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APR 25 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 APR 24 PM 2 52

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) CORRECTION OF CLERICAL ERROR
)
) FOR WATER RIGHT 77-10101

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On July 28, 2006, the United States of America, Department of Interior, Forest Service, filed an objection to the *Director's Report*, asserting that the place of use should not include National Forest System land. On April 23, 2007, the parties to the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CORRECTION OF CLERICAL ERROR

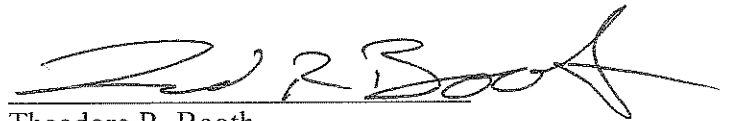
The Notice of Claim for water right 77-10101, dated November 11, 1988, claims a total quantity of 0.05 cfs, but under the "purpose of use" section of the claim, the quantity claimed for irrigation is 0.15 cfs. This error, which appears to be clerical in nature, was carried over into the *Director's Report* for the right, and ultimately into the *Standard Form 5*. This Special Master inquired of IDWR Senior Agent Ken Knoblock as to how this error should be corrected, and Mr. Knoblock responded via email that the correct quantity is 0.15 cfs. A copy of this email has been placed in the Court's file for this right. Accordingly, pursuant to Idaho Rule of Civil Procedure

60(a), this clerical has been corrected on the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

III. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 77-10101 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated April 24, 2007

A handwritten signature in black ink, appearing to read 'T R Booth', with a long horizontal line extending to the right.

Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 77-10101

2007 APR 24 PM 2 54

NAME AND ADDRESS: BARRY BRYANT
BRYANT RANCHES INC
1667 JOHNSON CREEK ROAD
CASCADE, ID 83611

SOURCE: BARRY CREEK TRIBUTARY: JOHNSON CREEK

QUANTITY: 0.15 CFS

PRIORITY DATE: 07/17/1958

POINT OF DIVERSION: T18N R08E S09 SWNW Within Valley County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-31 0.15 CFS

PLACE OF USE: Irrigation Within Valley County
T18N R08E S09 NESW 2.5 SESW 2.5
5.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF 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.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

APR 24 2007

Les B. Booth
SPECIAL MASTER

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 APR 24 PM 2 54

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

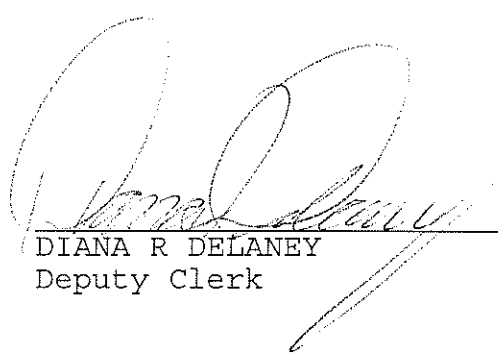
Water Right(s): 77-10101

On April 24, 2007, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED April 24, 2007.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 APR 24 PM 2 54

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 77-10101

CERTIFICATE OF MAILING

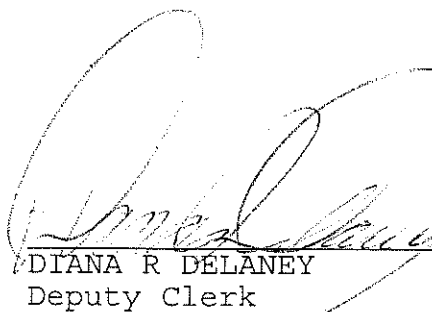
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 24, 2007, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

BARRY BRYANT
BRYANT RANCHES INC
1667 JOHNSON CREEK ROAD
CASCADE, ID 83611
Phone: 208-382-4336

CERTIFICATE OF MAILING



DIANA R DELANEY
Deputy Clerk

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04/24/07