

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: A41-00027C  
Date Received: 2/09/1990  
Receipt No: S011159  
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: AUG 01, 1879

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   | 6       | SW     | NE     | SW  |     | POWER  |

5. Description of diverting works:  
VIA LANCE DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.740  |      |        |

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 10S           | 30E   | 1       | NE     | NE  |     | IRR | 22.0  |
|               |       |         | SE     | NE  |     | IRR | 26.0  |
|               |       |         | NE     | SE  |     | IRR | 8.0   |
| Section Acres |       |         |        |     |     |     | 56.0  |

A41-00027C

Page 1

Date: 02/09/90

MICROFIL

MAR 04 1

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 10S      | 31E   | 6       | SW         | 5   | IRR           | 7.0   |
|          |       |         | NE         | SW  | IRR           | 2.0   |
|          |       |         | NW         | SW  | IRR           | 15.0  |
|          |       |         |            |     | Section Acres | 24.0  |
|          |       |         |            |     | Total Acres   | 80.0  |

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:  
A41-00037 & A41-04006A

14. Remarks:  
THIS CLAIM IS A PORTION OF WR 41-00027A.

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

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 Organizations:

I do solemnly swear or affirm that I am V.P. of \_\_\_\_\_ Title

Excelsior Ranches Inc. Organization, that I have signed the foregoing document in the space below as \_\_\_\_\_

V.P. of \_\_\_\_\_ Title  
Excelsior Ranches Inc. Organization and that the statements contained in the foregoing document are true and correct.

Meredith H. Herman  
Signature of Authorized Agent

V.P. Excelsior Ranches Inc.  
Title and Organization

9 Feb. 1990  
Date

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 9th day  
of February 19 90

Steve Cull  
Notary Public

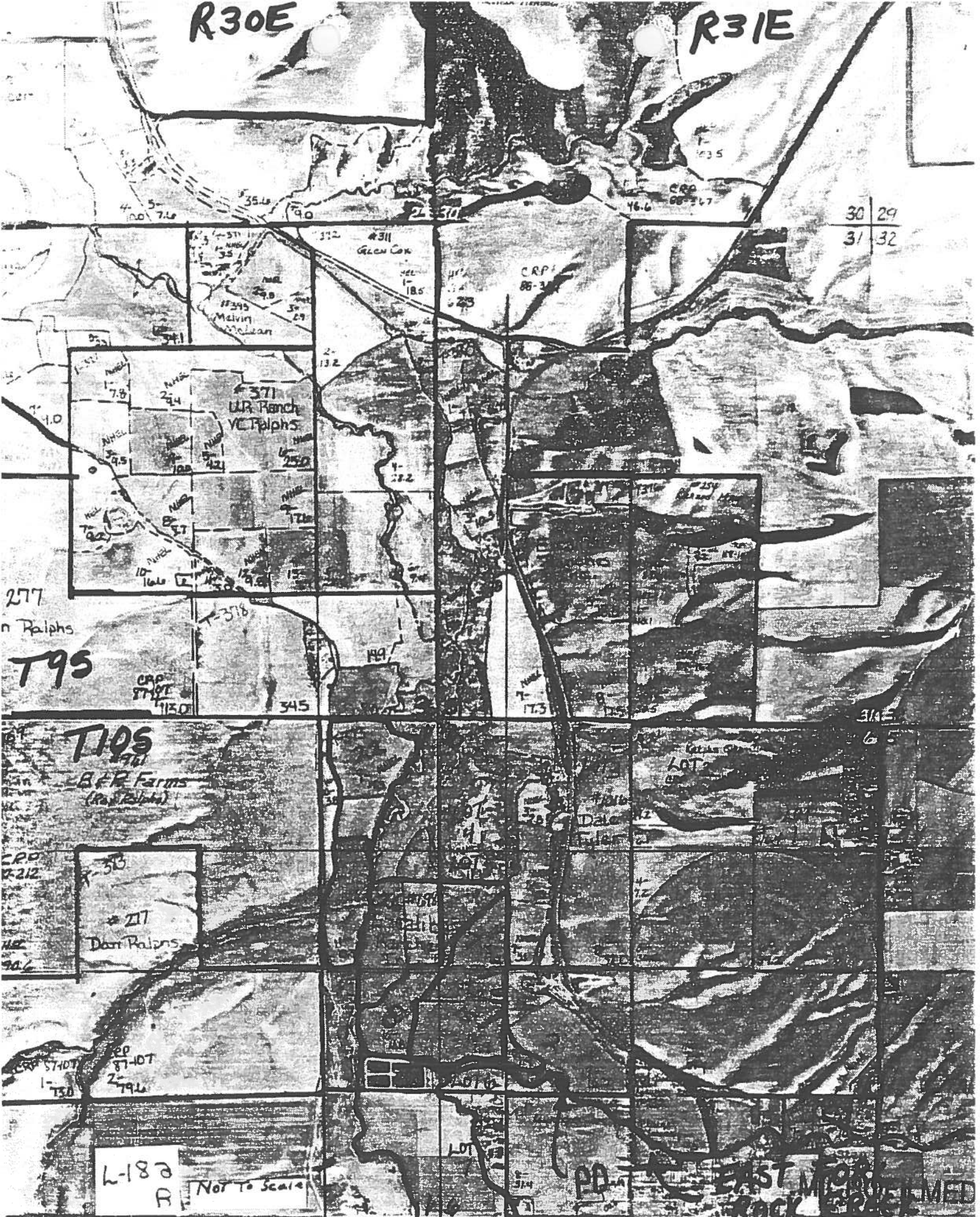
Seal

Residing at Twin Falls  
My Commission Expires Dec 7, 1994

R30E

R31E

30 29  
31 32



277  
n Ralphs  
**T95**

**T105**  
B.R. Farms  
(Ralphs)

**217**  
Darr Ralphs

L-182  
R  
Not To Scale

PD  
EAST FOR ROCK  
MAR 04 1993

# COPY

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 41-10236 V1

WATER RIGHT NUMBER: **41-10236** V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                    |
|-------------------|----------------------------------------------------------------------------|
| Current Owner     | EXCALIBUR RANCHES INC<br>PO BOX 387<br>ROCKLAND, ID 83271<br>(208)548-2327 |

Priority Date: 04/01/1909  
Basis: Beneficial Use  
Status: Active

| <u>Source</u>        | <u>Tributary</u> |
|----------------------|------------------|
| EAST FORK ROCK CREEK | ROCK CREEK       |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 10/31           | 1.280 CFS             |                      |
|                       | <u>Total Diversion:</u> | 1.280 CFS             |                      |

Location of Point(s) of Diversion

|                      |                 |         |          |               |
|----------------------|-----------------|---------|----------|---------------|
| EAST FORK ROCK CREEK | SW1/4NE1/4SW1/4 | Sec. 6, | Twp 10S, | Rge 31E, B.M. |
| POWER County         |                 |         |          |               |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |      | NW |    |     |     | SW   |    |    |    | SE  |    |    |    | Totals |
|-----|-----|-----|----|----|----|------|----|----|-----|-----|------|----|----|----|-----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE   | NE | NW | SW  | SE  | NE   | NW | SW | SE | NE  | NW | SW | SE |        |
| 10S | 30E | 1   |    |    |    | 29.0 |    |    |     |     |      |    |    |    | 9.0 |    |    |    | 38.0   |
| 10S | 31E | 6   |    |    |    |      |    |    | 9.0 | 2.2 | 15.0 |    |    |    |     |    |    |    | 26.2   |
|     |     |     |    |    |    |      |    |    | L 5 |     | L 6  |    |    |    |     |    |    |    |        |

Total Acres: 64.2

Conditions of Approval:

1. C18 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.
2. N16 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.

