

February 2, 2007

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FEB 07 2007
DEPARTMENT OF
WATER RESOURCES

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

MOTION TO ALTER OR AMEND
THE SPECIAL MASTER'S
RECOMMENDATION
OF JANUARY 11, 2007 ON

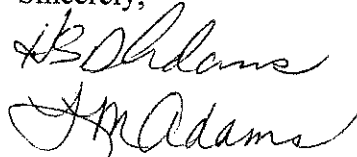
Water Right (s): 63 – 18441

We object to the decision disallowing any water rights from claim 63 – 18441. We have been the owners of record of the property at 1501 S Martha Boise, Idaho 83706 since December of 2005. The first time we received any notification about the suit was the January 11, 2007, decision to disallow the water rights on our property. We received no notification of the hearings so that we could have expressed our objection.

Our understanding is that the Canal Company is arguing for denial based on the possible need to be compelled to provide waste water to fulfill our water rights. However, our understanding is that much of the flow through our property is not waste water. The stream flows through our property all year and is the source for seasonal irrigation. According to the ditch rider, the source of most of the volume is from a spring or springs located near the Ridenbaugh Canal between Broadway and Gekeler Avenues.

Our desire is to protect the precedence of our rights (which date from 1962) among other users to whatever water flows in the ditch. We are not in favor of compelling the Canal Company to "create" waste water to meet our needs. We are willing to stipulate to that condition.

Sincerely,



Harry S. D. Adams
Lynette M. Adams

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)

)

CERTIFICATE OF MAILING

Water Right (s) : 63-18441

CERTIFICATE OF MAILING

I certify that a true and correct copy of the MOTION TO ALTER OR AMEND THE
SPECIAL MASTER'S RECOMMENDATION of January 11, 2007 for Water Right 63-18441 was
mailed on February 7, 2007, with sufficient first -class postage prepaid to the following:

STATE OF IDAHO
DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
PO BOX 2707
TWIN FALLS, ID 83303-2707

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

NEW YORK IRRIGATION DISTRICT
Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
PHONE: 208-343-7500

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DOLORES J. THOMPSON
840 WEST IVYWILD LANE
BOISE, ID 83706

A handwritten signature in black ink, appearing to read "H S Adams", written over a horizontal line.

HARRY SD ADAMS
LYNETTE M. ADAMS
1501 S MARTHA ST
BOISE, ID 83706
PHONE 208-342-3322
CELL 208-630-4668