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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

Case No. 39576

)
) SUBCASE NOS.: 63-32253
)

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

COMES NOW, HILL REAL ESTATE, LLC, by and through its attorneys of record Barker Rosholt & Simpson, LLC, and hereby moves this Court to set aside the Partial Decree entered for the above referenced water right pursuant to Idaho Rules of Civil Procedure 60(b)(2) and (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.

Hill Real Estate initially filed its Motion to Set-Aside and Enter Corrected Partial Decree on August 9, 2013. On that same day, crossing in the mail, Hill Real Estate received from the Idaho Department of Water Resources a letter acknowledging the change in ownership of a portion of water right no. 63-32253, and issuing to Hill Real Estate a new water right, no. 63-33837. Water right no. 63-33837 is for .5 cfs and covering 32.9 acres. The new water right

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

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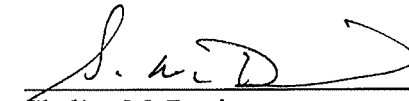
carries forward the error that currently exists in the description of the place of use for water right no. 63-32253 in the SE1/4 SW1/4.

Hill Real Estate hereby amends its Motion to Set-Aside and Enter Corrected Partial Decrees for the newly issued water right no. 63-33837, and for water right no. 63-32253 to correct and remove the acres now in the ownership of Hill Real Estate.

This Court has set the Motion for a hearing on November 12, 2013, at 10:00 am. Hill Real Estate respectfully requests, for reasons set forth in the Memorandum in Support of this Amended Motion filed concurrently herewith, that the Court re-set the hearing on this Amended Motion on an expedited basis.

DATED this 23rd 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 23rd day of August, 2013, I caused to be served a true and correct copy of the foregoing **HILL REAL ESTATE, LLC'S AMENDED MOTION TO SET-ASIDE AND ENTER CORRECTED PARTIAL DECREES** by the method indicated below, and addressed to each of the following:

Original filed via hand delivery with:

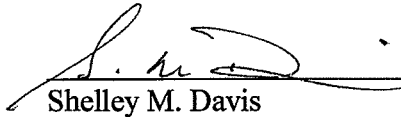
Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707
Fax No. 208-736-2121

Copy mailed to:

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