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OCT 19 2007

DEPARTMENT OF
WATER RESOURCES

2007 OCT 17 PM 1:10

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) Subcases 74-2276, 74-4041 and 74-14466
Case No. 39576) (USDI / BLM)
)
) SPECIAL MASTER REPORT AND
) RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claim 74-2276 to the United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709-1657, for .03 cfs from Sharkey Hot Spring for year-'round recreation use in Lemhi County with a priority date of September 19, 1926, based on a decree.

The United States filed an *Objection* in subcase 74-2276 on June 28, 2006, objecting to quantity. On October 15, 2007, the United States, with IDWR's concurrence, filed a *Standard Form 5*. IDWR identified 74-4041 and 74-14466 as uncontested overlapping claims recommended disallowed.

Conclusions of Law

The United States is entitled to a partial decree adjudicating water right for claim 74-2276 as recommended by IDWR and as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 74-2276*. The United States is not entitled to partial decrees for claims 74-4041 and 74-14466.

Recommendation

THEREFORE, IT IS RECOMMENDED that claims 74-4041 and 74-14466 be disallowed.

DATED October 17, 2007.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath.

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 74-02276

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

SOURCE: SHARKEY HOT SPRING TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 0.03 CFS

PRIORITY DATE: 09/19/1926

POINT OF DIVERSION: T20N R24E S34 LOT 4 (SWSWSW) Within Lemhi County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Recreation	01-01 TO 12-31	0.03 CFS

RECREATION USE IS SWIMMING POOL.

PLACE OF USE: Recreation Within Lemhi County
T19N R24E S04 LOT 1 (NENE)

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

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.

RECOMMENDATION

OCT 17 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): 74-02276
74-04041 74-14466

CERTIFICATE OF MAILING

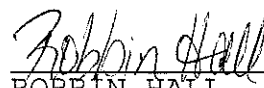
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 17, 2007, with sufficient first-class postage prepaid to the following:

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
Phone: 208-373-4000

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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10/17/07

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Water Right(s): 74-02276
74-04041 74-14466

ROBBIN HALL
Deputy Clerk