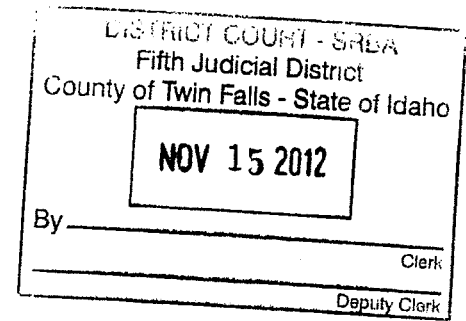


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DEPARTMENT OF
WATER RESOURCES



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	)	Subcases:
	)	36-2034 (36-16960 & 36-16961)
	)	36-16044 (36-16956, 36-16957, 36-16958 &
	)	36-16959) (Sirucek)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT AND
	)	RECOMMENDATION

Findings of Fact

On October 17, 2002, former SRBA Presiding Judge Roger S. Burdick entered an **Order Granting Motion to File Late Notice of Claim** in subcase 36-16044 filed by Mike and James Sirucek. On October 16, 2007, former SRBA Presiding Judge John M. Melanson entered an **Order Granting Motion to File Late Notice of Claim** in subcase 36-2034 filed by Mike Sirucek.

The Director of the Idaho Department of Water Resources filed his *Director's Report for Late Claims* on November 24, 2010. The Director recommended claim 36-2034 to Mike Sirucek, 472 South, 1000 East, Jerome, Idaho, 83338, and James Sirucek, 1254 State Highway 25, Jerome, Idaho, 83338, for .8 cfs from unnamed streams for year-'round stockwater use and to irrigate 69.4 acres in Jerome County from March 15 to November 15 with a priority date of May 19, 1918. The Director recommended claim 36-16044 filed by the Siruceks be disallowed: "No lawful appropriation shown."

Mike Sirucek filed an *Objection* in subcase 36-16044 on January 6, 2011, objecting to the claim not being recommended as filed. On June 3, 2011, the Special Master entered an **Order Granting Motion to Amend Claim** in subcase 36-16044.

On October 23, 2011, the Director filed his *Amended Director's Report, Subcase No. 36-16044 (Now Split into Water Rights 36-16899 and 36-16900)*. On November 28, 2011, Mike Sirucek filed *Objections* in both split water rights.

On October 30, 2012, the Siruceks, with IDWR's concurrence, filed *Standard Forms 5* in subcase 36-16899 splitting the right into water rights 36-16956 and 36-16957 and splitting 36-16900 into water rights 36-16958 and 36-16959. The same date, the Siruceks, with IDWR's concurrence, filed an *SF-5* in subcase 36-2034 splitting the right into water rights 36-16960 and 36-16961.

Conclusions of Law

1. The Siruceks are entitled to the following water rights as described in the *SF-5s*:
36-16956 – Mike Sirucek
36-16957 – James and Mike Sirucek
36-16958 – Mike Sirucek
36-16959 – James and Mike Sirucek
36-16960 – Mike Sirucek
36-16961 – James and Mike Sirucek
2. The Siruceks are **not** entitled to water rights for claims 36-2034 and 36-16044 (including intermediate splits 36-16899 and 36-16900) because of the splits.

Recommendation

THEREFORE, IT IS RECOMMENDED that claims 36-2034 and 36-16044 (including intermediate splits 36-16899 and 36-16900) **not** be adjudicated as water rights.

DATED November 15, 2012.


