

08/26/2004

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

RIGHT NUMBER: 25-3
NAME AND ADDRESS: GARY MANN
724 GRAYS LAKE RD
WAYAN ID 83285
SOURCE: CLARK CREEK
UNNAMED STREAM
TRIBUTARY: GRAYS LAKE OUTLET
TRIBUTARY: CLARK CREEK
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION
42-1425, IDAHO CODE.
QUANTITY: 4.000 CFS
PRIORITY DATE: 06/15/1885
POINT OF DIVERSION:
T03S R43E S17 NENWNE Within BONNEVILLE County
T03S R43E S17 SWNWSE 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 S17	NWNE	18.0	T03S R43E S17	SWNE	8.5
T03S R43E S17	NENW	23.0	T03S R43E S17	SWNW	23.0
T03S R43E S17	SENE	40.0	T03S R43E S17	NESW	20.0
T03S R43E S17	NWSW	40.0			

172.5 ACRES TOTAL

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

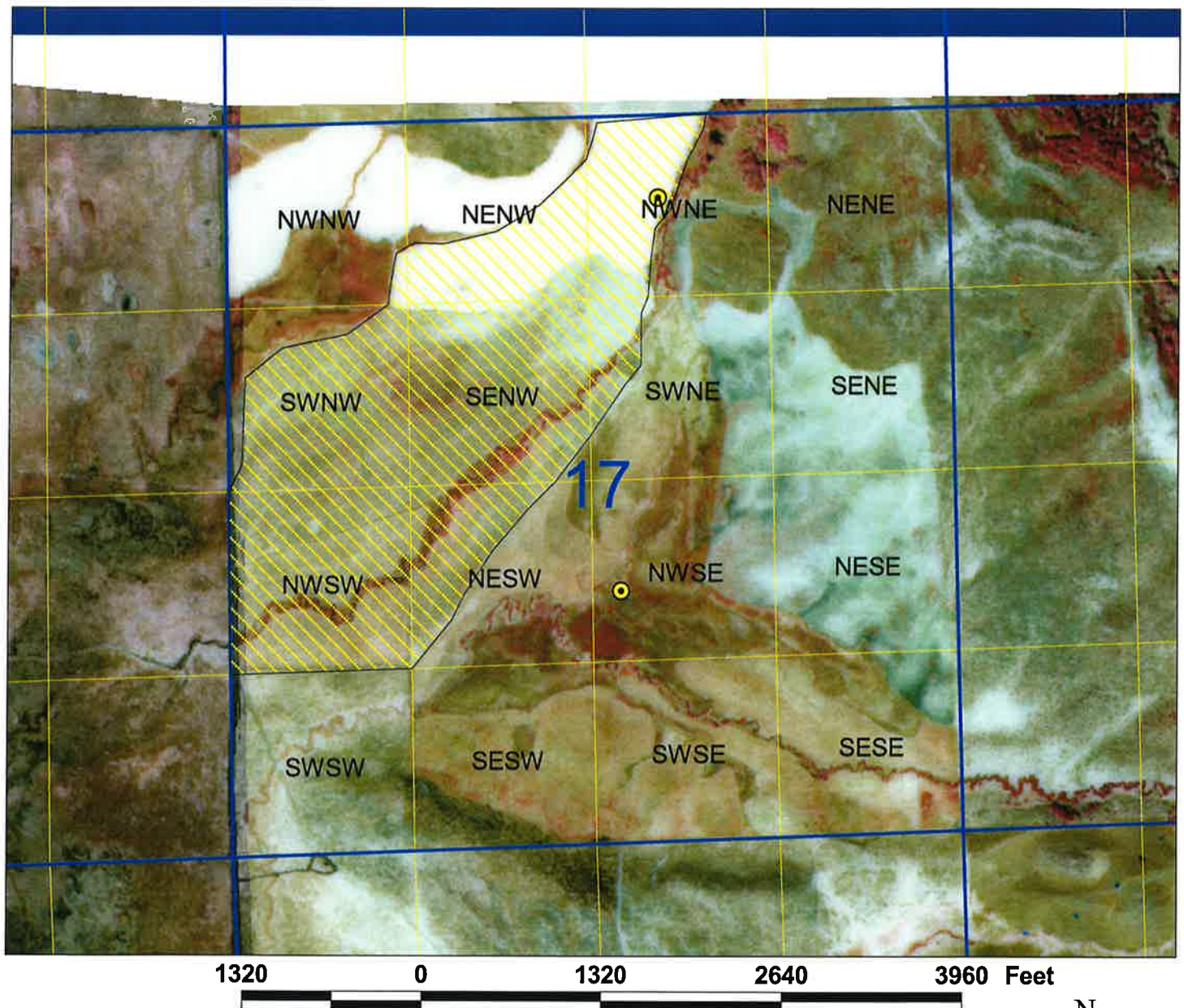


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-00003



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

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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.

The field notes for this right are included with the field notes for A25-00002.

Ownership

A recent change of ownership has been done but the address did not get updated. See the change of ownership form in the file.

POD

There are two PODs. The lower is called "the divide in Clark Creek" and is located at waypoint A252-2, GPS location 708,845E 231,920N IDTM. It is a culvert that can be opened or closed to send water down the creek or into the ditch. The ditch runs down the center of a sloping field that is flat side-to-side and the water runs both ways. I've marked the layout approximately but rely on the GPS.

