

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: A41-04002  
Date Received: 1/19/1990  
Receipt No: S011015  
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: UDY BROTHERS 208-548-2636  
Address: 5111 SOUTH HWY. 37  
ROCKLAND, ID 83271

2. Date of Priority: APR 11, 1942

3. Source: UDY SPRING Trib. to: LANDING CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 11S      | 31E   | 23      | NW     | NE     | NW  |     | POWER  |

5. Description of diverting works:  
COLLECTION BOX, PIPELINE TO P/U

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S. | (or) | A.F.A. |
|----------|-------|-------|--------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.100  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/4 HOMES S/150 BEEF

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 11S      | 31E   | 22      | NE     | NW  |     | DOMEST |       |
|          |       |         | NE     | NW  |     | STOCK  |       |
|          |       |         | SE     | NW  |     | DOMEST |       |

A41-04002

Page 1

Date: 01/19/90

MICROFILMED

MAR 04 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use   | Acres |
|----------|-------|---------|------------|-----|-------|-------|
| 11S      | 31E   | 22      | SE NW      |     | STOCK |       |

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:  
NONE

14. Remarks:  
ALSO SEE TAYSOM ET. AL. VS UDY DECREE, FILE 41A.

15. Basis of Claim: STATUTORY CLAIM

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 Partner of  
Title  
Holy Bros, that I have signed the foregoing  
Organization  
document in the space below as Partner of  
Title  
Holy Bros and that the statements contained in the  
Organization  
foregoing document are true and correct.

Richard Haly  
Signature of Authorized Agent

Partner  
Title and Organization

Jan 19, 1990  
Date

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 19<sup>th</sup> day  
of January 19 90

Stuart Cell  
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires December 7, 1994

R.13E.

T.11S.

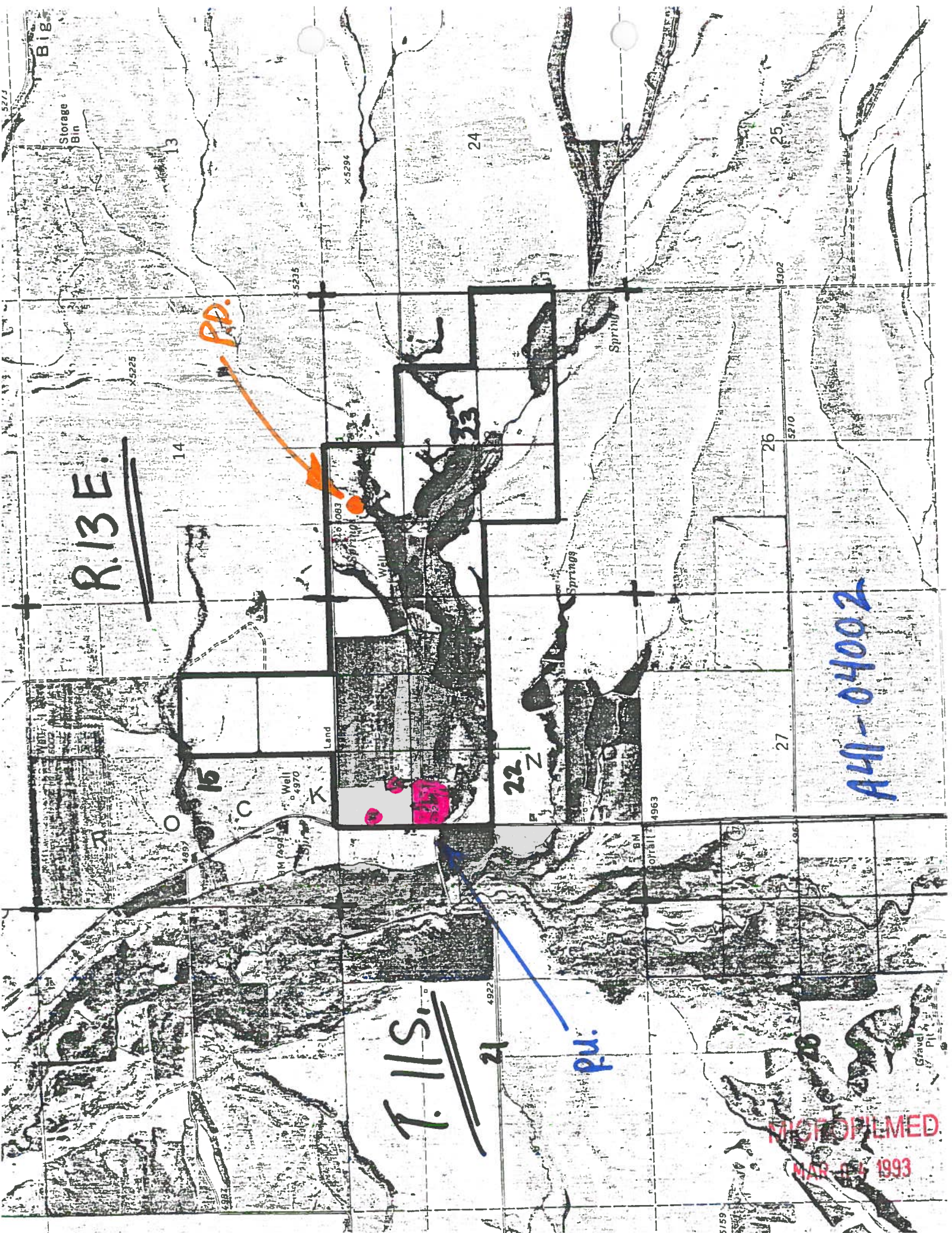
PD.

pu.

A41-04002

MICROFILMED

MAR 14 1993



41-4002

RECEIVED

NOV 27 2001

Department of Water Resources  
Southern Region

SNAKE RIVER BASIN ADJUDICATION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

OCT 29 2001

Department of Water Resources

Claim Number(s):

See attached list

Previous Mailing Address:

Udy Brothers Partnership  
5111 S. Hwy 37  
Rockland, ID 83271

New Mailing Address:

Udy Brothers Partnership  
455 Pierce  
American Falls, ID 83211

Telephone Number:

(208) 226-7857

Signature of Claimant(s):

Udy Bros by George Udy <sup>11/2/01</sup>

Please return this completed form to:

Adjudication Bureau  
Idaho Dept. of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706-2237  
Ph. 1/800/451-4129 or  
FAX 208/327-5400

Adjudication Bureau  
Idaho Dept. of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082  
Ph. 208/334-2190 or  
FAX 208/334-2348

Adjudication Bureau  
Idaho Dept. of Water Resources  
1341 Fillmore St., Ste. 200  
Twin Falls, ID 83301-3380 or  
FAX 208/736-3037

Adjudication Bureau  
Idaho Dept. of Water Resources  
900 N. Skyline, Ste. A  
Idaho Falls, ID 83402-3653 or  
FAX 208/525-7177



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

KECHLA ANDRUS

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

A41-04002

UDY

70-04002

AJ5856NP

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

DATE: SEP-24-1997  
PAGE: A-1

RIGHT NUMBER: 41-04002

NAME & ADDRESS: UDY BROTHERS  
5111 SOUTH HWY 37  
ROCKLAND ID 83271

SOURCE: UDY SPRING TRIBUTARY: LANDING CREEK

QUANTITY: 0.1 CFS

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

PRIORITY DATE: 04/11/1942

POINT OF DIVERSION: T11S R31E S23 NWNEW Within POWER County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE   | PERIOD OF USE | QUANTITY |
|-------------------------------|------------------|---------------|----------|
|                               | DOMESTIC 4 HOMES | 01-01 12-31   | 0.1 CFS  |

PLACE OF USE: DOMESTIC Within POWER County  
T11S R31E S22 NENEW SENW

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  
STOCKWATER 150 BEEF

*Secured 7/24/98*

DATE: 07/15/97  
PAGE: 58

| USE PERIOD<br>FROM | TO       | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|--------------------|----------|-------------------|---------------------|
| 12/1/80            | 12/31/80 | 1.00              | 1.00                |
| 1/1/81             | 1/31/81  | 1.00              | 1.00                |
| 2/1/81             | 2/28/81  | 1.00              | 1.00                |
| 3/1/81             | 3/31/81  | 1.00              | 1.00                |
| 4/1/81             | 4/30/81  | 1.00              | 1.00                |
| 5/1/81             | 5/31/81  | 1.00              | 1.00                |
| 6/1/81             | 6/30/81  | 1.00              | 1.00                |
| 7/1/81             | 7/31/81  | 1.00              | 1.00                |
| 8/1/81             | 8/31/81  | 1.00              | 1.00                |
| 9/1/81             | 9/30/81  | 1.00              | 1.00                |
| 10/1/81            | 10/31/81 | 1.00              | 1.00                |
| 11/1/81            | 11/30/81 | 1.00              | 1.00                |
| 12/1/81            | 12/31/81 | 1.00              | 1.00                |
| 1/1/82             | 1/31/82  | 1.00              | 1.00                |
| 2/1/82             | 2/28/82  | 1.00              | 1.00                |
| 3/1/82             | 3/31/82  | 1.00              | 1.00                |
| 4/1/82             | 4/30/82  | 1.00              | 1.00                |
| 5/1/82             | 5/31/82  | 1.00              | 1.00                |
| 6/1/82             | 6/30/82  | 1.00              | 1.00                |
| 7/1/82             | 7/31/82  | 1.00              | 1.00                |
| 8/1/82             | 8/31/82  | 1.00              | 1.00                |
| 9/1/82             | 9/30/82  | 1.00              | 1.00                |
| 10/1/82            | 10/31/82 | 1.00              | 1.00                |
| 11/1/82            | 11/30/82 | 1.00              | 1.00                |
| 12/1/82            | 12/31/82 | 1.00              | 1.00                |
| 1/1/83             | 1/31/83  | 1.00              | 1.00                |
| 2/1/83             | 2/28/83  | 1.00              | 1.00                |
| 3/1/83             | 3/31/83  | 1.00              | 1.00                |
| 4/1/83             | 4/30/83  | 1.00              | 1.00                |
| 5/1/83             | 5/31/83  | 1.00              | 1.00                |
| 6/1/83             | 6/30/83  | 1.00              | 1.00                |
| 7/1/83             | 7/31/83  | 1.00              | 1.00                |
| 8/1/83             | 8/31/83  | 1.00              | 1.00                |
| 9/1/83             | 9/30/83  | 1.00              | 1.00                |
| 10/1/83            | 10/31/83 | 1.00              | 1.00                |
| 11/1/83            | 11/30/83 | 1.00              | 1.00                |
| 12/1/83            | 12/31/83 | 1.00              | 1.00                |
| 1/1/84             | 1/31/84  | 1.00              | 1.00                |
| 2/1/84             | 2/28/84  | 1.00              | 1.00                |
| 3/1/84             | 3/31/84  | 1.00              | 1.00                |
| 4/1/84             | 4/30/84  | 1.00              | 1.00                |
| 5/1/84             | 5/31/84  | 1.00              | 1.00                |
| 6/1/84             | 6/30/84  | 1.00              | 1.00                |
| 7/1/84             | 7/31/84  | 1.00              | 1.00                |
| 8/1/84             | 8/31/84  | 1.00              | 1.00                |
| 9/1/84             | 9/30/84  | 1.00              | 1.00                |
| 10/1/84            | 10/31/84 | 1.00              | 1.00                |
| 11/1/84            | 11/30/84 | 1.00              | 1.00                |
| 12/1/84            | 12/31/84 | 1.00              | 1.00                |
| 1/1/85             | 1/31/85  | 1.00              | 1.00                |
| 2/1/85             | 2/28/85  | 1.00              | 1.00                |
| 3/1/85             | 3/31/85  | 1.00              | 1.00                |
| 4/1/85             | 4/30/85  | 1.00              | 1.00                |
| 5/1/85             | 5/31/85  | 1.00              | 1.00                |
| 6/1/85             | 6/30/85  | 1.00              | 1.00                |
| 7/1/85             | 7/31/85  | 1.00              | 1.00                |
| 8/1/85             | 8/31/85  | 1.00              | 1.00                |
| 9/1/85             | 9/30/85  | 1.00              | 1.00                |
| 10/1/85            | 10/31/85 | 1.00              | 1.00                |
| 11/1/85            | 11/30/85 | 1.00              | 1.00                |
| 12/1/85            | 12/31/85 | 1.00              | 1.00                |
| 1/1/86             | 1/31/86  | 1.00              | 1.00                |
| 2/1/86             | 2/28/86  | 1.00              | 1.00                |
| 3/1/86             | 3/31/86  | 1.00              | 1.00                |
| 4/1/86             | 4/30/86  | 1.00              | 1.00                |
| 5/1/86             | 5/31/86  | 1.00              | 1.00                |
| 6/1/86             | 6/30/86  | 1.00              | 1.00                |
| 7/1/86             | 7/31/86  | 1.00              | 1.00                |
| 8/1/86             | 8/31/86  | 1.00              | 1.00                |
| 9/1/86             | 9/30/86  | 1.00              | 1.00                |
| 10/1/86            | 10/31/86 | 1.00              | 1.00                |
| 11/1/86            | 11/30/86 | 1.00              | 1.00                |
| 12/1/86            | 12/31/86 | 1.00              | 1.00                |
| 1/1/87             | 1/31/87  | 1.00              | 1.00                |
| 2/1/87             | 2/28/87  | 1.00              | 1.00                |
| 3/1/87             | 3/31/87  | 1.00              | 1.00                |
| 4/1/87             | 4/30/87  | 1.00              | 1                   |

0.10 CFS

0.10 CFS

Stage: ~~STATUTORY CLAIM~~

POWER County

SE

● ● ●

"

5.

~~EE~~

2

Objection Filed Date:

91891

DATA ENTERED BY                       
DATE 9/23/97

50/1015 kg

AJ5809NP  
No. 41-04002

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/06/98  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                           | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------------|------------------|-----------|-----------------------|-------------------|---------------------|
| C                | UDY BROTHERS<br>5111 SOUTH HWY 37<br>ROCKLAND ID 83271<br>(208) 548-2636 | 06/11/1942       | DOMESTIC  | 01-01 12-31           | 0.10 CFS          |                     |
| TOTAL DIVERSION: |                                                                          |                  |           |                       | 0.10 CFS          |                     |

Water Source: UDY SPRING      Tributary to: LANDING CREEK      Stage: BENEFICIAL USE

Point(s) of Diversion: T11S R31E S23      N4N4E4W      POU County

Place of use Legal Description for: DOMESTIC

|            | NE      | NW      | SE      | SW      | SE      |
|------------|---------|---------|---------|---------|---------|
| T R S      | : Lt Ac | : Lt Ac | : Lt Ac | : Lt Ac | : Lt Ac |
| 11S 31E 22 | : D     | : D     | : D     | : D     | : D     |

POU County: POWER

Non-Irrigation Uses: 4 HOMES

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 STOCKWATER 150 BEEF

Dates: Exam Made Date: 07/06/1994      Verified Date:      Objection Filed Date:

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

CLAIM NO. AAH-4002

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 This Form. Attachments are in Permit File.

PHOTOS

MAP

SYSTEM DIAGRAM

☒  
☐  
☐

w/claim

☐  
☐  
☐

DATE EXAM CONDUCTED:

7-6-99

FIELD EXAMINER:

Steve Clelland

Signature

Steve Clelland

REVIEWED BY/DATE:

see 9/18/97

DATA ENTRY BY/DATE:

" "

VERIFICATION BY/DATE:

\_\_\_\_\_

A41-4002



Woy Bros.

SPRING BOX COLLECTION.

Photos:  
R91-5  
My Sec  
7-6-94



DOMESTIC POD.

A41-4002