

MAR 15 2010

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In Re SRBA
Case No. 39576

**MOTION FOR RECONSIDERATION OF
ORDER DENYING MOTIONS TO FILE LATE
NOTICES OF CLAIM**

The grounds for this *Motion* are that the Court's *Order* is based upon an incorrect interpretation that provision of the 1938 *Gossi v. Giampedraglia Decree* (hereinafter "*Gossi Decree*") forever enjoins *Gossi Decree* rights holders "from diverting or using more water than set forth therein for use upon the lands described in the *Decree*." *Special Master Report and Recommendation*, at 6. This interpretation is erroneous because it: (1) fails to recognize that the

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purpose of the injunction, to protect *Gossi Decree* rights from interference, did not require prohibiting *Gossi Decree* right holders from diverting additional unappropriated water for beneficial use on their lands; (2) is inconsistent with the appropriation, use, licensing and SRBA decrees of East Fork water rights for use on lands identified in the *Gossi Decree*; (3) abrogates the Claimants' constitutional rights to appropriate the unappropriated waters of this State, and (4) adversely affects existing rights and interests.

This *Motion* is supported by the *Memorandum in Support and Affidavit of S. Bryce Farris* filed concurrently herewith, along with the pleadings and record already before the Court.

Claimants request oral argument on this *Motion*.

Dated this 12th day of March, 2010.

RINGERT LAW CHARTERED

By: 
Daniel V. Steenson
Attorney for Claimants

CERTIFICATE OF SERVICE

I certify that on March 12, 2010, I served copies of this document, including all attachments by mailing a copy thereof, postage prepaid, to each of the parties listed below.

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