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DEC 31 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 DEC 30 PM 2 46

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NOS.: 37-1120 and 37-
	)	21746

I. FINDINGS OF FACT

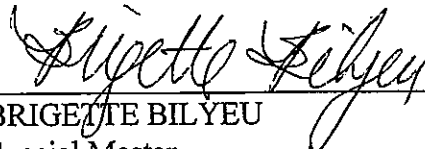
A notice of claim was filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

Objections were filed by Terry and Anita Clark on November 13, 2007. A *Motion to File Amended Notice of Claims* was filed by Terry and Anita Clark on May 12, 2009. An *Amended Director's Report* was filed on August 28, 2009. The *Amended Director's Report* was placed on the Docket Sheet. No objections were filed to the *Amended Director's Report*, and the time for filing such objections has now expired.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decrees*.

DATED: December 30, 2009.



BRIGETTE BILYEU
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
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT
I.R.C.P. 54(b) FOR

Water Right 37-21746

FILED

2009 DEC 30 PM 2 46

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

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SOURCE: MULDOON CREEK TRIBUTARY: LITTLE WOOD RIVER

DEPARTMENT OF
WATER RESOURCES

QUANTITY: 3.89 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 S03 LOT 1 (NENE) Within Blaine County
NWSE
T03N R21E S25 SWNW

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 10-31	3.84 CFS
Stockwater	01-01 TO 12-31	0.05 CFS

PLACE OF USE:

Irrigation	Within Blaine County
T02N R21E S02 LOT 4 (NWNW) 4.0	
S03 LOT 1 (NENE) 39.0	LOT 2 (NWNE) 11.0
	SENE 27.0
	NWSE 22.0
	SWSE 30.0
164.0 Acres Total	

Stockwater	Within Blaine County
T02N R21E S02 LOT 4 (NWNW)	
S03 LOT 1 (NENE)	LOT 2 (NWNE)
	SENE
	NWSE
	SWSE

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.
This right is limited to the irrigation of 101 acres within the
place of use described above in a single irrigation season.

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

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

RECOMMENDATION

DEC 30 2009

Bridgette Silbey
SPECIAL MASTER

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).

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

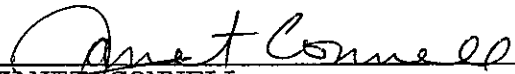
Water Right(s): 37-01120
37-21746

On December 30, 2009, Special Master BRIGETTE BILYEU 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 December 30, 2009.


JANET CONNELL
Deputy Clerk

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In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

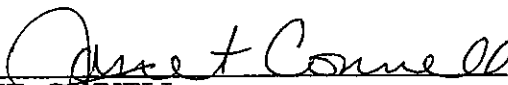
Water Right(s): 37-01120
37-21746

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 December 30, 2009, with sufficient first-class postage prepaid to the following:

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

ANITA K CLARK
TERRY & ANITA CLARK
TERRY L CLARK
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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12/30/09