

RECEIVED BY R. Burton

01/22/2003

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

RIGHT NUMBER: 34-13596

NAME AND ADDRESS: CRAIG A CLARK  
HC 60 M-R  
MOORE ID 84255

CRAIG A CLARK  
PO BOX 65  
NEW CASTLE UT 84756

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 01/01/1926

POINT OF DIVERSION:

T04N R24E S20 SWSESE Within BUTTE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
STOCKWATER

PERIOD OF USE  
01/01 12/31

QUANTITY  
0.020 CFS

PLACE OF USE: STOCKWATER Within BUTTE County

T04N R24E S20 SESE

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 IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 30, 2002

RECEIVED

JUL 29 2002

Department of Water Resources

CRAIG A CLARK  
PO BOX 65  
NEWCASTLE UT 84756

RE: Snake River Basin Adjudication (SRBA)  
Late Notices of Claim to a Water Right #34-13594, 34-13595 & 34-13596

Dear Claimant:

Your Notices of Claim arrived from the SRBA Court recently. I have enclosed your receipt #C062298 for your records. Your Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report.

The telephone number you gave us (435/439-5404) is your FAX number. If you would please send your telephone number to us we will add that to our records.

Please notify us in writing if your address changes or if there is a change in ownership of your property and water rights. Contact me at 208/327-7932 if you have any questions.

Sincerely,

Donald V. Shaft, Manager  
Adjudication Technical Section

DVS:ss:region

Enclosure:

Receipt #C062298

*This is my correct telephone number  
I do not have a Fax no.*

SCANNED

MAY 20 2002

SCANNED  
JUL 29 2002

2002 MAY 24 PM 3: 59

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

**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(s): 34-13594, 34-13595 &  
34-13596

**ORDER GRANTING MOTION TO FILE  
LATE NOTICE OF CLAIM**

On February 22, 2002, Claimant Craig A. Clark filed a *Motion to File Late Notice of Claim*. A hearing was held on the *Motion* May 21, 2002. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this Late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for water right 34-13594, 34-13595 and 34-13596 is granted.

The original Notice of Claim, as well as any filing fees submitted, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

DATED May 24, 2002



ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

SCANNED

MAY 28 2002

**ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM**

## CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** was mailed on May 24, 2002, with sufficient first-class postage to the following:

Craig A. Clark  
PO Box 65  
Newcastle, UT 84756

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

  
Deputy Clerk

SCANNED  
MAY 30 2007

Claim no. 34-13596

Claimant Contact Log

| Date | Remarks | Agent initials |
|------|---------|----------------|
|------|---------|----------------|

11-9-2004

Remarks

Agent initials

HJ

This exam was done on Nov. 8, 2004 with Josh Reese of M-R Ranches who have leased the Craig Clark properties for about 7 years

Photo #8 shows the supposed source of the "Spring" water for Stockwater use. This area is dry & located on M-R rancher property. Photo #8 looks West. Photo #9 is taken from the same spot looking East. Water would have to cross the Antelope Creek Rd (pictured) to get to Clark properties, in the distance.

There is no culvert or ditch in the area & Josh Reese says he has never seen water flow from this spot.

The implied area of Point of Diversion & Place of use belongs to M-R Ranches & not the claimant, according to Josh Reese. GPS data is; 2530767 1383631 GPS File 34-13596

This claim should probably be disallowed.

\* Finally, the Clark properties have recently been sold to one Steve Wooley. No evidence of priority submitted.

Exam done by Harold Jones of Water Rights Consulting Services.

