

08/26/2004

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

RIGHT NUMBER: 25-2
NAME AND ADDRESS: MATT MANN
13043 N 115 E
IDAHO FALLS ID 83401
SOURCE: CLARK CREEK TRIBUTARY: GRAYS LAKE OUTLET
QUANTITY: 4.000 CFS
Use of this right with Right No. 25-13326 is limited to a total combined diversion rate of 4.06 cfs.
PRIORITY DATE: 06/15/1885
POINT OF DIVERSION:

T03S R43E S18 NESE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 11/01	4.000 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03S R43E S18	NESE	26.5	T03S R43E S18	NWSE	11.0
T03S R43E S18	SWSE	25.5	T03S R43E S18	SESE	40.0
T03S R43E S19	NENE	35.0	T03S R43E S19	NWNE	17.0

155 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 25-13326 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Water rights 25-00002 and 25-00003 have an equal right to the use of these waters and shall divide them in equal amounts when there is not sufficient water.

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: Decreed

PROFILED

SCANNED

AUG 25 2004

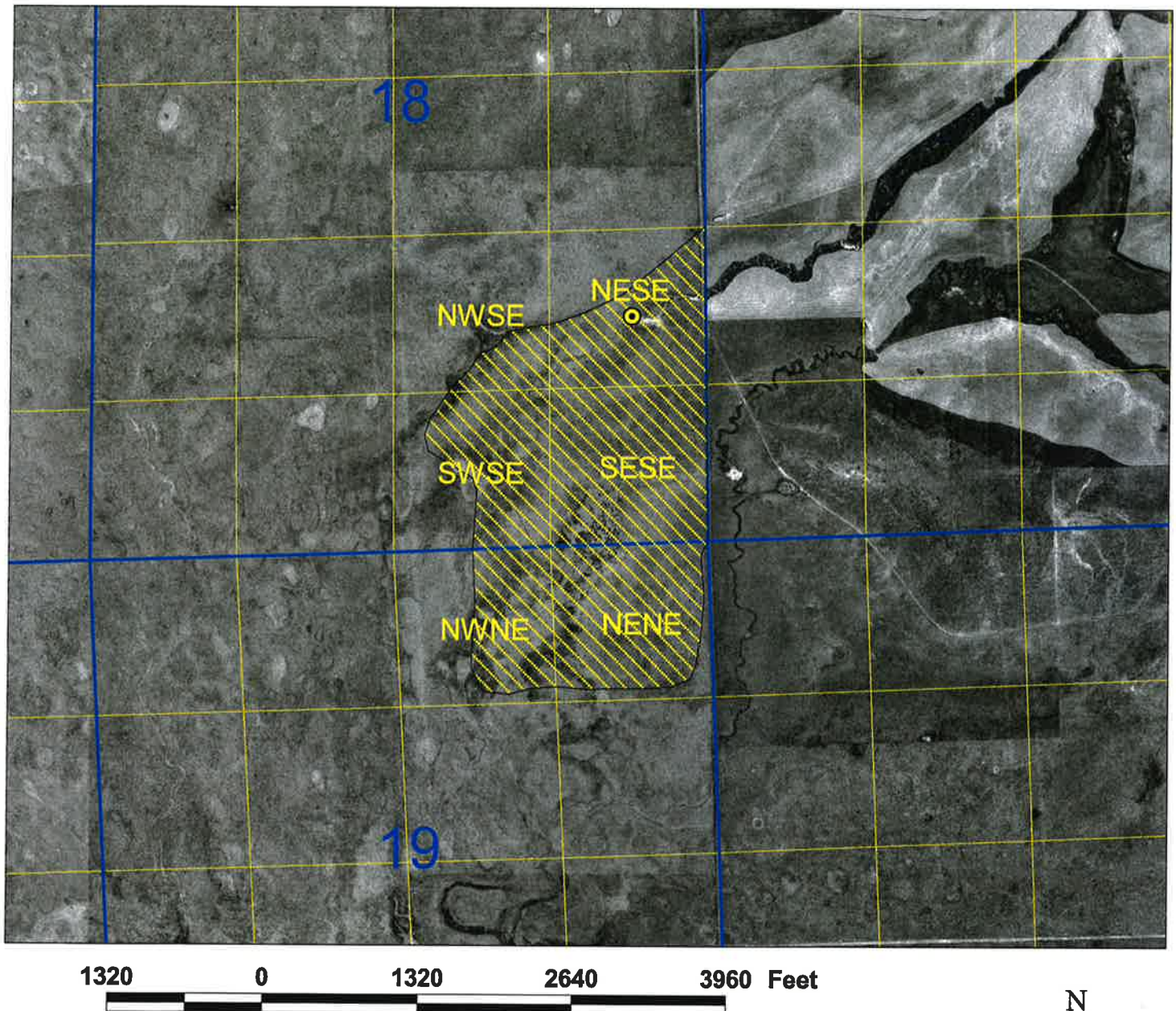


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-00002



- ⊙ Point of Diversion
- ▨ Place of Use
- ▭ Sections
- ▭ QQ

PROFITED

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: August 2004

15 November 2003

General Comments

This right and A25-00003 are based on the same decree, which generally describes the current places of use and adds the comment "the plaintiff and the defendant herein shall divide the waters actually flowing in said creek equally, and shall have an equal right to the use of said waters and in equal amounts." A note pencilled on the copy says "Do we add to SRBA rec.?" This is probably a question for legal staff, but it looks to me that recommending equal quantities and equal priority accomplishes this precisely.

Ownership

See change of ownership in the file. This has already been processed.

POD

The POD for this right is called "the dam in Clark Creek" and is located about where marked on the layout. The GPS waypoint is A252-1, 707,076E 231,463N IDTM. I wrote on the field notes "SESE 18" but "NESE 18" appears to be more correct.

POU

