

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: A41-00032B
Date Received: 4/ 5/1990
Receipt No: S011826
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UDY BROTHERS 208-226-7857
Address: C/O GEORGE UDY
455 PIERCE ST
AMERICAN FALLS ID 83211

2. Date of Priority: JUN 1, 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	Lot	County
10S	31E	5	SW	SW	SE		POWER

5. Description of diverting works:
VIA ROCKLAND VILLAGE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.340		

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

8. Total consumptive use is 135.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	31E	7	SW	NE		IRR	30.0
			NW	SE		IRR	24.0
Section Acres							54.0

Total Acres 54.0

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

14. Remarks:

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.

15. Basis of Claim: DECREED

Court :

Decree date: / /

ET AL.

VS

Decree Defendant

(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: 0

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

Signature of Claimant(s): _____ Date: _____
 _____ Date: _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 8-15-1991

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A41-00001F, 41 A41-00032B
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Jeff Allen
PO Box 311
Rockland, ID 83271
- ☐ New Owner/Claimant (Purchaser): Udy Brothers
- ☐ New Mailing Address: c/o George Udy
455 Pierce St.
American Falls, ID 83211
- ☐ New Telephone Number: () 226 - 7857
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Udy Bros by George Udy Date 4/1/96
- ☐ Signature of Former Owner/Claimant(s) Jeff Allen Date 4/1/96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY: Rec'd 5/3/96
Initial Review and Data-Entry SC
Date: _____ By: _____
Further Action Needed: _____
Further Action Taken: _____
Date: _____ By: _____
Final Review and Data-Entry: _____
Date: _____ By: _____
Claim Numbers of Split, if any: _____

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



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

May 15, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

UDY BROTHERS
C/O GEORGE UDY
455 PIERCE ST
AMERICAN FALLS ID 83211

RE: CHANGE OF OWNERSHIP SRBA CLAIM NOS. A41-00001F & A41-00032B

DEAR MR. UDY,

Pursuant to your request for a change in ownership and/or the notification that you presently own the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owners as you requested. Please find enclosed a copy of your adjudication claims, as they now appear in our records.

Please refer to the new SRBA claim number in future correspondence: A41-00001F & A41-00032B

If you have any further corrections or questions please contact our office.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

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: A41-00032B
Date Received: 2/15/1990
Receipt No: 5011826
Received By: JCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JEFF ALLEN 208-548-2603
Address: P.O. BOX 311
ROCKLAND, ID 83271

Name: CLIFFORD E. NELSON
Address: BOX 114
ROCKLAND, ID 83271

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	5	SW	SW	SE		POWER

5. Description of diverting works:
VIA ROCKLAND VILLAGE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.340		

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

8. Total consumptive use is 135.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	31E	7	SW	NE		IRR	30.0
			NW	SE		IRR	24.0
						Section Acres	54.0
						Total Acres	54.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
A41-00001F

14. Remarks:

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.

|
WATER IS USED IN ONE SYSTEM AND COMBINED WITH OTHER WATER ON THE
LISTED P/U.

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 Individuals:

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

Signature of Claimant(s): *Ruff A Allen* Date: *April 13, 1990*

Date: _____

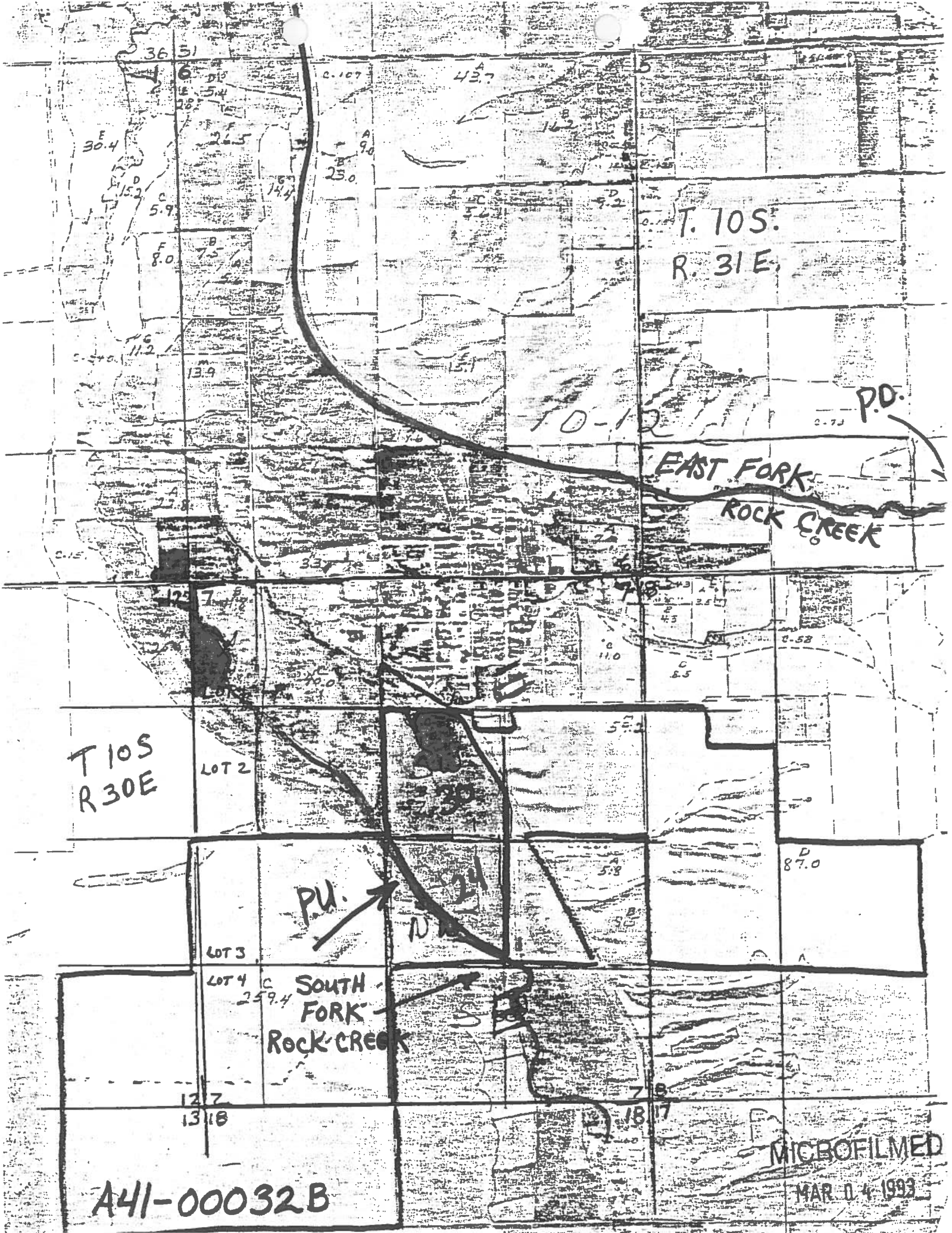
State of Idaho)
County of *Twin Falls*) ss.

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

Seal

Residing at *Twin Falls, Idaho*

My Commission Expires *December 7, 1994*



T. 10S.
R. 31E.

P.O.

EAST FORK
ROCK CREEK

T 10S
R 30E

LOT 2

PU.

N.

LOT 3

LOT 4

SOUTH
FORK
ROCK CREEK

87.0

12.7
13.18

7.8
18.7

MICROFILMED

MAR 04 1993

A41-00032B

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: A41-00032B
Date Received: 2/15/1990
Receipt No: 5011826
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JEFF ALLEN 208-548-2603
Address: P.O. BOX 311
ROCKLAND, ID 83271

Name: CLIFFORD E. NELSON
Address: BOX 114
ROCKLAND, ID 83271

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	5	SW	SW	SE		POWER

5. Description of diverting works:
VIA ROCKLAND VILLAGE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.340		

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

8. Total consumptive use is 135.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	31E	7	SW	NE		IRR	30.0
			NW	SE		IRR	24.0
Section Acres							54.0
Total Acres							54.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
A41-00001F

14. Remarks:

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.

|
WATER IS USED IN ONE SYSTEM AND COMBINED WITH OTHER WATER ON THE
LISTED P/U.

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 Individuals:

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

Signature of Claimant(s): *Jeff A Zeller* Date: April 13, 1990
Date:

