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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

Subcase Nos.: 78-4084A, 78-4084B,  
78-4084C

**RULE 60(b) MOTION FOR RELIEF FROM  
JUDGMENT**

**REQUEST FOR EXPEDITED CONSIDERATION**

COMES NOW Brent Rocky, LLC ("Brent Rocky"), by and through its undersigned counsel of record and hereby respectfully requests, pursuant to Administrative Order 1, Rule 15(d) and Idaho Rule of Civil Procedure 60(b), that this Court grant Brent Rocky's motion for relief from the partial decree disallowing water right nos. 78-4084A, 78-4084B, and 78-4084C. Brent Rocky further requests that the Court require the Idaho Department of Water Resources to submit an amended or supplemental recommendation of these water rights after an

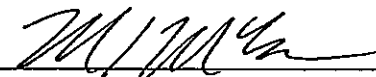
appropriate investigation, including a field examination as necessary, is conducted. The grounds for this motion are the Idaho Department of Water Resources' failure to appropriately investigate the timely beneficial use claims for water rights appurtenant to the Boar's Nest ranch property, and the unjust forfeiture of water rights that will result should the recommended and decreed disallowance stand.

This Motion is supported by the accompanying Memorandum in Support of Rule 60(b) Motion for Relief from Judgment, the Affidavit of Scott King, and the Affidavit of Matthew J. McGee.

Expedited consideration of this motion is requested.

DATED this 5 day of October, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &  
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By   
Matthew J. McGee – Of the Firm  
Attorneys for Brent Rocky LLC

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5 day of October, 2009, I caused a true and correct copy of the foregoing **RULE 60(b) MOTION FOR RELIEF FROM JUDGMENT** to be served by the method indicated below, and addressed to the following:

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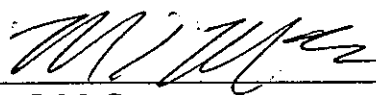
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