Remarks:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 41-10236 V1

1. Place of Use    USE OF THIS RIGHT WITH RIGHT NO. 41-00027C IS LIMITED TO THE IRRIGATION OF A  
- Irrigation       COMBINED TOTAL OF 64.2 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

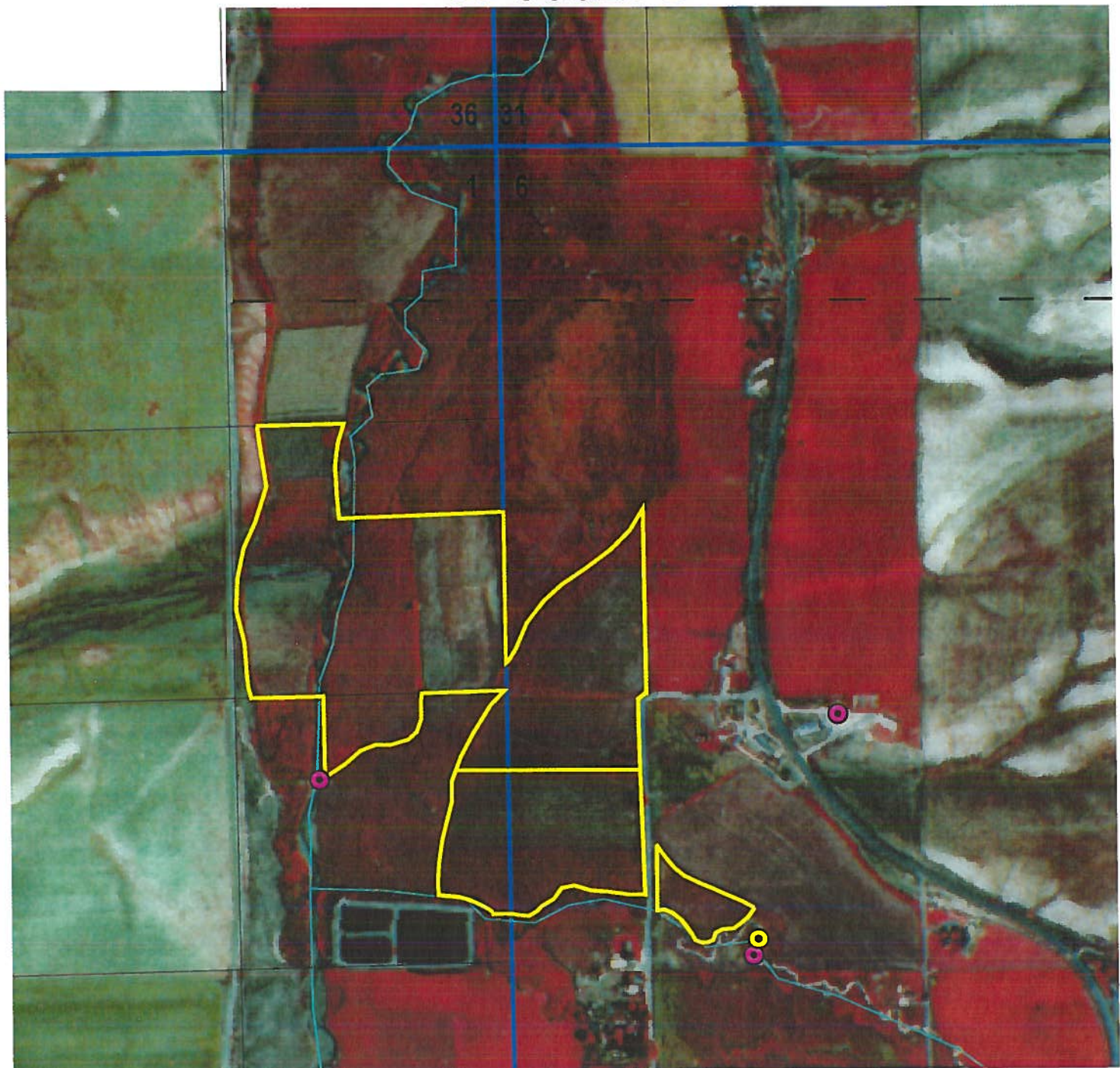
1. DJONES    10/14/1999    RECOMMENDATION  
Comment: HIGH WATER CLAIM FILING, PRIORITY IS JUNIOR TO 41-02001.
2. AJU10-DJ    10/28/1999    AJU10 CONDITION UPDATE  
Comment: CONDITION CODE(S) N16 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
3. AJU10-DJ    10/29/1999    AJU10 CONDITION UPDATE  
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Defendant:  
Plaintiff:  
Civil Case Number:  
Judicial District:  
Notice of Error Flag:    NONE RECEIVED  
State or Federal:       S  
Owner Name Connector:  
Water District Number:    41  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan:       False

# IDAHO DEPT OF WATER RESOURCES

## 41-00027C



660 0 660 1320 Feet

T10S, R30E, SEC. 1  
T10S, R31E, SEC. 6



- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

GIS PLACE OF USE PRESENTATION  
1987 &/OR 1988 NAPP PHOTOGRAPHY  
DATA ENTRY BY: STEVE CLELLAND  
DATE: JANUARY 16, 2002

\*\*\*REVISED\*\*\*



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

December 14, 2001

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

RE: SRBA Subcase numbers 41-00027C and 41-10235

Dear Mr. Permann:

Special Master Dolan has set subcase 41-00027C for a Status/Scheduling Conference on January 18, 2001. As you may recall, IDWR did agree to increase the diversion rate on this right. However, your high water right, no. 41-10235, needed to be amended before we could finalize settlement of the 41-00027C right.

In your last conversation with Sr. Water Agent Steve Clelland in June, you mentioned you would be in to see Steve the following week to work this out. No further contact was made, and Steve has now relocated to the State Office of IDWR in Boise.

If you would like to meet with Steve prior to the conference on the 18th, he will be in Rockland on the afternoon of January 11<sup>th</sup> for hearings in other subcases. Please call me at 208-327-5458 or Steve at 208-327-5450 if you are interested in meeting at 4:00 pm at the Rockland City Hall on January 11<sup>th</sup>. Being as no other opportunity may arise for meeting in Rockland, we hope to see you then to move these subcases closer to final resolution. Otherwise you may wish to contact Mr. Clelland here in Boise.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vicki Kelly", is written over a horizontal line.

Vicki Kelly  
Paralegal

cc: Special Master Dolan

Steve

RECEIVED

DEC 12 2001

2001 DEC 11 PM 1:23

Department of Water Resources

FILED  
TWIN FALLS CO., IDAHO

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

)  
)  
)  
)  
)

Subcases **41-00027C** and **41-10235**  
(Excalibur Ranches, Inc.)

ORDER SETTING STATUS / SCHEDULING  
CONFERENCE

The last entry in the Court's file is a status conference held April 30, 2001. IDWR reported it would prepare and send to claimant Excalibur Ranches a *Standard Form 5* recommending a quantity of 1.74 cfs for 41-00027C. IDWR also reported Excalibur Ranches would need to file a motion to amend 41-10235 to claim more than 1.1 cfs from Tyler Ditch, plus more water from the Lance Ditch. To date, no further pleadings or documents have been filed with the Court.

THEREFORE, IT IS ORDERED that a status / scheduling conference will be held by telephone on **Friday, January 18, 2002, 10:00 a.m.**

DATED December 11, 2001.



TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING STATUS/ SCHEDULING CONFERENCE was mailed on December 11, 2001, with sufficient first-class postage to the following:

MERRILL PERMANN  
PO BOX 357  
ROCKLAND, ID 83271  
Phone: 208-548-2311

EXCALIBUR RANCHES INC  
PO BOX 387  
ROCKLAND, ID 83271  
Phone: 208-548-2327

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

ORDER

Page 1 12/11/01

FILE COPY FOR 00026

  
Deputy Clerk

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

01/16/2002

Water Right 41-27C

1

NAME AND ADDRESS: EXCALIBUR RANCHES INC  
PO BOX 387  
ROCKLAND ID 83271

SOURCE: EAST FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 1.74 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.

PRIORITY DATE: 08/01/1879

POINT OF DIVERSION:

T10S R31E S6 SWNESW Within POWER County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 1.740 CFS       |

PLACE OF USE: IRRIGATION Within POWER County

|                          |      |      |               |      |     |
|--------------------------|------|------|---------------|------|-----|
| T10S R30E S01            | SENE | 29.0 | T10S R30E S01 | NESE | 9.0 |
| T10S R31E S06 Lot 5 SWNW |      | 9.0  | T10S R31E S06 | NESW | 2.2 |
| T10S R31E S06 Lot 6 NWSW |      | 15.0 |               |      |     |

64.2 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 41-10236 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 64.2 ACRES 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: Decreed

# IDAHO DEPT OF WATER RESOURCES

## 41-00027C



660 0 660 1320 Feet

T10S, R30E, SEC. 1  
T10S, R31E, SEC. 6



- ▮ RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- ▮ SECTION LINES
- ▮ 1/4 - 1/4 LINES

GIS PLACE OF USE PRESENTATION  
1987 &/OR 1988 NAPP PHOTOGRAPHY  
DATA ENTRY BY: STEVE CLELLAND  
DATE: JANUARY 16, 2002

\*\*\*REVISED\*\*\*

1/11/02

41-28

24A

10235 (HW)

} are the Tyler D.  
Rights

Callin  
5:15 pm  
1/14

(on Monday PM)

check to  
see if this is  
Partial Decree

YES

P.D. 3/12/01

\* 10235 is okay even  
tho not = 60"

55" will be okay

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

60"  
is (28) + (24A)  
Total  
(40" + 20")

(we agree based on same  
context as 27C)

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

## Clelland, Steve

---

**From:** Spencer, Nick  
**Sent:** Monday, April 30, 2001 3:48 PM  
**To:** Clelland, Steve  
**Cc:** Kelly, Vicki  
**Subject:** 41-00027C and 41-10235 (Excalibur Ranches)

Hi Steve. I got the final go-ahead from Dave to agree to **increase the diversion rate on 27C up to what was claimed.** Doing so won't exceed the 100 inches decreed under 27. During the 2:00 p.m. telephone status conference I reported that we would do this, but that we won't do an SF-5 until the situation with 10235 is straightened out. Permann seems confused about his high water rights: I passed on what you had said about not claiming high water out of the Lance Ditch. He said he thought he had. Anyway, he's going to be calling to set up an appointment with you in the next week or so to go over his high water rights and figure out what changes, if any, he needs to make to his high water claims. I suggested during the status conference that he ought to be able to add the high water from the Lance Ditch via an amendment to claim no. 41-10235, by adding the Lance Ditch as an additional POD, increasing the POU to scoop up the additional acres, and increasing the diversion rate accordingly. Since this is high water, and all rights have equal priority date, it doesn't seem to me that a separate quantity out of each ditch needs to be identified; or if it does, can it not be identified in remarks (e.g. "of total quantity X, the total quantity out of the Y ditch is limited to Y cfs and the total quantity out of the Z ditch is limited to Z cfs")? Tell me if I'm out to lunch in my thinking in this regard. If this could be done, it would be much easier for everyone if **Permann can do an amended claim since such would only have to go before SM Dolan.** If he has to file a motion for leave to file a late claim, it'll take several months docket sheet notice + a hearing before Judge Burdick. Anyway, let me know what you think. Thanks. NBS

RECEIVED

JAN 31 2001

Department of Water Resources

RECEIVED

FEB 06 2001

Department of Water Resources  
Southern Region

2001 JAN 30 AM 11:41  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

*South*  
*Steve*

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     | ) | ORDER SETTING STATUS            |
|                | ) | CONFERENCE                      |
| Case No. 39576 | ) |                                 |
| _____          | ) | SUBCASE NOS: 41-00027C 41-10235 |

Please be advised that Special Master TERRENCE A. DOLAN  
has set a Status Conference in the above subcase(s)  
as follows:

MONDAY, APRIL 30, 2001 at 02:00 PM

SRBA  
DISTRICT COURT  
253 3RD AVENUE NORTH  
TWIN FALLS, ID

Option: Parties may participate by phone if they contact the  
clerk at (208) 736-3011 prior to APRIL 27, 2001.

IT IS SO ORDERED.

Dated: JANUARY 30, 2001

/S/ TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

Page 1 1/30/01

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on JANUARY 30, 2001, with sufficient first-class postage to the following:

MERRILL PERMANN  
PO BOX 357  
ROCKLAND, ID 83271  
Phone: 208-548-2311

EXCALIBUR RANCHES INC  
PO BOX 387  
ROCKLAND, ID 83271  
Phone: 208-548-2327

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

James Robinson  
Watermaster District 41  
P.O. Box 157  
Rockland, Idaho 83271  
January 22, 2001

RECEIVED  
JAN 24 2001  
Department of Water Resources  
Southern Region

To Whom It May Concern

I have been watermaster continuously for the last ten years as well as several years during the decade of the 80s.

Concerning the water delivered in the ditch known as the Tyler Ditch. For these years, I have been delivering 114 inches to the Tyler Ditch which has been divided as follows:

|               |     |
|---------------|-----|
| Glen Cox      | 6   |
| Excalibur     | 60  |
| Dan Mchargue  | 4   |
| Elaine Tobias | 10  |
| Dale Tyler    | 34  |
| Total         | 114 |

Concerning the water delivered in the ditch called the Payne Ditch. For these years, I have delivered 89 inches to this ditch. It has been divided as follows.

|            |    |
|------------|----|
| Excalibur  | 86 |
| Turnbeaugh | 3  |
| Total      | 89 |

This water has been delivered through a measuring box as described in the H.P. Houtz decree of March 1890.

James Robinson

Watermaster  
District 41

RECEIVED

JAN 24 2001

Department of Water Resources  
Southern Region

22 January 2001

To Whom it May Concern,

Any reduction in the amount of water delivered in the Payne Ditch or the Tyler Ditch will be a hardship on our farming practices and contrary to the decreed amount regardless of the number of acres. We lose a fair amount of water just going down the ditches. Our soil is such that the water does not stay in the top but runs through the soil profile more rapidly than we want. On a dry year, even with the full amount of water, we have to let a portion of our fields go without water. Then when the creek is low and they cut the ditch flow we really suffer.

We feel it is our right and need to have the full amount of decreed water as has been delivered over the past many years.

Merrell Periman

RECEIVED

JAN 24 2001

Department of Water Resources  
Carthage College



This is a picture of the measuring box on the Tyler Ditch. You can see that it is a full 19" in width which is made to measure 114 inches of water. It was built by Everal McNeil in 1976. He made it the exact dimensions of the old box which was probably 50 years old. Everal told me he remembered them putting it in because it was in the field just below where he spent his whole life. I can never remember not having a full 114 inches of water or better in the ditch except when they cut the water because of lack of stream flow in the East Fork Creek.

