

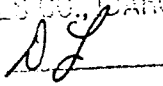
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Department of Water Resources
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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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: 36-11584

Case No. 39576

) PRELIMINARY SPECIAL MASTER'S
) REPORT AND RECOMMENDATION
)
)
)
)

FINDING OF FACT

On August 3, 1989, Patterson Farms of Idaho, Inc., filed its *Notice of Claim to a Water Right Acquired Under State Law* claiming .05 cfs of groundwater for commercial use year 'round based on beneficial use. On November 2, 1992, the Director of the Idaho Department of Water Resources filed his *Director's Report for Reporting Area 3 (Basin 36)* recommending .03 cfs.

Patterson Farms filed its *Objection* on May 3, 1993, objecting to quantity and remarks. The Director's *Response to Objection* filed September 9, 1993, proposed no changes to his recommendation. No other objections were filed.

Land View Fertilizer, Inc., filed a *Standard Form 3* on June 13, 1995, advising the court that it was the new claimant/purchaser. On April 23, 1996, the new claimant and IDWR filed a *Standard Form 5*.

CONCLUSIONS OF LAW

The claimant is entitled to a water right as described in the *Standard Form 5*.

RECOMMENDATION

It is recommended that Land View Fertilizer, Inc., be adjudicated the following water right under claim no. 36-11584:

Name and address of claimant:

Land View Fertilizer, Inc.

Box 86

Minidoka, ID 83343

Source of water:

Groundwater

Quantity of water used:

.05 cfs

7.3 afy

Use of this right, with right no. 36-15347, is limited to a total combined annual

diversion volume of 18.6 af.

Date of priority:

December 31, 1958

Point of diversion:

T 8S, R 25E, § 2, B.M., Minidoka County, Idaho,

NE¼SE¼SW¼

Right no. 36-15347 is also diverted through point of diversion described above.

Purpose of use:

Commercial

3 potato cellars and equipment washing.

Period of use:

January 1 to December 31

Place of use:

T 8S, R 25E, § 2, B.M., Minidoka County, Idaho,

NE¼SW¼, SE¼SW¼ and NW¼SE¼

Annual volume of consumptive use:

7.2 afy

Use of this right, with right no. 36-15347, is limited to a total combined annual

consumptive use volume of 7.2 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 April 25, 1996.



TERRENCE A. DOLAN
Special Master, Reporting Area 3
Snake River Basin Adjudication