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DEPARTMENT OF
WATER RESOURCES

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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

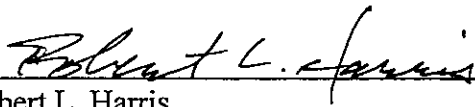
Case No. 39576

A. Subcase: 21-12992

MOTION TO SET ASIDE PARTIAL DECREE

RLF I LLC RLF II LLC, RLF III LLC, RLF IV LLC, by and through their counsel of record, Robert L. Harris of the law firm Holden, Kidwell, Hahn & Crapo, PLLC, hereby moves this Court to set aside the Partial Decree to the above referenced water right pursuant to Idaho Rule of Civil Procedure 60(b), because of a clerical error. A copy of the Partial Decree Order is attached, in one part of the Partial Decree it lists the diversion rate at 2 cfs, but at another point lists it at 3 cfs. The claimed amount was 2 cfs and the notation of 3 cfs is clearly in error. We request the Court issue an Amended Partial Decree, as the clerical error is obvious. We do not request oral argument on this matter, but if the Court feels so inclined, we recommend the Court set a hearing on this matter at an appropriate time.

Dated this 25th day of June, 2009.


Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC

CERTIFICATE OF MAILING

I certify that on this 25th day of June, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

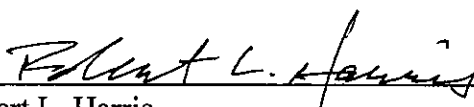
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

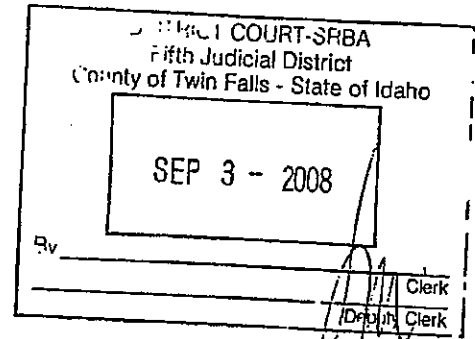
2. Copies to:

IDWR Document Depository
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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
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC



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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 21-12992
	)	
_____	)	

On June 6, 2008, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED September 3, 2008.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-12992

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 3 - 2008

NAME AND ADDRESS: RLF I LLC RLF II LLC
RLF III LLC RLF IV LLC
C/O RICHARD D DIVINE
PO BOX 2601
CRESTED BUTTE, CO 81224

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 2.00 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 07/25/1919

POINT OF DIVERSION: T08N R42E S18 NESESE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.00 CFS
	Stockwater	04-01 TO 11-01	0.02 CFS

PLACE OF USE:	Irrigation	Within Fremont County
	T08N R42E S07 LOT 3 (NWSW) 13.0	LOT 4 (SWSW) 28.0
	S18 NWNE 6.9	SWNE 36.0
	SENE 5.0	NENW 36.0
	LOT 1 (NWNW) 25.0	LOT 2 (SWNW) 27.0
	SENE 40.0	NESW 39.0
	LOT 3 (NWSW) 20.0	LOT 4 (SWSW) 13.0
	LOT 6 (SESW) 38.0	NESE 17.0
	NWSE 39.0	SWSE 40.0
	SESE 32.0	
	S19 LOT 8 (NWNE) 25.0	LOT 7 (SWNE) 3.9
	LOT 9 (NENW) 14.0	
	497.8 Acres Total	

Stockwater	Within Fremont County
Same as Irrigation	

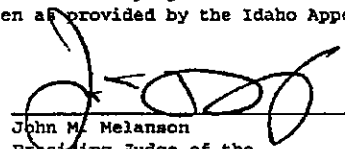
The rights listed below are limited to the irrigation of a
combined total of 497.8 acres in a single irrigation season.
Combined Right Nos.: 21-93, 21-13013, 21-145, 21-146, 21-12992.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication