

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21963
Date Received: 11/9/2006
Receipt No: C082621
Received By: AMB

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

TERRY L CLARK
PO BOX 308
CAREY ID USA 83320

Phone: (208)788-4280

ANITA K CLARK
PO BOX 308
CAREY ID USA 83320

Phone: (208)788-4280

2. Date of Priority: 04/15/1962

3. Source: SPRING , SPRING , SPRING Trib. to: UNNAMED STREAM , UNNAMED STREAM ,
UNNAMED STREAM

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	21E	3	NE SE NW	BLAINE	
02N	21E	3	SE SW SW	BLAINE	
02N	21E	3	SW SE SW	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.26	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.28 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	21E	3	SE	NE	IRRIGATION	10
			SE	SW	IRRIGATION	3
			SE	NE	STOCKWATER	
			SE	SW	STOCKWATER	
Section Acres						13
Total Acres						13

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

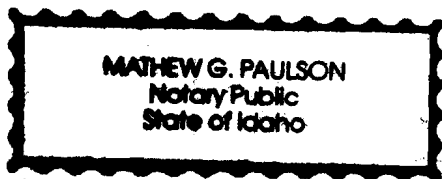
Signature of Claimant(s): Terry L. Clark Date: 11-13-06
John K. Clark 11-13-06 Date:

State of Idaho)
 County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 13th day
 of November 2006 [Signature]

Notary Public

Residing at Blaine County
 My commission Expires November 7, 2007



RECEIVED
NOV 14 2007
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)

Case No. 39576)

A. Subcase 37-21963

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Terry and Anita Clark

Address: P.O. Box 308

Carey, ID 83320

Daytime Phone: (208) 788-4280

Name & Address of Attorney, if any:

Scott L. Campbell & Andrew J. Waldera

Moffatt, Thomas, Barrett, Rock & Fields

P.O. Box 829, Boise, ID 83701-0829

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Terry and Anita Clark

Address: P.O. Box 308

Carey, ID 83320

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 0.28 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See Attachment 1 hereto
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** See Attachment 2 hereto.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

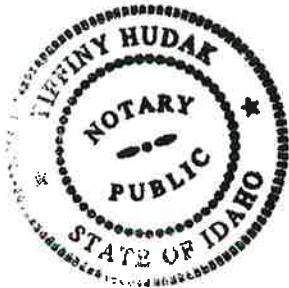
Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Scott L. Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 12, 2007



Tiffany Hudak
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 9/16/09

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on November 12, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Terry and Anita Clark

Address: P.O. Box 308

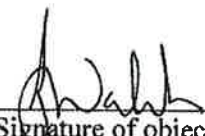
Carey, ID 83320

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

ATTACHMENT 1
STANDARD FORM 1 – OBJECTION
SUBCASE 37-21963

The Director's Report incorrectly identifies the Place of Use for irrigation of lands under this water right. The correct, historic place of use is as follows:

TWP	RNG	SEC	1/4	1/4	Lot	Acres
2N	21E	3	SW	NE		10
			NE	NE		3
					Total	13

Terry and Anita Clark also object to the inclusion of the limiting remark set forth under Place of Use element, as reflected in the Director's Report:

The rights listed below are limited to the irrigation of a combined total of 170 acres in a single irrigation season. Combined Right Nos.: 37-1120, 37-1140, 37-21383, 37-21745, 37-21746, and 37-21963.

ATTACHMENT 2
STANDARD FORM 1 – OBJECTION
SUBCASE 37-21963

Reasons Supporting Objection(s):

Quantity:

The claimed quantity of 0.26 cfs should be recommended in full, based upon historic diversion, delivery, and use of irrigation water by Terry and Anita Clark and their predecessors.

Place of Use:

The place of use described in the Director's Report does not accurately describe the lands historically irrigated under this water right. Additionally, there is no legal basis for inclusion of the acreage restriction remark.

08/11/2009

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

RIGHT NUMBER: 37-21963

NAME AND ADDRESS: TERRY L CLARK
PO BOX 308
CAREY ID 83320

ANITA K CLARK
PO BOX 308
CAREY ID 83320

VERIFIED BY KKC
9-10-09

SOURCE: SPRING

TRIBUTARY: MULDOON CREEK

QUANTITY: ~~0.260~~ 0.280 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/15/1962

POINT OF
DIVERSION:

T02N R21E S3 NESENW Within BLAINE County
T02N R21E S3 SESWSW Within BLAINE County
T02N R21E S3 SWSESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.260 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R21E S03	SWNE	10.00	T02N R21E S03	SESW	3.00
---------------	------	-------	---------------	------	------

STOCKWATER in BLAINE County

T02N R21E S03	SWNE	T02N R21E S03	SESW
---------------	------	---------------	------

13 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 170 acres in a single irrigation season. Combined Right Nos.: 37-1120, 37-1140, 37-21383, ~~37-21745~~, 37-21746, and 37-21963.

