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DEC 31 2009
DEPARTMENT OF
WATER RESOURCES

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

2009 DEC 30 PM 2 44

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

) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION; FINDINGS OF
) FACT AND CONCLUSIONS OF LAW

)
) WATER RIGHT NOS.: 37-1140,
) 37-21383 and 37-21963
)

I. FINDINGS OF FACT

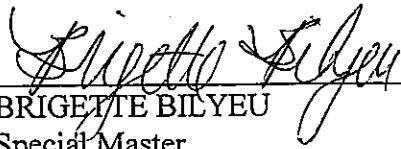
Claims were filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

Objections were filed by Terry and Anita Clark on November 13, 2007. The *Objections* were resolved with the filing of *Standard Forms 5*. All parties to the subcases and IDWR are signatories to the *Standard Forms 5*.

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 Recommendations 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 TO
I.R.C.P. 54(b) FOR

Water Right 37-01140

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DEPARTMENT OF
WATER RESOURCES

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

SOURCE: MULDOON CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.20 CFS

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

PRIORITY DATE: 12/02/1911

POINT OF DIVERSION: T02N R21E S03 LOT 1 (NENE) Within Blaine County
NWSE
T03N R21E S35 SWNW

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 10-31	0.20 CFS
Domestic	01-01 TO 12-31	0.02 CFS

PLACE OF USE:

Irrigation	Within Blaine County
T02N R21E S02 LOT 4 (NWNW) 4.0	
S03 LOT 1 (NENE) 39.0	LOT 2 (NWNW) 11.0
SWNE 20.0	SENE 27.0
NESE 11.0	NWSE 22.0
SWSE 30.0	
164.0 Acres Total	

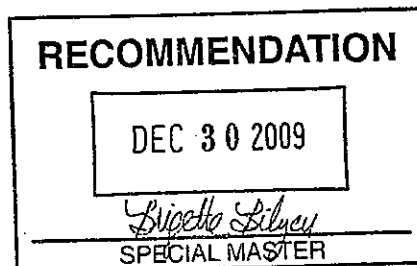
Domestic	Within Blaine County
T02N R21E S03	SENE

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 170.5 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 15 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 domestic
use is not a determination of historical beneficial use.

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).



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 TO
I.R.C.P. 54(b) FOR

Water Right 37-21383

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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

QUANTITY: 2.52 CFS

PRIORITY DATE: 04/01/1912

POINT OF DIVERSION: T02N R21E S03 LOT 1 (NENE) Within Blaine County
NWSE
T03N R21E S35 SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	2.52 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
	SWNE 20.0		SENE 27.0
	NESE 11.0		NWSE 22.0
	SWSE 30.0		
164.0 Acres Total			

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 63 acres within the place of use described above in a single irrigation season.

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. I.C. SECTION 42-1412(6).

RECOMMENDATION

DEC 30 2009

Bigetto Lilacy
SPECIAL MASTER

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 TO
I.R.C.P. 54(b) FOR

Water Right 37-21963

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DEPARTMENT OF
WATER RESOURCES

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

SOURCE: SPRING TRIBUTARY: MULDOON CREEK

QUANTITY: 0.28 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 S03 NESENW Within Blaine County
SESWSW
SWSESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.26 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Blaine County
T02N R21E S03 SWNE 10.0 SESW 3.0
13.0 Acres Total

Stockwater Within Blaine County
T02N R21E S03 SWNE SESW

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:

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

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).

RECOMMENDATION

DEC 30 2009

Bigelow Lilley
SPECIAL MASTER

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In Re SRBA)
Case No. 39576)
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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 37-01140
37-21383 37-21963

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)
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CERTIFICATE OF MAILING

Water Right(s): 37-01140
37-21383 37-21963

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