SCANNED

MAY 30 2007

SCANNED  
MAY 3 0 2007

Area of dried Spring Source  
For Stockwater - Looking West

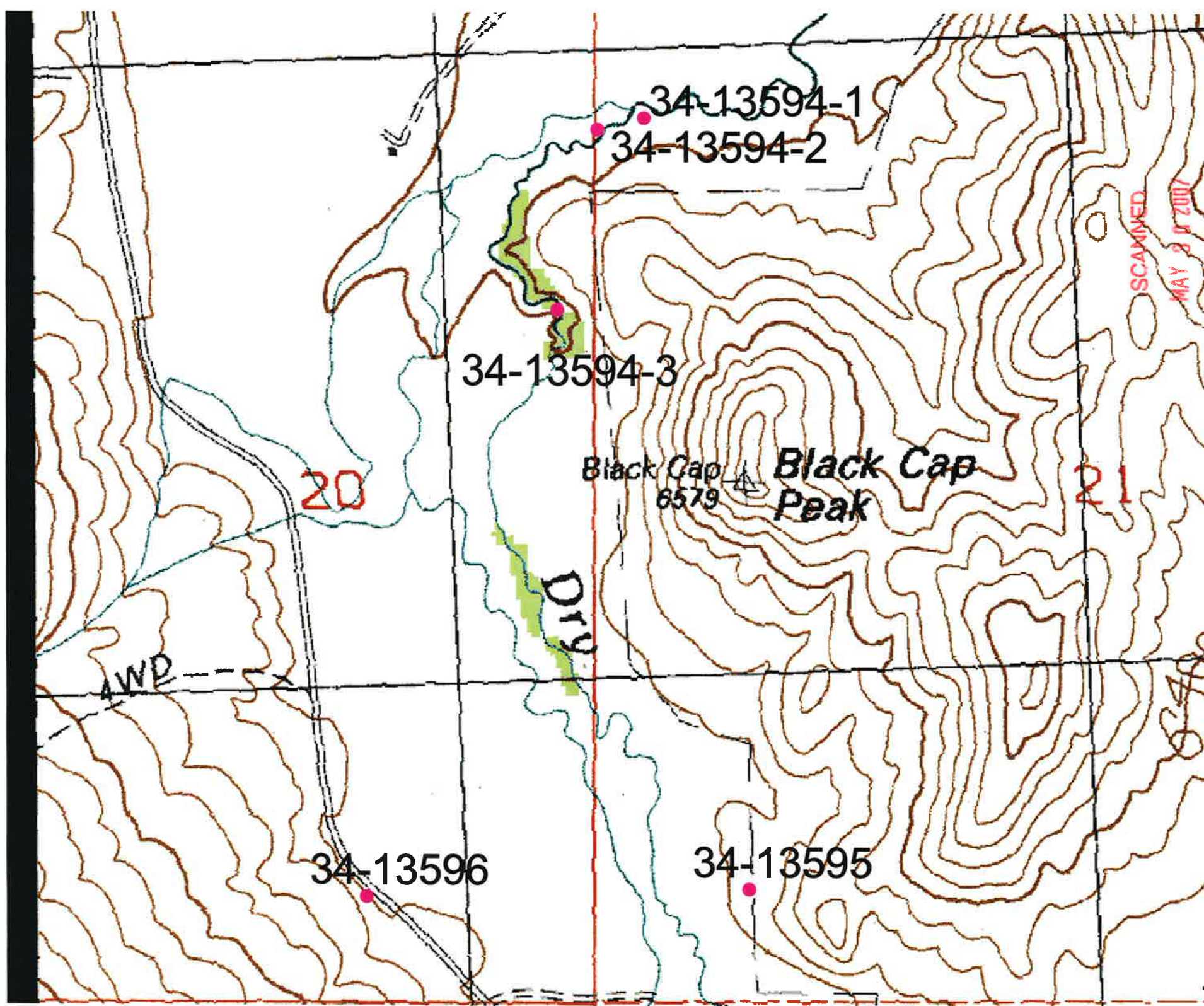


MAY 3 0 2007

SCANNED

AS4-13596 - Looking East







State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: [www.idwr.state.id.us](http://www.idwr.state.id.us)

EASTERN REGION

December 2, 2004

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

**JOSH REESE  
M-R RANCHES  
HC 60 M-R  
MOORE ID 84255**

**RE: EVIDENCE OF PRIORITY FOR SRBA LATE CLAIMS 34-13594, 34-13595, 34-13596**

Dear Mr. Reese:

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 34, the Big Lost drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim 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 Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by 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.

