

Law

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DEPARTMENT OF
WATER RESOURCES

Attorneys for City of Weiser

**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 No. 3-7009 (City of Weiser)
	)	
Case No. 39576	)	MOTION FOR RECONSIDERATION OF
	)	PARTIAL DECREE FOR WATER RIGHT
_____	)	No. 3-7009

The City of Weiser respectfully submits this *Motion for Reconsideration of Partial Decree for Water Right No. 3-7009*. As governed by SRBA Administrative Order 1,¹ this *Motion* is being submitted pursuant to IRCP 59(e) which provides that Motions to Reconsider can be filed 'not later than fourteen (14) days after entry' of a judgment. The partial decree for 3-7009 was entered on July 9, 2007, and the deadline is therefore July 23, 2007.

Weiser requests this *Motion* because there is currently a subcase pending at the SRBA court (subcase 3-10010) which would moot 3-7009 or require the partial decree for 3-7009 to be modified in order to be consistent with 3-10010.

Idaho Rule of Civil Procedure 7(b)(3)(C) provides that a brief in support of a Motion to Reconsider may be filed within fourteen (14) days of the Motion. Pursuant to this rule, Weiser

¹ Administrative Order 1, Rule 1.a provides: "[t]he litigation of the SRBA will be governed by the Idaho Rules of Civil Procedure (I.R.C.P.), Idaho Rules of Evidence (I.R.E.), and the Idaho Appellate Rules (I.A.R.)."

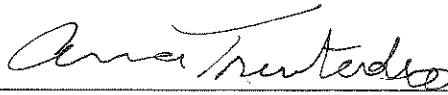
will submit a brief in support of this *Motion* within the fourteen day deadline of August 6, 2007.

This brief will explain in more detail the City's basis for this *Motion*.

Weiser also respectfully requests the court to schedule an oral argument on this matter.

Submitted this 23rd day of July, 2007.

BEEMAN & ASSOCIATES P.C.
Attorneys for the City of Weiser

By 

Anna R. Trentadue

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of July 2007, I caused a true copy of the foregoing **MOTION FOR RECONSIDERATION OF PARTIAL DECREE FOR WATER RIGHT No. 3-7009** be served by U.S. First Class Mail on:

UNITED STATES OF AMERICA
REPRESENTED BY:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC 033
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