

RECEIVED

502

AUG 31 1999

Department of Water Resources
Southern Region

GIS ✓

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: A41-10264
Date Received: 3/2/1990
Receipt No: S022509
Received By: Sc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EVELYN ROPER 208-548-2464
Address: PO BOX 246
AMERICAN FALLS ID 83211

2. Date of Priority: JUN 7, 1903

3. Source: ROCK CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	30E	15	NW	NE	SE		POWER

5. Description of diverting works:
CONCRETE CHECK DAM AND DITCHES, PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	8.000		

7. Total Quantity Appropriated is:
8.000 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	30E	10	SW	SW		IRR	20.0
			SE	SW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	30.0
		15	NE	NE	IRR	5.0
			NW	NE	IRR	35.0
			SW	NE	IRR	35.0
			SE	NE	IRR	30.0
			NE	NW	IRR	35.0
			NW	NW	IRR	30.0
			SE	NW	IRR	5.0
					Section Acres	175.0
					Total Acres	205.0

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:

41-00041A, 41-02024 & U.S. DITCH (41-00039 & 46)

14. Remarks:

THIS WATER HAS BEEN HISTORICALLY DIVERTED VIA A DRY DAM INTO THE FRODSHAM DITCH. DOCUMENTED FLOWS IN THE ROCKLAND DECREE SUPPORT FLOW RATES UP TO 400 INCHES AS USED FOR MINING UNDER THE OLD DECREE NUMBERS 41-00042 & 41-00047.

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.

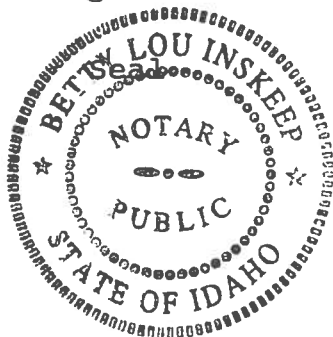
Signature of Claimant(s): Evelyn Roper Date: 8/30/99
_____ Date: _____

State of Idaho)
County of Power) SS.

Subscribed and sworn (or affirmed) before me this 30TH day

of August 19 99

Betty Lou Inskeep
Notary Public



Residing at Albion, Idaho

My Commission Expires 11-3-2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

September 1, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EVELYN ROPER
PO BOX 246
ROCKLAND ID 83271

RE: High Water Claims Filed A41-10263 & A41-10264

Dear Mrs. Roper,

Enclosed is the receipt for your payment of the fees upon filing of your high water claims. The claims are properly filed and recorded.

If you have further questions feel free to call me.

Sincerely,

A handwritten signature in cursive script, reading 'Steve Clelland'.

STEVE CLELLAND
Sr. Water Resource Agent

Enc:

COMMUNICATION DOCUMENTATION

He faxed me a part of the water right records of the decree book and asked how to record it for the claim of high-water. I told him he needs to clarify the statement, "... all seepage, percolation or non-use of upstream water..." and describe the exact elements of the water right he has used historically. I reminded him now is the time to prove or dis-prove all the rights that will exist from this point forward.

SOURCE Rock Creek and tributaries

in the matter of the application of H. F. Moutz, et al,
for the arbitration of the claims to the use of the waters
of Rock Creek and tributaries

WATER DIST 29
JUDICIAL DIST 5
DATE OF DECREE Jun 6, 1903
COUNTY Power
(arbitration)
JUDGE Frank Oa
RECORDED
IN BOOK NO 1

