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Department of Water Resources

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ISB No. 5790

Attorneys for Claimants/Objectors,
Kent Harman and Jack Harman

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. 36-15356A

Case No. 39576,

**MOTION TO ALTER OR AMEND SPECIAL
MASTER'S REPORT AND RECOMMENDATION**

COME NOW the Claimants/Objectors, Kent Harman and Jack Harman, by and through their attorneys of record Ling & Robinson, and move the Court, pursuant to Idaho Rules of Civil Procedure and to Section 13 of SRBA Administrative Order 1, for an Order to alter or amend the Special Master's Report and Recommendation entered January 10, 2003 on the grounds and for the reason that the Special Master's Report and Recommendation subordinated this water right to water rights of the party dated earlier than April 12, 1994 and that such subordination under the law is improper.

ORAL ARGUMENT IS REQUESTED.

DATED this 20th day of February, 2003.

LING & ROBINSON

By /s/ JASON D. WALKER

Jason D. Walker
Attorneys for Claimants/Objectors
Jack Harman and Kent Harman

LING & ROBINSON
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

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CERTIFICATE OF MAILING

I hereby certify that on the 20th day of February, 2003, I served a true and correct copy of the *Motion to Alter or Amend Special Master's Report and Recommendation*, upon:

Director of IDWR
P. O. Box 83720
Boise, ID 83720-0098

Clive Strong
Chief, Natural Resources Div
Deputy AG Office of Atty Gen
Statehouse Mail
Boise, Idaho 83720-0010

USDI Bureau of Reclamation
Regional Director PN Region
1150 N. Curtis Road
Boise, ID 83706-1234

U. S. Department of Justice
Environment & Natrl Resrc Div
550 West Fort Street, MSC 033
Boise, Idaho 83724

John M. Marshall, Esq.
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PARSONS, SMITH & STONE
Attorneys at Law
P. O. Box 910
Burley, ID 83318

by depositing copies thereof in the United States mail, postage prepaid, in envelopes addressed to said parties at the foregoing addresses.

/s/ JASON D. WALKER
Jason D. Walker