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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 30 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

Case No. 39576

ORDER OF PARTIAL DECREES

Subcases: 75-10392 & 75-10400
(Kozacek)

On August 10, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

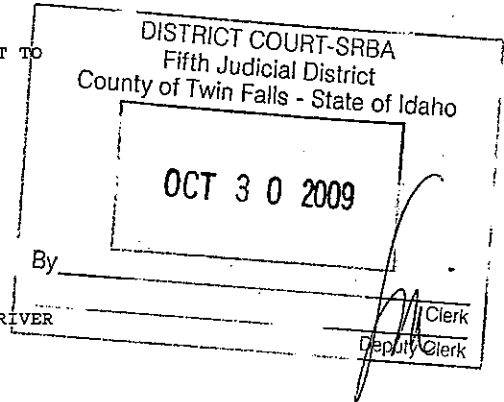
DATED October 30, 2009.


JOHN M. MELANSON
Presiding Judge
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 75-10392



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
SESWSW
S22 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 T25N R21E S21 NENE 2.91 Within Lemhi County
3.0 Acres Total SENE 0.09

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.

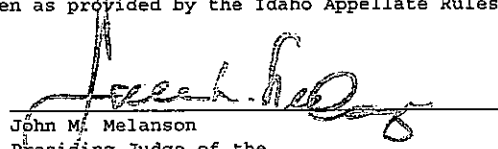
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.



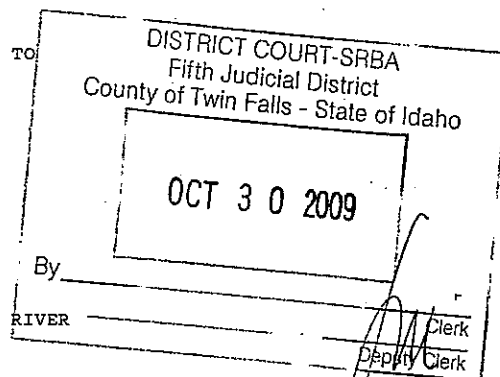
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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



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

PURPOSE AND

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 Within Lemhi County
T25N R21E S21 NENE 2.95 NWNE 0.09
SENE 0.46
3.5 Acres Total

Stockwater Within Lemhi County
T25N R21E S21 NENE
SENE

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

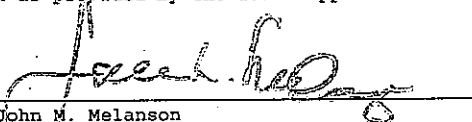
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on October 30, 2009, with sufficient first-class postage to the following:

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

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

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15 BLAZE TREE TRAIL

NORTH FORK, ID 83466

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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~~

