

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: A41-00032F
Date Received: 2/09/1990
Receipt No: 5011642
Received By: _____

RECEIVED

MAR 19 1990

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF ROCKLAND
Address: P.O. BOX 116
ROCKLAND, ID 83271
208-548-2270

2. Date of Priority: JUN 01, 1882

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 of	Lot	County
10S	31E	6	SE	SW	SE		POWER

5. Description of diverting works:
CONCRETE AND WOO DIV. DAM VIA ROCKLAND CITY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.680		

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

8. Total consumptive use is 225.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	31E	6	SE	SW		IRR	5.0
			SW	SE		IRR	25.0
Section Acres							30.0

A41-00032F

Page 1

Date: 03/15/90

MICROFILME

MAR 04 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	31E	7	NE		NE		IRR	5.0
			NW		NE		IRR	35.0
			NE		NW		IRR	20.0
							Section Acres	60.0
							Total Acres	90.0

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:
A4100002B, A4100025C

14. Remarks:

THIS RIGHT IS USED FOR LAWNS AND GARDENS.
THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY
LISTED IN PLEADINGS IS H. P. HOUTZ.
THIS RIGHT IS A PORTION OF A41-00032A

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 Mayor of City of Rockland, that I have signed the foregoing document in the space below as Mayor of City of Rockland and that the statements contained in the foregoing document are true and correct.

Jean May
Signature of Authorized Agent
City of Rockland
Title and Organization
3/15/90
Date

State of Idaho)
County of Powder) SS.

Subscribed and sworn (or affirmed) before me this 15 day
of March 19 90

John Dale Carlson
Notary Public

Seal

Residing at Boise Id
My Commission Expires 6/2/94



MICROFILME

MAR 04 1993

Water Right Number - 41-00032

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
00/00/0000 17

+ - - Source - - - - - + + - - - - Tributary - - - - - +

+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - +
Twn Rng Sec Tract Lot RFlg County+ - - - - Description - - - - - Water Use - - - - - Diversion Rate Diversion Volume - - - - +
Code Period From Period To

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

+ - - - - - - - - - - - Place of Use - - - - - Description County - - - - +
Twn Rng Sec Tract Lot Acres Code

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - Remarks - - - - - +
SPLIT INTO 41-0032A & 41-0032B BY TRANS. 2849.+ - - - - - - - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 03/26/85 05/28/88 CONVERT

+ - - - - - - - - - - - Water Rights Dates and Flags Area - - - - - +

| | | | | | |
|------------------|--------------|-----------------|--------------|------------------|-----|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Start Work Date | - 00/00/0000 | Verified Date | - 03/26/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 00/00/0000 | | | | |

MICROFILME

MAR 04 1993

old (D) Number -

[illegible]
$$\begin{array}{ccc} 1 & 1 & 1 \\ 1 & 2 & 3 \end{array}$$

State- Zip-

| | | | | | | | | | | | |
|-------|---------------|------------|---------|--------|---------|---------|--------|---------|---------|--------|---------|
| + - - | Priority Date | - - + | + - - - | Region | - - - + | + - - - | Stage | - - - + | + - - - | Status | - - - + |
| | | | 17 | | | D | DECEED | | | | |
| | | 06/01/1982 | | | | | | | | | |

```

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

```

[illegible]

| 105 | 31E | 5 | SE SW | (77) | POWER |
|-----|-----|---|-------|------|-------|
|-----|-----|---|-------|------|-------|

| Code | Description | Period From | Water Use | Period To | Diversion Rate | Diversion Volume |
|------|-------------|-------------|-----------|-----------|----------------|------------------|
| + | - | - | - | - | - | + |

0.860

[illegible]

| Town | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County |
|------|-----|-----|-------|-----|-------|--------------|------|-------------|--------|
|------|-----|-----|-------|-----|-------|--------------|------|-------------|--------|

| | | | | | | | |
|-----|-----|---|-------|------|----|------------|-------------|
| 10S | 3LE | 6 | SE SE | 23.0 | 01 | IRRIGATION | (77) POWER |
| 10S | 3LE | 6 | SE SE | 23.0 | 01 | IRRIGATION | (77) POWER |

Total Acres: 23.0

----- Diversion Means - VIA HOUTZ & WOOD DITCH

+ - - Non-Irrigation Use -

Other Rights for Same Use -

[illegible]

AC. IRRIG. = 22.5.
P/U MAY BE INCORRECT. SEE TRANS. 2849.
THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY

MICROFILME
MAR 04 1993

MICROFILME
MAR 04 1993

(OD-26)

Old (D) Number -

[illegible]

1 - BOX 114

City- ROCKLAND
Phone -

11

11

[illegible]

```

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

```

| | Rng | Sec | Tract | Lot | Rflg | County | Point of Diversion | Stream Index (Blank if no Index Code) | |
|--|-----|-----|-------|-----|------|--------|--------------------|---------------------------------------|--|
|--|-----|-----|-------|-----|------|--------|--------------------|---------------------------------------|--|

| 10S | 3LE | 5 | SE SW | (77) | POWER |
|------|-------------|-------------|-----------|----------------|------------------|
| Code | Description | Period From | Water Use | Diversion Rate | Diversion Volume |
| + | - | - | - | - | - |

| | |
|--|-------|
| 01 - IRRIGATION | 0.340 |
| + - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - + | 0.340 |

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|-------------|
| 10S | 31E | 7 | SW NE | | 9.0 | 01 | IRRIGATION | (77) POWER |

Total Acres: 9.0

+ - - Diversion Means - VIA HOUTZ & WOOD DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

MICROFILM
+ MAR 04 1993

AC. IRRIG. = 8.5.
TRANS. 2849.

TRANS. 2849.
THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY
LISTED IN PLEADINGS IS H. P. HOUTZ.

R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

RR02 - A lockable device subject to the approval of the Department shall

- be maintained on the diverting works in a manner that will
- provide the watermaster suitable control of the diversion.

R04 - Use of water under this water right is subject to control by the watermaster of State Water District No. 41

----- Audit Fields - 01/27/87 05/28/88 CONVERT

| | | | | | | | |
|------------------|---|------------|-----------------|---|------------|------------------|----|
| Proof Due Date | - | 00/00/0000 | Field Exam Made | - | 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - | 00/00/0000 | Protested Date | - | 00/00/0000 | Swan Falls | - |
| Proof Made Date | - | 00/00/0000 | Hearing Date | - | 00/00/0000 | Temporary Right | - |
| Start Work Date | - | 00/00/0000 | Verified Date | - | 00/00/0000 | DLE/Carey Act | - |
| Order Show Cause | - | 00/00/0000 | Receipt Number | - | | Water District | 41 |
| Licensed Date | - | 00/00/0000 | Appl Received | - | 00/00/0000 | Transfer/Amended | - |
| Decree Date | - | 06/06/1903 | | | | | P |

MICROFILME
MAR 04 1993

AJ0749NP
No. R41-00032F

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

DATE: 10/21/99
PAGE: 1

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|---|------------------|------------|-----------------------|-------------------|---------------------|
| C | CITY OF ROCKLAND
PO BOX 116
ROCKLAND ID 83271
(208) 548-2270 | 06/01/1882 | IRRIGATION | 04-01 10-31 | 0.248 CFS | |
| TOTAL DIVERSION: | | | | | 0.248 CFS | |

Water Source: ROCK CREEK, EAST FORK Tributary to: ROCK CREEK Stage: DECREED

Point(s) of Diversion: T10S R31E S05 NESWSE POWER County

Place of use Legal Description for: IRRIGATION

| | NE | NW | SW | SE | SUM |
|-------------|---------|---------|---------|---------|---------|
| T R S | : Lt Ac | : Lt Ac | : Lt Ac | : Lt Ac | : Lt Ac |
| 10S 31E 6 | : 07 | : 07 | : | : | : 15.0 |
| 10S 31E 7 | : 30 | : | : | : | : 45.1 |
| TOTAL ACRES | | | | | 60.1 |

POU County: POWER

Other Rights: 4100002B & 4100025C

Remarks: POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 12.4 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 46.4 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 41-00002B, 41-00025C,
41-00032F, 41-00033B & 41-10256.

Dates: Exam Made Date: 07/20/1994 Verified Date: 10/21/1999 Objection Filed Date:

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

City of Rock Land

Sec
10/21/99

HW Review:

| | | |
|--------|------------------|---------------------|
| -002B | 0.10 cfs | 5 AC |
| -0025C | 0.40 cfs | 20 AC |
| -0032F | 0.248 cfs | 12.4 AC |
| | <u>0.748 cfs</u> | <u>37.4 AC</u> |
| | (or 37.4") | (w/in 60AC)
PPU- |

Matching amounts of water allowed
under the high Water Claims for the same
acres.

Also add late Claim -0033B to the Combination

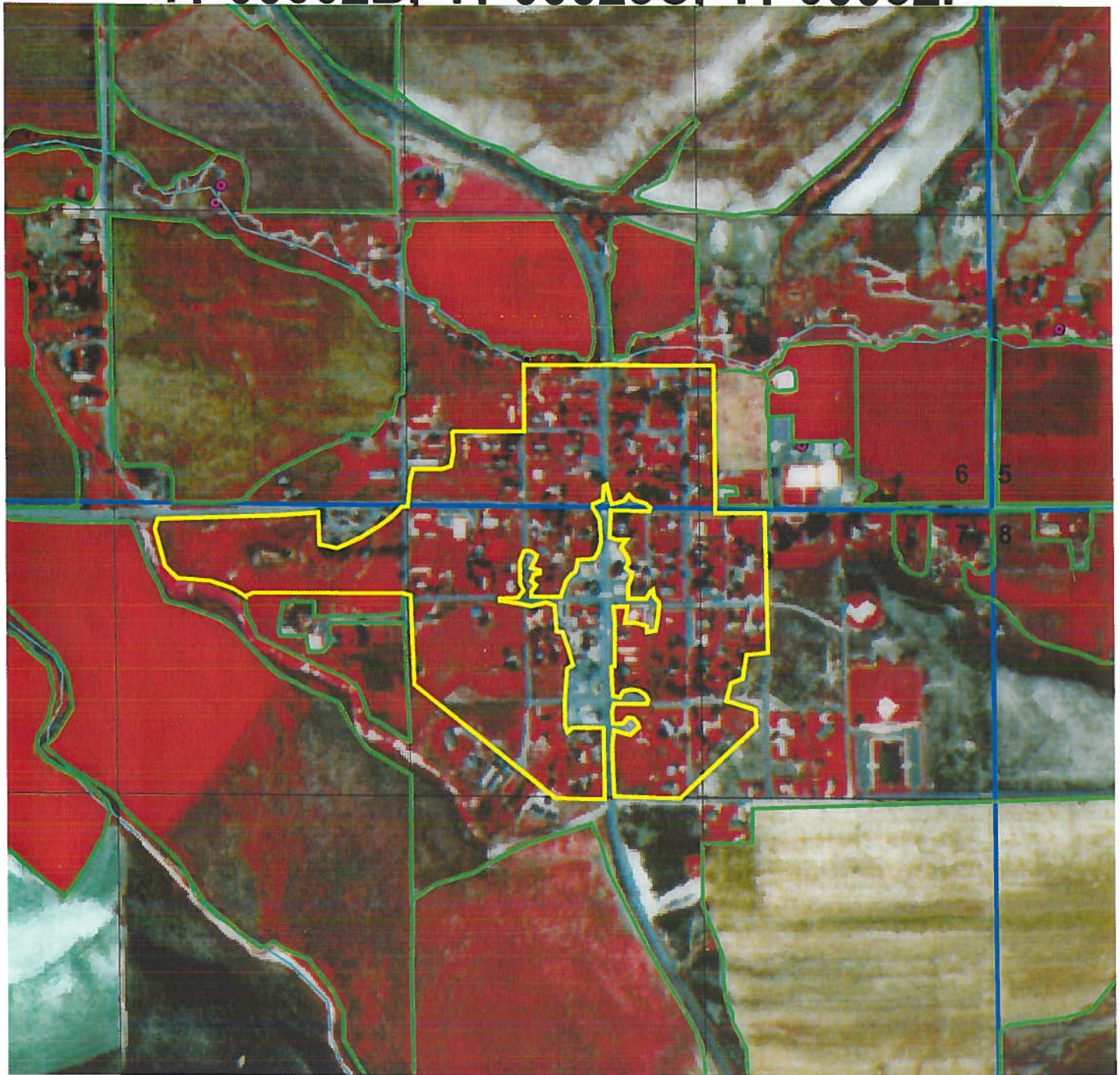
| | | |
|--|---------------------|----------------|
| $\begin{matrix} \text{Above} \\ \text{Balance} \end{matrix}$ | .748 cfs | 37.4 AC |
| -0033B | .18 | 9 AC |
| | <u>.928 (46.4")</u> | <u>46.4 AC</u> |

* Modify Remarks of all claims to Reflect
addition of -0033B.

