

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 78-10340

I. FINDINGS OF FACT

A *Master's Report and Recommendation* was issued on January 15, 2003, in subcase 78-10340 based on the *Standard Form 5* filed by the parties.

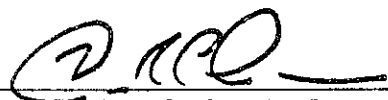
On February 4, 2003, the SRBA District Court received a *Joint Motion to Correct Clerical Errors* filed by the United States of America.

Language under the "quantity" element stating this water right is used in conjunction with water rights 78-12007 and 78-12018 was inadvertently omitted. Language under the "other provisions necessary" regarding administration per the stipulation entered into by the parties was inadvertently omitted. 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 78-10340 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 78-10340*.

DATED: March 6, 2003.


THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 78-10340

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FILED
TWIN FALLS, IDAHO
MAR 6 2003

NAME AND ADDRESS: SHINGLE CREEK LLC
P O BOX 1160
RIGGINS, ID 83549

SOURCE: CANNON BALL POND TRIBUTARY: SINKS
UNNAMED STREAM SINKS

QUANTITY: 0.03 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: 05/09/1906

POINT OF DIVERSION: T23N R01W S15 NWSEW Within Idaho County
S16 NWNESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 11-15	0.03 CFS

PLACE OF USE: Stockwater Within Idaho County
T23N R01W S15 SESW
S16 NESW

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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FILED
TWIN FALLS CO., IDAHO
CLERK

**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**

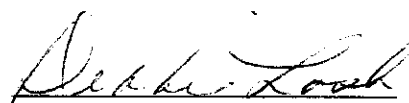
I certify that a true and correct copy of the AMENDED SPECIAL MASTER'S REPORT AND RECOMMENDATIONS FOR PARTIAL DECREES and NOTICE OF ISSUANCE OF AMENDED SPECIAL MASTER'S REPORT AND RECOMMENDATIONS were mailed with sufficient first-class postage to the following:

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