

RECEIVED
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DEPARTMENT OF
WATER RESOURCES

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

A. Subcase 37-01140

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Terry and Anita Clark

Address: P.O. Box 308

Carey, ID 83320

Daytime Phone: (208) 788-4280

Name & Address of Attorney, if any:

Scott L. Campbell & Andrew J. Waldera

Moffatt, Thomas, Barrett, Rock & Fields

P.O. Box 829, Boise, ID 83701-0829

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Terry and Anita Clark

Address: P.O. Box 308

Carey, ID 83320

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Quantity of irrigation water should be 6.2 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: T03N R21E S35 NWSW Within BLAINE County
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigation quantity should be 6.2 cfs
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See Attachment 1 hereto
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** See Attachment 2 hereto.

F. VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Scott L. Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 12, 2007



Tiffany Hudak
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 9/16/09

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on November 12, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Terry and Anita Clark

Address: P.O. Box 308

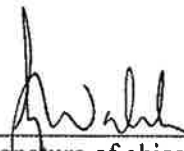
Carey, ID 83320

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

ATTACHMENT 1
STANDARD FORM 1 – OBJECTION
SUBCASE 37-01140

The Director's Report incorrectly identifies the Place of Use for irrigation of lands under this water right. The correct, historic place of use is as follows:

TWP	RNG	SEC	1/4	1/4	Lot	Acres
2N	21E	3	NE	NE	1	40
			NW	NE	2	35
			SW	NE		35
			SE	NE		35
			NE	SE		25
			NW	SE		40
			SW	SE		40
			SE	SW		20
					Total	270

Terry and Anita Clark also object to the inclusion of three limiting remarks set forth under Place of Use element, as reflected in the Director's Report:

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, 37-21745, and 37-21746.

This right is limited to the irrigation of 15 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 170 acres in a single irrigation season. Combined Right Nos.: 37-1120, 37-1140, 37-21383, 37-21745, 37-21746, and 37-21963.

ATTACHMENT 2
STANDARD FORM 1 – OBJECTION
SUBCASE 37-01140

Reasons Supporting Objection(s):

Quantity:

The claimed quantity of 6.2 cfs should be recommended in full, based upon historic diversion, delivery, and use of irrigation water by Terry and Anita Clark and their predecessors.

Point of Diversion:

The point of diversion as recommended is incorrect based upon the historic diversion of water under this right.

Purpose and Period of Use:

The claimed quantity of 6.2 cfs should be recommended in full, based upon historic diversion, delivery, and use of irrigation water by Terry and Anita Clark and their predecessors.

Place of Use:

The place of use described in the Director's Report does not accurately describe the lands historically irrigated under this water right. Additionally, there is no legal basis for inclusion of the acreage restriction remarks, as they were not contained in the decree.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-1140
Date Received: 10/7/1988
Receipt No: M001543
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

ANITA K CLARK
P.O. BOX 308
CAREY ID USA 83320

Phone: (208) 788-4280

TERRY L CLARK
P.O. BOX 308
CAREY ID USA 83320

Phone: (208) 788-4280

2. Date of Priority: 12/02/1911

3. Source: MULDOON CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	21E	35	NW SW	BLAINE	

5. Description of diverting works:

DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/30	0.2	
DOMESTIC	04/01	11/30	0.02	

7. Total Quantity Appropriated is:
0.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
02N	21E	3	NE	NE	1	IRRIGATION	40
			SE	NE		IRRIGATION	35
			NW	NE		IRRIGATION	35
			SW	NE		IRRIGATION	35
			NE	SE		IRRIGATION	25
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SW		IRRIGATION	20
						Section Acres	270
						Total Acres	270

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

11/17/04, DJ: CLAIM AMENDED TO REDUCE FLOW RATE TO DECREED AMOUNT - 0.20 CFS. ADDITIONAL CLAIM FILED TO RECORD HIGH WATER, OR FLOOD FLOW DIVERSION.

RT. DECREES LIC. 37-2226.

AC. IRRIGATED TAKEN FROM LICENSE.

ADDITIONAL 300 INCHES ADDED TO CLAIM WASTE WATER FROM MULDOON CR. WITH SAME PRIORITY DATE. APPLICANT HAS OFFICIAL COURT DOC. THAT SHOWS RT. TO THIS WATER.

270 ACRES OF IRR. REQUIRES MORE THAN 1 INCH TO THE AC. DUE TO VERY SANDY SOIL.

15. Basis of Claim: Decreed

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-1140
Date Received: 10/7/1988
Receipt No: M001543
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ANITA K CLARK Phone:

BOX 229
BELLEVUE ID USA 83313

TERRY L CLARK Phone: (208)788-4280

PO BOX 229
BELLEVUE ID USA 83313

2. Date of Priority: 12/02/1911

3. Source: MULDOON CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	21E	35	NW SW	BLAINE	

5. Description of diverting works:

DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/30	0.2	
DOMESTIC	04/01	11/30	0.02	

7. Total Quantity Appropriated is:
0.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

COPY

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
02N	21E	3	NE	NE	1	IRRIGATION	40
			SE	NE		IRRIGATION	35
			NW	NE		IRRIGATION	35
			SW	NE		IRRIGATION	35
			NE	SE		IRRIGATION	25
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SW		IRRIGATION	20
						Section Acres	270
						Total Acres	270

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

11/17/04, DJ: CLAIM AMENDED TO REDUCE FLOW RATE TO DECREED AMOUNT - 0.20 CFS. ADDITIONAL CLAIM FILED TO RECORD HIGH WATER, OR FLOOD FLOW DIVERSION.

RT. DECREES LIC. 37-2226.

AC. IRRIGATED TAKEN FROM LICENSE.

ADDITIONAL 300 INCHES ADDED TO CLAIM WASTE WATER FROM MULDOON CR. WITH SAME PRIORITY DATE. APPLICANT HAS OFFICIAL COURT DOC. THAT SHOWS RT. TO THIS WATER.

270 ACRES OF IRR. REQUIRES MORE THAN 1 INCH TO THE AC. DUE TO VERY SANDY SOIL.

15. Basis of Claim: Decreed

COPY

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): * *Larry L. Lutz* Date: 11-17-04
* *Anto K. Clark* Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this
of November 2004

17th day
T. Douglas Jones
Notary Public

Residing at Buhl ID

My commission Expires 8/8/2007

COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-01140
Date Received: 10/07/1988
Receipt No: M001543
Received By: RW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TERRY L. CLARK
Address: BOX 229
BELLEVUE, ID 83313
OR
Name: ANITA K. CLARK
Address: BOX 229
BELLEVUE, ID 83313
2. Date of Priority: DEC 02, 1911
3. Source: MULDOON CREEK Trib. to: LITTLE WOOD RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	21E	35	NW	SW			BLAINE
5. Description of diverting works:
DITCHES.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/30	6.200		
DOMESTIC	04/01	11/30	0.020		
7. Total Quantity Appropriated is:
6.200 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 750.0 Acre Feet Per Annum.
9. Non-irrigation uses:
.02 FOR DOMESTIC.

A37-01140

Page 1

Date: 10/07/88

MICROFILMED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	21E	3	NE		NE	1	IRR	40.0
			NW		NE		IRR	35.0
			SW		NE		IRR	35.0
			SE		NE		IRR	35.0
			SE		SW		IRR	20.0
			NE		SE		IRR	25.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
							Section Acres	270.0
							Total Acres	270.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-01120 IRR. FOR 55 AC.

14. Remarks:

RT. DECREES LIC. 37-2226.
AC. IRRIGATED TAKEN FROM LICENSE.
ADDITIONAL 300 INCHES ADDED TO CLAIM WASTE WATER FROM MULDOON CR.
WITH SAME PRIORITY DATE. APPLICANT HAS OFFICIAL COURT DOC. THAT
SHOWS RT. TO THIS WATER.
270 ACRES OF IRR. REQUIRES MORE THAN 1 INCH TO THE AC. DUE TO
VERY SANDY SOIL.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BAPTIE

Decree Plaintiff

vs

LEWIS AND SWENDSEN.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Perry H. H. H.* Date: 10-7-88
_____ Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of Oct 19 88

John Dale Carlson
Notary Public

Seal

Residing at Bow Id

My Commission Expires 6/2/94

08/11/2009

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

RIGHT NUMBER: 37-1140

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

TERRY L CLARK
PO BOX 308
CAREY ID 83320

VERIFIED BY KKC
9-10-09

SOURCE: MULDOON CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.200 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 S3 NENE Lot 1 Within BLAINE County
T02N R21E S3 NWSE Within BLAINE County
T03N R21E S35 SESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
IRRIGATION	04/15 10/31	0.200 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

DOMESTIC in BLAINE County

T02N R21E S03 SENE

164 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, ~~37-21745~~, 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, ~~37-21745~~, 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:

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 domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