**Your claims, as referenced above, claim the following Priority Dates:**

**34-13594: Jan 1, 1924 from springs tributary to Dry Fork Creek**

**34-13595: Apr 1, 1926 from Chicken Canyon Creek tributary to Dry Fork Creek**

**34-13596: Jan 1, 1926 from a spring that sinks**

It is important that each element of the Notice of Claim be verified. 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 of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire 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". **PLEASE READ THE ENCLOSED PAMPHLET.**

SCANNED

MAY 30 2007

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

.....  
**The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**  
.....

Please submit documentation supporting the priority date as soon as possible, referencing all documents with the corresponding claim number.

Respectfully submitted,



Ernest Carlsen  
Water Right Supervisor  
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

SCANNED

MAY 30 2007

# SRBA

## SUBCASE SUMMARY REPORT 34-13596

[Return to SRBA Home Page](#)

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SRBA  
01-17-2007

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 34-13596      FILE#: 02251  
CLAIMANT: CLARK, CRAIG A  
          PO BOX 65

NEWCASTLE      UT      84756  
STATUS: LATE CLAIM TO IDWR      SPECIAL MASTER: MELANSON, JOHN M  
WATER SOURCE:

**\*\*\*\* PARTIES INVOLVED \*\*\*\***

CRAIG A CLARK      C PRO SE

**\*\*\*\* ROA ENTRIES \*\*\*\***

|            |                                                             |    |                 |
|------------|-------------------------------------------------------------|----|-----------------|
| 02-22-2002 | MOTION TO FILE LATE CLAIM F/B CRAIG CLARK                   | MG | 05-24-2002      |
| 02-22-2002 | HEARING SET ON MOTION TO FILE LATE CLAIM F/B<br>CRAIG CLARK | HS | 05-21-2002 0130 |
| 02-22-2002 | NOTICE ON MOTION TO FILE LATE CLAIM                         |    |                 |
| 05-21-2002 | HEARING HELD ON MOTION TO FILE LATE CLAIM                   | HH | 05-21-2002 0130 |
| 05-21-2002 | MINUTES FILED                                               |    |                 |
| 05-24-2002 | ORDER GRANTING MOTION TO FILE LATE CLAIM                    |    |                 |
| 05-24-2002 | LATE CLAIM FORWARDED TO IDWR                                |    | 05-24-2002      |

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[Return to SRBA Home Page](#)

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MAY 28 2002

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

CIVIL CASE NUMBER: 39576

Ident. Number: A34-13596  
Date Received: 6/12/2000  
Receipt No: CO 62298  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: CRAIG A CLARK  
Address: PO BOX 65  
NEWCASTLE UT 84756  
AND/OR  
Name: CRAIG A CLARK  
Address: HC 60 M-R  
MOORE ID 84255

435-439-5404

2. Date of Priority: JAN 1, 1926

3. Source: UNNAMED SPRING Trib. to: SINKS

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 04N      | 24E   | 20      | SW     | SE     | SE  |     | BUTTE  |

5. Description of diverting works:  
INSTREAM STOCKWATER

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.040  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 04N      | 24E   | 20      | SE     | SE  |     | STOCK |       |

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:

14. Remarks:

STOCK DRINK FROM SPRING AND SHORT STREAM BEFORE SPRING SINKS

15. Basis of Claim: BENEFICIAL USE

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: 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):

Craig A. Clark

Date:

6/12/2000

Date:

State of Idaho )

County of

Bonneville

) SS.

Subscribed and sworn (or affirmed) before me this 12 day

of June 20 00

Bryce A. Contor  
Notary Public

Residing at

Mud Lake ID

My Commission Expires

10/14/05



17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be  
Print Name

acting as attorney at law on behalf of the claimant signing above, and that  
all notices required by law to be mailed by the director to the claimant  
signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_