant"), and pursuant to 13a of AO1, respectfully moves the Court to alter or amend the Special Master's recommendation as to water right No. 29-10816 (a copy of which is attached hereto and incorporated herein by reference) based upon the following clearly erroneous remarks:

1. N13 under condition number 4 states that the right is limited to 13,000 gallons per day. The water right is for irrigation with a diversion rate of 2.26 CFS. Therefore the limitation has nothing to do with the right. This limitation was originally contained in the original water right and was removed by the Department of Water Resources. This extended season of use right should have had the limitation deleted at the same time. However, it was mistakenly not removed.

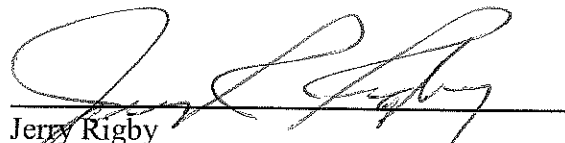
2. The right should contain a place of use based upon the water rights digital boundary

laws of the State of Idaho, consistent with Movant's boundaries already on file with the Department of Water resources.

Movant, through its counsel of record, has consulted with the Idaho Department of Water Resources, Snake River Basin Adjudication team and has been informed that IDWR agrees with the requested amendments described above.

Therefore, Movant hereby respectfully moves the above entitled Court to require that the Directors Recommendation delete paragraph 4 to the Conditions and also adds the digital boundary specifications of Lava Irrigation Company, Limited already on file with IDWR.

Dated this 23rd day of March, 2006.



Jerry Rigby
of RIGBY, THATCHER, ANDRUS,
RIGBY & MOELLER, Chartered

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 23rd day of March, 2006, a true and accurate copy of the foregoing was sent by facsimile transmission and/or U.S. Mail, postage prepaid to the following:

RANDALL C. BUDGE
RACINE, OLSON, NYE & BUDGE
PO BOX 1391
POCATELLO, ID 83204-1391

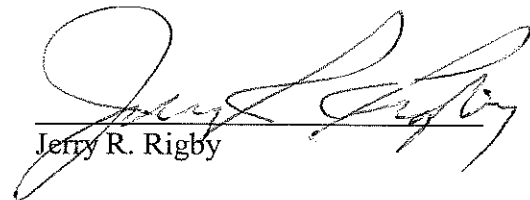
DEPUTY ATTORNEY GENERAL
CANDICE MCHUGH
1301 N. ORCHARD
P.O. BOX 83720
BOISE, ID 83720-0098

Mc CAMMON DITCH CO LTD
JAMES A SPINNER
P O BOX 6009
POCATELLO ID 83205

USDI BLM
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE ID 83724

PORTNEUF MARSH VALLEY
CANAL COMPANY
RANDALL C BUDGE
201 E. CENTER, STE A2
P O BOX 1391
POCATELLO ID 83204-1391

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Jerry R. Rigby