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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

In Re SRBA	)	Subcase No.: 37-21963
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Andrew J. Waldera
Attorney for Terry and Anita Clark

Kelly K. Christensen 11-16-09
Kelly K. Christensen Date
Sr. Water Resource Agent

C-B 11/12/09
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

08/11/2009

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

RIGHT NUMBER: 37-21963

NAME AND ADDRESS: TERRY J. CLARK
PO BOX 308
CAREY ID 83320

ANITA K CLARK
PO BOX 308
CAREY ID 83320

SOURCE: SPRING

TRIBUTARY: MULDOON CREEK

QUANTITY: ~~0.260~~ 0.280 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/15/1962

POINT OF
DIVERSION:

T02N R21E S3 NESEW Within BLAINE County
T02N R21E S3 SESWSW Within BLAINE County
T02N R21E S3 SWSSEW Within BLAINE County

CB
bw KKC

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.260 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R21E S03 SWNE 10.00 T02N R21E S03 SESW 3.00

STOCKWATER in BLAINE County

T02N R21E S03 SWNE T02N R21E S03 SESW

13 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



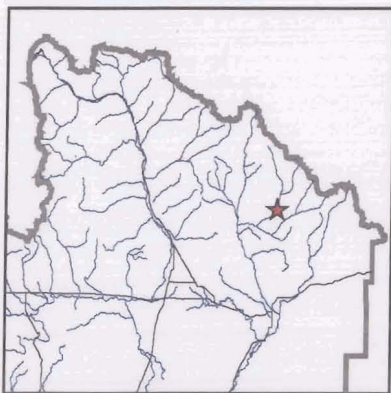
Idaho Department of Water Resources

SRBA Recommendation:

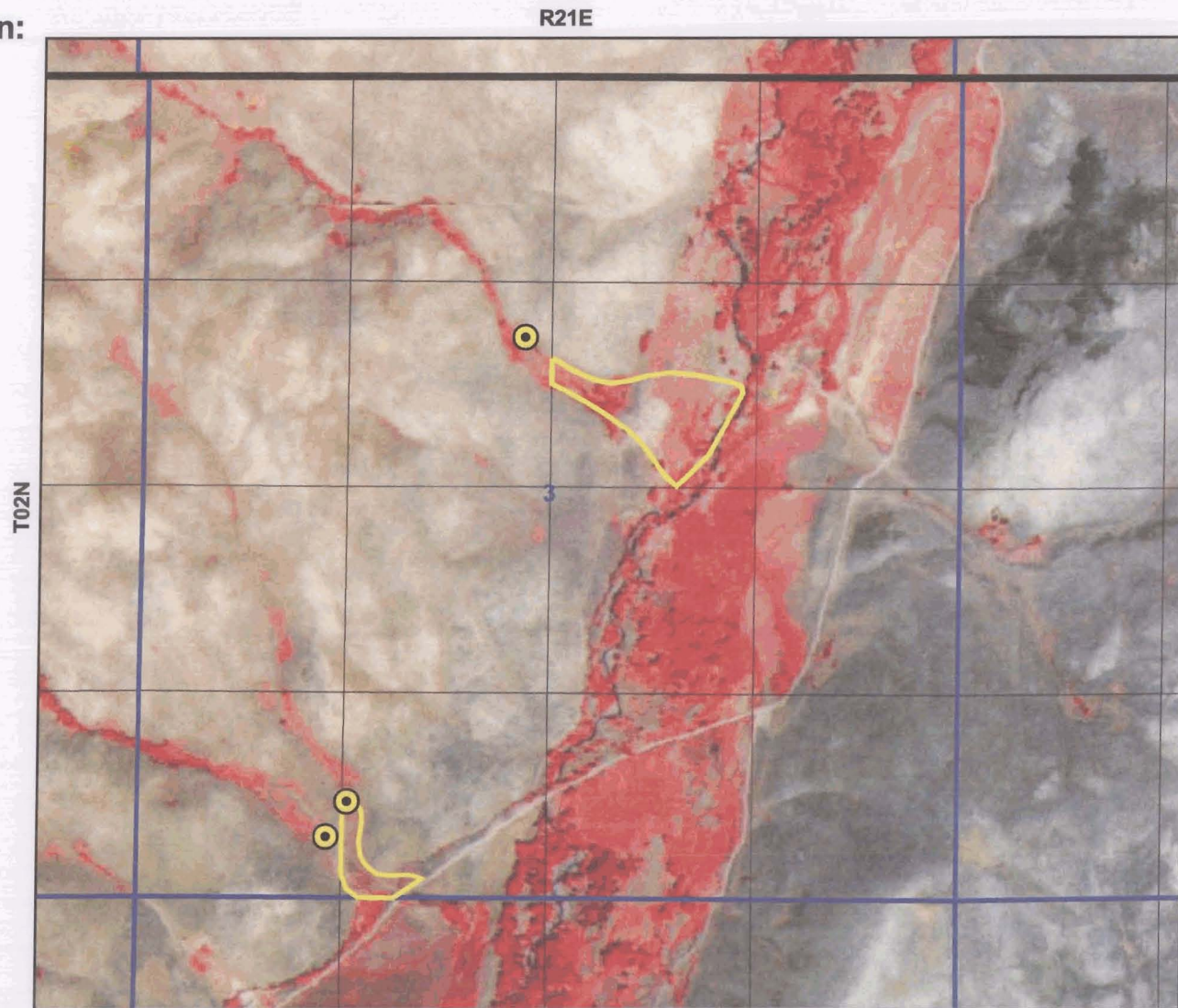
37-21963

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



Prepared by M. Anders
On Sunday, December 10, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RECEIVED

NOV 06 2006

DEPARTMENT OF
WATER RESOURCES

Muldoon Creek Ranch

Terry & Anita Clark
P. O. Box 308
Carey, Id. 83320
Phone/Fax (208) 788-4280
E-Mail anitak@rtci.net

Information regarding the irrigation from springs on the Muldoon Creek Ranch.

During the time that my husband and I were dating and first married in the early 1960's, we spent much of our time at the Muldoon Ranch with my Uncle Bob Baptie helping with the ranch. One of the jobs was the irrigation of fields and meadows. We would always check and make sure the ditches were clear for the springs to flow and irrigate the meadows. This was of great importance for the pasture grass below and around the springs. We believe that the springs have always played an important part in the irrigation of the meadows however; our first recognition of the irrigation was in 1962 to present time. We purchased the ranch from my uncle in 1977 and have always maintained the irrigation from all of the springs on the ranch.

