

2008 FEB 7 AM 10 28

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
Case No. 39576) REPORT and AMENDED
) RECOMMENDATION
)
) FOR WATER RIGHT 63-8627

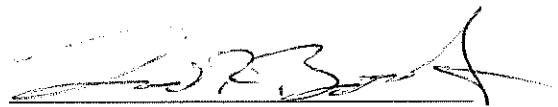
On December 4, 2007, this Special Master issued a *Special Master's Report and Findings of Fact and Conclusions of Law for Water Rights 63-00184, 63-00365, 63-02973, 63-03261, 63-07103, and 63-08627.*

On February 5, 2008, the Idaho Department of Water Resources contacted the court regarding a possible clerical error in the remark for the Point of Diversion element for water right 63-08627.

After reviewing the *Standard Form 5* filed November 28, 2007, this court finds that the Point of Diversion remark contained in the *Special Master's Report and Recommendation* issued on December 4, 2007, was incomplete.

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-8627 be **decreed** with the elements as set forth in the attached *Amended Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b).*

Dated Feb 7, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

DISTRICT COURT - ONE,
TYN FALLS CO., MONT
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

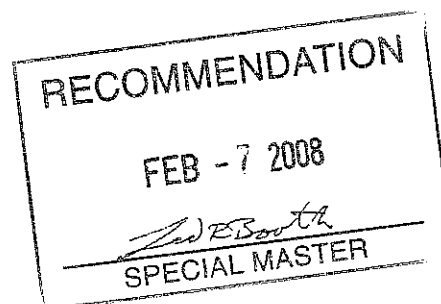
WHEN THE APPURTENANT SURFACE WATER RIGHTS ARE NOT AVAILABLE, THE PORTION OF THE PLACE OF USE LOCATED EAST OF THE REDIVERSION POINTS MAY BE IRRIGATED UNDER THIS RIGHT BY DIVERTING WATER FROM THE PENITENTIARY CANAL IN EXCHANGE FOR REPLENISHING THE PENITENTIARY CANAL WITH AN EQUAL AMOUNT OF WATER DIVERTED UNDER THIS RIGHT, SO LONG AS THE ARRANGEMENT IS ACCEPTABLE TO THE OWNERS/OPERATORS OF THE PENITENTIARY CANAL.

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



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

2008 FEB 7 8 10 28

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

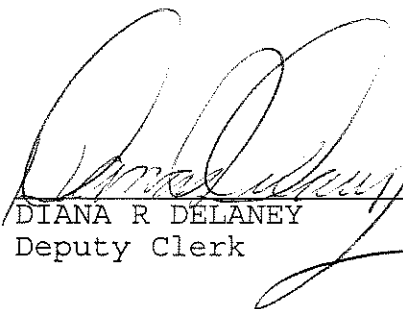
Water Right(s): 63-08627

On February 07, 2008, Special Master JOHN M MELANSON 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 February 07, 2008.



DIANA R DELANEY
Deputy Clerk

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

2008 FEB 7 07:10 28

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): 63-08627

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 February 07, 2008, with sufficient first-class postage prepaid to the following:

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

HARRIS FAMILY LTD PARTNERSHIP

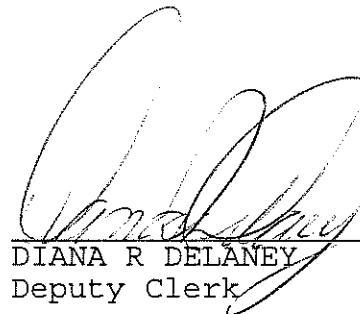
Represented by:

ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

HARRIS FAMILY LTD PARTNERSHIP

4940 E MILL STATION RD
BOISE, ID 83716-0125
Phone: 208-344-2574

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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