Merrell Pennam

22 Jan 01

RECEIVED

JAN 24 2001

Department of Water Resources  
Southern Region

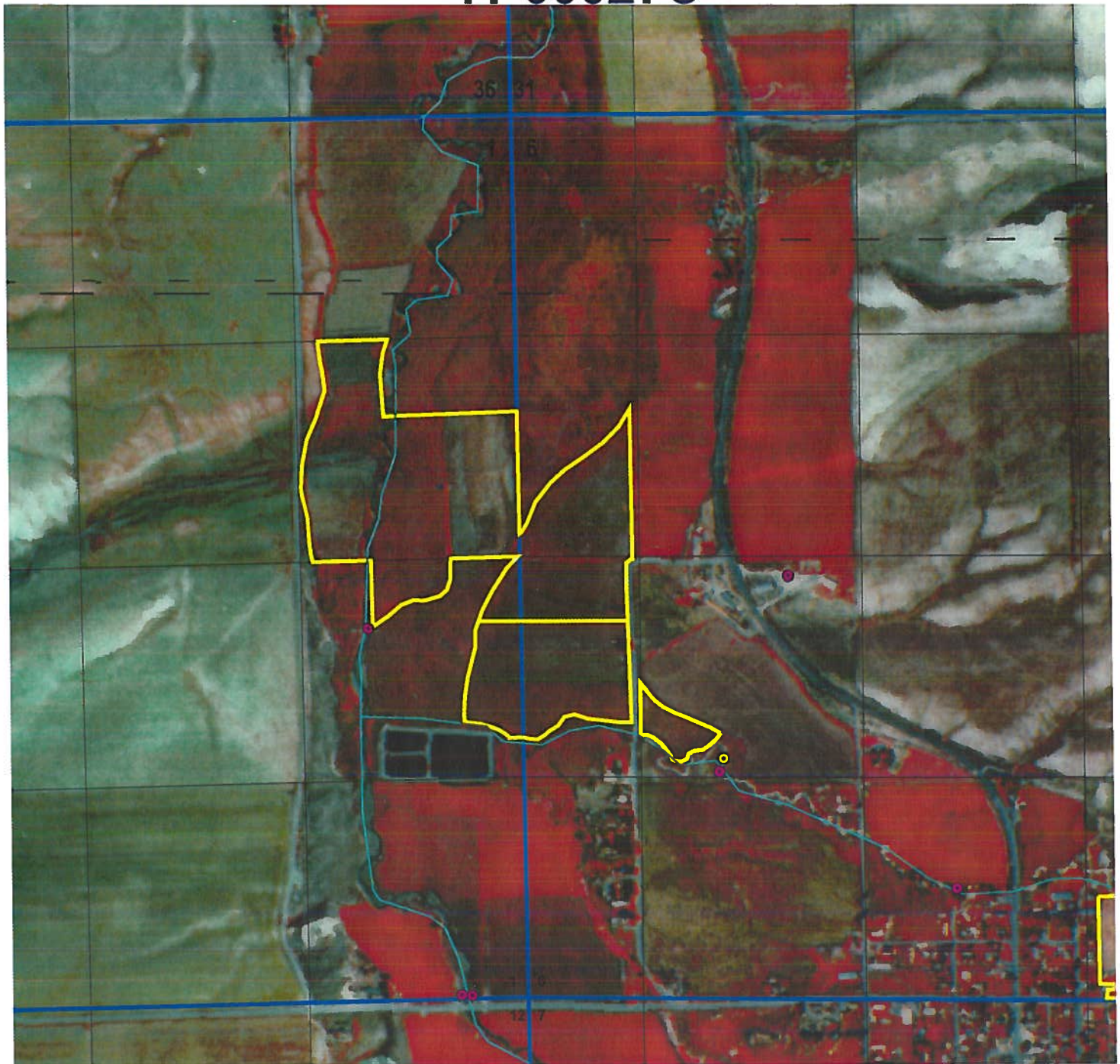


This is a picture of the measuring box on the Payne Ditch. This box is a full 15" in width and was made to measure the original decreed water of 90 inches in the ditch. This box was built in 1992 from the dimensions of the old box which was estimated to be 57 years old when it was taken out & moved because the original spot it occupied was the site of a buried ditch pipe. The new box was moved about 100 yds. down the ditch.

Merle Permann

# IDAHO DEPT OF WATER RESOURCES

## 41-00027C



660 0 660 1320 Feet

- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

T10S, R30E, SEC. 1  
T10S, R31E, SEC. 6



GIS PLACE OF USE PRESENTATION  
1987 &/OR 1988 NAPP PHOTOGRAPHY  
\*\*\*REVISED\*\*\*  
DATA ENTRY BY: STEVE CLELLAND  
DATE: March 14, 2000

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 41-00027C

(Insert water right number)

Case No. 39576

STANDARD FORM 1  
OBJECTION

RECEIVED

JAN 13 2000

Department of Water Resources  
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:

Excelsior 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: 1.740 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):

Of The original 100 inches in this ditch D.C. Tyler Jr. sold 13 inches and allotted the rest to the Land Left Minus about 14 Acres that developed a Sub + Continues to this day. When we purchased the land we also purchased the water right. Those who haven't irrigated ought to try + irrigate with an inch to the acre. We irrigate up to 88 Acres with this water depending on the year and water + soil conditions. We try SF.1 - Objection and make the best use of the water.

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

Kenneth A. Dean  
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:

Excalibur Ranches Inc.  
P.O. Box 387  
Rockland, Idaho 83221

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

## COMMUNICATION DOCUMENTATION

He wanted to go over the details of his recommendation in B41. I explained the reasoning behind my recommendations as based on the decree and the claims. I told him he is welcome to try and overcome the limits set out in the decree if he chooses but I am not able to do so. I gave him copies of the Obj. forms and offered any assistance necessary to review the files again or provide copies.

June 11, 1999

NOTICE OF ERROR  
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:** July 9, 1999

Water right number: 41-07011

EXCALIBUR RANCHES INC

~~C/O HAROLD PERMANN~~

~~PO BOX 173~~

ROCKLAND ID 83271

P.O. BOX 387

CHANGE OF  
ADDRESS

FOR ALL  
CLAIMS:

- 10018

- 7011

- 0027C

- 0024A

- 0028

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: \_\_\_\_\_ SIGNATURE: Excalibur Ranches Inc by Alan L. Permann  
Please print your name: EXCALIBUR RANCHES INC by ALAN L. PERMANN

IDWR Southern Regional Office, 1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380, (208) 736-3033

☒ Change of address: 10/22/99 see A41-00027C

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

AJ0743NP  
(00-124)

Water Right Number - R41-00027C      Prefix Translation: RESEARCH      Old (D) Number -  
+ - - - - Last Name - - - - +      + - First Name - - - +      + - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
EXCALIBUR RANCHES INC  
1 - PO BOX 357  
2 -  
3 -  
City- ROCKLAND      State- ID      Zip- 83271  
Phone - 208-548-2311

+ - - Priority Date - - +      + - - - - Region - - - +      + - - - - Stage - - - +      + - - - - Status - - - +  
08/01/1879      17 SOUTHERN      D - DECREED  
+ - - - - Source - - - - +      + - - - - Tributary - - - - - +  
ROCK CREEK, EAST FORK      ROCK CREEK

+ - - - - Point of Diversion - - - - - +  
TwN      Rng      Sec      Tract      Lot      RFlg      County      PAYNE DITCH

10S      31E      6      SW NE SW      (77)      POWER      Water Use - - - - - +  
+ - - - - Description      Period From      Period To      Diversion Rate      Diversion Volume

