

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: A41-00057
Date Received: 4/04/1990
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARTHUR H. NIELSON 208-232-8063
Address: 1655 EAST CENTER
POCATELLO, ID 83201

Name: BONNIE F. NIELSON 208-232-8063
Address: 1655 EAST CENTER
POCATELLO, ID 83201

2. Date of Priority: APR 30, 1880

3. Source: SPRING CREEK Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	31E	31	SE		NW		POWER

5. Description of diverting works:
DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.300	-0.1	

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

A.F.A.

8. Total consumptive use is 45.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	31E	31	SE	NW	IRR	15.0
Section Acres						15.0
Total Acres						15.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

A41-04039

artesian well?

14. Remarks:

FLOW RATE NOT GIVEN IN DECREE.

P/D UNDETERMINED.

BIG R FARM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

RACHEL HUNTER COX

Decree Plaintiff

vs

ARTHUR H. NIELSON, JR., ET. AL

Decree Defendant

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): *Robert H. Nelson* Date: _____
Bernie L. Nelson Date: *4-9-90*

State of Idaho)
County of *Bannock*) SS.

Subscribed and sworn (or affirmed) before me this *9th* day
of *April* 19 *90*

Charles W. Mathew
Notary Public

Seal

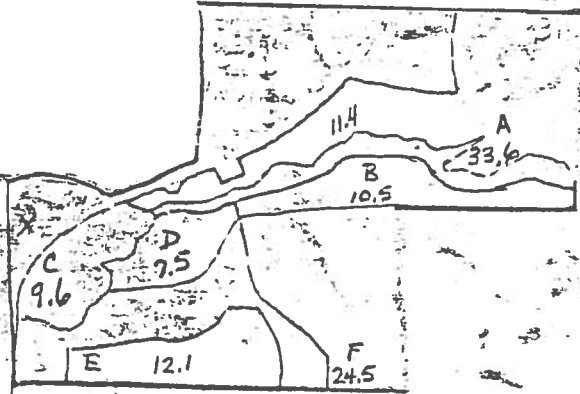
Residing at *Pocatello, Idaho*
My Commission Expires *January 30, 1993*

R30E

BIG R FARM

R31E

artesian
well



T9S

NOT TO SCALE

Water Right Number - 41-00057

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

Last Name - +

First Name - +

Address -

Address -

*** C - CURRENT OWNER ***
NIELSON, JR.

ARTHUR H.

State- Zip-

NIELSON

BONNIE F.

1 -
2 -
3 -
City-
Phone -
1 -
2 -
3 -
City-
Phone -

State- Zip-

Priority Date - +
04/30/1880

Region - +
17

Stage - +
D - DECREASED

Status - +

Source - +
SPRING CREEK

Tributary -
ROCK CREEK

Twn Rng Sec Tract Lot RFlg County

Point of Diversion -

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	31E	31	SE NW		15.0	01	IRRIGATION	77 POWER

Total Acres: 15.0

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use - 41-4039

Remarks -
FLOW RATE NOT GIVEN IN DECREE.

Conditions of Approval -
No Conditions of Approval found.

Water right number - 41-00057

Adj. flag translation: Standard Water Right Number

+ - - - - Decree Plaintiff - - - +
RACHEL HUNTER COX+ - - - - Decree Defendant - - - +
ARTHUR H. NIELSON, JR., ET. AL.

+ - - Audit Fields -

+ - Decree Date - +
06/09/1980

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 03/24/1987	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- 41
Decree Date	- 06/09/1980				

record in the office of the County Recorder, in and for the County of Power, State of Idaho; as corroborated by the undisputed evidence before the Court, for the purpose of irrigating the following described real property, located in Power County, Idaho:

The East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$), and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-six (36), Township Nine (9) South, Range Thirty (30) East, Boise Meridian.

The entire flow of Spring Creek is estimated to average between 1.1988 cubic feet per second, i.e., 50 miner's inches, and 1.6 cubic feet per second, i.e., 80 miner's inches.

Plaintiff's right recognizes the right of the Defendant to divert waters from Spring Creek as hereinafter set out.

2. Defendants, Arthur H. Nielson, Jr. and Bonnie F. Nielson, own and have the right to divert the waters of Spring Creek across a portion of their property, as hereinafter described, for the purpose of flood irrigating approximately fifteen (15) acres so long as they allow the water to then return to the natural channel of Spring Creek and flow unimpeded to Plaintiff's land for application

Defendants' real property, entitled to flood irrigation is located in the County of Power, State of Idaho, more particularly described as follows:

A part of (approximately 15 acres) the Southeast Quarter Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 9 South, Range 31 East, Boise Meridian.

3. The Defendants, their heirs and successors in interest, are permanently restrained from interfering with Plaintiff use of the entire natural flow of Spring Creek, except for Defendant's right to flood irrigation, as herein provided; Defendants are further restrained from attempting to change or changing the place of diversion, or place of use of the waters of Spring Creek in any manner which is injurious to Plaintiff's water right as hereinabove decreed.

4. Plaintiff is awarded costs and disbursements of suit in the amount of \$ 2200.

DATED this ____ day of June, 1980.

District Judge

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

RACHEL HUNTER COX,	)	Case No. 6674
A widow,	)	
	)	
Plaintiff,	)	
	)	<u>JUDGMENT AND DECREE</u>
vs.	)	
	)	
ARTHUR H. NIELSON, JR. and	)	
BONNIE F. NIELSON, husband	)	
and wife, and JAMES WOODWORTH,	)	
Defendants.	)	

The motion by the Plaintiff above named for summary judgment in her favor, determining water rights, and requesting a permanent restraining order, having been duly brought on to be heard, and the Court having made an order pursuant thereto granting the Plaintiff's motion and directing that judgment be entered herein in favor of the Plaintiff determining her water right and for a permanent restraining order, it is hereby

ORDERED, ADJUDGED AND DECREED:

1. Rachel Hunter Cox is the owner and has the right to the utilization of all of the waters of Spring Creek, with a priority date of May, 1880, according to the Water Location Notices recorded in Book "A" and Book "B" of Water Locations at page 5 and page 108 respectively of the original Oneida County records, as indicated in Book 36, page 55 and page 7 of the Book of Water Locations on

950
(over copy)
COPY

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

RECEIVED

APR 10 1990

Ident. Number: A41-00057
Date Received: 4/04/1990
Receipt No: 5011944
Received By: lw

Department of Water Resources
Southern Region Office

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

1. Name: ARTHUR H. NIELSON 208-232-8063
Address: 1655 EAST CENTER
POCATELLO, ID 83201

Name: BONNIE F. NIELSON 208-232-8063
Address: 1655 EAST CENTER
POCATELLO, ID 83201

2. Date of Priority: APR 30, 1880

3. Source: SPRING CREEK Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	31E	31	SE	NW			POWER

5. Description of diverting works:
DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.300		

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

8. Total consumptive use is 45.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A41-00057

Page 1

Date: 04/04/90

MICROFILM

MAR 04 1990

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	31E	31	SE NW		IRR	15.0

Section Acres 15.0

Total Acres 15.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
A41-04039

14. Remarks:

FLOW RATE NOT GIVEN IN DECREE.
P/D UNDETERMINED.
BIG R FARM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

RACHEL HUNTER COX

Decree Plaintiff

vs

ARTHUR H. NIELSON, JR., ET. AL

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 _____ 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): *Robert A. Nelson* Date: _____
Bonnie L. Nelson Date: 4-9-90

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of April 19 90

Charles R. Mathew
Notary Public

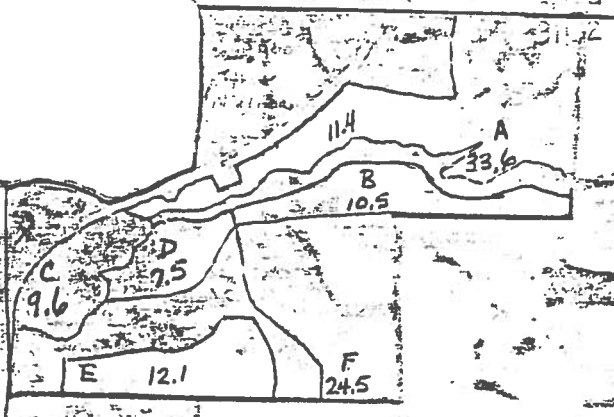
Seal

Residing at Pocatello, Idaho
My Commission Expires January 30, 1993

R30E

BIG K FARM
R31E

T9S



MICROFILM

MAR 04 19

NOT TO SCALE

Adj.	Flag Translation:	Standard Water Right Number	old (D) Number -

*** C - CURRENT OWNER ***
NIELSON, JR.

$$\begin{array}{ccc} - & - & - \\ 1 & 2 & 3 \end{array}$$

BONNIE F.

+ - - - - Tributary
ROCK CREEK

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
+	+	+	+	+	+	+

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
09S	31E	31	SE NW		15.0	01	IRRIGATION	77 POWER

Total Acres: 15.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 41-4039

[illegible]

- - - - - Conditions of Approval - - - - - +
- - - - - No Conditions of Approval found.

MICROFILME
MAR 04 1993

Adj. flag translation: Standard Water Right Number

+ - - - Decree Defendant - - +
ARTHUR H. NIELSON, JR., ET. AL.

+ - Decree Date - +
06/09/1980

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	-
Start Work Date	- 00/00/0000	Verified Date	- 03/24/1987	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				-

MICROFILME
MAR 04 1993

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

RACHEL HUNTER COX,
A widow,

Plaintiff,

vs.

ARTHUR H. NIELSON, JR. and
BONNIE F. NIELSON, husband
and wife, and JAMES WOODWORTH,

Defendants.

Case No. 6674

JUDGMENT AND DECREE

The motion by the Plaintiff above named for summary judgment in her favor, determining water rights, and requesting a permanent restraining order, having been duly brought on to be heard, and the Court having made an order pursuant thereto granting the Plaintiff's motion and directing that judgment be entered herein in favor of the Plaintiff determining her water right and for a permanent restraining order, it is hereby

ORDERED, ADJUDGED AND DECREED:

1. Rachel Hunter Cox is the owner and has the right to the utilization of all of the waters of Spring Creek, with a priority date of May, 1880, according to the Water Location Notices recorded in Book "A" and Book "B" of Water Locations at page 5 and page 108 respectively of the original Oneida County records, as indicated in Book 36, page 55 and page 7 of the Book of Water Locations on

record in the office of the County Recorder, in and for the County of Power, State of Idaho; as corroborated by the undisputed evidence before the Court, for the purpose of irrigating the following described real property, located in Power County, Idaho:

The East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$), and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-six (36), Township Nine (9) South, Range Thirty (30) East, Boise Meridian.

The entire flow of Spring Creek is estimated to average between 1.1988 cubic feet per second, i.e., 50 miner's inches, and 1.6 cubic feet per second, i.e., 80 miner's inches.

Plaintiff's right recognizes the right of the Defendant to divert waters from Spring Creek as hereinafter set out.

2. Defendants, Arthur H. Nielson, Jr. and Bonnie F. Nielson, own and have the right to divert the waters of Spring Creek across a portion of their property, as hereinafter described, for the purpose of flood irrigating approximately fifteen (15) acres so long as they allow the water to then return to the natural channel of Spring Creek and flow unimpeded to Plaintiff's land for application

Defendants' real property, entitled to flood irrigation is located in the County of Power, State of Idaho, more particularly described as follows:

A part of (approximately 15 acres) the Southeast Quarter Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 9 South, Range 31 East, Boise Meridian.