29	FM	DECEASED OWNER	NAME	PRESENT OWNER	INCHES AMT SEC. FLO.	PRIORITY	SUBDIV.	DIVERSION SEC. TWO	REMARKS. AND TO BE IRRIGATED
1		Joseph Brown			MAIN CHANNEL all	ROCK CREEK regardless of other claims trib.	ROCK CREEK Brown's Springs trib. to Rock Creek	E1, SE, SE NE, sec. 19; SW SW, sec no land description given in dec	
2		United States Ditch			50	5-1-80	main channel Rock Creek	" " " "	
3		United States Ditch			350	6-1-81	main channel Rock Creek	" " " "	
4	400	N. H. Filbrick			400	9-15-82	Rock Creek	" " " "	
4	50	N. H. Filbrick			50	9-15-82	main channel Rock Creek	" " " "	
5		West Ditch			275	5-4-84	main channel Rock Creek	note: all seepage, percolation or non use of upstream water to be added to Filbrick total. west side lower Rock Creek	
6		Hyrum Hartley			48	5-8-84	lander Creek & trib. Springs, trib. to Rock Creek	SE NW, SE NE, sec 22, SW NW, sec 23	
6		Hyrum Hartley			18	5-8-84	"	" " " "	
7		J. I. May						" " " "	
7		Jude A. May						" " " "	
7		Ed Hunter						" " " "	
7		Peter Halling						" " " "	
7		Peter Hansen						" " " "	
7		Nelson Davis			50	5-15-84	main channel Rock Creek	no land description given in dec note: this water to be distributed water users adopted custom.	
7		Robert Hillhouse						" " " "	
7		William Clark						" " " "	
7		James Frodsham						" " " "	
7		William Kelly						" " " "	
7		Issac Horn						" " " "	

10/15/99

	<u>ROPER</u>	REVIEW	See 100% (overlup)
41-00041 A	1.5 cfs	168.0 AC	
- 02024 (GW)	1.45 cfs	195.4 AC	←
		195.4 AC	

(HW) 41-10263	1.5 cfs	168.0 ~~205.0~~ AC
---------------	---------	------------------------------

(Claimed
8.0 cfs)
41-10264 (New Claim) Based on Beneficial use. 168.0 AC

this claim is based on the abandoned mining uses as described in the Old Decree numbers 41-00042 & 41-00047. Supports flows of up to 400"
The Decree makes it clear this right was not used for irrigation or during irrigation season and therefore the earliest date the right could be appropriated would be after the decree in 1903.
Given the late date of priority and the fact the POU is on the end of the Rock Creek;
~~It is being recommended as 6-7-1903.~~

Combined duty: 168 AC covered by these rights:

- 41 A	.0089 cfs/AC	(MAIN)
- 2024 (GW)	.0074	(Alt. Source)
- 10263 (HW)	.0089	(High Water)
- 10264		

US Ditch (39/46) (.6") ~~6~~ .0120 (TRUE RATE?)
→
2210 cfs/

10/15/99

	<u>ROPER</u>	Review	See %
41-00041 A	1.5 cfs	168.0 AC	(100% overlap)
- 02024 (GW)	1.45 cfs	195.4 AC	←
		195.4 AC	

(HW) 41-10263	1.5 cfs	~~205.0~~ 168.0 AC
---------------	---------	---------------------------

(Quimed
8.0 cfs)
41-10264 (New Claim) Based on Beneficial use. 168.0 AC

this claim is based on the abandoned mining uses as described in the Old Decree numbers 41-00042 & 41-00047. Supports flows of up to 400"
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Given the late date of priority and the fact the POU is on the end of the Rock Creek;
~~It is being recommended as 6-7-1903.~~

Combined duty: 168 AC covered by these rights:

- 41 A	.0089 cfs/AC	(MAIN)
- 2024 (GW)	.0074	(Alt. Source)
- 10263 (HW)	.0089	(High Water)
- 10264		

US Ditch (39/46) (.6") ~~6~~ .0120 (TRUE RATE?)
212 cfs/

KOPER

10/15/99
Sen

Combined duty:

Main right (41A) combined with standard uniform rate allowed under US Ditch (39 & 46) gives 1" / AC. How much to allow from "New Claim" (10264)?

- High Water can be added w/o problems.
- Well water can be allowed at full flow w/ some limit to combined flow rate.

* Decree Notes: 41-00041

decree finds 100 acres & 100" water limit of 1" / Acre is valid here.

Revised alternate:

- 41 A	75"	75 AC. ^{Limit}	0.02 cfs / AC
- 2024	72.5"	195.4 AC.	.007
- 10264	(okay as high water flow only)		

{ US Ditch $\left(\begin{smallmatrix} 597 \text{ AC} \\ - 350 \text{ AC} \end{smallmatrix} \right) = 247 \text{ AC}$ w/o water when applied at 1" / AC }
most of the 247 is from the 168 overlap here

therefore,

allow $\frac{195.4 \text{ AC}}{168} - 75_{\text{AC}} = 120.4 \text{ AC.} \neq 120" \left(\begin{smallmatrix} 2.4 \\ \text{cfs} \end{smallmatrix} \right)$

- 120⁶⁴ claim:

120.4 AC

120.4" (2.4 cfs)

limit to 120.4 acres in 195.4 AC PPU.

