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JAN 19 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 15 2010	
By _____	Clerk Deputy Clerk

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

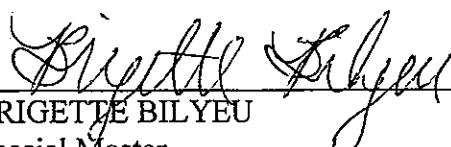
I. FINDINGS OF FACT

A *Special Master's Report and Recommendation* was issued on December 30, 2009. The attached *Special Master's Recommendation for Partial Decree* should have included the same elements set forth in the *Amended Director's Report*. However, the attached *Recommendation for Partial Decree* contained a clerical error by listing a point of diversion in Section 25 instead of in the correct Section 35. This *Amended Special Master's Report and Recommendation* corrects only that error.

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: January 15, 2010.



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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21746

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 15 2010

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Deputy Clerk

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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: 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 S35 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
	SWNE 20.0	SENE 27.0
	NESE 11.0	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)
	SWNE	SENE
	NESE	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.

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

JAN 15 2010

Dianna Lilley
SPECIAL MASTER

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JAN 15 2010
By _____ Clerk Deputy Clerk

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)

NOTICE OF ISSUANCE OF
~~Amended~~ SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 37-21746

On January 15, 2010, Special Master BRIGETTE BILYEU
issued a ~~Amended~~ 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 January 15, 2010.


JANET CONNELL
Deputy Clerk

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DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN 15 2010
By _____ Clerk _____ Deputy Clerk

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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 37-21746

CERTIFICATE OF MAILING

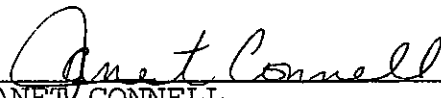
AMENDED

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 January 15, 2010, 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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01/15/10