

DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO
FILED _____

2009 AUG 20 AM 11 07

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	)	Water Right: 2-2391A (Split)
	)	into 2-10428 and 2-10429
	)	
Case No. 39576	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
 - ☐ Split of water right
 - ☐ Change in ownership
- ☒ IC § 42-222 transfer
 - ☒ Point of diversion
 - ☒ Place of use
 - ☐ Period of use
 - ☐ Nature of use
 - ☒ Split of water right
 - ☐ Change in ownership
- ☐ Other:

IDWR certifies that it has completed its investigation into the changes to the elements of the water right listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Aug 18, 2009



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8/19, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

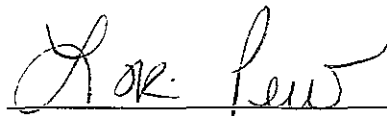
Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

3. Copies to all parties to the subcase:

Charles H. Howarth
833 N. Palmer Ln.
Eagle, ID 83616

Andrew Johnson
Star Rt., Box 50
Hammett, ID 83627



Signature of person mailing this document

08/17/2009

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
2-2391A	CHARLES H HOWARTH 4120 N LINDER RD MERIDIAN ID 83642	Disallowed	Split right: See Right Nos. 2-10428 and 2-10429.

08/17/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-10428

NAME AND ADDRESS: CHARLES H HOWARTH
833 N PALMER LN
EAGLE ID 83616

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.800 CFS
200.00 AFY

PRIORITY DATE: 03/24/1966

POINT OF
DIVERSION:

T06S R07E S2 NWNE Lot 6 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.800 CFS
200.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in OWYHEE County

T06S R07E S02 SWNE 40.00

40 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The following rights are also diverted through point of diversion described above: 2-2149

08/17/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-10429

NAME AND ADDRESS: ANDREW JOHNSON
STAR RT BOX 50
HAMMETT ID 83627

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.290 CFS
73.00 AFY

Rights 2-2133, 2-7359A and 2-10429 when combined shall not exceed a total diversion rate of 3.16 cfs and a total annual maximum diversion volume of 690.24 af at the field headgate.

PRIORITY DATE: 03/24/1966

POINT OF
DIVERSION:

T06S R08E S4 NENW Lot 3 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.290 CFS 73.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in ELMORE County

T05S R08E S33	NESE	40.00	T05S R08E S33	NWSE	40.00
T05S R08E S33	SWSE	40.00	T05S R08E S33	SESE	40.00
T05S R08E S34	NWNW	40.00			

200 ACRES TOTAL

This right is limited to the irrigation of 14.56 acres within the place of use described above in a single irrigation season.

Rights 2-2133, 2-7359A and 2-10429 when combined shall not exceed the irrigation of 172.56 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

The following rights are diverted through point of diversion described above: 2-2133, 2-7371, 2-7359A and 2-7359B and 2-10429.

The right holder shall accomplish the change authorized by this transfer on or before July 17, 2010.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.