

03/18/2004

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

RIGHT NUMBER: 23-4042

NAME AND ADDRESS: MAXINE CLARK
1103 SWAN VALLEY HWY
RIRIE ID 83443

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.120 CFS

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

PRIORITY DATE: 06/30/1922

POINT OF DIVERSION:

T03N R41E S15 SWNWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	04/01 10/31	0.060 CFS
DOMESTIC	01/01 12/31	0.060 CFS

PLACE OF USE: STOCKWATER Within BONNEVILLE County

T03N R41E S15 NESE T03N R41E S15 NWSE

IRRIGATION Within BONNEVILLE County

T03N R41E S15 NESE 1.4 T03N R41E S15 NWSE 1.6

DOMESTIC Within BONNEVILLE County

T03N R41E S15 NESE T03N R41E S15 NWSE

3 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 domestic use and stockwater use is not a determination of historical beneficial use.

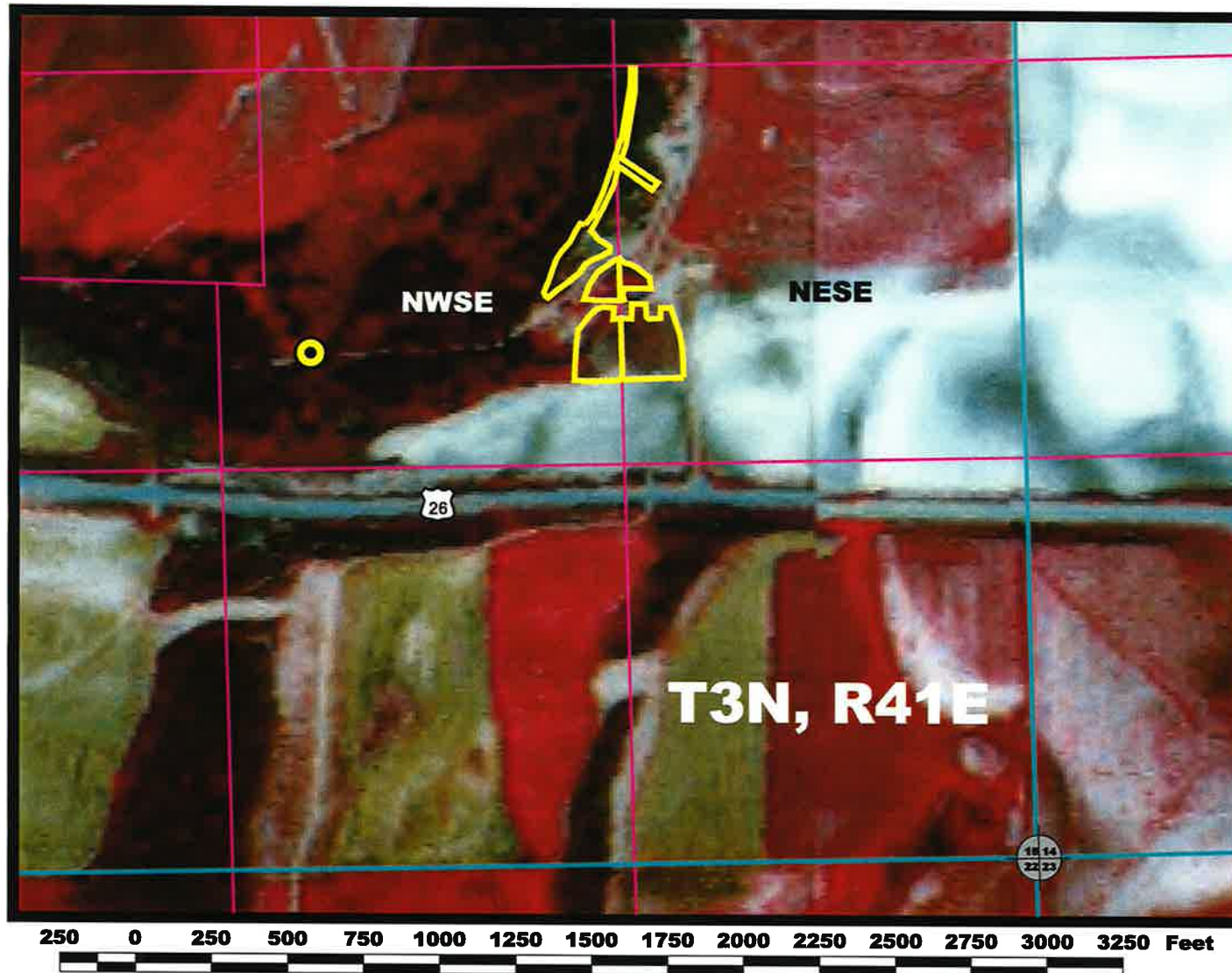
EXPLANATORY MATERIAL: Beneficial Use



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
23-04042

Place of Use: (parts of)
T3N, R42E
Sec. 15 NWSE, NESE

Point(s) of Diversion:
T3N, R41E
Sec. 15 SWNWSE

LEGEND

-  Point of Diversion
-  SESE Place of Use
-  Section
-  Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: March 2004

Contacts Data Entry Form

Water Right No. 23-4042

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner MAXINE CLARK

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 8-13-03 Time: 3: pm.

Directions to Property (if different from above) and/or update owner information:

STATUTORY Claim - §42-243 IC

NOTE: ANOTHER CLAIM NUMBERED 23-4042B WAS FILED
USING SOME OF THE ELEMENTS OF THIS CLAIM. HOWEVER,
23-4042B WAS RENUMBERED TO 23-11233 BECAUSE IT
IN NO WAY RELATED TO 23-4042. HAS NO EFFECT ON
THIS CLAIM. 23-4042B WAS CLAIMED ON THE NORTH SIDE
OF SNAKE RIVER. THIS CLAIM IS ON SOUTH SIDE.

FE INDICATOR: POD/POU, CONVEYANCE, USGS

Reviewer: _____

Date: _____

1/27/04- MAXINE CLARK Amended claim to change SOL to 4/1 to 10/31 and
ADD 12Ac irrig.

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: JUNE 30, 1922 Claimed Basis: STAT,Recommended Priority Date: JUNE 30, 1922 Recommended Basis: BU☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

EVIDENCE SUPPORTS CLAIMED DATE.

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
								IRRIG
								DOMESTIC
								Stock

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
3N	41E	15	NESE		BOON		2	IRRIG

Total Acres 20

Document how the POU was verified:

DOMESTIC - 2 HOMES; STOCK WATER - 100 CATTLE (PIGS) OR

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig	5/1	10/01	0.06	
Domestic	1/1	12/31	0.03	
Stock	1/1	12/31	0.06	

Overall Diversion Rate 0.13

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig	5/1	10/01	0.06	
Domestic	1/1	12/31	0.06	
Stock	1/1	12/31	0.03	

Overall Diversion Rate 0.12

Overall Diversion Volume _____

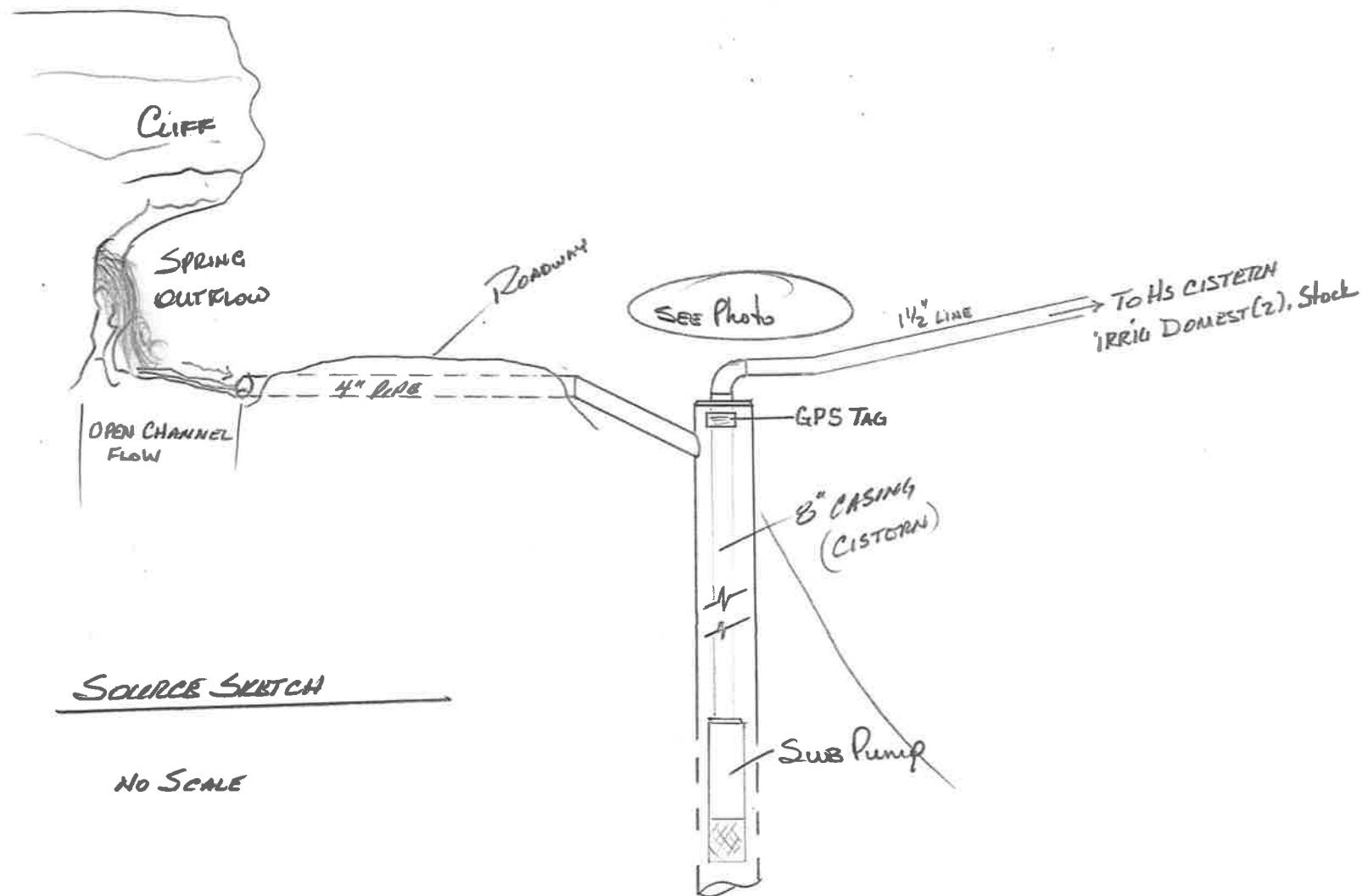
Document how the Period of Use and/or Diversion Rate were verified:

