

RECEIVED 2003 NOV 14 PM 3:39
NOV 17 2003 DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
Department of Water Resources 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

Case No. 39576

)
) Subcase 43-02368
) (Harris Ag)
)
) SPECIAL MASTER REPORT

Findings of Fact

C. McGee Harris & Sons filed a *Notice of Claim to a Water Right* on June 14, 1989, claiming 4.53 cfs from groundwater to irrigate 2,773 acres in Cassia County from April 1 to October 31 with a priority date of October 17, 1951, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43* on September 28, 2001. The Director recommended the claim as filed, but to Harris Ag, Box 1024, 2655 East, 1400 South, Malta, Idaho, 83342, to irrigate 3,160 acres.

The recommendation was not contested, but overlapping claims were contested. On October 23, 2003, the parties and IDWR filed a *Standard Form 5*.

Conclusions of Law

Harris Ag is entitled to a partial decree adjudicating a water right under claim 43-02368 as described in *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-02368*.

DATED November 14, 2003.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
)
) Water Right 43-02368

2003 NOV 14 PM 3:39

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: HARRIS AG
BOX 1024
2655 E 1400 S
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 4.53 CFS
1440.00 AFY

USE OF THIS RIGHT WITH RIGHT NOS 43-11218, 43-10811,
43-10812, 43-4028A, 43-10490 IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 10,964 AF.

PRIORITY DATE: 10/17/1951

POINT OF DIVERSION:	T13S R27E S02	SESWSE	Within Cassia County
	S03	NESENW	
	S04	SWNWNE	
		SENESE	
	S09	SESENW	
		SESESE	
	S10	SESENE	
	S11	SESWSE	

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.53 CFS
			1440.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation		Within Cassia County
	T13S R27E S02	SWNE 40.0	LOT 3 (NENW) 40.0
	LOT 4	(NWNW) 40.0	SWNW 40.0
		SENE 40.0	NESW 40.0
		NWSW 40.0	SESW 40.0
		SESW 40.0	NWSE 40.0
		SWSE 40.0	
	S03 LOT 1	(NENE) 40.0	LOT 2 (NWNE) 40.0
		SWNE 40.0	SENE 40.0
	LOT 3	(NENW) 40.0	LOT 4 (NWNW) 40.0
		SWNW 40.0	SENE 40.0
		NESW 40.0	NWSW 40.0
		SESW 40.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S04 LOT 1	(NENE) 40.0	LOT 2 (NWNE) 40.0
		SWNE 40.0	SENE 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S09	NENE 40.0	NWNE 40.0

PLACE OF USE (continued)

	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SESW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S10	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SESW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S11	NWNE 40.0	SWNE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SESW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NWSE 40.0	SWSE 40.0

3160.0 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 360 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2741 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-11218, 43-10811, 43-10812, 43-2368, 43-4028A

THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3160 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-11218, 43-10811, 43-10812, 43-2368, 43-4028A, 43-10490

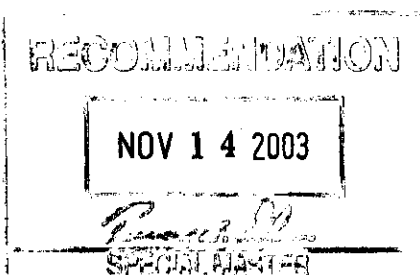
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Presiding Judge of the
Snake River Basin Adjudication



2003 NOV 14 PM 3:39

FILED
TWIN FALLS CO., IDAHO

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)
_____)

CERTIFICATE OF MAILING

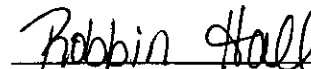
Water Right(s): 43-02368

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 14, 2003, with sufficient first-class postage prepaid to the following:

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

HARRIS AG
Represented by:
RANDALL C BUDGE
PO BOX 1391
201 E CENTER, STE A2
POCATELLO, ID 83204-1391
Phone: 208-232-6101



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
11/14/03

2003 NOV 14 PM 3:39

FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-02368

On November 14, 2003, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED November 14, 2003.



ROBBIN HALL
Deputy Clerk