

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 41-10027

NAME AND ADDRESS: JEFF ALLEN
PO BOX 311
ROCKLAND, ID 83271

SOURCE: SPRING TRIBUTARY: SINKS
QUANTITY: 0.03 CFS

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

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION: T10S R31E S10 SNNWNE Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.02 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE:	Stockwater		Within Power County
	T10S R31E S10	NWNE	NENW
	Domestic		Within Power County
	T10S R31E S10	NWNE	NENW

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.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

all
SCANNED
DEC 11 2015

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: A41-10027

Date Received: 2/15/1990

Receipt No: 5011826

Received By: Sc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JEFF ALLEN
Address: P.O. BOX 311
ROCKLAND, ID 83271
208-548-2603
2. Date of Priority: MAY 01, 1883
3. Source: SPRINGS
Trib. to: ROCK CREEK, EAST FORK
4. Point of Diversion:

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

5. Description of diverting works:
COLLECTION BOX, PIPED TO HOUSE, LAWN & TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE S/90 DAIRY

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	31E	10	NW	NE		DOMEST	
			NW	NE		STOCK	

A41-10027

Page 1

Date: 04/05/90

MICROFILMED

MAR 02 1993

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:
A41-10029

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): Jeff D. Zeller Date: April 13, 1990
Date: _____

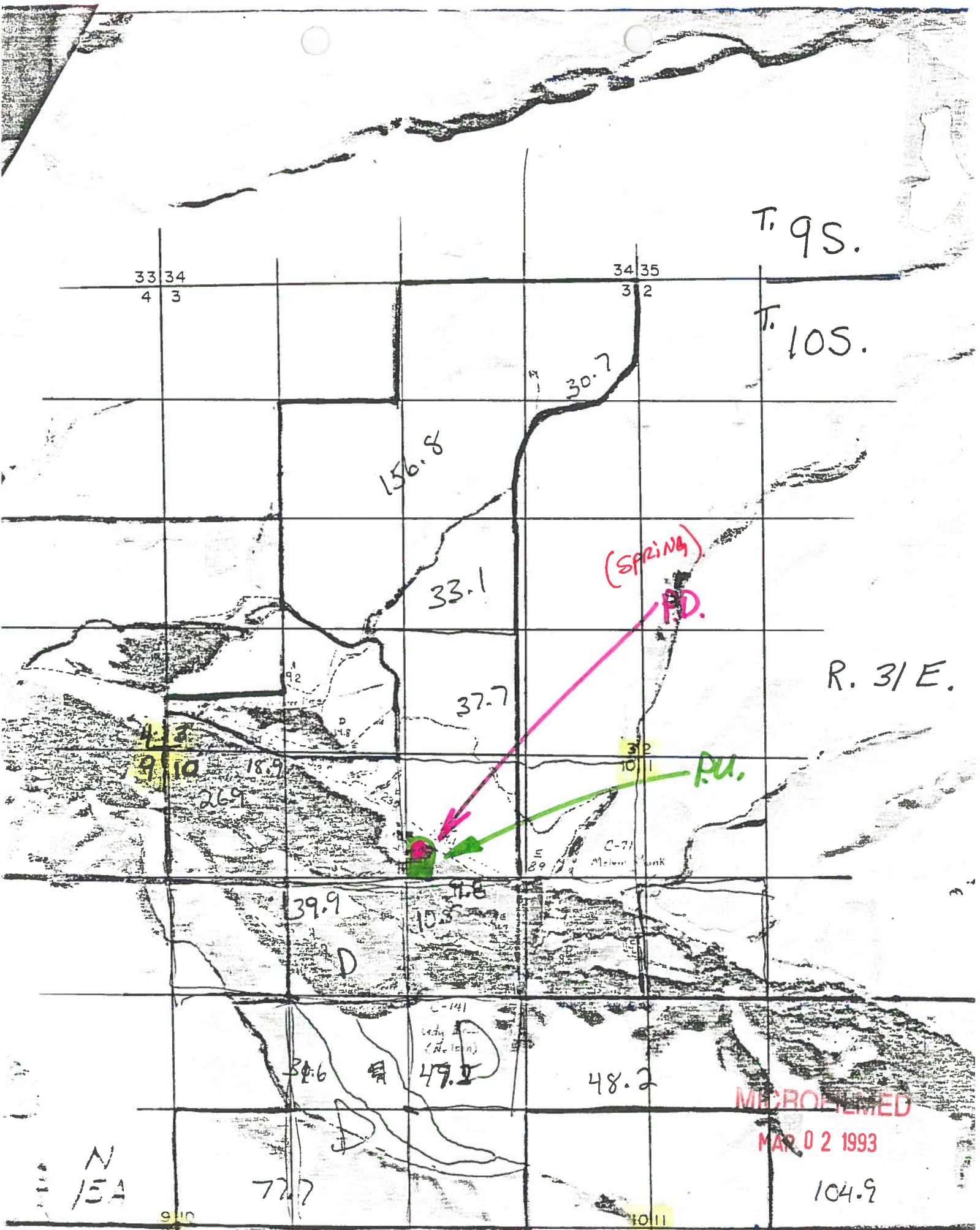
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of April 19 90 Steve C. [Signature]
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires December 7, 1994



