

COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A41-00048
Date Received: 3/15/1990
Receipt No: S011544
Received By: SCC

RECEIVED

APR 2 1990

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MELVIN NELSON
Address: P.O. BOX 334
ROCKLAND, ID

208-548-2682

83271

2. Date of Priority: JUN 01, 1885

3. Source: ROCK CREEK, EAST FORK Trib. to: ROCK CREEK

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

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

8. Total consumptive use is 55.0 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	4	SW	SW		IRR	5.0
			SE	SW		IRR	5.6
			SW	SE		IRR	5.6
			SE	SE		IRR	1.0

Section Acres 17.2

A41-00048

Page 1

Date: 03/15/90

MICROFILM

MAR 04 19

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	31E	9	NE NE		IRR	4.0
Section Acres						4.0
Total Acres						21.2

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
A41-10091 & A41-00026

14. Remarks:
P/U WAS CHANGED TO PRESENT LOCATION YEARS AGO; NO TRANSFER FILED.
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: DECREEED

Case Number:

Court :

Decree date: 6/06/1903

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): Melvin Kellum Date: March 30th
_____ Date: _____

State of Idaho)
County of Power) SS.

Subscribed and sworn (or affirmed) before me this 30 day
of March 19 90

Ken W. Hartman
Notary Public

Seal

Residing at American Falls
My Commission Expires 4-13-91

T. 9S.

T. 10S.

STANGER 3
DITCH

Budge
Ditch

Budge Ditch
P.D.