Anita K. Clark

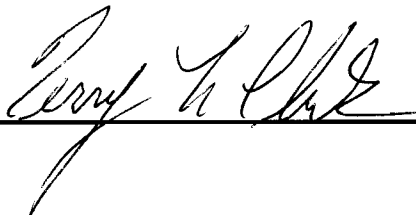
Date



11-1-2006

Terry L. Clark

Date



11-1-2006

SCANNED

NOV 09 2006

Springs Location

Spring #1

North Spring Draw West Side of Creek

Elevation: 5960 Feet

North 43 Degrees 31.753 Minutes
West 113 Degrees 56.773 Minutes

Spring #2

South Spring Draw West Side of Muldoon Creek

Elevation: 5954 Feet

North 43 Degrees 31.717 Minutes
West 113 Degrees 56.803 Minutes

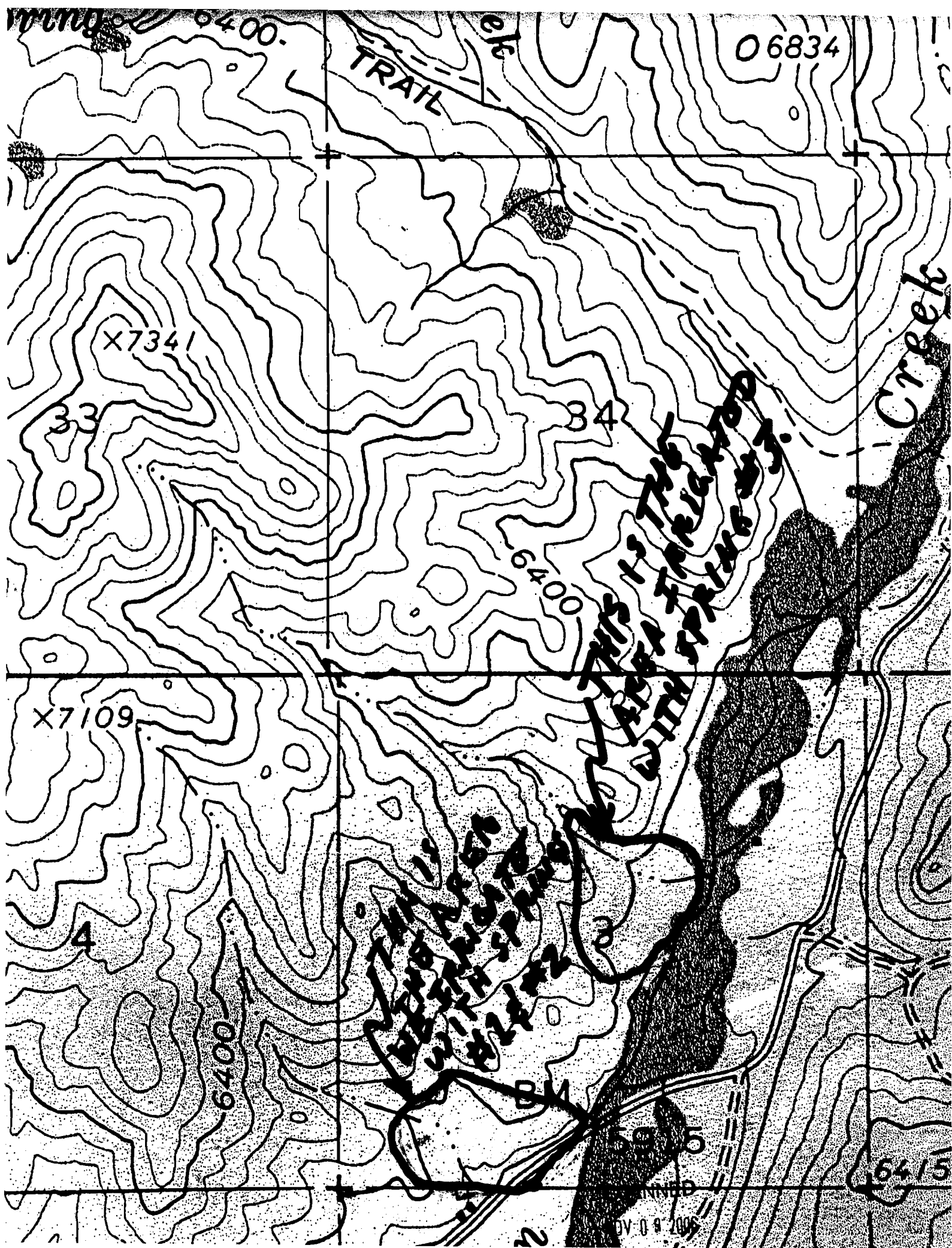
Spring #3

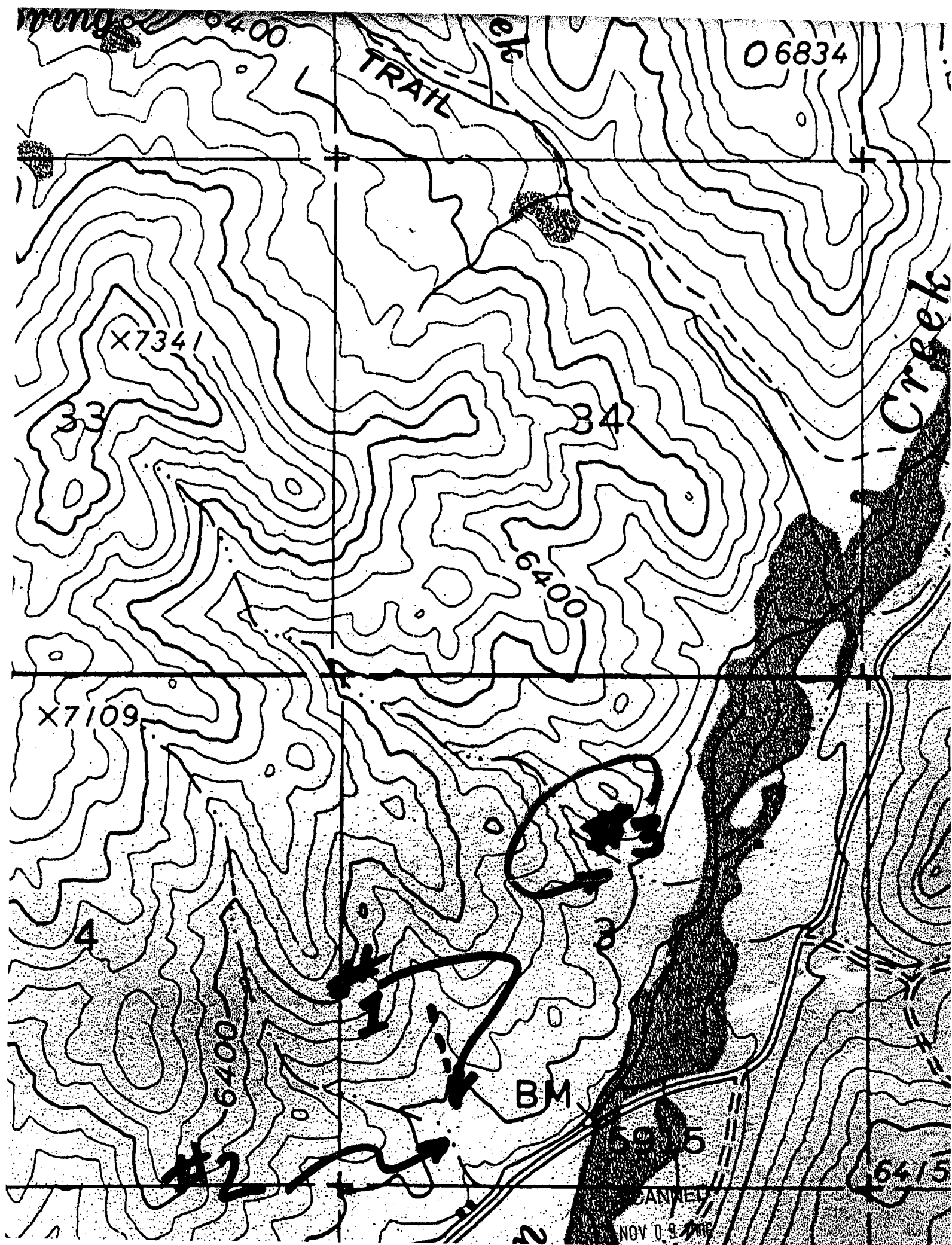
West of House West Side of Muldoon Creek:

Elevation: 6061 Feet

North 43 Degrees 32.240 Minutes
West 113 Degrees 56.519 Minutes

SCANNED
NOV 09 2006







State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 11, 2006

Terry and Anita Clark
Box 308
Carey, ID 83320

RE: Snake River Basin Adjudication claim 37-37-21963

Dear Mr. & Mrs. Clark,

Attached is the new claim (37-21963) you requested for the springs on your property. Please review the claim and maps. If you feel the claim correctly represents your water use, please sign it, notarize it, and return it to me with a \$100 filing fee (the per acre fee is waived). Please note that this water right claim is not valid until we receive both the signed claim and the \$100 filing fee.

If you have questions or feel the claim is incorrect, please contact me at (208) 287-4937.

Sincerely,

A handwritten signature in black ink that reads "Matt Anders". The signature is written in a cursive, flowing style.

Matt Anders
GIS Specialist – 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21963
Date Received: 11/9/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TERRY L CLARK
PO BOX 308
CAREY ID USA 83320

Phone: (208)788-4280

ANITA K CLARK
PO BOX 308
CAREY ID USA 83320

Phone: (208)788-4280

2. Date of Priority: 04/15/1962

3. Source: SPRING , SPRING , SPRING Trib. to: UNNAMED STREAM , UNNAMED STREAM ,
UNNAMED STREAM

4. Point of Diversion:

Township Range Section			1/4 of 1/4 of 1/4 Lot			County	Type
02N	21E	3	NE	SE	NW	BLAINE	
02N	21E	3	SE	SW	SW	BLAINE	
02N	21E	3	SW	SE	SW	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.26	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.28 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	21E	3	SE	NE	IRRIGATION	10
			SE	SW	IRRIGATION	3
			SE	NE	STOCKWATER	
			SE	SW	STOCKWATER	
Section Acres						13
Total Acres						13

11. Place of use in counties: BLAINE
12. Do you own the property listed above as place of use? Yes
13. Other Water Rights Used:
14. Remarks:
15. Basis of Claim: Beneficial Use
16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
 County of _____)

