

Ray W. Rigby (Bar No. 613)
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 Donnetta M. Nelson (hereinafter "Movant")

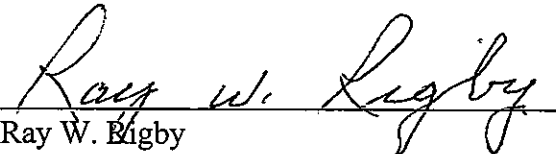
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA	)	
	)	Subcase Nos.: 35-02019
Case No. 39576	)	MOVANT DONNETTA M. NELSON
	)	MOTION TO ALTER OR AMEND
	)	SPECIAL MASTER REPORT AND
	)	RECOMMENDATION

Movant, Donnetta M. Nelson, of Shelley, Idaho ("Movant"), a party of interest, by and through her counsel, Ray W. Rigby, of Rigby, Andrus & Moeller, Chtd., respectfully moves the Court to alter or amend the SPECIAL MASTER REPORT AND RECOMMENDATION ("Order") in the above entitled water right which disallowed water right 35-2019. Said water right should be granted as claimed and partially decreed.

This motion is supported by the accompanying Memorandum in Support of this motion and the Affidavits of Jeffrey B. Trosper and Thane Nelson.

Dated this 28th day of January, 2009.


Ray W. Rigby
of RIGBY, ANDRUS & MOELLER, Chtd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 28th day of January, 2009, a true and accurate copy of the foregoing was sent by facsimile transmission and/or U.S. Mail, postage prepaid to the following:

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

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

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

United States Department of Justice
Environmental and Natural Resource
550 West Fort Street, MSC 033
Boise, ID 83724

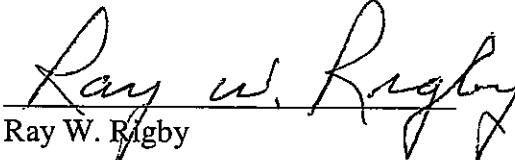
Don and Ruth Adams
2201 W. 1200 S.
Aberdeen, ID 83210

Steven Adams
2215 W. 1100 S.
Aberdeen, ID 83210

Richard Koompin
2229 W. 1000 S.
Sterling, ID 83210

Conan Feld
P.O. Box 864
Aberdeen, ID 83210

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, PLLC
P.O. Box 50130
Idaho Falls, ID 83405


Ray W. Ragby