3. The Defendants, their heirs and successors in interest, are permanently restrained from interfering with Plaintiff use of the entire natural flow of Spring Creek, except for Defendant's right to flood irrigation, as herein provided; Defendants are further restrained from attempting to change or changing the place of diversion, or place of use of the waters of Spring Creek in any manner which is injurious to Plaintiff's water right as hereinabove decreed.

4. Plaintiff is awarded costs and disbursements of suit in the amount of \$ 2200.

DATED this ____ day of June, 1980.

District Judge

MICROFILM

MAR 04 1993

INTER-DEPARTMENT MEMO — 1

DATE 4/10/90

FROM LORI WHITE

TO FILE

SUBJECT NO LATE FEE

I received claims A41-00057, -04039, -10135, -10136, + A29-01634 from Bonnie Nielson on 4/4/90 which she was ready to pay for 2 that time. I had some further questions about the fertilizer plants - that Mr. Nielson could only answer. Since the answers affected the total amount due, I personally extended the Nielson deadline until the total fee was determined and submitted.

Lori White

SIGNATURE

MICROFILMED

MAR 04 1993

RECEIVED

SEP 25 2001

Department of Water Resources

2001 SEP 24 PM 12:23

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED *MC*

Here

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	)	Subcase: 41-00057
	)	
Case No. 39576	)	TRIAL SCHEDULING ORDER
_____	)	

An *Order Setting Deadline*, dated August 15, 2001, ordered the parties to 41-00057 to file with the SRBA Court a completed *Standard Form 5* resolving all contested matters no later than September 17, 2001. A *Standard Form 5* has not been received by the Court.

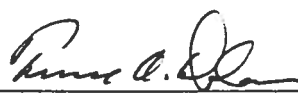
THEREFORE, IT IS ORDERED that the following dates shall govern all proceedings in this subcase through trial:

Friday, November 2, 2001 at 10:00 am	Pre-trial Conference (via telephone)
Location:	SRBA District Court 253 Third Avenue North Twin Falls, ID
	Exchange witness, exhibit lists and trial briefs due.

Friday November 9, 2001 at 10:00 am	Trial
Location:	Rockland City Hall 135 N. Main Rockland, Idaho

All parties who wish to participate in the Pre-trial Conference by telephone must contact the Clerk of the Court no later than October 31, 2001.

DATED September 24, 2001.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of this TRIAL SCHEDULING ORDER was mailed with sufficient first-class postage prepaid on September 24, 2001, to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Arthur H. Nielson
1655 East Center
Pocatello, ID 83201

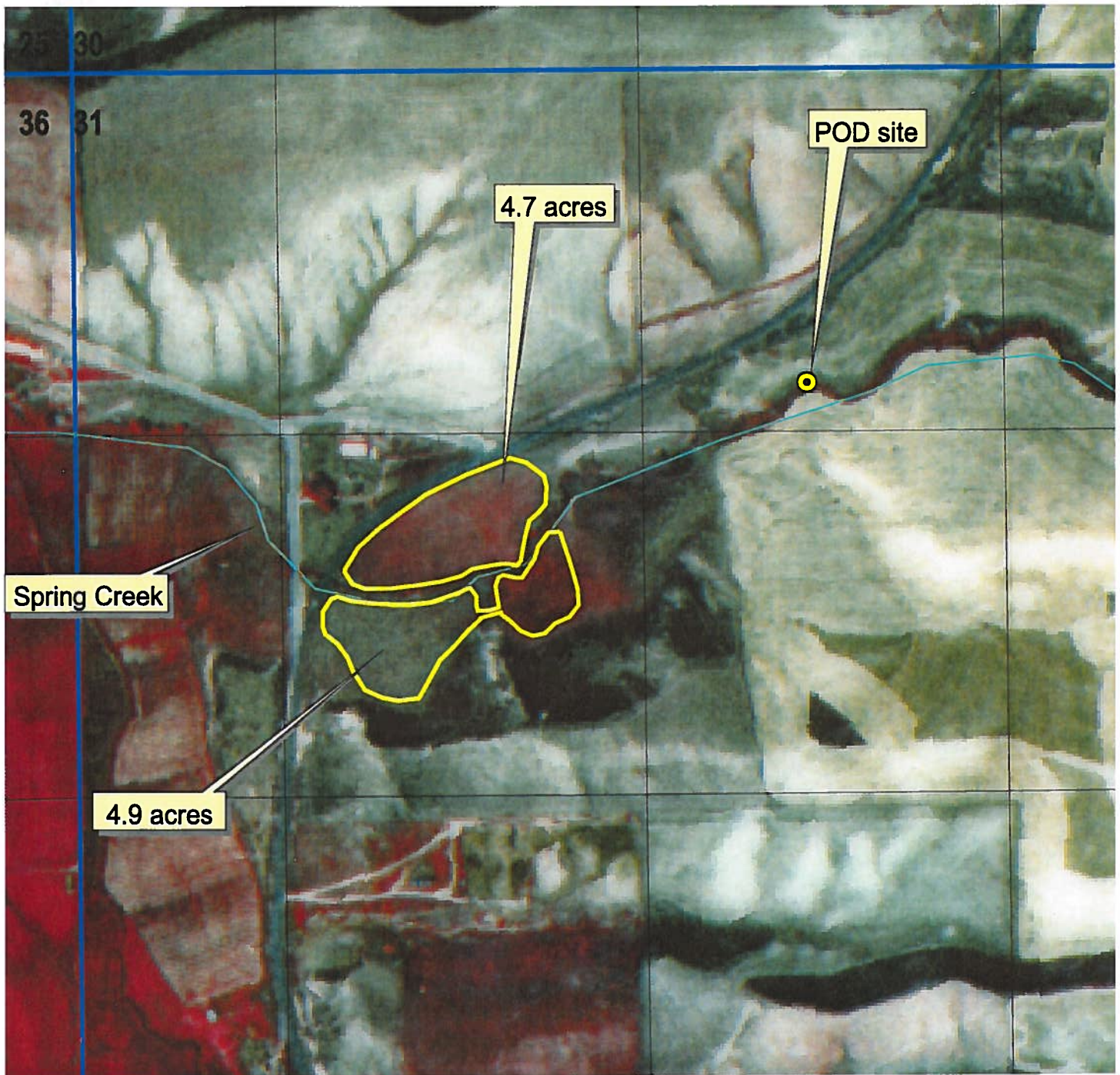
Merrill E Walker
PO Box 336
Rockland, ID 83271

Courtesy copy to:
Glenn and Ida Cox
531 Teton Drive
Burley, ID 83318


(Deputy Clerk)

IDAHO DEPT OF WATER RESOURCES

41-00057



660 0 660 1320 Feet

T09S, R31E, SEC. 31, SENW
POU = 9.6 acres



- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- ~ SECTION LINES
- 1/4 - 1/4 LINES

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY: STEVE CLELLAND
DATE: November 7, 2001

REVISED

Jim Woodworth -

9-7-01

12:15 pm

Cont call w/ G. BAXTER.

He described the use of a pipe (8") across the SpringCreek Gulch to get water to the lands to the South parcel. His descriptions seem accurate and convincing as to the actual irrigation that may have occurred.

After his call it is clear on the Teraserver map where the ditches ran to accomplish the Southside irrigation. This shows that less acres are irrigated on the SE portion than previously indicated. I plan to revise the GIS exhibit to more closely match the irrigation system actually used on the property for the last 18+ years.

- Steve Cooch

RECEIVED

AUG 31 2001

Department of Water Resources

August 29, 2001

Garrick Baxter
Idaho Dept. of Water Resources
1301 N. Orchard Street, Box 83720
Boise, ID 83720-0098

Re: Water Right 41-00057
Spring Creek - Rockland, ID

It is herein understood that the referenced **water-right** is being considered for forfeiture from lack of use for a 5-year period. - Idaho Statute No. 42-222.

Let it be known that statute No. 42-222 should not apply to this water-right. From 1980 to 1998 the writer rented the properties indicated in the Adjudication and Decree, Case No. 6674 (attached), from Bonnie and Arthur H. Nielson, Jr. Throughout the rental period, the water in Spring Creek was diverted to flood irrigate the pastures that lie on the north and south sides of that stream. However, there were times, late summer and early fall, when the south side pasture was not irrigated, because of reduced stream flow.

What has happened since the expiration date is not known, but Statute 42-222 should not be applied to Water-Right 41-00057, because the water was used on the total pasture in compliance with the heretofore Stated Decree.


Jim Woodworth


Witness

Jun 1980

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

RACHEL HUNTER COX,
A widow,

Plaintiff,

vs.

ARTHUR H. NIELSON, JR. and
BONNIE F. NIELSON, husband
and wife, and JAMES WOODWORTH,
Defendants.

Case No. 6674

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~~Page 108, Book 36, Oneida County Records~~

record in the office of the County Recorder, in and for the County of Power, State of Idaho; as corroborated by the undisputed evidence before the Court, for the purpose of irrigating the following described real property, located in Power County, Idaho:

The East Half of the Northeast Quarter (E½NE¼), and the Northeast Quarter of the Southeast Quarter (NE¼SE¼) of Section Thirty-six (36), Township Nine (9) South, Range Thirty (30) East, Boise Meridian.

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4. Plaintiff is awarded costs and disbursements of suit in the amount of \$ 2200.