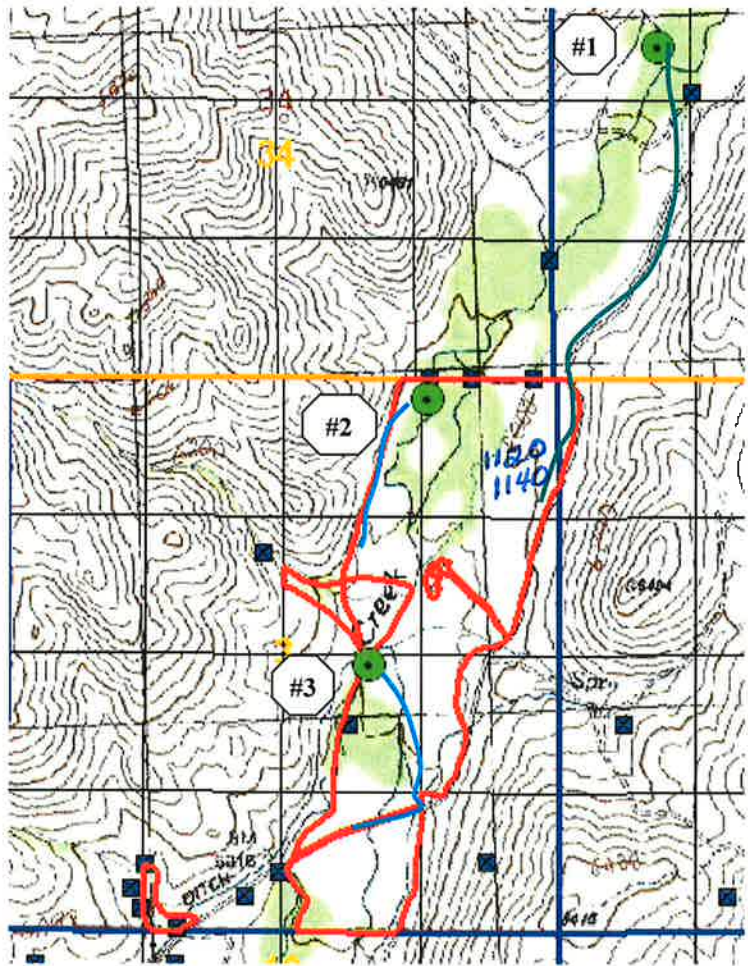
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

POU review for 37-1140 etal

GENERAL SYSTEM OVERVIEW

A majority of the decreed pou is irrigated from the point of diversion located in Sec 35 SWNW. The ditch from that POD runs south to the road and then basically parallels that road on the east side of the POU. Water flows west to south west from the ditch, ultimately reaching the creek which forms the west boundary of the ground irrigated from that POD. Ground west of the creek is irrigated from a POD located in Sec 3 NENE. The third POD in Sec 3 NWSE diverts water south east to irrigate ground east of the creek.

The ditch routes shown in light blue are just approximate. No effort was made to make them exactly follow the ditch route or even extend to the end of the ditch route.



