

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

OCT 30 2012

By

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: 36-16900
(Formerly Disallowed; Now
Recommended as Rights
36-16958 and 36-16959)

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. 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; and 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.

To resolve the objection, the parties agree and stipulate that the whole of water right 36-16900 shall be split into two water rights and renumbered as 36-16958 and 36-16959. Water rights 36-16958 and 36-16959 now supersede water right 36-16900, and the recommendation of right 36-16900 should be disallowed. The parties and IDWR have further have indicated their concurrence to these renumbered water rights by signing below and initialing the attached pages.

CLAIMANT/OBJECTOR:
Mike Sirucek

CLAIMANT:
James Sirucek

Paul L. Arrington
Attorney for Mike Sirucek

10/30/12
Date

James Sirucek

Date _____

IDWR CONCURRENCE:

IDWR CONCURRENCE:

Doug Jones
Technical Engineer

10/30/12
Date

Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

10-30-12
Date

10/29/2012

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER NAME AND ADDRESS

36-16900 MIKE SIRUCEK
 472 S 1000 E
 JEROME ID 83338

 JAMES SIRUCEK
 1254 STATE HWY 25
 JEROME ID 83338

CLAIM DISPOSITION REASON

DISALLOWED - PARENT RIGHT SPLIT INTO 36-16958 & 36-16959

 NBS 
PLA 

10/29/2012

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

RIGHT NUMBER: 36-16958
NAME AND ADDRESS: MIKE SIRUCEK
472 S 1000 E
JEROME ID 83338

SOURCE: WASTE WATER

TRIBUTARY: SINKS

QUANTITY: 3.040 CFS

PRIORITY DATE: 06/15/1962

POINT OF
DIVERSION:

T09S R18E S11 NENESW Within JEROME County
T09S R18E S11 NWSWSE Within JEROME County
T09S R18E S15 NENWNE Within JEROME County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 11/15	3.040 CFS
PLACE OF USE:	<u>IRRIGATION in JEROME County</u>		
	T09S R18E S15 NENE 37.00	T09S R18E S15 NWNE 34.00	
	T09S R18E S15 SWNE 35.00	T09S R18E S15 SENE 40.00	
	T09S R18E S15 NESE 24.00	T09S R18E S15 NWSE 34.00	

204 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 204 acres in a single irrigation season. Combined Right Nos.: 36-16960, 36-4193, 36-8569, 36-16956 & 36-16958.

Right Nos. 36-16960, 36-16956 and 36-16958 are limited to the irrigation of a combined total of 204 acres in a single irrigation season.

This right is limited to the irrigation of 152.5 acres within the place of use described above in a single irrigation season.

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

The source of this water right includes waste water. The right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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 - Beneficial Use

This right is a split from former right 36-16900 .

10/29/2012

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

RIGHT NUMBER: 36-16959

NAME AND ADDRESS: MIKE SIRUCEK
472 S 1000 E
JEROME ID 83338

JAMES SIRUCEK
1254 STATE HWY 25
JEROME ID 83338

SOURCE: WASTE WATER

TRIBUTARY: SINKS

QUANTITY: 2.860 CFS

PRIORITY DATE: 06/15/1962

POINT OF
DIVERSION:

T09S R18E S11 NENESW Within JEROME County
T09S R18E S11 NWSWE Within JEROME County
T09S R18E S15 NENWNE Within JEROME County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 11/15	2.860 CFS
PLACE OF USE:	<u>IRRIGATION in JEROME County</u>		
	T09S R18E S11 SWSE 22.00	T09S R18E S14 NWNE 18.00	
	T09S R18E S14 NENW 26.00	T09S R18E S14 NWNW 37.00	
	T09S R18E S14 SWNW 33.00	T09S R18E S14 SENW 3.00	
	T09S R18E S14 NESW 18.00	T09S R18E S14 NWSW 34.00	

191 ACRES TOTAL

This right is limited to the irrigation of 143 acres within the place of use described above in a single irrigation season.

Right Nos. 36-16961, 36-16957 and 36-16959 are limited to the irrigation of a combined total of 191 acres 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.

The source of this water right includes waste water. The right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 36-16900 .

CERTIFICATE OF SERVICE

I certify that on Oct. 30, 2012, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Paul L. Arrington
Barker, Rosholt & Simpson, LLP
195 River Vista Place, Ste 204
Twin Falls, ID 83301-3029

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

James Sirucek
1254 State Hwy 25
Jerome, ID 83338

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form