

Roseberry Irrigation District

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MAY 29 2007

DEPARTMENT OF
WATER RESOURCES

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. 65-2585, 65-3114, 65-3115
) and 65-3116
)

) MOTION TO SET ASIDE
) PARTIAL DECREES AND
) MEMORANDUM IN SUPPORT

Motion

Pursuant to SRBA Administrative Order 1 and Rule 60(b)(5) of the Idaho Rules of Civil Procedure, the Roseberry Irrigation District, by and through its counsel of record, Dana L. Hofstetter of Hofstetter Law Office, LLC, respectfully moves that the Court set aside its Partial Decrees with respect to Subcase Nos. 65-2585, 65-3114, 65-3115, and 65-3116. This Motion is supported by the record in these subcases as well as Subcase No. 91-00065.

Memorandum

The Roseberry Irrigation District (the "District") has participated in Subcase No. 91-00065 concerning deletion of a proposed season of use general provision. An agreement has been reached between IDWR and the Roseberry Irrigation District regarding the inclusion of a irrigation season shoulder remark in the District's irrigation water rights, 65-2585, 65-3114, 65-3115, and 65-3116, in resolution of the District's concerns regarding this matter. In order to implement this agreement and allow resolution of Subcase No. 91-00065, it is necessary that these Partial Decrees be set aside for the addition of the proposed shoulder remark. Rule 60(b)(5), I.R.C.P. provides for relief in instances such as these where "it is no longer equitable that the judgement should have prospective application." Amendment of these Partial Decrees is necessary to reach ultimate resolution of Subcase No. 91-00065.

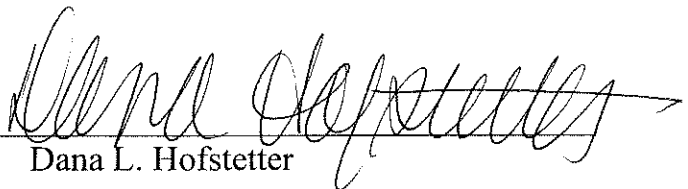
Conclusion

For the foregoing reasons, the Roseberry Irrigation District respectfully requests that the Court set aside the Partial Decrees in Subcase Nos. 65-2585, 65-3114, 65-3115, and 65-3116.

DATED this 25th day of May, 2007.

HOFSTETTER LAW OFFICE, L.L.C.
For the Roseberry Irrigation Dsitrict

By


Dana L. Hofstetter

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of May, 2007, I caused a true copy of the foregoing MOTION TO SET PARTIAL DECREES AND MEMORANDUM IN SUPPORT to be served by the method(s) indicated on the following:

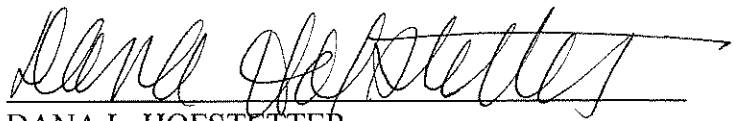
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