

06/08/2004

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-14070

ROBERT L CLARK
3617 E 800 N
MENAN ID 83434
Telephone Number: (208)754-4238

RECEIVED

NOV 18 2004

Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The quantity of water that is being allotted is only 1.920 CFS

2. Describe the changes you wish to make in the proposed recommendation:

1.920 CFS changed to 7.36 CFS which we are being assessed for by East ESPA Water Measurement District

3. Give a brief explanation as to why you disagree with these portions:

Below

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: Nov 8-2004

SIGNATURE:

Please print your name:

Robert L. Clark

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

3. I disagree with the amount of water that IDWR has allotted me. I have the original abstract for the water I own, stating the amount that I own is 368 miners inches. I am being charged for 7.36 CFS by East ESPA Water Measurement District. IDWR wants to allot me only 1.920 CFS. I don't understand how water that has been bought and paid for in good faith can be taken away. I was out of the state at the time of your meeting and could not attend it. Enclosed is a copy of my assessment notice. I also don't understand why each form has a different water right number. Richard Sheppard (who has water on the same slough) and I met with Michael Halliday in October and expressed our concerns to him. I have highlighted the different water right numbers. see BACK of Page

I also oppose giving Webers a water right
in our slough if they can prove beneficial use.

There have been court hearings where parties
were taking our water in the past. These hearings
were settled in our favor.

RECEIVED

NOV 18 2004

ROBERT L. CLARK
1617 E 400 N
MESA 10 83414
Telephone Number: (208) 754-4212

The quantity of water that is being
allocated is only 1.930 CFS

1.930 CFS changed to 7.36 CFS which we are
being asked to pay \$29,500 water measurement district

Be/ord

I agree with this proposed recommendation no changes need to be made.

Signature: Robert L. Clark
Please print your name:

200 N. Canyon St. Ste. A, Idaho Falls, ID 83403, 2082327187

3. I disagree with the amount of water that I DWR has
allocated me. I have the original abstract for the water I own, showing
the amount + but I own a 308 acre in the
I am being charged for 7.36 CFS by East 50th water measurement
district. I DWR wants to add 11th acre only 1.930 CFS
I don't understand how water that has been bought
and paid for in good faith can be taken away. I was only
the state at the time of your meeting and could not attend it.
I enclosed a copy of my assessment notice. I believe
understand why and from that different water right number
Richard Shipp (like the water on the same block) and
I met with Michael holding in October and explained our position
to him. I have Mi-lighted the different water right
see Bk 1 K Page

06/08/2004

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

RIGHT NUMBER: 25-14070

NAME AND ADDRESS: ROBERT L CLARK
3617 E 800 N
MENAN ID 83434

SOURCE: ANNIS SLOUGH

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.920 CFS

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

PRIORITY DATE: 05/15/1889

POINT OF DIVERSION:

T05N R38E S23 NESWSW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.920 CFS
STOCKWATER	04/01 10/31	0.070 CFS

PLACE OF USE: IRRIGATION Within JEFFERSON County

T05N R38E S22	NESE	1.3	T05N R38E S22 Lot 8	NESE	20.0
T05N R38E S22	NWSE	2.0	T05N R38E S22 Lot 7	NWSE	1.8
T05N R38E S22 Lot 7	SWSE	20.0	T05N R38E S22 Lot 8	SESE	31.0
T05N R38E S23 Lot 3	NWSW	7.4			

STOCKWATER Within JEFFERSON County

T05N R38E S22 Lot 8	NESE	T05N R38E S22 Lot 7	NWSE
T05N R38E S22 Lot 7	SWSE	T05N R38E S22 Lot 8	SESE
T05N R38E S23 Lot 3	NWSW		

83.5 ACRES TOTAL

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 - Decreed

SOURCE ALSO KNOWN AS HYRUM POOLE SLOUGH.

RIGHT NO. 25-13989 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 25-279 AND A PORTION OF 25-277.

Stockwater use is for 260 range cattle.

BASIN 25 GENERAL PROVISIONS

The Director of the Idaho Department of Water Resources recommends to the Snake River Basin Adjudication District Court that the following general provisions be included in the decree determining rights to water from Basin 25.

1. The following water rights from the following sources of water in Basin 25 shall be administered separately from all other water rights in Basin 25 and all surface water rights diverted from the Snake River in accordance with the prior appropriation doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
25-4085	Scotts Slough

2. The following water rights from the following sources of water in Basin 25 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
None	None

3. Except as otherwise specified above, all other water rights within Basin 25 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

EAST ESPA WATER MEASUREMENT DISTRICT 2004
ANNUAL ASSESSMENT NOTICE

02-Mar-04

Reporter No. 473

ROBERT L CLARK

3617 E 800 N

MENAN

ID

83834

*pd March 25, 2004
ck No 1332*

Water Rt Number(s)	NAME	Water Right CFS	CRP Right	Billing CFS
25-00277	ROBERT L CLARK	7.36		7.36

Total Water Right Billing Diversion Rate: 7.36 CFS

Pro-rate cost factor = \$25.00 per cfs

(1) Assessed pro-rate cost \$184.00

Total number of CRP Diversions

Total number of regular diversions

1

(2) Total number of CRP diversions x \$100.00 + Total number of regular diversions x \$50.00:

\$50.00

Total 2004 assessment (1) + (2) :

\$234.00

PLEASE REMIT PAYMENT ON OR BEFORE MAY 1, 2004

Assessments not paid by May 1, 2004, shall bear interest from the date due until paid at the rate of eight percent (8%) per annum.

We have carefully tried to describe your points of diversion and flow rates authorized by water rights without duplication or error. If you feel there is a mistake, please contact the water measurement district office at (208) 525-7171.

Please note that if a diversion has multiple owners, each owner will receive a copy of this bill. However, it only needs to be paid once.

Please contact the district with any new phone, email, or operator information. This will enable our water agents to have better success contacting you before an exam.

(keep this portion for your records)