

RECEIVED
MAR 25 1996
Department of Water Resources
Adjudication Bureau

RECEIVED
1996 MAR 21 AM 8:46
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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 No. 36-07308
	)	
Case No. 39576	)	PRELIMINARY SPECIAL MASTER'S
	)	REPORT AND RECOMMENDATION
_____	)	

FINDING OF FACT

Dennis and Randy Newton, Route 1, Box 1468, Paul, Idaho 83347, filed a *Notice of Claim to a Water Right Acquired Under State Law* in 36-07308. Their license-based claim was for 6 cfs of groundwater for year 'round domestic use and to irrigate 376 acres in T 7S, R 23E, §§ 14 and 23, B.M., Minidoka County, Idaho, from March 15 to November 15, with a priority date of March 2, 1973.

On March 22, 1995, the claimants sought to amend their claimed priority date to April 1, 1958, based on beneficial use. On May 24, 1995, the Presiding Judge entered an **Order Granting Motion to File Late Objection to an Uncontested Water Right** and referred the matter to the Special Master. Only IDWR responded to the late objection.

On November 22, 1995, the claimants and IDWR filed a Standard Form 5, *Stipulated Elements of a Water Right*, for this claim. The same date, IDWR and the claimants filed another Standard Form 5 for "Subcase No. 36-15480", effectively splitting off the beneficial use portion of the claim.¹

¹ Claim no. 36-15480 was not reported in the Director's Report, and therefore is not a separate subcase. It remains part of Subcase No. 36-07308, but will be reported separately by the Special Master.

CONCLUSIONS OF LAW

The claimants are entitled to an adjudicated water right under claim no. 36-07308.

RECOMMENDATION

It is recommended that the claimants be adjudicated the following water right under claim no. 36-07308:

Name and address of claimants:

**Dennis and Randy Newton
Route 1, Box 1468
Paul, Idaho 83347**

Source of water:

Groundwater

Quantity of water used:

Irrigation- 1.62 cfs

Use of this right, with right no. 36-15480, is limited to a total combined diversion rate of 6.18 cfs and a total combined annual diversion volume of 1472 af.

Date of priority:

March 2, 1973

Point of diversion:

T 7S, R 23E, § 23, SE¼NW¼NE¼, B.M., Minidoka County, Idaho

Right no. 36-15480 is also diverted through point of diversion described above.

Purpose of use:

Irrigation

Period of use:

April 1 to October 31

Place of use:

T 7S, R 23E, § 14, B.M., Minidoka County, Idaho:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 34 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 21 acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 10 acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 1 acre

T 7S, R 23E, § 23, B.M., Minidoka County, Idaho:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 25 acres

NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 40 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 40 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 39 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 acres

NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 39 acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 39 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 acres

Total acreage: 368 acres.

Use of this right, with right no. 36-15480, is limited to the irrigation of a combined total of 368 acres in a single irrigation season.

Annual volume of consumptive use:

Use of this right, with right no. 36-15480, is limited to a total combined annual consumptive use volume of 1104 af.

Conditions on exercise of water right:

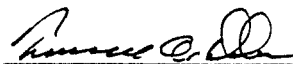
None

Remarks or other matters necessary for definition of the right, for clarification of any element of the right, or for administration of the right by the director:

None

No general provisions are included pending resolution of Basin-Wide Issue No. 5.

DATED March 21, 1996.



TERRENCE A. DOLAN

**Special Master, Reporting Area 3
Snake River Basin Adjudication**