T. 9S.

T. 10S.

R. 3/E.

MICROFILMED

MAR 02 1993

NOT TO SCALE

A41-10027



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

February 27, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

41-10027
JEFF ALLEN
PO BOX 311
ROCKLAND ID 83271

RE: Domestic and/or Stockwater Rights in Basins 41, 43 and 45
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basins 41, 43 and 45. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in these basins will be recommended in a later process.

Note that you have 120 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in American Falls, Malad City, Burley and Twin Falls, and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed later this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl J. Dreher', written over a horizontal line.

Karl J. Dreher
Director

Enclosures

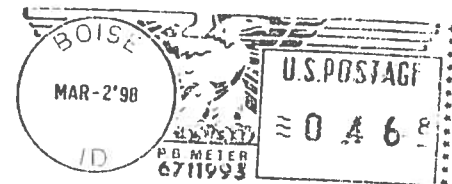
EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
DOMESTIC, 1 HOUSE; STOCKWATER, 90 MIXED STOCK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

RETURN SERVICE REQUESTED

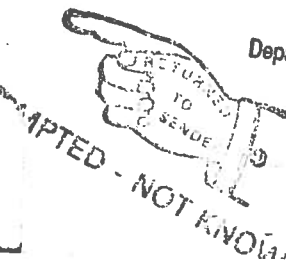
IMPORTANT WATER RIGHT INFORMATION

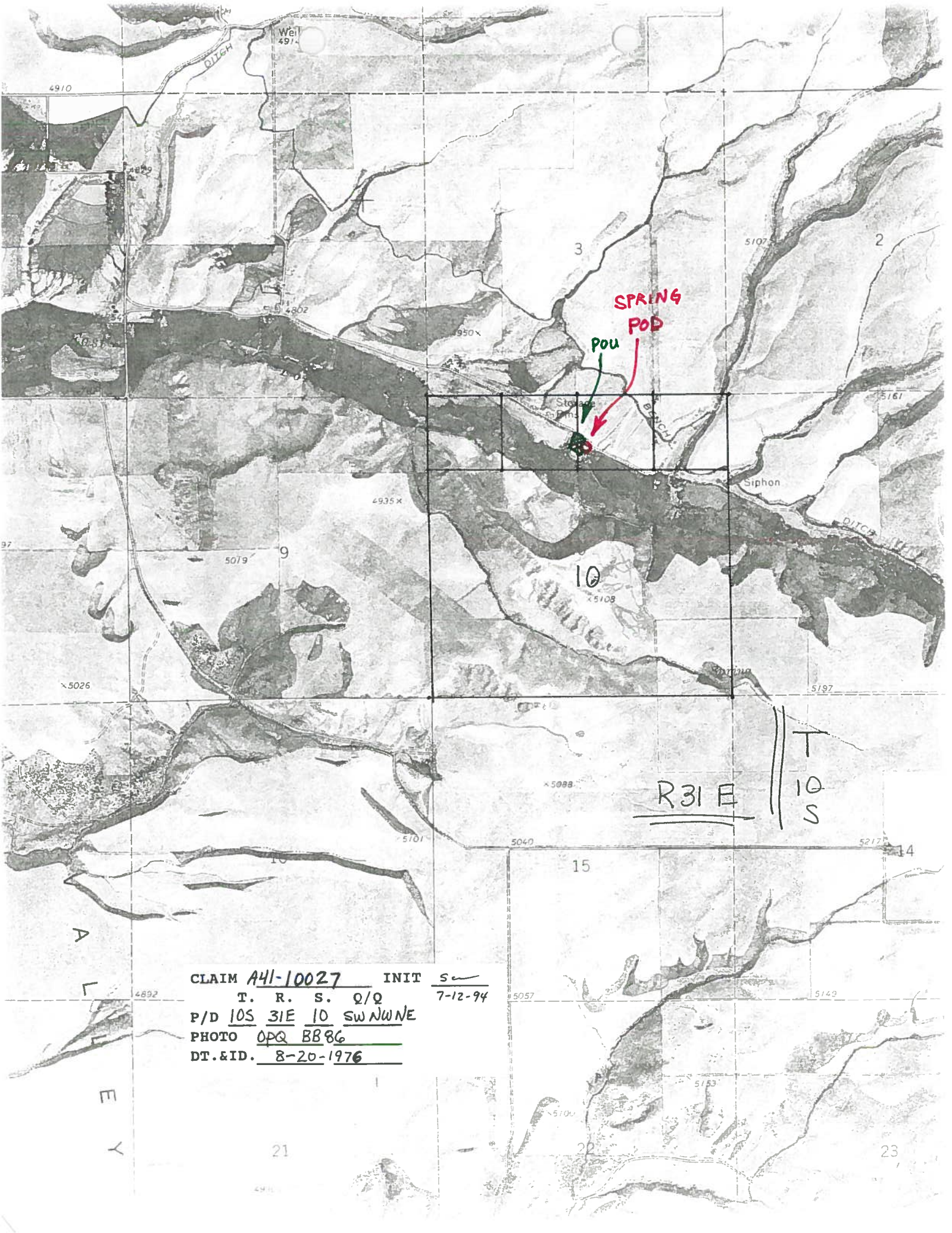
PRESORTED
FIRST CLASS



RECEIVED
MAR 10 1998

Department of Water Resources





SPRING
POD

pou

Storage
Ponds

R31 E

T
10
S

CLAIM A41-10027 INIT Sw
T. R. S. Q/Q 7-12-94
P/D 10S 31E 10 SWNWNE
PHOTO OPQ BB86
DT.&ID. 8-20-1976

AJ5856NP

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

DATE: SEP-29-1997

PAGE: A-20

RIGHT NUMBER:

41-10027

NAME & ADDRESS:

JEFF ALLEN
PO BOX 311
ROCKLAND ID 83271

SOURCE:

SPRING

TRIBUTARY: SINKS

QUANTITY:

0.03 CFS

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

USE OF THIS RIGHT WITH RIGHT NO. 41-10029 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.04 CFS.

PRIORITY DATE:

05/01/1883

POINT OF DIVERSION:

T10S R31E S10

SWNWNE

Within POWER County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

STOCKWATER

DOMESTIC 1 HOME

PERIOD OF USE

01-01 12-31

01-01 12-31

QUANTITY

0.03 CFS

0.02 CFS

PLACE OF USE:

STOCKWATER

Within POWER County

T10S R31E S10

NWNE

NENW

DOMESTIC

Within POWER County

T10S R31E S10

NWNE

NENW

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

DOMESTIC, 1 HOUSE; STOCKWATER, 90 MIXED STOCK

AJ5809NP
No. R41-10027

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/15/97
PAGE: 90

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JEFF ALLEN PO BOX 311 ROCKLAND ID 83271 (208) 548-2603	05/01/1883	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.03 CFS 0.02 CFS	
TOTAL DIVERSION:					0.03 CFS	

Water Source: SPRING

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion:

T10S R31E S10

SWNWNE

POWER County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
10S	31E	10	:																
			:																

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE			
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
10S	31E	10	:																
			:																

POU County: POWER

Non-Irrigation Uses: DOMESTIC, 1 HOUSE; STOCKWATER, 90 MIXED STOCK

Other Rights: 41-10029

Remarks: GEN (USE OF THIS RIGHT WITH RIGHT NO. 41-10029 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.04 CFS.)

Dates: Exam Made Date: 07/07/1994 Verified Date: 07/12/1994 Objection Filed Date:

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

Audit: 03/19/91 BAUMHOFF 07/12/94 CLELLAND 03/30/95 POST-STD

N11
N13

Sw
9/18/97

DATA ENTERED BY Sw
DATE 9-29-97

AJ0749NP
No. R41-10027

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

DATE: 07/12/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JEFF ALLEN PO BOX 311 ROCKLAND ID 83271 (208) 548-2603	05/01/1883	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.03 CFS 0.02 CFS	
TOTAL DIVERSION:					0.03 CFS	

Water Source: SPRING

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion:

T10S R31E S10

SWNWNE

POWER County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
10S	31E	10	:			S				S										:

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
10S	31E	10	:			D				D										:

POU County: POWER

Non-Irrigation Uses: DOMESTIC, 1 HOUSE; STOCKWATER, 90 MIXED STOCK

Other Rights: 41-10029

Remarks: USE OF THIS RIGHT WITH RIGHT NO. 41-10029 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.04 CFS.

Dates: Exam Made Date: 07/07/1994 Verified Date: 07/12/1994

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

Audit: 07/12/94 CLELLAND

CLAIM NO. A41-10027

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: SPRING / SINKS.
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 Stockwater From _____ To _____ Amount 0.03 cfs _____ af

~~Use~~ Use Dom. From _____ To _____ Amount 0.02 cfs _____ af

7. ☐ No Change - TOTAL VOLUME:
☒ Change found, The new total is, -- -- -- 0.03 cfs _____ af

8. N/A - spring is used to supply in house water as a back up to the well (A41-10029) not used on lawn, very minimum flow found.

9. ☐ No Change - NON-IRRIGATION USES: Completed on claim
☒ Incomplete on claim - Exam found:
Domestic - No. of homes 1 Stockwater - No. of head 90
Other: mixed stock

☒ DATA ENTRY STANDARDS (correct to..)

* Exam could not confirm
Dairy Use as claimed.

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

Add: Stock Dom 10 10 NE NW
NE NW

11. ☐ Checked: N/A

12. ☐ Checked: N/A

13. ☒ No change - OTHER RIGHTS FOR SAME USE:
CHANGE: 41-10029

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

Combined Div. Rate Limit = ^{0.04} 0.04 cfs w/ 41-10029

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

COMMENTS: (pertinent to field examination)

* this spring source is a back up to the well in 41-10029.
I question if this spring has the capacity to water
stock on a regular basis due to minimal flows found.

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

PHOTOS ☐
MAP ☐
SYSTEM DIAGRAM ☐

☒
☒
☐

DATE EXAM CONDUCTED: 7-7-94

FIELD EXAMINER: STEVE CLELLAND

Signature Steve Clelland

REVIEWED BY/DATE: 7-12-94 su

DATA ENTRY BY/DATE: ✓

VERIFICATION BY/DATE: ✓

A41-10027 / A41-10029

field Exam. Notes

7-7-94
Su

Talked w/ Renter Mrs. Sant -
she said Jeff Allen still owns the place.
Mr. Sant works in town @ the gas station.
She didn't know anything about where the well
or spring was located; she did say if the
power goes off the spring supplies the water then.

I located the well in the front lawn by the
fence nearest the road. Found only one well;
no separate well found for the Dairy.

Spring is located up near old ditch line along road.
Found a pipeline crossing the driveway to the well area.

When Dairy use stopped?? When was it started?

* Cannot Confirm Dairy Use as Claimed.

IN NELSON
MARILYN OF
N L WILLIAMS

ASCS
ASSESSOR'S
MAP
L-17

T-78

3 2
10 11

POU
SPRING
POD

MARILYN L. MUNK

STATE

T-149

T-210

MILTON & MARY
MUNK TRUST

A41-10027

STATE

LISTING OF MAPS USED IN REVIEW OF THIS FILE

CLAIM NUMBER: A41-10027.

DESCRIPTION OF MAP	ID NUMBERS	MAP DATE	COPY IN FILE?
RTHO PHOTOQUAD (OPQ)	<u>B886</u>	<u>8-20-76</u>	<u>YES</u> / NO
SCS MAP (Co. Assessor)	<u>L17</u>	<u></u>	<u>YES</u> / NO
APP PHOTO	<u>384-7 B886NW</u>	<u>7-31-87</u>	YES / <u>NO</u>
LM AERIAL	<u></u>	<u></u>	YES / NO
UBDIVISION PLAT	<u></u>	<u></u>	YES / NO
TOPOGRAPHIC QUAD	<u></u>	<u></u>	YES / NO
GOVERNMENT LOT MAP	<u></u>	<u></u>	YES / NO
CS SOILS MAP	<u></u>	<u></u>	YES / NO
OTHER:	<u></u>	<u></u>	YES / NO
<u></u>	<u></u>	<u></u>	YES / NO
<u></u>	<u></u>	<u></u>	YES / NO
<u></u>	<u></u>	<u></u>	YES / NO
<u></u>	<u></u>	<u></u>	YES / NO
<u></u>	<u></u>	<u></u>	YES / NO

=====

REMARKS: