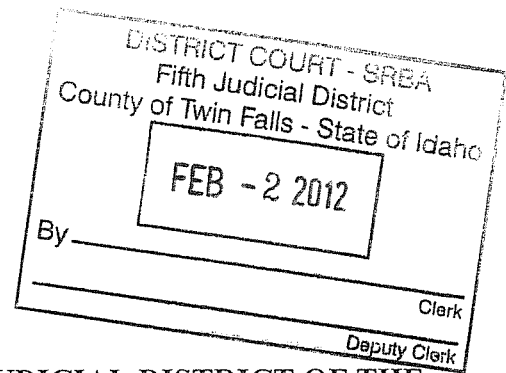


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FEB 03 2012
DEPARTMENT OF
WATER RESOURCES



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 35-4032:
	)	35-14188 (Harker)
	)	35-14189 (Lowder)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other Uses, Reporting Area 5, Part III (IDWR Basin 35)* on January 29, 1999. The Director recommended claim 35-4032 to Layne and Pamela Harker, 1733 West, 600 South, Pingree, Idaho, 83262, for 3 cfs from groundwater to irrigate 200 acres in Bingham County from April 1 to October 31 with a priority date of May 1, 1951, based on beneficial use.

The Twin Falls and North Side Canal Companies filed *Objections* on June 2, 1999, objecting to source, quantity and other provisions. The subcase was consolidated with other Basin 35 subcases involving the Twin Falls and North Side Canal Company *Objections* under consolidated subcase 35-2315 on October 23, 2001 – the same date the Aberdeen-Springfield Canal Company was granted leave to file late *Objections*.

IDWR filed *Notices of Completed Administrative Proceedings* on October 11, 2011, splitting 35-4032 into 35-14188 (Harker) and 35-14189 (Deanna and Todd Lowder, 2607 West, 1200 South, Sterling, Idaho, 83210).

The Twin Falls and North Side Canal Company *Objections* were dismissed on August 27, 2001, and on January 17, 2012, the Aberdeen-Springfield Canal Company filed its *Notice of Withdrawal of Objections*.

Conclusions of Law

1. Neither party is entitled to a partial decree for claim 35-4032 because of the split; and
2. The Harkers and the Lowders are entitled to partial decrees as described in the *NCAPs* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 35-14188 and 35-14189*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 35-4032 be **disallowed**.

DATED February 2, 2012.



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 35-14188

NAME AND ADDRESS: LAYNE J HARKER
PAMELA HARKER
1733 W 600 S
PINGREE, ID 83262

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS
20.00 AFY

PRIORITY DATE: 05/01/1951

POINT OF DIVERSION: T03S R33E S31 SWSESW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.08 CFS
			20.00 AFY

PLACE OF USE: Irrigation Within Bingham County
T03S R33E S31 SESE 5.0
5.0 Acres Total

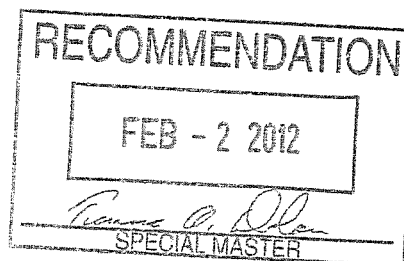
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Eric J. Wildman
Presiding Judge of the
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 35-14189

NAME AND ADDRESS: DEANNA L LOWDER
TODD A LOWDER
2607 W 1200 S
STERLING, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 2.92 CFS
780.00 AFY

PRIORITY DATE: 05/01/1951

POINT OF DIVERSION: T03S R33E S31 SWSESW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	7.92 CFS 780.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T03S R33E S31	SWNE 0.5 SESW 8.5 NESE 16.0 SWSE 27.0 SESE 33.0
	T04S R33E S06 LOT 1	(NENE) 40.0
	LOT 3	(NENW) 30.0
	195.0 Acres Total	LOT 2 (NWNE) 40.0

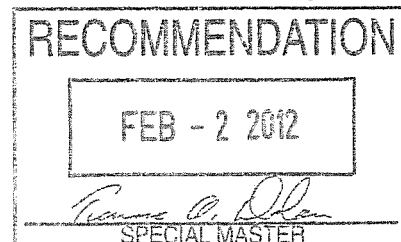
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB - 2 2012	
By _____	Clerk
Deputy 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

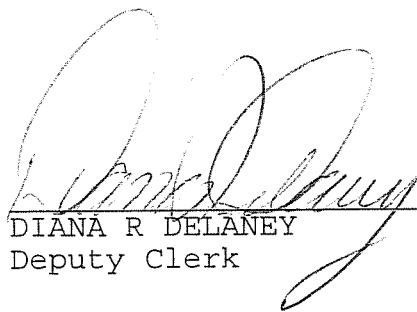
Water Right(s): 35-04032
35-14188 35-14189

On February 02, 2012, 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.

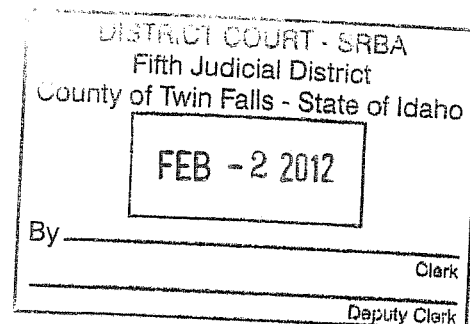
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 February 02, 2012.



DIANA R DELANEY
Deputy 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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-04032
35-14188 35-14189

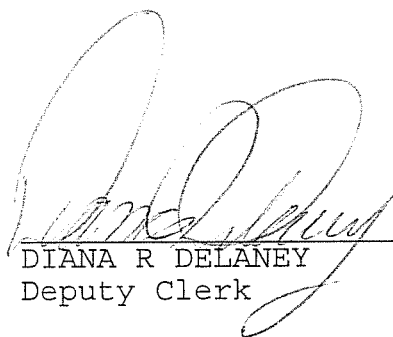
CERTIFICATE OF MAILING

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 February 02, 2012, with sufficient first-class postage prepaid to the following:

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

LAYNE J HARKER
PAMELA HARKER
1733 W 600 S
PINGREE, ID 83262
Phone: 208-328-2258

DEANNA L LOWDER
TODD A LOWDER
2607 W 1200 S
STERLING, ID 83210



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING