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Department of Water Resources

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: 36-10870
	)	
Case No. 39576	)	PRELIMINARY MASTER'S REPORT
	)	AND RECOMMENDATION
_____	)	

FINDING OF FACT

Carren A. Peterson filed a *Notice of Claim to a Water Right* on October 11, 1988, claiming .5 cfs from Spring for stockwater and domestic uses and to irrigate 9 acres 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 2 (Basin 36)* recommending only .02 cfs for stockwater. Billingsley Creek Ranch, the current owner, filed its *Objection* on April 28, 1993, objecting to the water right not being recommended. The Director's *Response to Objection* filed September 10, 1993, proposed no changes in his recommendations.

On March 6, 1996, the claimant and IDWR signed a *Settlement Conference Report* agreeing to the elements as reported.

CONCLUSIONS OF LAW

The claimant is entitled to a water right as described in the *Director's Report*.

RECOMMENDATION

It is recommended that Billingsley Creek Ranch be adjudicated the following water right under claim 36-10870:

Name and address of claimant:
Billingsley Creek Ranch
2726 South, 1050 East
Hagerman, ID 83332

Source of water:

Potter Springs

Quantity of water used:

.02 cfs

Date of priority:

May 1, 1933

Point of diversion:

**T 7S, R 14E, § 19, B.M., Gooding County, Idaho,
SE¼SE¼SW¼**

Purpose of use:

Stockwater (instream use)

Period of use:

January 1 to December 31

Place of use:

**T 7S, R 14E, § 19, B.M., Gooding County, Idaho,
SE¼SW¼**

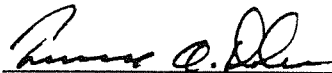
Conditions on exercise of water right:

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

DATED May 6, 1996.



TERRENCE A. DOLAN

Special Master, Reporting Area 3
Snake River Basin Adjudication

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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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	Water Right 36-10870
_____	)	

I certify that a true and correct copy of the *Preliminary Special Master's Report for Subcase No. 36-10870* and *Notice of Issuance of Preliminary Special Master's Report and Recommendation* were mailed on May 7, 1996 with sufficient first-class postage prepaid to the following:

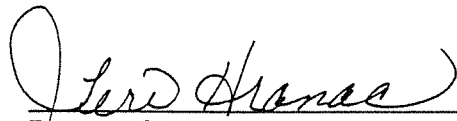
Chief, Natural Resources Division
Office Of The Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

Billingsley Creek Ranch
Donnie McFadden
2726 South 1050 East
Hagerman, Idaho 83332

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Boise, Idaho 83720-0098

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Boise, Idaho 83724-4378



Deputy Clerk