

**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. 91-00005-34
)	
Case No. 39576)	ORDER ON COURT’S MOTION TO
)	CORRECT CLERICAL ERROR
)	CONTAINED IN SEASON OF USE
_____)	PROVISION, I.R.C.P. 60(a)

**I.
BRIEF PROCEDURAL BACKGROUND**

On May 27, 2000, IDWR issued a *2000 Supplemental Director’s Report for Basin Wide Issues 5-34* recommending a proposed change to the director’s recommendation to correct language contained in the “Purpose and Period of Use” provision previously recommended for inclusion in certain partial decrees issued in Basin 34. The current recommended language reads as follows (emphasis added):

The period of use for irrigation from storage described above may be extended in seasons of unusual characteristics to a beginning date of . . . and an ending date of . . . at the discretion of the *watermaster for water district 34*.

The proposed correction substitutes the word “director” for the phrase “watermaster for water district 34,” so that the provision reads as follows (emphasis added):

The period of use for irrigation from storage described above may be extended in seasons of unusual characteristics to a beginning date of . . . and an ending date of . . . at the discretion of the *director*.

According to IDWR, it was intended that the word “director be used instead of “watermaster for district 34.”

The above proposed correction more accurately comports with the provisions of Idaho Code §§ 42-602 and 604 which define the respective authority of the director and the watermaster with respect to the distribution of water within a water district.

On April 28, 2000, the Court on its own initiative issued a notice of hearing on this matter, setting a hearing to be held on May 23, 2000, at the Snake River Basin Adjudication Court, 253 3rd Ave. North, Twin Falls, Idaho. This notice was sent to all parties listed on the Court's Certificate of Mailing for Basin-Wide Issue 5-34. At the scheduled time and place the Court took up the matter on the record. All parties who participated in the hearing, both in person and telephonically, were asked to voice any objection that they may have to the Court's motion. There were no objections to the Court's motion.

II. ORDER

Therefore, pursuant to I.R.C.P. 60(a), IT IS HEREBY ORDERED that the season of use provision contained in the Director's Report for all water rights in Basin 34 to which the above-described season of use provision applies is amended to reflect the correction in language detailed above.¹ IDWR is directed to make sure that the corrected language appears in all relevant partial decrees. Notice of this Order is to be both posted on the SRBA web site under "Presiding Judge Documents" (www.srba.state.id.us/srba7.htm) and in the June 2000 Docket Sheet.

IT IS SO ORDERED:

DATED: Thursday, May 25, 2000.

BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

¹ The Court notes that there currently are unresolved objections to the Director's recommended season of use provision in Basin 34, and hence the language corrected by this Order may be subject to further modification in the process of resolving those objections.