The POU is flat enough to irrigated and maintained ditches are seen across the POU. The claimant's sketch is probably more accurate than the layout.

Overlap

The bottom of this POU actually overlaps the water from Posey Creek claimed under A25-13326. That claim needs to be amended to reflect actual use, the current claim doesn't overlap.

Conflict

None noted. This claimant and the claimant of A25-00003 both acknowledge equal shares and equal priority.

Priority

As claimed, per decree, 6/15/1885

PROF

SCANNED
AUG 27 2004

Quantity

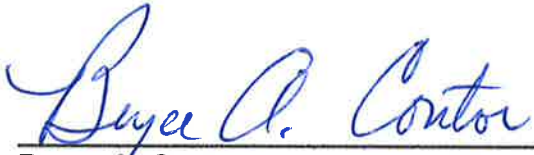
Wild flood irrigation justifies decreed Q of 4.00 cfs, just under 0.03 cfs/acre. If needed I propose a Hubble analysis be performed.

Water Use

Irrigation.

List of Photos

A25-00002_1.jpg	POU from SE edge on county road. Overlap with A25-13326. Looking NW.
A25-00002_2.jpg	POD (dam in Clark Creek)
A25-00002_3.jpg	Looking S along Clark Creek from dam. POU on either side.


Bryce A. Contor

15 Nov 2003
Date

SCANNED

AUG 27 2004

PROFILED

PROFILE

A25-00002/A25-00003/A25-13326

- 1) 3 photos Pou A25-13326 from culvert @ road. That gr water only last till June 8. (Pouey creek) (unnamed)

- 2) 1 photo at Dam in Clark Creek GPS 707076 E 231463 N

Waypoint A25-2-1

(SE 1/4 18)

1 of pou at same location, looking S along ditch

- 3) Pou Matt Mann some years plenty of H₂O. Pou is not enough to irrigate, maintained ditches are evident across Pou. Not much water this year.

Divide in Clark Creek

Lower Pou 707845 E 231920 N

Waypoint A25-2-2

1 photo of Pou, 1 photo looking down ditch (SW) at Pou.

SCANNED

AUG 27 2004

5) Upper Cut POD - 1 photo.

They cut the creek bank / take the whole creek, then when done open the creek / let it go down to other users.

GPS 708 227 E
232 356 N

Waypoint A252-3

6) Posey Co. POD - 1 photo of dam, 1 of creek

GPS 707362 E 231 052 N

Waypoint 13226

A25-13326

This POD is a dam across the whole creek.

These lands are flood irr. (wild flood) w/ deep soil. High early-spring diversion rates for wet-zone storage are reasonable.

No Mannings measurements taken. Ditch does not have channel control, creek is too hard to tell typical water level.