CC: ALL CLAIMS

IDAHO DEPT OF WATER RESOURCES

41-00002B, 41-00025C, 41-00032F



660 0 660 1320 Feet

T10S, R31E, SEC. 6 & 7



- 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: October 21, 1999

41-00032

SPLIT

REVIEW

10/21/99
secWR

-32B

(1.34 cts)

-32B

UDY

(C)

(.34)

R

(.34)

<#4651>

32C

RALPHS

(.20)

.228

32D

Lesley

(.18)

.18

32E

Poulson

(.04)

.02

-32A

32F

City

(.68)

.212

32G

MAY

(.12)

.12

32H

KRESS

(.10)

1.66

overclaimed

1.10 0.064

.988

(1.20 - .988) = .212

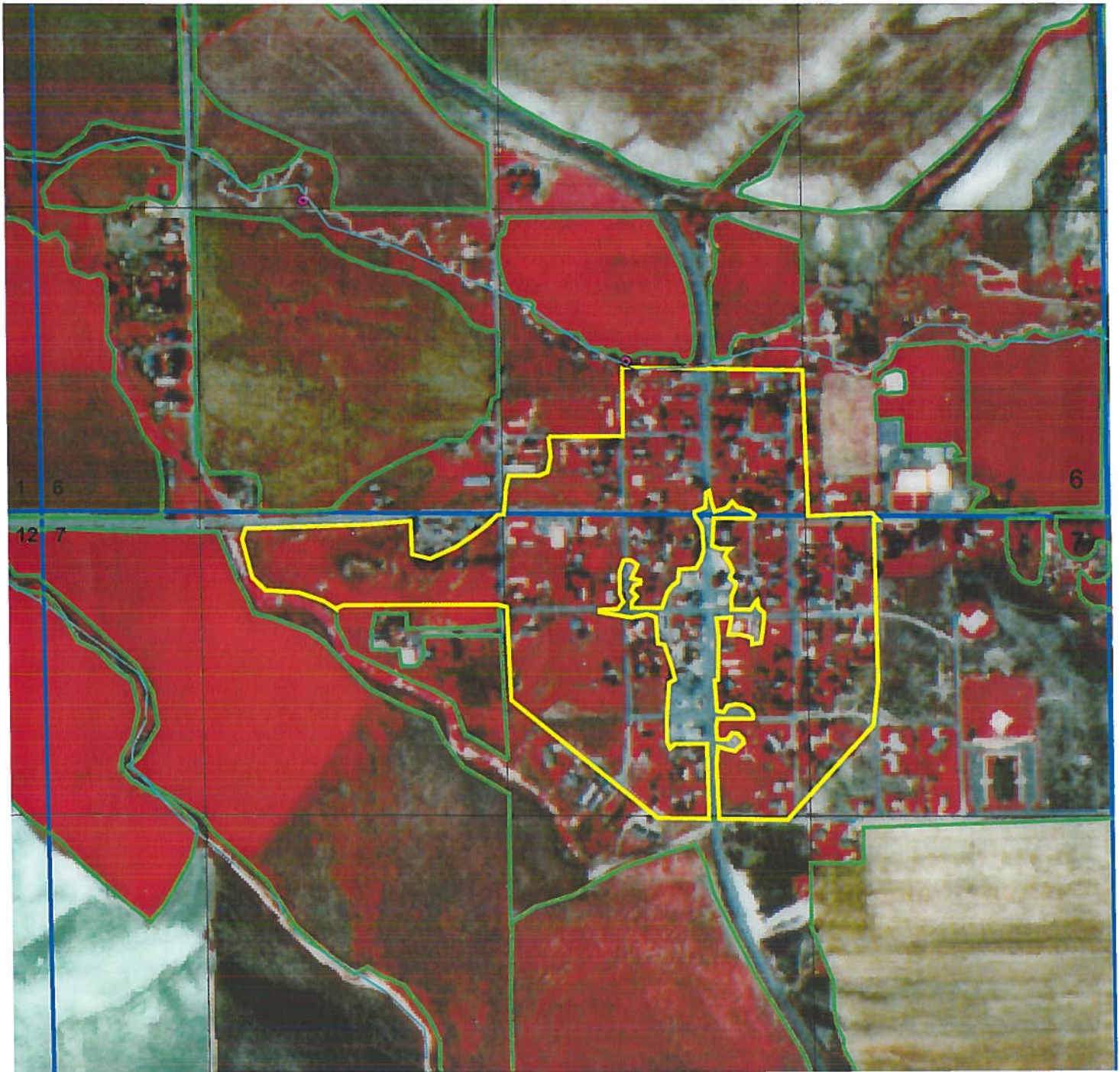
1.20 cts

60"

+ .036 = .0248
Remaining
Balance

IDAHO DEPT OF WATER RESOURCES

41-00002B & 41-00025C



660 0 660 1320 Feet

T10S R31E SEC. 6 & 7

CITY OF ROCKLAND



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

*Copy to file
41-00032F*

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

DATA ENTRY BY: STEVE CLELLAND
DATE: June 15, 1999

AJ0743NP
(CD-124)

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

06/15/99 15:07:12
Page 1

Water Right Number - R41-00032F

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
CITY OF ROCKLAND

*** O - ORIGINAL OWNER ***
PARRY

1 - PO BOX 116
2 -
3 -
City- ROCKLAND
Phone - 208-548-2270

State- ID Zip- 83271

1 -
2 -
3 -
City- ROCKLAND
Phone - 208-548-2201

State- ID Zip- 83271

Priority Date - - +
06/01/1882

Region - - +
17 SOUTHERN

Stage - - +
1 -
2 -
3 -
City- ROCKLAND
Phone - 208-548-2201

Status - - +
1 - DISABLED

Source - - - - -
ROCK CREEK, EAST FORK

Tributary - - - - -
ROCK CREEK

Trn Rng Sec Tract Lot Rflg County Point of Diversion
10S 31E ~~SE~~ NE SE SW SE (77) POWER
(Rockland Village Ditch)

Code Description Period from Water Use Period To Diversion Rate Diversion Volume

01 - IRRIGATION

0345 1445

0.680 1,248

Total Div. Rate - + Total Div. Volume - 4/1 10/31 + Total Consumptive Use - + KW Usage - +
0.680 1,248 0.0

Trn Rng Sec Tract Lot Acres Place of Use Code Description County

| Trn | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County |
|-----|-----|-----|-------|-----|----------|--------------|------------|-------------|--------|
| 10S | 31E | 6 | SE SW | | 15-25-00 | 01 | IRRIGATION | (77) POWER | |
| 10S | 31E | 6 | SW SE | | 5-0-7.3 | 01 | IRRIGATION | (77) POWER | |
| 10S | 31E | 7 | NE NE | | 35-0-30 | 01 | IRRIGATION | (77) POWER | |
| 10S | 31E | 7 | NW NE | | 20-0-7.8 | 01 | IRRIGATION | (77) POWER | |
| 10S | 31E | 7 | NE NW | | | 01 | IRRIGATION | (77) POWER | |

Total Acres: 90.0

+ - - Diversion Means - CONCRETE AND WOOD DIV. DAM VIA ROCKLAND CITY DITCH.

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - A4100002B, A4100025C

Water right number - R41-00032F Prefix Translation: RESEARCH

Remarks: ~~NO LAWFUL APPROPRIATION SHOWN.~~ ~~GEN~~ POU1/EA = 37.4 AC. K06 = 12.4 AC.

No Old Water Right Numbers Found

Decree Plaintiff - - - + Decree Defendant - - - + Decree Date - + 00/00/0000

Date: 06/15/1999 User Id: SCELLELLAN Subject: COPIED FROM REMARKS
THIS RIGHT IS USED FOR LAWNS AND GARDENS.
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY LISTED IN PLEADINGS IS H. P. HOUTZ.
THIS RIGHT IS A PORTION OF A41-00032A
Date: 06/15/1999 User Id: SCELLELLAN Subject: DISALLOW
THIS RIGHT WAS NOT DECREED TO THE POU SHOWN. THE ORIGINAL RIGHT COMPARED TO THE OTHER USERS WHO SHOW DEEDS LISTING THE RIGHT TO THE PARTS IT IS UNCLEAR HOW THE CITY OBTAINED THIS RIGHT, WHEN THIS MAY BE OVERCOME LATER WITH PROOF FROM THE CITY OF ROCKLAND THEIR PARCELS.
BUT AT THIS TIME NOT ENOUGH DOCUMENTATION IS SHOWN TO SUPPORT THE CITY'S CLAIMS.

Audit Fields - - - + 06/15/99 SCELLELLAN

| Adjudication Rights Dates and Flags Area | | | | | | | | | |
|--|---|------------|-----------------------|---|------------|-------------------------|---|-------|--|
| Court Report Filing | - | 00/00/0000 | Field Inspection Made | - | 07/20/1994 | Civil Case Number | - | 39576 | |
| Objection Filed Date | - | 00/00/0000 | Field Inspection Flag | - | | Old Case Number | - | | |
| Response Filed Date | - | 00/00/0000 | Verified Date | - | 06/15/1999 | Old Judicial District | - | | |
| Claim Received Date | - | 03/23/1990 | Last Amended Date | - | 00/00/0000 | Temporary Right | - | P | |
| | | | Receipt Number | - | S011642 | Water District | - | 41 | |
| | | | POU Ownership Flag | - | Y | Federal/State Indicator | - | S | |
| | | | Name Connector | - | | Presumption Flag | - | | |
| | | | | - | | Notice of Error Flag | - | | |

CLAIM NUMBER
A41-00002B
A41-00025C
A41-00032F

DATE
6/1/99

AGENT
SW

Field Exam: 7-20-94

TRANSFER NUMBER

CLAIMED ACRE TOTAL
90

* GIS ACRE TOTAL
60.1

| | 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 | 31E | 6 | | | | | | | | | | | | 5 | | | | |
| GIS | | | | | | | | | | | | | | | Ø | | | 25 | 3 |
| RECOM | | | | | | | | | | | | | | | | | | 15 | 15 |
| CLAIM | | | 7 | 5 | 35 | | | 20 | | | | | | | | | | | |
| GIS | | | | 7.3 | 30 | | | 7.8 | | | | | | | | | | | 6 |
| RECOM | | | | | | | | | | | | | | | | | | | 45 |
| CLAIM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |
| RECOM | | | | | | | | | | | | | | | | | | | |

B41-POU.SHP
SHAPE NOS.
75

* Claims total 59.0" water on 90 acres

Claimed Acres do not match the Map given.

* GIS shape includes many houses & streets and does not reflect actual irrigated acres.

B41-POD.SHP

NOS. DESCRIPTION

Recommend: - 2B 5" on 5 AC w/in 60^{AC.} ppn

- 25C 20" on 20 AC w/in 60^{AC.} ppn

* Revised 10/21/99 SW

- 32 F 12.4" ~~Disallowed~~ 12.4 ~~(.248) cfs~~

Basis of Recommendation: Duty of Water established by Decree 1"/AC.

9

POD: Rockland City Ditch

T10S, R31E, S5, NESWSE

TOTAL AC. = 37.4 AC.

