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DEPARTMENT OF
WATER RESOURCES

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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 Nos. 75-2, 75-2162, 75-10046,
	)	75-10047, 75-2034, 75-2035, and 75-14254
Case No. 39576	)	(Edwards)
	)	
_____	)	CITY OF SALMON'S MOTION TO SET ASIDE PARTIAL DECREES FOR EDWARDS WATER RIGHT NOS. 75-2, 75- 2162, 75-10046, 75-10047, 75-2034, 75-2035, and 75-14254

The City of Salmon respectfully submits this *Motion to Set Aside Partial Decrees for Edgar S. Edwards and Myrtle Edwards Water Right Nos. 75-2, 75-2162, 75-10046, 75-10047, 75-2034, 75-2035, and 75-14254*. As governed by SRBA Administrative Order 1,¹ this *Motion* is being submitted pursuant to I.R.C.P. 60(a) which provides that "clerical mistakes and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party."

The Edwards Water Right Nos. 75-2, 75-2162, 75-10046, 75-10047, 75-2034, 75-2035, and 75-14254 are seven of the SRBA claims recommended for the Jesse Creek drainage when the Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The City of Salmon's water rights 75-7, 75-17D, 75-19E, 75-26A, 75-10075 and 75-10076 were recommended in the same

¹ Administrative Order 1, Rule 1.a provides: "[t]he litigation of the SRBA will be governed by the Idaho Rules of Civil Procedure (I.R.C.P.), Idaho Rules of Evidence (I.R.E.), and the Idaho Appellate Rules (I.A.R.)." Rule 1.b provides that "[t]hese procedures supplement the I.R.C.P., I.R.E., I.A.R. and any other applicable laws or orders of this court only to the extent necessary to allow for the fair and expeditious resolution of all claims or issues in the SRBA." Rule 14.d provides that "[p]arties seeking to modify a partial decree shall comply with I.R.C.P. 60(a) or 60(b)."

Report, and were objected to by Edwards and Arrowhead Water District. Partial decrees were subsequently entered for Edwards SRBA claims 75-2 (June 11, 2009), 75-2162 (June 11, 2009), 75-10046 (June 11, 2009), 75-10047 (June 11, 2009), 75-2034 (November 17, 2008), 75-2035 (June 11, 2009), and 75-14254 (June 11, 2009). On June 25, 2010 IDWR filed an Amended Director's Report for all of the City of Salmon SRBA claims previously recommended on January 11, 2007.

The City of Salmon respectfully requests that this Court withdraw entry of judgment and delay entry of judgment for 75-2, 75-2162, 75-10046, 75-10047, 75-2034, 75-2035, and 75-14254. Granting this *Motion* will ensure that the Edwards, City of Salmon, and Arrowhead interrelated water rights on the Jesse Creek drainage are presented consistently and uniformly for partial decree.

A Memorandum in Support of this Motion will be filed within 14 days.

Respectfully submitted this 30TH day of September 2010.

BEEMAN & ASSOCIATES P.C.
Attorneys for the City of Salmon

By Josephine P. Beeman
Josephine P. Beeman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of September 2010, I caused a true copy of the foregoing **CITY OF SALMON'S MOTION TO SET ASIDE PARTIAL DECREES FOR EDWARDS WATER RIGHT NOS. 75-2, 75-2162, 75-10046, 75-10047, 75-2034, 75-2035, and 75-14254** to be deposited in an official U.S. Post Office box with First Class postage affixed, addressed to the following:

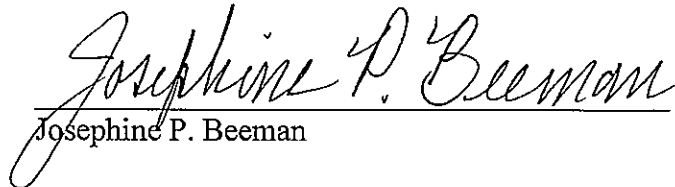
UNITED STATES OF AMERICA
REPRESENTED BY:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
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STATE OF IDAHO
REPRESENTED BY:
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