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 36-16960

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

SOURCE: WASTE WATER TRIBUTARY: SINKS

QUANTITY: 0.41 CFS

PRIORITY DATE: 05/19/1918

POINT OF DIVERSION: T09S R18E S11 NENESW Within Jerome County
NWSWSE
S15 NENWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.41 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

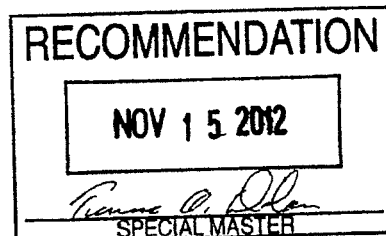
PLACE OF USE: Irrigation Within Jerome County
T09S R18E S15 NENE 37.0 NWNE 34.0
SWNE 35.0 SENE 40.0
NESE 24.0 NWSE 34.0
204.0 Acres Total
Stockwater Within Jerome County
Same as Irrigation

This right is limited to the irrigation of 20.5 acres within the place of use described above in a single irrigation season. 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 and 35-16958. Right Nos. 36-16956 and 36-16960 are limited to the irrigation of a combined total of 51.5 acres 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. I.C. SECTION 42-1412(6).



In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-16961

Nov-14-2012

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 36-16956

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

SOURCE: WASTE WATER TRIBUTARY: SINKS

QUANTITY: 0.62 CFS

PRIORITY DATE: 05/13/1926

POINT OF DIVERSION: T09S R18E S11 NENESW Within Jerome County
S15 NWSWSE
NENWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.62 CFS

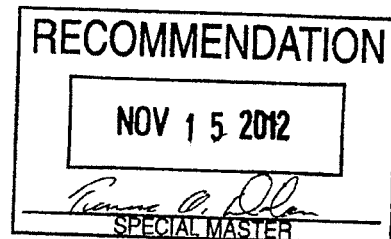
PLACE OF USE:	Irrigation	Within Jerome County
	T09S R18E S15	NENE 37.0 NWNE 34.0 SWNE 35.0 SENE 40.0 NESE 24.0 NWSE 34.0
	204.0 Acres Total	

This right is limited to the irrigation of 31 acres within the place of use described above in a single irrigation season. 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 and 35-16958. Right Nos. 36-16960 and 36-16956 are limited to the irrigation of a combined total of 51.5 acres 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. I.C. SECTION 42-1412(6).



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 36-16957

NAME AND ADDRESS: JAMES SIRUCEK
1254 STATE HWY 25
JEROME, ID 83338

MIKE SIRUCEK
472 S 1000 E
JEROME, ID 83338

SOURCE: WASTE WATER TRIBUTARY: SINKS

QUANTITY: 0.58 CFS

PRIORITY DATE: 05/13/1926

POINT OF DIVERSION: T09S R18E S11 NENESW Within Jerome County
S15 NWSWSE
NENWNE

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.58 CFS

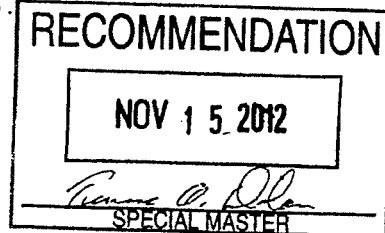
PLACE OF USE:	Irrigation	Within Jerome County
	T09S R18E S11	SWSE 22.0
	S14	NWNE 18.0
		NENW 26.0
		NWNW 37.0
		SWNW 33.0
		SENE 3.0
		NESW 18.0
		NWSW 34.0
	191.0 Acres Total	

This right is limited to the irrigation of 29 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 191 acres in a single irrigation season. Combined Right Nos.: 36-16961, 36-16957 and 36-16959. Right Nos. 36-16957 and 36-16961 are limited to the irrigation of a combined total of 48.5 acres 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. I.C. SECTION 42-1412(6).



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 36-16958

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

SOURCE: WASTE WATER TRIBUTARY: SINKS

QUANTITY: 3.04 CFS

PRIORITY DATE: 06/15/1962

POINT OF DIVERSION: T09S R18E S11 NENESW Within Jerome County
S15 NWSWSE
NENWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.04 CFS

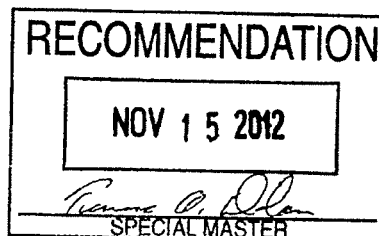
PLACE OF USE:	Irrigation	Within Jerome County
	T09S R18E S15	NENE 37.0 NWNE 34.0 SWNE 35.0 SENE 40.0 NESE 24.0 NWSE 34.0
	204.0 Acres Total	

This right is limited to the irrigation of 152.5 acres within the place of use described above in a single irrigation season. 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 and 35-16958. 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.

