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Department of Water Resources
Adjudication Bureau

SEP 27 1996 OFFICE OF THE ATTORNEY GENERAL

DISTRICT COURT-SEDA
TWIN FALLS COUNTY
FILED *SL*

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	)	PRELIMINARY SPECIAL MASTER'S
	)	REPORT
Case No. 39576	)	
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW FOR
	)	
	)	WATER RIGHT 36-00039M

FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director for the State of Idaho Department of Water Resources (IDWR) examined the water system for Reporting Area 3 and investigated and abstracted the notice of claim for Reporting Area 3 (Basin 36). The *Director's Report for Reporting Area 3 (Director's Report)* contained a recommendation or abstract for the elements of this water right.

An Objection to water right 36-00039M was filed on April 29, 1993 by the claimant, Max J and Blanche Woolley. A Response was filed on September 10, 1993 by the Idaho Department of Water Resources. Subsequently, an agreement was reached as to how the elements of water right 36-00039M should be decreed. On January 10, 1996 a *Standard Form 3* was filed to provide a Change of Address for the claimant. On February 5, 1996 a *Standard Form 5* was filed reflecting the settlement agreement of the parties. Signatories to the *Standard Form 5* are the claimant/objector; Max J and Blanche Woolley, and IDWR. It appears that all parties and IDWR are signatories to the *Standard Form 5*.

MAIL1954

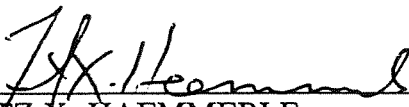


CONCLUSIONS OF LAW

Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be decreed.

Therefore, as a matter of law, IT IS RECOMMENDED that water right 36-00039M be decreed with the elements as set forth in the attached *Preliminary Special Master's Report and Recommendation*.

DATED September 26, 1996.



FRITZ X. HAEMMERLE
Special Master
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

1996 SEP 27 PM 2: 55

In Re SRBA)
Case No. 39576)
_____)

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR TWIN FALLS COUNTY
FILED
Water Right 36-00039M

NAME & ADDRESS: BLANCHE WOOLLEY
MAX J WOOLLEY
860 WEST 740 SOUTH
RICHFIELD UT 84701

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS

THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED
FOR DOMESTIC PURPOSES AT A POINT OF MEASUREMENT WHERE THE
DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE
QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE
UNREASONABLE WASTE.

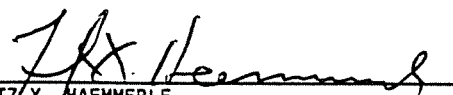
PRIORITY DATE: 01/02/1891

POINT OF DIVERSION: T07S R13E S11 SESENE Within GOODING County

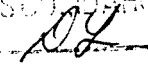
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC 1 HOME		01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within GOODING County
T07S R13E S11 NWSE

DATED:


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

SEP 27 PM 2:55

DISTRICT COURT-SRBA
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)
Case No. 39576)
_____)

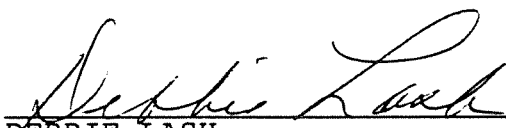
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 36-00039M

On September 27, 1996, Special Master FRITZ X HAEMMERLE issued a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative Order 1 sections 11 (e) and (f).

These documents are served only on parties to the subcase. They are not served on the Presiding Judge. Parties to this subcase may file a Motion for Reconsideration or a Motion to Correct Clerical Errors with the Special Master, but must do so before October 11, 1996.

DATED September 27, 1996.


DEBBIE LASH
Deputy Clerk

SEP 27 PM 2:55

DISTRICT COURT-SRBA
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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 36-00039M

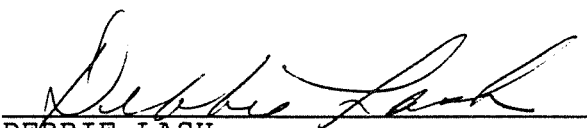
CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 27, 1996, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720

PATRICK D. BROWN
PO BOX 389
TWIN FALLS, ID 83303


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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09/27/96