Combined flow:

- 41A, - 2024, - 10264, ~~10264~~
@ 1" / AC

10/19/99
scw- 12063 & 12064 : (* updated analysis)

After further consideration of these rights I believe the following to be a correct rec'd of the right. Generally any right after the decree date of June 6, 1903 would be considered a High Water right. Since all High Water uses are being rec'd as an option to the Gen. provisions, I consider both these rights to be high water claims and are duplicates in effect. IDWR is allowing 1"/acre additional flow as high water therefore for the 195.4 acres would get 195.4" or 3.9 cfs.

All high water rec'ds get equal priority of 4-1-1909 so they cannot undercut the recorded historical delivery of 41-02001 as a licensed high water right.

FINAL Recommendations:

41-00041 A	75"	75 Ac. (limit)	.02 cfs/Ac
41-2024	72.5"	195.4 AC.	.007 cfs/Ac.
41-12063	<DISALLOW>	—	—
41-12064	195.4"	<u>195.4 AC</u>	.02 cfs/Ac

* Some overlap occurs w/ US Ditch but only exceeds 1"/Ac during high water uses; No limits.

→ Combined POU acre limit
= 195.4 ac.

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

DATE: 10/19/99
PAGE: 1

Water Source:	ROCK CREEK	Tributary to:	SNAKE RIVER	Stage:	BENEFICIAL USE
Point(s) of Diversion:	T09S R30E S15	NWNESE			POWER County

[illegible]

POU County: POWER

Other Rights: 41-00041A, 41-02024 & U.S. DITCH (41-00039 & 46)

Remarks: POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 195.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 41-00041A, 41-02024 & 41-10264

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
		10/19/1999	

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

515
w/-41A

3/23/20

RECEIVED

50.00

AUG 31 1999

Department of Water Resources
Snake River Region

GIS ✓

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: A41-10264
Date Received: 3/2/1990
Receipt No: 5022509
Received By: sa

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EVELYN ROPER 208-548-2464
Address: PO BOX 246
AMERICAN FALLS ID 83211

2. Date of Priority: JUN 7, 1903

3. Source: ROCK CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	30E	15	NW	NE	SE		POWER

5. Description of diverting works:
CONCRETE CHECK DAM AND DITCHES, PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	8.000		

7. Total Quantity Appropriated is:
8.000 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 of	Lot	Use	Acres
09S	30E	10	SW	SW		IRR	20.0
			SE	SW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	30.0
		15	NE	NE	IRR	5.0
			NW	NE	IRR	35.0
			SW	NE	IRR	35.0
			SE	NE	IRR	30.0
			NE	NW	IRR	35.0
			NW	NW	IRR	30.0
			SE	NW	IRR	5.0
					Section Acres	175.0
					Total Acres	205.0

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:

41-00041A, 41-02024 & U.S. DITCH (41-00039 & 46)

14. Remarks:

THIS WATER HAS BEEN HISTORICALLY DIVERTED VIA A DRY DAM INTO THE FRODSHAM DITCH. DOCUMENTED FLOWS IN THE ROCKLAND DECREE SUPPORT FLOW RATES UP TO 400 INCHES AS USED FOR MINING UNDER THE OLD DECREE NUMBERS 41-00042 & 41-00047.

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): Evelyn Roper Date: 8/30/99

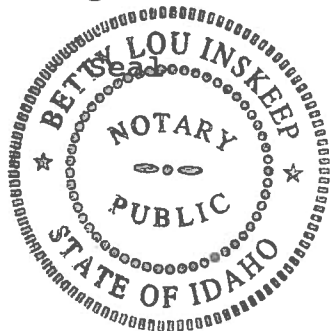
Date: _____

State of Idaho)
County of Power) SS.