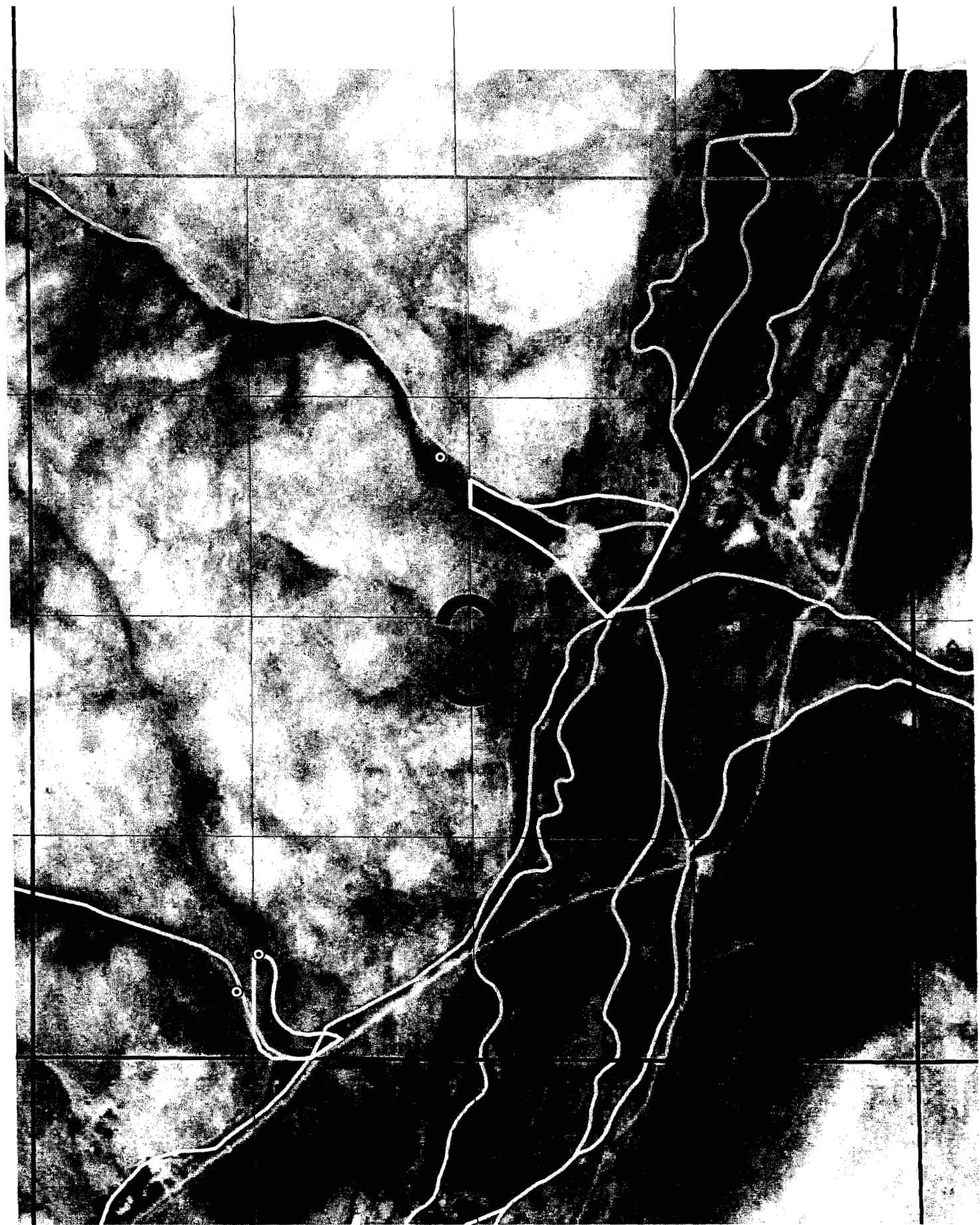
Subscribed and sworn (or affirmed) before me this
 of _____ 20__ _____

Notary Public

Residing at _____

My commission Expires _____

1987 Aerial Photo



2006 Aerial Photo



11/8/06

m. Anders

Spring 1

$$\begin{array}{llll} N 43^{\circ} 31.753' & = & 43.52922^{\circ} & = 43^{\circ} 31' 45.192'' \\ W 113^{\circ} 56.773' & = & 113.94622^{\circ} & = 113^{\circ} 56' 46.392'' \end{array}$$

Spring 2

$$\begin{array}{llll} N 43^{\circ} 31.717' & = & 43.52861^{\circ} & = 43^{\circ} 31' 42.996'' \\ W 113^{\circ} 56.803' & = & 113.94672^{\circ} & = 113^{\circ} 56' 48.192'' \end{array}$$

Spring 3

$$\begin{array}{llll} N 43^{\circ} 32.240' & = & 43.53733^{\circ} & = 43^{\circ} 32' 14.388'' \\ W 113^{\circ} 56.519' & = & 113.94198^{\circ} & = 113^{\circ} 56' 31.128'' \end{array}$$

Muldoon Creek Ranch
P. O. Box 308
Carey, Id. 83320
Phone/Fax: 208-788-4280

Facsimile transmittal

To: **Matt Anders** Fax: **208-287-6700**

From: **Terry L. Clark** Date: **8/4/2006**

Re: **Springs on Ranch** Pages: **5**

CC:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

NOTE: Matt please see attached information regarding the filing on 3 springs located on the
Muldoon Creek Ranch.