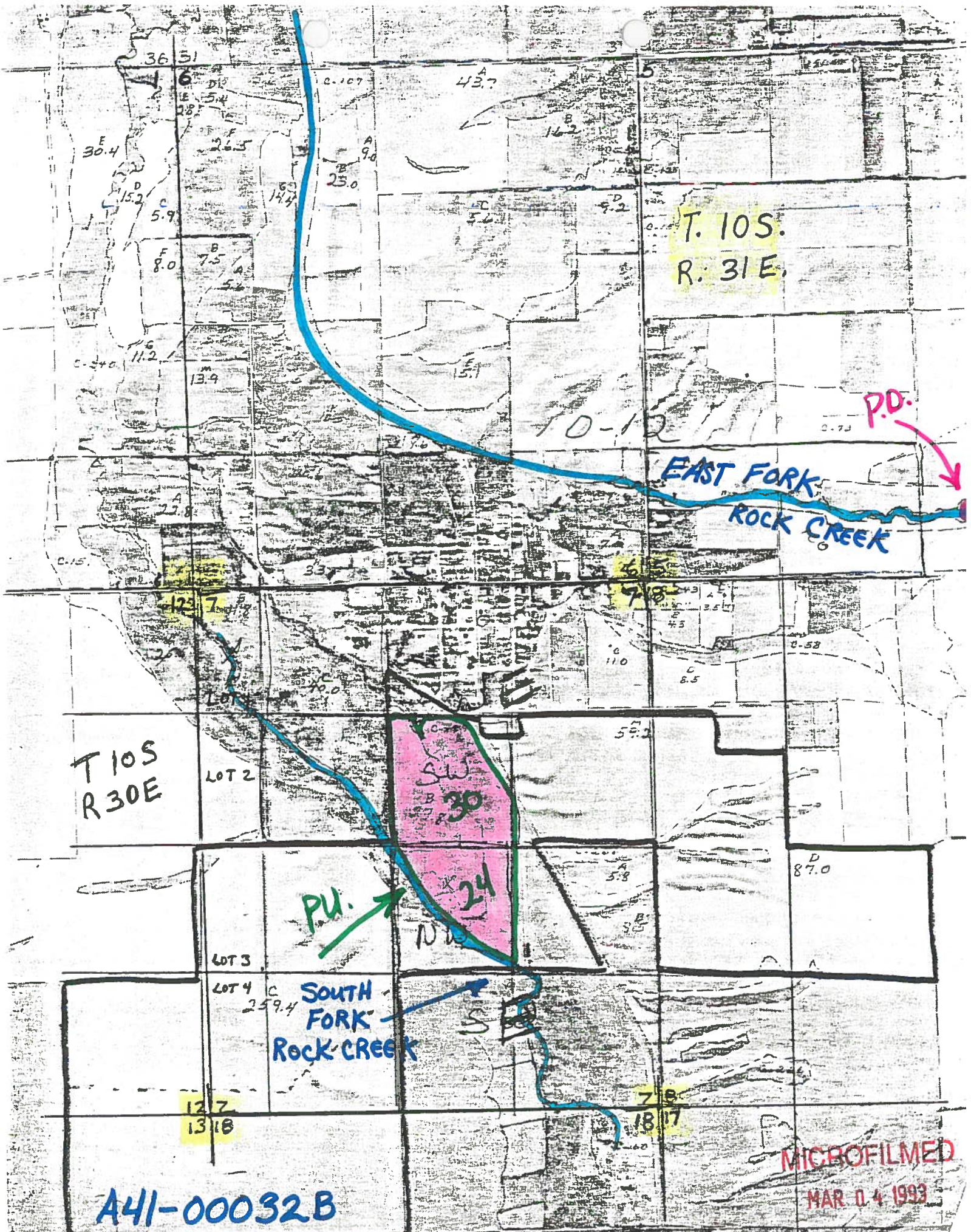
State of Idaho)
County of Twin Falls) SS.

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

Seal

Residing at Twin Falls, Idaho

My Commission Expires December 7, 1994



T. 10S.
R. 31E.

EAST FORK
ROCK CREEK

P.D.

T. 10S.
R. 30E.

LOT 2

PU.

SOUTH
FORK
ROCK CREEK

LOT 3

LOT 4

12.7
13.18

A41-00032B

MICROFILMED
MAR 14 1993

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: **A41-00032B**
Date Received: 4/ 5/1990
Receipt No: S011826
Received By: SCC

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

1. Name: UDY BROTHERS 208-226-7857
Address: C/O GEORGE UDY
455 PIERCE ST
AMERICAN FALLS ID 83211

2. Date of Priority: JUN 1, 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	Lot	County
10S	31E	5	SW		SW		SE		POWER

5. Description of diverting works:
VIA ROCKLAND VILLAGE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.340		

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

8. Total consumptive use is 135.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	31E	7	SW		NE		IRR	30.0
			NW		SE		IRR	24.0

Section Acres 54.0

10. Place of Use: Continued

Total Acres 54.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

A41-00001F

14. Remarks:

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.

|
WATER IS USED IN ONE SYSTEM AND COMBINED WITH OTHER WATER ON THE
LISTED P/U.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

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): _____ Date: _____

_____ Date: _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 8-15-1991

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A41-00001E, 47 A41-00032B

☐ Name and Address of Former Owner/Claimant(s)(Seller): Jeff Allen
PO Box 311
Rockland, ID 83271

☐ New Owner/Claimant (Purchaser): Udy Brothers

☐ New Mailing Address: c/o George Udy
455 Pierce St.
American Falls, ID 83211

☐ New Telephone Number: () 226 - 7857

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Udy Bros by George Udy Date 4/1/96
☐ Signature of Former Owner/Claimant(s) Jeff Allen Date 4/1/96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY: Rec'd 5/3/96
Initial Review and Data-Entry SCC
Date: _____ By: _____
Further Action Needed: _____
Further Action Taken: _____
Date: _____ By: _____
Final Review and Data-Entry: _____
Date: _____ By: _____
Claim Numbers of Split, if any: _____

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



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

May 15, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

UDY BROTHERS
C/O GEORGE UDY
455 PIERCE ST
AMERICAN FALLS ID 83211

RE: CHANGE OF OWNERSHIP SRBA CLAIM NOS. A41-00001F & A41-00032B

DEAR MR. UDY,

Pursuant to your request for a change in ownership and/or the notification that you presently own the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owners as you requested. Please find enclosed a copy of your adjudication claims, as they now appear in our records.

Please refer to the new SRBA claim number in future correspondence: A41-00001F & A41-00032B

If you have any further corrections or questions please contact our office.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

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: A41-00032B
Date Received: 2/15/1990
Receipt No: 5011826
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JEFF ALLEN 208-548-2603
Address: P.O. BOX 311
ROCKLAND, ID 83271

Name: CLIFFORD E. NELSON
Address: BOX 114
ROCKLAND, ID 83271

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	5	SW	SW	SE		POWER

5. Description of diverting works:
VIA ROCKLAND VILLAGE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.340		

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

8. Total consumptive use is 135.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	31E	7	SW	NE		IRR	30.0
			NW	SE		IRR	24.0
Section Acres							54.0
Total Acres							54.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
A41-00001F

14. Remarks:

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.

|
WATER IS USED IN ONE SYSTEM AND COMBINED WITH OTHER WATER ON THE
LISTED P/U.

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 Individuals:

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

Signature of Claimant(s): *Jeff A. Allen* Date: April 13, 1990
Date: _____

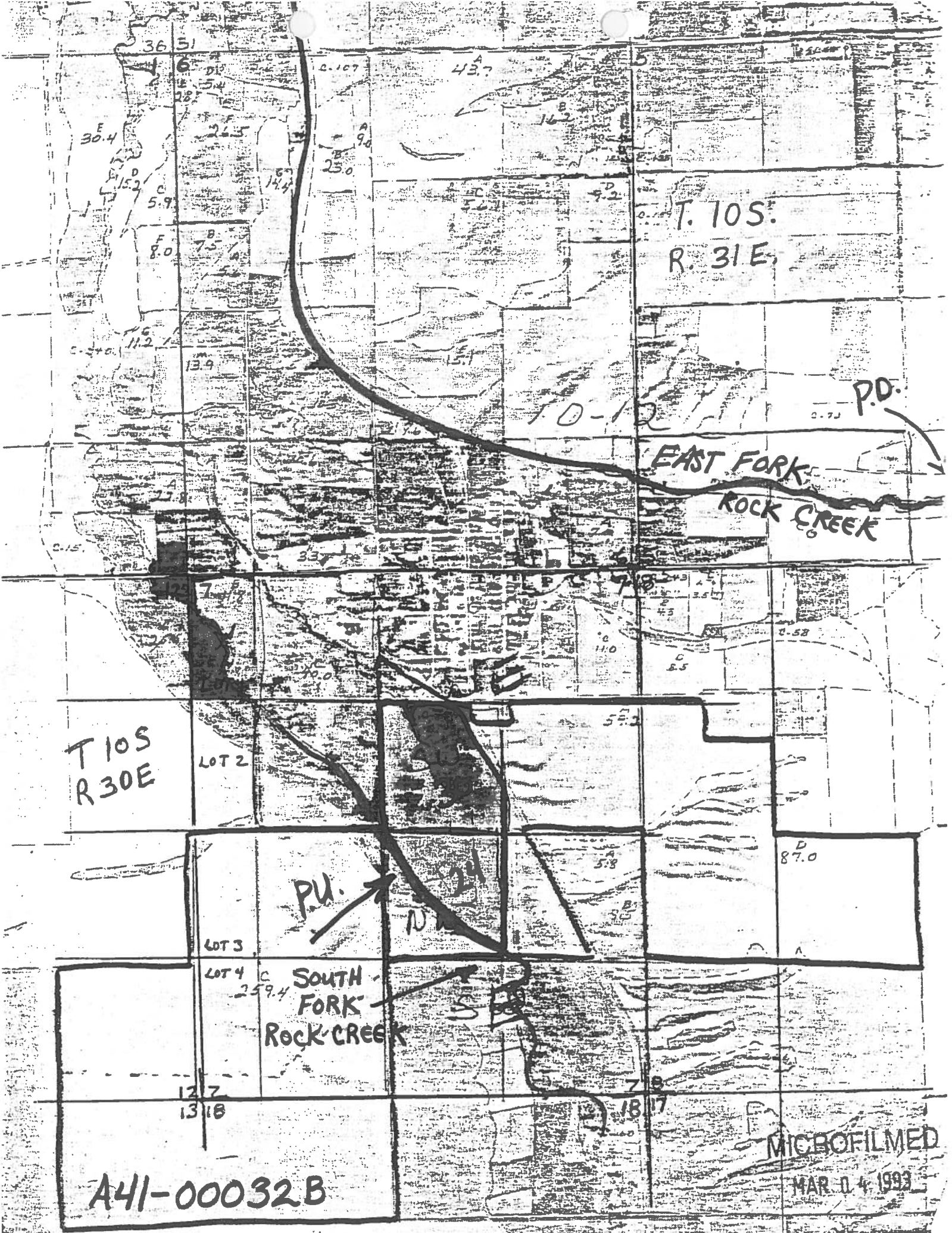
State of Idaho)
County of Twin Falls) SS.

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

Seal

Residing at Twin Falls, Idaho

My Commission Expires December 7, 1994



T. 10S.
R. 31E.

EAST FORK
ROCK CREEK

T 10S
R 30E

LOT 2

P.U.

LOT 3

LOT 4

SOUTH
FORK
ROCK CREEK

12 7
13 18

87.0

MICROFILMED

MAR 04 1993

A41-00032B

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

(REGIONAL)

Water Source:	ROCK CREEK, SOUTH FORK	Tributary to:	ROCK CREEK	Stage:	DECREED
Point(s) of Diversion:	T10S R31E S07		NW1/4SE		POWER County

Place of use Legal Description for: IRRIGATION																		
			NE				NW				SW				SE			
			NENE	NUNE	SUNE	SENE	NENW	NUNW	SWNW	SENW	NESW	NUSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
10S	31E	7	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
			27												25			
															TOTAL ACRES			
															52.0			

Other Rights: 41-00001G & H

Remarks: POU1
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 8.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NOS. 41-00001G & 41-00001H IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 52.0 ACRES IN A SINGLE IRRIGATION SEASON.

GEN RIGHT NOS. 41-00001G AND 41-D0001H ARE SUBJECT TO THE CONDITIONS OF THE FINAL ORDER IN THE MATTER OF TRANSFER #4651.

Dates:	Exam Made Date:	Verified Date:	10/28/1999	Objection Filed Date:
--------	-----------------	----------------	------------	-----------------------

Misc: Water District Number: 41 Field Inspection Flag: 0
Presumption Flag: 0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4651
WATER RIGHT NO(S). 41-00001F/41-00032B

This is to certify that: UDY BROTHERS
C/O GEORGE UDY
455 PIERCE ST
AMERICAN FALLS ID 83211

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 41-00001F :			
Priority: 04/01/1880			
IRRIGATION	04/01 to 06/15	0.70 CFS	104.1 AF
IRRIGATION	06/15 to 10/31	0.37 CFS	101.3 AF
	SUBTOTAL:	0.70 CFS	160.0 AF
Right No. 41-00032B :			
Priority: 06/01/1882			
IRRIGATION	04/01 to 10/31	0.34 CFS	34.0 AF
	TOTAL:	1.04 CFS	194.0 AF

SOURCE

ROCK CREEK, SOUTH FORK

TRIBUTARY OF

ROCK CREEK

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 7, Township 10S, Range 31E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10S	31E	7	SWNE 28.5	NWSE 20		48.5
Total number of acres irrigated:						48.5

CONDITIONS OF APPROVAL AND REMARKS

Right Nos. 41-00001F and 41-00032B are subject to the conditions of the Final Order in the matter of Application for Transfer No. 4651.

Dated this 15th day of November, 1996

J. Glen Saxton
Chief, Water Alloc. Bureau

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

SEP 20 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 17, 1996

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.

COPY

A41-000032B

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:

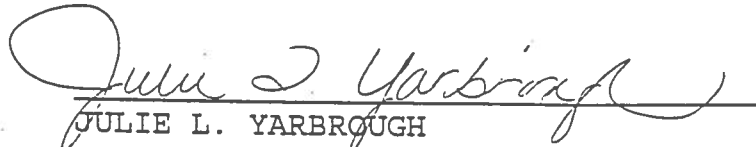
George Udy
Udy Brothers
455 Pierce St.
American Falls, ID 83211

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

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

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

Dan Ralphs, Mayor
City of Rockland
Rockland, ID 83271


JULIE L. YARBROUGH
Senior Secretary

41-00032 SPLIT REVIEW

10/21/99
see

WR

-32B

(.34 cfs)

-32B

UDY

(C)

(.34)

R

(.34)

<#4651>

32C

RALPHS

(.20)

.228

32D

Lesley

(.18)

.18

32E

Poulson

(.04)

.02

-32A

32F

City

(.68)

.212

Remaining
Balance

32G

MAY

(.12)

.12

32H

KRESS

(.10)

.10

1.66

.988

overclaimed

(1.20 - .988) = .212

1.20 cfs

60"

Water Right Number - R41-000328

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
UDY BROTHERS1 - C/O GEORGE UDY
2 - 455 PIERCE ST
3 -
City- AMERICAN FALLS
Phone - 208-226-7857

State- ID Zip- 83211

*** O - ORIGINAL OWNER ***
NELSON

CLIFFORD E

1 - BOX 114
2 -
3 -

State- ID Zip- 83271

City- ROCKLAND
Phone - 208-000-0000
1 - PO BOX 311
2 -
3 -

ALLEN

JEFF

State- ID Zip- 83271

City- ROCKLAND
Phone - 208-548-2603+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1882 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
ROCK CREEK, SOUTH FORK ROCK CREEK+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

10S 31E 7 NW NW SE (77) POWER

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

01 - IRRIGATION 04/01 11/01 0.340 34.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.340 34.00 0.0+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County10S 31E 7 SW NE 28.5 01 IRRIGATION (77) POWER
10S 31E 7 NW SE 20.0 01 IRRIGATION (77) POWER

Total Acres: 48.5

+ - - Diversion Means -

+ - - Non-Irrigation Use -

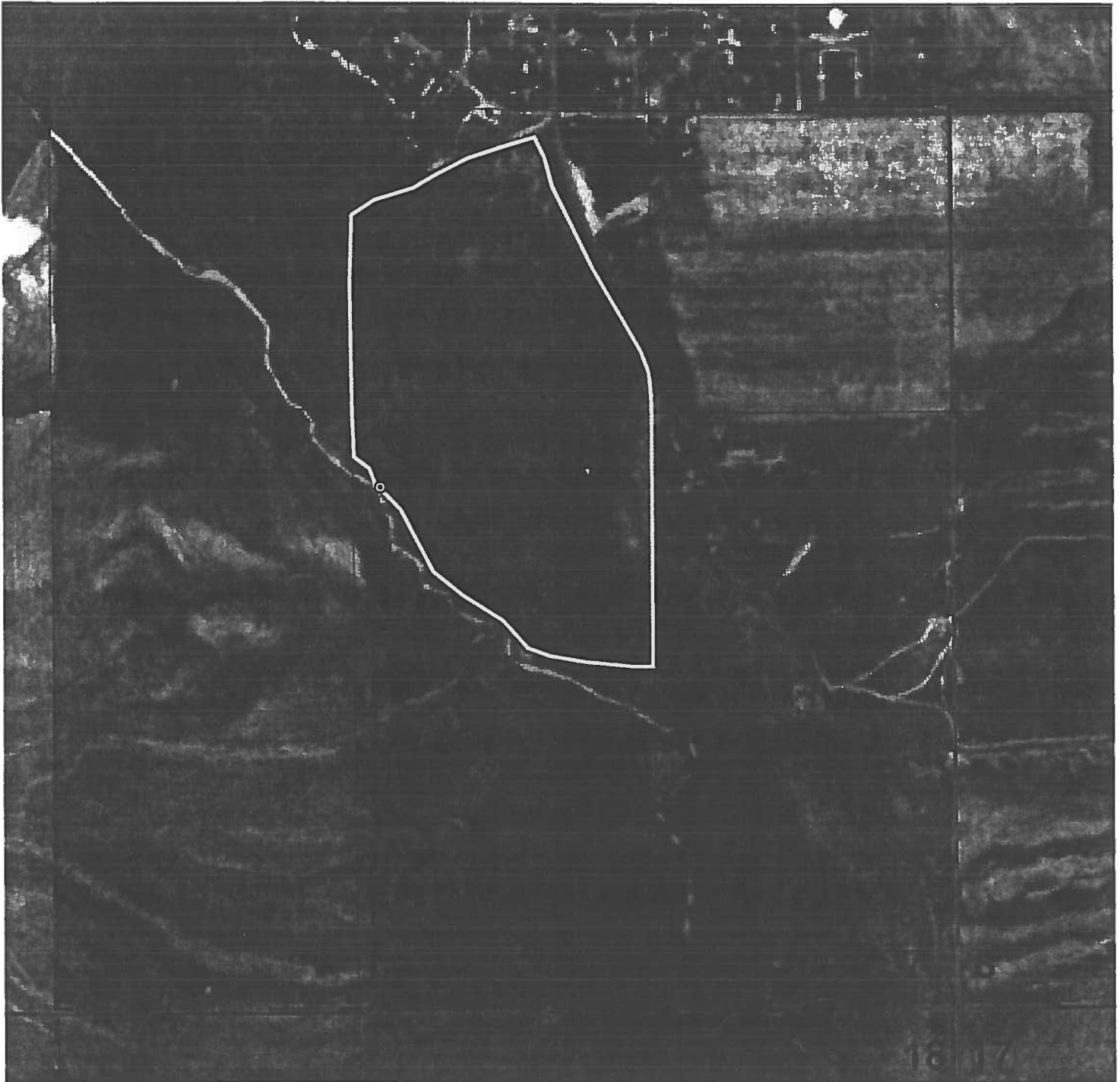
+ - - Other Rights for Same Use - A41-00001F

.....Remarks.....+

| 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 | - | 04/05/1990 | Last Amended Date | - | 00/00/0000 | Temporary Right | - | P |
| | | | Receipt Number | - | S01826 | Water District | - | 41 |
| | | | POU Ownership Flag | - | Y | Federal/State Indicator | - | S |
| | | | Name Connector | - | OR | Presumption Flag | - | D |
| | | | | | | Notice of Error Flag | - | - |

IDAHO DEPT OF WATER RESOURCES

41-00032B & 41-00001F



660 0 660 1320 Feet

T10S R31E SEC. 7



RECOMMENDED PLACE OF USE

- POINT OF DIVERSION
- Λ SECTION LINES
- 1/4 - 1/4 LINES

POU #: 21
POD #: 16

ser
3/10/00

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

DATA ENTRY BY: STEVE CLELLAND
DATE: May 17, 1999

COMMUNICATION DOCUMENTATION

A41-00032B

IDWR Employee/Agent Steve Clelland

RE:
TRANS. PROCESSING

[NOTE: ON 11-20-96 I RECEIVED THE FINAL ORDER FOR THE TRANSFER APPROVAL] ** PLAN TO CALL UDY AND TELL HIM OF THIS. **
PHONE: 226-7857

LEFT MESSAGE ON MACHINE RE: FINAL ORDER; SHOULD BE IN THE MAIL
SOON.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

~~KEGALA 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

AA1-000 32 B

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 Bldg. 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.

5-3-96

T#4651

UDY Bros.

UDY

17" 1882

35" 1880

90" total

30" 1st cut 1896

(City 11" + 19")

60" left 1882

(17" udy) (~~43~~ 43" ?)

* some other parties
must have water +/or

City 34"
Lesley 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.

Lesley: History of Cuts on City Ditch. (w/James R.)

- they will review claims for revision/amendment.

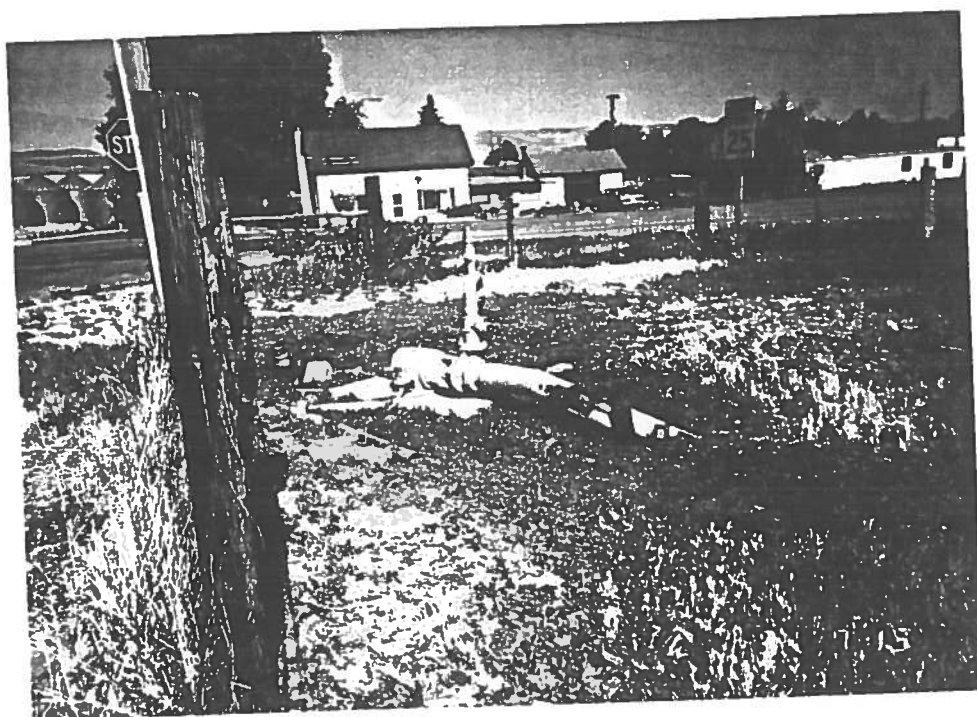
Gene Kress:

Box 231

Rockland 83271

Send form for SRBS

+ proofs of 182
186



Pump on Rockland Village Ditch
To Pond Across Hiway.

