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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 Numbers: 29-12485 <u>et al.</u> ( <u>see</u> |
|                | ) | Attachment 1)                                        |
| Case No. 39576 | ) |                                                      |
|                | ) |                                                      |
|                | ) | <b>MOTION TO CORRECT CLERICAL</b>                    |
|                | ) | <b>ERRORS PURSUANT TO I.R.C.P. 60(a)</b>             |
|                | ) |                                                      |

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The United States of America, on behalf of the United States Department of Agriculture, Forest Service, moves this Court for an Order correcting the partial decrees issued in the subcases listed on Attachment 1. The grounds supporting this Motion are as follows:

**BACKGROUND**

In the SRBA, the United States has received hundreds of partial decrees based on federal law for water rights used at Forest Service administrative sites. The vast majority of these contain a statement that the water right is based on federal law. Similarly, SRBA partial decrees for other

federal-law based water rights, such as Wild and Scenic River and Public Water Reserve No. 107 water rights, contain a statement that the rights are based on federal law.

In reviewing SRBA partial decrees, the Forest Service has discovered 52 partial decrees that lack the federal law language. These 52 partial decrees were issued in the subcases listed in Attachment 1. In addition, one of these partial decrees, 77-13920, inaccurately lists the “source” as “McCorkie Creek.” The claim for this water right and Stipulation to Resolve Objections accurately described the source as “McCorkle Creek.”

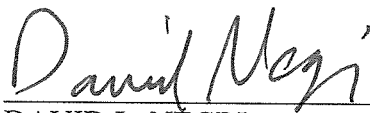
### **MOTION**

Pursuant to I.R.C.P. 60(a), the United States moves this Court to correct the partial decrees in these 52 subcases by adding the phrase “THIS WATER RIGHT IS A FEDERAL RESERVED WATER RIGHT.” See, e.g., partial decree for 37-19880. Such language should be added to the section of the partial decrees entitled “Other Provisions Necessary For Definition or Administration of This Water Right.” See, id. In addition, the United States requests that the source element for partial decree 77-13920 be corrected to say “McCorkle Creek.”

Rule 60(a) provides that clerical mistakes in judgment, orders, or other parts of the record may be corrected by the Court at any time of its own initiative or on the motion of any party. The errors described above appear to be clerical in nature and subject to correction by the Court pursuant to Rule 60(a).

DATED this 13th day of September, 2013.

UNITED STATES OF AMERICA

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DAVID L. NEGRI

Counsel for the United States

Attachment 1 – List of Subcases

|          |          |
|----------|----------|
| 29-12485 | 81-11820 |
| 29-12491 | 81-11922 |
| 29-12493 | 81-11923 |
| 29-12494 | 82-10286 |
| 29-13629 | 82-12238 |
| 33-10309 | 83-11939 |
| 34-11952 | 83-11940 |
| 34-11953 |          |
| 34-11954 |          |
| 34-11956 |          |
| 34-11958 |          |
| 37-13784 |          |
| 47-17143 |          |
| 63-25141 |          |
| 63-25205 |          |
| 63-25217 |          |
| 63-25219 |          |
| 63-30979 |          |
| 63-30983 |          |
| 63-32577 |          |
| 71-10373 |          |
| 72-10979 |          |
| 72-11083 |          |
| 74-15497 |          |
| 77-10795 |          |
| 77-10798 |          |
| 77-11537 |          |
| 77-11569 |          |
| 77-11652 |          |
| 77-11657 |          |
| 77-13915 |          |
| 77-13918 |          |
| 77-13919 |          |
| 77-13920 |          |
| 77-13922 |          |
| 77-13923 |          |
| 77-13925 |          |
| 77-13931 |          |
| 77-14231 |          |
| 81-02181 |          |
| 81-10303 |          |
| 81-10309 |          |
| 81-10326 |          |
| 81-10365 |          |
| 81-10438 |          |

### CERTIFICATE OF SERVICE

I certify that on September 13, 2013, I served a true and correct copy of the foregoing, upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

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A handwritten signature in dark ink, appearing to read "Matthew A. Smith", is written over a horizontal line.

Person serving document