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DEPARTMENT OF
WATER RESOURCES

Shelley M. Davis, ISB #6788
Scott M. Magnuson, ISB #7916
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for West Indian Cove Canal Company

**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.: 2-2044, 2-00055, 02-2097B,
02-2128, 02-4015, 02-7133, 02-10008, and 02-
10010

**WEST INDIAN COVE CANAL
COMPANY'S MOTION TO SET ASIDE
PARTIAL DECREES**

22055-12
3-21-13

COMES NOW, WEST INDIAN COVE CANAL COMPANY ("WICCC"), by and
through its attorneys of record, the law firm Barker Rosholt & Simpson, LLC, and hereby moves
this Court to set aside the Partial Decrees of the above referenced water rights pursuant to Idaho
Rules of Civil Procedure 60(b)(6), and that the Amended Digital Boundary, attached herewith,
be filed and processed in order to accurately portray the correct digital boundary for the service
area encompassed by WICCC.

The partial decrees entered May 20, 2009, for all of the water rights set forth above,
inaccurately portrayed the place of use description in the incorporated digital boundary. The
flawed digital boundary failed to include all of the authorized acres in TS6S, R7E, S11 NWNW.
No additional acres need to be added to the place of use description, rather the amended digital

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PARTIAL DECREES**

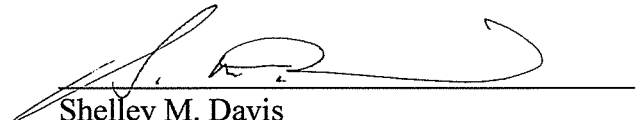
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boundary itself needs to replace the inaccurate digital boundary already incorporated in the place of use element for each of the water rights. An Amended Service Area shapefile, prepared by Carter Fritschle of the Idaho Department of Water Resources, attached to the Affidavit of Shelley M. Davis in Support of Canal Company's Motion to Set Aside Partial Decree, is filed concurrently herewith as Exhibit A.

We respectfully request that this court set aside the partial decrees for these water rights and replace the inaccurate digital boundary incorporated in the place of use element of the water rights, with the attached Amended Digital Boundary which accurately depicts the place of use for WICCC's water rights. This Motion is supported by West Indian Cove Canal Company's Memorandum in Support of Motion to Set Aside Partial Decrees, and the Affidavit of Shelley M. Davis in support thereof.

DATED this 19th day of March, 2013.

BARKER ROSHOLT & SIMPSON LLP


Shelley M. Davis
Attorneys for West Indian Cove Canal Company

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MAR 21 2013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of March, 2013, I caused to be served a true and correct copy of the foregoing **WEST INDIAN COVE'S CANAL COMPANY'S MOTION TO SET ASIDE PARTIAL DECREES** by the method indicated below, and addressed to each of the following:

Original filed via U.S. Mail with:

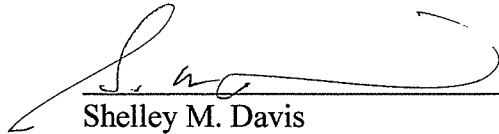
Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707
Fax No. 208-736-2121

Copy mailed to:

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P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resc Division
550 West Fort Street, MSC 033
Boise, ID 83724



Shelley M. Davis

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