

RECEIVED

MAY 16 1996

1996 MAY 14 PM 2:34

Department of Water Resources

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

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: 36-15153

Case No. 39576

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

**Finding of Fact**

The State of Idaho, Department of Fish and Game, filed its *Notice of Claim to a Water Right* on November 5, 1990, claiming 3 cfs for wildlife use 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 that the claim be disallowed.

The claimant filed its *Objection* on April 29, 1993, objecting to the water right not being recommended. The Director's *Response to Objection* filed September 9, 1993, proposed no changes to his recommendation.

The Conservation Groups filed their *Motion to Intervene* and *Response to Objection* on August 30, 1993, but withdrew them on May 6, 1996.

On May 2, 1996, the 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 the State of Idaho, Department of Fish and Game, be adjudicated the following water right under claim 36-15153:

Name and address of claimant:

State of Idaho  
Department of Fish and Game  
600 S. Walnut  
Boise, ID 83707

Source of water:

Len Lewis Spring

Quantity of water used:  
3 cfs

Use of this right, with right 36-00012, is limited to a total combined diversion rate of 3 cfs.

Date of priority:  
March 15, 1952

Point of diversion:  
T 8S, R 14E, § 6, B.M., Gooding County, Idaho,  
SE¼SW¼NE¼

Purposes of use:  
Wildlife  
Wildlife storage

Period of use:  
January 1 to December 31

Places of use:  
T 7S, R 13E, § 36, B.M., Gooding County, Idaho,  
NE¼SW¼  
NW¼SW¼  
SE¼SW¼  
NW¼SE¼  
SW¼SE¼

T8S, R 13E, § 1, B.M., Gooding County, Idaho,  
NW¼NE¼  
NE¼NW¼

Annual volume of consumptive use:  
N/A

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 14, 1996.

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