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SEP 25 1996

Department of Water Resources

SEP 24 PM 2:00

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED 17

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: 36-07646

Case No. 39576

)
) PRELIMINARY SPECIAL
) MASTER'S REPORT
)
)

Findings of Fact

The Travelers Insurance Co. filed its *Notice of Claim to a Water Right* on July 5, 1988, claiming 1.6 cfs of groundwater for stockwater and commercial uses 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 1.05 cfs and the claimant as Ray L. Commons, Route 5, Box 64, Rupert, Idaho 83350.

The United States of America filed its *Objection* on April 30, 1993, objecting to quantity and purpose of use. The Director's *Response to Objection*, filed September 9, 1993, proposed no changes to the recommendation.

On March 29, 1995, Mr. Commons, the United States and IDWR filed a *Standard Form 5*.

Conclusions of Law

Mr. Commons is entitled to a partial decree adjudicating his water right under claim 36-07646 as described in the *Standard Form 5* and the *Preliminary Special Master's Recommendation for Partial Decree for Water Right 36-07646*.

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 2:00
SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
Water Right 36-07646 FILED DL

NAME & ADDRESS: RAY L COMMONS
RT 5 BOX 64
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 1.05 CFS
522.8 AFY

PRIORITY DATE: 09/24/1976

POINT OF DIVERSION: T07S R23E S30 LOT 3 (SWNWSE)

Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01-01 12-31

QUANTITY
0.6 CFS
160.8 AFY
1.00 CFS
362.0 AFY

COMMERCIAL

01-01 12-31

COMMERCIAL USE IS FEEDLOT DUST CONTROL.

PLACE OF USE:

STOCKWATER
T07S R23E S30

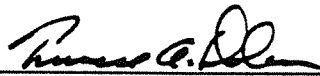
Within LINCOLN County
NESE Lot 3 (NWSE)

Lot 4 (SWSE)

SESE

Place of use for COMMERCIAL is same as STOCKWATER

DATED: 9-23-96


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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Department of Water Resources SEP 24 PM 2:01

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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)
_____)

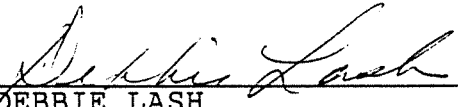
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 36-07646

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.


DEBBIE LASH
Deputy Clerk

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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED 1/1

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

CERTIFICATE OF MAILING

Water Right(s): 36-07646

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

RAY L. COMMONS
ROUTE 5, BOX 64
RUPERT, ID 83350

CERTIFICATE OF MAILING

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09/24/96