The upper is called "upper cut" and is at waypoint A252-3, 708,227E 232,356N. This diversion is operated by using a tractor to cut the stream bank and let the water run into a ditch. The photo does not show it well but it is a legitimate POD.

POU

The claimant's map appears to be correct.

Overlap

None.

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Conflict

None noted. This claimant and the claimant for A25-00002 acknowledge their equal Q and priority dates.

Priority

Per decree, 6/15/1885.

Quantity

Per decree 4.0 cfs. This is a little more than 0.02 cfs but justified by the wild flood practice. If necessary I propose requesting a Hubble analysis in order to recommend the decreed Q. In any case it is important to maintain an equal Q with A25-00002.

Water Use

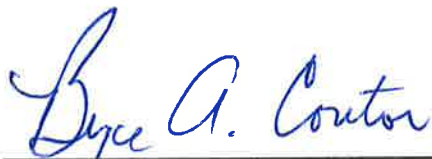
Irrigation as claimed.

List of Photos

A25-00003_1.jpg Lower POD (divide in Clark Creek)

A25-00003_2.jpg Looking down ditch at POU from lower POD.

A25-00003_3.jpg Upper POD.



Bryce A. Contor

15 Nov 2003
Date

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Gary Mann

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 (under the "split" heading), 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
	A25-00003				

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) is 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)

Gary R. Mann

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

724 Grays Lake Rd

City, State and ZIP Code

Wayan Idaho 83285

New Telephone Number

(208) 574-2195

5. Date you acquired the property

1996

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6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Greg R. Mann

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

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AUG 27 2004

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JUL 25 2001

Log for claim 25-00003

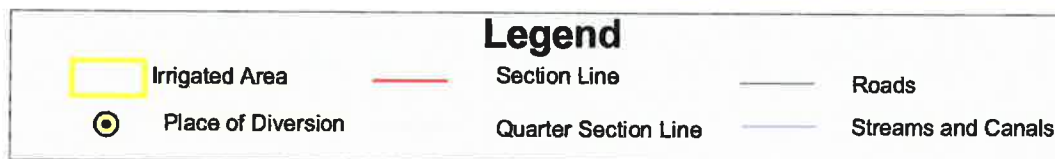
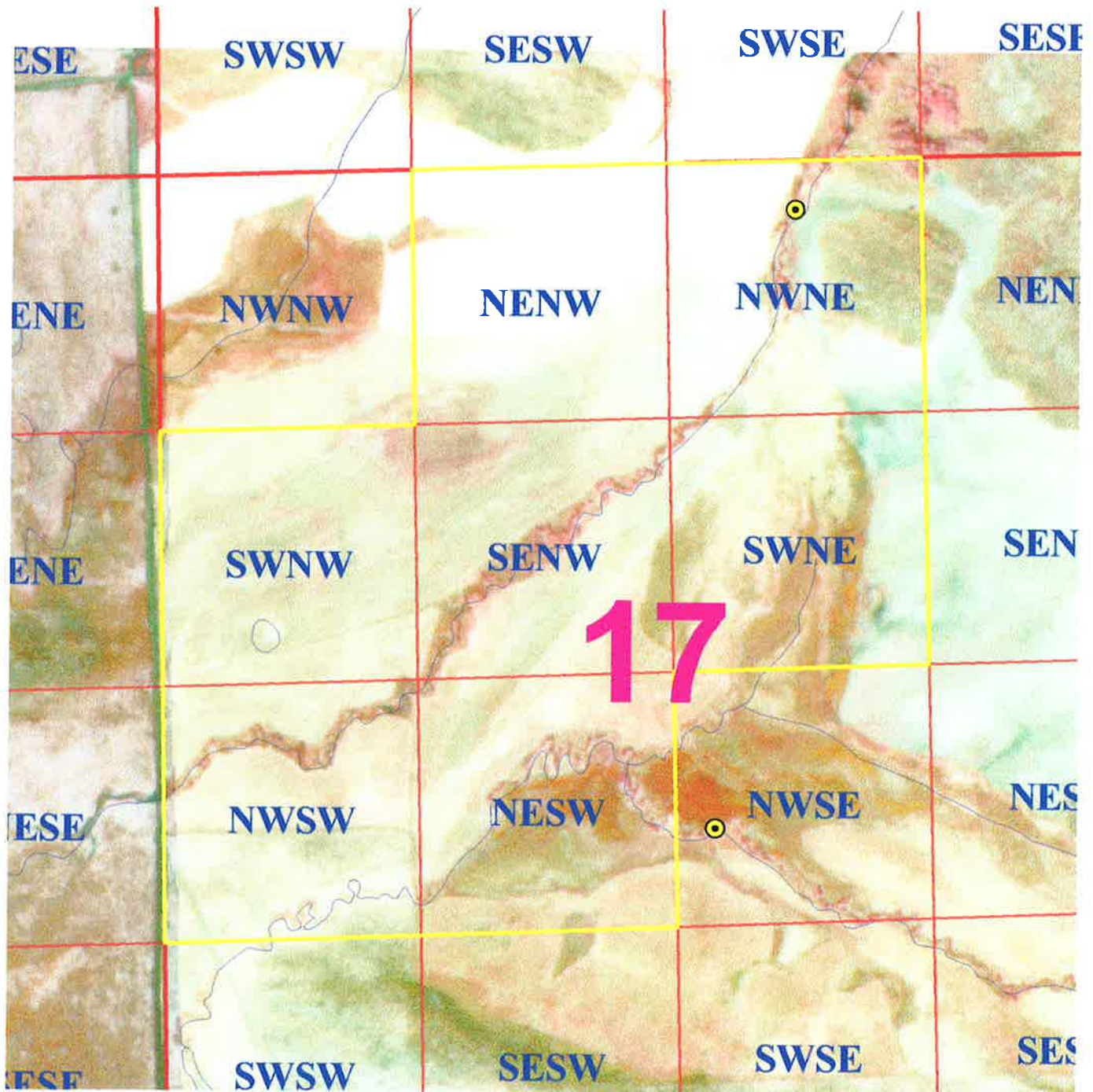
Spatial Dynamics CAT

11/17/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s43e	17	NWNE	18	41	Indiscernible
03s43e	17	SWNE	8	41	Indiscernible
03s43e	17	NENW	23	41	Indiscernible
03s43e	17	SWNW	23	41	Indiscernible
03s43e	17	SEnw	40	41	
03s43e	17	NESW	20	41	Indiscernible
03s43e	17	NWSW	40	41	
Totals:			172	287	