Photo:
R41-10
by SC
7-15-94

Pump to
alluvial study

7-15-94
SW

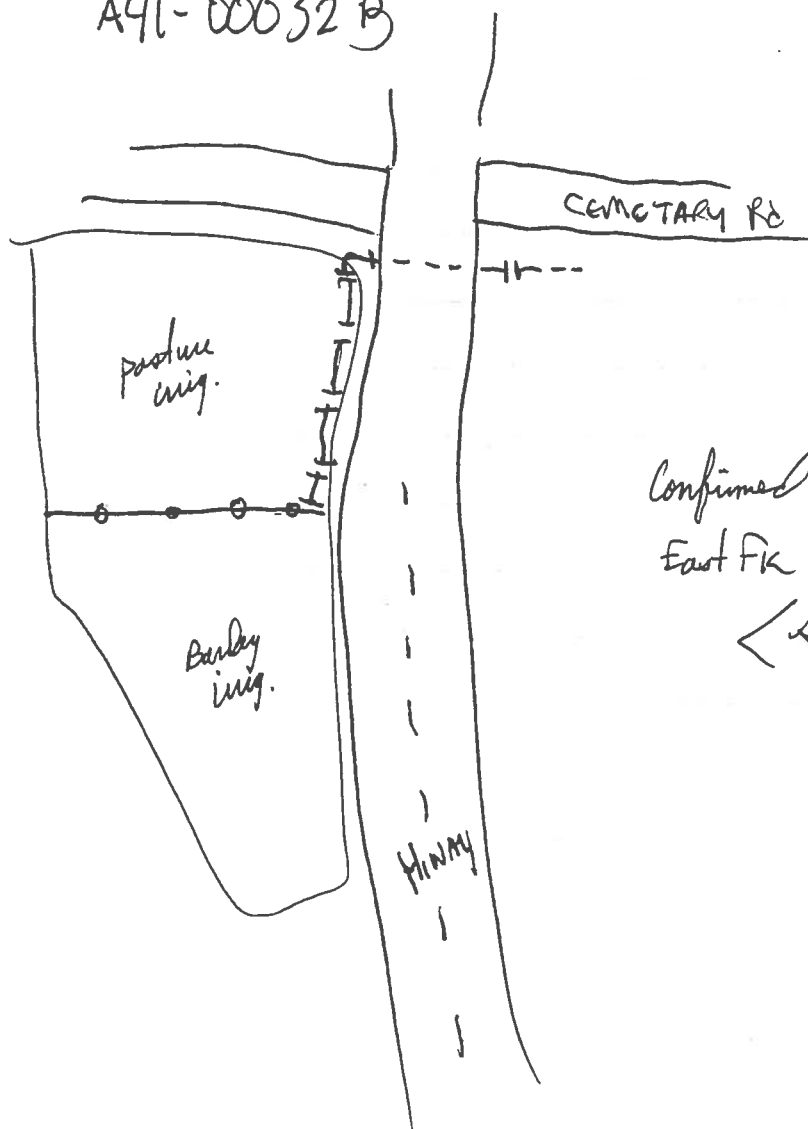
GE motor
5K256JN13324
25 HP

Cent. Pump

no lift
pipeline from City Ditch

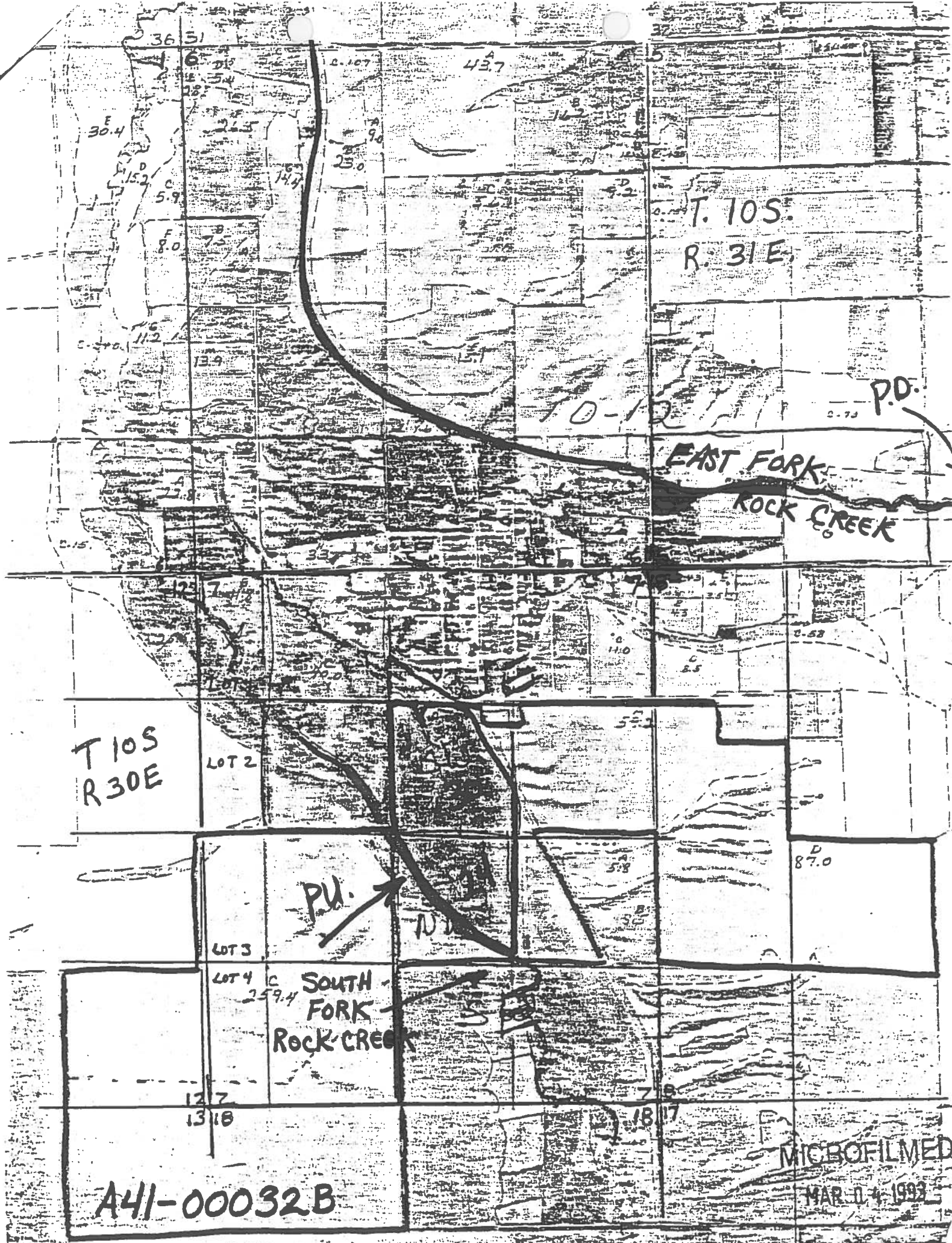
7-7-94
SW

A41-00032 B



Confirmed irrigation of lands by
East Fork of Rock Creek source

< see also A41-00001 F >
overlap right



10:48:27
04/22/91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A41-00032B

| WR 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 | | | | | | | | |
| POINT OF DIV | Y | | | | | | | |
| SOURCE | | | | | | | | |
| PLACE OF USE | Y | | | | | | | |
| DIV. AMOUNT
CFS/VOLUME | | | | | | | | |
| CONSUMPTIVE USE | - | | | | | | | |
| PURPOSES | | | | | | | | |
| 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.

1 - P.O. BOX 311

NELSON

[illegible]

01 - IRRIGATION

| Year | Value |
|-------|-------|
| 04/01 | 11/01 |
| | 0.340 |

(77) POWER
(77) POWER

Total Acres: 54.0

+ - - Diversion Means - VIA ROCKLAND VILLAGE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A41-00001F

[illegible]

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.

Prefix Translation: ADJUDICATION CLAIM

Water right number - A41-000328

REMARKS

WATER IS USED IN ONE SYSTEM AND COMBINED WITH OTHER WATER ON THE LISTED P/U.

OLD WATER RIGHT NUMBERS

A41000328

CONDITIONS OF APPROVAL

- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- R02 - 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

Decree Plaintiff

ET AL.

Decree Date

00/00/0000

Audit Fields - 04/06/90 CLELLAND

COMMENTS

No Comments Found

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 | - 04/05/1990 | 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 | - S011826 | Federal/State Indicator | - S |
| Claims Tape Error Flg | - | POU Ownership Flag | - Y | Presumption Flag | - D |
| Fee Exempt Flag | - | Name Connector | - OR | | |

10:48:27
04/22/91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A41-00032B

LAST: ALLEN
ADDRESS: P.O. BOX 311
CITY: ROCKLAND
PHONE NUMBER: 208-548-2603
OWNER CODE: C

FIRST: JEFF
STATE: ID ZIP: 83271

LAST: NELSON
ADDRESS: BOX 114
CITY: ROCKLAND
PHONE NUMBER: 208-000-0000
OWNER CODE: C

FIRST: CLIFFORD E.
STATE: ID ZIP: 83271

FIELD EXAM REQUIRED?

DATABASE Y
FIELD EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS:

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.

WATER IS USED IN ONE SYSTEM AND COMBINED WITH OTHER WATER ON THE
LISTED P/U.

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: # A41-00032B PRIORITY DATE: 06-01-1882 STAGE: D

B. WR RECORD: # 41-00032B PRIORITY DATE: 06-01-1882 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

N

FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()

IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:

06-01-1882

REVIEWED BY

DATE

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| | | | | | | | | |
|------------|------|------|------|-----|-----|-----|-----|-------|
| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
| A41-00032B | 10S | 31E | 5 | SW | SW | SE | | POWER |

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: ROCK CREEK, EAST FORK

TRIB: ROCK CREEK

B. WR POINT OF DIVERSION AND SOURCE:

| | | | | | | | | |
|-----------|------|------|------|-----|-----|-----|-----|-------|
| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
| 41-00032B | 10S | 31E | 5 | SE | SE | SW | | POWER |

OTHER WR RECORDS WITH SAME WR POD
41-00025
41-00032A

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: ROCK CREEK, EAST FORK

TRIB: ROCK CREEK

C. FIELD EXAM REQUIRED?

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

REMARKS:

| | | | |
|---|------|------|------------------|
| RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: | | | |
| TWP. | RGE. | SEC. | COUNTY |
| | | | |
| | | | |
| SOURCE: ROCK CREEK, EAST FORK | | | TRIB: ROCK CREEK |
| REVIEWED BY: | | | DATE: |

| | | |
|------------------------------|--|------------|
| A. ROOT WATER RIGHT NUMBERS: | | A41-00032C |
| | | A41-00032D |
| | | A41-00032E |
| | | A41-00032F |
| | | A41-00032G |
| | | A41-00032B |

| B. POU LISTING | | | | | | | | | | | | |
|----------------|-----|-----|-----|-----|-----|--------------------------------|------------------|-----------------|-----------------|----------------|------------------|--|
| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES | |
| 10S | 31E | 7 | SW | NE | | ALLEN , JEFF | A41-00032B /30.0 | 41-00032B / 9.0 | 40.0 | | | |
| | | | SW | NE | | ALLEN , JEFF | A41-00001F /30.0 | 41-00001F /20.0 | | | | |
| | | | SW | NE | | ROCKLAND WATER AND SEWER ASSOC | A41-04023 / | - / | | | | |
| | | | SW | NE | | HOUTZ , HENRY P. | | 41-00002 / | | | | |
| 10S | 31E | 7 | NW | SE | | ALLEN , JEFF | A41-00032B /24.0 | - / | 37.0 | | | |
| | | | NW | SE | | ALLEN , JEFF | A41-00001F /24.0 | 41-00001F /20.0 | | | | |
| | | | NW | SE | | HOUTZ , HENRY P. | | 41-00002 / | | | | |
| TOTAL ACRES | | | | | | | A41-00032B | 54.00 | 9.00 | 77.00 | | |

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

| | |
|-------------------------------|----------------|
| C. FIELD EXAM REQUIRED? | FIELD EXAMINER |
| DUE TO POU DISCREPANCY? (Y/N) | DATABASE Y |

PRESUMPTION FLAG: D

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

A. AJ CLAIMED USES:

| | | |
|-----------------------|-------------------------------------|--------------------|
| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
| A41-00032B IRRIGATION | FROM 04-01 TO 11-01 | .340 CFS |
| | TOTAL DIVERSION RATE/VOLUME CLAIMED | .340 CFS |

B. WR RECORDED USES:

| | | |
|----------------------|-------------------------------------|--------------------|
| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
| 41-00032B IRRIGATION | FROM TO | .340 CFS |
| | TOTAL DIVERSION RATE/VOLUME CLAIMED | .340 CFS |

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

| | | |
|--|----------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N) | DATABASE | FIELD EXAMINER |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | N | |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | 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: 0.340 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.340 CFS

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

FLOW MEASUREMENT REQUIRED?

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

B. FLOW MEASUREMENT

MEASUREMENT METHOD, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A41-00001F

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|------------------------|--------------|-----------|----------------|-----------|----------------|
| A41-00032B | ROCK CREEK, EAST FORK | ALLEN , JEFF | 0.340 | 0.006 | | |
| A41-00001F | ROCK CREEK, SOUTH FORK | ALLEN , JEFF | 0.700 | 0.012 | | |

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 | 01-01 TO 12-31 | .670 CFS | |

D.

1a. IRRIGATION RATE

1b. CALCULATIONS

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 =

135.0 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 | | | | |
| IRRIGATION | 04-01 | 11-01 | DATABASE EXAMINER 0.340 | DATABASE EXAMINER | DATABASE EXAMINER 135.0 | | | | |
| TOTAL FOR THIS RIGHT | | | 0.340 | | 135.0 | | | | |
| REVIEWED BY: | | | DATE: | | | | | | |

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 41-00032

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 2.060 CFS EXAMINER _____

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 | - | - | - | - |
| A41-00032B | A41-00032B | 0.340 | - | - | 41-00032B | 0.340 |
| - | - | - | - | - | 41-00032 | - |

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)
IF NO, is the written review sheet attached? (Y/N)

DATABASE N FIELD EXAMINER _____

REMARKS:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

+ - - Other Rights for Same Use -

+

+

+

+

+

+

RECEIVED

NOV 27 2001

Department of Water Resources
Southern Region

SNAKE RIVER BASIN ADJUDICATION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

OCT 29 2001

Claim Number(s):

See attached list

Department of Water Resources

Previous Mailing Address:

Udy Brothers Partnership5111 S. Hwy 37Rockland, ID 83271

New Mailing Address:

Udy Brothers Partnership455 PierceAmerican Falls, ID 83211

Telephone Number:

(208) 226-7857

Signature of Claimant(s):

Udy Bros by George Udy ^{11 hrs.}

Please return this completed form to:

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

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

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

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

DATE: 10/28/99
PAGE: 1

Stage: DECREED

POWER County

NE.

TOTAL ACRES

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 8.5 ACRES WITHIN

THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NOS. 41-000016 & 41-000018 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 52.0 ACRES IN A
SINGLE IRRIGATION SEASON.