DATED this ____ day of January, 1967

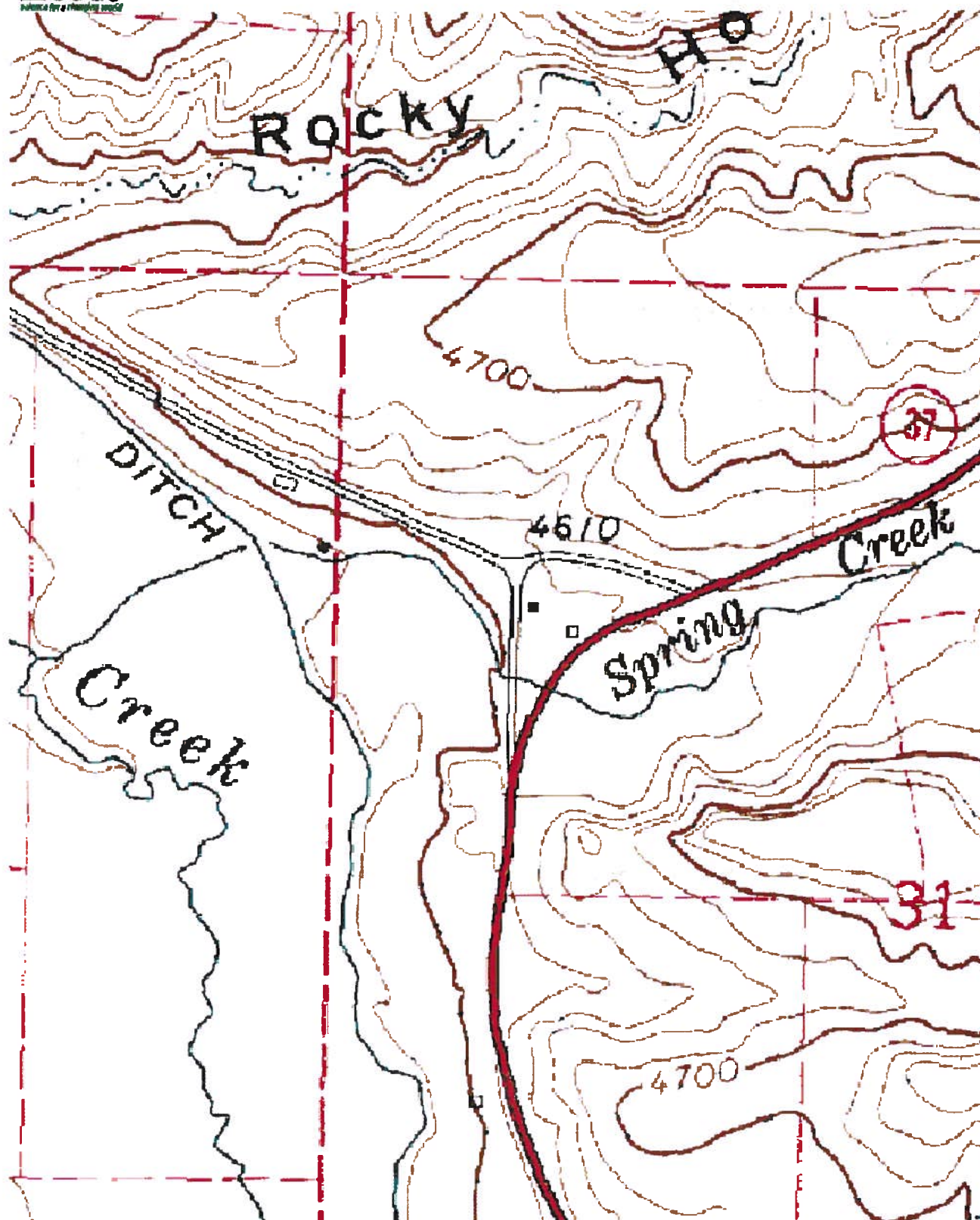
District Judge

Microsoft TerraServer

Display Image

USGS Topo Map

2 km NW of Rockland, Idaho, United States 01 Jul 1991



Microsoft TerraServer

Display Image

USGS Aerial Photograph

2 km NW of Rockland, Idaho, United States 29 Jul 1992



RECEIVED

DEC 14 2000

Department of Water Resources
Southern Region

RECEIVED

NOV 14 2000

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 SRBA

Case No. 39576

A. Subcase 41-00057
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: ARTHUR H & BONNIE F. NELSON JR

Address: 1655 EAST CENTER

POCATELLO, IDAHO 83201

Daytime Phone: (208) 232-8063

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: STATE OF IDAHO DEPT. OF WATER RESOURCES.

Address: 1301 NORTH ORCHARD STREET Box 83720

BOISE, IDAHO 83720-0098

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address

Should be: _____

2. ☐ Source

Should be: _____

3. ☒ Quantity

Should be: ^{8 Nov. 21} THE QUANTITY OF WATER IS REPORTED TO BE 1.6 CFS FOR 15-ACRES FROM SPRING CREEK BUT THE COURT REPORTS IT TO BE THE WATER IN SPRING CREEK. MEANING ALL.

4. ☒ Priority Date

Should be: THE PRIORITY DATE SHALL BE AS STATED APRIL 30, 1880

5. ☐ Point(s) of Diversion

Should be: _____

6. ☐ Instream Flow Description

Should be: _____

7. ☐ Purpose(s) of Use

Should be: _____

8. ☐ Period of Year

Should be: _____

9. ☒ Place of Use

Should be: FOR IRRIGATION ON FARM AT T09S R31E S31 15-ACRES IN ALL AS STATED BASIS CLAIM-DECRE

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): THE INDICATED WATER RIGHT

WAS ESTABLISHED IN COURT CASE 6674. IT WAS FOLLOWED UNTIL THE SPRING FLOODS REPEATEDLY WASHED OUT THE DIVERSION DAM AND THEN THE DITCH TO THE SOUTH. THIS NATURAL DISASTER SHOULD NOT BE REASON FOR A CHANGE IN THE IRRIGATION RIGHTS. GRANT BY THE COURT.

F.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.

County of BANNOCK

ARTHUR H & BONNIE F NIELSEN duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 9, 2000



Gloria J. Crouther
Notary Public for Bannock
Residing at: Pocatello
My Commission Expires: 5/08/06

RECEIVED

NOV 14 2000

Department of Water Resources

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 9 NOVEMBER, 1998, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

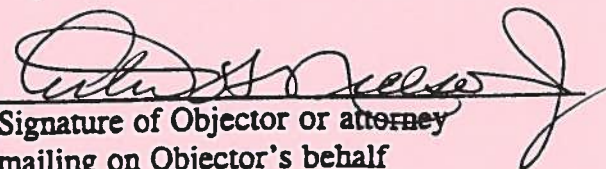
Name: ARTHUR H & BONNIE F. NIELSON JR
Address: 1655 EAST CENTER STREET
POCATELLO, IDAHO 83201

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf



Big Canyon -- Big "R"

VALLEY VIEW FARMS

ROCKLAND, IDAHO

July 2, 2001

RECEIVED

JUL - 5 2001

**Department of Water Resources
Southern Region**

Mr. Steve Clelland
Idaho Dept. of Water Resources
1341 Filmore Street, Suite 200
Twin Falls, ID 83301

RE: Irrigated Area

Dear Mr. Clelland:

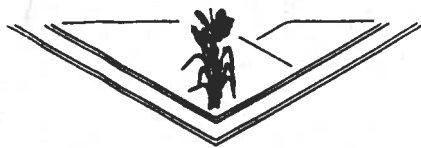
Enclosed find an endorsement from six senior people who have spent a lifetime in the Rockland Valley, who know how Spring Creek water was used.

Thanks for accepting this affidavit, and for your interest in establishing this water right.

If you have any questions, please call.

Sincerely,

Arthur H. Nielson, Jr.



Big Canyon -- Big "R"

VALLEY VIEW FARMS

ROCKLAND, IDAHO

June 29, 2001

RECEIVED

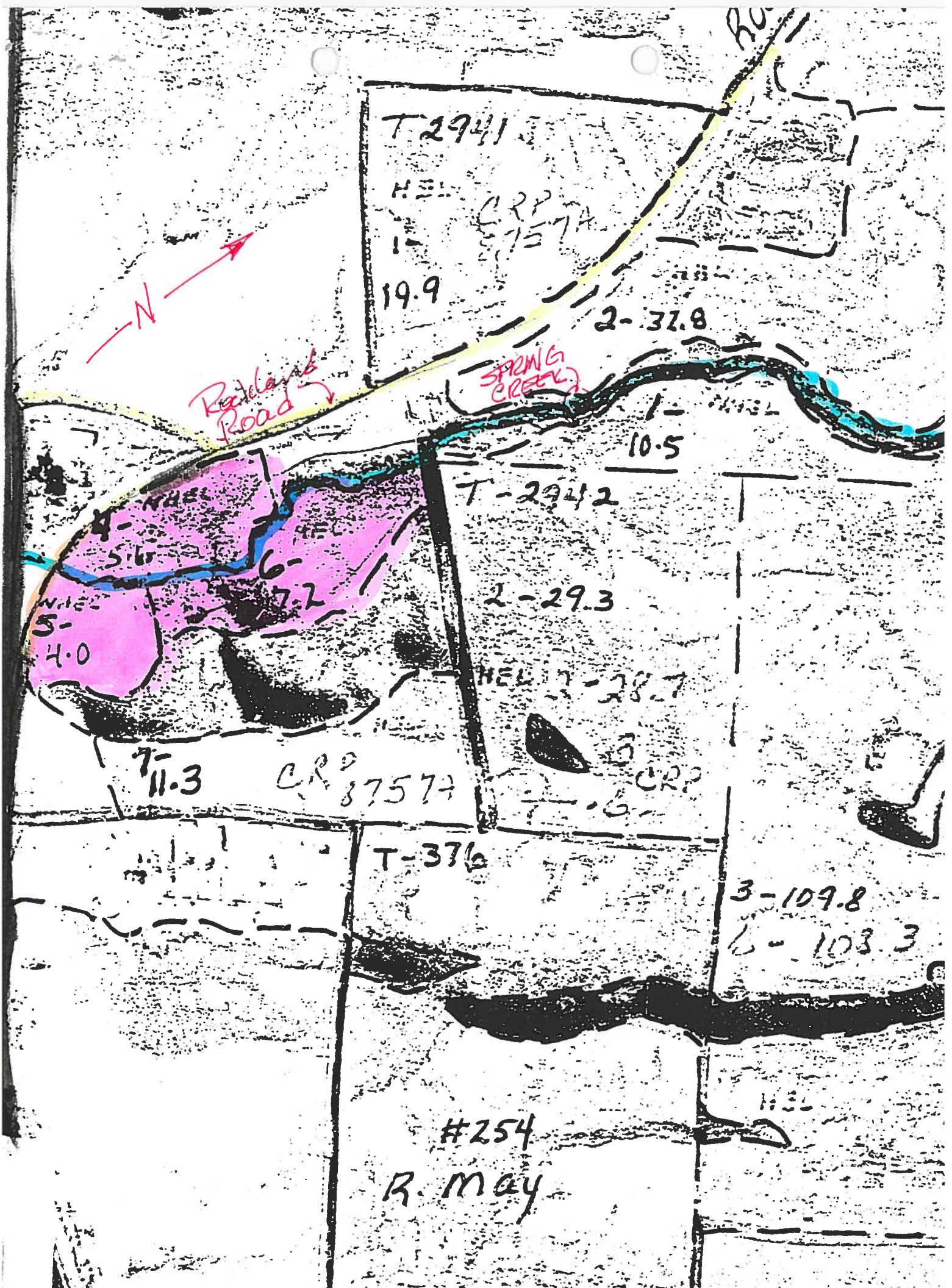
JUL - 5 2001

Department of Water Resources
Southern Region

To Whom It May Concern:

The Department of Water Resources, Twin Falls District, has requested that an affidavit be submitted **confirming that for at least 30 years, John S., Don and Gordon Robinson flood irrigated from Spring Creek 12 to 15-acres of farm land and/or pasture in the area shown on the attached map.** Placing your signature hereon affirms their irrigation practices.

