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MAY 29 2008

DEPARTMENT OF
WATER RESOURCES

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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 No. 21-10015
	)	
	)	STATE OF IDAHO'S MOTION TO ALTER AND
	)	AMEND SPECIAL MASTER'S RECOMMENDATION
Case No. 39576	)	
	)	
	)	
	)	
	)	

The State of Idaho, by and through the undersigned deputy attorney general, moves this Court for an order altering and amending the Special Master's Recommendation in the above-entitled subcase. The grounds for this motion are as follows:

1. On April 29, 2008, this Court entered its Special Master's Report and Recommendation; Findings of Fact and Conclusions of Law in the above-entitled subcase.
2. On May 7, 2008, the Special Master's Report and Recommendation in the above-entitled subcase appeared on the SRBA Docket Sheet.

3. Pursuant to AO1 § 13(a), any party to the adjudication may move the Court to alter or amend a Special Master's recommendation within 21 days from the date that it appears on the Docket Sheet.

Oral argument is requested on this matter

A memorandum in support of this motion shall follow this motion pursuant to the Idaho Rules of Civil Procedure.

PRAYER FOR RELIEF

1. That the Court enter an order altering and amending the Special Master's Report and Recommendation in the above-entitled subcase to reflect the following:

- A. Removing "Unnamed Stream" from the source element of this water right;
or
- B. Providing an explanatory remark and/or condition defining the relationship between the two sources/points of diversion (i.e., as to the quantity allowed per source).

2. That the Court grant such other and further relief as the Court deems just and proper.

DATED this May 28, 2008.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division



DAVID I. STANISH
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that on the May 28, 2008, I caused to be served the original and/or copy of this STATE OF IDAHO'S MOTION TO ALTER AND AMEND SPECIAL MASTER'S RECOMMENDATION on each of the following persons by the indicated methods:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☒ Facsimile: (208) 736-2121
☐ Statehouse Mail

2. Copies to

North Henry's Lake Homeowners Assn
c/o Lana Esplin
3897 Teton Road
Island Park, Idaho 83429

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Jerry Rigby
c/o North Henry's Lake Homeowners
Assn
Rigby, Andrus & Moeller, Chtd.
P.O. Box 250
Rexburg, ID 83440

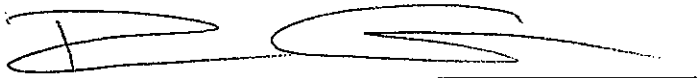
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United States Department of Justice
Environment and Natural Resource
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