

2007 AUG 22 PM 2:08
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 24-4023
Case No. 39576) (Lagomarsino)
)
) SPECIAL MASTER REPORT
)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 14, IDWR Basin 24* on November 21, 2006. The Director recommended claim 24-4023 to William B. Robison for .02 cfs from Hardmans Hollow Creek for stockwater use from May 1 to November 15 with a priority date of June 1, 1932, based on beneficial use.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on January 19, 2007, objecting to points of diversion. On April 2, 2007, IDWR filed a *Notice of Completed Administrative Proceeding* for a substitution of party from Mr. Robinson to Richard Lagomarsino, 7625 Foothill Road, Ventura, California, 93004-1124.

On June 27, 2007, Mr. Lagomarsino and the United States, with IDWR's concurrence, filed an *Amended Claim Standard Form 5* agreeing to amend name and address, source, point of diversion, place of use and explanatory material.

Conclusions of Law

Mr. Lagomarsino is entitled to a partial decree adjudicating a water right as described in the *Amended Claim SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 24-4023*.

DATED August 22, 2007.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan", written over a horizontal line.

TERRENCE A. DOLAN

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 24-04023

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NAME AND ADDRESS: RICHARD LAGOMARSINO
7625 FOOTHILL RD
VENTURA, CA 93004-1124

SOURCE: HARDMANS HOLLOW CREEK TRIBUTARY: CROW CREEK
UNNAMED STREAM TRIBUTARY: TYGEE CREEK
UNNAMED STREAM TRIBUTARY: HARDMANS HOLLOW CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1932

POINT OF DIVERSION: T08S R46E S27 NESWSE (Instream Ending Point) Within Caribou County
NESESE (Instream Beginning Point)
S34 SENENE (Instream Beginning Point)
SENESE (Instream Ending Point)
S35 LOT 3 (NWNESW) (Instream Beginning Point)
T09S R46E S02 NWNWNW (Instream Ending Point)
NWSWNW (Instream Beginning Point)
SWSWNW (Instream Ending Point)
S11 LOT 1 (SWNENW) (Instream Beginning Point)
LOT 1 (SWNENW) (Instream Ending Point)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-15	0.02 CFS

PLACE OF USE:	Stockwater		Within Caribou County
	T08S R46E S27	SWSE	SESE
	S34	NENE	SENE
		NESE	
	S35 LOT 3	(NESW)	SWSW
	LOT 4	(SESW)	
	T09S R46E S02	NWNW	SWNW
	S11 LOT 1	(NENW)	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECORDED & INDEXED

AUG 22 2007

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

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 24-04023

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 August 22, 2007, with sufficient first-class postage prepaid to the following:

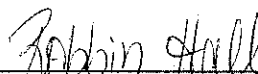
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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

WILLIAM B ROBINSON
PO BOX 13
DINGLE, ID 83233-0013

RICHARD LAGOMARSINO
7625 FOOTHILL RD
VENTURA, CA 93004-1124

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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08/22/07

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

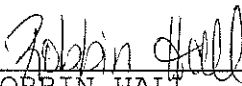
Water Right(s): 24-04023

On August 22, 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 August 22, 2007.



ROBBIN HALL
Deputy Clerk