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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN 31 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

)
) Subcases 75-14282, 75-14284, 75-14286, 75-
) 14288 and 75-14366
) (Paulekas)
)
) SPECIAL MASTER REPORT
)

Findings of Fact

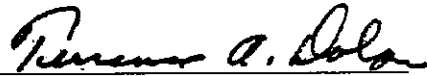
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended the five claims to M. Gary Anderson for between .03 cfs and .15 cfs from Carmen Creek to irrigate 9.6 acres in Lemhi County from April 1 to October 31 with priority dates between May 1, 1875, and May 1, 1915, based on a decree or beneficial use.

Mr. Anderson filed *Objections* on July 23, 2007, objecting to source, quantity and point of diversion. IDWR filed a *Notice of Completed Administrative Proceeding* on July 20, 2009, for a substitution of party with the new owners James and Rebecca Paulekas, 13699 Lake Avenue, Nampa, Idaho, 83651. On January 27, 2011, the claimants, with IDWR's concurrence, filed *Standard Forms 5*.

Conclusions of Law

The Paulekases are entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-14282, 75-14284, 75-14286, 75-14288 and 75-14366*.

DATED January 31, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 75-14282

NAME AND ADDRESS: JAMES DANA PAULEKAS
REBECCA LYNN PAULEKAS
13699 LAKE AVE
NAMPA, ID 83651

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER
FREEMAN CREEK TRIBUTARY: CARMEN CREEK

QUANTITY: 0.06 CFS

PRIORITY DATE: 05/01/1885

POINT OF DIVERSION: T22N R22E S02 LOT 4 (SENNWNW) Within Lemhi County
SWSWNW
LOT 3 (NENW)
T23N R22E S36 NENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.06 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 SWSE 7.0
S10 NWNE 6.0
13.0 Acres Total

The rights listed below are limited to the irrigation of a combined total of 13 acres in a single irrigation season. Combined Right Nos.: 75-14282, 75-14284, 75-14286, 75-14288 and 75-14366.

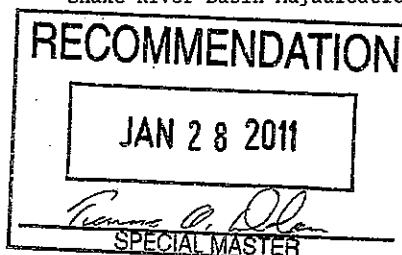
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 75-14284

NAME AND ADDRESS: JAMES DANA PAULEKAS
REBECCA LYNN PAULEKAS
13699 LAKE AVE
NAMPA, ID. 83651

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER
FREEMAN CREEK TRIBUTARY: CARMEN CREEK

QUANTITY: 0.09 CFS

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION: T22N R22E S02 LOT 4 (SENNW) Within Lemhi County
SWSWNW
LOT 3 (NENW)
T23N R22E S36 NENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.09 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 SWSE 7.0
S10 NWNE 6.0
13.0 Acres Total

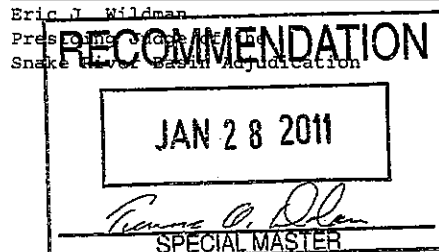
The rights listed below are limited to the irrigation of a combined total of 13 acres in a single irrigation season.
Combined Right Nos.: 75-14282, 75-14284, 75-14286, 75-14288 and 75-14366.

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.



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 75-14286

NAME AND ADDRESS: JAMES DANA PAULEKAS
REBECCA LYNN PAULEKAS
13699 LAKE AVE
NAMPA, ID 83651

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER
FREEMAN CREEK TRIBUTARY: CARMEN CREEK

QUANTITY: 0.05 CFS

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T22N R22E S02 LOT 4 (SENNW) Within Lemhi County
SWSNW
LOT 3 (NENW)
T23N R22E S36 NENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.05 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 SWSE 7.0
S10 NWNE 6.0
13.0 Acres Total

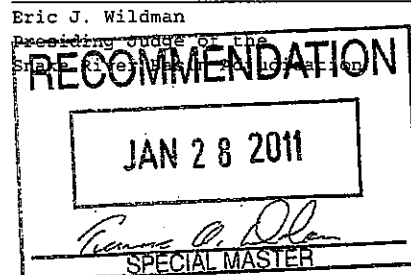
The rights listed below are limited to the irrigation of a combined total of 13 acres in a single irrigation season.
Combined Right Nos.: 75-14282, 75-14284, 75-14286, 75-14288 and 75-14366.

