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AUG 18 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
AUG 17 2009
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 02-10167, 02-10169, 02-10171 and**
	) **02-10298**
Case No. 39576	) **(Field)**
	)
_____	) **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 Basin 02* on December 29, 2006. The Director recommended the claims to Howard J. Field, 23608 Field Lane, Grand View, Idaho, 83624-5054, for 3 cfs, 4.4 cfs, 1.74 cfs and 1.7 cfs from the Snake River to irrigate 430.4 acres in Owyhee County from March 15 to October 31 with priority dates of May 2, 1967, July 15, 1981, March 15, 1982, and April 15, 1959, based on beneficial use and a license.

Mr. Field filed *Objections* on December 5, 2007, objecting to quantity, place of use and other. On May 28, 2009, Mr. Field, with IDWR's concurrence, filed *Standard Forms 5* amending quantities, place of use and explanatory material.

Conclusions of Law

Mr. Field is 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 02-10167, 02-10169, 02-10171 and 02-10298.***

DATED August 17, 2009.

Terrence A. Dolan

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

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
AUG 17 2009
By _____ Clerk
Deputy Clerk

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 02-10167

NAME AND ADDRESS: HOWARD J FIELD
23608 FIELD LN
GRAND VIEW, ID 83624-5054

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.00 CFS

The rights listed below are limited to a total combined diversion rate of 9.10 cfs and to a total combined annual diversion volume of 1809 AF. Combined Right Nos.: 2-10167, 2-10169, 2-10171, and 2-10298.
Right Nos. 2-10167, 2-10169, and 2-10298 are limited to a total combined annual diversion volume of 1700 AF.

PRIORITY DATE: 05/02/1967

POINT OF DIVERSION: T05S R04E S34 LOT 10 (NWSW) Within Owyhee County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 10-31	5.00 CFS

PLACE OF USE: Irrigation — Within Owyhee County

T05S R03E S23	NWSW 14.0	SWSW 39.0
	SESW 26.0	SWSE 2.2
S26	NWNE 26.0	SWNE 26.0
	NENW 40.0	NWNW 37.0
	SWNW 35.0	SENW 40.0
	NESW 40.0	NWSW 27.0
	SWSW 1.8	SESW 26.0
	NWSE 22.0	

402.0 Acres Total

Right Nos. 2-10167, 2-10169, and 2-10298 are limited to the irrigation of a combined total of 340 acres in a single irrigation season.
This right is limited to the irrigation of 190 acres within the place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a combined total of 402.0 acres in a single irrigation season.
Combined Right Nos.: 2-10167, 2-10169, 2-10171, 2-10298.

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

RECOMMENDATION
AUG 17 2009
SPECIAL MASTER

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 02-10169

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
AUG 17 2009
By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: HOWARD J FIELD
23608 FIELD LN
GRAND VIEW, ID 83624-5054

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.40 CFS
1700.00 AFY

Right Nos. 2-10167, 2-10169, and 2-10298 are limited to a total combined annual diversion volume of 1700 AF.
Water shall not be diverted under this right unless the flow of the Snake River at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 cfs and at Weiser exceeds 4,750 cfs.
The rights listed below are limited to a total combined diversion rate of 9.10 cfs and to a total combined annual diversion volume of 1809 AF. Combined Right Nos.: 2-10167, 2-10169, 2-10171, and 2-10298.

PRIORITY DATE: 07/15/1981

POINT OF DIVERSION: T05S R04E S34 LOT 10 (NWSW) Within Owyhee County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 10-31	2.40 CFS 1700.00 AFY

PLACE OF USE: Irrigation — Within Owyhee County

T05S R03E S23	NWSW 14.0	SWSW 39.0
	SESW 26.0	SWSE 2.2
S26	NWNE 26.0	SWNE 26.0
	NENW 40.0	NWNW 37.0
	SWNW 35.0	SENW 40.0
	NESW 40.0	NWSW 27.0
	SWSW 1.8	SESW 26.0
	NWSE 22.0	

402.0 Acres Total

The rights listed below are limited to the irrigation of a combined total of 402.0 acres in a single irrigation season. Combined Right Nos.: 2-10167, 2-10169, 2-10171, 2-10298.
Right Nos. 2-10167, 2-10169, and 2-10298 are limited to the irrigation of a combined total of 340 acres 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.