RIGHT NOS. 41-00001G AND 41-00001H ARE SUBJECT TO THE CONDITIONS OF THE FINAL ORDER IN THE MATTER OF TRANSFER #4651.

| | | | | |
|--------|-----------------|----------------|------------|-----------------------|
| Dates: | Exam Made Date: | Verified Date: | 10/28/1999 | Objection Filed Date: |
|--------|-----------------|----------------|------------|-----------------------|

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4651
WATER RIGHT NO(S). 41-00001F/41-00032B

This is to certify that: UDY BROTHERS
C/O GEORGE UDY
455 PIERCE ST
AMERICAN FALLS ID 83211

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 41-00001F : | | | |
| Priority: 04/01/1880 | | | |
| IRRIGATION | 04/01 to 06/15 | 0.70 CFS | 104.1 AF |
| IRRIGATION | 06/15 to 10/31 | 0.37 CFS | 101.3 AF |
| SUBTOTAL: | | 0.70 CFS | 160.0 AF |
| Right No. 41-00032B : | | | |
| Priority: 06/01/1882 | | | |
| IRRIGATION | 04/01 to 10/31 | 0.34 CFS | 34.0 AF |
| TOTAL: | | 1.04 CFS | 194.0 AF |

SOURCE

ROCK CREEK, SOUTH FORK

TRIBUTARY OF

ROCK CREEK

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 7, Township 10S, Range 31E
POWER County

PLACE OF USE: IRRIGATION

TWN RGE SEC

10S 31E 7

ACRES

SWNE 28.5

ACRES

NWSE 20

ACRES

TOTAL

48.5

Total number of acres irrigated:

48.5

CONDITIONS OF APPROVAL AND REMARKS

Right Nos. 41-00001F and 41-00032B are subject to the conditions of the Final Order in the matter of Application for Transfer No. 4651.

Dated this 15th day of November, 1996

J. Glen Saxton
Chief, Water Alloc. Bureau

RECEIVED

SEP 20 1996

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 17, 1996

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.

COPY

A41-000032B

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%).

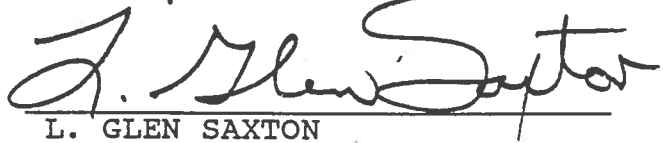
9. The department specifically retains jurisdiction of this transfer to determine at some future date or as a part of the Snake River Basin Adjudication (SRBA) the equivalent authorized rate of diversion in terms of cubic feet per second which has historically been delivered in terms of "Rockland inches."

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:

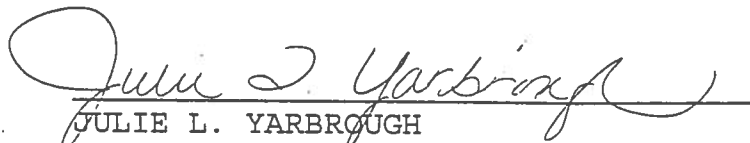
George Udy
Udy Brothers
455 Pierce St.
American Falls, ID 83211

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

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

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

Dan Ralphs, Mayor
City of Rockland
Rockland, ID 83271


JULIE L. YARBROUGH
Senior Secretary

41-00032 SPLIT REVIEW

10/21/99
SECWR

-32B

(1.34 cfs)

-32B

UDY

(C)

(-.34)

R

(.34)

<#4651>

32C

RALPHS

(.20)

.228

32D

Lesley

(.18)

.18

32E

Poulson

(.04)

.02

-32A

32F

City

(.68)

.212

Remaining
Balance

32G

MAY

(.12)

.12

32H

KRESS

(.10)

.10

1.66

.988

overclaimed

1.20 cfs

60"

 $(1.20 - .988) = .212$

Water Right Number - R41-00032B

Prefix Translation:

Old (O) Number -

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

*** C - CURRENT OWNER ***
UDY BROTHERS

1 - C/O GEORGE UDY
2 - 455 PIERCE ST
3 -
City- AMERICAN FALLS
Phone - 208-226-7857

State- ID Zip- 83211

*** 0 - ORIGINAL OWNER ***
NELSON

CLIFFORD E

1 - BOX 114

State- IO Zip- 83271

City- ROCKLAND
Phone - 208-000-0000
1 - PO BOX 311

ALLEN

JEFF

State- ID Zip- 83271

City- ROCKLAND
Phone - 208-548-2603

| | | | | | | |
|---------------------|-------|--------------|---------|-------------|---------|--------------|
| + - - Priority Date | - - + | + - - Region | - - - + | + - - Stage | - - - + | + - - Status |
| 06/01/1882 | | 17 SOUTHERN | | D - DECREED | | |

+ Source +
 ROCK CREEK SOUTH FORK
 + ... Tributary +
 ROCK CREEK

| Twn | Rng | Sec | Tract | Lot | RF1g | County | Point of Diversion |
|-----|-----|-----|-------|-----|------|--------|--------------------|
| + | - | - | - | - | - | - | - |

| 10S | 31E | 7 | NW | NW | SE | (77) | POWER |
|-----|-----|---|----|----|----|------|-------|
|-----|-----|---|----|----|----|------|-------|

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

| | 01 - IRRIGATION | 04/01 | 11/01 | |
|-------------------------------|-----------------|-------|-------|-------|
| + - Total Div. Rate - + | 0.340 | 34.00 | 0.340 | 34.00 |
| + - Total Div. Volume - + | 0.340 | 34.00 | 0.340 | 34.00 |
| + - Total Consumptive Use - + | 0.0 | 0.0 | 0.0 | 0.0 |
| + - kW Usage - + | | | | |

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|-------------|------------|
| 10S | 31E | 7 | SW NE | | 28.5 | 01 | IRRIGATION | (77) POWER |
| 10S | 31E | 7 | NW SE | | 20.0 | 01 | IRRIGATION | (77) POWER |

Total Acres: 48.5

+ - - 0iversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A41-00001F

Water right number - R41-00032B

Prefix Translation: RESEARCH

..... Remarks

POU1

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 8.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 41-00001F IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 48.5 ACRES IN A SINGLE IRRIGATION SEASON.

GEN

RIGHT NOS. 41-00001F AND 41-00032B ARE SUBJECT TO THE
CONDITIONS OF THE FINAL ORDER IN THE MATTER OF TRANSFER #4651.

EXP

RIGHT NO. 41-00001F IS ALSO OVERTED THROUGH POINT OF
OIVERSION DESCRIBED ABOVE.

-----+-----
A4100032B-----Old Water Right Numbers-----+

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

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

+ +
Comments

| Date | 06/14/1999 | User | Id | D.JONES | Subject | COPIED FROM REMARKS |
|------|------------|------|----|---------|---------|---------------------|
| | | | | | | |

THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN LISTED IN PLEADINGS IS H. P. HOUTZ.

THE ONLY PARTY LISTED IN PLEADINGS IS H. P. ROOZE. WATER IS USED IN ONE SYSTEM AND COMBINED WITH OTHER WATER ON THE ARBITRATOR'S FINDINGS AND CONCLUSIONS. LISTED P/U.