MEASURES NOT REQ'D < 0.20 cfs.
Stock - INCIDENTAL - NOT THERE ALL THE TIME
CONDITIONS:
N14
N09

Reviewer: _____

Date: _____

4/1 TO 10/31



SOURCE SKETCH

NO SCALE

8/14/03
ABR

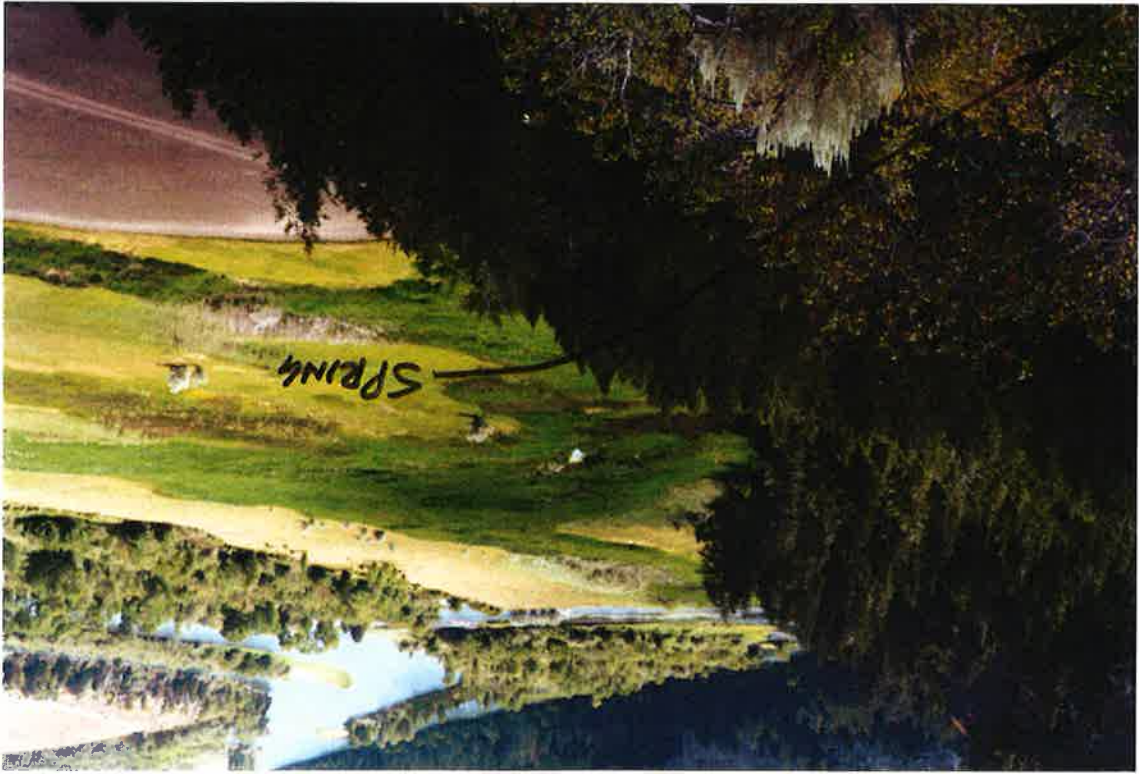


Photo shows pump/drainage system to pool.



