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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 30 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	)	Subcases 35-2315, 35-10859 and 35-10860
	)	(Lehman)
	)	
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 the above three claims, filed by Karen and James Lehman, 2912 West, 2000 South, Aberdeen, Idaho 83210, as follows:

35-2315 – 2 cfs from groundwater to irrigate 172 acres in Bingham County from April 1 to October 31 with a priority date of March 21, 1953, based on a license.

35-10859 – Disallow – "No Lawful appropriation shown."

35-10860 – .84 cfs from groundwater to irrigate 172 acres in Bingham County from April 1 to October 31 with a priority date of April 1, 1977, 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 Lehmans filed *Objections* the same date objecting to priority date (35-2315), objecting to the claim not being recommended as filed (35-10859) and source, quantity, priority date, point of diversion, purpose of use, period of year and place of use (35-10860).

On August 30, 1999, these and 345 other subcases were consolidated under lead subcase 35-7200 concerning *Objections* filed by the Canal Companies. Later, on October 23, 2001,

subcase 35-2315 was designated lead subcase and consolidated with 111 other subcases. Finally, on March 14, 2012, the Lehmans and the State of Idaho, with IDWR's concurrence, filed *Standard Forms 5* in the three subcases and agreeing to disallow claim 35-10859.

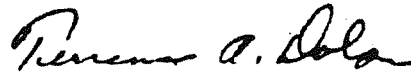
Conclusions of Law

1. The Lehmans are entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 35-2315 and 35-10860*; and
2. The Lehmans are **not** entitled to a partial decree for claim 35-10859 as agreed to in the *SF-5*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 35-10859 be **disallowed**.

DATED March 30, 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 35-02315

NAME AND ADDRESS: JAMES T LEHMAN
KAREN LEHMAN
2912 W 2000 S
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 2.00 CFS
400.00 AFY

Right Nos. 35-2315 and 35-10860 are limited to a total combined
diversion rate of 2.00 cfs and to a total combined annual
diversion volume of 688.0 AF.

PRIORITY DATE: 03/21/1953

POINT OF DIVERSION: T06S R31E S07 SESW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.00 CFS 400.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T06S R31E S07	NESW 23.0 SESW 22.0 NESE 32.0 NWSE 39.0 SWSE 37.0 SESE 27.0
	180.0 Acres Total	

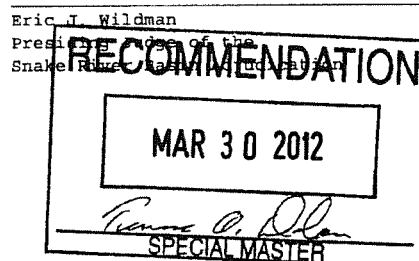
Right Nos. 35-2315 and 35-10860 are limited to the irrigation
of a combined total of 172 acres within the place of use
described above in a single irrigation season.
This right is limited to the irrigation of 100 acres within the
place of use described above in a single irrigation season.

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.



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 35-10860

NAME AND ADDRESS: JAMES T LEHMAN
KAREN LEHMAN
2912 W 2000 S
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 0.84 CFS

Right Nos. 35-2315 and 35-10860 are limited to a total combined diversion rate of 2.00 cfs and to a total combined annual diversion volume of 688.0 AF.

PRIORITY DATE: 04/01/1977

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION: T06S R31E S07 NESESW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.84 CFS

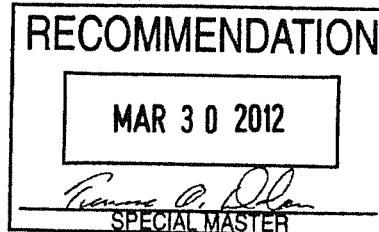
PLACE OF USE:	Irrigation	Within Bingham County
	T06S R31E S07	
	NESW 23.0	SESW 22.0
	NESE 32.0	NWSE 39.0
	SWSE 37.0	SESE 27.0
	180.0 Acres Total	

Right Nos. 35-2315 and 35-10860 are limited to the irrigation of a combined total of 172 acres within the place of use described above in a single irrigation season.

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

This right is based upon an enlargement of Right No. 2315 pursuant to Section 42-1426, 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).



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 30 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

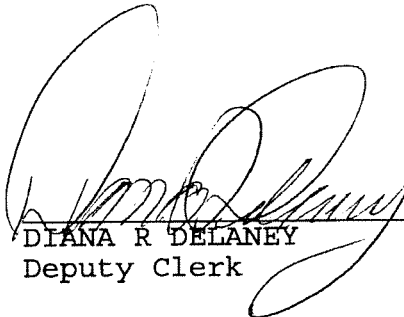
Water Right(s): 35-02315
35-10859 35-10860

On March 30, 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.

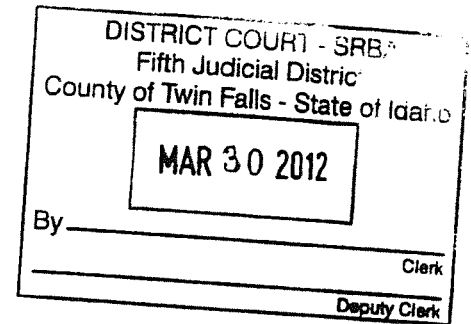
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 March 30, 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): 35-02315
35-10859 35-10860

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 March 30, 2012, with sufficient first-class postage prepaid to the following:

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

JAMES T LEHMAN
KAREN LEHMAN
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

CERTIFICATE OF MAILING

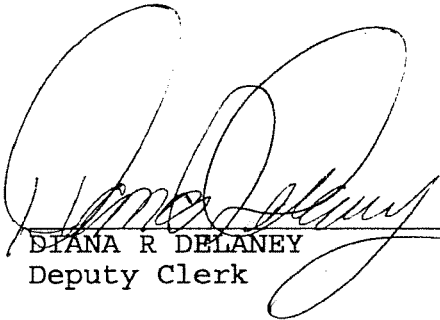
PAGE 1
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STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700



DIANA R DELANEY
Deputy Clerk