



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 8, 2010

Scott C. Campbell
101 S. Capitol Blvd., 10th Floor
P.O. Box 829
Boise, ID 83701-0829

RE: SRBA Subcase Nos. 63-3323 & 63-3324 (Tlucek)

Dear Mr. Campbell:

I am enclosing a Standard Form 5 ("SF5") for each of the above-referenced subcases. Please review the documents, and if they are acceptable, please sign on the indicated signature lines, initial the revised recommendations and return the original SF5s to me. I will obtain the remaining signatures and file the SF5s with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in blue ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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	)	Subcase No. 63-3323
	)	
Case No. 39576	)	
	)	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(s)/OBJECTOR(s):
Jerry L. Tluczek & Mary Louise Tluczek

RESPONDENT:
State of Idaho

Scott L. Campbell Date
Attorney for Claimants/Objectors

Shasta Kilminster-Hadley Date
Attorney for Respondent

DWR Concurrency:



Jan Shurte Date
Water Right Supervisor

Andrea L. Courtney 2/2/10
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-3323

NAME AND ADDRESS: JERRY L TLUCEK
15188 S CAN-ADA RD
MELBA ID 83641MARY LOUISE TLUCEK
15188 S CAN-ADA RD
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.400 CFS
1,111.500 AFY

Right Nos. 63-3323 and 63-3324 are limited to a total combined annual diversion volume of 1111.5 AF.

PRIORITY DATE: 01/02/1963

POINT OF DIVERSION:

T01N R02W S26 NWNW Within CANYON County

T01N R02W S26 SWNW Within CANYON CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.400 CFS 1,111.50 AFY

PLACE OF USE: IRRIGATION in CANYON County

T01N R02W S26	NWNW	39.00	T01N R02W S26	SWNW	40.00
T01N R02W S26	SENW	40.00	T01N R02W S26	NESW	40.00
T01N R02W S26	NWSW	39.00	T01N R02W S27	NENE	34.00
T01N R02W S27	NWNE	18.00	T01N R02W S27	SWNE	4.00
T01N R02W S27	SENE	31.00			

285 ACRES TOTAL

Right Nos. 63-3323 and 63-3324 are limited to the irrigation of a combined total of 247 acres within the place of use described above in a single irrigation season.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on _____, 2010, 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

2. Copies to:

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

JERRY L. TLUCEK
MARY LOU TLUCEK
Represented by:
SCOTT L. CAMPBELL
101 S. CAPITOL BLVD., 10TH FLOOR
P.O. BOX 829
BOISE, ID 83701-0829

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney

**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	)	Subcase No. 63-3324
	)	
Case No. 39576	)	
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	)	STIPULATED ELEMENTS OF A
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Jerry L. Tlucek & Mary Louise Tlucek

RESPONDENT:
State of Idaho

Scott L. Campbell Date
Attorney for Claimants/Objectors

Shasta Kilminster-Hadley Date
Attorney for Respondent

DWR Concurrency:

Jan Shurte
Water Right Supervisor

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-3324

NAME AND ADDRESS: JERRY L TLUCEK
15188 S CAN-ADA RD
MELBA ID 83641MARY LOUISE TLUCEK
15188 S CAN-ADA RD
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.030 CFS
1,046.900 AFY ~~1,111.50 AFY~~

Right Nos. 63-3323 and 63-3324 are limited to a total combined annual diversion volume of 1111.5 AF.

PRIORITY DATE: 01/02/1963

POINT OF DIVERSION:

T01N R02W S26 NWNW Within CANYON County

T01N R02W S26 SWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

2.030 CFS
1,046.90 AFY
~~1,111.50 AFY~~

PLACE OF USE: IRRIGATION in CANYON County

T01N R02W S26	NWNW	39.00	T01N R02W S26	SWNW	40.00
T01N R02W S26	SENW	40.00	T01N R02W S26	NESW	40.00
T01N R02W S26	NWSW	39.00	T01N R02W S27	NENE	34.00
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Signature of person or attorney