R. 31E.

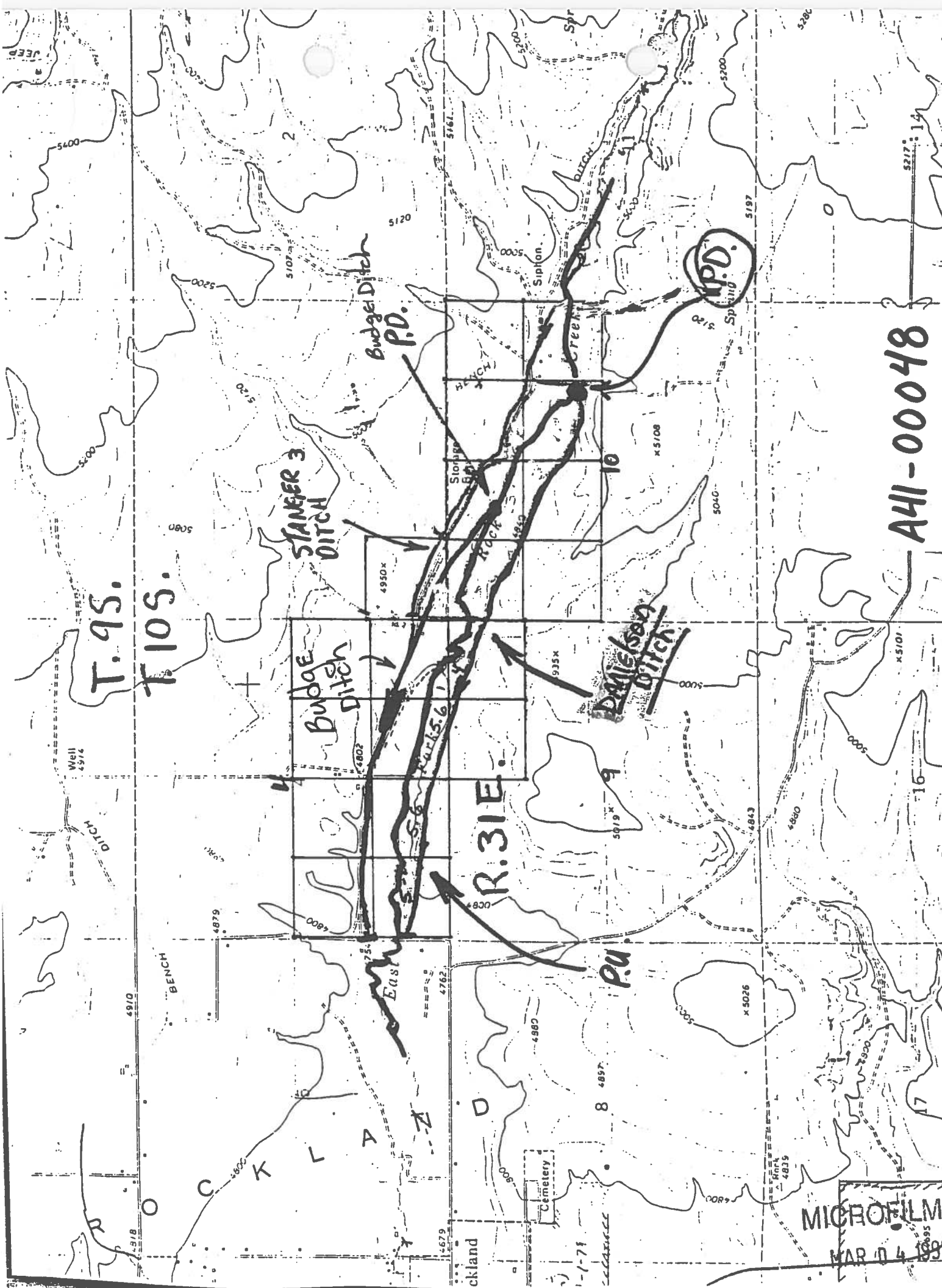
Dallieson
Ditch

upd

AHI-00048

MICROFILM

MAR 04 1988



COPY

RECEIVED

OCT 5 - 2001

Department of Water Resources

RECEIVED

SEP 26 2001

2001 OCT -3 PM 1:50

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

)

Subcase No.: 41-00048

)

Case No. 39576

)

)

STANDARD FORM 5

)

)

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Melvin Nelson 9/20/01
Melvin Nelson Date

Shirley Nelson 9/14/01
IDWR Concurrence Date

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

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

09/14/2001

7201 OCT -3 PM 1:50

Water Right 41-00048

FILED
TWIN FALLS CO., IDAHO
OCT-3-2001

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

SOURCE: EAST FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.20 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

M M
NBS
See

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T10S R31E S10 SESWNE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.200 CFS

PLACE OF USE: IRRIGATION Within POWER County

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

19.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 19.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 41-00026, 41-00029B, 10091B & 41-10275.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

CERTIFICATE OF SERVICE

I certify that on 10 / 01, 2001, I caused to be served true and correct copies of the Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Melvin Nelson
P.O. Box 334
Rockland, ID 83271

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES 09/14/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 41-00048

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

SOURCE: EAST FORK ROCK CREEK TRIBUTARY: ROCK CREEK
QUANTITY: 0.20 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:
T10S R31E S10 SESWNE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.200 CFS

PLACE OF USE: IRRIGATION Within POWER County

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

19.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 19.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 41-00026, 41-00029B, 10091B & 41-10275.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

REVISED ALLOCATION OF DECREED RIGHTS COMBINED IN RIGHT No. ~~8~~ 41-10091 A.

	<u>OLD</u>	<u>NEW</u>
41-00029	30 INCHES	30 INCHES
41-000 30	8 INCHES	12 INCHES
41-00031	10 INCHES	5 INCHES
	48 INCHES	48 INCHES

ALLOCATION OF MELVIN NELSON WATER RIGHTS DOWN DANIELSON DITCH.

PRIORITY DATE

41-00026	10 INCHES	
41-00029B	9 INCHES	
41-00048	10 INCHES	
BU RT # <u>41-10275</u>	<u>1 INCH</u>	6-7-03
TOTAL	30 INCHES	

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

41-00031 15 INCHES

GRAND TOTAL 45 INCHES

RECEIVED

JAN 24 2001

Department of Water Resources

RECEIVED

FEB 06 2001

Department of Water Resources
Southern Region

2001 JAN 23 PM 3:32

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcases 41-00026, 41-00029B and
) 41-00048
)

) SPECIAL MASTER REPORT
) AND RECOMMENDATION and
) ORDER VACATING STATUS
) CONFERENCE
)

Statement of Facts

An initial hearing was held on November 2, 2000, concerning subcases 41-00026 and 41-00048 claimed by Melvin Nelson, *pro se*. During the hearing, Mr. Nelson, counsel for IDWR and the Special Master agreed that 41-00026 and 41-00048 could not be resolved unless Mr. Nelson filed and was granted a late objection in subcase 41-00029. However, it was later discovered that 41-00029 does not exist, but Mr. Nelson's claim 41-00029B was partially decreed on July 28, 2000. So, Mr. Nelson filed an *Objection* to 41-00029B on approximately November 5, 2000.

After lengthy discussions with counsel for IDWR, it is now clear that Mr. Nelson's *Objection* in 41-00029B was meant to be a motion to set aside the *Partial Decree* entered in 41-00029B. Unless that *Partial Decree* is set aside and amendments are made to it and the overlapping claims (41-00026 and 41-00048), none of the claims can be resolved satisfactorily.

Conclusions of Law

Mr. Nelson has shown good cause to have the *Partial Decree* entered in 41-00029B set aside.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decree*, entered on July 28, 2000, in subcase 41-00029B be set aside.

Order

FURTHER, IT IS ORDERED that the status conference set for January 26, 2001, is vacated.

Dated January 23, 2001.

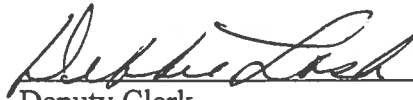

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER REPORT AND RECOMMENDATION and ORDER VACATING STATUS CONFERENCE was mailed January 23, 2001, with sufficient first-class postage to the following:

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

Melvin Nelson
P O Box 334
Rockland, Idaho 83271


Deputy Clerk

RECEIVED

DEC 30 1999

Department of Water Resources
Southham Building

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

A. Subcase 41-00048
(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Melvin Nelson

Address:

Box 334

Rockland, Idaho 83271

Daytime Phone:

548-2682

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Melvin Nelson

Address:

Box 334

Rockland, Idaho 83271

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☐ Quantity
Should be: 0.200
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☐ Place of Use
Should be: _____

11. I object because:

☐ This water right should not exist.