+ - - Audit Fields - - +

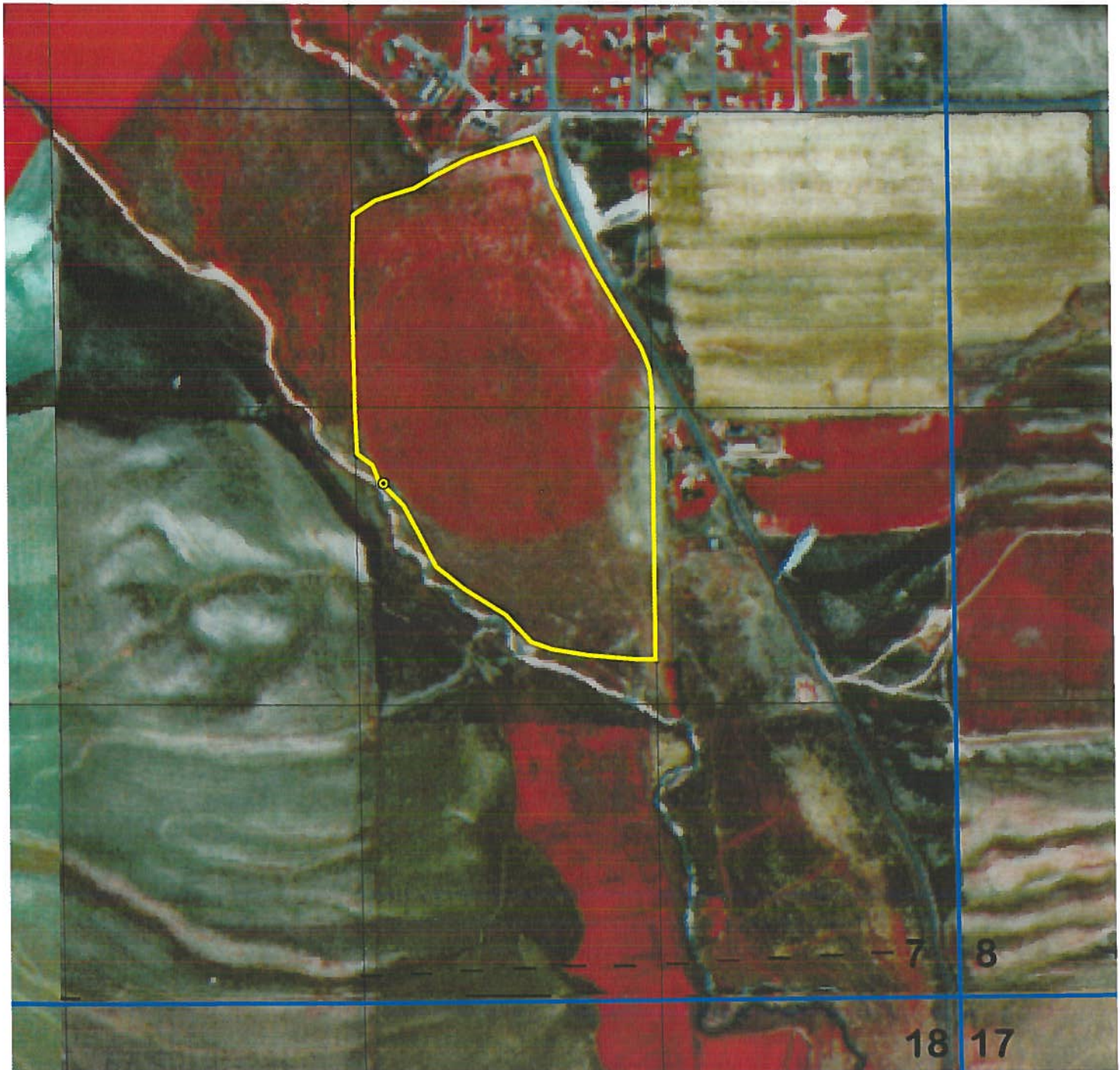
06/14/99 D.JONES

Adjudication Rights 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 | - 04/05/1990 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S01826 | Water District | - 41 |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - OR | Presumption Flag | - D |
| | | | | Notice of Error Flag | - |

IDAHO DEPT OF WATER RESOURCES

41-00032B & 41-00001F



660 0 660 1320 Feet

T10S R31E SEC. 7



□ RECOMMENDED PLACE OF USE

● POINT OF DIVERSION

~ SECTION LINES

□ 1/4 - 1/4 LINES

POU #: 21

POD #: 16

*see
3/10/00*

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

DATA ENTRY BY: STEVE CLELLAND
DATE: May 17, 1999

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A41-00001F

A41-00032B

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

November 19, 1996 1:28pm

NAME:
GEORGE UDY CALLIN

RE:
TRANS. PROCESSING

HE CALLED TO ASK IF ANYTHING HAD DEVELOPED SINCE THE LAST ORDER WAS ISSUED. I HAD NOT HEARD OF ANYTHING AND THE DEPT. SHOULD MAIL ANY ACTIONS TO THEM AS A PARTY. I OFFERED TO CHECK WITH ALLEN TO CONFIRM IT AND IF THERE WAS ANYTHING I WOULD CALL HIM BACK.

[NOTE: ON 11-20-96 I RECEIVED THE FINAL ORDER FOR THE TRANSFER APPROVAL] ** PLAN TO CALL UDY AND TELL HIM OF THIS. **
PHONE: 226-7857

November 20, 1996 3:09pm

LEFT MESSAGE ON MACHINE RE: FINAL ORDER; SHOULD BE IN THE MAIL SOON.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

★ CLELLAND ★ ANDREWS

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

AA1-000 32 B

From: DWR60::AMERRIT 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 Bldg. 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.

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.

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 of 182
186



Pump on Rockland Village Ditch
To POU Across Hiway.

PHOTO:
R41-10
hysu
7-15-94

Pump to
alluvium study

7-15-94
SW

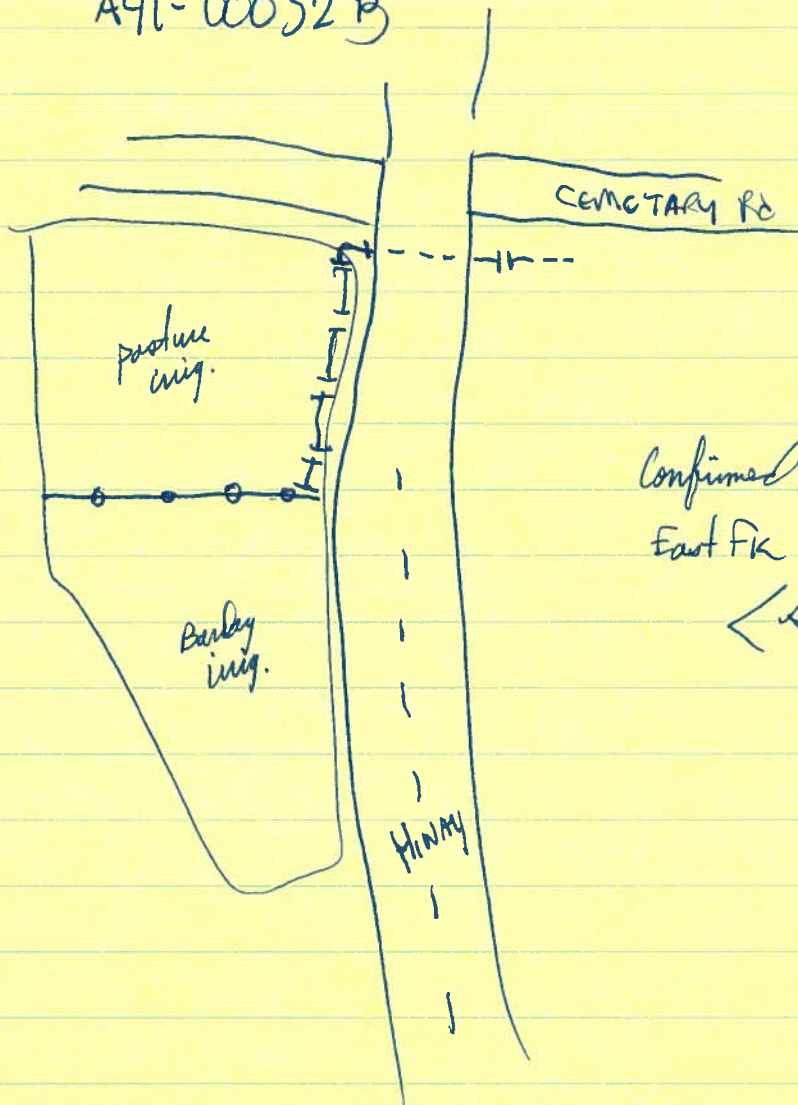
GE Motor
5K 256 JN 12324
25 HP

Cent. Pump

no lift
pipeline from City Ditch

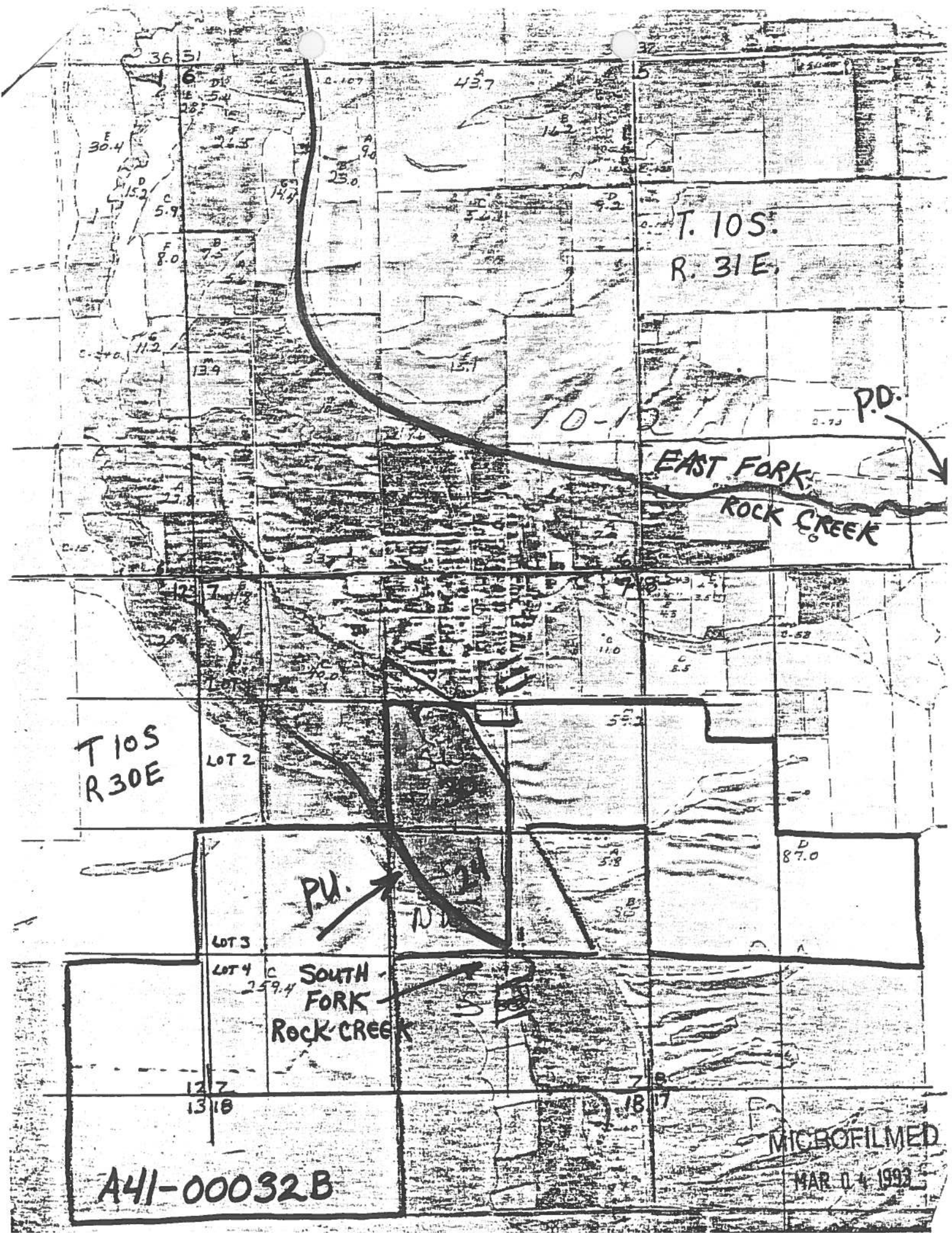
7-7-94
SW

A41-00032 B



Confirmed irrigation of lands by
East Fork of Rock Creek source

< see also A41-00001 F >
overlap right



T. 10S.
R. 31E.

EAST FORK
ROCK CREEK

T 10S
R 30E

LOT 2

P.U.