<u>Marcell C Walker</u>	Date <u>2 JUL 01</u>	<u>Richard May</u>	Date <u>July 01</u>
<u>Don McHargue</u>	Date <u>2 July 01</u>	<u>Gene May</u>	Date _____
<u>Gene Nelson</u>	Date <u>July 2-01</u>	<u>Alvin Haskell</u>	Date _____



T-2941

CRP 87574

19.9

2-37.8

Rayland Road

Spring Creek

10.5

T-2942

2-29.3

CRP 87574

T-376

3-109.8

4-103.3

#254

R. May

4-11.3

5-4.0

6-7.2

PANEL <u>C</u>		VOLTAGE <u>120/208</u>		MAINS <u>225</u> AMP.		MOUNTING ☐ FLUSH ☐ SURFACE		DIMENSIONS <u>20</u> W <u>5.75</u> D <u>35</u> H		SPECIAL EQUIP ☐ INSULATED GROUND BAR ☐ SUB-FEED BRKR. SIZE <u>5</u> ☐ SUB-FEED LUGS ☐ SPLIT BUS	
TYPE <u>NOOD</u>		PHASE <u>3</u> WRES <u>4</u>		☒ LUGS ☐ BRKR. FEED ☐ TOP ☒ BOTTOM							
LOCATION <u>ELEC. ROOM</u>		AIC <u>10K</u> AMPS									

CIR. NO.	LOAD DESCRIPTION	NO. OUTLET LTS. CO	MIS	BRKR. P	WIRE AMP SIZE	CIR. LOAD	COMBINED LOAD			CIR. LOAD	WIRE SIZE	BRKR. AMP	P	NO. OUTLET MIS CO	LTS.	LOAD DESCRIPTION	CIR. NO.
							A	B	C								
1	POWER VENT	2	1	20	12	500	1500			1000	12	20	1	1		EF-1	2
3	ROOF OUTLETS	6			10	1200		2200		1000				1		EF-2	4
5	ROOF OUTLETS	5				1000			2000	1000				1		EF-3	6
7	SPARE						1000			1000				1		EF-4	8
9	CONTROL CIRCUITS	3			12	100		1100		1000				1		EF-5	10
11		1				100			1300	1200				1		EF-6	12
13		1				100	1100			1000				1		EF-7	14
15	SPARE							1000		1000				1		EF-8	16
17	IRRIGATION CNT.	1			12	200			1000	800				4		GAME ROOM	18
19	AIR CURTAIN	1				500	1500			1000				5		GAME ROOM	20
21	RESTAURANT HALL	4				800		1600		800				4		DRIVERS LOUNGE/REST.	22
23	REST. MANAGER	4				800		1600		800				4		RESTROOMS	24
25	SHOWERS	4				800	1800			1000				1		HEF-4	26
27		3				600		1600		1000				1		HEF-5	28
29	↓ & LAUNDRY	3				600		1600		1000				1		ROOF HEAT TAPE	30
31	MAINT./COMP. AIR DRYER	3				600	1600			1000				1		↓	32
33	H.V. AND L.V. ROOMS	3				600		1600		1000				1		EF-9	34
35	SHOWERS	4				800		1800		1000				1		JANITOR WASHER	36
37	MAINTENANCE	5				1000	1840			840	206	15	1			SPARE	38
39	FC-1	1		2	15	400		400								SPARE	40
						400			400								42

CONN LOAD 29.5 KW, 82 AV. AMPS

FEEDER BREAKER SIZE 200 AMPS

CIRC. M-3 PNL. FDR. SIZE 430 LGTH.

WATTS 10,340 T O T A L S 9,500 9,700

AMPS 86 79 81

NOTES (1) PROVIDE SQUARE "D" BREAKER HOLDING CLAMP (OOKLO).

THIS PANEL AND ALL LUGS, BREAKERS, ETC SHALL BE RATED FOR 75° C

PROJECT: SIOUX FALLS, SD. -- FLYING J TRAVEL PLAZA

Nielson Engineering, Inc. PHONE: (208) 232-2577

Pocatello, Idaho 83201 FAX: (208) 234-0918

SKETCH NUMBER: SFSD061201-01 DATE: 06/12/2001

Snake River Basin Ajudication
FAX: 208-736-2121
Phone: 208-736-3011

FAX

Date: April 17, 2001

TO: Trish
Fax: 736-~~303~~7

FROM: Diana Delaney

Trish, I'm sure someone in your office can answer Mr. Nielsen's question(s) better than I. In case you can't read his hand writing in the upper right corner, he says

To: Diana Delaney
From: Art Nielsen (from our files)
(208) 232-2577

Where would the date in item #1 originate; also the claim stated below?

RECEIVED
APR 17 2001
Department of Water Resources
Southern Region

APR-17-01 TUE 02:25 PM
Apr 17 01 01:16p

SRBA DIST COURT
G. ION NIELSON

FAX NO. 12087362121
208 34-0918

P. 02
p. 1



John V. Evans
Governor

C. Stephen Alfred
Director

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

To: Diana Delaney

From: Art Nielson (from our files)
(208) 232-2577
Where would the date in item #1
originate, also the claim stated
below?

July 13, 1983

Arthur H. Nielson, Jr.
dba Valley View Farms
Rocklind, Idaho 83271

Re: Claim to a Water Right No. 41-4024

Dear Mr. Nielson:

We are in receipt of your exception to a Claim to a Water Right filed by

The following excerpt from Section 42-243b of the Idaho Code explains what has been done and what will be done in regards to the exception you have filed:

42-243b. Recording of claims by Department, Corrections
"At any time after filing a claim under the provisions of this section any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

APR-17-01 TUE 02:25 PM
APR 17 01 01:17P

SRBA DIST COURT
GORDON NIELSON

FAX NO. 12087362121
208-34-0918

P. 03
p. 2

Form No. 243
7/78

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 Gordon Fred Robinson (Name of Claimant)

General Delivery, Rockland, Idaho 83271 (Mailing Address) (Zip Code)

Telephone No. _____

General Delivery, Rockland, Island 02471 (Zip Code)
(Mailing Address)

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:

the water first applied to a beneficial use) May 1, 1980

- (1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1880

Date of priority: (When was the water first applied to a beneficial use) May 1, 1880

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.

(Name of stream, lake, spring, etc., or ground water) tributary to Snake

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Spring Creek tributary to Rock Creek, tributary to Snake River.
 which the water has been used and the time during the year when you have used the right

- (2) Describe the source of water: (Name of stream, lake, spring, etc.) Rock Creek, tributary to Snake
Spring Creek
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: _____
- (Both dates Inclusive)
(Mo., Day) (Mo., Day)

units? (eds, spd, AFA) (Domestic, Irrigation, Stock, Etc.)

Quantity Approx 1.6 Use Irrigation

Quantity 65 Use

Quantity Use

Quantity Use

Quantity Use

Quantity 2.56 TOTAL QUANTITY USED.

(Both dates Inclusive)
(Mo., Day) (Mo., Day)

Period of Use From Apr. 1 To Nov. 1
 Period of Use From _____ To _____
 Period of Use From _____ To _____
 Period of Use From _____ To _____
 Period of Use From _____ To _____

- (4) Quantity 1.6 TOTAL QUANTITY USED. 1.6

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
Twp. 9 S Rge. 31 E S.B.M., Co

(5) A) Point of diversion: (Location of point where water is diverted from its source)
 56) ~~100~~ % ~~NE 1/4~~ %, Sec. 31 Twp. 08 Rge. 31 E, S.M., County of Power
 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. Diversion dam into a ditch approx 5/8 mile in length
Diversion dam in Sec. 31 T9S, R. 10E, S. 10N

- B) Describe means of diversion of water (pump and/or gravity, etc.). Give size and capacities: be as specific as possible. Describe any changes in the system and give the changes. Diversion by diversion dam into a ditch approx 5/8 mile in length, to flood irrigate 15 acres in the SW1/4NW1/4 and SE1/4NW1/4 in Sec. 31, T9S, R. 31 E1/4, with entire flow to be returned to stream channel, except that consumed
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is in irrigation of 15 acres: not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 15

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: N/A

NOTE: Include here the type and number of stock watered: N/A
 If the person is a member of an organization, list name of organization: N/A

- (7) If you are claiming water as a member of an organization, list name of organization: 1974

RECEIVED

DEC 2-8 1999

Department of Water Resources

RECEIVED

DEC 30 1999

Department of Water Resources
Southern Region

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

A. Subcase 41-0057

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Merrill E. Walker

Address: P.O. Box 336

Rockland, ID 83221

Daytime Phone: (208) 548-2343

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Arthur H. Nielson - Bonnie F. Nielson

Address: 1655 East Center

Pocatello, ID 83201

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address Should be: _____

2. ☐ Source Should be: _____

3. ☐ Quantity Should be: _____

4. ☒ Priority Date Should be: May 1, 1880

5. ☐ Point(s) of Diversion Should be: _____

6. ☐ Instream Flow Description Should be: _____

7. ☐ Purpose(s) of Use Should be: _____

8. ☐ Period of Year Should be: _____

9. ☐ Place of Use Should be: _____

11. I object because:

☐ This water right should not exist.

☒ This water right was ~~not~~ recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): We feel IWR made an error

In setting priority date as April 30, 1880 because all Spring Creek
water was filed on by James Hunter May 1, 1880 as recorded in Book
"A" page 5 and Water Book B page 108 Cheida County Records as
indicated in Book 36 page 7 and page 55, Book of Water Locations,
Lower County. See court case # 6674, Lower County.)

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Power)

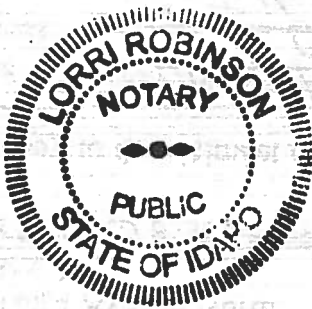
Merrill E. Walker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Merrill E. Walker
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Dec. 22, 1999



Lorri Robinson
Notary Public for Power
Residing at: Rockland
My Commission Expires: 7-23-2004

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on December 27, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Arthur H. Nielson

Address:

1655 E. Center

Locatello, ID 83201

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General

State of Idaho
PO Box 4449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of Objector or attorney
mailing on Objector's behalf

Merrill E. Walker

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)**

REF ID: A66084

DATE: 06/11/95
PAGE: 1

DIVERSION
VOLUME

0.10 CFS

0.10 CFS

Stage: DECREED

POWER County

5.0

Other Rights: NONE

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

Field Inspection Flag:
Presumption Flag:

CLAIM NUMBER

A41-00057

DATE

5/27/99

TRANSFER NUMBER

AGENT

SCC

CLAIMED ACRE TOTAL

15

GIS ACRE TOTAL

4.7

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	<u>9s</u>	<u>3/E</u>	<u>31</u>								<u>15</u>									<u>15</u>
GIS											<u>4.7</u>									<u>4.7</u>
RECOM											<u>5</u>									<u>5</u>
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B41-POU.SHP

No uses of water on South side of Creek.

SHAPE NOS.

23Allow Incece duty of water, 1 1/4 Ac : 5 Ac @ 0.10 cfs

B41-POD.SHP

8/1/01 SCC * Revised *

NOS. DESCRIPTION

17T11S, R31E, 31, SWNWNE

It is clear this POU is not irrigated now & hasn't been for since the flume was washed out years ago, but due to affidavits of neighbors stating irrigation, and in the effort of settlement, additional acres will be added to the initial Rec'd.