Water Right Claim Number 25-00003
Township , 3S43E

11/20/2000

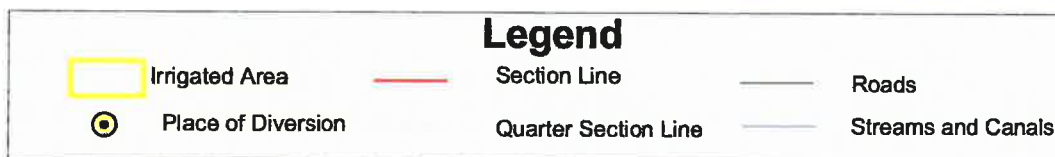
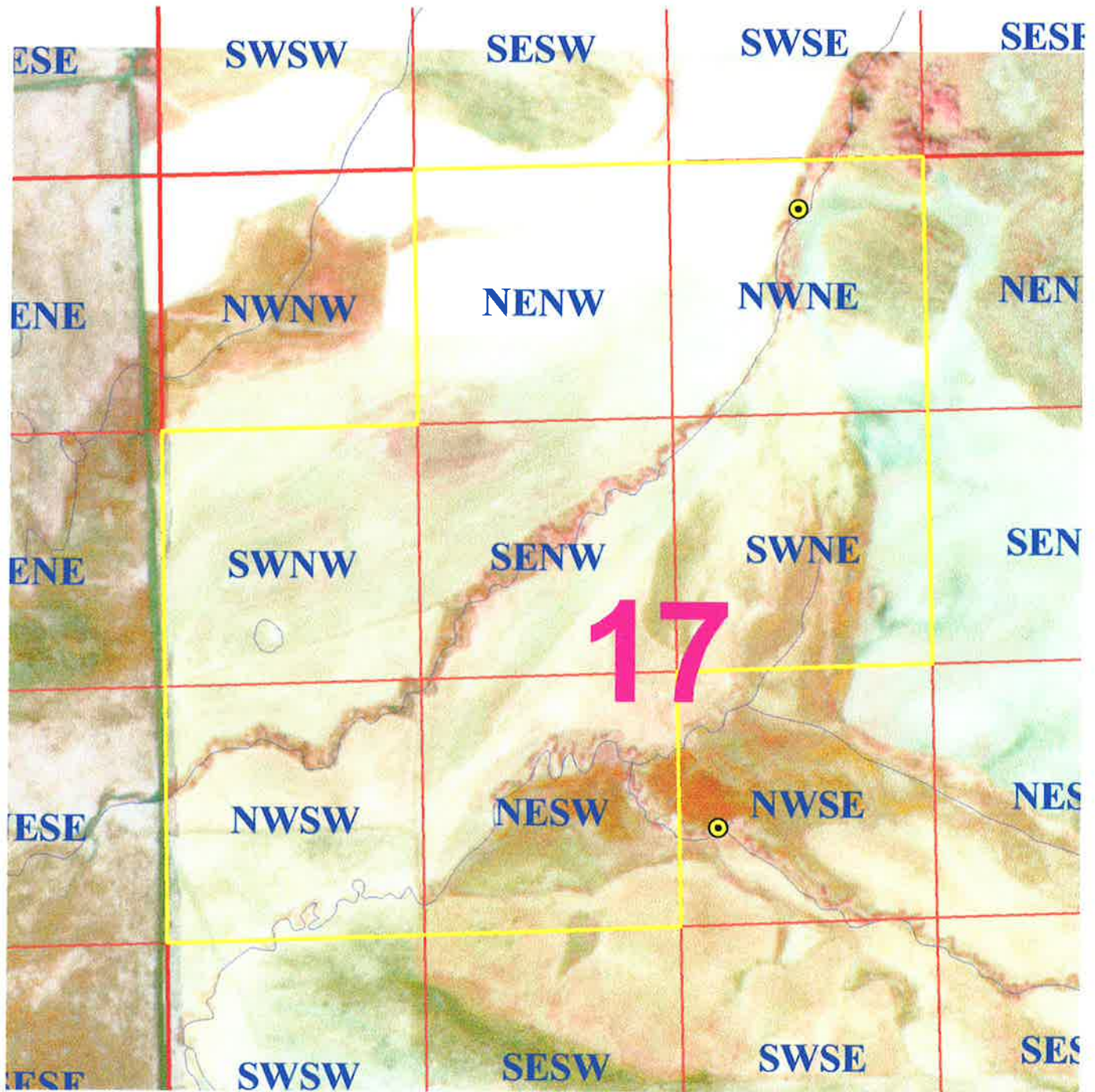


