

8-9

RECEIVED

AUG 09 2013

DEPARTMENT OF
WATER RESOURCES

Shelley M. Davis, ISB #6788
Sarah W. Higer, ISB #8012
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 Hill Real Estate, LLC

**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.: 63-32253
	)	
Case No. 39576	)	HILL REAL ESTATE, LLC'S MOTION TO
	)	SET-ASIDE AND ENTER CORRECTED
	)	PARTIAL DECREE
	)	

COMES NOW, HILL REAL ESTATE, LLC, by and through its attorneys of record Barker Rosholt & Simpson, LLC, and hereby move this Court to set aside the Partial Decree entered for the above referenced water right pursuant to Idaho Rules of Civil Procedure 60(b)(6), and enter a corrected partial decree consistent with the original claim for the water right in order to accurately reflect the irrigable acres within the correct places of use for the water right.

The partial decree entered January 14, 2009, correctly identifies the total number of irrigable acres for the right, but improperly transposed the irrigable acres within two quarter-quarter sections within that place of use. Because the proper number of acres were decreed overall, this mistake was not identified until after the water right had gone through the partial decree process and subsequent owners began investigation of their water right.

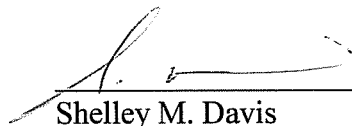
**HILL REAL ESTATE, LLC'S MOTION TO SET-ASIDE AND ENTER CORRECTED
PARTIAL DECREE**

Further, Richard and Judith Brock divested themselves of all interest in the property to which water right no. 63-32253 is appurtenant by April 2006. The five subsequent owners of the property did not file the Notice of Change of Water Right Ownership with the Idaho Department of Water Resources. Hill Real Estate, LLC, the owner of 41.09 acres within the place of use for water right no. 63-32253 has filed a Notice of Change of Water Ownership as of August 6, 2013, to reflect the proper ownership of the right.

This Motion is supported by Hill Real Estate LLC's Memorandum in Support of Motion to Set-Aside and Enter Corrected Partial Decree, and the Affidavit of Shelley M. Davis in support thereof.

DATED this 8th day of August, 2013.

BARKER ROSHOLT & SIMPSON LLP



Shelley M. Davis
Attorneys for Hill Real Estate, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of August, 2013, I caused to be served a true and correct copy of the foregoing **HILL REAL ESTATE, LLC'S MOTION TO SET-ASIDE AND ENTER CORRECTED PARTIAL DECREE** by the method indicated below, and addressed to each of the following:

Original filed via U.S. Mail with:

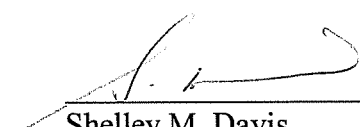
Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707
Fax No. 208-736-2121

Copy mailed to:

IDWR Document Depository
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