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DEPARTMENT OF
WATER RESOURCES

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Charles J. Kritz, Jr. and Diane B. Kritz

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY**

In Re SRBA

Case No. 39576

Subcase No. 2-2318A

**OBJECTORS' MOTION FOR
RECONSIDERATION**

Objectors Raymond C. Barker, Jr., Charles J. Kritz, Jr. and Diane B. Kritz, by and through their counsel of record, Dana L. Hofstetter of Hofstetter Law Office, LLC, and pursuant to Idaho Rule of Civil Procedure ("I.R.C.P.") 11(a)(2)(B), hereby move the Court to reconsider its Order Denying Motion to Strike, Granting Summary Judgment and Vacating Trial and Special Master Report filed on August 25, 2010 (hereafter, the "Order"). Specifically, this Court is respectfully requested to reconsider its ruling on the following issues in its Order:

- (i) The Order incorrectly concluded that the Motion to Strike was no longer relevant based on Objectors' own evidence, and consequently made an incorrect finding of fact regarding Objectors' or their predecessors' alleged attempts to block Mr. Wilkerson or his predecessors from exercising Water Right No. 02-2318A;
- (ii) Issues relating to the doctrines of abandonment, waiver and laches are factual, and based on the material facts in dispute and inferences therefrom in the record, require denial of Claimants' Motion for Summary Judgment, and proceeding to trial;
- (iii) For purposes of preserving this issue, Objectors contend that the doctrine of forfeiture should be applied in this Subcase; and
- (iv) The Special Master's Recommendation for the Partial Decree of Water Right 02-2318A should be modified to include a remark in the point of diversion element that no right of way or easement is conferred across the property of another.

This Motion is supported by the Affidavit of Norman C. Young in Support of Motion for Reconsideration and the Brief in Support of Motion for Reconsideration filed herewith, and other matters of record. Oral argument is requested.

DATED this 8th day of September, 2010.

HOFSTETTER LAW OFFICE, LLC

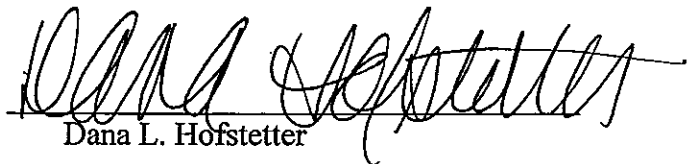
By: 
Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of September, 2010, I caused to be served copies of the foregoing Objectors' Motion for Reconsideration by the method(s) indicated below:

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