PROFILED

SCANNED
AUG 27 2004

Water Resources
Field Services
208 663 4667

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Individual	John Doe	123 Main St	Anytown	CA	90210	555-1234
Individual	Jane Smith	456 Oak Ave	Springfield	IL	62701	555-5678
Individual	Bob Johnson	789 Pine Rd	Des Moines	IA	50319	555-9012
Individual	Alice Brown	101 Elm St	Portland	OR	97201	555-3456
Individual	Charlie Davis	202 Maple Dr	Phoenix	AZ	85001	555-7890
Individual	Eve White	303 Cedar Ln	San Antonio	TX	78201	555-2345
Individual	Frank Green	404 Birch St	San Diego	CA	92101	555-6789
Individual	Grace Hall	505 Walnut Ave	San Jose	CA	95101	555-0123
Individual	Henry King	606 Cherry Rd	Seattle	WA	98101	555-4567
Individual	Ivy Lee	707 Peach St	Tampa	FL	33601	555-8901
Individual	Jack Miller	808 Apple Dr	Wash DC	DC	20001	555-2345
Individual	Karen Wilson	909 Orange Ln	Yonkers	NY	10701	555-6789
Individual	Leo Taylor	1010 Grape St	Albany	NY	12201	555-0123
Individual	Mia Anderson	1111 Lemon Ave	Buffalo	NY	14201	555-4567
Individual	Noah Thomas	1212 Lime Rd	Columbus	GA	31901	555-8901
Individual	Olivia Harris	1313 Coconut St	Fort Worth	TX	76101	555-2345
Individual	Peter Clark	1414 Mango Dr	Houston	TX	77001	555-6789
Individual	Quinn Lewis	1515 Kiwi Ln	Indianapolis	IN	46201	555-0123
Individual	Rachel Walker	1616 Papaya St	Jacksonville	FL	32201	555-4567
Individual	Samuel Young	1717 Avocado Ave	Kansas City	MO	64101	555-8901
Individual	Tina King	1818 Guava Rd	Las Vegas	NV	89101	555-2345
Individual	Uma Lee	1919 Passion St	Los Angeles	CA	90001	555-6789
Individual	Victor Hall	2020 Pomegranate Dr	Memphis	TN	38101	555-0123
Individual	Wendy King	2121 Fig Ln	Minneapolis	MN	55401	555-4567
Individual	Xavier Lee	2222 Tangerine St	Miami	FL	33101	555-8901
Individual	Yara King	2323 Plum Ave	Mobile	AL	36601	555-2345
Individual	Zoe King	2424 Peach Rd	New York	NY	10001	555-6789
Individual	Adam King	2525 Apple St	Oakland	CA	94601	555-0123
Individual	Bella King	2626 Orange Dr	Philadelphia	PA	19101	555-4567
Individual	Carl King	2727 Lemon Ln	Pittsburgh	PA	15201	555-8901
Individual	Diana King	2828 Lime St	Raleigh	NC	27601	555-2345
Individual	Ethan King	2929 Coconut Ave	San Francisco	CA	94101	555-6789
Individual	Fiona King	3030 Mango Rd	St. Louis	MO	63101	555-0123
Individual	Gavin King	3131 Kiwi St	Tucson	AZ	85701	555-4567
Individual	Hannah King	3232 Papaya Dr	Wichita	KS	67201	555-8901
Individual	Ian King	3333 Avocado Ln	Yonkers	NY	10701	555-2345
Individual	Jessica King	3434 Guava St	Albany	NY	12201	555-6789
Individual	Kyle King	3535 Passion Ave	Buffalo	NY	14201	555-0123
Individual	Laura King	3636 Pomegranate Rd	Columbus	GA	31901	555-4567
Individual	Mason King	3737 Fig St	Fort Worth	TX	76101	555-8901
Individual	Nora King	3838 Tangerine Dr	Houston	TX	77001	555-2345
Individual	Oscar King	3939 Peach Ln	Indianapolis	IN	46201	555-6789
Individual	Peter King	4040 Apple St	Jacksonville	FL	32201	555-0123
Individual	Quinn King	4141 Orange Ave	Kansas City	MO	64101	555-4567
Individual	Rachel King	4242 Lemon Rd	Las Vegas	NV	89101	555-8901
Individual	Samuel King	4343 Lime St	Los Angeles	CA	90001	555-2345
Individual	Tina King	4444 Coconut Ave	Memphis	TN	38101	555-6789
Individual	Uma King	4545 Mango Rd	Miami	FL	33101	555-0123
Individual	Victor King	4646 Kiwi St	Minneapolis	MN	55401	555-4567
Individual	Wendy King	4747 Papaya Dr	Mobile	AL	36601	555-8901
Individual	Xavier King	4848 Avocado Ln	New York	NY	10001	555-2345
Individual	Yara King	4949 Guava St	Oakland	CA	94601	555-6789
Individual	Zoe King	5050 Passion Ave	Philadelphia	PA	19101	555-0123
Individual	Adam King	5151 Pomegranate Rd	Pittsburgh	PA	15201	555-4567
Individual						

Current Owner: Forrest Mahan

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

Current Owner Matt Mann

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

- Decreed.

