

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

Ident. Number: A41-10058
Date Received: 3/08/1990
Receipt No: M006177
Received By: De

Department of Water Resources
Southern Region Office

1. Name: FAROLD NELSON
Address: BOX 177
ROCKLAND, ID

83271

Trib. to: ROCK CREEK, SOUTH FORK

Township 10S	Range 31E	Section 23	1/4 of NW	1/4 of SW	Lot	County POWER
-----------------	--------------	---------------	--------------	--------------	-----	-----------------

6. Water is used for the following purposes:

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

Acre Feet Per Annum.

S/ UP TO 400 HEAD CATTLE

Township	Range	Section	1/4 of	1/4 of	1/4 of	1/4 of	Acres
10S	31E	23	NW	SW	SE	NE	

Date: 03/08/90

MICROFILMED
MAR 02 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A41-10058Date Received 3/7/90Receipt Number MO06177NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) FAROLD J. NELSON Phone () 548-2261Mailing Address Box 177 Rockland, Idaho Zip 832712. Date of Priority (Only one per claim) JUNE 1, 1928 Month/Day/Year3. Source of water supply (Check one) () Groundwater or Other (x) (a) unnamed springwhich is tributary to (b) South Fork, Rock Creek Name or kind of source4. Location of point of diversion is: Township 10, South Range 31 EBMSection 23, NW 1/4 of SW 1/4 SW Govt. Lot SW, BM.,County of Lower

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. SPRING RISES IN SECTION 23 & FLOWS SOUTHWESTERLYUSED IN STREAM FOR STOCKWATERING PURPOSES

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For stock water purposes from January 1 to December 31 amount .12 (cfs)

(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .12 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 400 plus adult cattle plus progeny

MICROFILMED

MAR 02 1993

10. Place of use is: Township: 10 S Range 31 E BM
Section 23 , NW 1/4 of SW 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Power

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
() None or _____

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Harold Nelson Date 3/7/90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Power) SS.

Subscribed and sworn (or affirmed) before me this 7th day of March 1990

SEAL

Notary Public Bern Carrames

Residing at Am. Falls, Idaho

My Commission Expires 11/5/91

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MAR 02 1993

MICROFILMED

AJ5809NP
No. R41-10058

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/16/97
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FAROLD NELSON PO BOX 177 ROCKLAND ID 83271 (208) 548-2261	06/01/1928	STOCKWATER	01-01 12-31	0.12 CFS	
TOTAL DIVERSION:					0.12 CFS	

Water Source: SPRING

Tributary to: ROCK CREEK, SOUTH FORK

Stage: BENEFICIAL USE

Point(s) of Diversion: T10S R31E S23 NWSW POWER County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
10S 31E 23 :															

POU County: POWER

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP S/ UP TO 400 HEAD CATTLE

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 41 Field Inspection Flag: Presumption Flag:

RP D2174-00

partial decree
7-24-98
p



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

STEVE CLELLAND

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

A41-10058

F. NELSON

AJ5856NP

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

DATE: SEP-24-1997

PAGE: A-24

RIGHT NUMBER: 41-10058

NAME & ADDRESS: FAROLD NELSON
PO BOX 177
ROCKLAND ID 83271

SOURCE: SPRING TRIBUTARY: ROCK CREEK, SOUTH FORK

QUANTITY: 0.12 CFS

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

PRIORITY DATE: 06/01/1928

POINT OF DIVERSION: T10S R31E S23 NWSW Within POWER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.12 CFS

PLACE OF USE: STOCKWATER Within POWER County
T10S R31E S23 NWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
S/ UP TO 400 HEAD CATTLE

Decreed: 7/24/98

AJ5809NP
No. R41-10058

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/15/97
PAGE: 113

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FAROLD NELSON BOX 177 ROCKLAND ID 83271 (208) 548-2261	06/01/1928	STOCKWATER	01-01 12-31	0.12 CFS	
TOTAL DIVERSION:					0.12 CFS	

Water Source: SPRING

Tributary to: ROCK CREEK, SOUTH FORK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T10S R31E S23

NWSW

POWER County

Place of use legal Description for: STOCKWATER

	NE	NW	SW	SE
T R S	NE NE	NE NW	NE SW	NE SE
10S 31E 23	NE NE	NE NW	NE SW	NE SE

POU County: POWER

Non-Irrigation Uses: S/ UP TO 400 HEAD CATTLE

Other Rights: NONE

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 41

Field Inspection Flag:

Presumption Flag:

Comments:

Date: 09/23/1992 User-ID: THORNTON Subject: CHANGE IN RECOMMENDATION
CHANGED SOURCE FROM UNNAMED SPRING TO SPRING

Audit:

03/19/91 BAUMHOFF

09/23/92 THORNTON

03/30/95 POST-STD

DATA ENTERED BY: SW
DATE: 9-23-97

DIVERSION
VOLUME

0.12 CFS

0.12 CFS

Stage: BENEFICIAL USE
POWER County

MSW

NW

POU county: POWER

Non-Irrigation Uses: S/ UP TO 400 HEAD CATTLE

Other Rights: NONE

Verified Date:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 09/23/1992 User-ID: THORNTON Subject: CHANGE IN RECOMMENDATION
CHANGED SOURCE FROM UNNAMED SPRING TO SPRING

Audit: 03/19/91 BAUMHOFF 09/23/92 THORNTON

CLAIM NO. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
FOR DOMESTIC AND STOCKWATER CLAIMS IN PLACE OF A CVR

1. ☐ No Change NAME:
☐ NEW OWNER: _____
☐ No Change ADDRESS:
☐ NEW ADDRESS: _____
☐ DATA ENTRY STANDARDS CHECKED?
2. ☐ No Change - DATE OF PRIORITY: No Field Verification Needed.
☐ CHANGE- Priority date, per claimant, is _____.
(if the priority date, based on your exam, seems questionable,
explain in COMMENTS.)
3. ☐ No Change - SOURCE:
☐ CHANGE - Different Source found: _____
4. ☐ No Change - POINT OF DIVERSION:
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4

Note: If the 10-acre tract is shown on the claim, then
verification of the 10-acre parcel is needed. Otherwise the
10-acre tract is not required, unless the source is a spring.

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS:
☐ Incomplete desc., complete items missing, IF KNOWN.
HP of pump _____ Static water level _____ Well depth _____
Casing size _____ Pumping water level _____ Gravity flow _____
Method of irr. _____
6. ☐ No Change - WATER USES:
☐ Different uses, (list uses found).
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☐ No Change - TOTAL VOLUME:
☐ Change found, The new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☐ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____
☐ DATA ENTRY STANDARDS (correct to..)

10. ☐ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4, 1/4

11. ☐ Checked: N/A

12. ☐ Checked: N/A

13. ☐ No change - OTHER RIGHTS FOR SAME USE:
☐ CHANGE: _____

14. ☐ None REMARKS: (copy existing remarks to comments in "R")
☐ Add the following standard remarks:
LIST STANDARD REMARKS FOR THE RECOMMENDATION:

15. ☐ BASIS OF CLAIM VERIFIED AS: D - L - P - S - J (circle one)

COMMENTS:(pertinent to field examination)

ATTACHMENTS: Attached to Attachments are
 This Form. in Permit File.

PHOTOS

MAP

SYSTEM DIAGRAM

☐
☐
☐

☐
☐
☐

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Signature _____

REVIEWED BY/DATE: _____

DATA ENTRY BY/DATE: _____

VERIFICATION BY/DATE: _____

Water Right Number - A41-10058

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

Last Name - - - - - + First Name - - - - - +

Address - - - - - +

*** C - CURRENT OWNER ***
NELSON

FAROLD

1 - BOX 177
2 -
3 -

City- ROCKLAND
Phone - 208-548-2261

State- ID Zip- 83271

Priority Date - - - +
06/01/1928

Region - - - +
17 SOUTHERN

Stage - - - +
J - BENEFICIAL USE

Status - - - +

Source - - - - - +
SPRING

Tributary - - - - - +
ROCK CREEK, SOUTH FORK

Trn Rng Sec Tract Lot Rflg County Point of Diversion - - - - - + Stream Index (Blank if no Index Code)

10S 31E 23 NW SW (77) POWER

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

04 - STOCKWATER

01/01

12/31

0.120

Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - + Total Consumptive Use - + Km Usage - +
0.120

Trn Rng Sec Tract Lot Acres Code Description County

10S 31E 23 NW SW

04 STOCKWATER

(77) POWER

- - - Diversion Means - SPRING TO INSTREAM USE

- - - Non-Irrigation Use - S/ UP TO 400 HEAD CATTLE

- - - Other Rights for Same Use - NONE

Remarks - - - - - +
No Remarks found.

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

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

Decree Plaintiff - - - + Decree Defendant - - - + Decree Date - +
00/00/0000

- - - Audit Fields - 03/08/90 MOBILE2 04/18/91 BAUMHOF

Prefix Translation: ADJUDICATION CLAIM

No Comments Found

Count Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	35976
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	03/07/1990	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Proof Due Date	-	00/00/0000	Receipt Made Date	-	00/00/0000	Water District	-	
Licensed Date	-	00/00/0000	Receipt Number	-	M006177	Federal/State Indicator	-	S
Claims Tape Error Flag	-		POU Ownership Flag	-	Y	Presumption Flag	-	
Fee Exempt Flag	-		POU Connector	-	AND		-	