

RECEIVED

AUG 31 2009

DEPARTMENT OF
WATER RESOURCES

Dana L. Hofstetter, ISB No. 3867
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, ID 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774

Attorney for Claimants
Charles J. Kritz, Jr.,
Diane B. Kritz and
Raymond C. Barker, Jr.

**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 2-2318B

Case No. 39576

MOTION TO ALTER OR AMEND

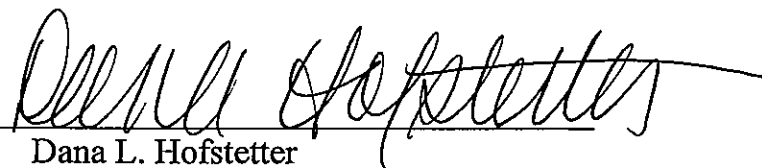
On July 9, 2009, Charles J. Kritz, Jr., Diane B; Kritz, and Raymond C. Barker, Jr. (hereinafter collectively the "Claimants") together with the Idaho Department of Water Resources ("IDWR") filed a Standard Form 5 ("SF5") resolving the Claimants' Objection in this Subcase. That SF5 included government lot descriptions in the place of use section but omitted quarter-quarter section information. However, it appears that Idaho Code §§ 42-1411(2)(h) and 42-1412(6) require the inclusion of quarter-quarter section

information in the place of use description for irrigation rights like this one.

To address this statutory requirement, pursuant to Snake River Basin Adjudication ("SRBA") Administrative Order No. 1, Section 13a, the Claimants, by and through their counsel of record, Dana L. Hofstetter of Hofstetter Law Office, LLC, respectfully move the Court to alter or amend its July 20, 2009 Special Master's Report and Recommendation so that an amended Standard Form 5 may be submitted in conformance with Idaho Code §§ 42-1411(2)(h) and 42-1412(6) and the Special Master's Report and Recommendation may be reissued with the required quarter-quarter section information. This *Motion* is supported by Idaho Code §§ 42-1411(2)(h) and 42-1412(6) and matters of record.

DATED this 28th day of August, 2009.

HOFSTETTER LAW OFFICE, LLC

By 
Dana L. Hofstetter

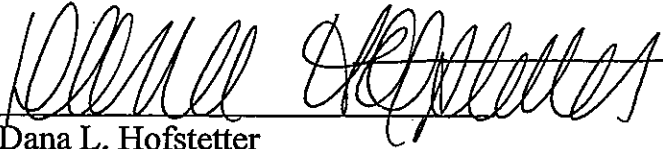
CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of August, 2009, I caused to be served copies of the foregoing **Motion to Alter or Amend** by U.S. Mail postage pre-paid to the following:

JON C GOULD
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE, ID 83701

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CHARLES J KRITZ JR
DIANE B KRITZ
RAYMOND C BARKER JR
415 VOLPI YSABEL RD
PASO ROBLES, CA 93446


Dana L. Hofstetter

E:\4056.3\8709