Maryanne Clark

23-4042

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 3N, R 41E, Sec. 15, SW, NW, SE County: BONNSource: SPRING Tributary: SINKS

Recommended Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary: _____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
GPS Coordinates:	<u>0692561</u>		<u>0279317</u>			
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						

 Other rights from this POD? (NONE) Tag # 100 12415 GPS SPRING POD TAG ON CASING

Document how the POD and Source were verified and/or Pump and Motor data:

THE SPRING COME OUT SIDE OF MOUNTAIN. DIVERTED INTO
A 4" PIPE. IT CROSSES THE DIRT ROAD APPROX
30' AND GOES INTO A 8" WELL CASING WHICH
HAS A SUBMERSIBLE PUMP. THE SPRING IS
APPROX 8' FROM 4" PIPE GOING UNDER THE ROAD

 Mobile MP. 4E 2-1 2HP. MOTOR
 Transfers Changing POD PUMP

Reviewer: _____

Date: _____

Log for claim 23-04042

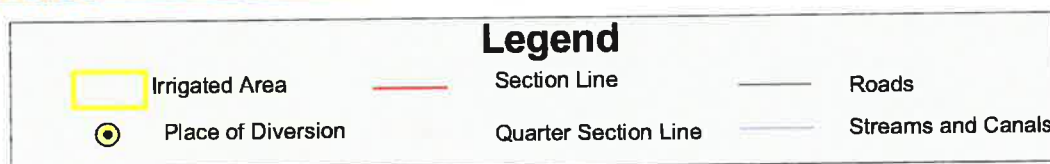
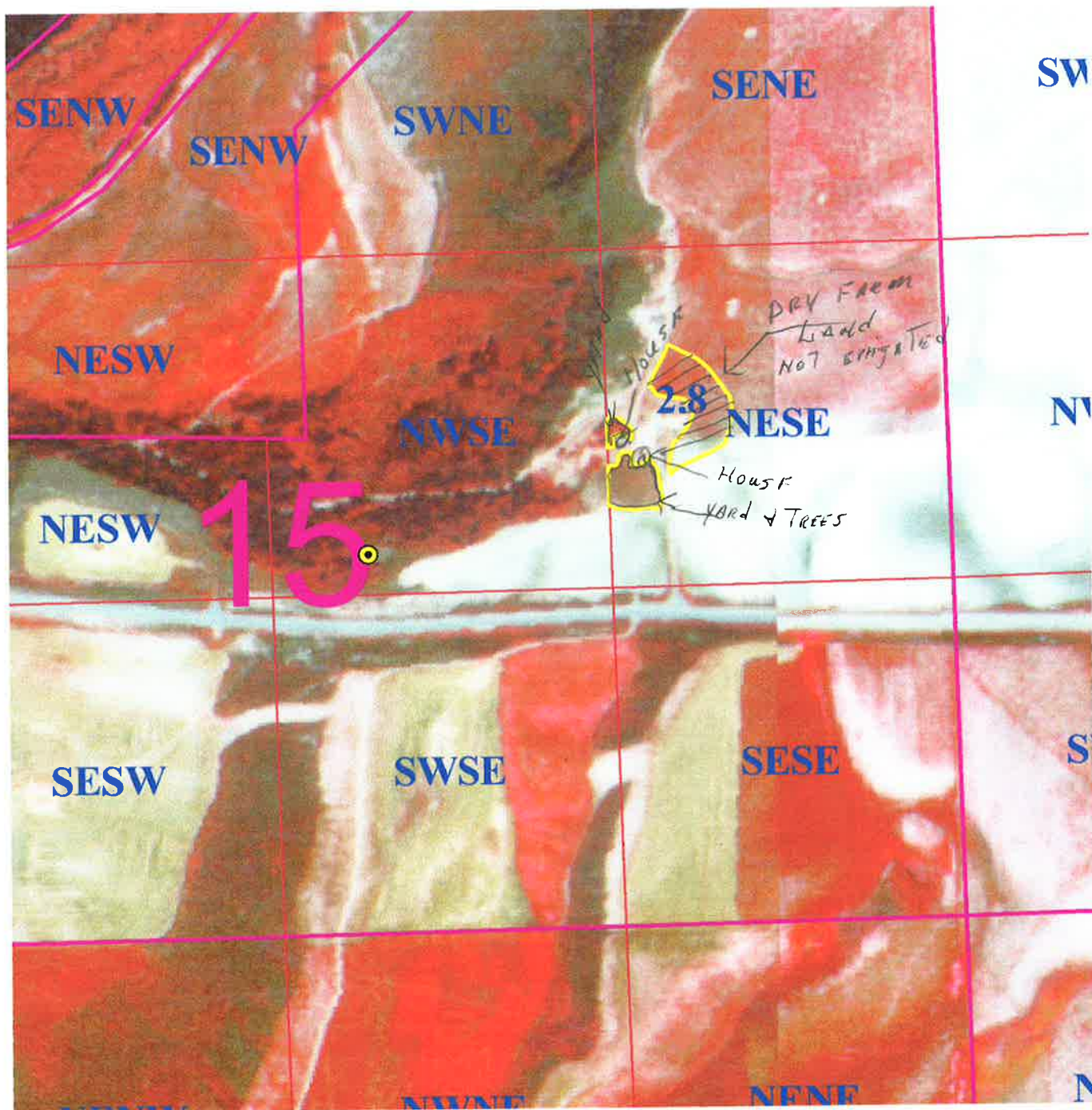
Spatial Dynamics BTD

