

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: A41-00029B
Date Received: 7/23/1999
Receipt No: S022385
Received By: Sen

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: MELVIN NELSON 208-548-2682
Address: PO BOX 334
ROCKLAND ID 83271

2. Date of Priority: OCT 1, 1883

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	10	SE	SW	NE		POWER

5. Description of diverting works:
SCREW GATE TO DITCH; VIA DANIELSON DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	31E	4	SW	SW		IRR	5.0
			SE	SW		IRR	5.6
			SW	SE		IRR	5.6
			SE	SE		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	17.2
		9	NE	NE	IRR	4.0
					Section Acres	4.0
					Total Acres	21.2

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
41-10091B, 41-00026, 41-00048

14. Remarks:
THIS RIGHT IS BASED ON THE HOUTZ DECREE WHICH DESCRIBES LAND OWNED BY NELSON.

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date: 6/ 6/1903

HOUTZ
Decree Plaintiff

ET AL
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Michael Wilson* Date: July 23, 1999
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 23RD day
of July 19 99 *Shirley Bell*
Notary Public

Seal

Residing at Twin Falls ID
My Commission Expires 12/1/2000

COPY

All 1010-900

002	H.P. HOUTZ	CHARLES, IVAN	CITY — ok	5	May 1 86	
002	H.P. HOUTZ	TURNB, COX, RALPH,	WOODS — city?	5	May 1 86	~~Names Turnbough, Cox, Ralphs, Nelson, Brown~~
018	H.A. FEAS	NELSON, RICHARD	BENCH	10	May 15 87	TRANSFER 244
019	GEORGE STANGER	MUNK, MELVIN	STANGER	40	May 1 85	2 INCHES DOMESTIC??
020	GUDELUPE VALDE ?	?	?	5	Feb 15 79	
020	GUADELUPE VALD	NELSON, GLENNA	BENCH	20	Feb 15 79	TRANSFER APPLIED FOR 3-10-1993
020	GUDELUPE VALDE	WOODWORTH, JIM	VALDEZ	37.5	Feb 15 79	
020	GUDELUPE VALDE	BARNARD, CHARLES	VALDEZ	18.75	Feb 15 79	
020	GUDELUPE VALDE	NELSON, ORVILLE	VALDEZ	18.75	Feb 15 79	
021	GUDELUPE VALDE	NELSON, GLENNA	DANIELSON	10	May 1 83	
021	GUDELUPE VALDE	NELSON, GLENNA	STANGER	40	May 1 83	
022	NEIL DANIELSON	NELSON, GLENNA	DANIELSON	10	Oct 1 85	
024	H.C. WOODS	RALPHS, ALVIN	CITY	5	Mar 12 81	
024	H.C. WOODS	PERMAN, HAROLD	TYLER	20	Mar 12 81	
024	H.C. WOODS	RALPHS, ALVIN	WOODS	45	Mar 12 81	
025	H. HOUTZ JR.	ROCKLAND CITY	CITY	20	Mar 12 81	
025	H. HOUTZ JR.	MCHARGUE-NELSON	TYLER	4	Mar 12 81	SRBA ok
025	H. HOUTZ JR.	TORIAS, ELAINE	TYLER	10	Mar 12 81	
025-23	JAMES SHERMAN	NELSON, MELVIN	BENCH	10	Mar 15 85	NEEDS TO BE TRANSFERED Ditch Stock Certificate
026	J. LEWIS	NELSON, MELVIN	?? Danielson	10	May 1 88	NEEDS TO BE TRANSFERED
027	LEWIS LANCE	PERMAN, HAROLD	PAYNE	89	Aug 1 79	
027	LEWIS LANCE	TYLER, HAROLD	TYLER	10	Aug 1 79	
027	LEWIS LANCE	FOULSON, MILTON	VALDEZ	1	Aug 15 79	
028	D.C. TYLER	PERMAN, HAROLD	TYLER	40	Jun 15 83	
029	L.S. BARNARD	MAY, LEE or NELSON	?? Valdez?	10	Oct 1 83	THIS WATER ON DEED TO L. MAY PRESENTLY BEING DILIVE
029	L.S. BARNARD	NELSON, MELVIN	BUDGE	30	Oct 1 83	
029-41-03	JOSEPH HENRY	UNDER RESEARCH	CITY AND VALDE	25	Jun 1 86	This Water Split Between City + Valdez ditch some How
030	D.A. BUDGE	ANDERSON, BURTON	BUDGE	16	Oct 1 83	
030	D.A. BUDGE	LISH BROS.	BUDGE	1	Oct 1 83	
030	D.A. BUDGE	NELSON, MELVIN	BUDGE	8	Oct 1 83	Combine
030	D.A. BUDGE	ANDERSON, BURTON	VALDEZ	10	Oct 1 83	
031A	PROMOTORY STOC	NELSON, MELVIN	BENCH	5	Oct 1 83	WATER ON DITCH STOCK CERTIFICATE, DELIVERED TWICE??
031	PROMOTORY STOC	NELSON, MELVIN	BUDGE	10	Oct 1 83	
031	PROMOTORY STOC	NELSON, MELVIN	DANIELSON	15	Oct 1 83	
031-48	PROMOTORY STOC	NELSON, MELVIN	DANIELSON	10	Jun 1 85	see Back of this Page.
032	JOSEPH HENRY	UNDER RESEARCH	CITY AND VALDE	50	Jun 1 82	This Water Split Between City + Valdez Ditch some How
034	D.C. TYLER	COX, GLENN	TYLER	6	May 1 85	NEEDS TO BE TRANSFERED
034	D.C. TYLER	TYLER, HAROLD	TYLER	24	May 1 85	
036	BENCH DITCH	BENCH DITCH	BENCH	325	May 10 84	400 Total
036	BENCH DITCH	BENCH DITCH	BENCH	75	May 10 84	DOMESTIC WATER
037	H.D. LISH	MAY, LEE	VALDEZ	28.5	May 10 90	
037	H.D. LISH	MORRIS, DAVE	VALDEZ	1.5	May 10 90	
2001	BENCH DITCH	BENCH DITCH	BENCH	450	Sep 14 1908	THIS DATE IS SEP 14, 1908