POU irrig = 60% of Total in GIS

$\frac{37.4}{60} \times 100 = 60\%$

DBF TABLES UPDATED

B41-DBPOU.DBF

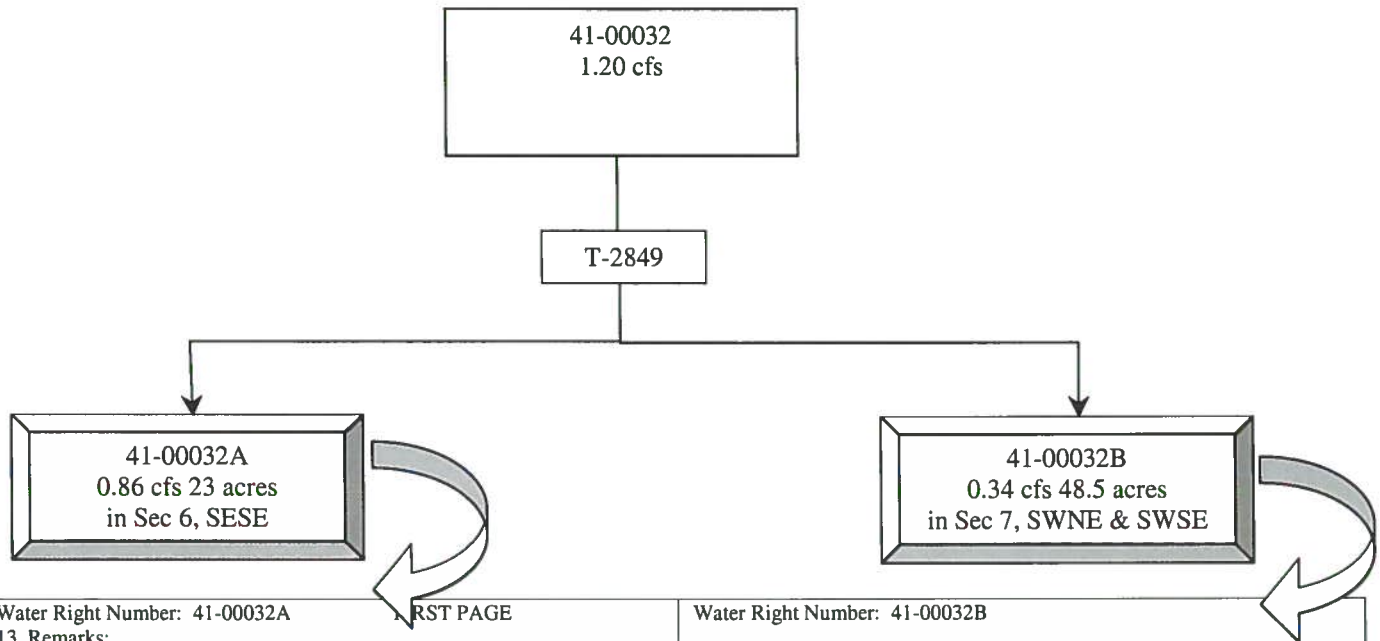
B41-DBPOD.DBF

PEG LAYOUT

41-00002B.jpg

SD-0611-2 Basin: 41 Starting Water Right: 00032

| S | O | S |
|--------------|------------------------------------|--------------------------------------|
| E Water | Name | W Priority STG/ |
| L Right No. | Last, First | N Date STS Source Desc |
| - 41-00032 | 00/00/0000 / | WR |
| - 41-00032A | HENRY, JOSEPH | C 06/01/1882 D/ ROCK CREEK, EAST IRR |
| - | PARRY, G. A. | C |
| - 41-00032B | UDY BROTHERS | C 06/01/1882 D/ ROCK CREEK, SOUT IRR |
| - A41-00032 | 06/01/1882 /Z ROCK CREEK, EAST IRR | AJ |
| - | SPLIT RIGHT | |
| - A41-00032A | SPLIT RIGHT | C 06/01/1882 /Z ROCK CREEK, EAST IRR |
| - | SPLIT RIGHT | |
| - A41-00032B | UDY BROTHERS | C 06/01/1882 D/ ROCK CREEK, EAST IRR |
| - A41-00032C | RALPHS, BART | C 06/01/1882 D/ ROCK CREEK, EAST IRR |
| - A41-00032D | LASLEY, WARREN | C 06/01/1882 D/ ROCK CREEK, EAST IRR |
| - A41-00032E | POULSON, MILTON T | C 06/01/1882 D/ ROCK CREEK, EAST IRR |
| - | POULSON, PAULINE | C |
| - A41-00032F | CITY OF ROCKLAND | C 06/01/1882 D/ ROCK CREEK, EAST IRR |
| - A41-00032G | MAY, JOSEPH LEE | C 06/01/1882 D/ ROCK CREEK, EAST IRR |
| - | MAY, ANNA | C 06/01/1882 D/ |



Water Right Number: 41-00032A
13. Remarks:

| Type | Remark |
|------|--|
| GEN | AC. IRRIG. = 22.5. |
| GEN | P/U MAY BE INCORRECT. SEE TRANS. 2849. |
| GEN | THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN |
| GEN | ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY |
| GEN | LISTED IN PLEADINGS IS H. P. HOUTZ. |

Water Right Number: 41-00032B
Comment Date: 7/ 7/1995 User ID: MBALDWIN
Subject: TRANSFER NO. 4651
T# 4651 filed on 1/13/95 proposes to change point of diversion and
create a permissible place of use.
Rights in this transfer are 41-00001F and 41-00032B. APPROVED
BY FINAL ORDER DATED 11-15-1996.

Water Right Number: **A41-00032A**

FIRST PAGE

GEN AC. IRRIG. = 22.5.

P/U MAY BE INCORRECT. SEE TRANS. 2849.

THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY
LISTED IN PLEADINGS IS H. P. HOUTZ.

THIS WR IS SPLIT AS FOLLOWS:

A41-00032C FOR 0.35 CFS V.C. RALPHS

A41-00032D FOR 0.18 CFS WARREN LASLEY

A41-00032E FOR 0.04 CFS MILTON T./PAULINE POULSON

A41-00032F FOR .68 CFS. CITY OF ROCKLAND.

41-00032A
0.86 cfs 23 acres
in Sec 6, SESE

CLAIMS AGAINST 41-00032A

| | Claimed rate | recommend rate |
|--------------------------------|-----------------|------------------------|
| A41-00032C
Ralphs | 0.35 cfs | 0.244 cfs |
| A41-00032D
Lasley | 0.18 cfs | 0.18 cfs |
| A41-00032E
Poulson | 0.04 cfs | 0.02 cfs |
| A41-00032F
City of Rockland | 0.68 cfs | 0.296 cfs |
| A41-00032G
May | <u>0.12 cfs</u> | <u>0.12 cfs</u> |
| Total rate = | 1.37 cfs | <u>0.86 cfs</u> |

41-00032A is overclaimed by **0.51 cfs**

41-00032B
0.34 cfs 48.5 acres
Sec 7, 28.5 ac SWNE
& 20 ac NWSE

A41-00032B
0.34 cfs 54 acres
in Sec 7, SWNE & NWSE

The diversion rate for decreed right 41-00032B is claimed in full. The place of use legal description matches the decreed place of use but includes additional acres.

Water Dist 11 East Fork

H2:RIGHTSEFORK

Page 1

All Dates 1900

DEED NUMBER

DEED NUMBER DECREE OWNER PRESENT OWNER DELIVERY DITCH INCHES PRIORITY DATE COMMENTS

| | | | | | | |
|-------|---------------------------------|----------------------------------|----------------|-------|-------------|--|
| 2 | H.P. HOUTZ | CHARLES, IVAN | CITY — ok | 5 | May 1 86 | |
| 2 | H.P. HOUTZ | TURNB, COX, RALPH, WOODS — city? | WOODS — city? | 5 | May 1 86 | ~~Names Turnbough, Cox, Ralphs, Nelson, Brown~~ |
| 8 | H.A. FEAS | NELSON, RICHARD | BENCH | 10 | May 15 87 | TRANSFER 244 |
| 9 | GEORGE STANGER | MUNK, MELVIN | STANGER | 40 | May 1 85 | 2 INCHES DOMESTIC?? |
| 0 | GUDELUPE VALDE ? | ? | ? | 5 | Feb 15 79 | |
| 0 | GUADELUPE VALD NELSON, GLENNA | BENCH | BENCH | 20 | Feb 15 79 | TREANSFER APPLIED FOR 3-10-1982 |
| 0 | GUDELUPE VALDE WOODWORTH, JIM | VALDEZ | VALDEZ | 37.5 | Feb 15 79 | |
| 0 | GUDELUPE VALDE BARNARD, CHARLES | VALDEZ | VALDEZ | 18.75 | Feb 15 79 | |
| 0 | GUDELUPE VALDE NELSON, ORVILLE | VALDEZ | VALDEZ | 18.75 | Feb 15 79 | |
| 11 | GUDELUPE VALDE NELSON, GLENNA | DANIELSON | DANIELSON | 10 | May 1 83 | |
| 11 | GUDELUPE VALDE NELSON, GLENNA | STANGER | STANGER | 40 | May 1 83 | |
| 12 | NEIL DANIELSON NELSON, GLENNA | DANIELSON | DANIELSON | 10 | Oct 1 85 | |
| 14 | H.C. WOODS | RALPHS, ALVIN | CITY | 5 | Mar 12 81 | |
| 14 | H.C. WOODS | PERMAN, HAROLD | TYLER | 20 | Mar 12 81 | |
| 14 | H.C. WOODS | RALPHS, ALVIN | WOODS | 45 | Mar 12 81 | |
| 15 | H. HOUTZ JR. | ROCKLAND CITY | CITY | 20 | Mar 12 81 | |
| 15 | H. HOUTZ JR. | MCHARGUE-NELSON | TYLER — | 4 ✓ | Mar 12 81 | SRBA ok |
| 15 | H. HOUTZ JR. | TOBIAS, ELAINE | TYLER — | 10 ✓ | Mar 12 81 | |
| 15-23 | JAMES SHERMAN | NELSON, MELVIN | BENCH | 10 | Mar 15 85 | NEEDS TO BE TRANSFERED Ditch Stock Certificate |
| 16 | J. LEWIS | NELSON, MELVIN | ?? Danielson | 10 | May 1 88 | NEEDS TO BE TRANSFERED |
| 17 | LEWIS LANCE | PERMAN, HAROLD | PAYNE | 89 | Aug 1 79 | |
| 17 | LEWIS LANCE | TYLER, HAROLD | TYLER | 10 | Aug 1 79 | |
| 17 | LEWIS LANCE | POULSON, MILTON | VALDEZ | 1 | Aug 15 79 | |
| 18 | D.C. TYLER | PERMAN, HAROLD | TYLER | 40 | Jun 15 83 | |
| 19 | L.S. BARNARD | MAY, LEE or NELSO | ?? Valdez? | 10 | Oct 1 83 | THIS WATER ON DEED TO L. MAY PRESENTLY BEINGS DILIVERE |
| 19 | L.S. BARNARD | NELSON, MELVIN | BUDGE | 30 — | Oct 1 83 | |
| 20 | JOSEPH HENRY | UNDER RESEARCH | CITY AND VALDE | 25 | Jun 1 86 | This Water Split Between City + Valdez ditch |
| 20 | D.A. BUDGE | ANDERSON, BURTON | BUDGE | 16 | Oct 1 83 | Some How |
| 20 | D.A. BUDGE | LISH BROS. | BUDGE | 1 | Oct 1 83 | See Back of This Page |
| 20 | D.A. BUDGE | NELSON, MELVIN | BUDGE | 8 — | Oct 1 83 | Combine |
| 20 | D.A. BUDGE | ANDERSON, BURTON | VALDEZ | 10 | Oct 1 83 | |
| 31 A | PROMOTORY STOC | NELSON, MELVIN | BENCH | 5 | Oct 1 83 | WATER ON DITCH STOCK CERTIFICATE, DELIVERD TWICE??? |
| 31 | PROMOTORY STOC | NELSON, MELVIN | BUDGE | 10 — | Oct 1 83 | |
| 31 | PROMOTORY STOC | NELSON, MELVIN | DANIELSON | 15 | Oct 1 83 | |
| 31 | PROMOTORY STOC | NELSON, MELVIN | DANIELSON | 40 | Jan 1 85 | |
| 32 | JOSEPH HENRY | UNDER RESEARCH | CITY AND VALDE | 50 | Jun 1 82 | see Back of this Page. This Water Split Between City + Valdez Ditch some How |
| 34 | D.C. TYLER | COX, GLENN | TYLER | 6 | May 1 85 | NEEDS TO BE TRANSFERED |
| 34 | D.C. TYLER | TYLER, HAROLD | TYLER | 24 | May 1 85 | |
| 36 | BENCH DITCH | BENCH DITCH | BENCH | 325 | May 10 84 | 400 Total |
| 36 | BENCH DITCH | BENCH DITCH | BENCH | 75 | May 10 84 | DOMESTIC WATER |
| 37 | H.D. LISH | MAY, LEE | VALDEZ | 28.5 | May 10 90 | |
| 37 | H.D. LISH | MORRIS, DAVE | VALDEZ | 1.5 | May 10 90 | |
| 001 | BENCH DITCH | BENCH DITCH | BENCH | 450 | Sep 14 1908 | THIS DATE IS SEP 14, 1908 |

63"

1.26 cf

City of Rockland
Rockland Id. 83271

September 8, 1995

RECEIVED

SEP 13 1995

Department of Water Resources
Southern Region

Department of Water Resources
Karl J. Dreher, Director
222 Shoshone Street East
Twin Falls, Idaho 83301

Dear Mr. Dreher:

We the users of the city ditch oppose the transfer #4651 applied for by Udy Brothers, c/o George Udy. The transfer would create a hardship for the users of the ditch because of a decrease in stream flow. At present, there are eight individuals and the city sharing timed turns for the water.