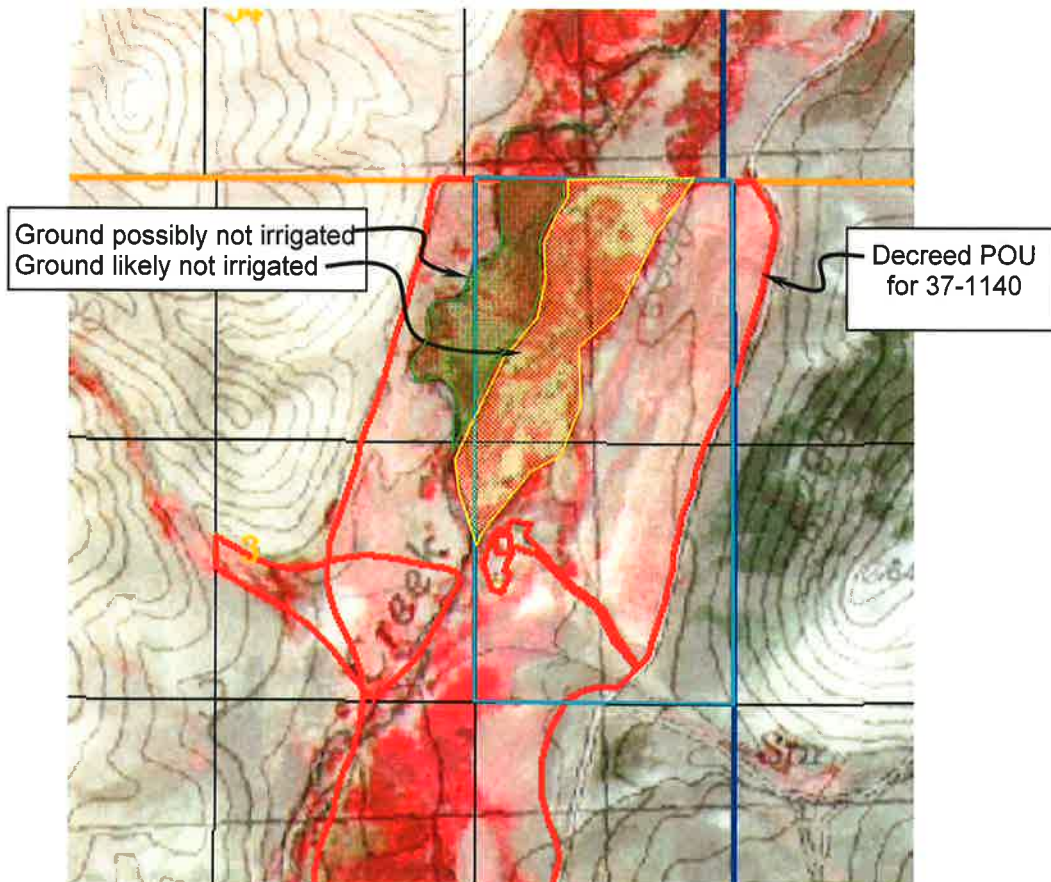
REVIEW OF THE W½NE SEC 3

The date of the development of points of diversion 2 and 3 is not known. One would assume that if that point of diversion was in existence at the time of the Baptee decree then that ground would have been recognized as irrigated. Is it logical that nobody noticed that the decree missed all that ground? Andy is arguing that the Moran Patent covers the entire NE quarter of Sec 3 and that for the patent to be issued the property had to be under cultivation. I do not believe that the entire parcel has to be irrigated in order for the patent to be issued. If that were the case any ground outside of the ditch boundary would not be included. Do you suppose that they just went by the 40-acre tract boundaries? I suppose that you could argue that we know better what happened then than they did then.

The current recommended POU overstates the irrigated POU but I do not know by how much. It would require a field examination to establish the actual irrigated POU. I suspect that there is a significant area within the braided channel boundaries that cannot receive irrigation water; again, a field examination would be necessary to determine the

actual field practices. At this point I am still willing to go with the current recommended POU.

My short answer is that the patent does not prove anything about the irrigation of the W½ Sec 3.



14. *Baptie v. George A. Lewis, Watermaster and Warren G. Swendsen, Commissioner of Reclamation* (Blaine County, January 22, 1926)

- Muldoon Creek, Little Wood River, Logan Tunnel, and springs
- Water right number 37-1140
- Describes Amount, Purpose, Source, POD, and POU
- Subject to the *Woodworth* and *Frost* decrees
- Entitlement to non-tributary developed waters from Logan Tunnel

“so long as said plaintiffs shall maintain said water flow from said Logan Tunnel, and that the right to the use of said water by plaintiffs is absolute, so long as plaintiffs shall maintain the same, the said waters being developed water and not tributary to said Muldoon Creek or said Little Wood River, and the right to the use of said water as aforesaid will not affect or interfere with the rights of prior users of waters from said Muldoon Creek or said Little Wood River.”

**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.: 37-1140

STANDARD FORM 5

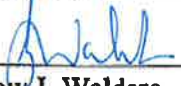
**STIPULATED ELEMENTS OF A
WATER RIGHT**

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.

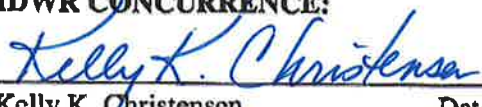
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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: 37-1140

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

TERRY L CLARK
PO BOX 308
CAREY ID 83320

SOURCE: MULDOON CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.200 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 S3 NENE Lot 1 Within BLAINE County
T02N R21E S3 NWSE Within BLAINE County
T03N R21E S35 SESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.020 CFS
IRRIGATION	04/15 10/31	0.200 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

DOMESTIC in BLAINE County

T02N R21E S03 SENE

164 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, ~~37-21745~~, 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, ~~37-21745~~, 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:

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 domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

12/10/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-1140
NAME AND ADDRESS: ANITA K CLARK
PO BOX 308
CAREY ID 83320

TERRY L CLARK
PO BOX 308
CAREY ID 83320

SOURCE: MULDOON CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.200 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:
T03N R21E S35 SESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
IRRIGATION	04/15 10/31	0.200 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

DOMESTIC in BLAINE County

T02N R21E S03 SENE

164 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, 37-21745, and 37-21746.

This right is limited to the irrigation of 15 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 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

12/10/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

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

Water Right Report 37-1140

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS A BAPTIE , ZZ
Current Owner	CORA A BAPTIE , ZZ

Status: Active

LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	/	0.200 CFS	
DOMESTIC	/	/		
	<u>Total Diversion:</u>		0.200 CFS	

MULDOON CREEK NW1/4SW1/4 Sec. 35, Twp 03N, Rge 21E, B.M.
BLAINE County

IRRIGATION

[illegible]

DOMESTIC same as IRRIGATION

Remarks:

1. General RT. DECREES LIC. 37-2226.
AC. IRRIGATED TAKEN FROM LICENSE.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1140

Dates and Other Information:

Licensed Date:
Decreed Date: 1/22/1926
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 370
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: George A Lewis
Decree Plaintiff: Thomas A Baptie, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank: