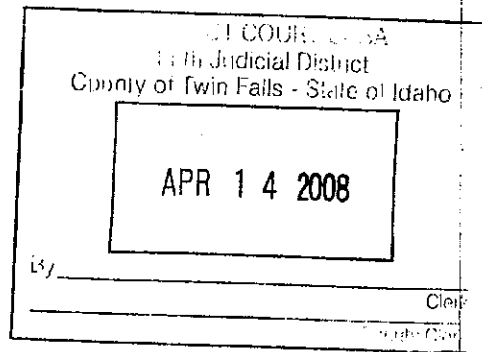


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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase Nos. 35-7210, 35-7369

MOTION TO SET ASIDE PARTIAL
DECREES AND FILE LATE OBJECTION

COME NOW SID E. AND MARILYN ALLEN, husband and wife, dba Allen Farms, through counsel, and hereby move the Court pursuant to IRCP Rule 60(b) and AO1 to set aside and/or amend the Partial Decrees entered on January 31, 2002 for Water Right 35-7210 and 35-7369 and for leave to file an Objection to the Recommendation for each of said rights included in the Director's Report. The purpose is to amend and correct the Partial Decree to reflect a combined place of use of 390 acres as reflected in the original Licenses and original SRBA Notices of Claim instead of the 367 combined acres reflected in the Partial Decrees. This Motion is made upon the grounds and for the reasons set forth in the supporting Affidavit of Sid E. Allen filed herewith, together with the exhibits attached thereto.

DATED this 10th day of April, 2008.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By Randall C. Budge
RANDALL C. BUDGE

CERTIFICATE OF MAILING

I certify that on April 10, 2008, I mailed the original and copies of this Motion to Set Aside Partial Decrees and File Late Objections, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to Claimant:

Sid and Marilyn Allen
2799 Vollmer Loop
American Falls, Idaho 83211

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724



RANDALL C. BUDGE