SPATIAL
DYNAMICS



Water Right Claim Number 25-00003
Township , 3S43E

11/20/2000

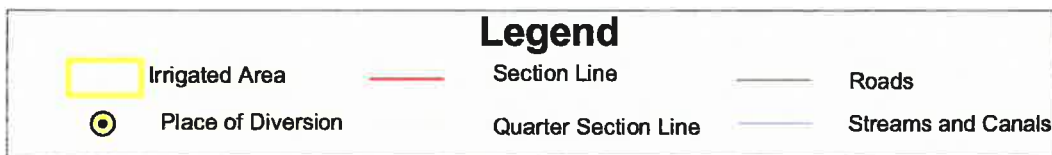
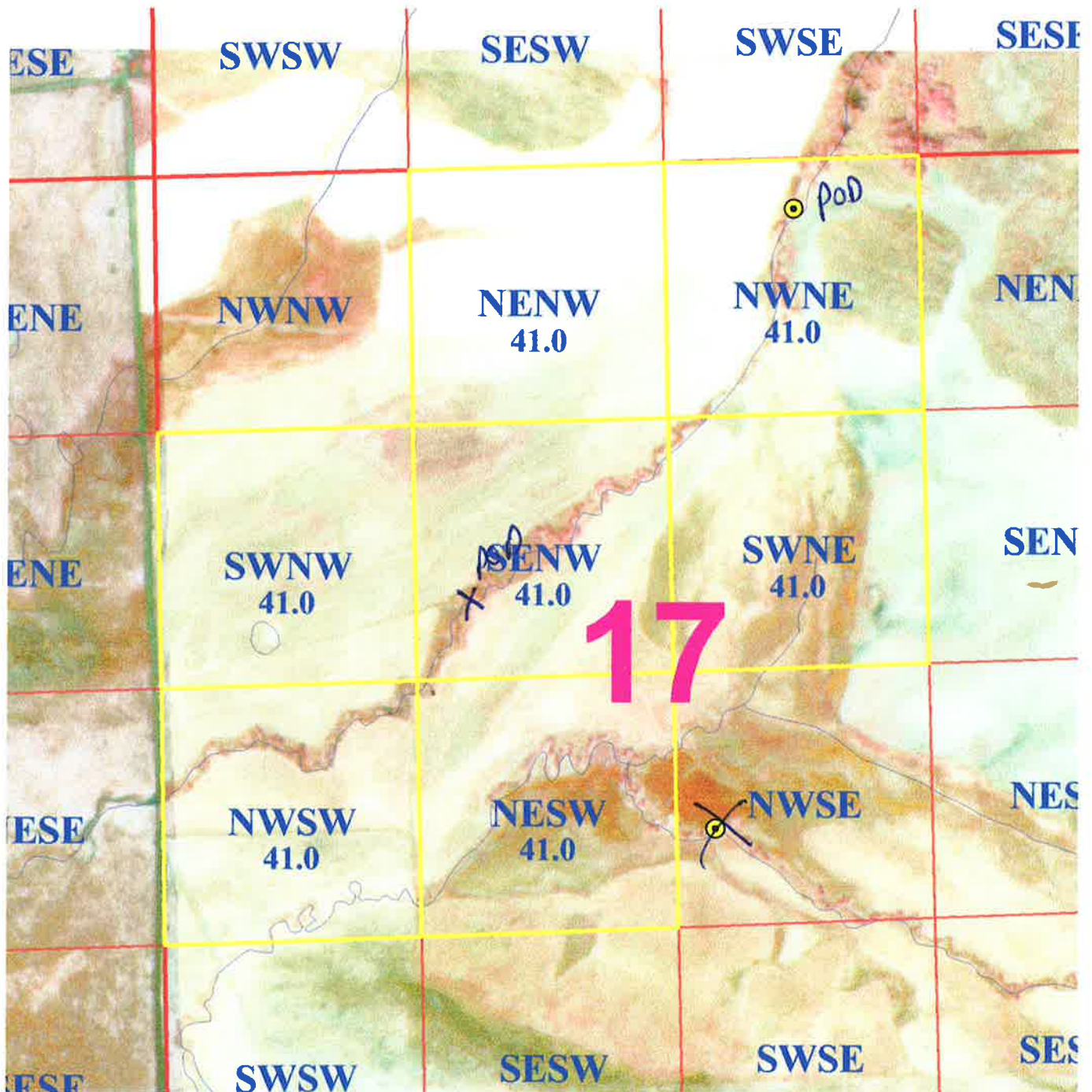