6/6/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n41e	15	NESE	2	2.8	Indiscernible
Totals:			2	2.8	

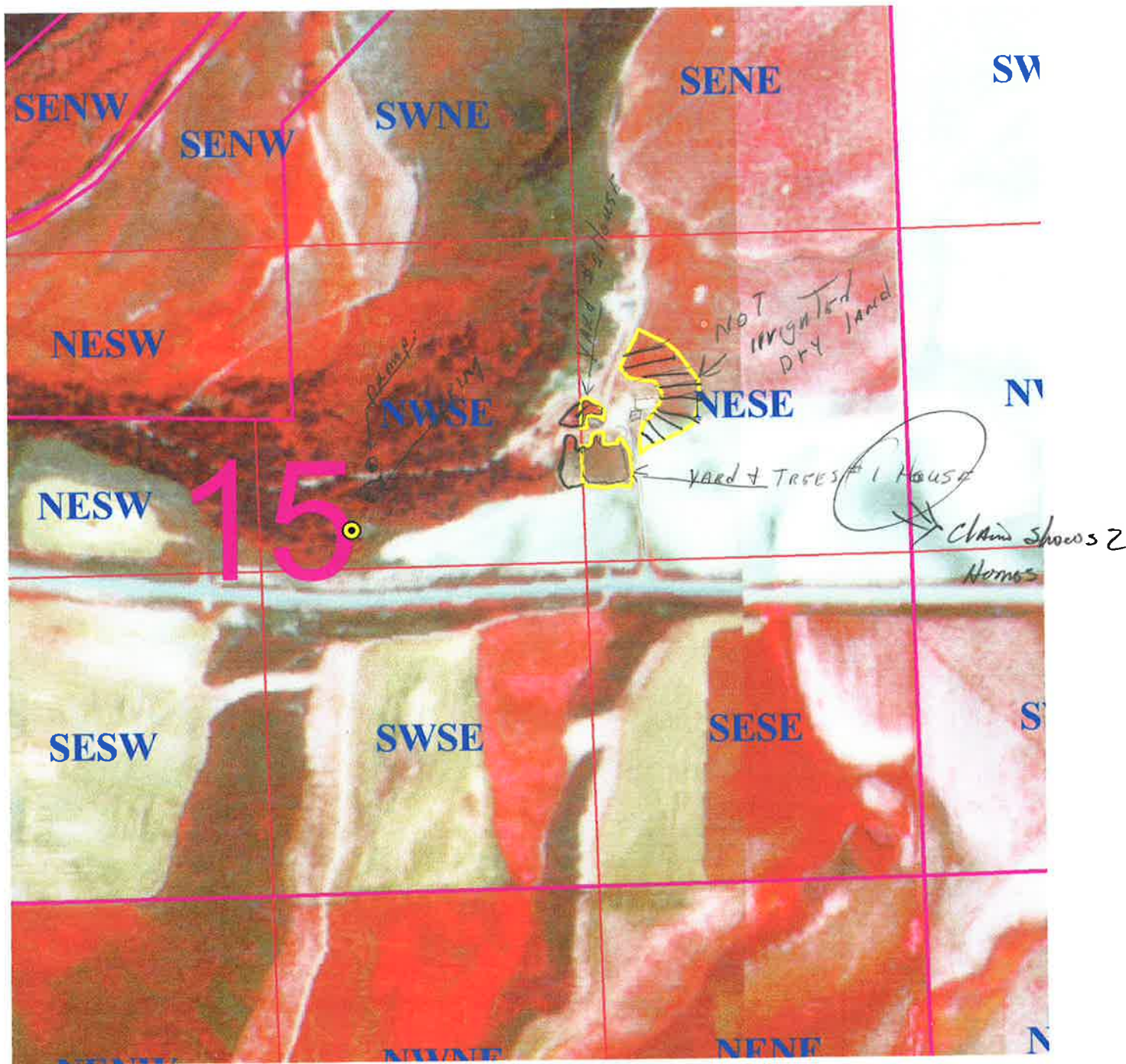
Water Right Claim Number 23-04042
Township , 3N41E

