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Department of Water Resources

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SEP 26 2001

2001 607-2-50
Department of Water Resources: 50

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

) Subcase No.: 41-10275
)
)
)
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

Water right claim number 41-00029B contained within it a beneficial use determined to be separate from and junior to decreed right 41-00029B. This beneficial use has been separated from claim number 41-00029B and assigned water right number 41-10275.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Melvin Nelson 9/21/2001
Melvin Nelson Date

Steve [Signature] 9/14/01
IDWR Concurrence Date

Wick Spencer 9-14-01
Approved as to form Date

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

09/14/2001

Water Right 41-10275

2001 OCT -3 PM 1:50

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WATER RIGHTS DIVISION
BOISE, IDAHO
FILED

NAME AND ADDRESS: MELVIN NELSON
PO BOX 334
ROCKLAND ID 83271

SOURCE: EAST FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.02 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

MM?
NBS
SCC

PRIORITY DATE: 06/07/1903

POINT OF DIVERSION:

T10S R31E S10 SESWNE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.020 CFS

PLACE OF USE: IRRIGATION Within POWER County

T10S R31E S09	NENE	5.5	T10S R31E S04	SESW	4.3
T10S R31E S04	SWSE	6.1	T10S R31E S04	SESE	3.3

19.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 19.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 41-00026, 41-00029B, 41-00048 & 41-10091B.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1.0 ACRE WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

CERTIFICATE OF SERVICE

I certify that on 10 / 01, 2001, I caused to be served true and correct copies of the Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

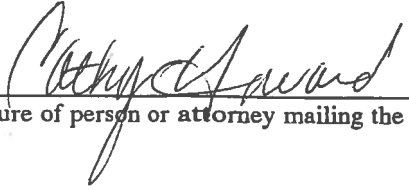
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Melvin Nelson
P.O. Box 334
Rockland, ID 83271

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form

REVISED ALLOCATION OF DECREED
RIGHTS COMBINED IN RIGHT
NO. ~~8~~ 41-10091 A.

	<u>OLD</u>	<u>NEW</u>
41-00029	30 INCHES	30 INCHES
41-00030	8 INCHES	12 INCHES
41-00031	10 INCHES	5 INCHES
	48 INCHES	48 INCHES

ALLOCATION OF MELVIN NELSON WATER
RIGHTS DOWN DANIELSON DITCH.

PRIORITY DATE

41-00026	10 INCHES	
41-00029 B	9 INCHES	
41-00048	10 INCHES	
BU RT # 41-10275	1 INCH	6-7-03
TOTAL	30 INCHES	

ALREADY DECREED DOWN DANIELSON DITCH IS
41-10091 B, COMPOSED OF DECREED RIGHT

41-00031 15 INCHES

GRAND TOTAL 45 INCHES