☒ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

This Right is Based on the Houtz Decree
Which Describes land owned by Melvin Nelson
DECREE L.S. Barnard OCT 1 1883. I Purchased
land SE, SE SW, SE SW 54, T10 R 31. This water
has been delivered by water Master of Dist. 29
Via Danielson Ditch since 1957.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.

County of Power)

Marvin Nelson, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Marvin Nelson
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 12/09/99

Ken Hillman
Notary Public for Power County
Residing at: Rockland
My Commission Expires: 1/12/02



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on Dec. 20th, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name:

Address:

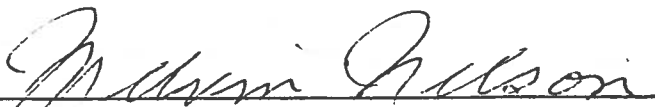
Melvin Nelson
Box 334
Boakland, Ida 83271

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney mailing on Objector's behalf

Water Dist. 29 Watermaster Report

Danielson Ditch - 41-10091B

41-00048

41-00026

45" Total

Melvin Jackson

DIST REPORT

1999

YEAR EXPENSE-----				1999 \$5,662.63		
NAME	DITCH	AMT. OF DEGREE	1992 VOLUME	YEAR BUDGET	YEAR EXPENSE	DEBIT (CREDIT)
NELSON, MELVIN	BENCH	23.83	53.11	\$59.55	\$53.74	(\$5.81)
NELSON, MELVIN	BUDGE	48.00	113.04	\$117.23	\$103.23	(\$14.00)
NELSON, MELVIN	DANIELSON	45.00	111.50	\$112.94	\$101.47	(\$11.47)
NELSON, MELVIN	HILLHOUSE	36.53	93.73	\$87.94	\$82.49	(\$5.45)
NELSON, MELVIN	U.S.	108.16	263.24	\$263.35	\$243.33	(\$20.02)
PERATH, FARREN	U.S.	34.03	84.39	\$82.35	\$76.73	(\$5.62)
POULSON, MILTON	VALDEZ	2.00	4.96	\$4.34	\$4.51	(\$0.17)
RALPHS, BART	VALDEZ	17.50	43.40	\$42.36	\$39.46	(\$2.90)
RALPHS, BART	WEST	37.37	229.52	\$234.11	\$217.73	(\$16.38)
RALPHS, BART&RAY	WOODS	1.00	2.17	\$1.37	\$1.97	(\$0.60)
RALPHS, DAN	WEST	17.19	42.29	\$41.33	\$33.45	(\$7.88)
RALPHS, ROD	U.S.	14.53	35.16	\$35.50	\$22.83	(\$12.67)
ROBINSON, JAMES	BENCH	59.11	171.42	\$172.59	\$155.36	(\$17.23)
ROCKLAND SCHOOLS	CITY	1.00	2.43	\$2.41	\$2.25	(\$0.16)
ROCKLAND VILLAGE	CITY	45.00	111.50	\$103.33	\$101.47	(\$1.86)
ROPER, ALLEN	FRODSHAM	77.00	193.93	\$186.45	\$173.62	(\$12.83)
ROPER, ALLEN	U.S.	29.17	72.34	\$71.02	\$65.77	(\$5.25)
SPILLETT, BROS.	ADSHED	17.77	44.07	\$66.43	\$40.07	(\$26.36)
SPILLETT, BROS.	JACKSON	10.00	24.70	\$16.16	\$22.46	(\$6.30)
SPILLETT, JUAN	ADSHED	26.67	66.14	\$44.26	\$60.14	(\$15.88)
SPILLETT, JUAN	JACKSON	10.00	24.70	\$16.16	\$22.46	(\$6.30)
SPILLETT, ROBERT	BROWN-PARKER	35.00	86.77	\$83.12	\$73.89	(\$9.23)
THAYSON, KELVIN	ADSHED	18.33	45.46	\$45.56	\$41.53	(\$4.03)
TOBIAS, ELAINE	TYLER	10.00	24.59	\$22.50	\$22.36	(\$0.14)
TURNBEAUGH, NORMAN	WOODS	1.00	2.17	\$1.37	\$1.97	(\$0.60)
TURNBEAUGH, RAY	PAYNE	3.00	7.44	\$7.13	\$6.73	(\$0.40)
TYLER, DALE	TYLER	34.14	83.75	\$75.91	\$76.15	(\$0.24)
UDY BROS.	CITY	17.00	42.13	\$40.94	\$33.33	(\$7.61)
UDY BROS.	PERKINS	15.00	37.20	\$36.09	\$33.32	(\$2.77)
UDY BROS.	HADLEY	17.50	43.50	\$42.57	\$39.55	(\$3.02)
UDY BROS.	HARTLEY	23.00	57.00	\$24.24	\$0.00	(\$24.24)
UDY BROS.	HARTLEY	43.00	102.92	\$0.00	\$57.21	\$57.21
UDY BROS.	HAY, RES.	44.00	44.00	\$46.29	\$40.01	(\$6.28)
UDY BROS.	HOUTZ	20.00	49.60	\$48.74	\$45.10	(\$3.64)
UDY BROS.	HOUTZMEADOW	35.00	82.40	\$35.07	\$20.37	(\$14.70)
WAGNER, STEVE	BENCH	3.07	20.32	\$20.16	\$13.20	(\$6.96)
WALKER, MERRILL	BENCH	44.51	110.43	\$111.22	\$100.38	(\$10.84)
WESTON, ROSCOE	ADSHED	26.67	66.14	\$66.43	\$50.14	(\$16.29)
WESTON, ROSCOE	BROWN MEADOW	30.00	75.00	\$42.21	\$22.73	(\$19.48)
WESTON, ROSCOE	BROWN-PARKER	47.00	113.51	\$113.33	\$105.94	(\$7.39)
WESTON, ROSCOE	JACKSON	10.00	24.70	\$16.16	\$22.46	(\$6.30)
WOODWORTH, CIV	BENCH	50.55	120.74	\$121.34	\$73.41	(\$47.93)
WOODWORTH, CIV	VALDEZ	57.33	140.00	\$140.17	\$84.55	(\$55.62)
TOTALS		1787.10	8109.75	\$1000.00	\$562.63	\$437.37