01 - IRRIGATION      04/01      10/31      1.280  
+ - Total Div. Rate - +      + - Total Div. Volume - +      + - Total Consumptive Use - +      + - KW Usage - +  
1.280      1.280      0.0

| TwN | Rng | Sec | Tract | Lot | Acres | Place of Use | Code       | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|------------|-------------|--------|
| 10S | 30E | 1   | SE NE |     | 29.0  | 01           | IRRIGATION | (77) POWER  |        |
| 10S | 30E | 1   | NE SE |     | 9.0   | 01           | IRRIGATION | (77) POWER  |        |
| 10S | 31E | 6   | SW NW | 5   | 9.0   | 01           | IRRIGATION | (77) POWER  |        |
| 10S | 31E | 6   | NE SW |     | 2.2   | 01           | IRRIGATION | (77) POWER  |        |
| 10S | 31E | 6   | NW SW | 6   | 15.0  | 01           | IRRIGATION | (77) POWER  |        |

Total Acres: 64.2

+ - - Diversion Means - VIA PAYNE DITCH  
+ - - Non-Irrigation Use -  
+ - - Other Rights for Same Use - 41-00037 & 41-04006A  
+ - - - - Remarks - - - - - +

POU1      USE OF THIS RIGHT WITH RIGHT NO. 41-10236 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 64.2 ACRES IN A SINGLE  
IRRIGATION SEASON.

Water right number - R41-00027C      Prefix Translation: RESEARCH

+ - - - - - Old Water Right Numbers - - - - - +  
+ - - - - - Old Water Right Numbers - - - - - +  
A4100027A

+ - - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

+ - - - - - Decree Plaintiff - - - +      + - - - - - Decree Defendant - - - +      + - Decree Date - - +  
HOUTZ      ET AL.      00/00/0000

+ - - - - - Comments- - - - - +  
Date: 06/11/1999 User Id: SCLELLAN Subject: COPIED FROM REMARKS  
THIS CLAIM IS A PORTION OF WR 41-00027A.  
Date: 06/11/1999 User Id: SCLELLAN Subject: RECOMMENDATION  
GIS FOUND 64.2 ACRES, DECREE LIMITS DUTY OF WATER AT 1 INCH/AC.      AND FLOW RATE IS ADJUSTED TO MATCH POU ACRES, 64.2.

+ - - Audit Fields - - +  
10/14/99 DJONES

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +  
Court Report Filing - 00/00/0000      Field Inspection Made - 00/00/0000      Civil Case Number - 39576  
Objection Filed Date - 00/00/0000      Field Inspection Flag -      Old Case Number -  
Response Filed Date - 00/00/0000      Verified Date -      Old Judicial District -  
Claim Received Date - 02/09/1990      Last Amended Date -      Temporary Right - P  
Receipt Number - S011159      Water District - 41  
POU Ownership Flag - Y      Federal/State Indicator - S  
Name Connector -      Presumption Flag - D  
Notice of Error Flag -

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 Date 8-30-94

Contact Person(s) MERRILL PERMANN

Nature of Contact \_\_\_\_\_

Substance of Communication \_\_\_\_\_

8/30

~~He~~ Merrill Permann

discussed Tyler Ditch, Payne Ditch

I explained the sewer box problem  
& possible options.

— mentioned possible public meeting & field display.

his use on Payne Ditch is being changed  
to be piped by SCS — suggested he  
call me & we will measure his setup as  
it currently exists.

VERIFIED BY San

AJ0749NP  
No. R41-00027C

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

DATE: 06/11/99  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                             | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | EXCALIBUR RANCHES INC<br>PO BOX 357<br>ROCKLAND ID 83271<br>(208) 548-2311 | 08/01/1879       | IRRIGATION | 04-01 10-31           | 1.28 CFS          |                     |
| TOTAL DIVERSION: |                                                                            |                  |            |                       | 1.28 CFS          |                     |

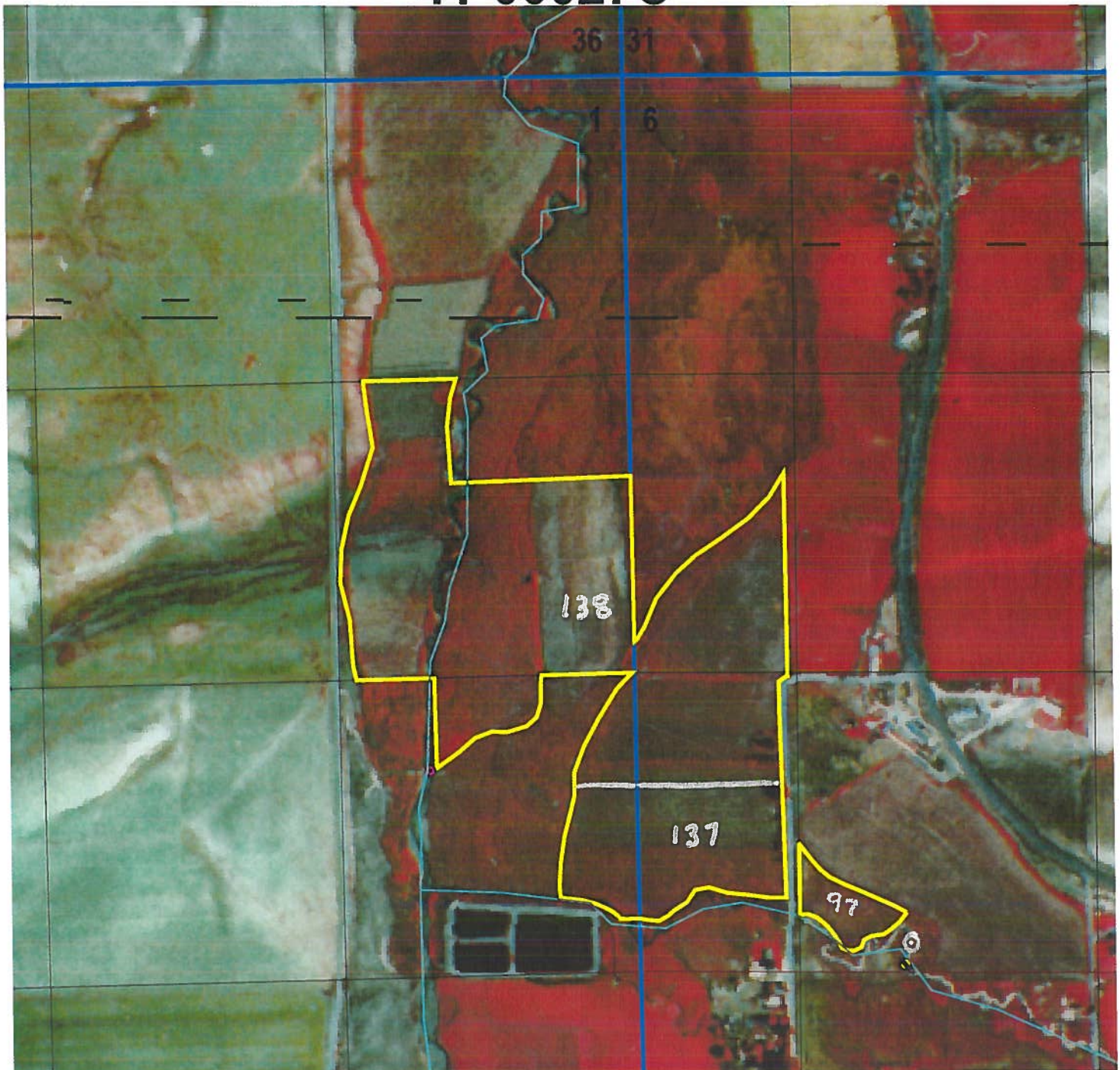
Water Source: ROCK CREEK, EAST FORK  
Tributary to: ROCK CREEK  
Stage: DECREED  
Point(s) of Diversion: T10S R31E S06 SHNESH POWER County

| Place of use Legal Description for: IRRIGATION |     |   |     |     |     |     |     |     |     |     |      |
|------------------------------------------------|-----|---|-----|-----|-----|-----|-----|-----|-----|-----|------|
| NE                                             |     |   | NW  |     |     | SW  |     |     | SE  |     |      |
| T                                              | R   | S | NE  | NW  | SW  | SE  | NE  | NW  | SW  | SE  | SUM  |
| 10S                                            | 30E | 1 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 38.0 |
| 10S                                            | 31E | 6 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 26.2 |
| TOTAL ACRES                                    |     |   |     |     |     |     |     |     |     |     | 64.2 |