With all of the allotted water in the ditch, there has been ninety inches. The past several years since we have been in drought conditions, the ditch has been cut to sixty inches early in the irrigation season.

In order to satisfy the needs of all the property owners it is necessary in some instances to use a split stream. By removing the water in question, these streams would not have enough head to cover the area in the time allotted.

Three years ago we installed a pipeline from the point of diversion to deliver the water to the users. The cost to install the pipeline was born by the city. The users with decreed water are to pay \$10.00 per inch per year to help defray this cost, of which Udy Brothers are responsible for seventeen inches.

This transfer would have a negative affect on 52 water users on the city ditch. Listed below are the users of this ditch and signatures of those opposed to this transfer.

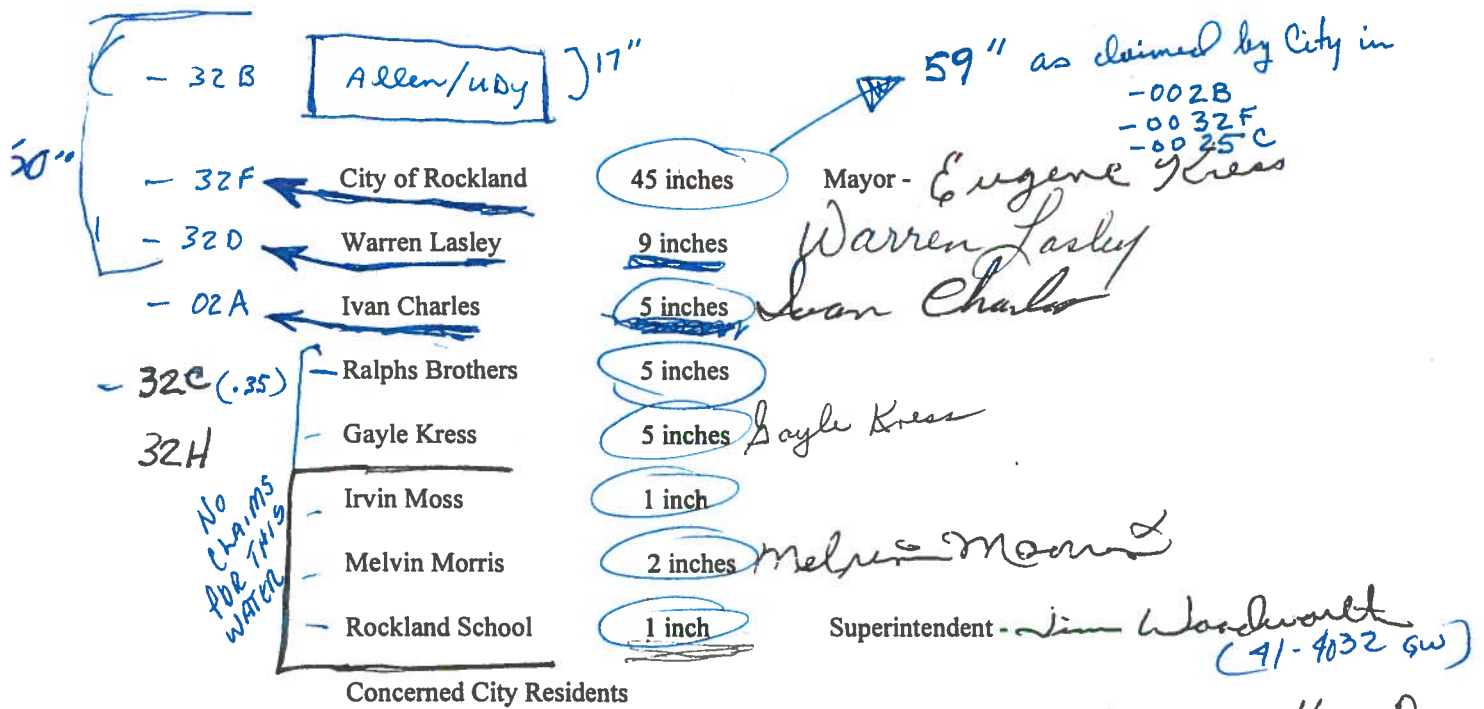
Respectfully,

City of Rockland and Deeded Water Users
See attached signatures

cc: Udy Brothers co/ George Udy

| | | | |
|------------------------|-------------|---------|----------------|
| Post-it® Fax Note 7671 | | Date | # of pages ▶ 3 |
| To | Glen Szyton | From | Allen Mewitt |
| Co./Dept. | | Co. | |
| Phone # | | Phone # | |
| Fax # | | Fax # | |

Receipt #
5018470
9/13/95
-mB



Concerned City Residents

Perry Steadley Joan Steidley 285 W. Nez Perce
Joy Ralph 268 E. Nez Perce Rockland Id. Box 272 83271
Janice Green 111 S. Pine
Helen Ralph 268 East Nez Perce - Rockland Idaho, Box 272, 83271
Edwin C. Leif 120 E. Kootenai - Rockland, Idaho. Box 265
Erna P. Beitz 120 E. Kootenai - Rockland, Idaho. Box 265
Lori Robinson 234 E. Kootenai Rockland Id
Robert D. Frazer 111 S Pine
John E. Rensen 234 E Kootenai Rockland, ID
* Gayle Kress 231 E. Center
Dianne Reeves 5 Pine 155
Joann Ransom 131 So Pine
Gwen Kelly 142 South Pine
Starlet German 364 So Pine
Lignes Kress 235 Main
Dean Carpenter W. Nez Perce So Spruce
Leri Carpenter W. Nez Perce S Spruce Rockland, Id.
Erma Steidley 425 So Spruce Rockland, Id.

J. Lee May
Anna May

1905 Spruce - Rockland, Idaho

109 Spruce Rockland Idaho

Carl Spillitt

111 N. Spruce Rockland, Idaho

Robert R. Spillitt

111 N. Spruce Rockland IDAHO

Alvin Haskell

160 W. Center Rockland, ID

Alvon Haskell

160 W. Center Rockland, ID

E. L. Hult

333 S. Main Rockland ID

Karen Hult

333 S. Main Rockland ID

Ethel Claassen

267 S. Pine Rockland ID

Verne Kupers

245 S. Pine Rockland Idaho

Lee Ann Jarry

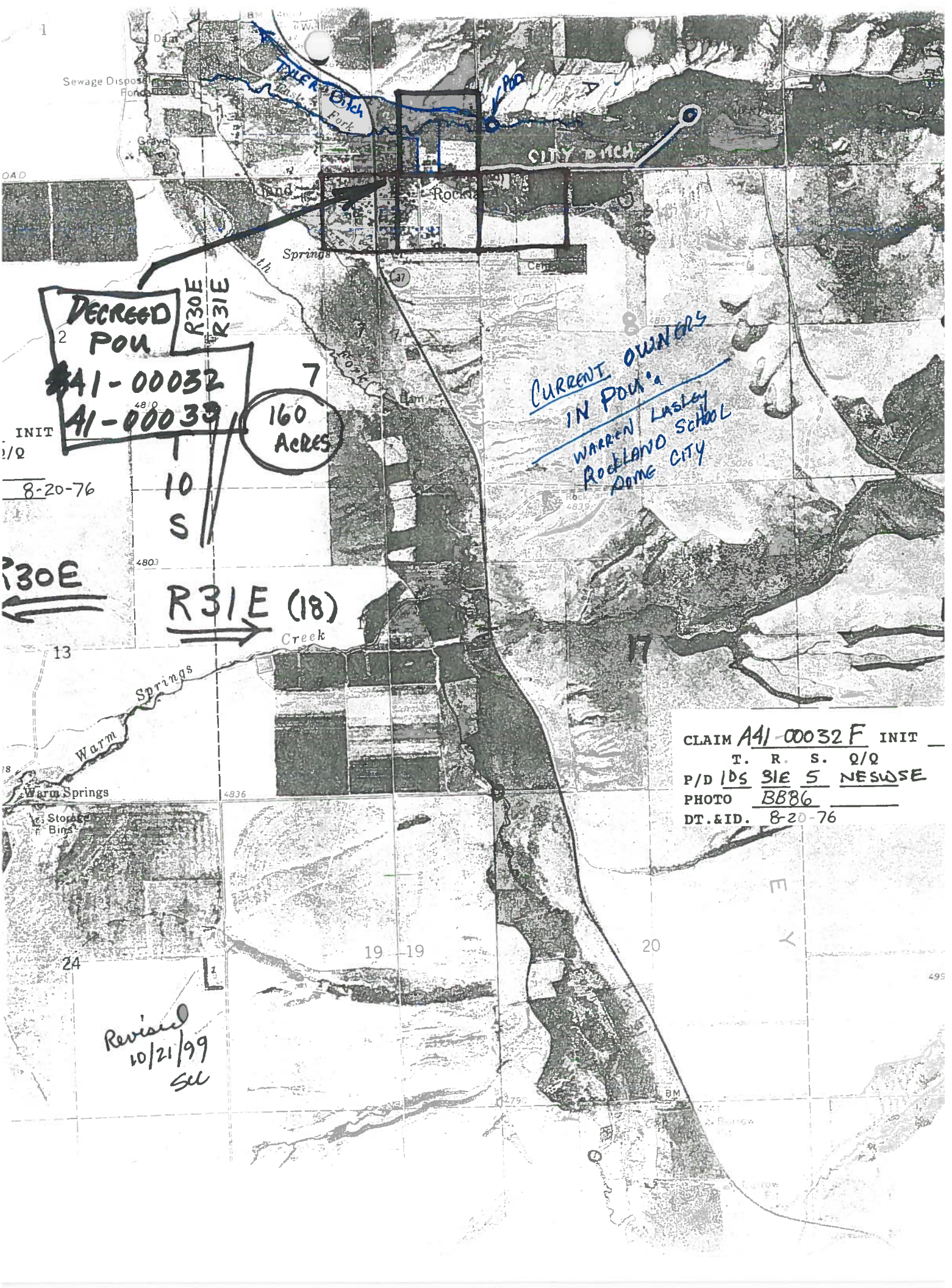
170 So Cedar Rockland, Idaho

Martin R. Bunker

185 E. Center Rockland, ID

John Bunker

185 E. Center Rockland, ID



Decreed
POU
41-00032
41-00033

160
Acres

CURRENT OWNERS
IN POU
WARREN LASLEY
ROCKLAND SCHOOL
ROCK CITY

R31E (18)
Creek

| | | | |
|---------|-------------|------|----------|
| CLAIM | A41-00032 F | INIT | |
| T. | R. | S. | Q/Q |
| P/D | IDS | 31E | 5 NESWSE |
| PHOTO | BB86 | | |
| DT.&ID. | 8-20-76 | | |