$$Q = 0.084 \text{ cfs}$$

$$(\text{on } 4.2'')$$

$$63''$$

$$1.26 \text{ cf}$$

41-00029 B

Recommendation:

See full review in

41-10091 A & B

See 10/19/99

Pou on 4.2 Ac w/in

19.2 Ac P.P.U.

COPY

RECEIVED

OCT 5 - 2001

RECEIVED

SEP 26 2001

Department of Water Resources

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

Subcase No.: 41-00029B

Case No. 39576

STANDARD FORM 5

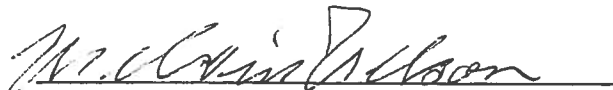
STIPULATED ELEMENTS OF A
WATER RIGHT

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

Date

Sept. 21, 2001

Shun Allen 9/14/01
IDWR Concurrence Date

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

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Department of Water Resources

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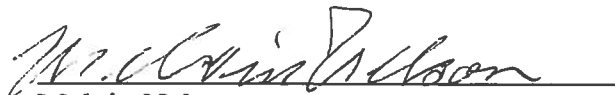
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Water right claim number 41-00029B contained within it a beneficial use determined to be separate from and junior to decreed right 41-00029B. This beneficial use has been separated from claim number 41-00029B and assigned water right number 41-10275.

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

Date

Sept. 21, 2001

Shun Allen 9/14/01
IDWR Concurrence Date

Mike 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 41-00029B

2001 OCT -5 PM 1:50
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: EAST FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.18 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.

MN
NBS
SCC

PRIORITY DATE: 10/01/1883

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
0.180 CFS

PLACE OF USE: IRRIGATION Within POWER County

T10S R31E S04 SESW 4.3
T10S R31E S04 SESE 3.3

T10S R31E S04 SWSE 6.1
T10S R31E S09 NENE 5.5

19.2 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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, 41-00048, 41-10091B & 41-10275.

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

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

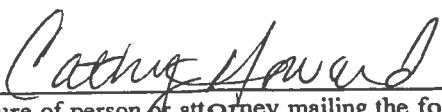
2. Copies to:

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

IDAHO DEPARTMENT OF WATER RESOURCES

09/14/2001

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 41-00029B

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

SOURCE: EAST FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.18 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: 10/01/1883

POINT OF DIVERSION:

T10S R31E S10 SESWNE 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	0.180 CFS

PLACE OF USE: IRRIGATION Within POWER County

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

19.2 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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, 41-00048, 41-10091B & 41-10275.

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

09/14/2001

Water Right 41-10275

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

SOURCE: EAST FORK ROCK CREEK
QUANTITY: 0.02 CFS

TRIBUTARY: ROCK CREEK

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: 06/07/1903

POINT OF DIVERSION:
T10S R31E S10 SESWNE 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	0.020 CFS

PLACE OF USE:

<u>IRRIGATION Within POWER County</u>					
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

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	
41-00029B	9 INCHES	
41-00048	10 INCHES	
BU RT # <u>41-10275</u>	<u>1 INCH</u>	6-7-03
TOTAL	30 INCHES	

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

41-00031 15 INCHES

GRAND TOTAL 45 INCHES

AJ0749NP
No. R41-000298

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

DATE: 10/19/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MELVIN NELSON PO BOX 334 ROCKLAND ID 83271 (208) 548-2682	10/01/1883	IRRIGATION	04-01 10-31	0.084 CFS	
TOTAL DIVERSION:					0.084 CFS	

Water Source: ROCK CREEK, EAST FORK
Tributary to: ROCK CREEK
Point(s) of Diversion: T10S R31E S10
SESNE
Stage: DECREASED
POWER County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	10S 31E 4	10S 31E 9	10S 31E 4	10S 31E 9	10S 31E 4
	05	05	05	05	05
TOTAL ACRES					19.2

POU County: POWER

Other Rights: 41-100918, 41-00026, 41-00048

Remarks: POU1
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4.2 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 41-100918 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 19.2 ACRES IN A SINGLE
IRRIGATION SEASON.

Dates: Exam Made Date: 10/19/1999
Verified Date: 10/19/1999
Objection Filed Date:
Misc: Water District Number: 41
Field Inspection Flag: 0
Presumption Flag: 0

9/14/01
sa
This claim 29B has been Rec'd in two parts: 41-29B & 41-10275.
41-10275 has a priority date of 6-7-1903 (after the decree) and
helps to adjust for some historic uses that have over-appropriated
the decreed uses from the Danielson ditch (and possibly others).
Claimant did not submit a claim for 41-10275 at this time.
41-0029B (9") & 41-10275 (1") equal the amount claimed in 41-29B
of (10").

Revised
9/14/01
SCC