06/06/2001

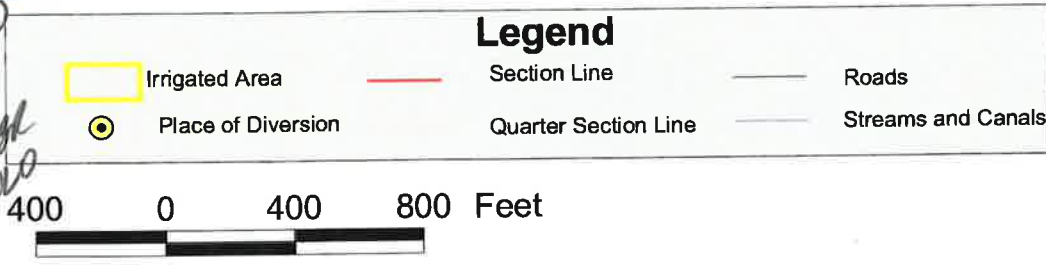


Water Right Claim Number 23-04042
Township , 3N41E

06/06/2001



8/13/03 NO
8/14/03 NO



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Edward F. Clark

(Name of Claimant)

Star Route, Box 92, Ririe, Idaho 83442

(Mailing Address)

Telephone No. 538-7924

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) June 30, 1922

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

unnamed spring tributary to sinks

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates Inclusive) (Mo., Day)	
Quantity <u>0.06</u> cfs	Use <u>domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity <u>0.03</u>	Use <u>stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity <u>0.04</u>	Use <u>irrigation</u>	Period of Use From <u>5/1</u>	To <u>10/1</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 0.13 cfs (cfs, gpd, AFA) TOTAL QUANTITY USED.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5 Twp. 3N Rge. 41E B.M., County of Bonneville

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Pump and pipeline to houses and garden

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

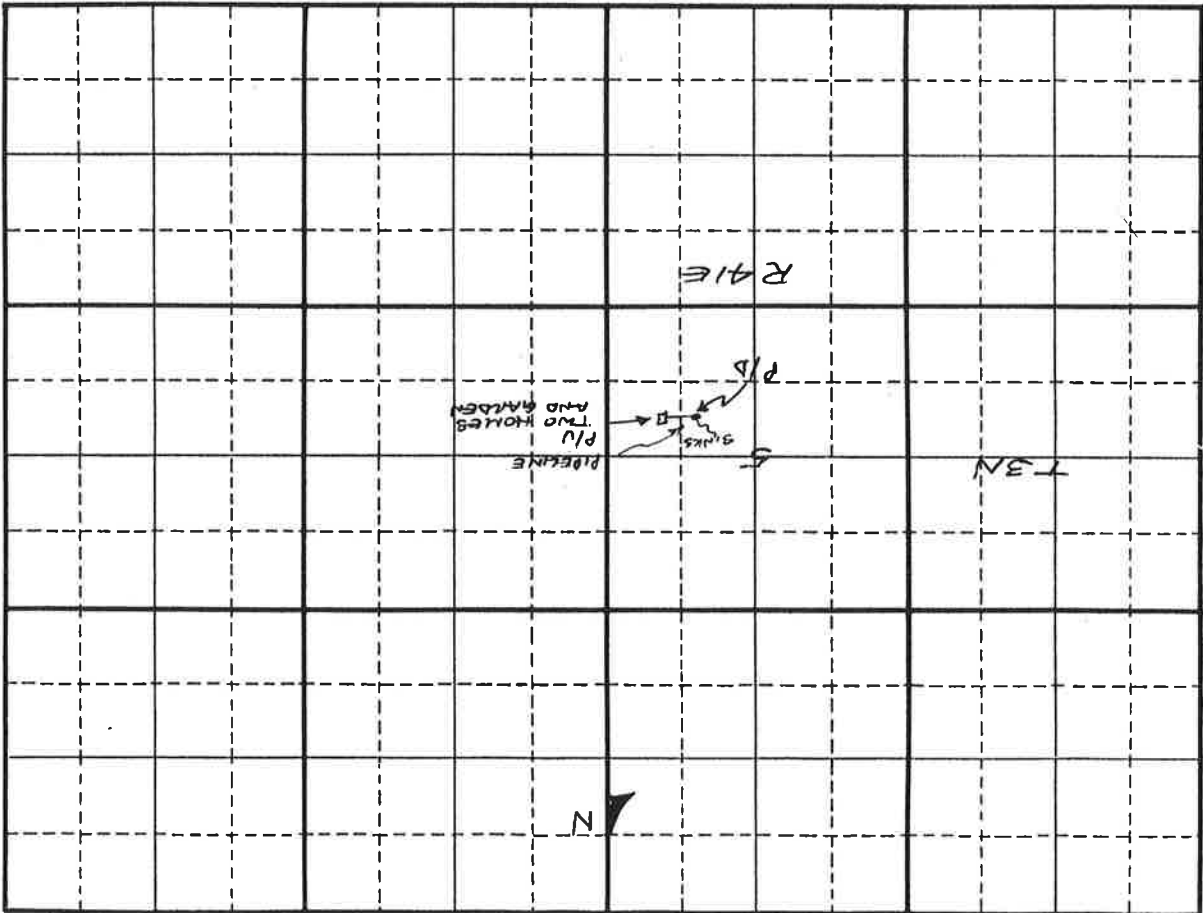
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	41E	5													2				2

