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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV - 6 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) Subcase 02-2391A (02-10428 and 02-10429)
Case No. 39576) (Howarth and Johnson)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

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 claim 02-2391A to Charles H. Howarth, 833 N. Palmer Lane, Eagle, Idaho, 83616, for 1.09 cfs from the Snake River to irrigate 54.5 acres in Owyhee County from April 1 to October 31 with a priority date of March 24, 1966, based on a license.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on December 4, 2007, objecting to place of use. On August 20, 2009, IDWR filed a *Notice of Completed Administrative Proceeding* splitting the claim into 02-10428 (Howarth) and 02-10429 (Andrew Johnson, Star Route Box 50, Hammett, Idaho, 83627) and for transfers in point of diversion and place of use. No one objected to the *NCAP*.

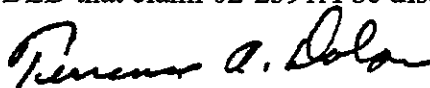
Conclusions of Law

1. Messrs Howarth and Johnson are entitled to partial decrees adjudicating water rights as described in the *NCAP* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 02-10428 and 02-10429*; and
2. The claimants are not entitled to a water right for claim 02-2391A because of the split.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 02-2391A be disallowed.

DATED November 6, 2009.



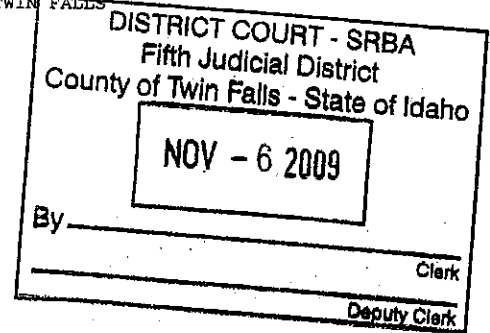
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 02-10428



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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.80 CFS
200.00 AFY

PRIORITY DATE: 03/24/1966

POINT OF DIVERSION: T06S R07E S02 LOT 6 (NWNE) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.80 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 Within Owyhee County
T06S R07E S02 SWNE 40.0
40.0 Acres Total

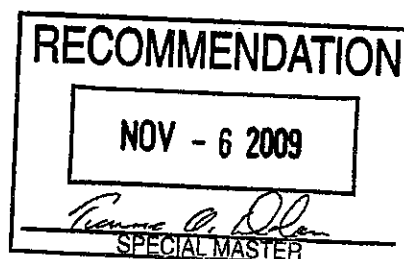
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

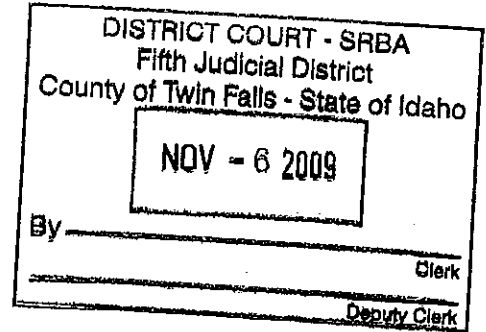


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 02-10429



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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.29 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 S04 LOT 3 (NENW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.29 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	Within Elmore County
	T05S R08E S33	NESE 40.06 NWSE 40.0
		SWSE 40.0 SESE 40.0
	S34	NWNW 40.0
	200.06 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.

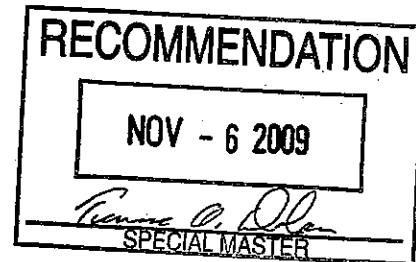
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 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



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

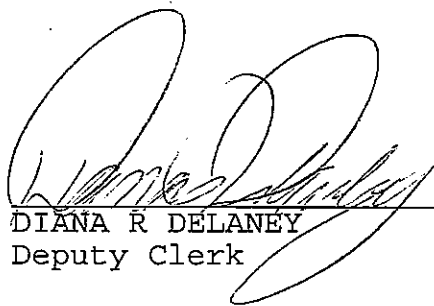
Water Right(s): 02-02391A
02-10428 02-10429

On November 06, 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 November 06, 2009.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
NOV - 6 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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 02-02391A
02-10428 02-10429

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 November 06, 2009, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

ANDY JOHNSON
COURTESY COPY
27186 JOE BLACK RD
HAMMETT, ID 83627
Phone: 208-366-2355

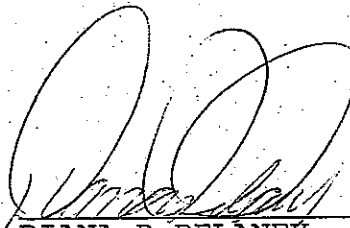
CERTIFICATE OF MAILING

PAGE 1
11/06/09

ANDREW JOHNSON
STAR RT BOX 50
HAMMET, ID 83627

CHARLES H HOWARTH
4120 N LINDER RD
MERIDIAN, ID 83642
Phone: 208-888-4956

CHARLES H HOWARTH
833 N PALMER LN
EAGLE, ID 83616



DIANA R DELANEY
Deputy Clerk