

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

Ident. Number: A41-10235
Date Received: 7/ 8/1999
Receipt No: S022350
Received By: Sw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EXCALIBUR RANCHES INC 208-548-2311
Address: PO BOX 357
ROCKLAND ID 83271

2. Date of Priority: APR 1, 1908

3. Source: ROCK CREEK, EAST FORK Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	31E	5	NW	SW	SW		POWER

5. Description of diverting works:
VIA TYLER DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	31E	31	NW	NW	1	IRR	0.5
			SW	NW	2	IRR	10.0
			NE	SW		IRR	0.6
			NW	SW	3	IRR	7.5
			SW	SW	4	IRR	5.5

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	31E	31	SE	SW		IRR	11.0
						Section Acres	35.1
10S	31E	6	NE	NW		IRR	0.6
			NW	NW		IRR	0.3
			SE	SW		IRR	19.0
						Section Acres	19.9
						Total Acres	55.0

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:
41-00028, 41-00024A

14. Remarks:

USE OF THIS RIGHT WITH RIGHT NO. 41-00024A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 55.0 ACRES IN A SINGLE IRRIGATION SEASON.

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 Organizations:

I do solemnly swear or affirm that I am VICE - PRESIDENT of
Title
EXCALIBUR RANCHES INC., that I have signed the foregoing
Organization
document in the space below as VICE - PRESIDENT of
Title
EXCALIBUR RANCHES INC. and that the statements contained in the
Organization
foregoing document are true and correct.

Alan L. German
Signature of Authorized Agent

V-PRES Excalibur Ranches Inc
Title and Organization

7/8/99
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of July 19 99

Shirley A. Allen
Notary Public

Seal

Residing at Twin Falls ID
My Commission Expires 12/7/2000

Clelland, Steve

From: Clelland, Steve
Sent: Wednesday, September 04, 2002 2:34 PM
To: Clelland, Steve; Jones, Doug
Cc: Kelly, Vicki; Spencer, Nick
Subject: RE: fix an error... 41-10235

Doug,

I have reviewed this with Nick. Given these 3 rights (41-24A, 41-28 & 41-10235) have all been Partially Decreed and now moved into the WR database it would be much simpler and quicker to correct the POU with a Transfer rather than dragging them back into the court processes. I will leave it up to you to delegate this notice (to the owner) to the appropriate staff person.

Steve

-----Original Message-----

From: Clelland, Steve
Sent: Wednesday, September 04, 2002 11:12 AM
To: Spencer, Nick
Cc: Kelly, Vicki; Jones, Doug
Subject: fix an error... 41-10235

