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DEPARTMENT OF
WATER RESOURCES

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

Subcase No. 75-10400

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:
Susan Kozacek

Susan Kozacek 2/10/2009
Susan Kozacek Date
Pro Se

OBJECTOR:
Patrick Murphy

Patrick Murphy 02/05/2009
Patrick Murphy Date
Pro Se

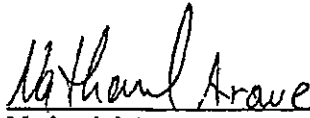
OBJECTOR:
Daryl Hull

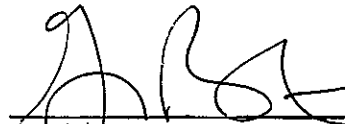
Daryl Hull 02/04/2009
Daryl Hull Date
Pro Se

RESPONDENT
United States of America

David Negri 2/17/09
David Negri, Attorney Date
USDA Forest Service

IDWR Concurrence:

 3/9/09
Nathaniel Arave Date
Senior Water Resource Agent

 3/9/09
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

(DK) PM
SKK
NWA
JS
DN

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10400

NAME AND ADDRESS: SUSAN K KOZACEK
7739 W. GOLDBROOK DR
TUCSON AZ 85743

SOURCE: SPRING UNNAMED STREAM

TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.180 CFS

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

Right Nos. 75-10392 and 75-10400 are limited to a total combined diversion rate of 0.3 cfs.

PRIORITY DATE: 05/01/1987

POINT OF DIVERSION:

T25N R21E S15 SESWSW Within LEMHI County

~~T25N R21E S15 SESWSW Within LEMHI County~~

~~T25N R21E S15 SESE Within LEMHI County~~

~~T25N R21E S15 SESE Within LEMHI County~~

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	0.140 CFS
STOCKWATER	1/01 12/31	0.040 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T25N R21E S21	NENE	2.95	T25N R21E S21	NWNE	0.09
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T25N R21E S21	SENE	0.46
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STOCKWATER in LEMHI County

T25N R21E S21	NENE	T25N R21E S21	SENE
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3.5 ACRES TOTAL

Right Nos. 75-10392 and 75-10400 are limited to the irrigation of a combined total of 6.5 acres.

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. Section 42-1412(6), Idaho Code.

The administration of this right is further defined and set forth in the Settlement Agreement between Russell Kozacek, Susan Kozacek, Patrick Murphy,

and Daryl Hull, dated December 19, 2008 and recorded as instrument number
278547 in the Lemhi County Recorder's Office, Salmon, Idaho.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

N2A

JB

Dr

CERTIFICATE OF MAILING

I certify that on March 18, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

ANN HELTSLEY
STUART L FELTON
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250

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

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

PATRICK MURPHY
14 BLAZE TREE TRAIL
NORTH FORK, ID 83466

DARYL HULL
15 BLAZE TREE TRAIL
NORTH FORK, ID 83466

SUSAN K KOZACEK
7739 W GOLDBROOK DR
TUCSON, AZ 85743



Signature of person or attorney mailing form