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Department of Water Resources
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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. 36-15480
	)	
Case No. 39576	)	PRELIMINARY SPECIAL MASTER'S
	)	REPORT AND RECOMMENDATION
_____	)	

FINDING OF FACT

Dennis and Randy Newton, Route 1, Box 1468, Paul, Idaho 83347, are the claimants in 36-15480. This beneficial use claim was for 4.56 cfs of groundwater to irrigate 303 acres in T 7S, R 23E, §§ 14 and 23, B.M., Minidoka County, Idaho, from April 1 to October 31, with a priority date of April 1, 1958.

Claim no. 36-15480 was not reported in the Director's Report, and therefore is not a separate subcase. It was split off from a license-based claim, Subcase No. 36-07308, when the claimants and IDWR filed a Standard Form 5, *Stipulated Elements of a Water Right*, for each claim. Claim no. 36-15480 remains part of Subcase No. 36-07308, but is being reported separately by the Special Master.

CONCLUSIONS OF LAW

The claimants are entitled to an adjudicated water right under claim no. 36-15480.

RECOMMENDATION

It is recommended that the claimants be adjudicated the following water right under claim no. 36-15480:

Name and address of claimants:

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

Source of water:

Groundwater

Quantity of water used:

4.56 cfs

Use of this right, with right no. 36-07308, 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:

April 1, 1958

Point of diversion:

T 7S, R 23E, § 23, SE¹/₄NW¹/₄NE¹/₄, B.M., Minidoka County, Idaho

Right no. 36-07308 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:

SW¹/₄SW¹/₄- 34 acres

SE¹/₄SW¹/₄- 21 acres

SW¹/₄SE¹/₄- 10 acres

SE¹/₄SE¹/₄- 1 acre

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

NE¹/₄NE¹/₄- 25 acres

NW¹/₄NE¹/₄- 40 acres

SW¹/₄NE¹/₄- 40 acres

SE¹/₄NE¹/₄- 39 acres

NE¹/₄NW¹/₄- 40 acres

NW¹/₄NW¹/₄- 39 acres

SW¹/₄NW¹/₄- 39 acres

SE¹/₄NW¹/₄- 40 acres

Total acreage: 368 acres.

Use of this right, with right no. 36-07308, is limited to the irrigation of a combined total of 368 acres in a single irrigation season.

This right is limited to the irrigation of 303 acres within the place of use described above in a single irrigation season.

Annual volume of consumptive use:

Use of this right, with right no. 36-07308, 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