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SEP 30 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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 29 2009	
By	Clerk
	Deputy Clerk

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION; FINDINGS OF
) FACT AND CONCLUSIONS OF LAW

)
)
) FOR WATER RIGHTS: 21-12980 and
) 21-12981

I. FINDINGS OF FACT

Claims were filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

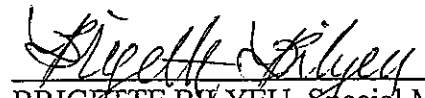
Objections were filed by Mike Dolezal on May 16, 2006. The *Objections* were resolved on April 24, 2007 with the filing of *Standard Forms 5*. All parties to the subcase and IDWR are signatories to the *Standard Forms 5*.

However, there is a discrepancy between the *Standard Form 5* filed in 21-12980 and 21-12981. The *Standard Form 5* for both 21-12980 and 21-12981 are for 9.91 total irrigated acres, but the *Standard Form 5* for 21-12980 appears to have left off or rounded the acreage within the quarter-quarter descriptions. **Therefore, the *Special Master's Report and Recommendation* has followed the acreage provided on the *Standard Form 5* for 21-12981 as it appears to be more accurate.**

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decrees*.

DATED: September 29, 2009.


BRIGETTE BLYEU, 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 21-12980

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
SEP 29 2009
By _____ Clerk Deputy Clerk

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: LAURA K DOLEZAL
MICHAEL DOLEZAL
PO BOX 14
CHESTER, ID 83421

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 0.40 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.
Right Nos. 21-12980 and 21-12981 are limited to a total combined
diversion rate of .4 cfs.

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION: T08N R42E S20 LOT 5 (NWSWSW) Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.40 CFS
	Stockwater	04-01 TO 11-01	0.02 CFS

PLACE OF USE: Irrigation Within Fremont County
T08N R41E S13 LOT 5 (NESW) 3.23 LOT 4 (NWSW) 6.68
9.91 Acres Total

Stockwater Within Fremont County
Same as Irrigation

Right Nos. 21-12980 and 21-12981 are limited to the irrigation
of a combined total of 9.91 acres in a single irrigation season.

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).

RECOMMENDATION

SEP 29 2009

Bigelow Libbey
SPECIAL MASTER

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 29 2009

By _____ Clerk
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 21-12981

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: LAURA K DOLEZAL
MICHAEL DOLEZAL
PO BOX 14
CHESTER, ID 83421

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.20 CFS

Right Nos. 21-12980 and 21-12981 are limited to a total
combined diversion rate of .4 cfs.
The quantity of water under this right for stockwater use
shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/25/1919

POINT OF DIVERSION: T08N R42E S18 NESESE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.20 CFS
	Stockwater	04-01 TO 11-01	0.02 CFS

PLACE OF USE: Irrigation Within Fremont County
T08N R41E S13 LOT 5 (NESW) 3.23 LOT 4 (NWSW) 6.68
9.91 Acres Total

Stockwater Within Fremont County
Same as Irrigation

Right Nos. 21-12980 and 21-12981 are limited to the irrigation
of a combined total of 9.91 acres in a single irrigation season.

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
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RECOMMENDATION

SEP 29 2009

Bugella Silbey
SPECIAL MASTER

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WATER RESOURCES

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By _____ Clerk 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

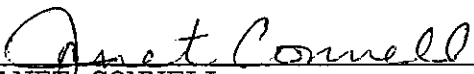
Water Right(s) : 21-12980
21-12981

On September 29, 2009, Special Master BRIGETTE BILYEU 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 September 29, 2009.


JANET CONNELL
Deputy Clerk

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In Re SRBA)
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_____)

CERTIFICATE OF MAILING

Water Right(s) : 21-12980
21-12981

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 September 29, 2009, with sufficient first-class postage prepaid to the following:

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

LAURA K DOLEZAL
MICHAEL DOLEZAL
PO BOX 14
CHESTER, ID 83421
Phone: 208-351-5791


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
09/29/09