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

RECOMMENDATION
AUG 17 2009
SPECIAL MASTER

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 02-10171

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
AUG 17 2009
By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: HOWARD J FIELD
23608 FIELD LN
GRAND VIEW, ID 83624-5054

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.74 CFS

The rights listed below are limited to a total combined diversion rate of 9.10 cfs and to a total combined annual diversion volume of 1809 AF. Combined Right Nos.: 2-10167, 2-10169, 2-10171, and 2-10298.

PRIORITY DATE: 03/15/1982

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: T05S R04E S34 LOT 10 (NWSW) Within Owyhee County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 10-31	1.74 CFS

PLACE OF USE: Irrigation — Within Owyhee County

T05S R03E S23	NWSW 14.0	SWSW 39.0
	SESW 26.0	SWSE 2.2
S26	NWNE 26.0	SWNE 26.0
	NENW 40.0	NWNW 37.0
	SWNW 35.0	SENW 40.0
	NESW 40.0	NWSW 27.0
	SWSW 1.8	SESW 26.0
	NWSE 22.0	

402.0 Acres Total

The rights listed below are limited to the irrigation of a combined total of 402.0 acres in a single irrigation season. Combined Right Nos.: 2-10167, 2-10169, 2-10171, 2-10298.

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

This right is based upon an enlargement of Right No. 2-10169 formerly 2-7357 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).

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

RECOMMENDATION
AUG 17 2009
SPECIAL MASTER

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 02-10298

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
AUG 17 2009
By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: HOWARD J FIELD
PO BOX 342
GRAND VIEW, ID 83624

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.70 CFS

The rights listed below are limited to a total combined diversion rate 9.10 cfs and to a total combined annual diversion volume of 1809 AF. Combined Right Nos.: 2-10167, 2-10169, 2-10171, and 2-10298.
Right Nos. 2-10167, 2-10169 and 2-10298 are limited to a total combined annual diverson volume of 1700 AF.

PRIORITY DATE: 04/15/1959

POINT OF DIVERSION: T05S R04E S34 LOT 10 (NWSW) Within Owyhee County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 10-31	1.70 CFS

PLACE OF USE: Irrigation — Within Owyhee County

T05S R03E S23	NWSW 14.0	SWSW 39.0
	SESW 26.0	SWSE 2.2
S26	NWNE 26.0	SWNE 26.0
	NENW 40.0	NWNW 37.0
	SWNW 35.0	SENW 40.0
	NESW 40.0	NWSW 27.0
	SWSW 1.8	SESW 26.0
	NWSE 22.0	

402.0 Acres Total

This right is limited to the irrigation of 150 acres within the place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a combined total of 402.0 acres in a single irrigation season.
Combined Right Nos.: 2-10167, 2-10169, 2-10171, 2-10298.
Right Nos. 2-10167, 2-10169, and 2-10298 are limited to the irrigation of a combined total of 340 acres 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.

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

RECOMMENDATION
AUG 17 2009

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
AUG 17 2009
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	)	NOTICE OF ISSUANCE OF SPECIAL MASTER'S RECOMMENDATION
Case No. 39576	)	Water Right(s): 02-10167 02-10169 02-10171 02-10298

On August 17, 2009, 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 August 17, 2009.

DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
AUG 17 2009
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)	CERTIFICATE OF MAILING
)	
Case No. 39576)	
)	Water Right(s): 02-10167 02-10169 02-10171 02-10298

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 August 17, 2009, with sufficient first-class postage prepaid to the following:

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

HOWARD J FIELD
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

HOWARD J FIELD
PO BOX 342
GRAND VIEW, ID 83624
Phone: 208-834-2132

HOWARD J FIELD
23608 FIELD LN
GRAND VIEW, ID 83624-5054
Phone: 208-834-2793

DIANA R DELANEY
Deputy Clerk