

10/2/12

**Motion to Alter or Amend Special Master's  
Recommendation on Motion to File Late  
Notice of Claim in regard to stockwater.**

District Court  
SRBA Fifth Judicial District  
State of Idaho  
County of Twin Falls

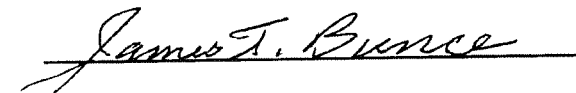
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|-----------------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho           |              |
| <div style="border: 1px solid black; width: 150px; margin: 0 auto; padding: 5px;">OCT 11 2012</div> |              |
| By _____                                                                                            | Clerk        |
| _____                                                                                               | Deputy Clerk |

**RE: SRBA Case No. 39576  
Subcase 65-23481**

Motion to Alter or Amend is based on *error of fact* in the Special Master's Recommendation to conditionally grant "year around" stockwater rights be decreed. Stock are not kept in the place of use for this right during non-irrigation rights, due to weather conditions. There is too much snow for stock to survive. Since the existing irrigation water right allows incidental stock water, during the irrigation season, there is no reason for the late Notice of Claim to stockwater. Additional *errors of fact*, are the points of diversion described in the claimant's Motion to File Late Notice of Claim 65-23481, in which the applicant has referenced points of diversion that are not decreed in the existing irrigation water right 65-23481, in which the applicant has referenced points of diversion that are not decreed in the existing water right 65-3111X. Section 42-222 of the Idaho Code, requires that changes to Point of Diversion, be applied for with the Department of Water Resources. A partial decree containing inaccurate Points of Diversion, should be disallowed or amended to match the original decreed POD, in the SRBA, to prevent injury to other water rights.

Respectfully Submitted

The 9<sup>th</sup> Day of October, 2012

  
James T. Bunce

Water Master

West Mountain Water Assoc. Inc.

Objector

P.O. Box 388

Cascade, ID 83611

### **CERTIFICATE OF MAILING**

I certify that on October 10th, 2012, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows;

1. Original to: (overnight delivery)

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-27007

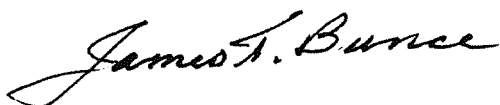
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Sandra Chess  
1200 Lizaso Ave  
Boise, ID 83709

A handwritten signature in black ink, reading "James H. Bunce". The signature is written in a cursive style with a large, stylized 'J' and 'B'.