Revised
10/21/99
SC

SPR REVIEW: A41-0003 & 33

SCU
2-12-96

SD-0607-2 Prefix: A Basin: 41 Starting Water Right: 00032

STATE

| Water Right No. | Name Last, First | W N | Priority Date | Stg/ Sts | Source | Use Code | Desc |
|-------------------|--------------------|-----|---------------|----------|------------------|----------|------|
| 60" A41-00032 | <TRAN. 2849> AFB | | 06/01/1882 | /Z | ROCK CREEK, EAST | 01 | IRR |
| A41-00032A | SPLIT RIGHT, | C | 06/01/1882 | /Z | ROCK CREEK, EAST | 01 | IRR |
| 7" A41-00032B | ALLEN, JEFF | C | 06/01/1882 | D/ | ROCK CREEK, EAST | 01 | IRR |
| 7 1/2" A41-00032C | NELSON, CLIFFORD E | C | 06/01/1882 | D/ | ROCK CREEK, EAST | 01 | IRR |
| 9" A41-00032D | RALPHS, BART | C | 06/01/1882 | D/ | ROCK CREEK, EAST | 01 | IRR |
| 2" A41-00032E | LASLEY, WARREN | C | 06/01/1882 | D/ | ROCK CREEK, EAST | 01 | IRR |
| 4" A41-00032F | POULSON, MILTON T | C | 06/01/1882 | D/ | ROCK CREEK, EAST | 01 | IRR |
| 6" A41-00032G | POULSON, PAULINE | C | 06/01/1882 | D/ | ROCK CREEK, EAST | 01 | IRR |
| 25" A41-00033 | CITY OF ROCKLAND | C | 06/01/1882 | D/ | ROCK CREEK, EAST | 01 | IRR |
| 6" A41-00033A | MAY, JOSEPH LEE | C | 06/01/1882 | D/ | ROCK CREEK, EAST | 01 | IRR |
| | MAY, ANNA | C | | | | | |
| | SPLIT RIGHT, | C | 06/01/1886 | /Z | ROCK CREEK, EAST | 01 | IRR |
| | MAY, JOSEPH LEE | C | 06/01/1886 | D/ | ROCK CREEK, EAST | 01 | IRR |

* NOT DECREEED to HIS LAND- OWNERSHIP?

NOTE: Difference in
Priority Dates

41-00032 Decree = 60"

sum of claims = 85.5"

25.5" over claimed

(city ditch claims =
60")

[TOTAL OF
DECREEES
85"]

41-00033 Decree = 25"

sum of claims = 6"

19"

under claim;

STILL NOT CLAIMED IN SRBA

Review of City Ditch

2-12-96
SCC

- Expansion of pou?
- change in pou?
- change in POD's?
- change in Ownership (assoc. w/pou)
- city pipeline Dist. system?
- city lots irrigated by system?

also for:

split of
-32
Bart Ralphs
milt Foulson
Joel May

- City has claimed water for:

- Ralphs Bros.

- Gayle Kress

- Irvin Moss

- Melvin Morris

- Rockland school (41-9032)

1) By what authority
or ownership?

2) where are these
place located?

- ~~Cannot Justify~~

- Appears the users in Valdez D.
for 41-00032 claims are not based
on that Decreed right.

Decree
does not
support
Ac. claims!

City Chairs

| | | |
|-------|------------|-----------|
| 002B | 5" | 5-1-1886 |
| 0025C | 20" | 3-12-1881 |
| 0032F | 34" | 6-1-1882 |
| | <u>59"</u> | |

I. Charles

| | | |
|------|----|----------|
| 002A | 5" | 5-1-1886 |
|------|----|----------|

W. Lasley

| | | |
|-------|----|----------|
| 0032D | 9" | 6-1-1882 |
|-------|----|----------|

Udy/Allen

| | | |
|-------|-----|----------|
| 0032B | 17" | 6-1-1882 |
|-------|-----|----------|

90"

38

Prehearing Conf. 1-29-96 G.UDY

17"
city ditch
water

- "informal"
- not resolved, discuss options & issues.

for City = Warren Hasley
7UD = Gene NELSON

- Questions -
is Water overlap or added?

* remind:

1 miness in / 1 inch Rockland

should be
available for
HEARING

City Ditch (90" full) (60" 1st cut)

- uses rotation system

Wkly = 7:40 sat to Monday 4am

Letter lists
users

Δ ① would affect rotation in City Ditch

② 17" pumped @ S.F. would lead to potentially
took cut on 1884 right @ Brown or Meadow

Mitigation? = possible allowance for conveyance,

5-3-96

T#4651

UDY Bros.

=

UDY

17" 1882
35" 1880

90" total
30" 1st cut 1886 (city 11" + other 19")
60" left 1882 (17" udy) (~~43~~ 43" ?)

* some other parties
must have water + or

city 34"
lasley 9"
43

claims under 1886 priority
est. 14" (59" - 45") (45" - 34" = 11")

* city can use H₂O w/in city limits
not always tied to specific lot.

Border
pau ?

Lasley: History of cuts on City Ditch. (w/ James R.)
- they will review claims for revision/amendment.

Gene Kress:

Box 231

Rockland 83271

Send form for SRBS

+ proofs 182
186

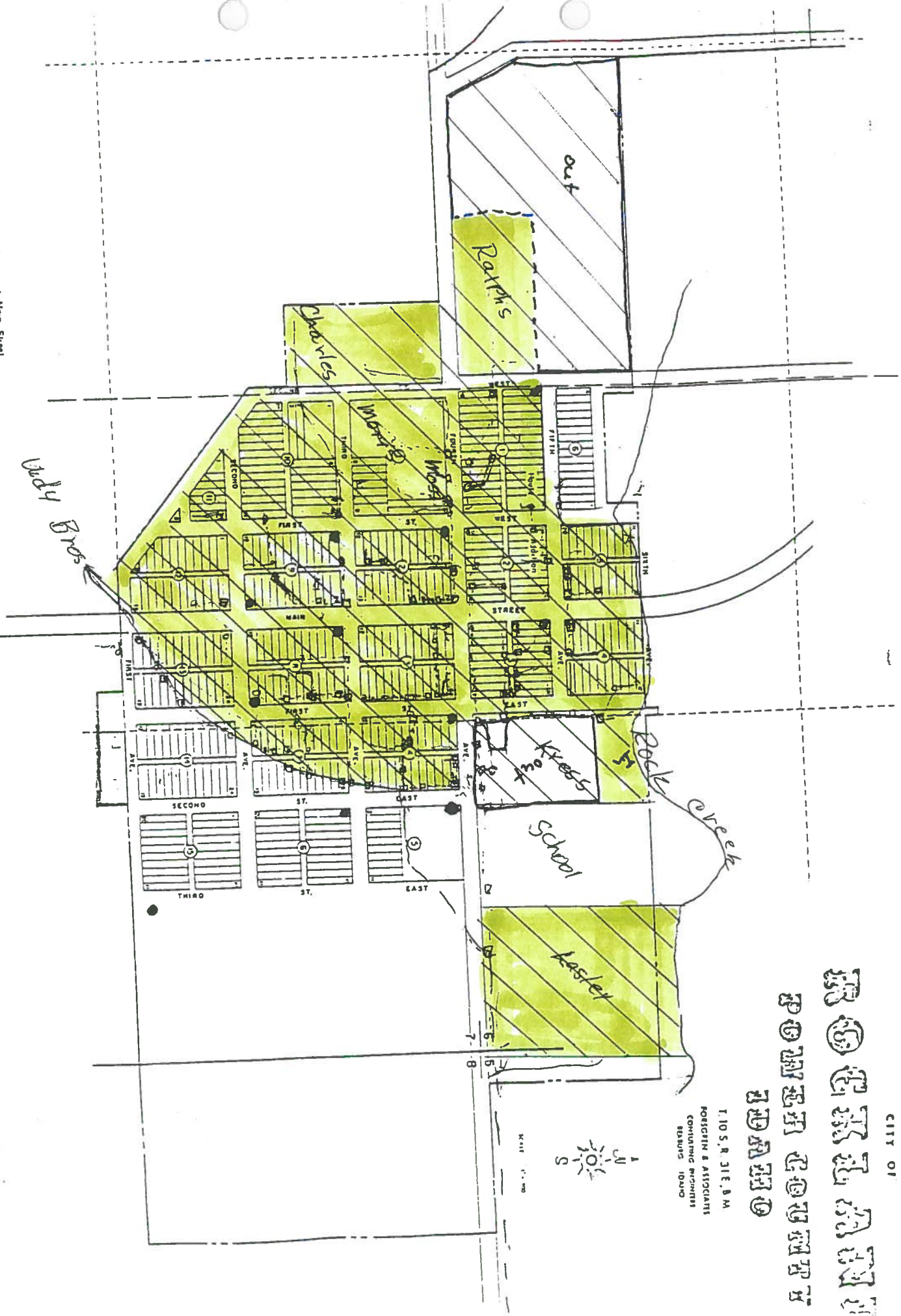
CITY OF

FOURTH CITY FOURTH CITY FOURTH

T. 10 S. R. 31 E. S. 14
ROSCHEIN & ASSOCIATES
CONSULTING ENGINEERS
ST. LOUIS, MO.



SCALE 1" = 100'



New Street 60 feet wide except Main Street
which is 80 feet
Alleys are 20 feet wide

From: DWR60::AMERRITT 6-MAY-1996 12:03:41.
To: DWR03::GSAXTON, SCLELLAN
CC: AMERRITT
Subj: fyi

FROM: Allen Merritt

DATE: May 6, 1996

TO: File: Transfer #4651

SUBJECT: Pre-hearing conference

On 5/3/96 I conducted another pre-hearing conference assisted by Steve Clelland. It was held in American Falls at the EIPCA Blding. George Udy, applicant was in attendance as well as, Gene Nelson, Eugene Kress and Warren Lasley (City of Rockland) being the protestants.

Mr. Kress was the only one not in attendance at the first conference. At this conference Mr. Lasley provided a map of the city's service area for their right. The map also included the area of the other users in the ditch. He also provided an explanation of the users in the ditch as follows:

| | 1882 | 1886 | Total |
|---------------------|------|------|-------|
| City | 34" | 11" | 45" * |
| Udy | 17" | | 17" |
| Lasley | 9" | | 9" |
| Kress | | 5" | 5" * |
| Ralphs | | 5" | 5" |
| Charles | | 5" | 5" * |
| School (LDS Church) | | 1" | 1" * |
| Morris | | 2" | 2" * |
| Moss | | 1" | 1" * |
| | | | 90" |

* Included in City's SRBA claim of 59".

We discussed how the rights were claimed in SRBA and Mr. Kress indicated he went in to file a claim but the department employee said he didn't have to. I can only speculate that he told the agent his water was delivered by the city. We discussed the need for privately held rights to be claimed separately. We also discussed the need for the city to modify their claim and contact the people who they included on their claim to get things straightened out.

The matter of the transfer was discussed and it was felt that it best to work things out if possible. I asked if they could give a window for us to plan a hearing but nobody would commit to anything. Mr. Udy seemed agreeable to meet with the protestants to work something out so I told them I would wait to schedule a hearing until Mr. Udy got back with me to set one. All agreed that was ok.

After the conference Mr. Udy indicated that this was turning into such a mess that he would just like to sell the 17" to the city ditch users and then drill a well on the place. He asked if the department would extend his permit 41-07057 again to allow him to do this. He had filed proof and it appeared to be extended once before (he had copies of the papers with him). I told him it did not look possible for this to be done under permit 41-07057 since he had submitted proof.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

February 13, 1996

Mayor Dan Ralphs
City of Rockland
Rockland, ID 83271

RE: Protested Application for Transfer #4651 in the name of Udy Brothers

Dear Mr. Ralphs:

As you may know, on January 29th, the department held a pre-hearing conference regarding the above protested matter. At the conference the city was represented by councilman, Warren Lasley. At the meeting a question was raised about how all the signatories on the joint protest would be viewed.

To answer this question I have consulted the department's hearing officer and provide the following:

-Pursuant to IDAPA 37.01.01200 (Rule 200 of IDWR Rules of Procedure) I elected to select the City of Rockland to be the joint protestant's representative for the purpose of sending notice of service about the pre-hearing conference.

-Regarding party standing, Gene Nelson (7UD Ranch) and the City of Rockland (city) are clearly protestants with full party rights in the contested matter. Based on the protest the department considers that the city represents the interests of the 45 miner's inches identified on the protest. The department considers the 31 concerned citizens as public witnesses for the city pursuant to IDAPA 37.01.01355 (Rule 355 of IDWR Rules of Procedure). The department does **not** consider, however, that the following users of the city ditch, i.e. Warren Lasley, Ivan Charles, Ralphs Brothers, Gayle Kress, Irvin Moss, Melvin Morris and Rockland School are represented by the city and at this point do not have full party rights as protestants, since these parties have not filed separate protests with the required protest fee.