POU County: POWER  
Other Rights: 41-00037 & 41-04006A  
Dates: Exam Made Date: Verified Date: 06/11/1999 Objection Filed Date:  
Misc: Water District Number: 41 Field Inspection Flag: D  
Presumption Flag:

# IDAHO DEPT OF WATER RESOURCES

## 41-00027C



660 0 660 1320 Feet

T10S R30E SEC. 1  
T10S R31E SEC. 6



- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

*note revised  
pool  
#67*

GIS PLACE OF USE PRESENTATION  
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND  
DATE: June 10, 1999

*see  
3/14/00*

CLAIM NUMBER

A41-00027

DATE

4/23/99

TRANSFER NUMBER

AGENT

Df

CLAIMED ACRE TOTAL

80

GIS ACRE TOTAL

85.2

64.2

|       | TWP | RNG | SEC | NE           |    |    |    | NW |     |    |    | SW |     |    |    | SE  |    |    |      |
|-------|-----|-----|-----|--------------|----|----|----|----|-----|----|----|----|-----|----|----|-----|----|----|------|
|       |     |     |     | NE           | NW | SW | SE | NE | NW  | SW | SE | NE | NW  | SW | SE | NE  | NW | SW | SE   |
| CLAIM | 10S | 3DE | 1   | 22           |    |    | 26 |    |     |    |    |    |     |    |    | 8   |    |    | 56   |
| GIS   |     |     |     | 20           |    |    | 29 |    |     |    |    |    |     |    |    | 9.5 |    |    | 58.5 |
| RECOM |     |     |     | 8            |    |    | 29 |    |     |    |    |    |     |    |    | 8.9 |    |    | 38   |
|       |     |     |     | (West Ditch) |    |    |    |    |     |    |    |    |     |    |    |     |    |    |      |
| CLAIM | 10S | 31E | 6   |              |    |    |    |    | 45  |    |    |    | 46  |    |    |     |    |    | 24   |
| GIS   |     |     |     |              |    |    |    |    | 7   |    |    |    | 2   |    |    |     |    |    | 26.7 |
| RECOM |     |     |     |              |    |    |    |    | 9.3 |    |    |    | 2.4 |    |    |     |    |    | 26.2 |
|       |     |     |     |              |    |    |    |    | 8.4 |    |    |    | 2.2 |    |    |     |    |    | 26.2 |
|       |     |     |     |              |    |    |    |    | 9   |    |    |    | 15  |    |    |     |    |    |      |
| CLAIM |     |     |     |              |    |    |    |    |     |    |    |    |     |    |    |     |    |    |      |
| GIS   |     |     |     |              |    |    |    |    |     |    |    |    |     |    |    |     |    |    |      |
| RECOM |     |     |     |              |    |    |    |    |     |    |    |    |     |    |    |     |    |    |      |

B41-POU.SHP

SHAPE NOS.

138 (large Pou)

97 (sm. Pou)

137 (south pou)

B41-POD.SHP

NOS. DESCRIPTION

47 67 (Lance Ditch) NORTH of STREAM  
 AKA PAYNE Ditch - T10S, R31E, S6, SWNE SW

DBF TABLES UPDATED

B41-DBPOU.DBF

B41-DBPOD.DBF

JPEG LAYOUT

✓ 41-00027 C.jpg

Preliminary / Revised  
 6/10/99  
 SA

(Pou in Sec1 NENE rec'd under West Ditch 41-00037)  
 1.74 cfs = 87" Based on Decreed duty of water (1"/ac)

Pou acreage limited to 87 ACRES.

\* GIS Found 64.2 AC; 64.2" = 1.28 cfs



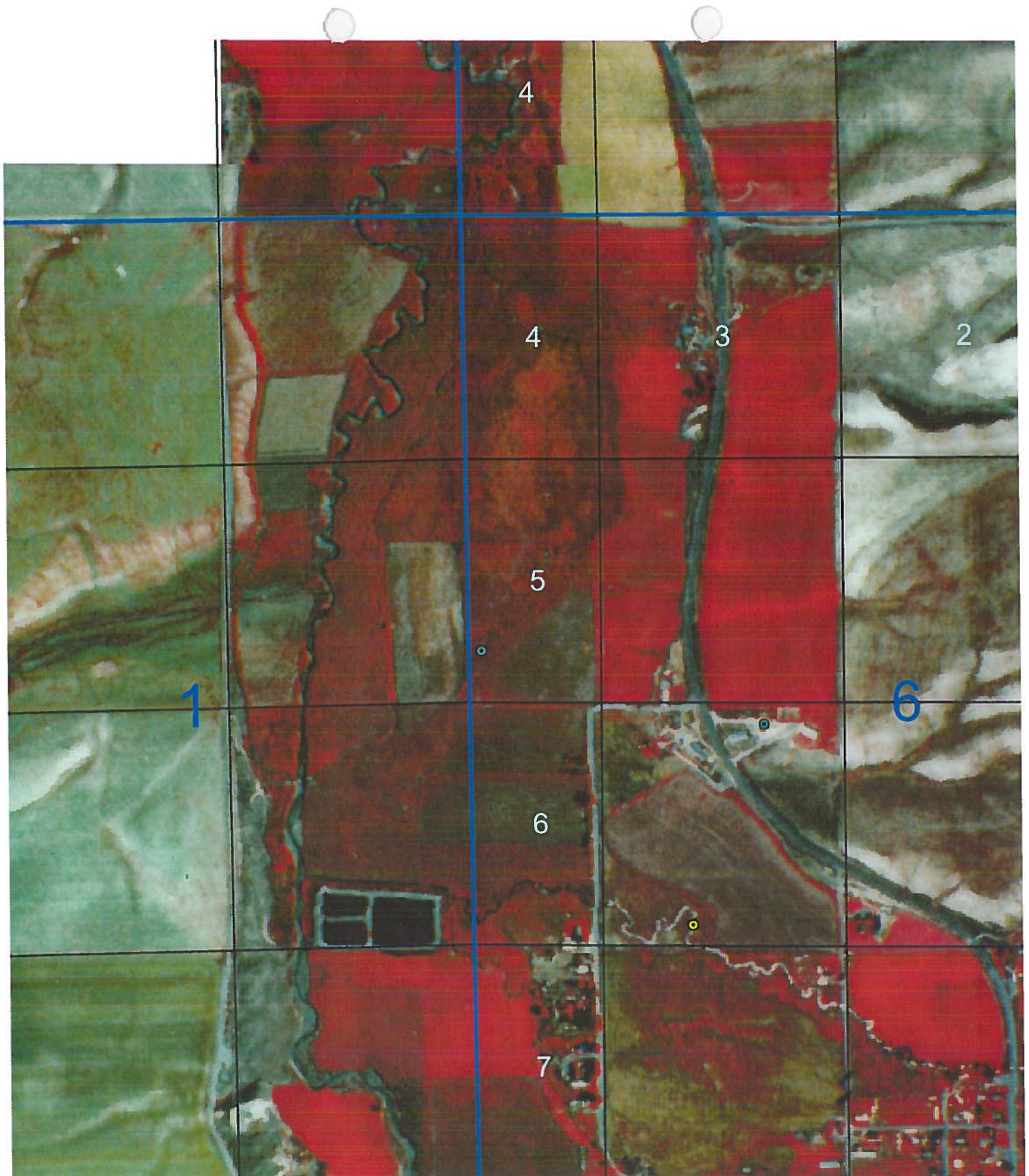


-  Property of Interest
-  Point(s) of Diversion
-  Section Lines
-  Quarter/Quarter Lines

