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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

FILED *DL*

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: 36-04142

Case No. 39576

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

Finding of Fact

Cleave and Betty Lloyd filed their *Notice of Claim to a Water Right* on September 19, 1988, claiming 11 cfs of water from Upper and Lower Tucker Springs for power generation 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 5 cfs. The claimants filed their *Objection* on April 29, 1993, objecting to quantity, priority date, consumptive use, remarks and other. The Director's *Response to Objection*, filed September 10, 1993, proposed only changes to remarks.

On March 5, 1996, the claimants and IDWR filed a *Standard Form 5*.

Conclusions of Law

The claimants are entitled to a partial decree adjudicating their water right as described in the *Standard Form 5*.

Recommendation

It is recommended that Cleave and Betty Lloyd be adjudicated the following water right under claim 36-04142:

Name and address of claimants:

**Cleave and Betty Lloyd
Route 1, Box 14
Hagerman, ID 83332**

Source of water:

Upper and Lower Tucker Springs

Water is delivered through Big Bend Ditch.

Quantity of water used:

8.23 cfs

Date of priority:

April 1, 1960

Point of diversion:

**T 7S, R 13E, § 36, B.M., Gooding County, Idaho,
SE¼NW¼SE¼
NW¼SE¼SE¼**

Purpose of use:

Power generation

Period of use:

January 1 to December 31

Place of use:

**T 7S, R 13E, § 22, B.M., Gooding County, Idaho,
NE¼NE¼**

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 29, 1996.



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