- amount appears high for 155 acres. At 0.2 cfs/acre should be closer to 3.1 cfs.

Reviewer: _____

Date: _____

SCANNED

AUG 27 2004

PROFILED

Priority Date Data Entry FormClaim Number: 25-2

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____



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:

Decreed!

Reviewer: _____

Date: _____

PROFILED**SCANNED
AUG 27 2004**

SCANNED

JUL 25 2001

Log for claim 25-00002

Spatial Dynamics CAT

10/31/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s43e	18	NWSE	11	41	Indiscernible
03s43e	18	SESE	25	41	Indiscernible
03s43e	18	SWSE	40	42	Indiscernible
03s43e	18	NESE	26	41	Indiscernible
03s43e	19	NENE	35	41	Indiscernible
03s43e	19	NWNE	17	41	Indiscernible
Totals:			154	247	

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>A25-00002</u>				

2. The following **REQUIRED** information must be submitted with this form:

~~A. The appropriate FILING FEE. See instructions for fee amounts.~~

See Death certificate in A25-13326

- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) _____

4. New Owner/Claimant(s) _____
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address MAT + D. MANN
- City, State and ZIP Code 13043N 115E Idaho Falls Idaho
- New Telephone Number (208) 538-7894
5. Date you acquired the property 1996

Continuation of Abstract of Title

No. 19- The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF
IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE.

John Hanni, Plaintiff,

-vs-

DECREE.

Smart and Webster Live Stock
Company, Limited, a corporation,
Defendant.

THIS CASE COMING ON FOR HEARING Before the court this day, and the parties hereto having expressly waived in writing in open court Findings of Fact and Conclusions of Law on the part of the court in this cause, and it being further stipulated and agreed in writing in open court by the parties hereto that the plaintiff and defendant are the owners, and in possession of the lands described in their respective pleadings in this cause, and that all of said lands of both plaintiff and defendant are arid in character, and require the use of water thereon for irrigation in order to produce profitable crops, and that the plaintiff and defendant and their predecessors in interest, respectively, did on June 15th, 1885, appropriate two hundred (200) inches, or four cubic feet per second of time, each, of the waters of Clark Creek, in the County of Bonneville, and State of Idaho, to be used upon their respective tracts of land set up in their respective pleadings in this cause, and that by means of dams and ditches of sufficient size and capacity said water was by them on said day appropriated, diverted and used upon their respective lands in the amount above named, to wit, two hundred (200) miners inches, or four cubic feet of water per second of time, each, and that each of said parties and their predecessors in interest have continued to so use said amount of water, continuously, upon said lands for irrigation and domestic purposes, and that said water is necessary for such purposes;

And it being further mutually stipulated and agreed in writing and in open Court that the court enter a decree in favor of the parties hereto for two hundred (200) miners inches or four cubic feet of water per second of time of the waters of Clark Creek for use on the said respective lands as of the 15th day of June, 1885, and in case at any time during any irrigating season there is not sufficient water in said creek to supply both claims of plaintiff and defendant in full, then each of the parties hereto shall divide the waters actually flowing in said creek equally;

IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff herein do have and there is hereby decreed to John Hanni for use upon the following described lands, to wit, the Northeast quarter of the Southeast quarter, the West half of the Southeast quarter, of Section 18, and the Northwest quarter of the Northeast quarter of Section 19, Township three, south of Range 45 East of Boise Meridian, two hundred (200) inches, or four cubic feet of water per second of time, of the waters of Clark Creek, in the County of Bonneville, and State of Idaho, as of the 15th day of June, 1885, and