No. of acres 2

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
water for two homes

NOTE: Include here the type and number of stock watered: 100 head cattle

- (7) If you are claiming water as a member of an organization, list name of organization: _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 23rd day of August, 1982.
(Claimant) *Edward F. Clark*

Notary Public
Residing at Idaho Falls, ID
Calvin Wiley

My commission expires 6/15/85

FOR DEPARTMENT USE ONLY

Received by: *C.R.* Date: *8-23-82* Exception filed by: *8-23-82* Forwarded to: *8-23-82* Date: *8-25-82* Prelim. check by: *BP* Date: *8-23-82* \$30.00 fee received by: *BP* Date: *8-23-82* #32463
Published in: *Standard Journal* *Post Register* Dates: *9/2 & 9/9/82*

I, Mary Jane Clark Hope was born
there on the farm which is
located T03N R41E S16 in 1914
the water from the spring was
used then in the house, to water
the garden, and water cows, and
a few pigs. and some times
Mom carried the water in buckets
until they had time to get some in
a barrel.

A little later they put in a
pump

The farm claim no. is
A 23 - 04042

State of Idaho
County of Jefferson

Mary Jane Clark Hope

The above appeared before me this 28th day of
September, 1994

MICROFILMED

NOV 07 1996

Barbara Freeman,
Notary Public
Residing in Boise
My Comm. expires 4-1-2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

DATE: SEPTEMBER 14, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

A23-04042
MAXINE CLARK
1103 SWAN VALLEY HWY.

538-7924 after 2:30

RIRIE

ID 83443

RE: EVIDENCE OF PRIORITY

Dear Claimant(s):

The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter (if there are more than one) has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

MICROFILMED

NOV 07 1996

EVIDENCE OF PRIORITY

Page - 2 -

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by OCTOBER 31, 1994, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,



Dave Carlson
Water Right Agent, Adjudications

DC:jt

File: To Claim

Enclosure: Brochure on "Evidence of Priority"
Proof Report

Additional water rights needing documentation:

MICROFILMED
NOV 6 7 1995

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 23-4042
Date Received: 6/22/1989
Receipt No: E009229
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

MAXINE CLARK Phone: (208)538-7924
1103 SWAN VALLEY HWY
RIRIE ID USA 83443

2. Date of Priority: 06/30/1922

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
03N	41E	15	SW	NW	SE	BONNEVILLE	

5. Description of diverting works:

SPRING BOX, PUMP TO STORAGE TANK WITH GRAVITY FLOW TO HOME & YARD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.06	
STOCKWATER	01/01	12/31	0.03	
DOMESTIC	01/01	12/31	0.06	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	41E	15	NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	
			NE	SE		IRRIGATION	3
			NE	SE		DOMESTIC	
			NW	SE		DOMESTIC	
						Section Acres	3
						Total Acres	3

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED TO CHANGE SEASON OF USE TO 4/1 TO 10/31 A,D ADD 1.0 ACRES OF IRRIGATION.

15. Basis of Claim: Statutory Claim

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): Margine Clark Date: 1-27-04

Date: _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 27th
of JANUARY 2004
AULON B. RUBENY
Notary Public
Residing at IDAHO FALLS, ID
My commission Expires 9/23/09

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: RA23-04042
Date Received: 6/22/1989
Receipt No: E009229
Received By: ENC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

208-538-7924

1. Name: MAXINE CLARK
Address: 1103 SWAN VALLEY HWY.
RIRIE, ID

83443

2. Date of Priority: JUN 30, 1922

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	41E	15	SW	NW	SE		BONNEVILLE

5. Description of diverting works:

SPRING BOX, PUMP TO STORAGE TANK WITH GRAVITY FLOW TO HOME & YARD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/01	0.060		
STOCKWATER	01/01	12/31	0.030		
DOMESTIC	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
0.130 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/2 HOMES, S/100 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	41E	15	NE	SE		IRR	2.0