-The department wishes to provide the opportunity to the parties listed in the preceding paragraph to become full parties, however, prior to the scheduling of any settlement or hearing in the matter. Hence, if any of

the following parties, i.e. Warren Lasley, Ivan Charles, Ralphs Brothers, Gayle Kress, Irvin Moss, Melvin Morris and Rockland School wish to have full party status relative to the settlement agreement or participation in any hearing scheduled, that party shall submit a twenty-five dollar (\$25) protest fee to the department within ten (10) days of this letter as required in Section §42-203A, Idaho Code. All users who do not submit the protest fee may continue to participate as public witnesses pursuant to IDAPA 37.01.01355 (Rule 355 of IDWR Rules of Procedure).

On further study of the associated water rights records and Snake River Basin Adjudication (SRBA) claims, the department finds that there are serious discrepancies that must be attended to before this matter can be moved forward. Specifically:

- The Udy Brothers rights being requested to be transferred are presently in the name of Jeff Allen in the SRBA record. A change of ownership needs to be filed.

- The city SRBA claim is for 59 miners inches of water. The discrepancy between 45 miners inches list on the protest and the 59 miners inches claimed in the SRBA needs to be resolved. Additionally the delivery system of the city needs to be understood as to what land, lots, etc. are served by the system. We request that a map be prepared describing the delivery system and service area of the city.

- Gayle Kress, Irvin Moss, Melvin Morris and the Rockland School do not appear to have claimed their reported use of the city ditch in the SRBA. They must either file SRBA claims or identify what claim represents their rights.

- Ivan Charles and Ralph Brothers appear to have filed claims in the SRBA but it is not clear as to what portion of their claims are represented in the city ditch. Their SRBA claims need to be reviewed and the discrepancy resolved or clarified.

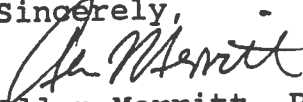
These matters need to be attended to as soon as possible. To file claims or resolve SRBA matters the various individuals need to contact Steve Clelland (208-736-3033) in our office who has been assigned the task to review the Rock Creek drainage. Steve has started field review of the area already and is the department's employee most familiar with the rights in the area.

By copy of this letter all involved individuals are being notified of the issues that need to be attended to.

Page 3

If questions arise please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allen Merritt".

Allen Merritt, PE
Southern Region Manager

CC: Udy Brothers
Warren Lasley
Ivan Charles
Ralphs Brothers
Gayle Kress
Irvin Moss
Melvin Morris
Rockland School
Glen Saxton - IDWR



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

RECEIVED

SEP 20 1996

Department of Water Resources
Southern Region

September 17, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: In the matter of Application for Transfer No. 4651 of Part of
Water Right Nos. 41-00001 and 41-00032 filed in the name of
Udy Brothers

Dear Interested Party:

The accompanying order is a "recommended order" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the recommended order shall be served on all other parties to these proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The agency may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. GLEN SAXTON

Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4651 OF PART OF WATER)
RIGHT NOS. 41-00001 AND 41-00032)
FILED IN THE NAME OF UDY BROTHERS)
_____)

RECOMMENDED ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for transfer, the department having held a conference and a hearing in the matter, the hearing officer recommends the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On January 13, 1995, Udy Brothers (applicant) filed Application for Transfer No. 4651 with the department proposing changes to parts of Water Right Nos. 41-00001 and 41-00032. The change sought by the applicant involving right No. 41-00032B is to change the point of diversion to a different fork of Rock Creek. The change would terminate a rotation practice in which 0.34 cubic feet per second (cfs) of water has been rotated with certain other water rights which together total 1.8 cfs (90 miner's inches). The change sought for right No. 41-00001F is to seek a permissible place of use.

2. "Rotation" is a practice in which two or more water users pool their water rights diverted at a common point with each user then diverting water for a shorter period of time at a flow rate larger than the rate to which the user is individually entitled to divert on a continuous basis.

3. The portion of Water right No. 41-00001 sought for transfer is represented by prior Transfer No. 2850 which provides the following:

Right holder: Clifford E. Nelson
Priority: April 1, 1880
Source: So. Fk. Rock Creek trib. to Rock Creek
Rate of div: 0.70 cfs from April 1 to June 15
 0.37 cfs from June 16 to October 31
Point of div: NW1/4SE1/4 Section 7, T10S, R31E, B.M.
Place of use: 40 acres in SW1/4NE1/4 and NW1/4SE1/4 Section
 7, T10S, R31E, B.M.
(Note: The "1/4" designations will be omitted from subsequent legal descriptions in this order).

4. The portion of Water right No. 41-00032 sought for transfer is represented by prior Transfer No. 2849 which provides

the following:

Right holder: Clifford E. Nelson
Priority: April 1, 1882
Source: East Fk. Rock Creek trib. to Rock Creek
Rate of div: 0.34 cfs from April 1 to October 31
Point of div: SESW Section 5, T10S, R31E, B.M.
Place of use: 8.5 ac. in SWNE Section 7, T10S, R31E, B.M.

5. The department published notice of the application which was subsequently protested by 7UD Ranches c/o Gene Nelson, City of Rockland c/o Dan Ralphs, David Moss and Eugene and Gayle Kress.

6. On August 20, 1996, the department conducted a hearing in the matter. The applicant was present and represented himself. Protestants 7UD Ranches c/o Gene Nelson, and Eugene and Gayle Kress were present and represented themselves. Protestant City of Rockland was represented by Dan Ralphs. Protestant David Moss did not appear at the hearing.

7. Issues identified by the protestant include the following:

- a. Approval of the transfer would injure other water rights.
- b. The proposed changes constitute an enlargement in use of the original water right.
- c. The applications are not consistent with the conservation of water resources within the state of Idaho.

8. Exhibits offered and accepted as a part of the record include the following:

- a. Protestant's Exhibit A - A letter dated September 8, 1995 to the Department of Water Resources from the City of Rockland.
- b. Protestant's Exhibit B - Minutes for Regular Meeting on May 13, 1996, City of Rockland.

9. Water right Nos. 41-00001 and 41-00032 were established by beneficial use and confirmed by a decision of arbitration executed on or about April 1, 1890. The decision of arbitration was recorded in Oneida County book of judgments, but was never endorsed by the district court as a judicial decree.

10. For purposes of administering the water rights on Rock Creek, the department and the parties diverting water from Rock Creek recognized the decision of arbitration as a judgment decreeing the water rights in Rock Creek. The waters from Rock Creek were administered according to the decision of arbitration after the decision was rendered. The department created a water district so that a watermaster could be elected to distribute water from Rock Creek to the users.

11. The decision of arbitration required that all water awarded by the decision

"... be measured in a box or flume placed at the head of every ditch through which the same is to be conveyed of (sic) the length of 8 & 1/2 feet with a fall of 1/2 inch to said box (sic) the water at no time in said box to be more than 6 inches in depth at the head thereof and without pressure except the natural flow of the stream; said box to be placed on a solid foundation and constructed of 2 inch lumber, ..."

Water which has been measured in this manner will be referred to in this decision as "Rockland inches."

12. Ninety (90) inches of water has been diverted into a conveyance system locally known as the Houtz & Wood Ditch or City Ditch with point of diversion located in the SESW Section 5, T10S, R31E, B.M. The delivery system consists of a diversion and an open ditch which has been lined throughout most of its length with a 12 inch diameter pipe. The length of the ditch was estimated by the parties to be approximately 3/4 to 1 mile.

13. Although there is no known written contract among the waterusers, the rotation has existed for more than fifty (50) years. The rotation is now practiced among eight individual water users and the City of Rockland who during its turn distributes water to approximately 52 users. The rights which are rotated consist of the following parts:

| <u>Owner/claimant</u> | <u>1882</u> | <u>1886</u> | <u>Sub-total</u> |
|------------------------------|-------------|-------------|------------------|
| City of Rockland | 34" | 11" | 45" |
| Clifford Nelson (Udy) | 17 | | 17 |
| Warren Lasley | 9 | | 9 |
| Ivan Charles | | 5 | 5 |
| Ralphs Bros | | 5 | 5 |
| Gayle Kress | | 5 | 5 |
| Irvin Moss | | 1 | 1 |
| Melvin Morris | | 2 | 2 |
| Rockland school (LDS Church) | | 1 | 1 |
| TOTAL | 60" | 30" | 90" |

14. The 17 inch water right sought for removal from the rotation by the applicant entitles the applicant to use water for thirty-two (32) hours per week. This right has been rotated with the 1886 rights in the City Ditch without special consideration being given to the applicant for use of the applicant's earlier 1882 priority for the seventeen (17) inches. The 32 hour per week turn is proportionately equal to the number of inches owned. During the applicant's rotation turn, the applicant pumps water from the City Ditch near the lower end of the ditch. The diversion into the City Ditch sometimes is not properly maintained resulting in losses of efficiency in water diversion and in insufficient water being available for the applicant to pump during his turn in

the rotation.

15. The applicant has an existing pump and diversion point on the South Fork of Rock Creek through which he would divert the 17 inch right if the proposed transfer is approved.

16. The protestants testified that if the amount of water in the City Ditch is reduced, the use of water by others in the rotation would be less efficient but did not produce any evidence to support this contention. Water loss within the City Ditch itself has not been measured.

17. The natural supply of water available for diversion and use from the South Fork of Rock Creek is not larger than the amount of water available from the East Fork of Rock Creek. During some years, more water is available in one fork or the other and during other years the reverse is the case.

18. On East Fork Rock Creek between the City Ditch diversion and the confluence of East Fork Rock Creek with the South Fork Rock Creek are two diversions which divert water rights which have an earlier priority than April 1, 1882.

19. Water diverted from both the East Fork Rock Creek and the South Fork Rock Creek is delivered each year by an elected watermaster. The water has been measured and delivered using the 8 & 1/2 foot boxes described in the decision of arbitration. The department has checked the rate of water being delivered through the boxes (Rockland inches) and has determined that the rate of delivery is approximately 20 to 30% less than the amount of water which would be delivered using the Idaho standard that 1 cubic foot per second equals 50 miner's inches.

20. The property of protestant 7UD Ranches c/o Gene Nelson is located about 1 to 2 miles below the confluence of the East Fork Rock Creek and the South Fork Rock Creek. Nelson's concern was that enlargement in use would occur if the department approved the transfer allowing the diversion of seventeen (17) miner's inches of water at the new point of diversion when in the past a reduced rate of seventeen (17) "Rockland inches" had been diverted at the heading of the City Ditch.

21. The protestants did not present any evidence or testimony to show that the department should not approve a permissible place of use.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in

use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code; ...

2. The applicant carries the burden of coming forward with evidence that the proposed change will not injure other water right holders, that it will not constitute an enlargement of the use and will be consistent with principles of conservation of the water of the state of Idaho.

3. Both the applicant and the protestants have the responsibility of coming forward with evidence regarding matters of public interest of which they are each most cognizant.

4. The applicant has the ultimate burden of persuasion for all of the criteria of Section 42-222, Idaho Code.

5. Idaho law requires water use to be reasonable and efficient. The department also recognizes its responsibility to encourage efficient use of water. Rotation is one method by which water can be used more efficiently.

6. The director will consider the following factors to determine whether a transfer application which proposes withdrawal from rotation is in the public interest:

a. The efficiency of the proposed continuous use by the person seeking to withdraw versus the loss of rotation efficiency to remaining users resulting from withdrawal.

b. The monetary cost of modifying the internal systems of the remaining users.

c. Evidence of any existing contracts between the parties to rotate water.

d. The customs or traditions of water use in the area.

7. Helphery v. Perault, 12 Idaho 451, 86 P. 417 (1906), states that rotation and irrigation tend to conserve the water of the state. "Experience seems to indicate that the use of the rotation system not only tends to conserve the already inadequate water supply, but also tends to contribute to larger and better crops and retention of soil fertility." Muir v. Allison, 33 Idaho 146, 191 P.206 (1920).