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. I.C. SECTION 42-1412(6).



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 36-16959

NAME AND ADDRESS: JAMES SIRUCEK
1254 STATE HWY 25
JEROME, ID 83338

MIKE SIRUCEK
472 S 1000 E
JEROME, ID 83338

SOURCE: WASTE WATER TRIBUTARY: SINKS

QUANTITY: 2.86 CFS

PRIORITY DATE: 06/15/1962

POINT OF DIVERSION: T09S R18E S11 NENESW Within Jerome County
S15 NWSWSE
NENWNE

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 2.86 CFS

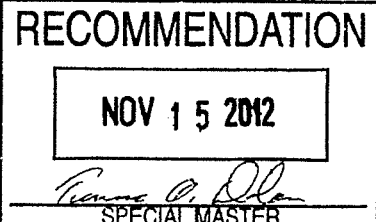
PLACE OF USE: Irrigation Within Jerome County
T09S R18E S11 SWSE 22.0
S14 NWNE 18.0 NENW 26.0
NWNW 37.0 SWNW 33.0
SENW 3.0 NESW 18.0
NWSW 34.0
191.0 Acres Total

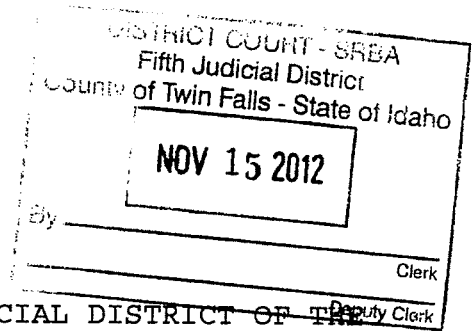
This right is limited to the irrigation of 143 acres within the
place of use described above in a single irrigation season.
Right Nos. 36-16961, 36-16957 and 35-16959 are limited to the
irrigation of a combined total of 191 acres in a single
irrigation season.

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

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. I.C. SECTION 42-1412(6)





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

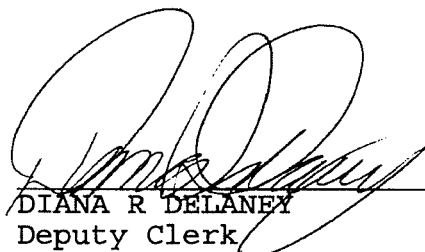
Water Right(s): 36-02034
36-16044 36-16956 36-16957
36-16958 36-16959 36-16960
36-16961

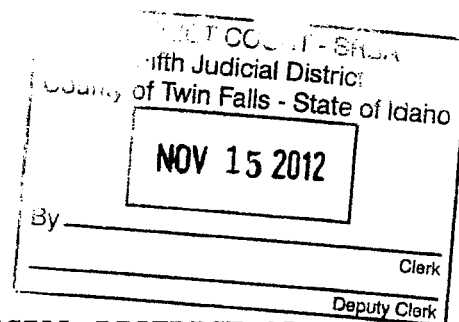
On November 15, 2012, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 November 15, 2012.


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): 36-02034
36-16044 36-16956 36-16957
36-16958 36-16959 36-16960
36-16961

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 November 15, 2012, with sufficient first-class postage prepaid to the following:

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

MIKE SIRUCEK
Represented by:
PAUL L ARRINGTON
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029
Phone: 208-733-0700

JAMES SIRUCEK
1254 STATE HWY 25
JEROME, ID 83338
Phone: 208-825-5032