DBF TABLES UPDATED

B41-DBPOU.DBF

B41-DBPOD.DBF

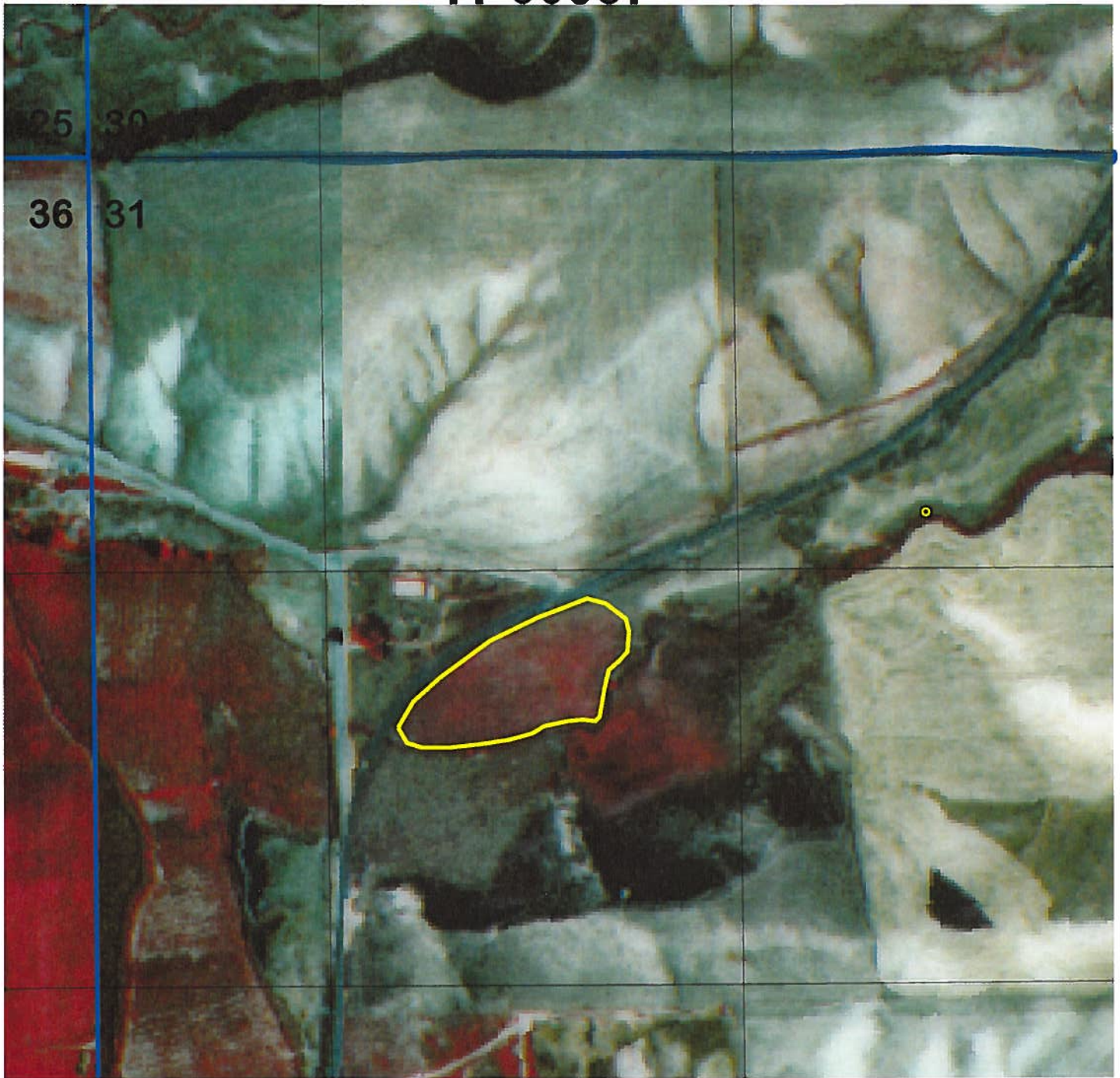
Total Acres = 11.0

JPEG LAYOUT

✓ 41-00057.jpg

IDAHO DEPT OF WATER RESOURCES

41-00057



660 0 660 1320 Feet

T9S R31E SEC. 31, SENW



- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

** Revised
8/1/01
sec*

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: May 27, 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

~~KEITH HIGGINSON~~

Governor PHILIP E. BATT

R. KEITH HIGGINSON

Director

February 10, 1995

Dear Wateruser:

In response to the Bench Ditch Irrigation Company's letter to IDWR dated January 25, 1995, this letter is being sent to all waterusers of record in the Basin 41 Water District.

As you may know, the arbitration for delivery of water that has operated in the Rockland valley for over 100 years has been very effective in allowing the delivery of water rights by the local watermaster. The box method described in the arbitration has worked to divide the waters fairly, but recent studies of the boxes have determined the actual flow rates that have been delivered for years are different than the rates listed in the arbitration. This is largely due to the fact that the box method, as applied in the valley, is not a standard measuring device.

It is IDWR's position that:

Rights recommended in the ongoing Snake River Basin Adjudication, will be based on the historical beneficial use and historical diversion rate represented by use of the box method.

Conversion to an approved, standard measuring device is encouraged but should not result in a increase in the amount of water diverted. IDWR requests, before any old diversion structure is removed or destroyed, to view and measure the historical diversion rate as delivered by the box described in the arbitration.

Any change in measuring devices or structures that results in an increase of diversion rates above the historical beneficial use will result in injury to junior right holders within the Rock Creek system.

We look forward to working with all waterusers in the district. SRBA examinations will resume in the spring of 1995 and IDWR will measure and evaluate all of the structures diverting from Rock Creek and the East Fork of Rock Creek. If you have questions please contact me at my office in Twin Falls.

Sincerely,

STEVE CLELLAND
Water Resource Agent

A41-00057

BBE

R30E R31E

ROCKLAND WEST ORTHOPHOTOAL DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
9 MI. TO INTERSTATE 84
47 MI. E INDIAN SPRINGS 7 MI. W

IDAHO

145 R 30E R 31E

144

55' 143

23

LOWER

WEST

26

25

14710

X 4967

X 4908

X 4774

X 4833

X 4890

X 4933

X 5046

X 5027

X 4974

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X 4783

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4678

4684

4689

4608

LISTING OF MAPS USED IN REVIEW OF THIS FILE

CLAIM NUMBER: A41-00057.

DESCRIPTION OF MAP	ID NUMBERS	MAP DATE	COPY IN FILE?
ORTHOPHOTOQUAD (OPQ)	<u>BB85</u>	<u>8-20-76</u>	<u>YES</u> / NO
SCS MAP	<u>(in claim file)</u>	<u>?</u>	<u>YES</u> / NO
AIR PHOTO	<u>BB85 NE #385-41</u>	<u>8-1-87</u>	YES / NO
SLM AERIAL	_____	_____	YES / NO
SUBDIVISION PLAT	_____	_____	YES / NO
TOPOGRAPHIC QUAD	_____	_____	YES / NO
GOVERNMENT LOT MAP	_____	_____	YES / NO
SCS SOILS MAP	_____	_____	YES / NO
OTHER:			
<u>TUTHILL memo</u>	<u>Deer file 41-A</u>	<u>12-6-1983</u>	<u>YES</u> / NO
<u>Soil Survey Jasper County</u>	_____	<u>1981</u>	YES <u>NO</u>
<u>C. Beckway, Jr. Exam</u>	_____	<u>6-15-90</u>	<u>YES</u> / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO

REMARKS:

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			SC 2295 6-22-95	N	6.	SC 2295 7-18-95	SC 2295 7-21-95	
POINT OF DIV	Y			(Y)	1456			
SOURCE				N				
PLACE OF USE	Y			(Y)	1456			
DIV. AMOUNT CFS/VOLUME	Y			(Y)	6. HA.	SC 2295 7-18-95		
CONSUMPTIVE USE	-			(Y)	6.			
PURPOSES	Y			N				
PERIOD OF USE	Y			(Y)	6.			
BASIS OF CLAIM	Y			N				
REMARKS	Y			N				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

24631

1 - 1655 EAST CENTER

State- ID Zip- 83201

BONNIE F.

State- ID Zip- 83201

Source +
SPRING CREEK
Tributary +
ROCK CREEK

(77) POWER

45.0

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A41-04039

FLOW RATE NOT GIVEN IN DECREE.
P/D UNDETERMINED.
BIG R FARM.

Water right number - A41-00057

Prefix Translation: ADJUDICATION CLAIM

+ - - - - - Old Water Right Numbers - - - - - +

+ - - - - - No Old Water Right Numbers found. - - - - - +

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - - Decree Plaintiff - - - + + - - - Decree Date - +
RACHEL HUNTER COX ARTHUR H. NIELSON, JR., ET. AL. 00/00/0000

+ - - Audit Fields - 04/11/90 WHITE

+ - - - - - Comments - - - - - +
No Comments Found

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/24/1987	Old Judicial District	-
Claim Received Date	- 04/10/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	-	Water District	- 41
Licensed Date	- 00/00/0000	Receipt Number	- S011944	Federal/State Indicator	- S
Claims Tape Error Flag	-	POU Ownership Flag	- Y	Presumption Flag	- D
Fee Exempt Flag	-	Name Connector	-		

LAST: NIELSON
ADDRESS: 1655 EAST CENTER
CITY: POCATELLO
PHONE NUMBER: 208-232-8063
OWNER CODE: C

FIRST: ARTHUR H.
STATE: ID ZIP: 83201

LAST: NIELSON
ADDRESS: 1655 EAST CENTER
CITY: POCATELLO
PHONE NUMBER: 208-232-8063

FIRST: BONNIE F.
STATE: ID ZIP: 83201

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: FLOW RATE NOT GIVEN IN DECREE.
P/D UNDETERMINED.
BIG R FARM.

CONTACT PERSON: _____

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 6/27/95 su APPOINTMENT MADE: Y() N() X

TIME: : A() P()

ACCOMPANIED BY: alone

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

→ located property from maps & located road & sketched ditches leading to place of use on north side of Spring Creek.
(see field notes)

C. Beckwith Exam: 6-15-90 (see attached info)

This exam confirms the findings made by me on this report.
The large Division 3 flow is made & applied to the lands
but is due to the lack of proper contact structure at the point
of Division and not due to a flow requirement of the right.
see 7-25-95

A. AJ CLAIM: # A41-00057

PRIORITY DATE: 04-30-1880

STAGE: D

B. WR RECORD: # 41-00057

PRIORITY DATE: 04-30-1880

STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

N

FIELD EXAMINER

AL

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)

REMARKS:

as

per Decree of

6-9-1980

Free also Tuffill memo of 12-6-1983

RECOMMENDED PRIORITY DATE:

04-30-1880

REVIEWED BY

SC

DATE

7-18-95

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A41-00057	11S	31E	31		SE	NW		POWER

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX
R PREFIX
NONE

NONE

SOURCE: SPRING CREEK

TRIB: ROCK CREEK

B. WR POINT OF DIVERSION AND SOURCE:

4100057 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: SPRING CREEK

TRIB: ROCK CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	Y	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	N		<u> X </u>

REMARKS:

Confirmed POD & source w/ Exam, OPO and Napp.
Found POD as mapped & listed on next page.

see 7-18-95

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:						
TWP.	RGE.	SEC.	1/4	1/4	LOT	COUNTY
9S	31E	31	SE	NE	NE	
			SW	NW	NE	
SOURCE: SPRING CREEK						
REVIEWED BY: <u>SW</u>						
DATE: <u>7-18-95</u>						

< see field notes for system diagram >

A. AJ CLAIMED USES:

PURPOSES
A41-00057 IRRIGATION

MONTH/DAY
FROM 03-15 10-11-15

DIVERSION QUANTITY
.300 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.300 CFS

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

TOTAL DIVERSION RATE/VOLUME CLAIMED

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(☒)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N() Explain in remarks, below.

REMARKS:

add season 4-1 to 10-31

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)A) TOTAL CLAIMED DIVERSION RATE:
WR ROOT RIGHT TOTAL DIVERSION RATE:0.300 CFS
CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD DATABASE EXAMINER
Y N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? ~~YES~~ N(☒) IF YES COMPLETE OVERLAP REVIEW.OTHER RIGHTS LISTED IN CLAIM: ~~A41-04039~~*None (41-4039 is not recommended as a valid right.)*

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A41-00057	SPRING CREEK	NIELSON, ARTHUR H.	0.300	0.020		
A41-04039	SPRING CREEK	NIELSON, BONNIE F.	1.700	0.113		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A41-10135	DOMESTIC	NIELSON, ARTHUR H.	FROM 01-01 TO 12-31	.040 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE 0.03
 ACRES 5.0 x 0.02 CFS/ACRE = 0.15 CFS
 (taken from P/U review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(X) N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N(X) ***

*NOTE to
perform Hottle Review.*

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 45.0 AF/A

ACRES 5 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 15.0 AF/A

H.A. Review allowed: 0.048 cfs/Ac

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 5 x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

*(Based on peak
Crop CU.
per memo #42.)
No surface water.*

0.24 cfs

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
<u>irrigation</u>	<u>4-1</u> <u>10-31</u>	<u>0.24</u>	<u>N/A</u>	<u>15.0</u>
TOTAL FOR THIS RIGHT		<u>0.24</u>		

REVIEWED BY: See

DATE: 7-24-95

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
()
()
()

NEEDS REVIEW ()
()
()
()

Per not irrigated. 7-18-95
Hester, Inc.