Thank You

Terry L. Clark

Muldoon Creek Ranch

Terry L. & Anita K. Clark

P. O. Box 308

Carey, ID 83320-00308

Phone / Fax 208-788-4280

Idaho Department of Water Resources
Attn: Matt Anders

Dear Matt,

Please see enclosed information:

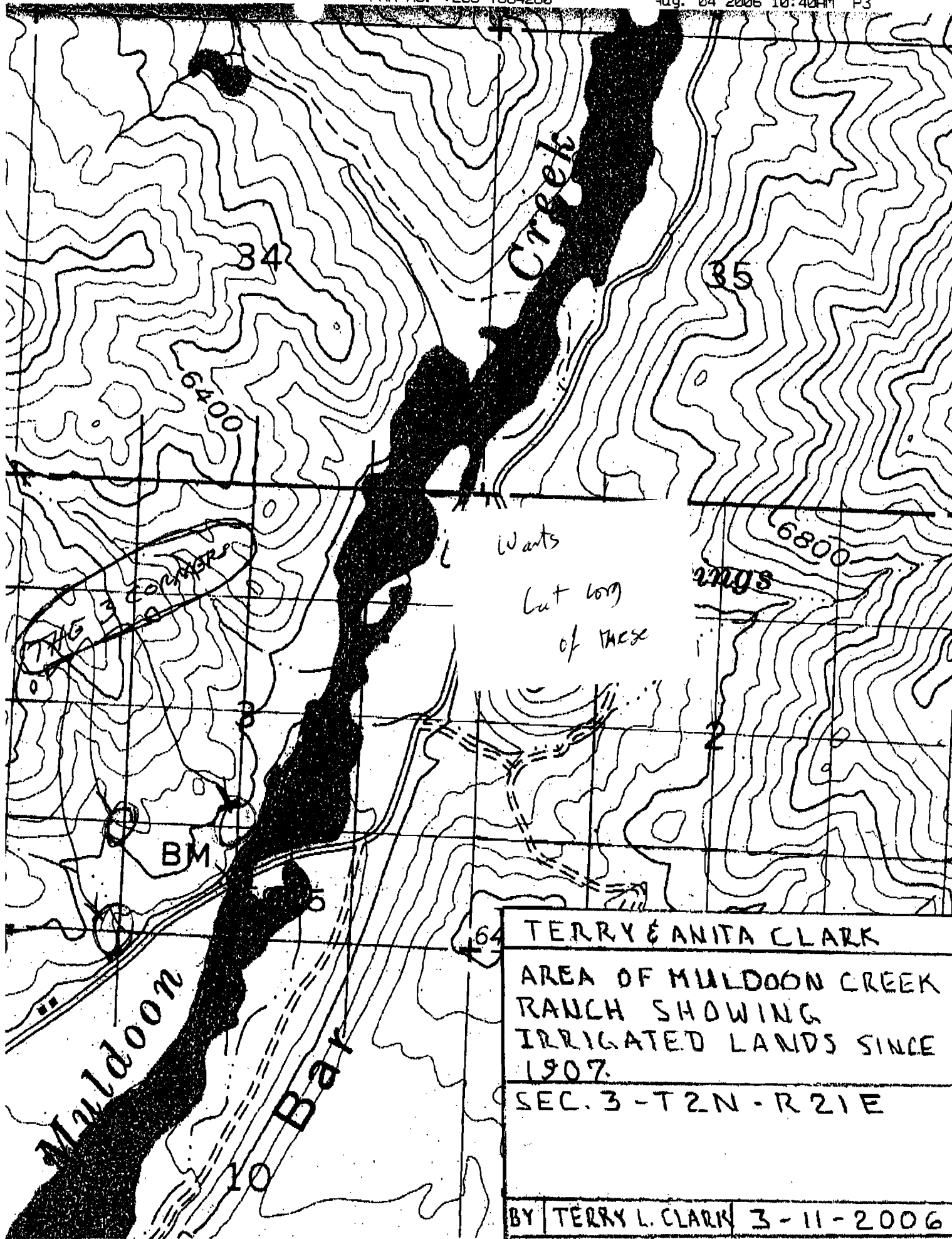
I have three springs to file on; they are labeled on the attached map as #1 #2 & #3. Each spring has a GPS reading on the attached sheet.

I have enclosed a second map of the Muldoon Creek Ranch section 3 T2N R21E and would like you to identify the three quarter corners to GPS Readings for me using (Longitude & Latitude) degrees and minutes. I am trying to locate these three ¼ corners with my GPS (or come as close as possible).

If you have any questions or need further information please call me at the above phone number.

