

Travis L. Thompson, ISB # 6168
BARKER ROSHOLT & SIMPSON LLP
113 Main Ave. West, Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-485
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

RECEIVED
SEP 09 2009
DEPARTMENT OF
WATER RESOURCES

*Attorneys for Objectors Michael Poulton, Pickett Ranch & Sheep Co,
and Joe Tugaw*

**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 No. 45-12468
	)	
Case No. 39576	)	MOTION TO ALTER OR AMEND
	)	
_____	)	

COME NOW, the above-named Objectors, by and through their attorney of record,
Travis L. Thompson of the firm BARKER ROSHOLT & SIMPSON LLP, pursuant to Rule 13(a)
of this Court's Rules of Procedure (A01), and moves this Court for an Order amending the
Special Master's Report for the above-listed subcase.

BASES FOR MOTION

The Objectors filed a motion to file a late objection to the BLM's water right 45-12468
on April 7, 1999 (Poulton), June 23, 1999 (Pickett) and July 12, 1999 (Tugaw). After litigation
continued over the motions and other matters in this subcase, the Parties settled the objections
though the *Stipulation and Joint Motion for Order Approving Stipulation* ("Stockwater
Settlement") filed with the Court on August 29, 2002. Once the Stipulation was filed the parties

proceeded to file the appropriate documents with the Court in each of the respective subcases. In this case, the United States entered into a Standard Form 5 with IDWR on December 8, 2008. The Objectors were not signatories to the SF5. The Special Master's Report was then filed on August 17, 2009.

Both the Standard Form 5 and the Special Master's Report inadvertently omitted a necessary remark regarding the Stockwater Settlement. It appears that a mistake or clerical error was made when the SF5 was signed and filed with the Court. The water right description should have included the following remark:

The operation, use, and administration of this water right is also subject to the terms and conditions of the stipulation and joint motion for order approving stipulation entered into on August 29, 2002 between the United States of America and Western Stockgrowers Association et al., filed in the office of the Cassia County Recorder and recorded on June 6, 2003 as instrument no. 289179; the provisions of such stipulation to apply fully to this water right.

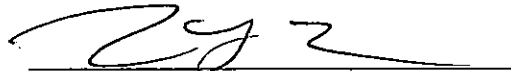
This remark is included on water rights 45-2789 and 45-12675, two other BLM water rights that the Court issued Special Master's Reports for on August 17, 2009 as well. All of these water rights are listed on Exhibit A to the Stockwater Settlement (U.S. Claims on Permittees' Allotments). Since the Objectors signed SF5s for water rights 45-2789 and 45-12675 on March 19, 2009, the two other BLM claims, it is unclear why the Objectors were not signatories to the SF5 for water right 45-12468.

The remark is also included on the private water rights filed by the Objectors and is included on other federal water rights subject to the Stockwater Settlement as well. Consequently, the remark should be included on water right 45-12468 for administration purposes and consistency for the water rights subject to the Stockwater Settlement.

The Objectors respectfully request the Court to amend the Special Master's report accordingly.

DATED this 8th day of September, 2009.

BARKER ROSHOLT & SIMPSON LLP


Travis L. Thompson

Attorneys for Objectors

CERTIFICATE OF SERVICE

I certify that on September 8th, 2009, I served a true and correct copy of the foregoing **MOTION TO ALTER OR AMEND** upon the following individuals by the method indicated as follows:

Original hand delivered to:

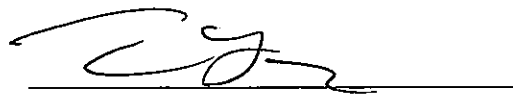
Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

Copies mailed to:

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

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449


Travis L. Thompson