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Department of Water Resources

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Attorneys for Claimant Carlene Smith

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 NUMBER 61-04038
	)	
	)	
	)	MOTION TO AMEND SPECIAL
	)	MASTER'S RECOMMENDATION
	)	
	)	
	)	

OBJECTION

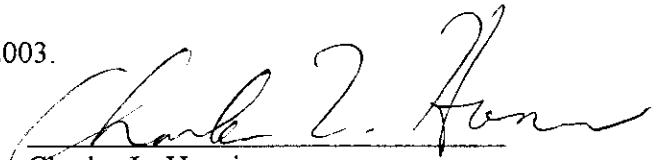
COMES NOW, Carlene Smith, the claimant of the water right in the above captioned subcase, by and through her counsel of record, Ringert Clark, Chartered, and hereby moves this Court to amend its Special Master's Recommendation issued in this case on June 17, 2003. This Motion is made pursuant to SRBA Administrative Order No. 1 §13.a. The grounds for this Motion are that the Special Master's Recommendation contains an error regarding the location of the point of diversion which was neither claimed by the claimant, nor recommended by IDWR.

ARGUMENT

IDWR issued its Amended Recommendation of water right number 61-04038 on December 16, 2002. Other than the point of diversion element, the elements of the water right recommended

by IDWR were the same as those recommended for decree by the Special Master. No party, including the claimant, objected to IDWR's recommendation. However, rather than specifying that the water right's points of diversion are located in Section 18 (as was claimed, and as was recommended by IDWR), the Special Master's Recommendation lists the points of diversion as located in Section 10. Because the Special Master's Recommendation is in error, Carlene Smith hereby requests that a new Special Master's Recommendation be issued listing the points of diversion for water right no. 61-04038 as located in Section 18.

Dated this 7th day of July, 2003.

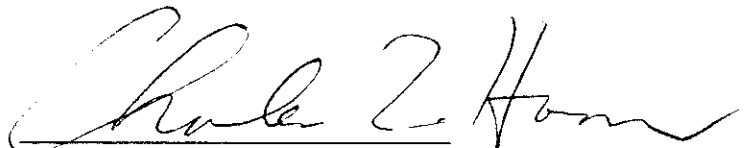

Charles L. Honsinger
RINGERT CLARK, CHARTERED

CERTIFICATE OF SERVICE

I certify that on July 7, 2003, I served copies of this document, including all attachments by U.S. Mail to the following:

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Director
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Person serving documents