

2008 OCT 29 PM 12:15

FILED  
TWIN FALLS CO., IDAHO  
OCT-29-2008

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 75-14263  
 ) (Harris)  
Case No. 39576 )  
 ) SPECIAL MASTER REPORT  
 )  
\_\_\_\_\_ )

**Findings of Fact**

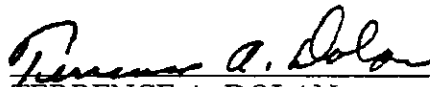
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended the claim to Myrna and Jerry Harris, 4649 Nounan Road, Montpelier, Idaho, 83254, for .1 cfs from Perreau Creek to irrigate 5 acres in Lemhi County from April 1 to October 31 with a priority date of May 20, 1898, based on beneficial use.

David Yanoff filed an *Objection* on September 20, 2007, objecting to priority date and on October 1, 2007, Edward Tolman filed an *Objection* objecting to the same. On September 10, 2008, the parties, with IDWR's concurrence, filed a *Standard Form 5* agreeing to a priority date of April 1, 1951.

**Conclusions of Law**

The Harrises are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 75-14263*.

DATED October 29, 2008

  
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  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 75-14263

NAME AND ADDRESS: MYRNA R HARRIS  
O JERRY HARRIS  
4649 NOUNAN RD  
MONTPELIER, ID 83254

SOURCE: PERREAU CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 04/01/1951

POINT OF DIVERSION: T20N R21E S02 LOT 2 (NWNE ) Within Lemhi County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.10 CFS |

PLACE OF USE: Irrigation Within Lemhi County  
T20N R22E S06 NWNW 5.0  
5.0 Acres Total

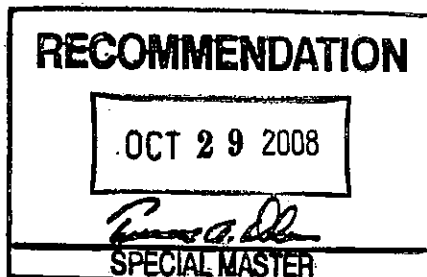
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

\_\_\_\_\_  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication



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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 )

CERTIFICATE OF MAILING

Case No. 39576 )

Water Right(s): 75-14263

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 October 29, 2008, with sufficient first-class postage prepaid to the following:

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

DAVID YANOFF  
343 DIAMOND CREEK RD  
SALMON, ID 83467  
Phone: 208-756-6212

EDWARD R TOLMAN  
41 CORBETT LN  
SALMON, ID 83467  
Phone: 208-756-3015

MYRNA R HARRIS  
O JERRY HARRIS  
4649 NOUNAN RD  
MONTPELIER, ID 83254  
Phone: 208-847-0104

CERTIFICATE OF MAILING

*Robbin Hall*  
ROBBIN HALL  
Deputy Clerk

PAGE 1  
10/29/08

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FILED  
TWIN FALLS CO., IDAHO  
CLERK

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

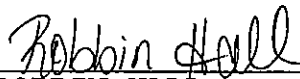
Water Right(s): 75-14263

On October 29, 2008, 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 October 29, 2008.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk