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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

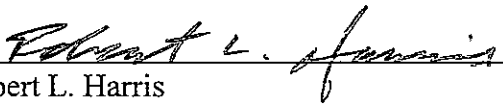
A. Subcases: 74-01560, 74-02159, 74-15632 and 74-15633

**MOTION TO SET ASIDE PARTIAL DECREES
PURSUANT TO I.R.C.P. 60(b)**

McFarland Livestock Company, Inc., 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 Decrees to the above referenced water rights pursuant to Idaho Rule of Civil Procedure 60(b), because of a clerical error. Copies of the Partial Decree Orders are attached. These water rights are all combined water rights and are noted correctly as such in the quantity section of each partial decree. However, in the Conditions section of each of these partial decrees, it lists the combined water rights as 74-01560, 74-02159, 74-15632 and 74-15634. The last water right, listed as 74-15634 instead of 74-15633, is clearly an error. Upon reviewing the Partial Decrees recently issued for water right nos. 74-01560 and 74-02159, it was brought to our attention that this error occurred not only on these water rights, but also water right nos. 74-15632 and 74-15633 which were issued Partial Decrees on September 19, 2008. 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 12th day of August, 2009.



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

CERTIFICATE OF MAILING

I certify that on this 12th day of August, 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:

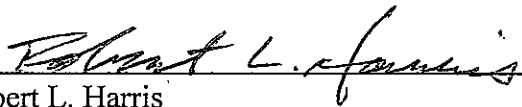
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
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Twin Falls, ID 83303-2707

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


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