

RECEIVED

APR - 8 2003

Department of Water Resources

Names of Parties Serving Document:

UNITED STATES OF AMERICA

TODD BOWEN

FEDERAL STOCKWATER GROUP
(see Attachment #1)

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

DAVID L. NEGRI
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
(208) 331-5943

NORMAN M. SEMANKO
TRAVIS L. THOMPSON
Barker Rosholt & Simpson LLP
205 N. 10th Street, Suite 520
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700
ISB # 4761 (NMS)
ISB # 6168 (TLT)

**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. 78-10002

**JOINT MOTION TO CORRECT
CLERICAL ERROR**

CASE NO: 39576

DESCRIPTIVE SUMMARY

This is a joint motion by the United States of America, acting through the United States Department of Agriculture, Forest Service ("Forest Service"), Todd Bowen, and the members of

the Federal Stockwater Group identified on Attachment #1 ("Parties") to correct a clerical error in the *Special Master's Report, Findings of Fact and Conclusions of Law* ("*Master's Report*") issued for subcase no. 78-10002.

MOTION

On January 10, 2003 the Parties filed a *Standard Form 5* ("*SF5*") in the above captioned subcase. On March 25, 2003 the SRBA Court issued a *Master's Report* for this subcase.

The Parties have reviewed the *Master's Report* and have identified a clerical error that should be corrected. Attached to this Motion is the water right description that was attached to the *SF5* with the portion of the water right description that requires correction in the *Master's Report* identified in bold.

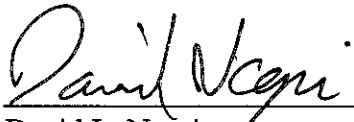
Therefore, pursuant to I.R.C.P. 60(a), the Parties request that the clerical error found in the *Master's Report* be corrected to reflect the stipulated agreements of the Parties in the *SF5*.

Dated this 4th day of April, 2003.

United States on behalf of the
USDA Forest Service

Todd Bowen

Federal Stockwater Group
(see Attachment #1)



David L. Negri

Norman M. Semanko
Travis L. Thompson

the Federal Stockwater Group identified on Attachment #1 ("Parties") to correct a clerical error in the *Special Master's Report, Findings of Fact and Conclusions of Law* ("*Master's Report*") issued for subcase no. 78-10002.

MOTION

On January 10, 2003 the Parties filed a *Standard Form 5* ("*SF5*") in the above captioned subcase. On March 25, 2003 the SRBA Court issued a *Master's Report* for this subcase.

The Parties have reviewed the *Master's Report* and have identified a clerical error that should be corrected. Attached to this Motion is the water right description that was attached to the *SF5* with the portion of the water right description that requires correction in the *Master's Report* identified in bold.

Therefore, pursuant to I.R.C.P. 60(a), the Parties request that the clerical error found in the *Master's Report* be corrected to reflect the stipulated agreements of the Parties in the *SF5*.

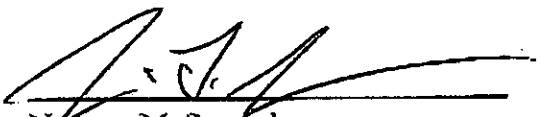
Dated this 4th day of April, 2003.

United States on behalf of the
USDA Forest Service

Todd Bowen

Federal Stockwater Group
(see Attachment #1)

David L. Negri



Norman M. Semanko
Travis L. Thompson

CERTIFICATE OF MAILING

I certify that on April 4TH, 2003, I mailed the original and copies of this *Joint Motion to Correct Clerical Error*, including all attachments, postage prepaid and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

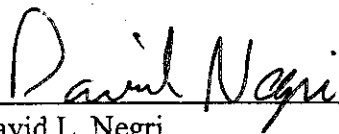
Copy to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

Norman M. Semanko
Travis L. Thompson
Barker, Rosholt, & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

Counsel for the Todd Bowen and the Federal Stockwater Group



David L. Negri

Attachment #1

A.L. Cattle, Inc.
Bedke, Bruce
Bedke, Jared
Bedke, Scott
Bedke, Karl U.
DeVeney, Willis
DeVeney, Betty
Flying Triangle Inc.
Gardner, Luther
Hoagland, Jerry
Joyce Livestock
Mathews, Eugene
Pickett Ranch and Sheep Company
Poulton, Michael
Poulton, Gary
Shoulder Three Ranches Inc.
Tugaw, Joe
Western Stockgrowers Association et al.

Right Number: 78-10002

Name and Address: ~~LESTER F. LOWE~~
~~VICKY LOWE~~
~~P.O. BOX 368~~
~~RIGGINS, ID 83549~~

Todd Bowen
P.O. Box 240
Pollock, ID 83547

Source: SPRING Tributary: LITTLE SALMON RIVER

Quantity: .04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO. **78-12186** AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .04 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: ~~01-01-1907~~ 05-09-1906

Diversion Point: T23N R01E S32 NESENW Within Idaho County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	01-01 TO 12-31	.04 CFS

Place of Use:	Stockwater	Within Idaho County
	T23N R01E S32	SENW

Other Provisions Necessary for Definition / Administration of this Water Right:

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND TODD BOWEN FILED IN THE OFFICE OF THE IDAHO COUNTY RECORDER AND RECORDED ON OCTOBER 31, 2002 AS INSTRUMENT NO: 425169; THE PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO THIS WATER RIGHT.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Explanatory Material: Basis of Claim - Beneficial Use