LOT 3

LOT 4

SOUTH
FORK
ROCK CREEK

A41-00032B

MICROFILMED
MAR 14 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:48:27
04/22/91

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A41-000328

| 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 | | | | | | | | |
| POINT OF DIV | Y | | | | | | | |
| SOURCE | | | | | | | | |
| PLACE OF USE | Y | | | | | | | |
| DIV. AMOUNT
CFS/VOLUME | | | | | | | | |
| CONSUMPTIVE USE | - | | | | | | | |
| PURPOSES | | | | | | | | |
| 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 - A41-000328

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
ALLEN

JEFF

1 - P.O. BOX 311

State- ID Zip- 83271

NELSON

CLIFFORD E.

3 -
2 -
1 - BOX 114
City- ROCKLAND
Phone - 208-548-2603

State- ID Zip- 83271

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1882 17 SOUTHERN D - DECREED

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

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

10S 31E 5 SW SW SE (77) POWER

+ - - - - Code Description Period from Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.340

+ - - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.340 135.0

+ - - - - Town Rng Sec Tract Lot Acres Place of Use Code Description County
10S 31E 7 SW NE 30.0 01 IRRIGATION (77) POWER
10S 31E 7 NW SE 24.0 01 IRRIGATION (77) POWER

Total Acres: 54.0

+ - - Diversion Means - VIA ROCKLAND VILLAGE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A41-00001F

+ - - - - Remarks - - - - - +
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.

Water right number - A41-000328

Prefix Translation: ADJUDICATION CLAIM

REMARKS
WATER IS USED IN ONE SYSTEM AND COMBINED WITH OTHER WATER ON THE
LISTED P/U.

A41000328

- Conditions of Approval
- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
 - R02 - 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. 801STRIC

Decree Plaintiff - - - +
HOUTZ

Decree Defendant - - - +
ET AL.

Decree Date - +
00/00/0000

Audit fields - 04/06/90 CLELAND

Comments -
No Comments Found

| 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 | - 00/00/0000 | Old Case Number | - | | | | |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - | | | | |
| Claim Received Date | - 04/05/1990 | 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 | - S011826 | Federal/State Indicator | - S | | | | |
| Claims Tape Error Flag | - | POU Ownership Flag | - Y | Presumption Flag | - D | | | | |
| Fee Exempt Flag | - | Name Connector | - OR | | | | | | |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:48:27
04/22/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A41-000328

LAST: ALLEN
ADDRESS: P.O. BOX 311
CITY: ROCKLAND
PHONE NUMBER: 208-548-2603
OWNER CODE: C
FIRST: JEFF
STATE: ID ZIP: 83271

LAST: NELSON
ADDRESS: BOX 114
CITY: ROCKLAND
PHONE NUMBER: 208-000-0000
OWNER CODE: C
FIRST: CLIFFORD E.
STATE: ID ZIP: 83271

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
DATABASE Y
FIELD EXAMINER

CLAIM REMARKS:
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.
WATER IS USED IN ONE SYSTEM AND COMBINED WITH OTHER WATER ON THE
LISTED P/U.

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: # A41-00032B PRIORITY DATE: 06-01-1882 STAGE: D
B. WR RECORD: # 41-00032B PRIORITY DATE: 06-01-1882 STAGE: D

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE EXAMINER
N

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

REMARKS:

RECOMMENDED PRIORITY DATE:
06-01-1882

REVIEWED BY _____

DATE _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|------------|------|------|------|-----|-----|-----|-----|-------|
| A41-000328 | 10S | 31E | 5 | SW | SW | SE | | POWER |

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE
WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: ROCK CREEK, EAST FORK

TRIB: ROCK CREEK

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------|------|------|------|-----|-----|-----|-----|-------|
| 41-000328 | 10S | 31E | 5 | | SE | SW | | POWER |

OTHER WR RECORDS WITH SAME WR POD
AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

41-00025
41-00032A

NONE NONE

SOURCE: ROCK CREEK, EAST FORK

TRIB: ROCK CREEK

C. FIELD EXAM REQUIRED?

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

REMARKS:

| |
|--|
| |
| |
| |
| |
| |

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

SOURCE: ROCK CREEK, EAST FORK TRIB: ROCK CREEK

REVIEWED BY: _____ DATE: _____

A. ROOT WATER RIGHT NUMBERS:

| | |
|------------|--|
| A41-00032C | |
| A41-00032D | |
| A41-00032E | |
| A41-00032F | |
| A41-00032G | |
| A41-00032B | |

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------|-----|-----|-----|-----|-----|--|-------------------|------------------|-----------------|----------------|------------------|
| TOS | 31E | 7 | SW | NE | | ALLEN, JEFF | A41-00032B / 30.0 | 41-00032B / 9.0 | | | 40.0 |
| | | | SW | NE | | ALLEN, JEFF | A41-00001F / 30.0 | 41-00001F / 20.0 | | | |
| | | | SW | NE | | ROCKLAND WATER AND SEWER ASSOC A41-04023 | / | / | | | |
| | | | SW | NE | | HOUTZ, HENRY P. | | 41-00002 / | | | |
| TOS | 31E | 7 | NW | SE | | ALLEN, JEFF | A41-00032B / 24.0 | - / | | | 37.0 |
| | | | NW | SE | | ALLEN, JEFF | A41-00001F / 24.0 | 41-00001F / 20.0 | | | |
| | | | NW | SE | | HOUTZ, HENRY P. | | 41-00002 / | | | |
| TOTAL ACRES | | | | | | | A41-00032B | 54.00 | 9.00 | | 77.00 |

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
Y EXAMINER

PRESUMPTION FLAG: D

REMARKS:

[illegible]

RECOMMENDATIONS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

TOTAL ACRES:

REVIEWED BY:

DATE:

A. AJ CLAIMED USES:

PURPOSES
A41-000328 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

DIVERSION QUANTITY
.340 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.340 CFS

B. WR RECORDED USES:

PURPOSES
41-000328 IRRIGATION

MONTH/DAY
FROM TO

DIVERSION QUANTITY
.340 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.340 CFS

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

| | FIELD EXAMINER |
|--|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N) | N |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | N |
| 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: 0.340 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.340 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?

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

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A41-00001F

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|------------------------|-------------|-----------|----------------|-----------|----------------|
| A41-00032B | ROCK CREEK, EAST FORK | ALLEN, JEFF | 0.340 | 0.006 | | |
| A41-00001F | ROCK CREEK, SOUTH FORK | ALLEN, JEFF | 0.700 | 0.012 | | |

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 | |

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 135.0 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 |
|----------------------|------------------------|----------------------------|-----------------------|----------------------------|
| IRRIGATION | 04-01 11-01 | DATABASE EXAMINER
0.340 | DATABASE EXAMINER | DATABASE EXAMINER
135.0 |
| TOTAL FOR THIS RIGHT | | 0.340 | | 135.0 |

REVIEWED BY: _____

DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 41-00032
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 | - | - | - | - |
| A41-00032B | A41-00032B | 0.340 | - | - | 41-00032B | 0.340 |
| - | A41-00032B | - | - | - | 41-00032 | - |

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)
IF NO, is the written review sheet attached? (Y/N)

DATABASE N FIELD EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

Water Right Number - 41-000328

Prefix Translation:

WATER RIGHT

Old (D) Number -

Last Name -

First Name -

Address -

*** C - CURRENT OWNER ***
NELSON

CLIFFORD E.

1 - BOX 114
2 -
3 -

City- ROCKLAND

State- ID Zip- 83271

*** O - ORIGINAL OWNER ***
HENRY

JOSEPH

1 -
2 -
3 -

City-
Phone -

State- Zip-

PARRY

G. A.

1 -
2 -
3 -

State- Zip-

Priority Date - 06/01/1882

Region - 17 SOUTHERN

Stage - D - DECREED

Status -

Source - ROCK CREEK, EAST FORK

Tributary - ROCK CREEK

Point of Diversion - Stream Index (Blank if no Index Code)

10S 31E 5 SE SW (77) POWER

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

01 - IRRIGATION

0.340

Total Div. Rate - 0.340 Total Div. Volume - Total Div. Capacity -

Twn Rng Sec Tract Lot RFlg County Place of Use 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 -

Water right number - 41-000328

Prefix Translation:

WATER RIGHT

AC. IRRIG. = 8.5.
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.

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

Conditions of Approval -
R01 - A measuring device of a type approved by this Department shall be
maintained as a part of the diverting works.
R02 - 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.

Decree Plaintiff -
HOUTZ

Decree Defendant -
ET AL.

Decree Date -
06/06/1903

Comments -
No Comments Found

Audit Fields - 01/27/87 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
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 - 41
Licensed Date - 00/00/0000 Appl Received - 00/00/0000 Transfer/Amended - P
Decree Date - 06/06/1903 Presumption Flag -