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Department of Water Resources

Names of Parties Serving Document:

UNITED STATES OF AMERICA

WILLIS D. AND BETTY G. DEVENY
P.O. Box 1160
Riggins, Idaho 83549

FEDERAL STOCKWATER GROUP
(see Attachment #1)

Attorneys' Names and Addresses:

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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
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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. 78-04218, 78-10338, 78-10340,
78-12179, 78-12180, 78-12181

**JOINT MOTION TO CORRECT
CLERICAL ERRORS**

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"), Willis and Betty DeVeney, and the members of the Federal Stockwater Group identified on Attachment #1 ("Parties") to correct clerical errors in the *Special Master's Reports, Findings of Fact and Conclusions of Law* ("*Master's Reports*") issued for subcase nos. 78-04218, 78-10338, 78-10340, 78-12179, 78-12180 and 78-12181.

MOTION

On November 13, 2002 the Parties filed *Standard Forms 5* ("*SF5's*") in the above captioned subcases. On January 15, 2003 the SRBA Court issued *Master's Reports* for these subcases.

The Parties have reviewed the *Master's Reports* and have identified clerical errors that should be corrected. Attached to this Motion are the water right descriptions that were attached to the *SF5's* with the portion of the water right description that requires correction in the *Master's Reports* identified in bold.

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

Dated this 25 day of February, 2003.

United States on behalf of the
USDA Forest Service

David L. Negri 3/4/03
David L. Negri Date

Shingle Creek LLC

Willis D. De Veny 3/1/03
Willis De Veny Date

Betty De Veny 3/1/03
Betty De Veny Date

Federal Stockwater Group
(see Attachment #1)

N — TS 2-25-03
Norman M. Semanko Date
Travis L. Thompson

CERTIFICATE OF MAILING

I certify that on ^{March}~~February~~ 8, 2003, I mailed the original and copies of this *Joint Motion to Correct Clerical Errors*, 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

Willis De Veny
Betty De Veny
P.O. Box 1160
Riggins, ID 83549

Norman M. Semanko
Travis L. Thompson
Barker, Rosholt, & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139
Counsel for the Federal Stockwater Group



David L. Negri

Attachment 1

A.L. Cattle, Inc.
Bedke, Bruce
Bedke, Jared
Bedke, Scott
Bedke, Karl U.
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.
Broken Diamond Ranch
Brown, Birchie
Brown, Wallace
Butler, Raymond
Crockett, David
Kinsey Family LLP
Kunkel, Tom
Mathers Ranch
Tugaw Ranches
Williams, Inc.
Williams Properties LLC
William J & Thomas Williams

Right Number: 78-04218

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

Source: ALDER SPRING Tributary: SINKS

Quantity: .02 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.78-10338 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: ~~05-01-1895~~ 05-10-1906

Diversion Point: T23N R01W S17 SWSENE Within Idaho County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	~~06-01-TO-10-31~~ <u>05-15 TO 11-15</u>	.02 CFS

Place of Use: Stockwater Within Idaho County
T23N R01W S17 SENE

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 WILLIS DEVENY, BETTY DEVENY AND SHINGLE CREEK LLC, 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

FOREST SERVICE RECORD ID = 0117 17060210 01 0514
STOCKWATER, 312 RANGE CATTLE

*AN
NMS
JH*

Right Number: 78-10338

Name and Address: SHINGLE CREEK LLC
P O BOX 1160
RIGGINS, ID 83549

Source:

CHAIN SPRING	Tributary:
HOWARD SPRING	SINKS
CANNON BALL SPRING	SINKS
COTTONWOOD SPRING	SINKS
LOG THROUGH SPRING	COTTONWOOD CREEK
AITKEN SPRING	COCONUT GROVE CREEK
BLUE GULCH SPRING	SINKS
ALDER SPRING	BLUE GULCH
SPRINGS	SINKS
CLYDE SPRING	SINKS
MORRISON RIDGE SPRING	SINKS
POND	SINKS

Quantity: .03 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 NOS. 78-04197, 78-04203, 78-04205, 78-04206, 78-04208, 78-04209, 78-04210, 78-04211, 78-04212, 78-04214, 78-04218, 78-04219, 78-04225, 78-04234, 78-04238, 78-04247, 78-10631, 78-10632, 78-12009, 78-12178 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .03 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: ~~05-01-1887~~ 05-09-1906

