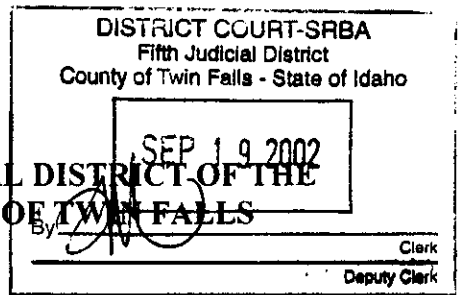


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS



In Re SRBA) Subcase 36-15155
Case No. 39576) (Robertson)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

Findings of Fact

A *Partial Decree* was entered on January 2, 2002, adjudicating to Paul Robertson, 37 North, 500 West, Paul, Idaho 83347, a water right for 3.28 cfs from groundwater to irrigate 164 acres within a 400 acre place of use in Lincoln County from June 10 to September 21 with a priority date of February 3, 1966. Mr. Robertson filed a *Motion to Correct Clerical Mistake in Judgment Pursuant to I.R.C.P., Rule 60(a)* on August 27, 2002, alleging there was a clerical mistake in the decreed season of use – it should be April 1 to October 31.

On August 27, 2002, the Presiding Judge entered an *Order of Reference Appointing Terrence A. Dolan Special Master for Subcase 36-15155*. A hearing on the *Motion* was held by telephone on September 19, 2002. Dana L. Hofstetter appeared for Mr. Robertson and Nicholas B. Spencer appeared for IDWR. IDWR agreed there was a clerical mistake in the season of use and that it should be as requested.

Conclusions of Law

Paul Robertson has shown good cause to have the *Partial Decree* set aside and modified to correct the clerical error.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* be set aside and an amended partial decree be entered with a season of use of April 1 to October 31.

DATED September 19, 2002.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER REPORT AND RECOMMENDATION was mailed on September 19, 2002, with sufficient first-class postage to the following:

PAUL ROBERTSON

Represented by:

DANA L. HOFSTETTER

608 WEST FRANKLIN STREET

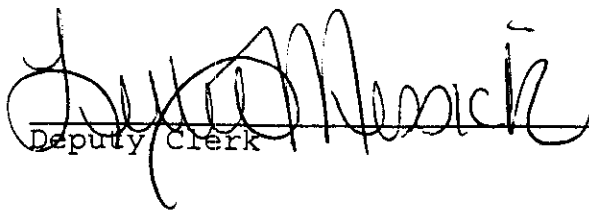
BOISE, ID 83702

Phone: 208-424-7800

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in black ink, appearing to read "Dana L. Hofstetter", is written over the printed text "Deputy Clerk".