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Department of Water Resources
Adjudication Bureau

1997 APR 25 PM 2:09
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED DL

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 36-04074, 36-04148A
	)	and 36-04148B
Case No. 39576	)	PRELIMINARY SPECIAL
	)	MASTER'S REPORT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for these water rights pursuant to I.C. § 42-1409(1990) by Clear Lake Country Club (Clear Lake Club) (36-04074 and 36-04148B), and Clear Lake Corporation and L&M, Inc. (L&M) (36-04148A). The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for area 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of these water rights should be decreed by the court.

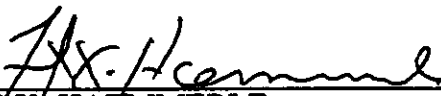
The Director's Report did not recommend water right 36-04148A because IDWR believed that this right had been forfeited. Both L&M and Clear Lake Club filed objections to 36-04148A. Water rights 36-04074 and 36-04148B were recommended in the Director's Report. Clear Lake Club filed objections and L&M filed responses to these two water rights.

On September 13, 1996, *Standard Forms 5* ("SF-5s") were filed between L&M and Clear Lake Club resolving all objections between the two parties. IDWR did not concur with the settlements contained in the SF-5s. IDWR's position relative to each proposed SF-5 was contained in reports filed in each subcase entitled, "*IDWR Report RE: Review of Standard Form 5*" (lodged Sept. 26, 1996). Because of IDWR's failure to concur with the SF-5s, the court set all the claims for trial.

In lieu of trial, the parties and IDWR filed *Stipulation of Facts No. 1* (December 19, 1997), *Stipulation of Facts No. 2* (December 19, 1997) and *Stipulation of Facts No. 1A* (January 10, 1997) (*stipulated facts*) with the court. Pursuant to those *stipulated facts*, the court settled the dispute as a matter of law. The court submitted its *Findings of Fact, Conclusions of Law and Order to Submit Special Master's Recommendations* (February 12, 1997). That decision is incorporated by reference.

Consistent with that decision, IT IS RECOMMENDED that subcases 36-04074, 36-04148A and 36-04148B be decreed as recommended in the *Preliminary Special Master's Report and Recommendation for Partial Decree*.

DATED April 25, 1997.



FRITZ X. HAEMMERLE
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

1997 APR 25 PM 2:09

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

SPECIAL MASTER'S RECOMMENDATION FOR
DISTRICT COURT - SREA
PARTIAL DECREE FOR TWIN FALLS CO. IDAHO
Water Right 36-041488

NAME & ADDRESS: CLEAR LAKE COUNTRY CLUB
RT 4 BOX 225
BUHL ID 83316

SOURCE: CLEAR SPRINGS TRIBUTARY: CLEAR LAKES

QUANTITY: 1.5 CFS

PRIORITY DATE: 09/19/1912

POINT OF DIVERSION: T09S R14E S02 LOT 5 (SESENE) Within GOODING County

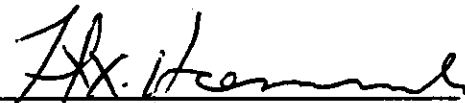
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.5 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T09S R14E S01	Lot 6 (SENE)	0.6	Lot 13 (NESW)	23.0	Lot 12 (NWSW)	10.6	Lot 15 (SWSW)	15.6
S02	Lot 8 (NESE)	1.9	Lot 7 (SWSE)	1.8	Lot 9 (SESE)	23.4		
S11	Lot 5 (NENE)	8.8	Lot 6 (NWNE)	4.3				
90.0	ACRES TOTAL							

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 133 ACRES. COMBINED RIGHT
NOS.: 36-04148A & 36-04074.

DATED: 4/25/97


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

SPECIAL MASTER'S RECOMMENDATION
Water Right 36-041488