

BRIAN L. McMAHAN, ISB NO. 3724
MILLEMANN, PITTENGER, McMAHAN & PEMBERTON, LLP
ATTORNEYS AT LAW
706 NORTH FIRST STREET
POST OFFICE BOX 1066
McCALL, IDAHO 83638
TELEPHONE (208) 634-7641
FACSIMILE (208) 634-4516
EMAIL blm@mpmplaw.com

Attorneys for Claimants Cussler

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	)	Subcase	91-65; 65-02943B
	)		
Case No. 39576	)		
	)		
	)		
	)		
	)	MOTION TO AMEND PARTIAL	
	)	DECREE	
	)		

COME NOW the holders of the above-referenced water rights, in the subcase listed above, by and through undersigned counsel of record, pursuant to IRCP 60(b) and the other applicable provisions of the SRBA, and move this Court to amend the partial decree in the above-referenced subcase to include the separate stream administration provisions applicable to Boulder Creek and its tributaries, and to include the above-referenced subcase number in this Court's Partial Decree Pursuant to IRCP 54(b) for General Provisions In Basin 65. This Motion is based on the Court's file in this matter, including, but not limited to, the telephonic status conference held on March 7, 2006, the letter from Brian L. McMahan to IDWR dated January 9, 2006, and IDWR's response letter to Brian L. McMahan dated February 14, 2006, copies of which are in the Court's file. At said status conference on March 7th, both the IDWR and the U.S. Department of Justice (Bureau of Reclamation) indicated no objection to this Motion.

Due to the status conference on this matter already being held on March 7, 2006, and due to the above-referenced water right holders' desire to keep costs in this matter to a minimum, no further hearing is requested on this Motion. However, undersigned counsel will participate in a further hearing telephonically if the Court deems such a hearing necessary.

RESPECTFULLY SUBMITTED this 4th day of April, 2006.

MILLEMANN, PITTENGER, McMAHAN &
PEMBERTON, LLP

By: Brian L. McMahon
BRIAN L. McMAHAN

CERTIFICATE OF MAILING

I certify that a true and correct copy of the foregoing MOTION TO AMEND PARTIAL DECREE was mailed April 4th, 2006, with sufficient first class postage to the following:

IDWR
Attn: Susan Hamlin
PO Box 83720
Boise, Idaho 83720-0098

State of Idaho
Office of the Attorney General
P.O. Box 444449
Boise, Idaho 83711-4449

United States Department of Justice
550 West Fort Street, MSC 033
Boise, Idaho 83724

Dana Hofstetter
608 Franklin Street
Boise, Idaho 83702

Angela Schaer Kaufmann
P.O. Box 829
Boise, Idaho 83701-0829

Brian L. McMahon
BRIAN L. McMAHAN