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. see below

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



12/10/99 8:25 AM

NAME:

MELVIN NELSON

RE:

RETURN CALL B41

He has been trying to reach me about his rights in Basin 41... he wants to know what is the basis for the recommendations for the rights 41-00048 and 41-00026 since both were disallowed. He asked about 41-00029B and I told him it was recommended. He wants to know if he can file a late claim for the High water like his neighbors... I told him it will require the filing with the SRBA court but it is very common. [I need to check with our attorneys and see if this can be pulled from his existing claims, if the amounts are sufficient.] I offered to write up a summary of the basis of each right and send it to him; it will be later next week to get this out. He has already been sent the proper objection forms so he is not waiting on me for timeliness.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. _____

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland

12/17/99 8:40 AM

NAME:

MELVIN NELSON

RE:

OBJ AND HIGH WATER

He reminded me to send out the claim forms for his higwater filing... I told him he also needs to file the SF4 along with it; a check is attached to the package too. He may be filing an Obj. to the disallowed and reduced rights. Send to PO Box 334, Rockland 83271.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. _____

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland

12/17/99 8:40 AM

NAME:

MELVIN NELSON

RE:

OBJ AND HIGH WATER

He reminded me to send out the claim forms for his higwater filing... I told him he also needs to file the SF4 along with it; a check is attached to the package too. He may be filing an Obj. to the disallowed and reduced rights. Send to PO Box 334, Rockland 83271.

Water Right Number - R41-00048

Prefix Translation:

RESEARCH

Old (D) Number -

Last Name -

First Name -

Address -

*** C - CURRENT OWNER ***
NELSON

MELVIN

1 - PO BOX 334
2 -
3 -
City- ROCKLAND
Phone - 208-548-2682

State- ID Zip- 83271

Priority Date -
06/01/1885

Region -
17 SOUTHERN

Stage -

Status -
1 - DISALLOWED

Source -
ROCK CREEK, EAST FORK

Tributary -
ROCK CREEK

Tract -
Rng Sec Tract Lot Rflg County

10S 31E 10 SE SW NE

(77) POWER

DANIELSON DITCH

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

01 - IRRIGATION

04/01

10/31

0.844

0.20

Total Div. Rate -
0.044

Total Div. Volume -

Total Consumptive Use -

KW Usage -

Tract	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
10S	31E	4	SE SW	4.3	01	IRRIGATION	(77)	POWER	
10S	31E	4	SW SE	6.1	01	IRRIGATION	(77)	POWER	
10S	31E	4	SE SE	3.3	01	IRRIGATION	(77)	POWER	
10S	31E	9	NE NE	5.5	01	IRRIGATION	(77)	POWER	

Total Acres: 19.2

- - - Diversion Means - SCREW GATE TO DITCH; VIA DANIELSON DITCH

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 41-100918

GEN FORFEITED/ABANDONED
DUE TO NON-USE FROM 1976 TO 1994.

A4100048

Old Water Right Numbers

Revised
9/14/01
BCC

Water right number - R41-00048

Prefix Translation: RESEARCH

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
HOUTZ ET AL 06/06/1903

+ - - - - Comments- - - - -
Date: 06/16/1999 User Id: SCELLEAN Subject: COPIED FROM REMARKS
P/U WAS CHANGED TO PRESENT LOCATION YEARS AGO. NO TRANSFER FILED. 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.
Date: 06/16/1999 User Id: SCELLEAN Subject: RECOMMENDATION
THIS RIGHT WHEN COMBINED WITH 41-100918 MATCHES THE DECREE DUTY OF WATER OF 1 INCH/AC. ON THE ACREAGE FOUND OF 19.2
ACRES. ADDITIONAL WATER FROM THIS RIGHT WILL EXCEED THE DUTY AS DESCRIBED.
Date: 10/19/1999 User Id: SCELLEAN Subject: COPIED FROM REMARKS
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
Date: 10/19/1999 User Id: SCELLEAN Subject: DISALLOW REC'D UNDER ANOTHER WATER RIGHT WITH EARLIER PRIORITY DATES. SEE
THIS RIGHT WAS DECREED AT 1st/AC. AND THIS DUTY AND WATER USE IS
41-100918 & 41-000298.

+ - - Audit Fields - - +
10/19/99 SCELLEAN

+ - - - - Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 00/00/0000 Field Inspection Made - 07/15/1994 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - 10/19/1999 Old Judicial District -
Response Filed Date - 00/00/0000 Last Amended Date - 00/00/0000 Temporary Right - P
Claim Received Date - 03/15/1990 Receipt Number - S011544 Water District - 41
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Presumption Flag - D
Notice of Error Flag -

10/19/99
SCC

MELVIN NELSON

41-10091 A & B

Part A is combined w/
41-10091A = { 41-00029 (part) .60
 -0030 .16
 -0031 (PART) .20
 .96 } 48 Ac.

41-10091B Part B is ~~combined~~ portion of
41-00031 (part)

(1883) ★ ^{DEGREE} ~~Claim~~ limits POU to 15 Ac. & 15" (.3 cts)
(GIS found 19.2 ac)

Also Claimed:

(1883) 41-00026 (10") DISALLOW! (LONG DITCH)
(1883) 41-00029B (10") 4.2" on 4.2 Ac.
41-00048 (10") DISALLOW

TOTAL ACRES: 19.2 AC w/ 19.2"
(Decree limited to
1"/Acre)

Rights claimed on the lands under part B are
based on decreed rights that are limited to 1"/Ac.
or less in the Houtz decree. Rec'd is for
GIS acres of 19.2 Acres w/ 19.2";

15" from -0031 part

4.2" from -0029B.

19.2"

14.2)

M. NELSON

No ownership is shown for the right
41-00026 from the Lance Ditch POU; It is
Disallowed!

41-00048 is disallowed since the POU
lands are already covered by earlier rights
at the decreed rate of 1"/Ac. The claim of
Excess flow as necessary in the ditch to
support springs which return water to the
East Fork seems to be unnecessary; if
the water was ~~left~~ left in the Creek there is
no need to "create" springs for Return flow.

No Need was demonstrated for substantial
Conveyance loss rate and decree does not
appear to account for any in the decreed
amounts.

of 10 inches of water in east fork of Rock Creek for the purpose of irrigating said 5 acres, his right to date from the 15th. day of March 1885. In Jan., 6th., 1881 Heber C. Wood made settlement upon the following described tract: S.W. 1/4 S.E. 1/4 and E. 1/2 S.W. 1/4 sec. 6 tp., 10 S.R. 31 E. containing 120 acres and has resided upon it continuously and made final proof and through some mistake or error in said final proof he permitted his brother D.C. Wood to entry of it; the said D.C. Wood obtained patent for same and deeded E 1/2 S.W. 1/4 of said land to said H.C. Wood Apr. 30th, 1889 and S.W. 1/4 S.E. 1/4 of said land to H. Houtz Jr. by deed of same date that the said H.C. Wood Mar. 12th., 1881 diverted from east fork of Rock Creek by means of a ditch constructed on north and south side of same, water for irrigation of land above described and has increased the acreage on all of said every year untill 1889 when he had in cultivation on the tract now owned by him about 65 acres and the tract owned by Henry Houtz Jr 34 acres all in a state of cultivation. That the said H.C. Wood is entitled at all times to the flow of 70 inches of water from east fork of said Rock Creek to irrigate said land now owned by him the same to be taken from the ditches constructed by him to and upon said land the right to use of same to date from Mar., 12th., 1881. and that the said Henry Houtz Jr., is entitled to the flow at all times of 34 inches of the water of said east fork to be used upon the land above described owned by him through the ditches constructed to and upon said land, his right to date from the 12th. day of March, 1881.

That J. Lewis on June 16th., 1889 made homestead entry on N.E. 1/4 N.E. 1/4 sec 8 N. 1/2 N.W. 1/4 S.E. 1/4 N.W. 1/4 sec 9 tp., 10 S.R. 31 E., 160 acres; that in May 1888 he took from the main channel of east fork creek a ditch to and upon said land and by means thereof diverted water to and upon said land for the purpose of irrigating the same and has continued the use thereof each and every season since; that about 9 acres of said land only is susceptible of irrigation from that said ditch.

That the said J. Lewis is entitled to the use at all times of 10 inches of water of said east fork for the purpose of irrigating said land the same to be taken through his said ditch; said right to date from the first day of May 1888.

That in the summer of 1879 Lewis Lance made settlement upon the following described land: Lots 4, 5, 6, sec 6 tp., 10 S.R. 31 E., N.E. 1/4 S.E. 1/4 sec 1, tp., 10 S.R. 30 E containing 106.72 acres; that in Aug. 1879 by means of a ditch constructed from the east fork of said Rock Creek called the Lance ditch, did appropriate sufficient water to irrigate all of said land; that since said time he has conveyed by deed a large portion of said tract together with the water right thereto; that the said Lewis Lance and his grantees under the terms of said conveyances are entitled to the use of 100 inches at all times of the waters of the east fork, for irrigating the above described tract, the same to be taken from the ditch above mentioned, said right to date from Aug., 1st., 1879.

That D.C. Tyler, Jr in the year 1882 settled upon and made entry to the following described tract: Lots 2, 3, 4 and E. 1/2 S.W. 1/4 sec 31 tp. 9 S.R. 31 E containing 147.86 acres and has in June 1883 by means of enlarging what is known as the Wood's north ditch diverted and appropriated water from the east fork of Rock Creek and has continued each and every season to use said water untill he now has in cultivation on said land about 40 acres; that the said D.C. Tyler is entitled to the flow at all times of 40 inches of the waters of said east fork of Rock Creek to irrigate said land, the same to be taken through the H.C. Wood north ditch, his right to date from the 15th. day of June 1883.

That in the spring of 1884 Lyman S. Barnard made settlement upon the following described land: contained in the D.A. Budge claim to wit: commencing 68 rods from the S.E. corner, running 92 rods west, 80 rods north, 92 rods south, and 80 rods east to place of beginning sec., 4 tp., 10 S.R. 31 E. 146 acres; said land and water right were purchased from J. Cook and George Young by D.A. Budge; that in the fall of 1883 a ditch was constructed by said grantors from the east fork of said Rock Creek to and upon said land for the purpose of irrigating same and has been used thereon continually by said L.S. Barnard and his grantors ever since;

That the said Lyman S. Barnard is entitled to the use of 40 inches of the water flowing in the said east fork of Rock Creek for the purpose of irrigating said land to be taken through the ditches constructed to and upon said land, his right to date from Oct., 1st., 1883.

That the said D.A. Budge still owns and claims 80 acres in the said tract of land described as follows. S. 1/2 S.W. 1/4 S. 1/2 S.E. 1/4 sec. 4 tp., 10

COPY

41-00029

41-0030
10-1-83

41-0031
10-1-83

41-048
5-1-85

41-0032
6-1-82

41-0033
6-1-86

41-0034
5-1-85

S.R.31,E. and has sold to the Promontory Stock Company 34 acres of said tract and now has in cultivation on the tract still owned by him about 35 acres of land. we find that the said D.A.Budge is entitled at all times to the use of 35 inches of water to be taken from the ditches constructed to and upon said land from the east fork of Rock Creek and said right to date from the 1st., day of Oct., 1883 - 11 (1883) and that the Promontory stock ranch Company is entitled to the use of 25 inches of the water of said east fork of Rock Creek at all times for the irrigation of said 34 acres purchased from the said D.A.Budge to be taken through the ditches constructed to and upon said land to date from the 1st., day of Oct., 1883. that the said Promontory Stock Ranch Company are also entitled to 10 inches of water from the east fork of Rock Creek to be taken through the Barnard and Valdez ditch by virtue of purchase of land and water right thereto to 40 acres of land in the Wm. Barnhart D.L.E. to N.E.1/4 N.E.1/4 sec., 9 tp., 10 S.R.31,E; only 10 acres of said land lying under said ditch; right to date from the 1st., day of June 1885. That Joseph Henry made homestead entry in the year 1882 and now has patent dated Mar., 12th., 1889 to and upon the following described tract: N.1/2 N.E.1/4 sec 7 N.W.1/4 N.W.1/4 sec 8 S.E.1/4 S.E.1/4 sec 6 tp., 10 S.R.31 E containing 150 acres; that in the spring of 1882 by means of enlarging the Houtz and Wood ditch on the south side of east fork did divert and appropriate water to and upon said land and has continued to use said water upon said land until there are now 31 acres of grain in cultivation under said ditch, and in 1886 by means of enlarging the Wood & Tyler ditch on the north side of the east fork of said Rock Creek did divert and appropriate water from said creek to and upon said land and now has in cultivation under said ditch 25 acres that since said time he has sold to G.A.Parry by deed of Sept., 18th., 1888 a portion of said land containing 86 acres; that said Joseph Henry and the said G.A.Parry his grantee are entitled to the use at all times of 60 inches of the waters of said east fork to be conveyed through the Houtz & Wood ditch, said right to date from the 1st., day of June 1882; and the said Joseph Henry is entitled to the use of 25 inches of water at all times for the irrigation of his land lying on the north side of said fork, the same to be conveyed through the Wood & Tyler ditch and to date from the 1st., day of June 1886. that in July, 1883 Delos Webb made settlement upon the following described tract of land and made final proof thereon to wit: S.E.1/4 N.W.1/4, Lot 3 sec., 6 tp., 10 S.R.31,E, 80 acres; that in the spring of 1885 the said Delos Webb, by means of enlarging the Wood & Tyler ditch heretofore mentioned did divert and appropriate water from the east fork of said Rock Creek located upon said land and continued the use thereof each and every season until the spring of 1887 when he sold said land and water right to D.C.Tyler, Sr; said D.C.Tyler has used said water for irrigation every year since and has now in cultivation on said tract 30 acres of land. that the said D.C.Tyler is entitled to the use of 30 inches of water from the said east fork of Rock Creek to irrigate his said land at all times the same to be taken through the Wood & Tyler ditch, the right to the use thereof to date from the 1st., day of May 1885.

