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Department of Water Resources

SEP 24 PM 2:04

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

) Subcase: 36-07560

Case No. 39576

) PRELIMINARY SPECIAL
) MASTER'S REPORT
)
)
)

Findings of Fact

Gary and Barbara Carney, Route 2, Box 2418, Paul, Idaho 83347, filed their *Notice of Claim to a Water Right* on April 5, 1990, claiming 7.66 cfs for stockwater and to irrigate 383 acres based on a permit. 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 5.45 cfs for stockwater and to irrigate 331 acres with a later priority date than claimed.

The United States of America, Department of the Interior, Bureau of Reclamation, filed its *Objection* on April 30, 1993, objecting to place of use and remarks. The Director's *Response to Objection*, filed August 24, 1993, proposed no changes to the recommendation.

On July 17, 1995, the Carneys, the United States and IDWR filed a *Standard Form 5*.

Conclusions of Law

The Carneys are entitled to a partial decree adjudicating their water right under claim 36-07560 as described in the *Standard Form 5* and the *Preliminary Special Master's Recommendation for Partial Decree for Water Right 36-07560*.

DATED September 23, 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 24 PM 2:04

SPECIAL MASTER'S RECOMMENDATION FOR
DISTRICT COURT - SRBA
PARTIAL DECREE FOR TWIN FALLS CO. IDAHO
FILED
Water Right 36-07560

NAME & ADDRESS: BARBARA CARNEY
GARY CARNEY
RT 2 BOX 2418
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 5.45 CFS
1324.0 AFY

PRIORITY DATE: 03/03/1976

POINT OF DIVERSION: T09S R21E S02 SESENE Within JEROME County

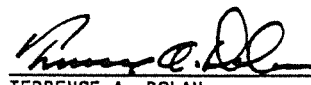
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 5.45 CFS
1324.0 AFY

PLACE OF USE: IRRIGATION Within JEROME County
T09S R21E S01 NWNW 7.0 SWNE 34.0 SENE 36.0 NENW 13.0
NWNW 1.0 SENW 11.0 NESW 13.0 NWSW 5.0
SWSW 19.0 SESW 17.0 NESE 36.0 NWSE 19.0
SWSE 30.0 SESE 37.0
S02 SWNE 11.0 SENE 5.0 SWNW 6.0 SENW 8.0
NESW 13.0 NESE 3.0 NWSE 7.0
331.0 ACRES TOTAL

PROPERTY IS ALSO KNOWN AS T09S, R21E, S01, TRACTS A, E, F & G.
PROPERTY IS ALSO KNOWN AS T09S, R21E, S02, TRACTS H & G.

CONSUMPTIVE USE: 993.0 AFY

DATED: 9-23-96


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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FILED *[Signature]*

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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): 36-07560

On September 24, 1996, Special Master TERRENCE A. DOLAN 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 08, 1996.

DATED September 24, 1996.

[Signature]
DEBBIE LASH
Deputy Clerk

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DISTRICT COURT-SRBA
TWIN FALLS CO. ID
FILED *[Signature]*

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): 36-07560

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 24, 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~~

CHIEF, NTRL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449

GARY CARNEY
ROUTE 2, BOX 2418
PAUL, ID 83347

CERTIFICATE OF MAILING

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09/24/96