8. Neither of the cases cited, hold that rotation is a matter of right. Instead, the cases recognize rotation as a permissible method of conserving water.

9. Helphery stated that users have a right to rotate if they choose. The Muir court was asked to declare that all water rights are subject to rotation, but the court declined to establish rotation as a general rule, holding that most rights are based on a continuous flow.

10. The best discussion about rotation is contained in Muir:

... [I]t may be added in passing that it is far from the purpose or intention of the court to close the door against the adoption of the rotation system in the state. Undoubtedly the courts would enforce contracts between the parties involving the use of the rotation system as has already been done by this court in the case of the State v. Twin Falls etc. Co., 21 Ida. 410, 121 Pac. 1039, L. R. A. 1916F, 236, and perhaps when property rights have grown up, or common usage have made it a settled and fixed practice in a particular community, it might be the duty of the courts to enforce it.

11. The court alluded that more experience may be necessary prior to imposing a requirement that water be rotated. It also alluded that the imposition of rotation may depend on the individual facts confronting the decision maker:

But when and in what cases the rules for the distribution of water should be changed must be left entirely to future investigation and determination, and this opinion should not be understood as laying down rules for any prospective modification of the law.

33 Idaho at 163.

12. In other words, rotation is a permissible and laudable method of beneficially using water, but will only be enforced when after viewing all of the facts, rotation is necessary to provide the most efficient and best use of the water. In addition, contractual obligations, if any, of the parties are important.

13. Where an individual water user desires to withdraw from rotation, the user must show that the water entitlement of the remaining users can be delivered through the existing delivery system without substantial reduction. Since water is delivered through the City Ditch in a pipeline, withdrawal of part of the water from the rotation practice will reduce the amount of water available to the parties remaining in the rotation but will not require the protestants to modify their delivery system and will not prevent the remaining users from receiving water.

14. Irrigation efficiency of the applicant will substantially increase, since the applicant will be able to utilize an existing diversion system and eliminate a pump on the tail end of the City Ditch. The remaining users in the City Ditch while having less total water to rotate, can increase diversion and delivery efficiency by regularly maintaining the diversion into the City Ditch and the conveyance system.

15. While rotation has been practiced on the City Ditch for a long time, there is no written contract requiring parties to continue to participate in a rotation system.

16. The applicant should be allowed to withdraw from

participation in the rotation of water in the City Ditch.

17. The proposed changes will not injure other water rights if the change authorization is properly conditioned.

18. The proposed changes will not constitute an enlargement in use of the original rights if the change authorization is properly conditioned.

19. The proposed changes do not conflict with the local public interest.

20. The application is consistent with the conservation of water resources within the state of Idaho.

21. The department should approve the application for transfer with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 4651 involving parts of water right nos. 41-00001 and 41-00032 filed in the name of Udy Brothers is APPROVED subject to the following conditions and limitations:

1. Prior to the diversion of water under this transfer, the right holder shall permanently install and maintain a measuring device or other means approved by the department and the watermaster to provide for the measurement of water diverted.

2. The changes authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

3. Use of water under this water right shall be regulated by the watermaster of State Water District No. 41, Rock Creek.

4. These rights when combined with all other rights for irrigation of the same lands shall provide no more than 4.0 afa per acre.

5. Right No. 41-00001F is limited to the irrigation of 40.0 acres in the place of use described above in a single irrigation season.

6. In order to prevent enlargement in use of water, the watermaster shall assure that the amount of water that would have been available for diversion under right 41-00032B from the East Fork Rock Creek is discharged into Rock Creek and is not diverted by water rights of later priority than right 41-00032B which divert water upstream from the confluence of East Fork Rock Creek and South Fork Rock Creek.

7. In order to prevent injury to existing water rights on the South Fork Rock Creek, the watermaster shall treat water right 41-00032B as being subject to later in time water rights diverting from the South Fork Rock Creek which prior to approval of this

transfer would have been delivered the amount of water authorized for diversion under water right 41-00032B.

8. The rate of diversion authorized from the South Fork Rock Creek for water right no. 41-00032B shall not exceed 17 Rockland inches which is equivalent to about 0.24 cfs or 12 miner's inches unless the right holder can show to the satisfaction of the department that a larger rate has historically been diverted and beneficially used. (The authorized rate was determined by reducing the Rockland inches by 30%).

9. The department specifically retains jurisdiction of this transfer to determine at some future date or as a part of the Snake River Basin Adjudication (SRBA) the equivalent authorized rate of diversion in terms of cubic feet per second which has historically been delivered in terms of "Rockland inches."

10. Failure to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11. Approval of this transfer does not preclude the opportunity for review of the validity of the water rights in the ongoing SRBA.

IT IS FURTHER hereby ORDERED that the protest of Dan Moss is **DISMISSED** for failure to appear at the hearing.

Signed this 17th day of September, 1996.


L. GLEN SAXTON
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 17th day of September, 1996,
I mailed a true and correct copy, postage prepaid, of the foregoing
RECOMMENDED ORDER to the following:

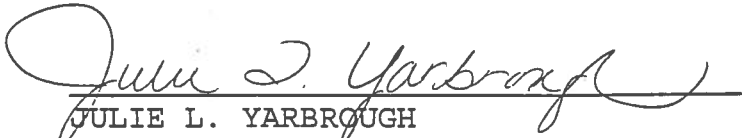
George Udy
Udy Brothers
455 Pierce St.
American Falls, ID 83211

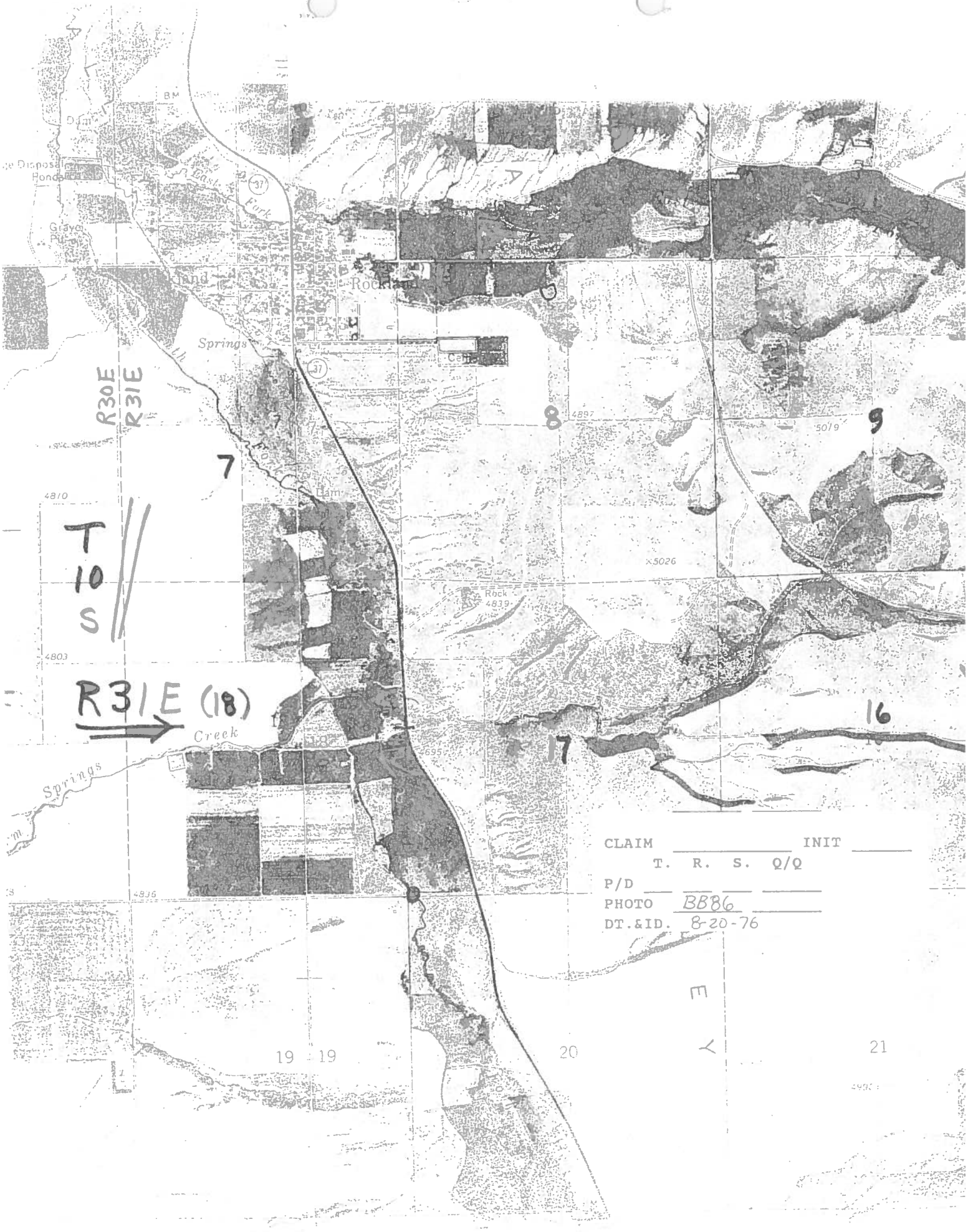
Gene Nelson
7 UD Ranches
P.O. Box 177
Rockland, ID 83271

Dan Ralphs, Mayor
City of Rockland
Rockland, ID 83271

Irvin Moss
P.O. Box B
Lima, MT 59739

Eugene & Gayle Kress
P.O. Box 231
Rockland, ID 83271


JULIE L. YARBROUGH
Senior Secretary



CLAIM _____ INIT _____
T. R. S. Q/Q
P/D _____
PHOTO BB86
DT.&ID. 8-20-76

E
Y

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A41-00002B &
A41-0023F, -0025C,
A41-04023

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

December 18, 1995 9:17am

NAME:

MIKE MATTHEWS

CALLIN

RE:

CITY OF ROCKLAND

HE CALLED AND TALKED TO ALLEN M. WHO BROUGHT THE CALL TO ME. I PULLED THE FILES FOR THE CITY AND TOLD HIM EVERYTHING APPEARED OK AT THIS TIME. I HAVE TRIED TO CONTACT WARREN LASLEY BEFORE WITH NO SUCCESS. WILL BE IN TOUCH LATER IN THE SPRING TO REVIEW ALL CLAIMS.

PHONE: 548-2646 (POST OFFICE - OFF AT 4 PM)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

~~REGINALD 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

A41-00032 F

| MR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | Y | | | | | | | |
| POINT OF DIV | Y | | | | | | | |
| SOURCE | Y | | | | | | | |
| PLACE OF USE | Y | | | | | | | |
| DIV. AMOUNT
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 - A41-00032F

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
CITY OF ROCKLAND

1 - P.O. BOX 116

2 -

3 -

City- ROCKLAND

Phone - 208-548-2270

State- ID Zip- 83271

*** O - ORIGINAL OWNER ***
PARRY1 -
2 -
3 -
City- ROCKLAND
Phone - 208-548-2201

State- ID Zip- 83271

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1982 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 SE SW SE (77) POWER

+ - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
Code Description Period From Period To

01 - IRRIGATION 03/15 11/15 0.680

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.68D 225.0+ - - - - - - - - - Place of Use - - - - - Description - - - - - County - - - - - +
Twn Rng Sec Tract Lot Acres Code

10S 31E 6 SE SW 5.0 01 IRRIGATION (77) POWER

10S 31E 6 SW SE 25.0 01 IRRIGATION (77) POWER

10S 31E 7 NE NE 5.0 01 IRRIGATION (77) POWER

10S 31E 7 NW NE 35.0 01 IRRIGATION (77) POWER

10S 31E 7 NE NW 20.0 01 IRRIGATION (77) POWER

Total Acres: 90.0

+ - - Diversion Means - CONCRETE AND WOOD DIV. DAM VIA ROCKLAND CITY DITCH.