That in March 1883 the following named parties to wit: H.S.Walker D. Hutchinson, Jacob Hutchinson, George Young Peter Ledell, Hy.Pearce, W.H. Walker, Lorin Walker and Lagrande Ribinson located a ditch near the head of the east fork of Rock Creek for the purpose of diverting and appropriating water to and upon the bench land lying to the north of said stream that during the year only about 300 feet of said ditch was completed; that in the spring of 1884 said ditch was surveyed and completed to its full size except in difficult rocky points for a distance of 2 & 1/2 miles; That in 1885 said ditch was extended and extension completed the full size except in deep cuts and rocky points, for a distance of 5 & 1/2 miles smaller ditches were constructed from this main ditch to and upon lands owned by the claimants thereof and about 66 acres of land irrigated from said ditch in 1885. in 1886 the said ditch was completed and extended for a distance from its head of about 8 miles and about 146 acres irrigated from same that season; that the present season of 1890 there are about 350 acres of land under cultivation below said ditch which is known as the "bench ditch"; since the construction of said ditch some of the original share holders in the same have conveyed their rights in and to the same to other parties; that the lands lying under said ditch are owned and occupied by the claimants in said ditch; we do not believe that the location and work done on the said ditch in the year 1883 is sufficient

COPY

41-00048

June 11, 1999

**NOTICE OF ERROR
REPLY**

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

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

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

Water right number: 41-00048

MELVIN NELSON
PO BOX 334
ROCKLAND ID 83271

Appt 7/23 Fri
10 AM

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Decree is for 45" 10-1-83 and 10" 4-1-85-
Danielson Ditch
Total acres irrigated - 22 A South Side of
creek in Sections 4 & 9

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

Ditch is 2 miles long & feeds 5 Springs
loss to end of ditch is Total.

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

DATE:

7/1/99

SIGNATURE:

Melvin Nelson

Please print your name:

Melvin Nelson

AJ0749NP
No. R41-00048

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

DATE: 06/16/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MELVIN NELSON PO BOX 334 ROCKLAND ID 83271 (208) 548-2682	06/01/1985	IRRIGATION	04-01 10-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

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

Point(s) of Diversion: T10S R31E S10 SESAME POWER County

Place of use Legal Description for: IRRIGATION

NE											
T			R			S			NE		
10S	31E	4	10S	31E	4	10S	31E	4	10S	31E	4
10S	31E	9	10S	31E	9	10S	31E	9	10S	31E	9
05			05			05			05		
TOTAL ACRES			TOTAL ACRES			TOTAL ACRES			TOTAL ACRES		
19.2			19.2			19.2			19.2		

POU County: POWER
Other Rights: 41-100918

Remarks: POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.2 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates: Exam Made Date: 07/15/1994 Verified Date: 06/16/1999 Objection Filed Date:

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

JM NUMBER A41-10091 DATE 6/16/99 6/16/99
 AGENT su TRANSFER NUMBER _____
 split by Ditch: A & B Budge : 45.0
 Danielson: 19.2 CLAIMED ACRE TOTAL 69.2
 GIS ACRE TOTAL 64.2

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW*	SW*	SE	NE	NW	SW	SE	
AIM	10s	31E	4									1	2	15	17.6		-	17.6	11	64.2
S												2.8	Ø	Ø	11		0.4	17	12	43.2
COM																				
AIM			9	5																5
IS				1.8																1.8
COM				5.5																5.5
AIM			4									1	2	15	17.6			17.6	11	64.2
IS												Ø	Ø	Ø	4.3			6.1	3.3	13.7
COM																				