41-00027C  
Field Copy

T10S R30E S1  
T10S R31E S6





1320 0 1320 Feet

- Property of Interest
- Point(s) of Diversion
- Section Lines
- Quarter/Quarter Lines

**A41-00027C**  
**Field Copy**

**T10S R30E S1**  
**T10S R31E S6**



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

10:48:27  
04/22/91

PAGE: 11  
QUICKLOOK INFORMATION

CLAIM NUMBER: A41-00027C

| MR ELEMENT                | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| POINT OF DIV              | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| SOURCE                    | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PLACE OF USE              | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PURPOSES                  | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PERIOD OF USE             | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| BASIS OF CLAIM            | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| REMARKS                   | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1  
ASCS MAP = 2  
WATERMASTER RECORDS = 3  
NAPP PHOTOS = 4  
FIELD EXAM = 5  
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION  
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

Water Right Number - A41-00027C

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

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

1 - P.O. BOX 357  
2 -  
3 -  
City- ROCKLAND  
Phone - 208-548-2311

State- ID Zip- 83271

+ - - Priority Date - - - + - - - Region - - - + - - - Stage - - - + - - - Status - - - +  
08/01/1879 17 SOUTHERN D - DECREED

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

+ - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code)  
Twn Rng Sec Tract Lot RFlg County  
10S 31E 6 SW NE SW (77) POWER

+ - - Code Description Period from Period To Water Use Diversion Rate Diversion Volume  
01 - IRRIGATION 04/01 11/01 1.740

+ - - Total Div. Rate - - + - - Total Div. Volume - - + - - Total Div. Capacity - - + - - Total Consumptive Use - - + - - KW Usage - - +  
1.740 200.0

| Twn          | Rng | Sec | Tract | Lot | Acres | Place of Use | Code       | Description | County |
|--------------|-----|-----|-------|-----|-------|--------------|------------|-------------|--------|
| 10S          | 30E | 1   | NE NE |     | 22.0  | 01           | IRRIGATION | (77 ) POWER |        |
| 10S          | 30E | 1   | SE NE |     | 26.0  | 01           | IRRIGATION | (77 ) POWER |        |
| 10S          | 30E | 1   | NE SE |     | 8.0   | 01           | IRRIGATION | (77 ) POWER |        |
| 10S          | 31E | 6   | SW NW | 5   | 7.0   | 01           | IRRIGATION | (77 ) POWER |        |
| 10S          | 31E | 6   | NE SW |     | 2.0   | 01           | IRRIGATION | (77 ) POWER |        |
| 10S          | 31E | 6   | NW SW | 6   | 15.0  | 01           | IRRIGATION | (77 ) POWER |        |
| Total Acres: |     |     |       |     | 80.0  |              |            |             |        |

+ - - Diversion Means - VIA LANCE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A41-00037 & A41-04006A

+ - - Remarks  
THIS CLAIM IS A PORTION OF WR 41-00027A.

+ - - Old Water Right Numbers  
A4100027A

**Prefix Translation:** ADJUDICATION CLAIM

- - - Conditions of Approval - - -  
No Conditions of Approval found.

Decree Defendant - - - +  
ET AL.

+ - - Audit Fields - 02/09/90 CLELLAND

- - -Comments- -  
No Comments Found

Adjudication Rights Dates and Flags Area

|                        |   |            |                       |   |            |                         |      |
|------------------------|---|------------|-----------------------|---|------------|-------------------------|------|
| Count Report Filing    | - | 00/00/0000 | Field Inspection Made | - | 00/00/0000 | Civil Case Number       | -    |
| Objection Filed Date   | - | 00/00/0000 | Field Inspection Flag | - | 00/00/0000 | Old Case Number         | -    |
| Response Filed Date    | - | 00/00/0000 | Verified Date         | - | 00/00/0000 | Old Judicial District   | -    |
| Claim Received Date    | - | 02/09/1990 | Last Amended Date     | - | 00/00/0000 | Temporary Right         | - P  |
| Proof Due Date         | - | 00/00/0000 | Proof Made Date       | - | 00/00/0000 | Water District          | - 41 |
| Licensed Date          | - | 00/00/0000 | Receipt Number        | - | S011159    | Federal/State Indicator | - S  |
| Claims Tape Error Flag | - |            | POU Ownership Flag    | - | Y          | Presumption Flag        | - D  |
| Fee Exempt Flag        | - |            | Name Connector        | - |            |                         |      |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

10:48:27  
04/22/91

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A41-00027C

LAST: EXCALIBUR RANCHES INC. FIRST:  
ADDRESS: P.O. BOX 357  
CITY: ROCKLAND STATE: ID ZIP: 83271  
PHONE NUMBER: 208-548-2311

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE  
Y

FIELD  
EXAMINER

CLAIM REMARKS: THIS CLAIM IS A PORTION OF WR 41-00027A.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_-\_\_\_\_

DATE OF FIELD EXAM: \_\_\_\_/\_\_\_\_/\_\_\_\_

APPOINTMENT MADE: Y(\_\_\_\_) N(\_\_\_\_)

TIME: \_\_\_\_:\_\_\_\_ A(\_\_\_\_) P(\_\_\_\_)

ACCOMPANIED BY: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_-\_\_\_\_

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / REMARKS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A. AJ CLAIM: # A41-00027C PRIORITY DATE: 08-01-1879 STAGE: D

B. WR RECORD: # 41-00027 PRIORITY DATE: - - STAGE:

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD EXAMINER  
Y

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y( ) N( )  
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:

REVIEWED BY

DATE

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT      | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY  |
|------------|------|------|------|-----|-----|-----|-----|-------|
| A41-00027C | 10S  | 31E  | 6    | SW  | NE  | SW  |     | POWER |

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX  
A41-00027D NONE

MR RECORDS IN SAME 40 ACRE TRACT

41-04006

SOURCE: ROCK CREEK, EAST FORK

TRIB: ROCK CREEK

B. MR POINT OF DIVERSION AND SOURCE:

4100027 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

C. FIELD EXAM REQUIRED?

| DUE TO POD DISCREPANCY?    | (Y/N) | DATABASE | FIELD EXAMINER |
|----------------------------|-------|----------|----------------|
| DUE TO SOURCE DISCREPANCY? | (Y/N) | Y        |                |

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:  
TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

