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AUG 11 2009

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) Subcases 75-10392 and 75-10400
Case No. 39576) (Kozacek)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation and Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended claim 75-10400 to Susan K. Kozacek, 7739 W. Goldbrook Drive, Tucson, Arizona, 85743, for .18 cfs from a spring for year-'round stockwater use and to irrigate 3.5 acres in Lemhi County from April 1 to November 1 with a priority date of May 1, 1887, based on beneficial use.

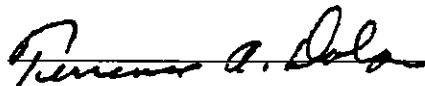
Patrick D. Murphy filed an *Objection* in subcase 75-10400 on October 17, 2007, objecting to point of diversion. Daryl Hull lodged a late *Objection* on October 18, 2007, seeking to object to point of diversion as well. The United States of America, Department of Agriculture, Forest Service filed a *Response* on December 18, 2007.

On March 19, 2009, Ms. Kozacek, Mr. Murphy, Mr. Hull and the United States, with IDWR's concurrence, filed a *Standard Form 5* in subcase 75-10400 agreeing to amend the source and point of diversion and add a remark under other provisions. IDWR identified 75-10392 as an uncontested overlapping claim.

Conclusions of Law

Ms. Kozacek is entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the *SF-5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-10392 and 75-10400*.

DATED August 10, 2009.


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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 75-10400

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 10 2009	
By _____	Clerk
_____	Deputy Clerk

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

SOURCE: UNNAMED STREAM TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.18 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: 05/01/1887

POINT OF DIVERSION: T25N R21E S15 SESWSW Within Lemhi County

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.14 CFS
	Stockwater	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Irrigation
T25N R21E S21 NENE 2.95 Within Lemhi County
SENE 0.46 NWNE 0.09
3.5 Acres Total

Stockwater
T25N R21E S21 NENE Within Lemhi County
SENE

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:

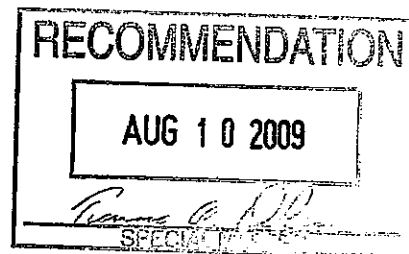
The administration of this right is further defined and set forth
in the Settlement Agreement between Russell Kozacek, Susan
Kozacek, Patrick Murphy and Daryl Hull, dated December 19, 2008
and recorded as instrument number 278547 in the Lemhi County
Recorder's Office, Salmon, Idaho.

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).

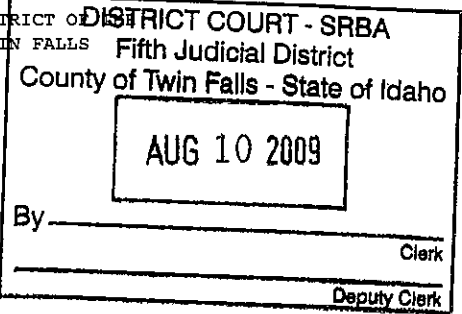
RULE 54(b) CERTIFICATE

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.

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



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS



In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-10392

NAME AND ADDRESS: SUSAN K KOZACEK
7739 W GOLDBROOK DRIVE
TUCSON, AZ 85743

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER
SPRING TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.16 CFS

Right Nos. 75-10392 and 75-10400 are limited to a total combined
diversion rate of 0.3 cfs.
The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION: T25N R21E S15 SESWSW Within Lemhi County
S22 SESWSW
NENWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.12 CFS
	Stockwater	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Irrigation Within Lemhi County
T25N R21E S21 NENE 2.91 SENE 0.09
3.0 Acres Total

Stockwater Within Lemhi County
Same as Irrigation

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

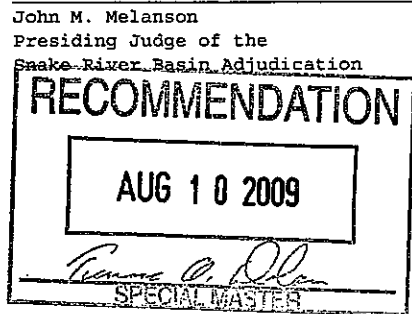
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right 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.



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
SPECIAL MASTER'S
RECOMMENDATION

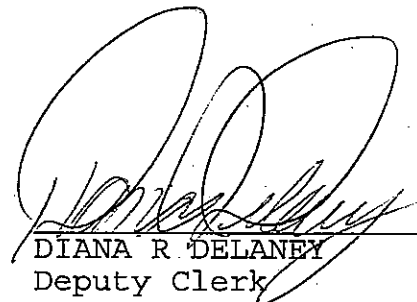
Water Right(s): 75-10392
75-10400

On August 10, 2009, 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 10, 2009.


DIANA R. DELANEY
Deputy Clerk

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): 75-10392
75-10400

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 10, 2009, with sufficient first-class postage prepaid to the following:

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

ANN HELTSLEY
STUART L FELTON
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

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

CERTIFICATE OF MAILING

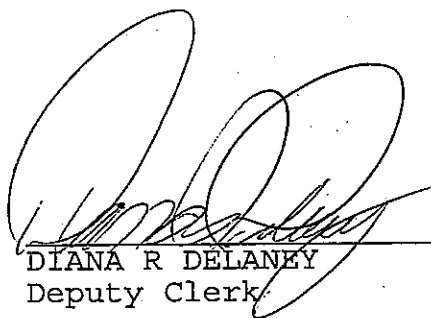
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PATRICK MURPHY
14 BLAZE TREE TRAIL
NORTH FORK, ID 83466
Phone: 208-756-6022

DARYL HULL
15 BLAZE TREE TRAIL
NORTH FORK, ID 83466
Phone: 305-872-3398

SUSAN K KOZACEK
7739 W GOLDBROOK DR
TUCSON, AZ 85743
Phone: 520-979-9100

SUSAN K KOZACEK
7739 W GOLDBROOK DRIVE
TUCSON, AZ 85743
Phone: 520-979-9100



DIANA R DELANEY
Deputy Clerk