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DEPARTMENT OF
WATER RESOURCES

2007 JUL 11 AM 10:18

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 74-11549
	)	(USDI/BLM)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

On January 23, 2006, the Director of the Idaho Department of Water Resources filed his *Part I Director's Report, Reporting Area 23, IDWR Basin 74*. The Director reported claim 74-11549 with claimant's name and address omitted for .02 cfs from a spring for year-'round stockwater use in Lemhi County with a priority date of June 28, 1934, based on beneficial use. The Director also noted under priority date:

4/17/1926 Claimed under federal reserved water law.
This water right is also claimed based on federal law with an April 17, 1926, date of priority pursuant to an Executive Order signed the same date and known as Public Water Reserve 107.

On February 3, 2006, the United States of America, Department of Interior, Bureau of Land Management, 1387 S. Vinnell Way, Boise, Idaho 83709-1657, filed an *Objection* to name and address. On February 16, 2006, the United States, with IDWR's concurrence, filed a *Standard Form 5* adding the USDI / BLM's name and address.

The United States lodged the *Affidavit of Fredric W. Price* on May 21, 2007. An I.C. § 42-1411A evidentiary hearing was held on June 28, 2007. R. Lee Leininger appeared by telephone for the United States, along with Mr. Price. Garrick Baxter appeared by telephone for IDWR, along with Andrea Courtney.

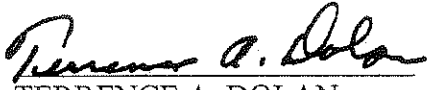
The United States submitted the *Affidavits of Frederic W. Price*. Mr. Price, a water rights specialist in the BLM state office, stated that: the federal law basis of the claim is an Executive

Order, dated April 17, 1926, and known as Public Water Reserve 107; the claim is located on unreserved federal public domain as of April 17, 1926; the land currently remains under U.S. Department of Interior administration; the claimed water source was confirmed by field investigation; there is sufficient surface water at the claimed site for consumptive use by livestock; the source is a spring or waterhole located at the claimed point of diversion; and the place of use is correctly described in the *SF-5*.

Conclusions of Law

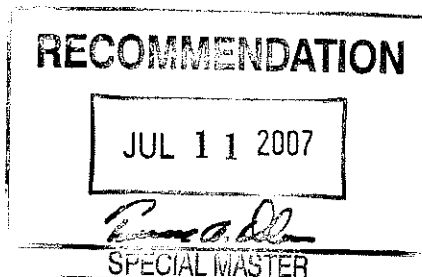
The United States is entitled to a partial decree adjudicating a federal reserved water right with a priority date of April 17, 1926, as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Federal Reserved Water Right 74-11549*.

DATED July 11, 2007.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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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): 74-11549

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 11, 2007, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

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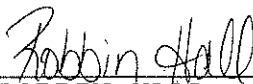
In Re SRBA	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
Case No. 39576	)	RECOMMENDATION
	)	
_____	)	Water Right(s): 74-11549

On July 11, 2007, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 11, 2007.



ROBBIN HALL
Deputy Clerk