Diversion Point: **T22N R01W S03** **SWNWSW** Within Idaho County

T23N R01W S01	~~SENESE~~ <u>SESW</u>
S02	NESWNW
~~S03~~	~~SWNWSW~~
S04	~~SENESE~~ <u>NWSE</u>
	~~NESWNE~~ <u>NESW</u>
S05	NWSWNE
S07	SWNESE
S11	SWNESW
	SENWSW
	NENESE
	SENWSE
S12	SENWSW
S14	NESESW
S15	SENEENW
S16	~~NE~~ <u>SESESW</u>
S17	SWSENE
S21	NESENE
	NESWSW
S22	~~NEENW~~ <u>SENW</u>
S29	NWNWNE

On
Nms

201 22

Purpose and
Period of Use: Purpose of Use Stockwater Period of Use 05-15 TO 11-15 Quantity .03 CFS

Place of Use: Stockwater Within Idaho County

T22N R01W S03	~~SWSW~~	<u>NWSW</u>	
T23N R01W S01	~~NESW~~	<u>SESW</u>	
S02	SWNW		
S04	NENE		SWNE
S05	SWNE		
S07	NESE		
S11	NESW		NWSW
	NESE		NWSE
S12	NWSW		
S14	~~NESW~~	<u>SESW</u>	
S15	NENW		
S16	SESW		
S17	SENE		
S21	SENE		SWSW
S22	~~NWSW~~	<u>SENW</u>	
S29	NWNE		

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 WILLIS DEVENY, BETTY DEVENY AND SHINGLE CREEK LLC, 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

STOCKWATER, 50 RANGE CATTLE AND 5 HORSES OR MULES SOURCE IS ALSO KNOWN AS PIKES CABIN SPRING, JORGY SPRING, PLANK TROUGH SPRING, PETE WILSON SPRING, CHAIN SPRING, LAMONT SPRING, LOWER THORN BASIN SPRING A, THORN BASIN SPRING B, THORN BASIN SPRING C, THORN BASIN SPRING D, UPPER THORN BASIN SPRING E, AND EAGLES NEST SPRING.

or
NWSW
JH

Right Number: 78-10340

Name and Address: SHINGLE CREEK LLC
P O BOX 1160
RIGGINS, ID 83549

Source: CANNON BALL POND Tributary: SINKS
~~CAME WARDEN SADDLE POND~~ UNNAMED STREAM SINKS

Quantity: .03 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. 78-12007 AND 78-12018 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .03 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: ~~07-01-1964~~ 05-09-1906

Diversion Point: T23N R01W S15 NWSESW Within Idaho County
S16 NWNESW

Purpose and			
Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	05-15 TO 11-15	.03 CFS

Place of Use:	Stockwater	Within Idaho County
	T23N R01W S15	SESW
	S16	NESW

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 WILLIS DEVENY, BETTY DEVENY AND SHINGLE CREEK LLC, 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

ON
NMS
JA

Right Number: 78-12179

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

Source: UNNAMED STREAM Tributary: SINKS

Quantity: .02 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. 78-10339 AND
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL
QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: 05-10-1906

Diversion Point: T23N R01W S08 SWNNWN Within Idaho County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	05-15 TO 11-15	.02 CFS

Place of Use: Stockwater Within Idaho County
T23N R01W S08 NWNW

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 WILLIS DEVENY, BETTY
DEVENY AND SHINGLE CREEK LLC, 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

OW
NMS
Ed

Right Number: 78-12180

Name and Address: **SHINGLE CREEK LLC**
P O BOX 1160
RIGGINS, ID 83549

Source: SPRING Tributary: SINKS

Quantity: .02 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. 78-04224 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: 05-09-1906

Diversion Point: T23N R01W S27 NWNE Within Idaho County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	05-15 TO 11-15	.02 CFS

Place of Use: Stockwater Within Idaho County
T23N R01W S27 NWNE

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 WILLIS DEVENY, BETTY DEVENY AND SHINGLE CREEK LLC, 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

SOURCE IS ALSO KNOWN AS POTTER SPRING.

0.2
NWS
JA

Right Number: 78-12181

Name and Address: SHINGLE CREEK LLC
P O BOX 1160
RIGGINS, ID 83549

Source: RODGER SPRING Tributary: SINKS

Quantity: .02 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. 78-04249 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: 05-09-1906

Diversion Point: T23N R01W S05 SENW Within Idaho County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	05-15 TO 11-15	.02 CFS

Place of Use: Stockwater T23N R01W S05 SENW Within Idaho County

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 WILLIS DEVENY, BETTY DEVENY AND SHINGLE CREEK LLC, 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

PN
NMS

JA ME