

Names of Parties Filing Document:

UNITED STATES OF AMERICA

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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	)	Subcase Number: 55-11920
	)	
	)	MOTION TO CORRECT CLERICAL
Case No. 39576	)	ERROR
	)	
_____	)	

MOTION

Pursuant to Idaho R. Civ. P. 60(a), the United States of America, by and through the undersigned attorney, respectfully moves this Court to correct a clerical error reflected in the partial decree filed in the above-captioned subcase. The water right was decreed with a inaccurate description of the place of use .

MEMORANDUM OF POINTS AND AUTHORITIES

The above-captioned subcase is a state-law based claim for the in-stream watering of livestock filed by the United States Department of the Interior, Bureau of Land Management. Through oversight, the Partial Decree for the water right contains a typographical error which describes the place of use with an inaccurate section number. The water right is for instream stockwatering located entirely within SWNE, S35, T09S, R03W. The point of diversion is correctly described as within section 35. The place of use, however, erroneously describes this same legal land description in section 34 instead of section 35. The typographical error went undiscovered until just recently. The original Notice of Claim contained a correct description of this place of use, as well as others, but somewhere along the line a typographical error was introduced when amending the claim to describe a shorter stretch of stream.

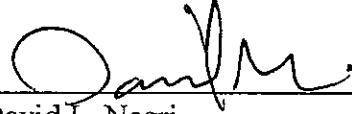
The State of Idaho filed an objection on December 5, 1997, concerning priority date, which was settled pursuant to a Stipulation to Resolve Subcases filed on July 1, 1999. A Special Master's Report and Recommendation was issued on July 12, 1999; and a Partial Decree was issued on January 3, 2000.

Therefore, for good cause shown, the United States requests that this Court correct the above-referenced clerical error and describe the place of use as SWNE, S35, T09S, R03W. Exhibit 1, attached to this Motion, indicates the error in the water right description.

DATED this 2d day of September 2009.

Respectfully submitted,

UNITED STATES OF AMERICA

A handwritten signature in black ink, appearing to read "David L. Negri", is written over a horizontal line.

David L. Negri
Attorney for the United States

CERTIFICATE OF SERVICE

I certify that on 9/3, 2009, I served a true and correct copy of the foregoing **MOTION TO CORRECT CLERICAL ERROR; SUBCASE NUMBER 55-11920, together with Exhibit 1** by placing the documents in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

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

Copies to:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-4449

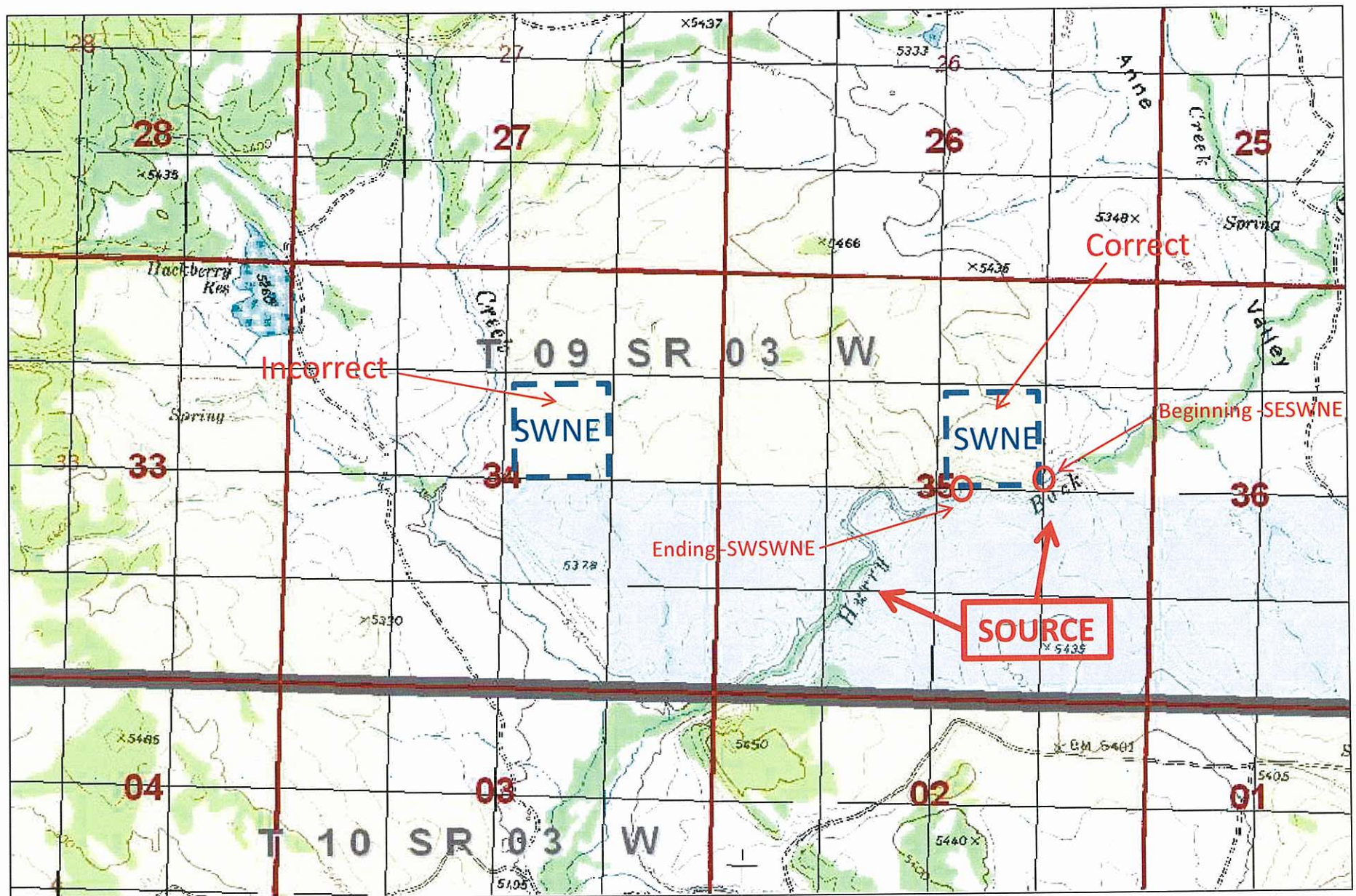
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Page 1 Exhibit 1, Motion to Correct Clerical Error; Subcase: 55-11920



T09S R03W

55-11920, BLM Ident #5501581884