SOURCE: \_\_\_\_\_ TRIB: \_\_\_\_\_ DATE: \_\_\_\_\_  
REVIEWED BY: \_\_\_\_\_

A. ROOT WATER RIGHT NUMBERS:

A41-00027C  
A41-00027D

A41-00027B

B. POU LISTING

| TWP         | RNG | SEC | 1/4 | 1/4 | LOT | NAME                                                                                                            | AJ<br>#/ACRES                                                                          | WR<br>#/ACRES                                      | LANDSAT<br>DATA       | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-------------|-----|-----|-----|-----|-----|-----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------|-----------------------|----------------|------------------|
| 10S         | 31E | 6   | SW  | NW  | 5   | EXCALIBUR RANCHES INC.<br>TYLER, DALE C.<br>LANCE, LEWIS<br>TYLER, HAROLD                                       | A41-00027C / 7.0<br>A41-04006A / 5.9<br>A41-04006B / 16.0                              | -<br>-<br>-<br>41-04006 / 20.0                     | /<br>/<br>/<br>/      | 19.0           |                  |
| 10S         | 31E | 6   | NW  | SW  | 6   | EXCALIBUR RANCHES INC.<br>TURNEBAUGH, CLYDE<br>ROCKLAND WATER AND SEWER ASSOC<br>LANCE, LEWIS<br>TYLER, HAROLD  | A41-00027C / 15.0<br>A41-04006A / 14.4<br>A41-00027D / 5.0                             | -<br>-<br>-<br>41-00027A / 22.0<br>41-04006 / 20.0 | /<br>/<br>/<br>/<br>/ | 21.0           |                  |
| 10S         | 31E | 6   | NE  | SW  | 6   | EXCALIBUR RANCHES INC.<br>EXCALIBUR RANCHES INC.<br>EXCALIBUR RANCHES INC.<br>PERMANN, MERRILL<br>TYLER, HAROLD | A41-00027C / 2.0<br>A41-04006A / 26.7<br>A41-10008 /<br>A41-10007 /<br>41-04006 / 33.0 | -<br>-<br>-<br>-<br>41-04006 / 33.0                | /<br>/<br>/<br>/<br>/ | 41.0           |                  |
| 10S         | 30E | 1   | NE  | NE  | 1   | EXCALIBUR RANCHES INC.<br>WEST DITCH COMPANY<br>TYLER, HAROLD                                                   | A41-00027C / 22.0<br>A41-00037 / 22.0<br>A41-00037 / 40.0                              | -<br>41-00037 /<br>41-04006 / 40.0                 | /<br>/<br>/           | 37.0           | West Ditch       |
| 10S         | 30E | 1   | SE  | NE  | 1   | EXCALIBUR RANCHES INC.<br>EXCALIBUR RANCHES INC.<br>WEST DITCH USERS<br>TYLER, HAROLD                           | A41-00027C / 26.0<br>A41-10018 / 20.0<br>41-00037 /<br>41-04006 / 40.0                 | -<br>-<br>41-00037 /<br>41-04006 / 34.0            | /<br>/<br>/<br>/      | 29.0           |                  |
| TOTAL ACRES |     |     |     |     |     |                                                                                                                 | A41-00027C                                                                             | 80.00                                              |                       | 147.00         |                  |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y ( ) N ( )  
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE EXAMINER  
Y

PRESUMPTION FLAG: D

REMARKS:

### RECOMMENDATIONS:

**TOTAL ACRES:**

REVIEWED BY:

DATE:

A. AJ CLAIMED USES:

PURPOSES  
A41-00027C IRRIGATION

MONTH/DAY  
FROM 04-01 TO 11-01

DIVERSION QUANTITY  
1.740 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED  
1.740 CFS

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

TOTAL DIVERSION RATE/VOLUME CLAIMED

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

|                                          | FIELD EXAMINER |
|------------------------------------------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N)      | Y              |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | Y              |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | Y              |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y( ) N( )

RECOMMEND TO WR STANDARDS OR OTHER?

Y( ) N( ) Explain in remarks, below.

REMARKS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y( ) N( )

AJ TOTAL CLAIMED DIVERSION RATE: 1.740 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

\*\*\* IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. \*\*\*  
\*\* If an amount smaller than the original diversion rate is \*\*  
\*\* claimed and an exam is NOT required, explain in remarks. \*\*

FLOW MEASUREMENT REQUIRED? FIELD DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y

B. FLOW MEASUREMENT

MEASUREMENT METHOD, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y( ) N( ) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A41-00037 & A41-04006A

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM      | SOURCE                | NAME                   | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|-----------------------|------------------------|-----------|----------------|-----------|----------------|
| A41-00027C | ROCK CREEK, EAST FORK | EXCALIBUR RANCHES INC. | 1.740     | 0.021          |           |                |
| A41-04006A | GROUNDWATER           | EXCALIBUR RANCHES INC. | 1.030     | 0.019          |           |                |
| A41-04006B | GROUNDWATER           | TYLER, DALE C.         | 2.500     | 0.026          |           |                |
| A41-00027D | ROCK CREEK, EAST FORK | TURNBEAUGH, CLYDE      | 0.060     | 0.012          |           |                |
| A41-00037  | ROCK CREEK            | WEST DITCH COMPANY     | 5.500     | 0.013          |           |                |
| A41-10018  | SPRINGS               | EXCALIBUR RANCHES INC. | 0.800     | 0.033          |           |                |

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES   | NAME                           | MONTH/DAY           | RATE     | VOLUME |
|-----------|------------|--------------------------------|---------------------|----------|--------|
| A41-04023 | MUNICIPAL  | ROCKLAND WATER AND SEWER ASSOC | FROM 01-01 TO 12-31 | .670 CFS |        |
| A41-10008 | STOCKWATER | EXCALIBUR RANCHES INC.         | FROM 01-01 TO 12-31 | .130 CFS |        |
| A41-10008 | DOMESTIC   | EXCALIBUR RANCHES INC.         | FROM 01-01 TO 12-31 | .060 CFS |        |
| A41-10007 | DOMESTIC   | PERMANN, MERRILL               | FROM 01-01 TO 12-31 | .040 CFS |        |

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE  
ACRES \_\_\_\_\_ x 0.02 CFS/ACRE = \_\_\_\_\_ CFS  
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y( ) N( )

\*\*\* IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y( ) N( ) \*\*\*

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 200.0 AF/A

ACRES \_\_\_\_\_ x CONSUMPTIVE VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL CONSUMPTIVE USE \_\_\_\_\_ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = \_\_\_\_\_ AF/A

ACRES \_\_\_\_\_ x DIVERSION VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL DIVERSION VOLUME \_\_\_\_\_ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y( ) N( )

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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**RECOMMENDATIONS:**

**REC.**  
**PURPOSES**

REC. PERIOD  
FROM TO

REC. DIV  
RATE CFS

REC. DIV  
VOL. AF/A

REC. CONS.  
USE

**DATABASE EXAMINER****DATABASE EXAMINER****DATABASE EXAMINER**

TOTAL FOR THIS RIGHT

REVIEWED BY:

DATE:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP \_\_\_\_\_  
FORFEIT/ABANDON \_\_\_\_\_  
ADDITIONAL DIV. AMOUNT \_\_\_\_\_

ACCEPTED AS CLAIMED ( )  
NEEDS REVIEW ( )  
( ) ( )  
( ) ( )

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 41-00027  
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE  
3.800

EXAMINER

CFS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "R" CLAIM NUM. | "R" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| A41-00027A        | A41-00027C            | 1.740          | -                      | -             | 41-00027A        | 1.800          |
| A41-00027A        | A41-00027D            | 0.060          | -                      | -             | 41-00027A        | 1.800          |
| -                 | A41-00027B            | 0.200          | -                      | -             | 41-00027B        | 0.200          |
| -                 | -                     | -              | -                      | -             | 41-00027         | -              |

TOTAL CFS 2.000

3.800

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)  
If NO, is the written review sheet attached? (Y/N)

DATABASE N  
FIELD EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF FIELD EXAMINER: \_\_\_\_\_ TITLE: \_\_\_\_\_