

RECEIVED
SEP 23 1996
Department of Water Resources

1996 SEP 20 AM 9:55

DISTRICT COURT-5TH JUDICIAL DISTRICT
TWIN FALLS COUNTY, 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: 36-00035B
	)	
Case No. 39576	)	AMENDED PRELIMINARY
	)	SPECIAL MASTER'S REPORT
	)	

FINDINGS OF FACT

Fred and Joyce Sturtevant, 868 E, 2830 S, Hagerman, Idaho 83332, filed their *Notice of Claim to a Water Right Acquired Under State Law* on August 24, 1988, claiming .6 cfs of water from Billingsley Creek to irrigate 13 acres based on the 1932 *New International Mortgage Bank* decree. 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 .3 cfs.

On May 3, 1993, the claimants filed their *Objection* to quantity. The Director's *Response to Objection* filed September 10, 1993, proposed no change to his recommendation.

The claimants and IDWR filed a *Standard Form 5* on September 6, 1995, and on May 28, 1996, IDWR lodged its *Review of Preliminary Special Master's Report* concerning source, quantity and point of diversion.

CONCLUSIONS OF LAW

The Sturtevants are entitled to a partial decree adjudicating their water right under claim 36-00035B as described in the *Standard Form 5* and the *Preliminary Special Master's Recommendation for Partial Decree for Water Right 36-00035B*.

DATED September 19, 1996.



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

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)
Case No. 39576)
_____)

PRELIMINARY

1996 SEP 20 AM 9:55
SPECIAL MASTER'S RECOMMENDATION FOR
DISTRICT COURT - SEIDA
PARTIAL DECREE FOR TWIN FALLS COLIDATED
FILED
Water Right 36-000358ED DL

NAME & ADDRESS: FRED I STURTEVANT
JOYCE STURTEVANT
868 E 2830 S
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.6 CFS

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11

SESENE

Within GOODING County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
0.6 CFS

PLACE OF USE: IRRIGATION
T07S R13E S27
13.0 ACRES TOTAL

Within GOODING County
NWNE 13.0

CONSUMPTIVE USE: 45.5 AFY

DATED: 9-20-96

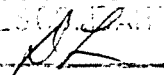

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

RECEIVED

SEP 23 1996

Department of Water Resources

1996 SEP 20 AM 9:55

DISTRICT COURT-5TH
TWIN FALLS COUNTY
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

Case No. 39576

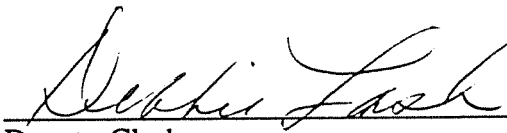
) NOTICE OF ISSUANCE OF
) AMENDED PRELIMINARY
) SPECIAL MASTER'S REPORT
) AND RECOMMENDATION

)
)
)
)
)
) Water Right 36-00035B

On May 6, 1996, Special Master Terrence A. Dolan issued an *Amended Preliminary Special Master's Report and Recommendation* for subcase 36-00035B pursuant to *SRBA Administrative Order 1*, sections 11 (e) and (f).

The *Amended Preliminary Special Master's Report and Recommendation* is served only on parties to the subcase and is not served on the Presiding Judge. Parties to this subcase may file a *Motion to Reconsider* or a *Motion to Correct Clerical Errors* with the Special Master, but must do so within 10 days after receipt of the *Amended Preliminary Special Master's Report and Recommendation*.

DATED: May 6, 1996


Deputy Clerk

RECEIVED

SEP 23 1996

Department of Water Resources

1996 SEP 20 AM 9:55

DISTRICT COURT-SENA
TWIN FALLS COUNTY
FILED PL

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 36-00035B
_____	)	

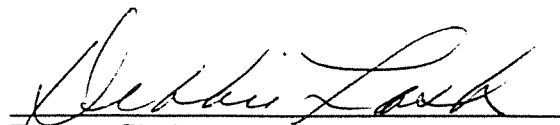
I certify that a true and correct copy of the *Amended Preliminary Special Master's Report for Subcase No. 36-00035B* and *Notice of Issuance of Amended Preliminary Special Master's Report and Recommendation* were mailed on May 6, 1996 with sufficient first-class postage prepaid to the following:

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

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
550 West Fort Street MSC 033
Boise, Idaho 83724-4378

Mr. & Mrs. Fred Sturtevant
868 East 2830 South
Hagerman, Idaho 83332


Deputy Clerk