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - A4100002B, A4100025C

Prefix Translation: ADJUDICATION CLAIM

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-- Old Water Right Numbers --
No Old Water Right Numbers found.

```

Conditions of Approval - -
No Conditions of Approval found.

Decree Defendant - - - +
ET AL.

+ - Decree Date - +
00/00/0000[illegible]

-----+----- 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 | - | 00/00/0000 | Old Judicial District | - | |
| Claim Received Date | - | 03/23/1990 | 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 | - | S011642 | Federal/State Indicator | - | S |
| Claims Tape Error Flg | - | | POU Ownership Flag | - | Y | Presumption Flag | - | |
| Fee Exempt Flag | - | | Name Connector | - | | | - | |

LAST: CITY OF ROCKLAND
ADDRESS: P.O. BOX 116
CITY: ROCKLAND
PHONE NUMBER: 208-548-2270

FIRST:
STATE: ID ZIP: 83271

OWNER CODE: C

LAST: PARRY
ADDRESS:
CITY: ROCKLAND
PHONE NUMBER: 208-548-2201

FIRST:
STATE: ID ZIP: 83271

OWNER CODE: 0

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THIS RIGHT IS USED FOR LAWNS AND GARDENS.
THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY
LISTED IN PLEADINGS IS H. P. HOUTZ.
THIS RIGHT IS A PORTION OF A41-00032A

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: # A41-00032F PRIORITY DATE: 06-01-1982 STAGE: D

B. WR RECORD: # 41-00032 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 |
|------------|------|------|------|-----|-----|-----|-----|-------|
| A41-00032F | 10S | 31E | 6 | SE | SW | SE | | POWER |

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX
NONE NONE41-00002
41-00024

SOURCE: ROCK CREEK, EAST FORK

TRIB: ROCK CREEK

B. WR POINT OF DIVERSION AND SOURCE:

4100032 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 | LOT | COUNTY |
|------|------|------|-----|-----|-----|--------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

SOURCE:

TRIB:

REVIEWED BY:

DATE:

A. ROOT WATER RIGHT NUMBERS:

A41-00032C
A41-00032D

A41-00032E

A41-00032F

A41-00032G

A41-00032H

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|--------------------------------|-------------------|---------------|-----------------|----------------|------------------|
| TOS | 31E | 6 | SE | SW | | CITY OF ROCKLAND | A41-00032F / 5.0 | - | / | | 41.0 |
| | | | SE | SW | | EXCALIBUR RANCHES INC. | A41-00024A / 20.5 | - | / | | |
| | | | SE | SW | | ROCKLAND WATER AND SEWER ASSOC | A41-04023 / | - | / | | |
| | | | SE | SW | | CITY OF ROCKLAND | A41-00002B / 5.0 | - | / | | |
| | | | SE | SW | | CITY OF ROCKLAND | A41-00025C / 5.0 | - | / | | |
| | | | SE | SW | | RALPHS , REYNOLD | A41-00024B / 31.4 | - | / | | |
| | | | SE | SW | | MOSS , NORMAN K. | A41-10141 / | - | / | | |
| | | | SE | SW | | WOOD , HEBER C. | A41-10141 / | 41-00024 | / | | |
| TOS | 31E | 7 | NE | NE | | CITY OF ROCKLAND | A41-00032F / 5.0 | - | / | | 42.0 |
| | | | NE | NE | | RALPHS , V.C. | A41-00032C / 5.0 | - | / | | |
| | | | NE | NE | | RALPHS , V.C. | A41-10012 / | - | / | | |
| | | | NE | NE | | RALPHS , V.C. | A41-10013 / | - | / | | |
| | | | NE | NE | 1 | POULSON , MILTON T. | A41-00032E / 1.0 | - | / | | |
| | | | NE | NE | | ROCKLAND WATER AND SEWER ASSOC | A41-04023 / | - | / | | |
| | | | NE | NE | | CITY OF ROCKLAND | A41-00002B / 5.0 | - | / | | |
| | | | NE | NE | | CITY OF ROCKLAND | A41-00025C / 5.0 | - | / | | |
| | | | NE | NE | | U.S. DEPT. OF INTERIOR | A41-02030 / | - | / | | |
| TOS | 31E | 7 | NW | NE | | CITY OF ROCKLAND | A41-00032F / 35.0 | - | / | | 39.0 |
| | | | NW | NE | | SPILLETT , GRACE | A41-10034 / | - | / | | |
| | | | NW | NE | | ROCKLAND WATER AND SEWER ASSOC | A41-04023 / | - | / | | |
| | | | NW | NE | | CITY OF ROCKLAND | A41-00002B / 35.0 | - | / | | |
| | | | NW | NE | | CITY OF ROCKLAND | A41-00025C / 35.0 | - | / | | |
| | | | NW | NE | | ALLEN , JEFF | A41-10028 / | - | / | | |
| | | | NW | NE | | ALLEN , JEFF | R41-10028 / | - | / | | |
| TOS | 31E | 7 | NE | NW | | CITY OF ROCKLAND | A41-00032F / 20.0 | - | / | | 41.0 |
| | | | NE | NW | | CHARLES , IVAN | A41-00001E / 27.0 | 41-00001E | / | | |
| | | | NE | NW | | CHARLES , IVAN | A41-00002A / 5.0 | - | / | | |
| | | | NE | NW | | CHARLES , IVAN | A41-10090 / | - | / | | |
| | | | NE | NW | | ROCKLAND WATER AND SEWER ASSOC | A41-04023 / | - | / | | |
| | | | NE | NW | | CITY OF ROCKLAND | A41-00002B / 20.0 | - | / | | |
| | | | NE | NW | | CITY OF ROCKLAND | A41-00025C / 20.0 | - | / | | |
| | | | NE | NW | | MOSS , NORMAN K. | A41-10140 / | - | / | | |
| | | | NE | NW | | CHARLES , IVAN | R41-10090 / | - | / | | |
| | | | NE | NW | | HOUTZ , HENRY P. | A41-00002 / | - | / | | |
| TOS | 31E | 6 | SW | SE | | CITY OF ROCKLAND | A41-00032F / 25.0 | - | / | | 37.0 |

see 2009 report
GIS notes

| | | | | | | |
|----|----|--------------------------------|------------|-------|---|---|
| SW | SE | RALPHS , BRAD | A41-10128 | / | - | / |
| SW | SE | TOBIAS , ELAINE | A41-00025B | /10.0 | - | / |
| SW | SE | ROCKLAND WATER AND SEWER ASSOC | A41-04023 | / | - | / |
| SW | SE | CITY OF ROCKLAND | A41-00002B | /25.0 | - | / |
| SW | SE | CITY OF ROCKLAND | A41-00025C | /25.0 | - | / |
| SW | SE | MUNK , MELVIN | 41-00025 | /34.0 | - | / |

| | | | |
|-------------|------------|-------|--------|
| TOTAL ACRES | A41-00032F | 90.00 | 200.00 |
|-------------|------------|-------|--------|

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 | FIELD EXAMINER |
| | Y | |

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____ DATE: _____

A. AJ CLAIMED USES:

PURPOSES
A41-00032F IRRIGATIONMONTH/DAY
FROM 03-15 TO 11-15DIVERSION QUANTITY
.680 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.680 CFS

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

TOTAL DIVERSION RATE/VOLUME CLAIMED

PRESUMPTION FLAG:

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: 0.680 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: A4100002B, A4100025C

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|------------------------|------------------------|-----------|----------------|-----------|----------------|
| A41-00032F | ROCK CREEK, EAST FORK | CITY OF ROCKLAND | 0.680 | 0.007 | | |
| A41-00024A | ROCK CREEK, EAST FORK | EXCALIBUR RANCHES INC. | 0.400 | 0.007 | | |
| A41-00025C | ROCK CREEK, EAST FORK | CITY OF ROCKLAND | 0.400 | 0.004 | | |
| A41-00024B | ROCK CREEK, EAST FORK | RALPHS, REYNOLD | 1.000 | 0.031 | | |
| A41-00032C | SPLIT RIGHT | RALPHS, V.C. | 0.350 | 0.020 | | |
| A41-00032E | ROCK CREEK, EAST FORK | POULSON, MILTON T. | 0.040 | 0.040 | | |
| A41-00001E | ROCK CREEK, SOUTH FORK | CHARLES, IVAN | 1.500 | 0.025 | | |
| A41-00002A | ROCK CREEK, EAST FORK | CHARLES, IVAN | 0.100 | 0.020 | | |
| A41-00025A | ROCK CREEK, EAST FORK | MCHARGUE, DAN R. | 0.080 | 0.020 | | |
| A41-00025B | ROCK CREEK, EAST FORK | TOBIAS, ELAINE | 0.200 | 0.020 | | |

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 | |
| A41-10141 | DOMESTIC | MOSS, NORMAN K. | FROM 01-01 TO 12-31 | .040 CFS | |
| A41-10012 | DOMESTIC | RALPHS, V.C. | FROM 01-01 TO 12-31 | .040 CFS | |
| A41-10012 | STOCKWATER | RALPHS, V.C. | FROM 01-01 TO 12-31 | .020 CFS | |
| A41-10013 | STOCKWATER | RALPHS, V.C. | FROM 01-01 TO 12-31 | .020 CFS | |
| A41-10034 | DOMESTIC | SPILETT, GRACE | FROM 01-01 TO 12-31 | .040 CFS | |
| A41-10034 | STOCKWATER | SPILETT, GRACE | FROM 01-01 TO 12-31 | .020 CFS | |

| | | | | |
|-----------|------------|-----------------|---------------------|----------|
| R41-10028 | STOCKWATER | ALLEN, JEFF | FROM 01-01 TO 12-31 | .050 CFS |
| A41-10090 | STOCKWATER | CHARLES, IVAN | FROM 01-01 TO 12-31 | .020 CFS |
| A41-10140 | DOMESTIC | MOSS, NORMAN K. | FROM 01-01 TO 12-31 | .040 CFS |
| R41-10090 | STOCKWATER | CHARLES, IVAN | FROM 01-01 TO 12-31 | .020 CFS |
| A41-10128 | DOMESTIC | RALPHS, BRAD | FROM 01-01 TO 12-31 | .060 CFS |

D. RATE/VOLUME CALCULATIONS: (IRRIGATION) 1b. CALCULATIONS

1a. IRRIGATION RATE
 ACRES _____ x 0.02 CFS/ACRE = _____ CFS
 (taken from p/u review)

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 = 225.0 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.)

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:

| | ACCEPTED
AS CLAIMED | NEEDS
REVIEW |
|------------------------|------------------------|-----------------|
| OWNERSHIP | () | () |
| FORFEIT/ABANDON | () | () |
| ADDITIONAL DIV. AMOUNT | () | () |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 41-00032

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.060

EXAMINER

CFS

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| A41-00032A | A41-00032C | 0.350 | - | - | 41-00032A | 0.860 |
| - | A41-00032D | 0.180 | - | - | - | - |
| A41-00032A | A41-00032E | 0.040 | - | - | 41-00032A | 0.860 |
| - | A41-00032F | 0.680 | - | - | - | - |
| - | A41-00032G | 0.120 | - | - | 41-00032B | 0.340 |
| A41-00032B | A41-00032B | 0.340 | - | - | 41-00032 | 0.340 |
| - | - | - | - | - | - | - |
| TOTAL CFS | | 1.710 | | | | 2.060 |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)

DATABASE
NFIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

Water Right Number - 41-00032F

Prefix Translation: WATER RIGHT

Old (D) Number -

Last Name - + First Name - + Address - +

Priority Date - + Region - + Stage - + Status - +
00/00/0000 ERROR IN REGION

Source - + Tributary - +

Twn Rng Sec Tract Lot RFlg County Point of Diversion Stream Index (Blank if no Index Code)

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - +

Twn Rng Sec Tract Lot Acres Code Description County

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

Remarks
No Remarks found.

Old Water Right Numbers
No Old Water Right Numbers found.

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff - + Decree Defendant - + Decree Date - +
00/00/0000

Comments
No Comments Found

Water Rights Dates and Flags Area

Proof Due Date - 00/00/0000 Field Exam Made - 00/00/0000 Field Exam Fee -
Approved/Denied - 00/00/0000 Protested Date - 00/00/0000 Swan Falls -
Proof Made Date - 00/00/0000 Hearing Date - 00/00/0000 Temporary Right -
Exam to S.O. Date - 00/00/0000 Verified Date - 00/00/0000 DLE/Carey Act -
Order Show Cause - 00/00/0000 Receipt Number - Water District -
Licensed Date - 00/00/0000 Appl Received - 00/00/0000 Transfer/Amended -
Decree Date - 00/00/0000 Presumption Flag -