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DEPARTMENT OF
WATER RESOURCES

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: 75-14436
	)	
	)	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 issued on October 28, 2009 in the above-captioned subcase. The water right was decreed with an inaccurate description of two places of use and is missing a remark under that element.

MEMORANDUM OF POINTS AND AUTHORITIES

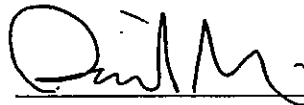
A Standard Form 5 ("SF-5") was filed with the Snake River Basin Adjudication ("SRBA") court on June 16, 2009 by the parties. A Special Master's Report & Recommendation ("SMRR") was issued on August 10, 2009 that is inconsistent with the SF-5 in three places: 1) The place of use for stockwatering purposes described as NWNW, S03, T20N, R22E should be described as Lot 4 (NWNW); 2) The place of use for commercial purposes described as NWNW, S03, T20N, R22E should be described as Lot 4 (NWNW); and 3) The remark under the place of use element is missing that reads "Place of use does not include federal public lands." These inconsistencies were carried over into the Partial Decree that was issued on October 28, 2009.

Therefore, for good cause shown, the United States requests that this Court correct the above-referenced clerical error and issue an Amended Partial Decree.

DATED this 4 day of December 2009.

Respectfully submitted,

UNITED STATES OF AMERICA



David L. Negri
Attorney for the United States

CERTIFICATE OF SERVICE

I certify that on December 4, 2009, I served a true and correct copy of the foregoing **MOTION TO CORRECT CLERICAL ERROR; SUBCASE NUMBER 75-14436** 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:

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