ILL 19 MICROFILMED

NOV 06 1932

-2-

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the defendant herein do have and there is hereby decreed to the Smart and Webster Live Stock Company, limited, a corporation, for use upon the following described lands, to wit, the West half of the Northeast quarter, the West half of the Southeast quarter, the North half of the Southwest quarter, the South half of the Northwest quarter, and the Northeast quarter of the Northwest quarter of Section 17, township three south of Range 43 East of Boise Meridian, in the County of Bonneville and State of Idaho, two hundred (200) inches or four cubic feet of water per second of time, of the waters of Clark creek, in the County of Bonneville, and State of Idaho, as of the 15th day of June, 1885.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in case at any time there is not sufficient water during the irrigating season to supply the plaintiff herein with two hundred (200) inches or four cubic feet of water per second of time, and the defendant herein with two hundred (200) inches or four cubic feet of water per second of time, then the plaintiff and defendant herein shall divide the waters actually flowing in said creek equally, and shall have an equal right to the use of said waters and in equal amounts.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the water herein decreed shall be appurtenant to the respective lands to which it is herein decreed.

Done in open court and dated this 30th day of May, 1913, at Idaho Falls, in the County of Bonneville, and State of Idaho.

James G. Gwinn, District Judge.

Filed May 31, 1913.

Do we add
to SRBA rec.?

FEB 20

E. A. C.

MICROFILMED

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 25-2
Date Received: 9/27/1989
Receipt No: E010843
Received By:

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

1. Name of Claimant(s)

MATT MANN Phone: (208)538-7894
13043 N 115 E
IDAHO FALLS ID USA 83401

2. Date of Priority: 06/15/1885

3. Source: CLARK CREEK , CLARK CREEK Trib. to: GRAYS LAKE OUTLET , GRAYS LAKE
OUTLET

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	43E	17	NE NW NE	BONNEVILLE	
03S	43E	17	SW NW NE	BONNEVILLE	

5. Description of diverting works:

HEADGATE AND OPEN DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	4	

7. Total Quantity Appropriated is:
4 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
03S	43E	18	NE SE	IRRIGATION	26.5

SCANNED
AUG 27 2004

PROFILED

			NW	SE	IRRIGATION	11
			SW	SE	IRRIGATION	25.5
			SE	SE	IRRIGATION	40
					Section Acres	103
03S	43E	19	NW	NE	IRRIGATION	17
			NE	NE	IRRIGATION	35
					Section Acres	52
					Total Acres	155

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:

DURING PERIOD OF SHORTAGE WATER FROM CLARK CREEK IS SHARED EQUALLY WITH RIGHT A25-00003 (SEE DECREE FOR ORDER).

15. Basis of Claim: Decreed

SCANNED

JUL 25 2001

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: A25-00002
Date Received: 9/27/1989
Receipt No: E010843
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FORREST MANN 208-357-3777
Address: 257 W. MAPLE
SHELLEY, ID 83274

OR
Name: MATT MANN 208-357-3777
Address: ~~257 W. MAPLE~~ 13043 N 115 E 83401
SHELLEY, ID IF 83274

2. Date of Priority: JUN 15, 1885

3. Source: CLARK CREEK Trib. to: GRAYS LAKE OUTLET

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	43E	17	NE	NW	NE		BONNEVILLE
			SW	NW	NE		BONNEVILLE

5. Description of diverting works:
HEADGATE AND OPEN DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		

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

8. Total consumptive use is 387.5 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATER FOR 500 PAIR RANGE CATTLE.

A25-00002

Page 1

Date: 09/27/89

MICROFILMED

NOV 06 1992

PROFILED

A25000002



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	43E	18	NE	SE		IRR	26.5
			NW	SE		IRR	11.0
			SW	SE		IRR	25.5
			SE	SE		IRR	40.0
						Section Acres	103.0
		19	NE	NE		IRR	35.0
			NW	NE		IRR	17.0
						Section Acres	52.0
						Total Acres	155.0

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:
NONE

14. Remarks:
DURING PERIOD OF SHORTAGE WATER FROM CLARK CREEK IS SHARED
EQUALLY WITH RIGHT A25-00003 (SEE DECREE FOR ORDER).

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 5/03/1913

JOHN HANNI
Decree Plaintiff

vs

SMART AND WEBSTER LIVESTOCK CO
Decree Defendant

MICROFILMED
NOV 06 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): James Mann Date: Sept 27/89
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 27 day
of Sept. 19 89. Ernest Carlsen
Notary Public



Residing at Alto Falls, ID
My Commission Expires 6-14-1994

Twp 3S. RGE 43E.



MICROFILMED
NOV 6 1992

SCALE 1:24 000