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

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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 75-14288

NAME AND ADDRESS: JAMES DANA PAULEKAS
REBECCA LYNN PAULEKAS
13699 LAKE AVE
NAMP, ID 83651

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER
FREEMAN CREEK TRIBUTARY: CARMEN CREEK

QUANTITY: 0.03 CFS

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION: T22N R22E S02 LOT 4 (SENNW) Within Lemhi County
SWSNW
LOT 3 (NENW)
T23N R22E S36 NENWSW

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 0.03 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 SWSE 7.0
S10 NWNE 6.0
13.0 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 13 acres in a single irrigation season.
Combined Right Nos.: 75-14282, 75-14284, 75-14286, 75-14288 and
75-14366.

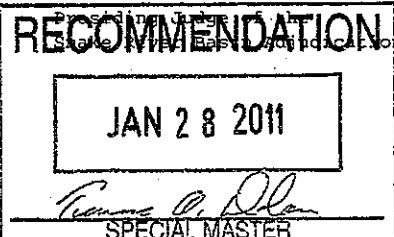
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman



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 75-14366

NAME AND ADDRESS: JAMES DANA PAULEKAS
REBECCA LYNN PAULEKAS
13699 LAKE AVE
NAMPA, ID 83651

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER
FREEMAN CREEK TRIBUTARY: CARMEN CREEK

QUANTITY: 0.15 CFS

PRIORITY DATE: 05/01/1915

POINT OF DIVERSION: T22N R22E S02 LOT 4 (SENNWN) Within Lemhi County
SWSWNW
LOT 3 (NENW)
T23N R22E S36 NENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.15 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 SWSE 7.0
S10 NWNE 6.0
13.0 Acres Total

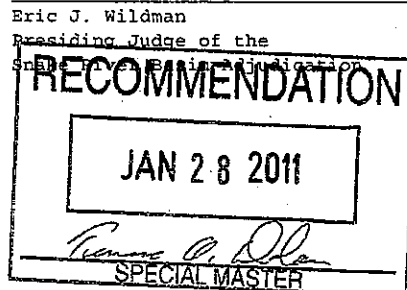
The rights listed below are limited to the irrigation of a combined total of 13 acres in a single irrigation season.
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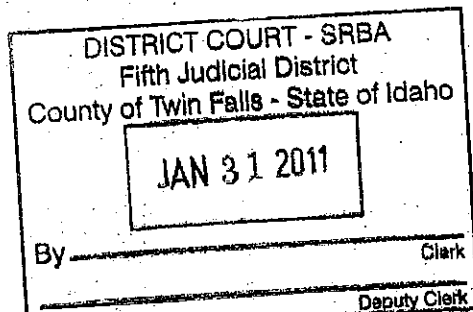
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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RULE 54(b) CERTIFICATE

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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): 75-14282
75-14284 75-14286 75-14288
75-14366

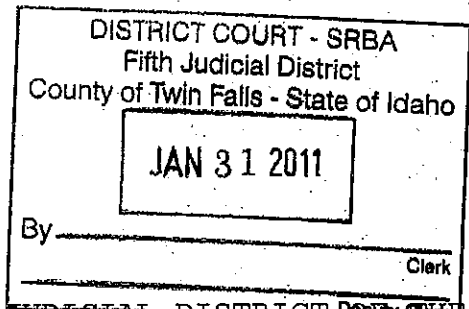
On January 31, 2011, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 31, 2011.


DIANA R. DELANEY
Deputy Clerk



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

In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 75-14282
75-14284 75-14286 75-14288
75-14366

CERTIFICATE OF MAILING

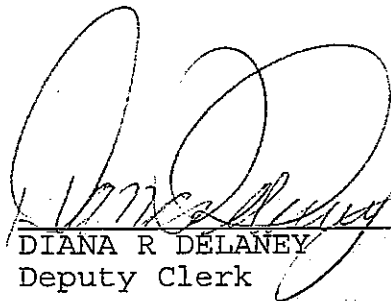
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 31, 2011, with sufficient first-class postage prepaid to the following:

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

JAMES DANA PAULEKAS
REBECCA LYNN PAULEKAS
13699 LAKE AVE
NAMPA, ID 83651
Phone: 208-284-8850

M GARY ANDERSON
405 BROADWAY
SALMON, ID 83467
Phone: 208-303-7466

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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