A23-04042

Page 1

Date: 06/22/89

A2304042



MICROFILMED
NOV 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	41E	15	NE SE		STOCK	
			NE SE		DOMEST	
			NW SE		STOCK	
			NW SE		DOMEST	

Section Acres 2.0

Total Acres **2.0**

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
NOV 10 1992

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: 1

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): Maxine Clark Date: June 22, 1989
Date:

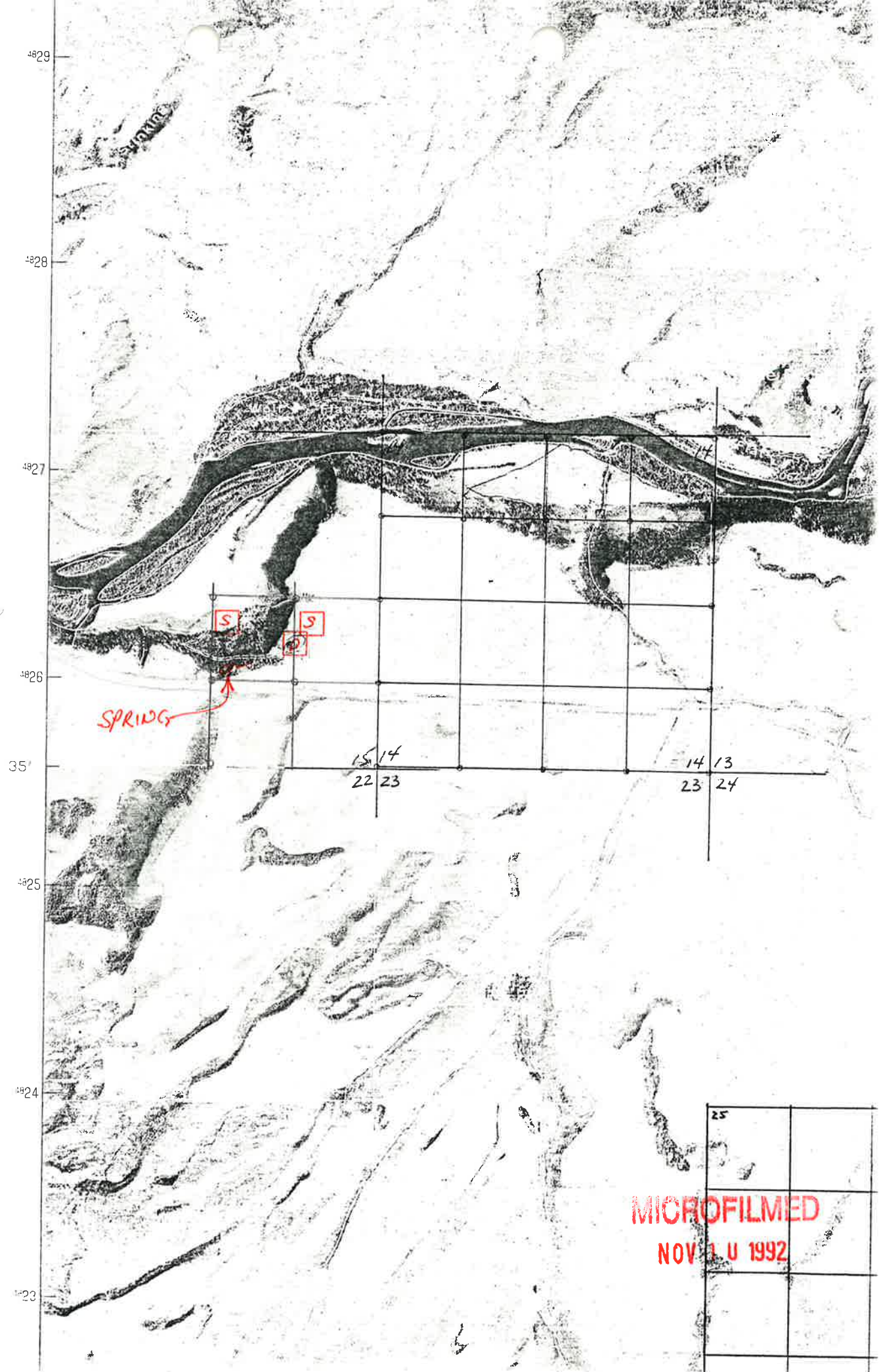
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of June 19 89

Ernest Carlsen
Notary Public



Residing at Alto Falls, ID
My Commission Expires 14 June 1994



Tw. 3N.
Rge. 4E.

SPRINGS

MICROFILMED
NOV 1 U 1992