SPATIAL DYNAMICS



Water Right Claim Number 25-00003
Township , 3S43E

11/20/2000



500 0 500 1000 1500 Feet

SPATIAL
DYNAMICS

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 Hammi, 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 Hammi 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

ELB 19 MICROFILMED

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-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) miners 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?

ELB 20

E. A. C.

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Rm1

08/26/2004

NOTICE OF ERROR
REPLY

RECEIVED

SEP 24 2004

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.

Department of Water Resources
Eastern Region

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-3

GARY MANN
724 GRAYS LAKE RD
WAYAN ID 83285
Telephone Number: (208)357-3777

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 9-15-04 SIGNATURE: Gary R. Mann
Please print your name: GARY R. MANN

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

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SEP 24 2004

08/26/2004

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

RIGHT NUMBER: 25-3

NAME AND ADDRESS: GARY MANN
724 GRAYS LAKE RD
WAYAN ID 83285

SOURCE: CLARK CREEK
UNNAMED STREAM
TRIBUTARY: GRAYS LAKE OUTLET
TRIBUTARY: CLARK CREEK
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION
42-1425, IDAHO CODE.

QUANTITY: 4.000 CFS

PRIORITY DATE: 06/15/1885

POINT OF DIVERSION:
T03S R43E S17 NENWNE Within BONNEVILLE County
T03S R43E S17 SWNWSE 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 S17	NWNE	18.0	T03S R43E S17	SWNE	8.5
T03S R43E S17	NENW	23.0	T03S R43E S17	SWNW	23.0
T03S R43E S17	SENW	40.0	T03S R43E S17	NESW	20.0
T03S R43E S17	NWSW	40.0			

