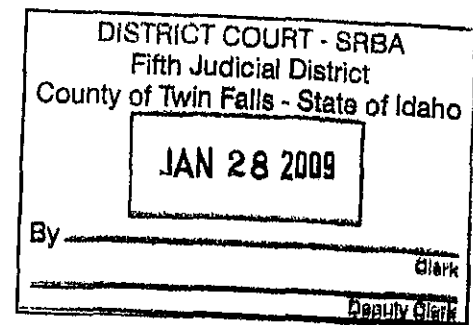




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Attorneys for Craig Whitted

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 No.: 63-7539

MOTION TO ALTER OR AMEND

COMES NOW Craig Whitted, ("Mr. Whitted") by and through his counsel
 of record, Trout ♦ Jones ♦ Gledhill ♦ Fuhrman, P.A., and, pursuant to SRBA AO1
 13(a), hereby files this Motion to Alter or Amend the Special Master's December
 16, 2008 Order and Recommendation.

Mr. Whitted requests that the December 16, 2008 Order and
 Recommendation altered or amended to vacate or significantly reduce the award
 of \$23,140.71 granted to claimant Sarah Jane Smith pursuant to Idaho Rule of
 Civil Procedure 15(a).

This motion is based on the record on file herein, as well as Craig Whitted's concurrently filed Memorandum in Support of Motion to Alter or Amend, which is incorporated herein by reference as if set forth in full.

DATED this 28 day of January, 2009.

TROUT ♦ JONES ♦ GLEDHILL ♦ FUHRMAN, P.A.


Reid W. Hay

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28 day of January, 2009, a true and correct copy of the foregoing document was served as follows:

John M. Marshall J. Will Varin GIVENS PURSLEY LLP PO Box 2720 Boise, ID 83701-2720	☐ First Class Mail ☐ Hand Delivery ☒ Facsimile ☐ Overnight Delivery
Idaho Department of Water Resources, c/o Nicholas B. Spencer 322 E. Front Street Boise, Idaho 83720	☐ First Class Mail ☐ Hand Delivery ☒ Facsimile ☐ Overnight Delivery


Reid W. Hay