Subscribed and sworn (or affirmed) before me this 30TH day

of August 19 99

Betty Lou Inskip
Notary Public



Residing at Alburquerque Idaho

My Commission Expires 11-3-2004

GIS ✓

Water Right Number - R41-10255

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
GROOM

STAN

1 - 5002 S ROCKLAND HWY

2 -

3 -

City- ROCKLAND

Phone - 208-548-2676

State- ID Zip- 83271

GROOM

MARGE

1 - 5002 S ROCKLAND HWY

2 -

3 -

City- ROCKLAND

Phone - 208-548-2676

State- ID Zip- 83271

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/07/1903 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
LANDING CREEK ROCK CREEK, SOUTH FORK+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot Rflg County LANDING CREEK

11S 31E 22 SW SE NE (77) POWER

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

01 - IRRIGATION 04/01 10/31 0.530

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
0.520 0.0+ - - - - Place of Use - - - - - Description - - - - - County - - - - - +
TwN Rng Sec Tract Lot Acres Code

11S 31E 9 NE NW 27.0 01 IRRIGATION (77) POWER

11S 31E 9 NW NW 32.0 01 IRRIGATION (77) POWER

11S 31E 9 SW NW 37.0 01 IRRIGATION (77) POWER

11S 31E 9 SE NW 30.0 01 IRRIGATION (77) POWER

Total Acres: 126.0

+ - - Diversion Means - CHECK DAM & DITCH TO LANDING CR., POND & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 41-02020 & 41-00004C

+ - - - - Remarks - - - - - +

QNT USE OF THIS RIGHT WITH RIGHT NO. 41-00004C IS LIMITED TO A

41-10255

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - R41-10255 Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

TOTAL COMBINED DIVERSION RATE OF 2.0 CFS.
USE OF THIS RIGHT WITH RIGHT NO. 41-02020 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.52 CFS.

POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 41-02020, 41-00004C &
41-10254 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 126
ACRES IN A SINGLE IRRIGATION SEASON.

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

A4102020

+ - - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - - Decree Plaintiff - - - + - - - - - Decree Defendant - - - + - - - - - Decree Date - - +

00/00/0000

+ - - - - - Comments - - - - - +

Date: 08/18/1999 User Id: SCLELLAN Subject: RECOMMENDATION
THIS CLAIM IS BASED ON A SPLIT PORTION OF THE A41-00004C THAT DEVELOPED POU ACRES AFTER THE DECREE.
Date: 10/27/1999 User Id: DJONES Subject: RECOMMENDATION
THIS CLAIM DOES NOT ALLOCATE ANY ADDITIONAL WATER TO THE ACRES, JUST ADDS ACRES TO DECREED FLOW RATE. NO ORIGINAL CLAIM FOR THIS
RIGHT, SEE CLAIM FOR 41-00004C.

+ - - - - - Audit Fields - - + 10/27/99 DJONES

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/06/1994	Civil Case Number	- 39576
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	- 03/29/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 41
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

3/23/00
SCC

GIS w/-4c
pod #s: 30
pod #s: 55

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: A41-00004C
Date Received: 2/20/1990
Receipt No: 5011719
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STAN GROOM 208-548-2676
Address: 5002 S. ROCKLAND HWY.
ROCKLAND, ID 83271
OR
Name: MARGE GROOM 208-548-2676
Address: 5002 S. ROCKLAND HWY.
ROCKLAND, ID 83271
2. Date of Priority: MAY 17, 1880
3. Source: ROCK CREEK, SOUTH FORK Trib. to: ROCK CREEK
LANDING CREEK ROCK CREEK, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	31E	9	NE	SE	NW	R	POWER
		22	SW	SE	NW		POWER
5. Description of diverting works:
CHECK DAM & DITCH TO LANDING CR., POND & PUMP
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	09/01	06/30	2.000		
IRRIGATION	07/01	08/31	1.200		
7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 375.0 Acre Feet Per Annum.
9. Non-irrigation uses:

A41-00004C

Page 1

Date: 03/26/90

MICROFILMED

MAD N 1 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	31E	9	NE	NW		IRR	35.0
			NW	NW		IRR	35.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

Section Acres 150.0

Total Acres 150.0

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:
A41-02020

14. Remarks:

THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY
LISTED IN PLEADINGS IS H. P. HOUTZ.

