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UNITED STATES OF AMERICA

GEM IRRIGATION DISTRICT

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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	)	
	)	
Case No. 39576	)	Subcase Nos. 57-02118, 57-02177,
	)	57-04104, 57-10854, 57-10912 and
	)	57-10913
	)	
	)	

PARTIES' JOINT MOTION TO CORRECT
CLERICAL ERRORS IN PRELIMINARY
SPECIAL MASTER'S REPORTS AND RECOMMENDATIONS

DESCRIPTIVE SUMMARY

This is the parties' joint motion to correct clerical errors in the Preliminary Special Master's Reports and Recommendations in the above-captioned subcases.

I. DISCUSSION

The GEM Irrigation District and the United States on behalf of the Bureau of Reclamation, through respective counsel, hereby ask that the Court make one minor change to the Special

Master's Reports and Recommendations in each of the above-captioned subcases.¹

The reports are essentially identical. The first sentence of the first paragraph on page 2 of the Findings of Fact in each of the reports references the Stipulation to Dismiss Objection and Dismiss the United States as a Party (Stipulation) filed on April 3, 1996. In the findings of fact, the Court quotes from paragraph 7 of that stipulation for the proposition that the parties intended that the specific water right that is the subject of the report, filed on behalf of the GEM Irrigation District, should be decreed as recommended in the name of GEM Irrigation District.

Although the Court's quotation in the Reports is intended to show the parties' intent as to these water rights to have them decreed in the name of GEM Irrigation District rather than the United States on behalf of the Bureau of Reclamation, the quotation is actually from the second sentence of that paragraph. That second sentence, the sentence quoted, actually addresses another water right, water right 57-10807, filed by the United States on behalf of the Bureau of Reclamation. This water right is not the subject of the Preliminary Special Master's Reports and Recommendations (Reports). As a result, it appears that the second sentence was quoted inadvertently instead of the first sentence of paragraph 7.

¹These subcases have been consolidated under one subcase number, subcase no. 57-02118.

Rather, it is the first sentence of the April 3, 1996, stipulation that addresses the parties' intent as to the decree of the water rights that are the subject of these Reports. Specifically, that sentence provides: "[t]he parties agree that the water rights filed by GEM Irrigation District, Subcase Nos. 57-02177, 57-02118, 57-04104, 57-10854, 57-10912 and 57-10913 should be decreed as recommended."² Given the Court's intent, it appears that the Court actually meant to include the language of the first sentence of paragraph 7 of the Stipulation, not the second.

Accordingly, the parties ask that the Court amend each of its Reports by changing the first sentence of the first paragraph on page 2 to read:

On April 3, 1996, the parties, the United States Bureau of Reclamation and GEM Irrigation District filed a Stipulation to

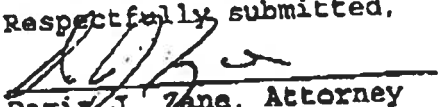
- Dismiss Objection and Dismiss the United States as a party (Stipulation), which stated in part: '[t]he parties agree that the water rights filed by GEM Irrigation District, Subcase Nos. 57-02177, 57-02118, 57-04104, 57-10854, 57-10912 and 57-10913 should be decreed as recommended.'

²Originally water right no. 57-10807 was also included in this sentence in the April 3, 1996 stipulation. This was corrected by stipulation to amend this stipulation filed on April 10, 1996 by the parties.

III. CONCLUSION

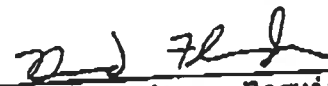
WHEREFORE, for the foregoing reasons, the United States and GEM Irrigation District respectfully request that the Court remove the first sentence of the first paragraph of its Preliminary Special Master's Reports as it currently reads and substitute the above-quoted language for that language.

Respectfully submitted,


Daria J. Jane, Attorney
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U.S. Dept. of Justice

DATED:

9/16/96


Brad Flinders, Esquire
Stunz, Fonda, Nichols,
Kiyuna, Horton & Flinders

DATED:

9-16-96

CERTIFICATE OF SERVICE

I certify that on the 10 day of September, 1996,
I served the original and copies of the Joint Motion of Parties
to Correct Clerical Errors In Preliminary Special Master's
Reports and Recommendations, to the following persons by faxing
the original and/or copies, addressed as follows:

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