

RECEIVED 2003 NOV 14 PM 3:25
NOV 17 2003 DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
Department of Water Resources

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 43-10490
Case No. 39576) (Harris Ag)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

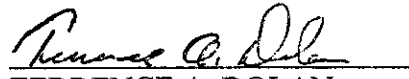
C. McGee Harris & Sons filed a *Notice of Claim to a Water Right* on June 14, 1989, claiming 24.04 cfs from groundwater to irrigate 404 acres in Cassia County from April 1 to October 31 with a priority date of March 15, 1974, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43* on September 28, 2001. The Director recommended the claim to Harris Ag, Box 1024, 2655 East, 1400 South, Malta, Idaho, 83342, for 3.82 cfs 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 43-10490 as described in *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-10490*.

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-10490

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

SOURCE: GROUND WATER

QUANTITY: 3.82 CFS

USE OF THIS RIGHT WITH RIGHT NOS 43-11218, 43-10811,
43-10812, 43-4028A, 43-2368 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 29.85 CFS AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 10,964 AF.

PRIORITY DATE: 06/30/1985

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 03-15 TO 11-15 3.82 CFS

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
SENEW 40.0 NESW 40.0
NWSW 40.0 SWSW 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 SENW 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
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
SWNE 40.0 SENE 40.0
NENW 40.0 NWNW 40.0
SWNW 40.0 SENW 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

PLACE OF USE (continued)

	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

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 404 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

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

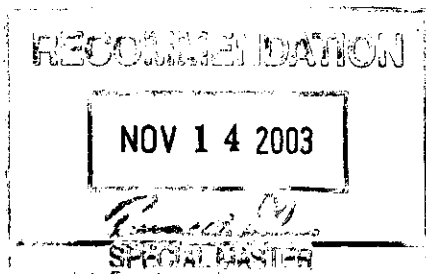
THIS RIGHT IS AN EXPANSION OF RIGHT NUMBERS 43-2368,
43-11218, 43-4028A, 43-10811 AND 43-10812 PURSUANT TO SECTION
42-1416B, IDAHO CODE.

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



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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 43-10490

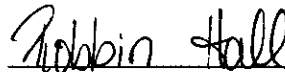
CERTIFICATE OF MAILING

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

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

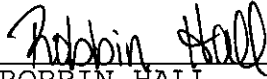
Water Right(s): 43-10490

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