

**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

Subcase No.: 37-21963

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 and/or one federal reserved water right. 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; that 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.

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.

CLAIMANT / OBJECTOR:

 11/16/09
Andrew J. Waldera Date
Attorney for Terry and Anita Clark

IDWR CONCURRENCE:

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

IDWR CONCURRENCE:

 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 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

CERTIFICATE OF SERVICE

I certify that on November 18, 2009, 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

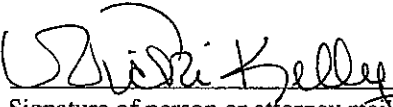
2. Copies to:

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

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

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

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


Signature of person or attorney making the form