THIS IS A PORTION OF WR 41-00004.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 6/06/1903

HOUTZ

Decree Plaintiff

vs

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): Stan Moom Date: 3/26/90

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of March 19 90

Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994



A41-00004c

MICROFILM
U-1 1993

RECEIVED

50-

AUG 31 1999

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Southern Region

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Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	30E	10	SW	SW		IRR	20.0
			SE	SW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	30.0
		15	NE	NE	IRR	5.0
			NW	NE	IRR	35.0
			SW	NE	IRR	35.0
			SE	NE	IRR	30.0
			NE	NW	IRR	35.0
			NW	NW	IRR	30.0
			SE	NW	IRR	5.0
					Section Acres	175.0
					Total Acres	205.0

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:

41-00041A, 41-02024 & U.S. DITCH (41-00039 & 46)

14. Remarks:

THIS WATER HAS BEEN HISTORICALLY DIVERTED VIA A DRY DAM INTO THE FRODSHAM DITCH. DOCUMENTED FLOWS IN THE ROCKLAND DECREE SUPPORT FLOW RATES UP TO 400 INCHES AS USED FOR MINING UNDER THE OLD DECREE NUMBERS 41-00042 & 41-00047.

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.

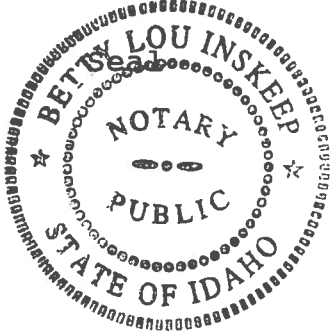
Signature of Claimant(s): Evelyn Roper Date: 8/30/99

Date: _____

State of Idaho)
County of Power) SS.

Subscribed and sworn (or affirmed) before me this 30TH day
of August 19 99

Betty Lou Inskip
Notary Public



Residing at Alberdeen Idaho

My Commission Expires 11-3-2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

September 1, 1999

**EVELYN ROPER
PO BOX 246
ROCKLAND ID 83271**

RE: High Water Claims Filed A41-10263 & A41-10264

Dear Mrs. Roper,

Enclosed is the receipt for your payment of the fees upon filing of your high water claims. The claims are properly filed and recorded.

If you have further questions feel free to call me.

Sincerely,

A handwritten signature in cursive script, reading 'Steve Clelland'.

**STEVE CLELLAND
Sr. Water Resource Agent**

Enc:

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. see below

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

7/27/99 4:46 PM

NAME:

RE:

LANCE ROPER

CALLIN

FILING HIGH WATER

He faxed me a part of the water right records of the decree book and asked how to record it for the claim of high-water. I told him he needs to clarify the statement, "... all seepage, percolation or non-use of upstream water..." and describe the exact elements of the water right he has used historically. I reminded him now is the time to prove or dis-prove all the rights that will exist from this point forward.

TITLE
OF
CASE

in the matter of the application of H. F. Houtz, et al.
for the arbitration of the claims to the use of the waters
of Hock Creek and tributaries

SOURCE Rock Creek and tributaries

WATER DIST - 29
JUDICIAL DIST - 5
DATE OF DECREE Jun 6, 1903

COUNTY Power
(arbitration)
JUDGE Frank C.
RECORDED
IN BOOK NO. 1

NO	FM	DECEASED OWNER	NAME	PRESENT OWNER	INCHES AMT. SEC. FLD	PRIORITY	DIVISION SUBDIV. SEC. TWP. RG.	REMARKS. LAND TO BE IRRIGATED
1			Joseph Brown		MAIN CHANNEL all regardless of other claims		HOCK CREEK Brown's Springs trib. to Hock Creek main channel	E1, SE, SE NE, sec. 19; SW SW, sec no land description given in dec
2			United States Ditch		50	5-1-80	Hock Creek main channel	" " " "
3			United States Ditch		350	6-1-81	Hock Creek	" " " "
4			note: the combined totals of above 2 rights of United States Ditch never to exceed 350 inches. upon lands once owned by Juniper					
4			W. H. Filbrick		400	9-15-82	Hock Creek	" " " "
4			W. H. Filbrick		50	9-15-82	Hock Creek	" " " "
5			note: all seepage, percolation or non use of upstream water to be added to Filbrick total.					
5			West Ditch		275	5-4-84	main channel Rock Creek	west side lower Hock Creek
6			Hyrum Hartley		48	5-8-84	Lander Creek & trib. to Hock Creek	SE NW, SE NE, sec 22, SW NW, sec 23
6			Hyrum Hartley		18	5-8-84	"	" " " "
7			J. I. May					
7			Jude A. May					
7			Ed Hunter					
7			Peter Halling					
7			Peter Hansen					
7			Nelson Davis		50	5-15-84	main channel Hock Creek	no land description given in dec. note: this water to be distributed water users adopted custom.
7			Robert Hillhouse					
7			William Clark					
7			James Frodsham					
7			William Kelly					
7			Issac Horn					