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 41-00057

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS

CURRENT CLAIM NUMBERS

DIVERSION RATE

CURRENT "R" CLAIM NUM.

"R" DIV. RATE

WR RIGHT NUMBERS

DIVERSION RATE

-

A41-00057

0.300

-

41-00057

TOTAL CFS

0.300

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
If NO, is the written review sheet attached? (Y/N)

DATABASE

FIELD EXAMINER

DIVERSION RATE

REMARKS:

Note

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

any additional flow rate was claimed in A41-4039 and may be recommended herein.

A41-04039 is Disallowed and recommended as this Right.

Sum 7-19-95

GRADED BORDER EVALUATION

Job name: A41-00057
By: SCC

Location: AMMON SOIL; 5 PASTURE
Date: Jul 24, 1995

Roughness coefficient (n)= 0.250 Intake family (If)=2.00
Slope (S)= 0.0200 ft/ft Border width (W)= 25 ft
Net application (Fn)= 3.60 inches Border length (L)= 200 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
0.20	Gross depth is less than required gross application depth					
0.21	Gross depth is less than required gross application depth					
0.22	Gross depth is less than required gross application depth					
0.23	Gross depth is less than required gross application depth					
0.24	0.010	16.59	12.69	0.30	21.7	
0.25	0.010	17.28	12.69	0.99	20.8	
0.26	0.010	17.97	12.69	1.68	20.0	
0.27	0.011	18.66	12.69	2.37	19.3	
0.28	0.011	19.35	12.69	3.07	18.6	
0.29	0.012	20.04	12.69	3.76	18.0	

$$\frac{0.24 \text{ cfs}}{5 \text{ Ac}} = 0.048 \text{ cfs/Ac.}$$

CLAIM NO. --- A41-00057
AGENT ----- SCC
DATE ----- 07/24/95

Lotus Program:
IRR-PRAC.WK3
Date form revised:
4/21/93 by KKC

SOIL CHARACTERISTICS

Soil Type = AMMON (1) - SILT LOAM
Source of Soils Data = Printout From SCS State Office

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow
0	13	0.19	0.21	7.4	7.8	1	3	1	2.40	2	0.55
13	60	0.19	0.21	7.4	8.4			2	2.60		
								3	7.20		
								4	9.60	alternate	
								5	12.00	method	
										NA	NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point (INCHES)	MAD
alfalfa (hay or seed)	5	0.5	6.00
corn (field or silage)	4	0.5	4.80
grain (winter or spring)	4	0.5	4.80
pasture (or grass hay)	3	0.5	3.60
other (enter below)			

FIELD NOTES AND CALCULATIONS

	FIELD 1	FIELD 2	FIELD 3	FIELD 4
FIELD WIDTH	1090	0		
IRRIGATION DAYS	14.5			
DRY DAYS	0			
SET TIME(hours)	8			
CALCULATED RUN (run = acres*43560/width)				
RUN =	200			
CALCULATED BORDER WIDTH (ditch length/irr days * cha				
WIDTH =	25			
THEORETICAL ROTATION (mad/net irr req in inches per				
SELECTED MAD =	3.6			
ROTATION =	14.5 DAYS			

PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD

Weather Station = ARBON
Figure No = 10-4

crop	acres	system	recomm.		Net Irrigation Requirement (mm/day)						
			eff.	mar	apr	may	jun	jul	aug	sep	oct
PASTURE		FLOOD	12.7		0.63	3.24	4.76	5.79	4.67	3.35	1.91
ALFALFA		FLOOD	12.7			3.54	5.64	6.22	4.54	2.43	0.41
OTHER	5							6.31			

Summary 5

(5.79 x 1.09)

Peak Net Irrigation Requirement (mm/day) = 6.31

6.31 per 15 memo #42

Program Operation based upon "GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES"
HUBBLE ENGINEERING INC. OCTOBER 1991
Soil Characteristics based upon SOIL CONSERVATION SERVICE STUDIES
Peak Irrigation Diversion based upon ALLEN & BROCKWAY WEATHER INFORMATION 1983

R30E

BIG T. FARM
R31E

5 ACRES
POU



C 9.6

D 7.5

E 12.1

F 24.5

B 10.5

A 33.6

11.4

T9S

A41-00057

ASCS MAP
from Claim file

— place of use found by Exam
is North 1/2 of field 'C'

7-18-95
SCC

NIELSON
A41-00057

Field Notes
SCC 6-27-73

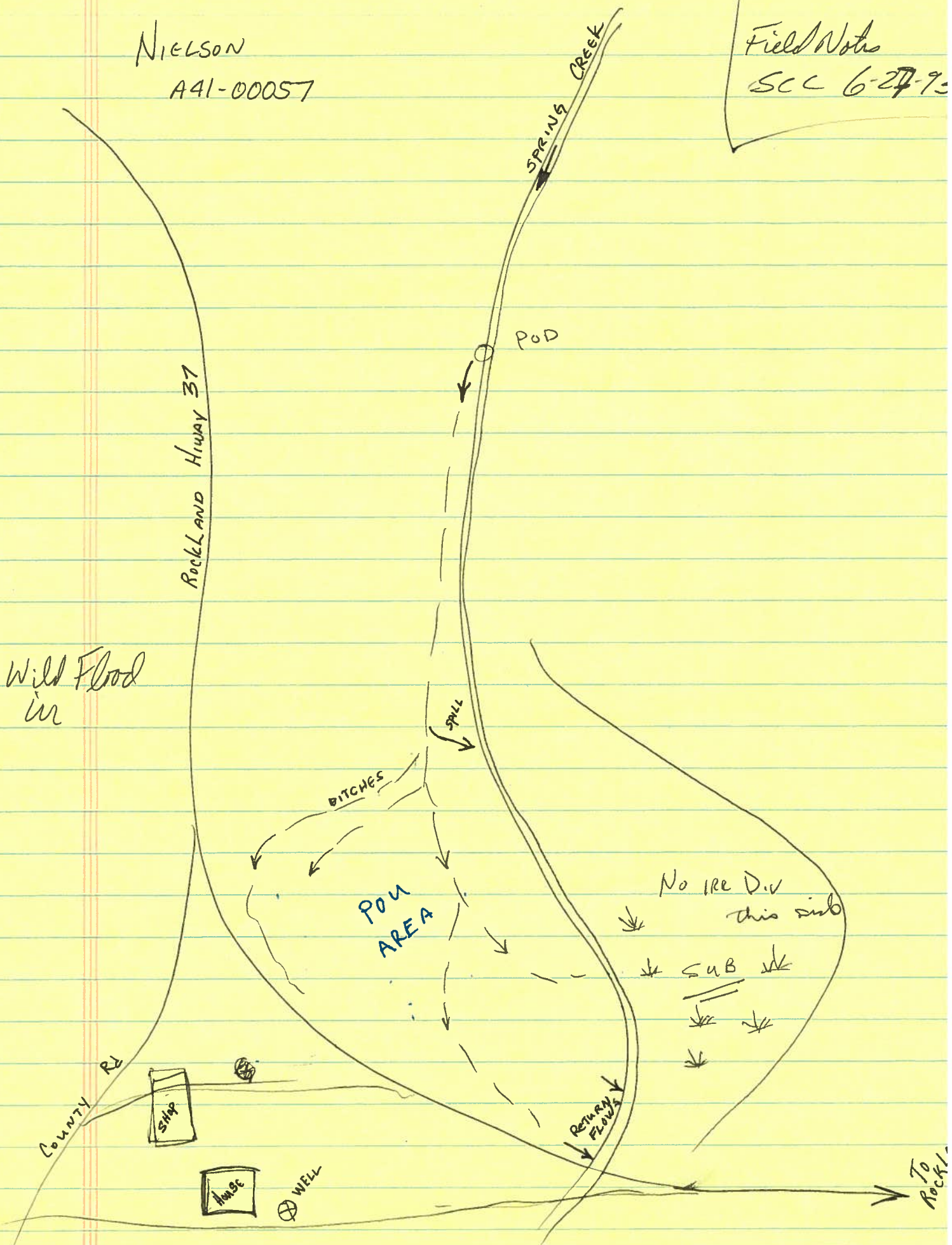


Photo. R41-21
by SCC
6-27-95

POD
Flow



POD site on Spring Creek.

View East, upstream.

No control structures,
water flows into open ditch.

A41-00057

photo: R41-21
by sec
6-27-95

SPRING
CREEK →



← Hiway 37

Flood system in use on pon.
View SW.

A41-00057

Photo: RA1-21
59-17-19
2005

Spring
↓

↓
Delivery Ditch
System.

Place of Use @ Springs Creek.

AA1-00057



CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

22-Aug-1990

Jim Woodworth
Box 124
Rockland, ID 83271

Re: Water measurements on right No. 41-00057

Dear Mr. Woodworth:

Enclosed are copies of materials documenting an investigation of your water system by Chuck Brockway, a temporary employee of this office.

If you have further questions regarding this matter, please let me know.

Very Truly Yours,

Loren O. Holmes, P. E.
Southern Region Manager

INTER-DEPARTMENT MEMO

TO: Loren

SUBJECT: Box vs. Woodworth

FROM: Chuck

DATE: _____

Jim Woodworth called 6/14/90. His neighbor has filed a suit, alleging Woodworth is diverting more water than he is putting back in to Spring Creek. Under a 1983 decree, Woodworth can divert as much as he can use, as long as it ~~to~~ finds its way back to the channel. My measurements show at least as much water going out as coming in.

- () For your information
() Response required

Signature



Jim Woodworth

Box 124

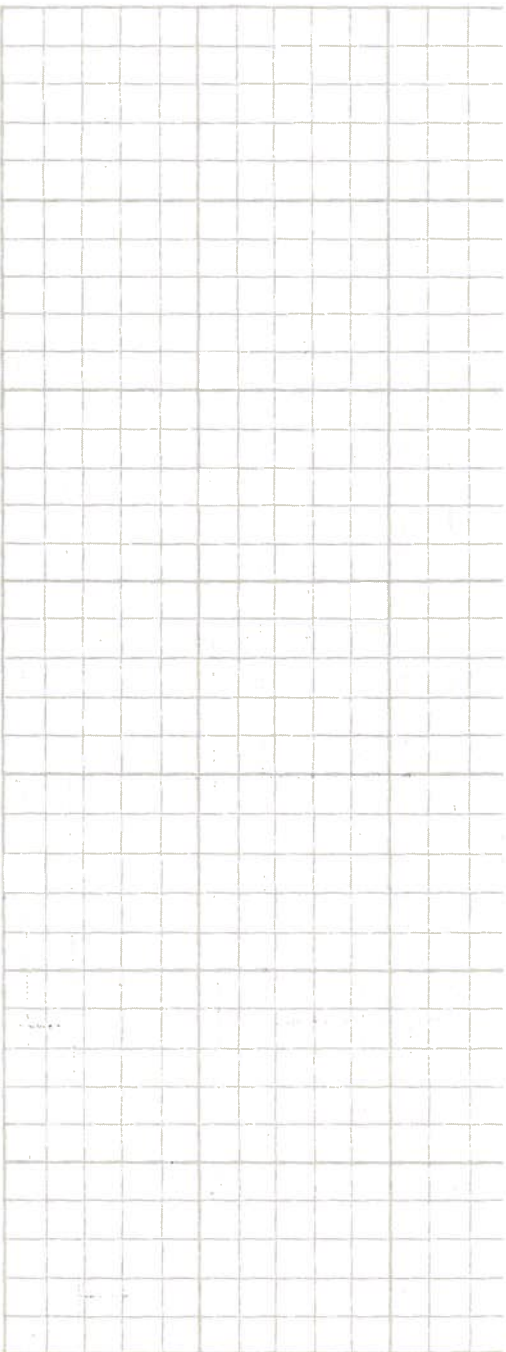
Rockland.

