

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_  
2009 AUG 28 PM 12 39

**AMENDED DIRECTOR'S REPORT**

**Subcase Nos. 37-1120 and 37-21746**

In Re SRBA  
Twin Falls County Civil Case No. 39576

**Report to the SRBA District Court**

**Prepared by the Idaho Department of Water Resources  
Gary Spackman, Interim Director  
Donald V. Shaff, Adjudication Bureau Chief**

**August 28, 2009**

**DESCRIPTIVE SUMMARY**

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

**DISCUSSION**

Pursuant to the Special Master's *Order Granting Motion to File Amended Notice of Claim, Setting Subcase Deadlines and Status Conference* dated August 6, 2009, the Director submits for filing with the Court, an Amended Director's Report for subcases 37-1120 and 37-21746.

Respectfully submitted this 28<sup>th</sup> day of August, 2009.

  
DONALD V. SHAFE  
Adjudication Bureau Chief

AMENDED DIRECTOR'S REPORT

08/27/2009

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

RIGHT NUMBER: 37-1120

NAME AND ADDRESS: ANITA K CLARK  
PO BOX 308  
CAREY ID 83320

TERRY L CLARK  
PO BOX 308  
CAREY ID 83320

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.100 CFS

PRIORITY DATE: 01/22/1913

POINT OF  
DIVERSION:

T02N R21E S3 NENE Lot 1 Rediversion Within BLAINE County  
T02N R21E S3 NWSE Rediversion Within BLAINE County  
T03N R21E S35 SWNW Rediversion Within BLAINE County  
T03N R22E S7 NWNE Within BLAINE County  
T03N R22E S7 NENW Injection Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| IRRIGATION     | 04/15 10/31   | 1.100 CFS |

PLACE OF USE: IRRIGATION in BLAINE County

|                          |       |                          |       |
|--------------------------|-------|--------------------------|-------|
| T02N R21E S02 Lot 4 NWNW | 4.00  | T02N R21E S03 Lot 1 NENE | 39.00 |
| T02N R21E S03 Lot 2 NWNE | 11.00 | T02N R21E S03 SWNE       | 20.00 |
| T02N R21E S03 SENE       | 27.00 | T02N R21E S03 NESE       | 11.00 |
| T02N R21E S03 NWSE       | 22.00 | T02N R21E S03 SWSE       | 30.00 |

164 ACRES TOTAL

This right is limited to the irrigation of 55 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 164 acres in a single irrigation season. Combined Right Nos.: 37-1120, 37-1140, 37-21383, and 37-21746.

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, 37-21746, 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.

In accordance with Baptie v. Lewis (Blaine County, January 22, 1926), the water diverted from the Logan Tunnel is developed water and not tributary to Muldoon Creek or Little Wood River. Water diverted from Logan Tunnel shall be administered separately from those sources.

## EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

08/27/2009

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

RIGHT NUMBER: 37-21746

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

SOURCE: MULDOON CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 3.890 CFS

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

PRIORITY DATE: 01/23/1926

POINT OF  
DIVERSION:T02N R21E S3 NENE Lot 1 Within BLAINE County  
T02N R21E S3 NWSE Within BLAINE County  
T03N R21E S35 SWNW Within BLAINE CountyPURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 3.840 CFS       |
| STOCKWATER            | 01/01 12/31          | 0.050 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

|                          |       |                          |       |
|--------------------------|-------|--------------------------|-------|
| T02N R21E S02 Lot 4 NWNW | 4.00  | T02N R21E S03 Lot 1 NENE | 39.00 |
| T02N R21E S03 Lot 2 NWNE | 11.00 | T02N R21E S03 SWNE       | 20.00 |
| T02N R21E S03 SENE       | 27.00 | T02N R21E S03 NESE       | 11.00 |
| T02N R21E S03 NWSE       | 22.00 | T02N R21E S03 SWSE       | 30.00 |

STOCKWATER in BLAINE County

|                          |  |                          |  |
|--------------------------|--|--------------------------|--|
| T02N R21E S02 Lot 4 NWNW |  | T02N R21E S03 Lot 1 NENE |  |
| T02N R21E S03 Lot 2 NWNE |  | T02N R21E S03 SWNE       |  |
| T02N R21E S03 SENE       |  | T02N R21E S03 NESE       |  |
| T02N R21E S03 NWSE       |  | T02N R21E S03 SWSE       |  |

164 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, 37-21746, and 37-21963.

This right is limited to the irrigation of 101 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 164 acres in a single irrigation season. Combined Right Nos.: 37-1120, 37-1140, 37-21383, and 37-21746.

## 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.

08/27/2009

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

---

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section  
42-1425, Idaho Code.

**CERTIFICATE OF SERVICE**

I certify that on Aug 28th, 2009, I caused to be served a true and correct copy of this Amended Director's Report, 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:

Chief, Natural Resources Div.  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

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

United States Department of Justice  
Environment & Natural Resources Div.  
550 W. Fort Street MSC 033  
Boise, ID 83724

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

Blaine County Courthouse  
201 2<sup>nd</sup> Ave S. Ste 110  
Hailey, ID 83333

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

Andrew J. Waldera  
Scott L. Campbell  
Moffatt Thomas  
P.O. Box 829  
Boise, ID 83701-0829

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

  
\_\_\_\_\_  
Signature of person delivering form

AMENDED DIRECTOR'S REPORT