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Department of Water Resources SEP 23 AM 9:55

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: 36-12233

Case No. 39576

)
) AMENDED PRELIMINARY
) SPECIAL MASTER'S REPORT
)
)
)

Findings of Fact

Devon and Irene Hunsaker, Route 1, Box 107A, Rupert, Idaho 83350, filed their *Notice of Claim to a Water Right* on approximately September 14, 1989, claiming .13 cfs of groundwater for domestic and stock uses 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 the claim as filed.

The United States of America, Department of the Interior, Bureau of Reclamation, filed its *Objection* on April 30, 1993, objecting to points of diversion and place of use. The Director's *Response to Objection* filed August 31, 1993, proposed correcting the legal descriptions of point of diversion and place of use.

On January 5, 1995, the claimants, the United States and IDWR filed a *Standard Form 5*. A *Preliminary Special Master's Report and Recommendation* was entered on May 29, 1996, and IDWR filed its *Review of Preliminary Special Master's Report* on June 14, 1996, concerning quantity and purpose of use.

Conclusions of Law

The Hunsakers are entitled to a partial decree adjudicating their water right under claim 36-12233 as described in the *Standard Form 5* and the *Preliminary Special Master's Recommendation for Partial Decree for Water Right 36-12233*.

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

SPECIAL MASTER'S RECOMMENDATION FOR 9:55

PARTIAL DECREE FOR DISTRICT COURT-SREA
Water Right 36-12233 TWIN FALLS CO. IDAHO
FILED *LL*

NAME & ADDRESS: DEVON P HUNSAKER
IRENE S HUNSAKER
RT 1 BOX 107A
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.13 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/13/1947

POINT OF DIVERSION: T10S R24E S15 NWNW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.09 CFS
	DOMESTIC 1 HOUSE	01-01 12-31	0.04 CFS

PLACE OF USE:	STOCKWATER	Within MINIDOKA County
	T10S R24E S15	NWNW
	DOMESTIC	Within MINIDOKA County
	T10S R24E S15	NWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED: 9-20-96

Terrence A. Dolan

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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DISTRICT COURT-5TH
TWIN FALLS, IDAHO
FILED

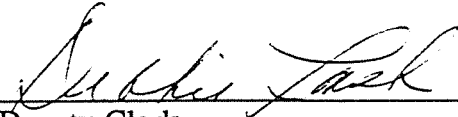
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase: 36-12233
	)	
Case No. 39576	)	NOTICE OF ISSUANCE OF
	)	AMENDED PRELIMINARY
	)	SPECIAL MASTER'S REPORT
	)	AND RECOMMENDATION
_____	)	

On September 20, 1996, Special Master Terrence A. Dolan issued an *Amended Preliminary Special Master's Report and Recommendation* for subcase 36-12233 pursuant to *SRBA Administrative Order I*, 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: September 20, 1996.



Deputy Clerk

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DISTRICT COURT-SREA
TWIN FALLS CO. 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: 36-12233

Case No. 39576

) CERTIFICATE OF MAILING
)
)
)

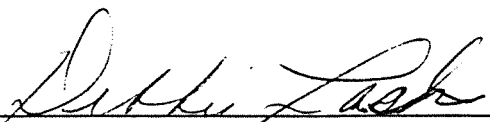
I certify that a true and correct copy of the *Amended Preliminary Special Master's Report for Subcase No. 36-12233* and *Notice of Issuance of Amended Preliminary Special Master's Report and Recommendation* were mailed on September 20, 1996 with sufficient first-class postage prepaid to the following:

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

U. S. Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Devon P & Susan S Hunsaker
Route 1 Box 107A
Rupert, Idaho 83350

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


Deputy Clerk