172.5 ACRES TOTAL

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: BASIS OF CLAIM - Decreed

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SEP 24 2004

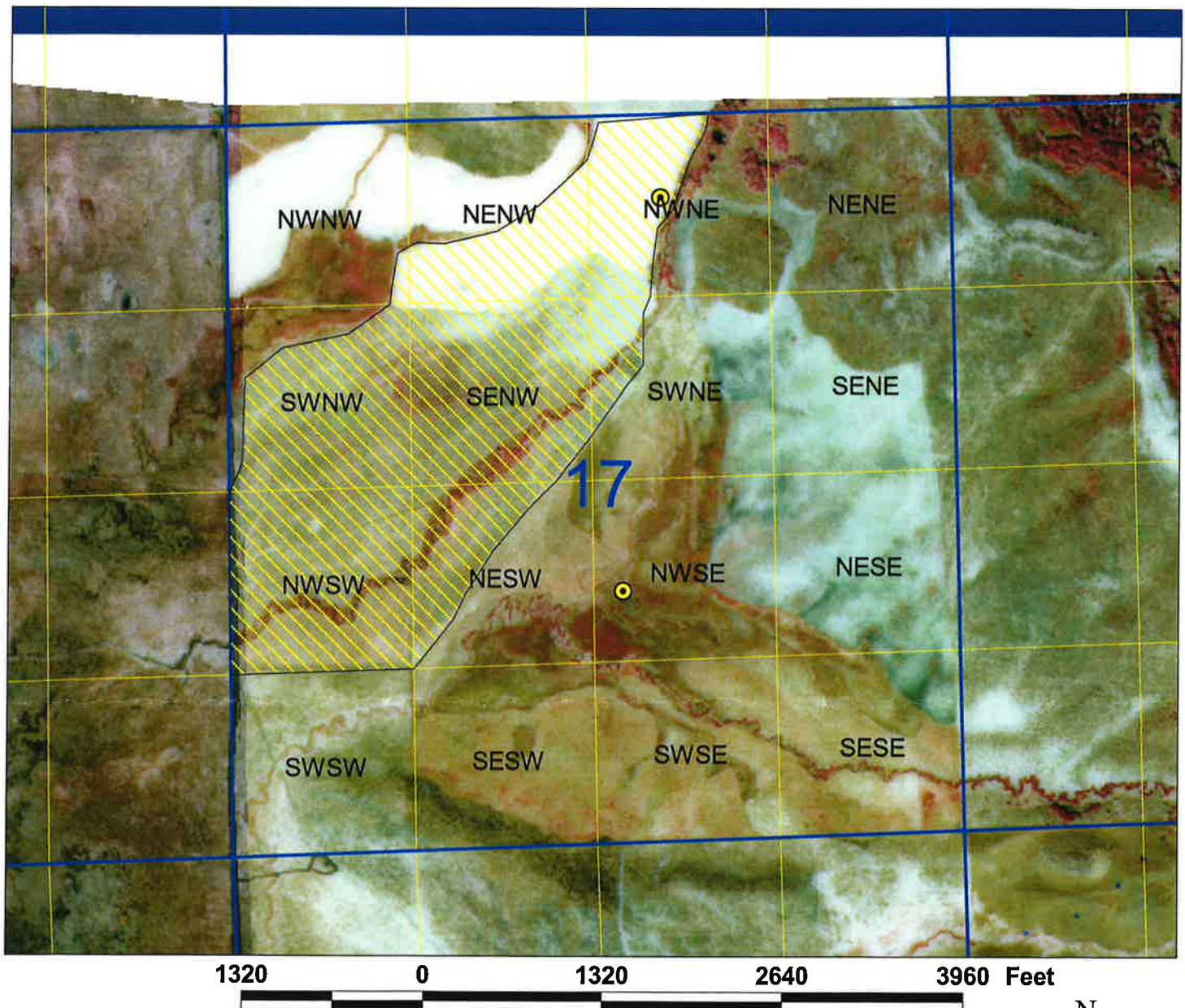


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-00003



- Point of Diversion
- Place of Use
- Sections
- QQ

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SEP 24 2004



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

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 25-3
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)

GARY MANN Phone: (208)357-3777
257 W MAPLE
SHELLEY ID USA 83274

*724 Grays Lake Rd
Wayan ID 83285
See Δ ownership
form*

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 SE	BONNEVILLE	

5. Description of diverting works:

HEADGATES AND OPEN DITCHES.

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
03S	43E	17	NW NE	IRRIGATION

Acres
SCANNED
18
AUG 27 2004

SW	NE	IRRIGATION	8.5
NE	NW	IRRIGATION	23
SW	NW	IRRIGATION	23
SE	NW	IRRIGATION	40
NE	SW	IRRIGATION	20
NW	SW	IRRIGATION	40

Section Acres 172.5

Total Acres 172.5

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 TIMES OF SHORTAGE WATER IS TO BE SHARED EQUALLY WITH RIGHT #A25-00002
(SEE DECREE FOR ORDER).

15. Basis of Claim: Decreed

SCANNED
AUG 27 2004

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: A25-00003
Date Received: 9/27/1989
Receipt No: E010843
Received By: EME

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: GARY MANN 208-357-3777
Address: 257 W. MAPLE
SHELLEY, ID 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	SE		BONNEVILLE

5. Description of diverting works:
HEADGATES AND OPEN DITCHES.

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 431.5 Acre Feet Per Annum.

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

A25-00003

Page 1

Date: 09/27/89

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03S	43E	17	NW		NE		IRR	18.0
			SW		NE		IRR	8.5
			NE		NW		IRR	23.0
			SW		NW		IRR	23.0
			SE		NW		IRR	40.0
			NE		SW		IRR	20.0
			NW		SW		IRR	40.0

Section Acres 172.5

Total Acres 172.5

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 TIMES OF SHORTAGE WATER IS TO BE SHARED EQUALLY WITH
RIGHT #A25-00002 (SEE DECREE FOR ORDER).

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/30/1913

JOHN HANNI

Decree Plaintiff

vs

SMART AND WEBSTER LIVESTOCK CO

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: 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 Carlson
Notary Public



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

Twp 35. Rge 43E.



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NOV 06 1992

SCALE 1:24 000