Review Sec %
168.0 ac (overlap)

(HW) 41-10263 1.5 ct3 $\frac{168.0}{\cancel{205.0}}$ Ac

This claim is based on the abandoned mining uses as described in the Old Decree numbers 41-00042 & 41-00047. Supports flows of up to 400". The Decree makes it clear this right was not used for irrigation or during irrigation season and therefore the earliest date the right could be appropriated would be after the decree in 1903. Given the late date of priority and the fact the POU is on the End of the Rock Creek; ~~It is being recommended as 6-7-1903.~~

- 41 A	.0089	CFs/AC	(MAIN)
- 2024 (GW)	.0074		(Alt. Source)
- 10263 (HW)	.0089		(High Water)
- 10264			→

US Ditch (39/46) $(.6^4) \times .0120$ (TRUE RATE?)
 $\underline{\quad .0368 \quad} \text{cts/\%}$

ROPER 10/15/99
sc

Combined duty:

Main right (41A) combined with standard uniform rate allowed under US Ditch (39 & 46) gives 1" / AC. How much to allow from "New Claim" (10264)?

- High Water can be added w/o problems.
- Well water can be allowed at full flow w/ some limit to combined flow rate.

* Decree Notes: 41-00041

decree finds 100 acres & 100" water limit of 1" / acre is valid here.

Revised alternate:

			Limit
- 41A	75"	75 AC.	0.02 cfs / AC
- 2024	72.5"	195.4 AC.	.007
- 10264	(okay as high water flow only)		

{ US Ditch ($\begin{smallmatrix} 597 \text{ AC} \\ - 350 \text{ AC} \end{smallmatrix}$) = 247 AC w/o water when applied at 1" / AC }
most of the 247 is from the 168 overlap here

therefore,

allow $\frac{195.4 \text{ AC.}}{168} - 75_{\text{AC}} = 120.4 \text{ AC.} \neq 120" (2.4 \text{ cfs})$
- 120⁶⁴ claims:

120.4 AC

120.4" (2.4 cfs)

limit to 120.4 acres in 195.4 AC PPA.

Combined flow: - 41A, - 2024, - 10264, ~~10264~~
@ 1" / AC.

Roper Review - p.3

10/19/99
sen

- 12063 & 12064 : (* updated analysis)

After further consideration of these rights I believe the following to be a correct rec'd of the right. Generally any right after the decree date of June 6, 1903 would be considered a High Water right. Since all High Water uses are being rec'd as an option to the Gen. provisions, I consider both these rights to be high water claims and are duplicates in effect. IDWR is allowing 1"/acre additional flow as high water therefore for the 195.4 acres would get 195.4" or 3.9 cfs.

Flow > All high water rec'ds get equal priority of
Priority > 4-1-1909 so they cannot undercut the recorded historical delivery of 41-02001 as a licensed high water right.

FINAL Recommendations:

41-00041A	75"	75 Ac. (limit)	.02 cfs/ac
41-2024	72.5"	195.4 AC.	.007 cfs/ac.
41-12063	<DISALLOW>	—	—
41-12064	195.4"	<u>195.4 AC</u>	.02 cfs/ac

* Some overlap occurs w/
US Ditch but only exceeds 1"/ac
during high water uses; No limits.

Combined POU acre limit
= 195.4 ac.

DATE: 10/19/99
PAGE: 1

Stage: BENEFICIAL USE

POWER County

SE

pod #5:

120

3/23/00
gu