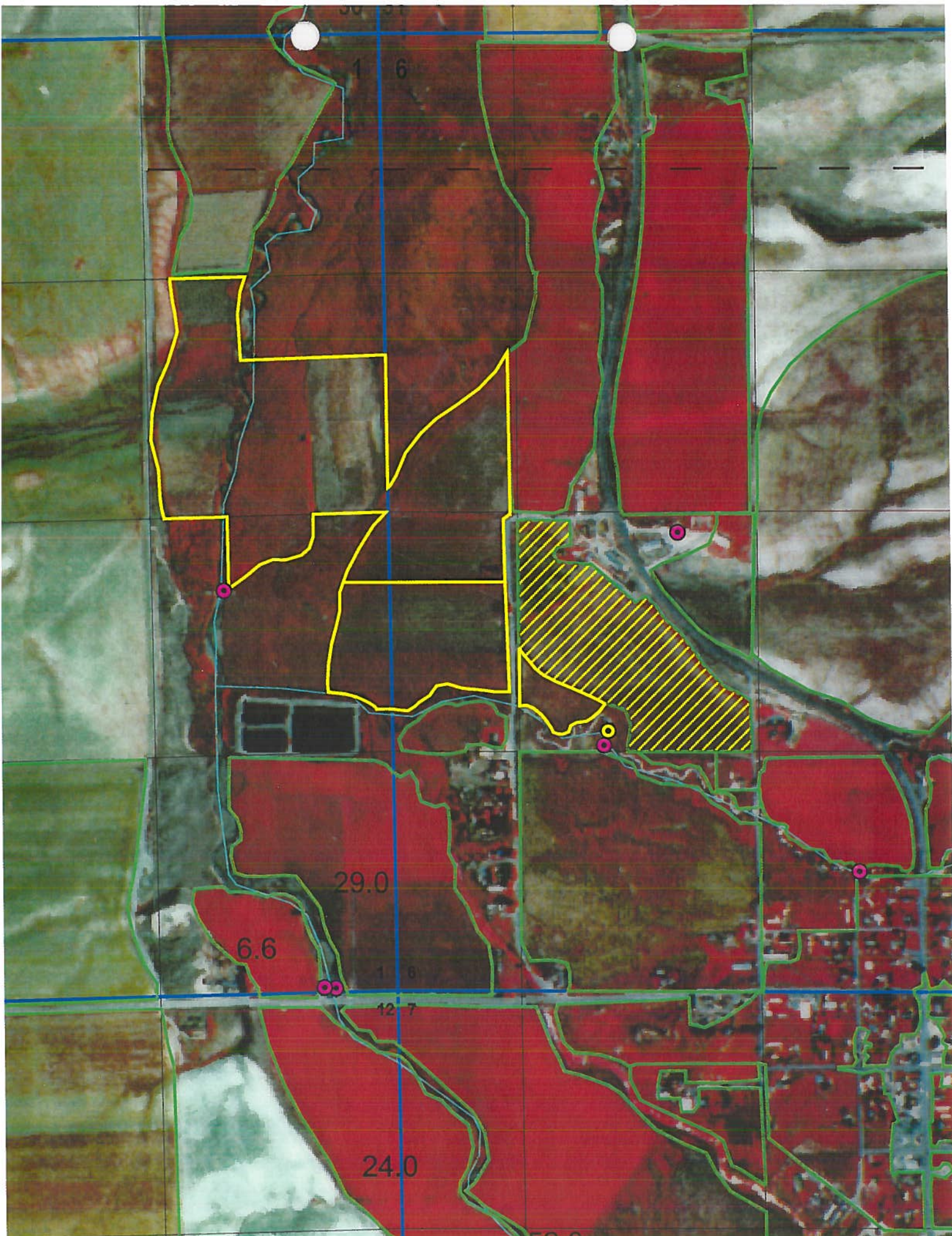
Nick,

This is to remind you (and me) of the issue I brought before you back in July 15th... this right, 41-10235, incorrectly lists SESW of S6 and it actually should have listed NESW as the correct tract. This is a high water claim based on 41-24A which also claimed this incorrectly.

Can we fix this as a clerical error? You were going to discuss this with Susan, holler if you need a refresher on the details, I know I do.

Steve

fix w/ Transfer !!
7-10-02
(per Doug Jones)
list SESW, S6
(not owned!)
should be NESW
rights - 41-24A
-28
-10235
-24A also 19A.
list SESW -28 also!
-24A claimed SESW
- no dig filed for POU, only Q
(GIS layout is okay)
7/15/02 met w/ Nick: maybe
own Decreed fix
→ Fix email to Nick 9-4-02



1/11/02

41-28

24A

10235 (HW)

} are the Tyler D.
Rights

Callin 5:15 pm
1/14

* 10235 is okay even
tho not = 60"
55" will be okay

on Monday PM)
- check to
see if this is
Partial Decree
YES

* needs obj to 41-28 to ↑ Q
to 60" < Alter/Amand >

(we agree based on same
context as 27C)

d. 3/12/01

41-27C

10236 (HW)

} are the Lance/Payne D

* - 27C sts conf agreed to
↑ Q as claimed 1.74 cts

* 10236 Merrill P. is okay w/ the
lesser amount of 1.28 cts
- he says okay



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

RECEIVED

MAY 31 2001

Department of Water Resources
Southern Region

May 29, 2001

Mr. Merrill Permann
P.O. Box 357
Rockland, ID 83271

RE: SRBA Subcase number 41-10235

Dear Mr. Permann:

In the telephone status conference held on April 30, 2001 with the Department of Water Resources (IDWR), an agreement was reached on how to settle your objection to the recommendation of water right 41-00027C. Discussion was to continue as to what amendments were necessary on right 41-10235.

