

2003 MAR -6 AM 9:26

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)
) AMENDED SPECIAL
) MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 78-10338
_____)

I. FINDINGS OF FACT

A *Master's Report and Recommendation* was issued on January 15, 2003, in subcase 78-10338 based on the *Standard Form 5* filed by the parties.

On February 4, 2003, the SRBA District Court received a *Joint Motion to Correct Clerical Errors* filed by the United States of America.

The "point of diversion" element listed T23N, R01W, S01 SWNWSW but should have listed the Township as T22N. The change is not significant to require additional time to file a motion to alter or amend.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form 5 and Motion to Correct Clerical Error*, IT IS RECOMMENDED that water right 78-10338 be decreed with the elements as set forth in the attached *Amended Special Master Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 78-10338*.

DATED: March 6, 2003.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

In Re SRBA)
)
Case No. 39576)
)

Water Right 78-10338

WILLIAMS, CLARENCE
FILED

SOURCE: HOWARD SPRING
CANNON BALL SPRING
COTTONWOOD SPRING
LOG THROUGH SPRING
AITKEN SPRING
BLUE GULCH SPRING
ALDER SPRING
SPRINGS
CLYDE SPRING
MORRISON RIDGE SPRING
CHAIN SPRING

TRIBUTARY: SINKS
SINKS
COTTONWOOD CREEK
COCONUT GROVE CREEK
SINKS
BLUE GULCH
SINKS
SINKS
SINKS
SINKS
SINKS

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, 78-4238, 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

POINT OF DIVERSION:			
T22N R01W	S03	SWNWSW	Within Idaho County
T23N R01W	S01	SESW	
	S02	NESWNW	
	S04	NWSE	
		NESW	
	S05	NWSWNE	
	S07	SWNESE	
	S11	SWNESW	
		SENWSW	
		NENESE	
		SENWSE	
	S12	SENWSW	
	S14	NESESW	
	S15	SENENW	
	S16	SESESW	
	S17	SWSENE	
	S21	NESENE	
		NESWSW	
	S22	SENW	
	S29	NWNWNE	

PLACE OF USE:	Stockwater	Within Idaho County
	T22N R01W S03	NWSW
	T23N R01W S01	SESW
	S02	SWNW

PLACE OF USE (continued)

S04	NENE	SWNE
S05	SWNE	
S07	NESE	
S11	NESW	NWSW
	NESE	NWSE
S12	NWSW	
S14	SESW	
S15	NENW	
S16	SESW	
S17	SENE	
S21	SENE	SWSW
S22	SENW	
S29	NWNE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

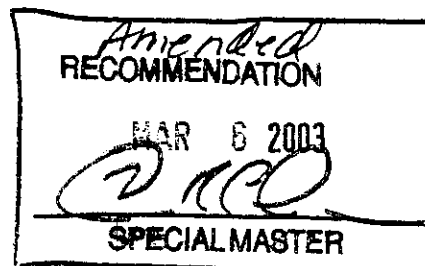
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



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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)
Case No. 39576)
SUBCASES: 78-04218, 78-10338, 78-10340,
78-12179, 78-12180 and 78-12181
CERTIFICATE OF MAILING

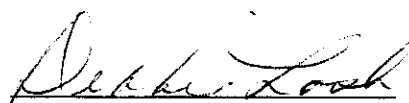
I certify that a true and correct copy of the AMENDED SPECIAL MASTER'S REPORT AND RECOMMENDATIONS FOR PARTIAL DECREES and NOTICE OF ISSUANCE OF AMENDED SPECIAL MASTER'S REPORT AND RECOMMENDATIONS were mailed with sufficient first-class postage to the following:

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Willis and Betty De Veny
P O Box 1160
Riggins, Idaho 83549

Norman M Semanko
Travis L Thompson
P O Box 2139
Boise, Idaho 83701-2139


Deputy Clerk