90

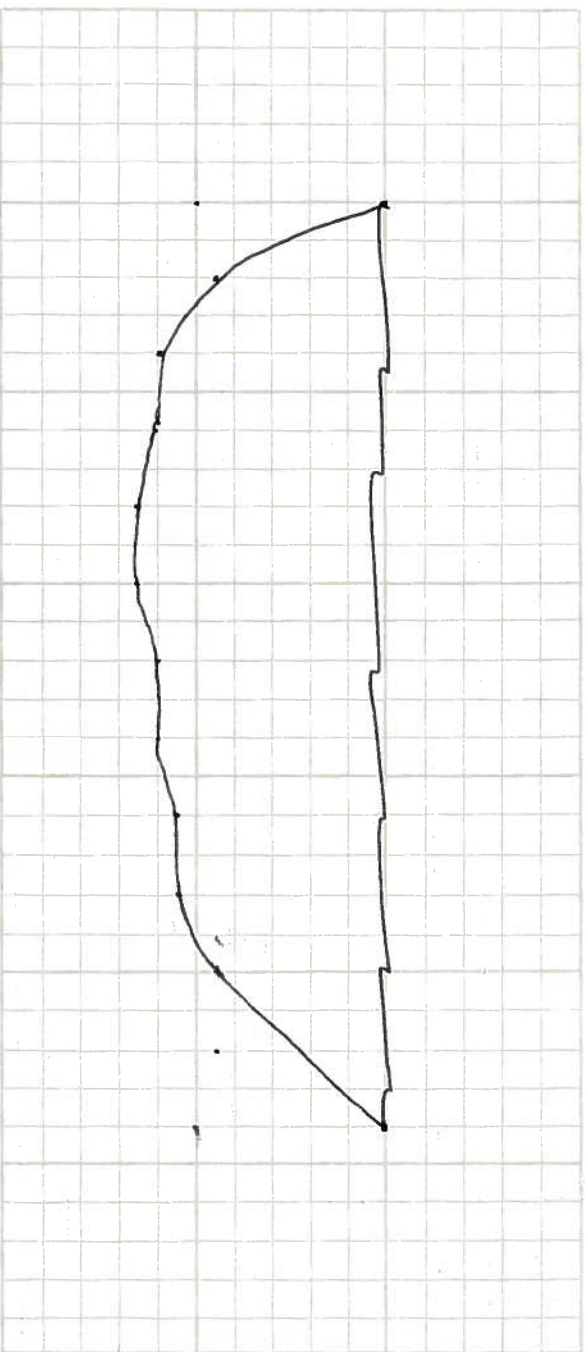
- 16

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၁၆



2. Cross-Section of Measurement
Scale 1" = 5 ft



D. SUMMARY INFORMATION

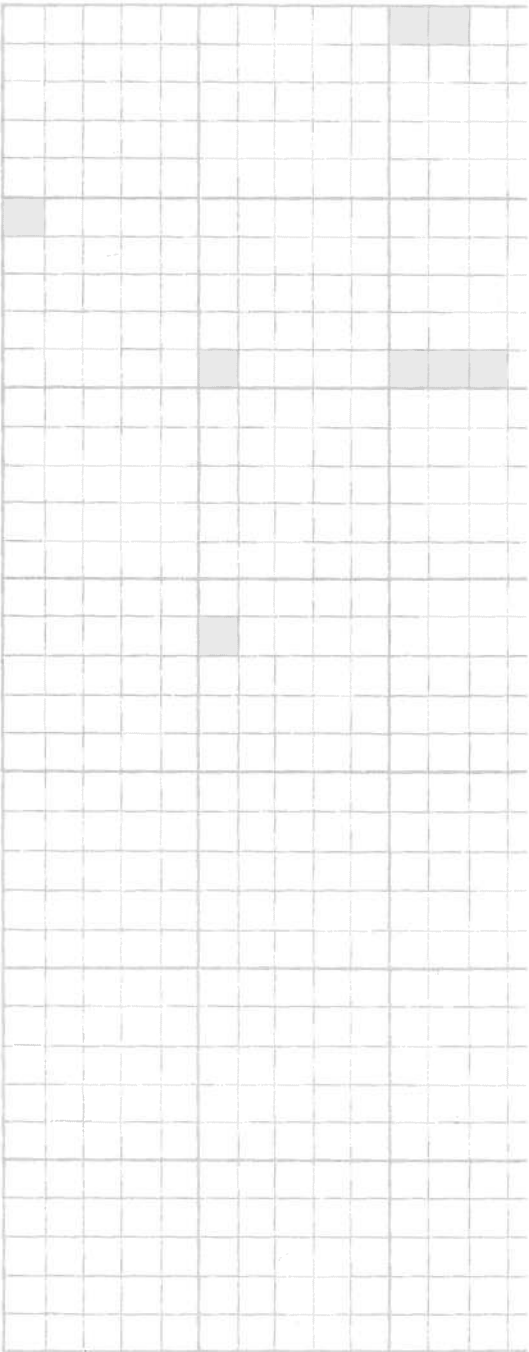
1. Measurement rated _____ excellent ☒ good _____ fair _____ poor

2. Remarks: Channel bottom a bit rocky for precise depth measurement

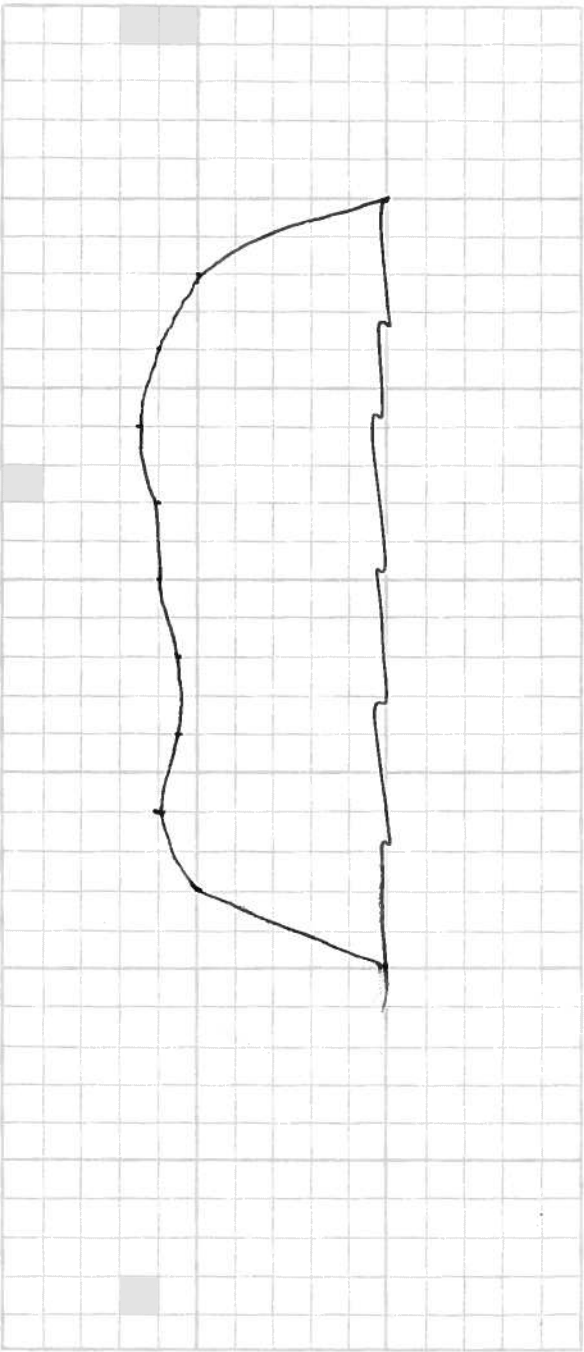
3. Width: 2.4 ft Area: 1.32 ft² Discharge in cubic feet per second: 1.80

6/15/90

[Signature]



2. Cross-Section of Measurement
Scale 1 = 0.5 ft



D. SUMMARY INFORMATION

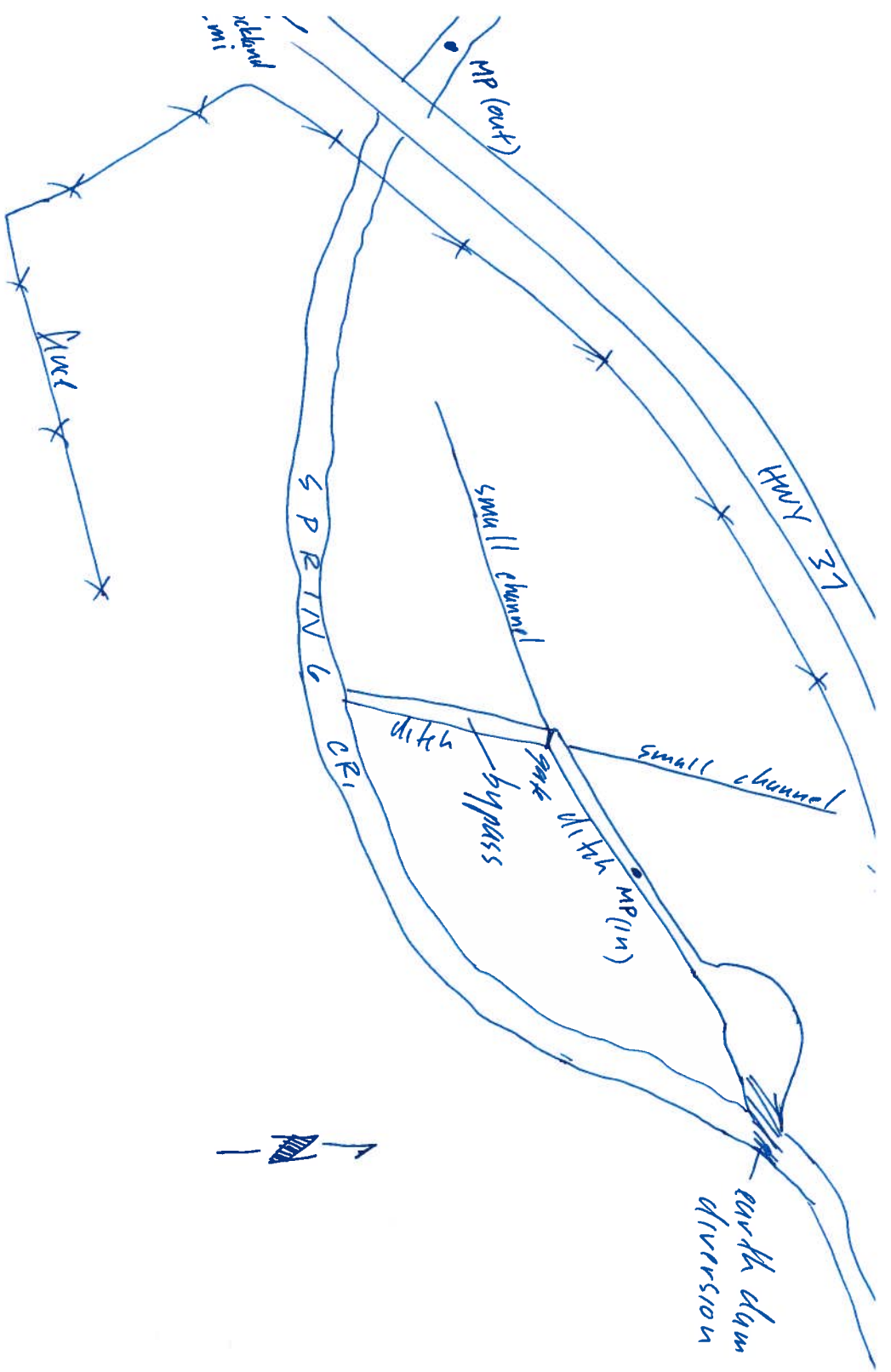
1. Measurement rated ☒ excellent ☐ good ☐ fair ☐ poor