Senior Water Agent Steve Clelland hasn't heard from you since the April 30th conference. At your earliest convenience, please call him at the IDWR Southern Regional Office at 208-736-3033. He'll be happy to discuss what amendments need to be made to the 41-10235 right so that a Motion to Amend Claim can be filed with the SRBA Court. Because of the combined use limit involved, the objection to 41-00027C can't be resolved until IDWR hears from you on the amendment of 41-10235.

If there is anything further I can help you with, please don't hesitate to call me at 208-327-5458.

Sincerely yours,

Vicki Kelly
Paralegal
Idaho Department of Water Resources

CC: Steve Clelland, Southern Regional Office

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. _____

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland



6/4/2001 1:45 PM

NAME :

RE:

RON NELSON

CALLIN

STS CONF.

He was calling to see what was needed for the meeting on the 15th. I told him the basics. He told me his dad had a heart attack and he would like to get this all resolved ASAP. Phone 548-2394

RECEIVED

JAN 03 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)

A. Subcase 41-10235

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

RECEIVED

JAN 13 2000

Department of Water Resource
Southern Region

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Merrill Permann

Address:

P.O. Box 357

Rockland, Idaho 83271

Daytime Phone: 208-548-2311

Name & Address of Attorney, if any:

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

Name:

Excalibur Ranches Inc

Address:

P.O. Box 387

Rockland, Idaho 83271

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: 1.2 CFS
4. ☐ **Priority Date**
Should be: _____
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):

This right has always been used to irrigate a
minimum of 67 acres, and a maximum of 77
Acres. We purchased the farms with the right and
have always used the water. We are still short
of water with 1.2 CFS let alone 1.1 CFS.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.

County of Power)

Merrill Permann , 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 Permann
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Dec 29, 1999

Kimi H. Huan
Notary Public for Idaho
Residing at: Rockland
My Commission Expires: 1/12/02

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 29 Dec., 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:

Address:

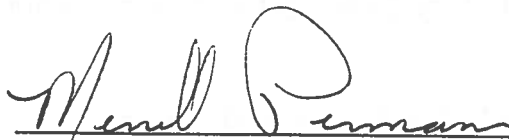
Excavator Ranch Inc
P.O. Box 387,
Rockland, Idaho 83271

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

Water Right Number - R41-10235

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
EXCALIBUR RANCHES INC

1 - PO BOX 357
2 -
3 -
City- ROCKLAND
Phone - 208-548-2311

State- ID Zip- 83271

Priority Date - - - +
04/01/1909

Region - - - +
17 SOUTHERN

Stage - - - +
J - BENEFICIAL USE

Status - - - +

Source - - - - - +
ROCK CREEK, EAST FORK

Tributary - - - - - +
ROCK CREEK

Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

10S 31E 5 NW SW SW (77) POWER TYLER DITCH

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

01 - IRRIGATION 04/01 10/31 1.100

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

1.100

+ - Total Consumptive Use - + - KW Usage - +

0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	31E	31	NW NW	1	0.5	01	IRRIGATION	(77) POWER
09S	31E	31	SW NW	2	10.0	01	IRRIGATION	(77) POWER
09S	31E	31	NE SW	3	0.6	01	IRRIGATION	(77) POWER
09S	31E	31	NW SW	3	7.5	01	IRRIGATION	(77) POWER
09S	31E	31	SW SW	4	5.5	01	IRRIGATION	(77) POWER
09S	31E	31	SE SW	11.0	11.0	01	IRRIGATION	(77) POWER
10S	31E	6	NE NW	0.6	0.6	01	IRRIGATION	(77) POWER
10S	31E	6	NW NW	0.3	0.3	01	IRRIGATION	(77) POWER
10S	31E	6	SE SW	19.0	19.0	01	IRRIGATION	(77) POWER

Total Acres: 55.0

- - - Diversion Means - VIA TYLER DITCH

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 41-00028, 41-00024A

POU1 USE OF THIS RIGHT WITH RIGHT NOS. 41-00024A & 41-00028 ARE

Prefix Translation: RESEARCH

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39570
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	- 07/08/1999	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S02350	Water District	- 41
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-