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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 20 2011	
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	) Subcase 35-4037
	) (Polatis)
Case No. 39576	)
	) 2 nd SPECIAL MASTER REPORT
_____	)

Findings of Fact

On September 13, 2005, former SRBA Presiding Judge John M. Melanson set aside the *Partial Decree* disallowing the uncontested claim. IDWR filed its *Amended Director's Report* on November 1, 2007, recommending the claim to Richard D. Polatis, 174 South, 1075 West, Blackfoot, Idaho, 83221, and Daniel T. Polatis, 131 South, 1075 West, Blackfoot, Idaho, 83221, for 2 cfs from groundwater to irrigate 151.6 acres in Bingham County from April 1 to October 31 with a priority date of June 16, 1961, based on beneficial use.

Richard Polatis filed an *Objection* on December 31, 2007, objecting to quantity and priority date, but on January 18, 2011, the claimants, with IDWR's concurrence, filed a *Standard Form 5*.

Conclusions of Law

Richard and Daniel Polatis are entitled to a partial decree as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 35-4037*.

DATED January 20, 2011.


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 35-04037

NAME AND ADDRESS: DANIEL T POLATIS
131 S 1075 W
BLACKFOOT, ID 83221

RICHARD D POLATIS
174 S 1075 W
BLACKFOOT, ID 83221

SOURCE: GROUND WATER

QUANTITY: 2.20 CFS
606.40 AFY

PRIORITY DATE: 06/16/1961

POINT OF DIVERSION: T03S R32E S05 NWSW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.20 CFS 606.40 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T03S R32E S05	NESW 33.6 SWSW 40.0
		NWSW 38.0 SESW 40.0
	151.6 Acres Total	

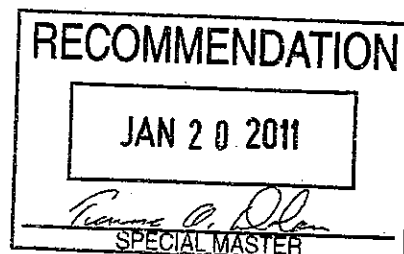
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JAN 20 2011
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

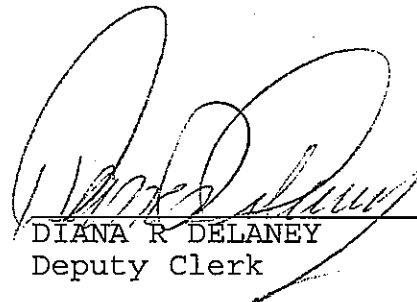
Water Right(s): 35-04037

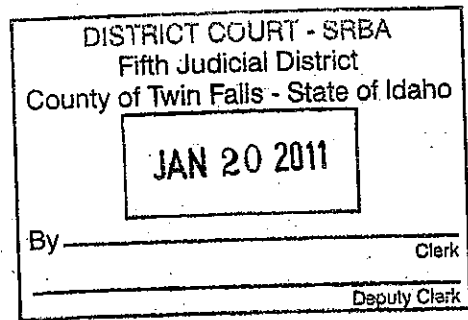
On January 20, 2011, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 January 20, 2011.


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): 35-04037

CERTIFICATE OF MAILING

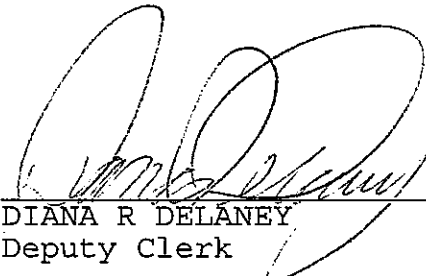
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 20, 2011, with sufficient first-class postage prepaid to the following:

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

RICHARD D POLATIS
Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

DANIEL T POLATIS
131 S 1075 W
BLACKFOOT, ID 83221
Phone: 208-684-3135

CERTIFICATE OF MAILING


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DIANA R DELANEY
Deputy Clerk