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DEPARTMENT OF
WATER RESOURCES

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

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 74-445
Case No. 39576) (Miller)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended the claim to M. Mae Miller, 210 N. Lemhi Road, Salmon, Idaho, 83467, for .04 cfs from the Lemhi River to irrigate 1 acre in Lemhi County from March 15 to November 15 with a priority date of June 1, 1921, based on a decree.

Presiding Judge John M. Melanson entered a *Partial Decree* on July 9, 2007, after the claim was uncontested. Ms. Miller wrote a letter to the SRBA Court on May 1, 2008, stating the *Partial Decree* has an incorrect place of us and point of diversion and an *Order of Reference* was entered the same date.

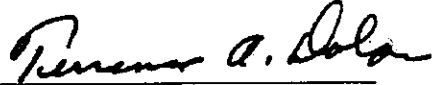
A hearing on the motion to set aside the *Partial Decree* was held by telephone on July 10, 2008. Ms. Miller's daughter, Linda Matthews, spoke for her mother and Chris M. Bromley appeared for IDWR. Mr. Bromley said there were possible clerical errors in transcribing legal descriptions from the claim and *Lemhi Decree* to IDWR's recommendation.

Conclusions of Law

Ms. Miller has shown good cause to set aside the *Partial Decree* to correct clerical errors.

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* be set aside to allow IDWR to correct all clerical errors.

DATED July 16, 2008.



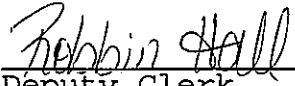
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER REPORT AND RECOMMENDATION was mailed on July 16, 2008, with sufficient first-class postage to the following:

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

M MAE MILLER
210 N LEMHI RD
SALMON, ID 83467
Phone: 208-756-2566


Deputy Clerk