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SEP 25 1996

Department of Water Resources

SEP 24 PM 1:53

DISTRICT COURT-SRBA
TWIN FALLS CO, 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: 36-07703

Case No. 39576

)
) PRELIMINARY SPECIAL
) MASTER'S REPORT
)
)

Findings of Fact

Delbert and Harriet Waters, 367 South, 1900 East, Jerome, Idaho 83338, filed their *Notice of Claim to a Water Right* on January 17, 1990, claiming 3.57 cfs of groundwater to irrigate 200 acres based on a license. 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.

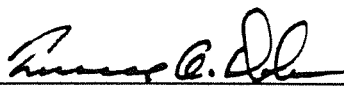
The United States of America, Department of the Interior, Bureau of Reclamation, filed its *Objection* on April 30, 1993, objecting to quantity, place of use and consumptive use. The Director's *Response to Objection*, filed August 24, 1993, proposed no change to the recommendation. The Waters' *Response*, filed August 30, 1993, stated that the legal description of the place of use should be changed.

On March 22, 1995, counsel for the Waters, the United States and IDWR filed a *Standard Form 5*.

Conclusions of Law

The Waters are entitled to a partial decree adjudicating their water right under claim 36-07703 as described in the *Standard Form 5* and the *Preliminary Special Master's Recommendation for Partial Decree for Water Right 36-07703*.

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 1:53
SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
Water Right 36-07703
FILED

NAME & ADDRESS: HARRIET WATERS
DELBERT E WATERS
367 S 1900 E
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 3.57 CFS
792.0 AFY

PRIORITY DATE: 05/10/1977

POINT OF DIVERSION: T09S R20E S05 LOT 3 (NWNENW)

Within JEROME County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
3.57 CFS
792.0 AFY

PLACE OF USE: IRRIGATION Within JEROME County
T08S R20E S32 SWSW 38.0 SESW 19.0 SWSE 20.0
T09S R20E S05 Lot 1 (NENE) 9.0 Lot 2 (NWNE) 38.0 Lot 3 (NENW) 36.0 Lot 4 (NWNW) 38.0
198.0 ACRES TOTAL

CONSUMPTIVE USE: 594.0 AFY

DATED: 9-23-96



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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DISTRICT COURT-SRBA
TWIN FALLS COURT 210

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)
_____)

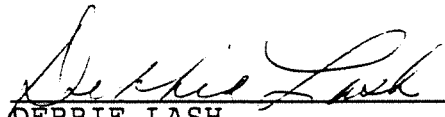
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 36-07703

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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DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED *JS*

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): 36-07703

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

JOHN A ROSHOLT
PO BOX 1906
TWIN FALLS, ID 83303

CERTIFICATE OF MAILING

PAGE 1
09/24/96