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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	)	
	)	
Case No. 39576	)	Subcase Nos. 1-2068 and 1-2068Y
	)	
	)	CITY OF POCATELLO'S
	)	MOTION TO ALTER OR AMEND
	)	RECOMMENDATION
_____	)	

The City of Pocatello (Pocatello), by and through its counsel of record, Beeman & Associates, hereby and pursuant to SRBA Administrative Order No. 1, Section 13a, and Rules 7(b)(1) and 7(b)(3), I.R.C.P., hereby moves this Court to alter or amend its March 6, 2013 Special Master's Report and Recommendation (March 6 Order, amended *nunc pro tunc* on April 15, 2013). A brief in support of this motion will be filed within 14 days pursuant to Rule 7(b)(3), I.R.C.P. Oral argument is requested.

The grounds for this motion are as follows:

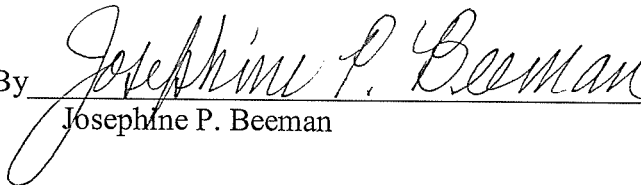
1. The SRBA court, including proceedings before the Special Master, has an obligation to refer to and render decisions that are not in conflict with its own records. It was error for the Special Master to deny the inclusion of and consideration of Pocatello's

exhibit 522 pertaining to United Water Idaho water rights associated with the municipal purpose of use under Reclamation water right 63-3614.

2. It was error for the Special Master to determine that an accomplished transfer and the diversion of storage water by the City under water right 1-2068 or 1-2068Y were necessary for the inclusion of a municipal purpose of use under water right 1-2068 or 1-2068Y.
3. The City of Pocatello was not a party to the September 25, 2012 Stipulation regarding inclusion of the "Pioneer ownership remark" in subcase 1-2068, and it is error to include the remark at this time.

Dated this 29th day of April 2013.

BEEMAN & ASSOCIATES, P.C.
Attorneys for the City of Pocatello

By 
Josephine P. Beeman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of April 2013, I caused a true and correct copy of the foregoing document to be served on the following by U.S. Mail:

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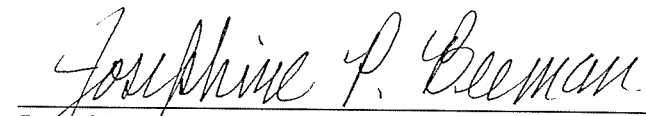
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