2. Remarks: _____

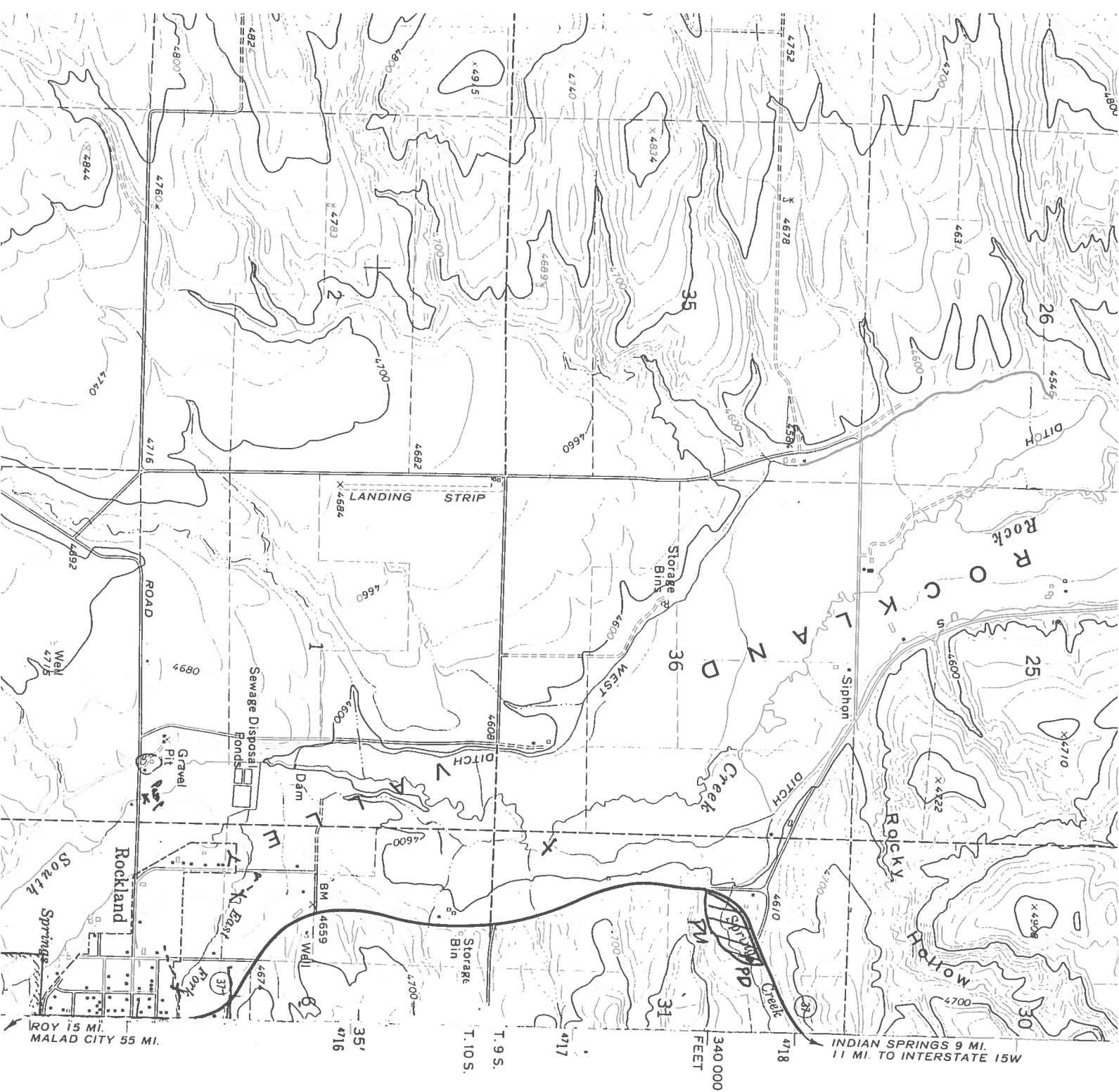
3. Width: 3.0 ft Area: 1.12 ft² Discharge in cubic feet per second: 1.66

1.115 km

1.66



Sketch by
Chuck Brockway, Jr.



00057



(inlet)



p/u 7



Measuring point
(outlet)



12 - turn down

small
reservoir at
P/D



ditch running to
P/u





STATE OFFICE, 430 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

RECEIVED

MEMORANDUM

TO: Loren Holmes

THRU: Bob Fleenor ~~3DF~~

FROM: Dave Tuthill ~~DET~~

DATE: December 6, 1983

RE: Delivery of Water on Spring Creek tributary to Rock Creek

In response to your memorandum dated October 26, 1983, this office has investigated the water right situation on Spring Creek tributary to Rock Creek.

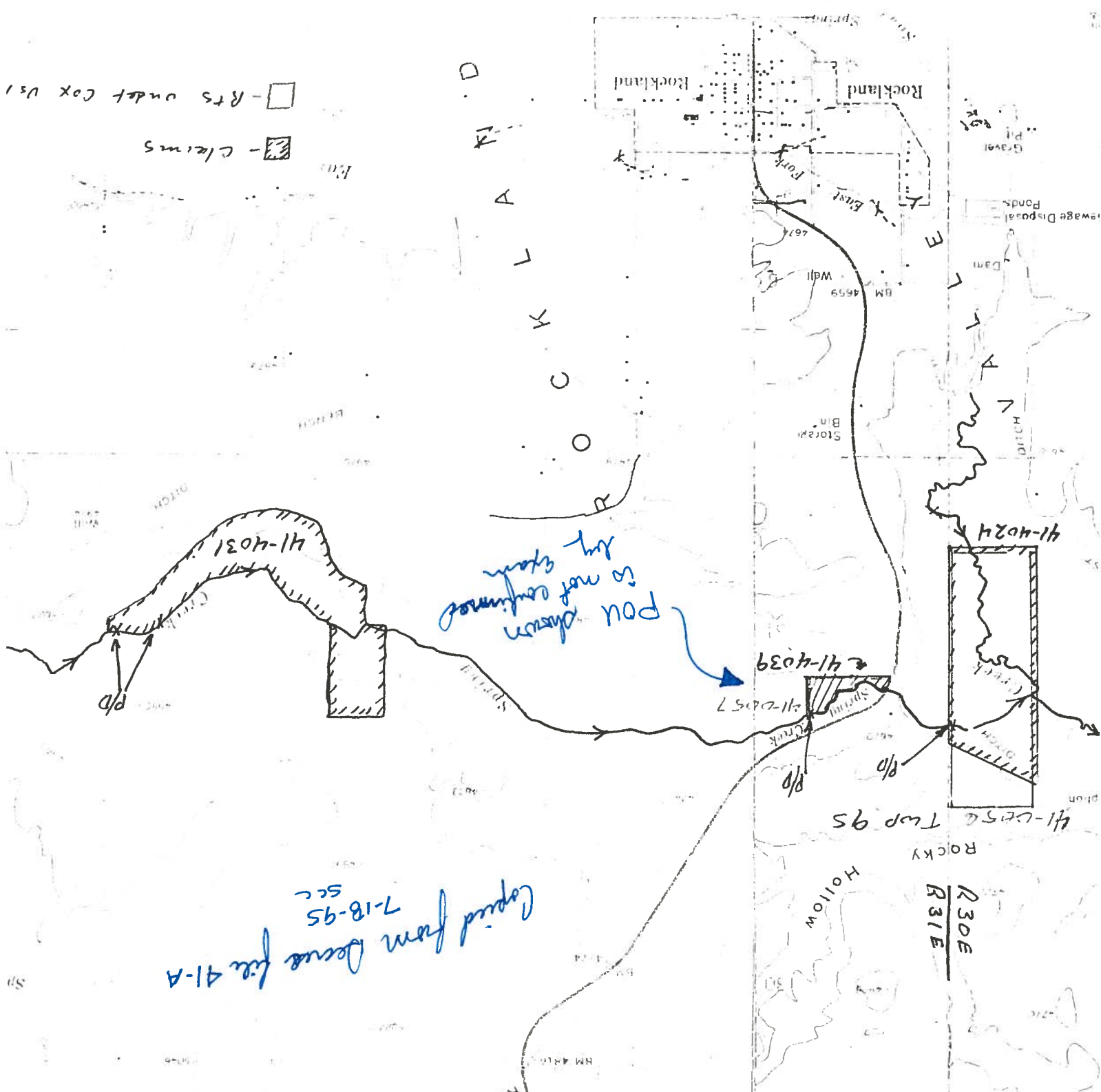
We find that the Cox v. Nielson et. al. decree identified two distinct water rights. Water right No. 41-0056 in the name of Rachel Hunter Cox has a priority date of May 1880, a rate of flow equal to the entire flow of the creek, and a place of use including three forty acre tracts. Water right No. 41-0057 in the name of Arthur H. Nielson Jr. and Bonnie F. Nielson has a priority date of just prior to water right No. 41-0056 (use April 31, 1880 for practical purposes), an undefined rate of flow and a place of use of 15 acres.

Claims Nos. 41-4024 and 41-4039 serve to clarify decreed rights Nos. 41-0056 and 41-0057 respectively, but they are not identical and thus have been recommended to retain their original numbers, recognizing that each claim seeks to further describe rather than be in addition to the associated decreed right.

Regarding water delivery, the watermaster should be instructed to deliver the two decreed rights prior to any other diversions from the stream.

Based on the above information, the following is recommended:

Copied: Dec 41-A
7-18-95
SW



□ - Rts under Cox vs 1
▨ - Claims

POU shown
is not confirmed
by state

Copied from Deeds for 41-A
7-18-95
sc

R30E
R31E

Water Right Number - 41-00057									
Prefix Translation: WATER RIGHT									
Old (D) Number -									
+ - - - - Last Name - - - - +									
+ - - - - First Name - - - +									
+ - - - - Address - - - - +									
*** C - CURRENT OWNER ***									
NIELSON, JR.									
1 -									
2 -									
3 -									
City- Phone -									
1 -									
2 -									
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City- Phone -									
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