Thank you for your assistance,

Terry L. Clark



**Muldoon Creek Ranch
Terry & Anita Clark
P. O. Box 308
Carey, Id. 83320
Phone/Fax 208-788-4280**

Spring #1

North Spring Draw West Side of Creek

Elevation: 5960 Feet

North 43 Degrees 31.753 Minutes
West 113 Degrees 56.773 Minutes

Spring #2

South Spring Draw West Side of Muldoon Creek

Elevation: 5954 Feet

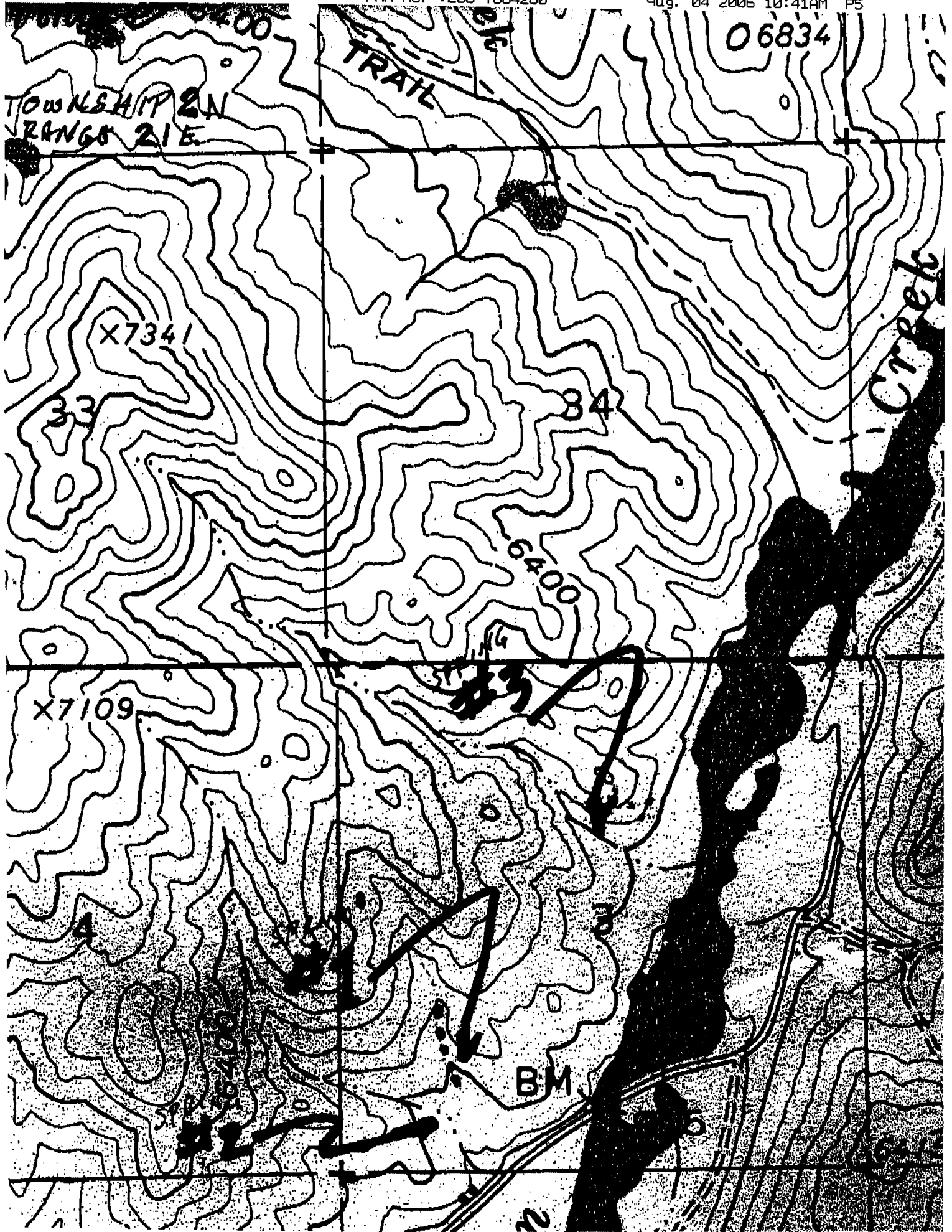
North 43 Degrees 31.717 Minutes
West 113 Degrees 56.803 Minutes

Spring #3

West of House West Side of Muldoon Creek:

Elevation: 6061 Feet

North 43 Degrees 32.240 Minutes
West 113 Degrees 56.519 Minutes



Anders, Matthew

From: Anders, Matthew
Sent: Wednesday, August 16, 2006 7:10 AM
To: 'anitak@rtci.net'
Subject: lat long

Mr. Clark,

Below are the latitude and longitude readings you wanted:

NE corner of SE1/4 of the SW1/4 of Section 3, Township 2 North, Range 21E:

Latitude: 43 degrees, 31 minutes, 51.81 seconds North
Longitude: 113 degrees, 56 minutes, 29.03 seconds West

NW corner of SE1/4 of the SW1/4 of Section 3, Township 2 North, Range 21E:

Latitude: 43 degrees, 31 minutes, 51.81 seconds North
Longitude: 113 degrees, 56 minutes, 46.86 seconds West

SW corner of SE1/4 of the SW1/4 of Section 3, Township 2 North, Range 21E:

Latitude: 43 degrees, 31 minutes, 38.91 seconds North
Longitude: 113 degrees, 56 minutes, 46.86 seconds West

Let me know if you need anything else.

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937