I-POU.SHP
 APE NOS. 7 ③ pou
 I-POD.SHP
 S. DESCRIPTION T10s R31E:
 Combined Rts: (Decree duty limits Rec'd to 1"/Ac)
 SPLIT RT
 (A) { 41-0029 Budge D. 0.60 cfs - 30 Ac
 41-0030 " 0.16 - 8 Ac } 48
 41-0031 " 0.20 - 10 Ac
 (B) 41-0031 Danielson P. 0.30 - 15 Ac
1.26 cfs = 63 AC

6 = (A) Budge D. - S10, SWNENW
 (B) Danielson D. - S10, SESWNE
 * Portion of Claimed pou on West End is not owned

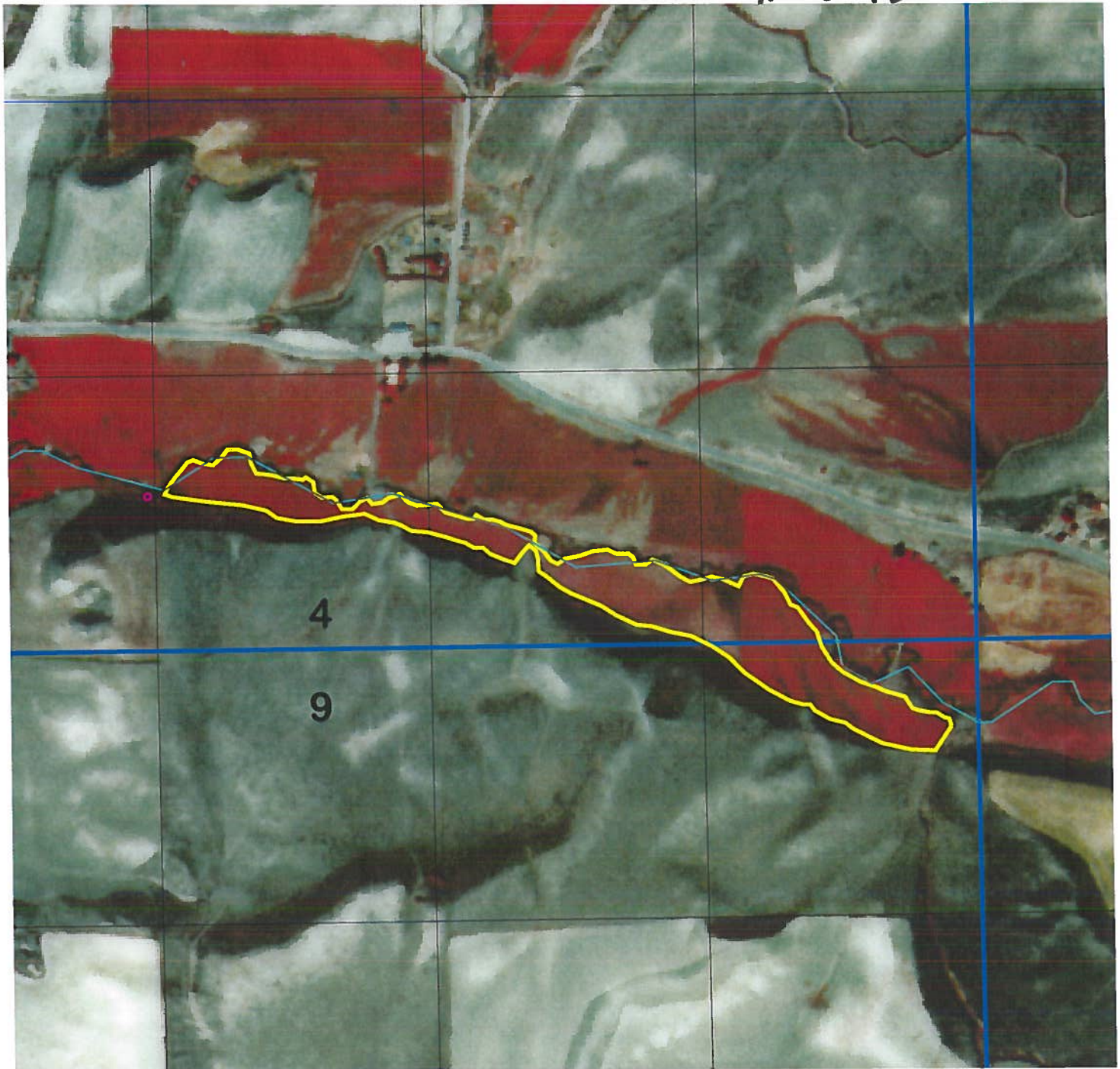
(A) 45 AC found - 45"

F TABLES UPDATED
 -DBPOU.DBF see 3/9/00
 -DBPOD.DBF
 GLAYOUT ✓ 41-10091 A .jpg
 ✓ 41-10091 B .jpg
 (B) 19.2 Ac found - 15" ; 15 AC on 19.2 ppu (1883)
 overlap w/
 Claims: 41-0048 for 10" - 2.2" in ppu (1888)
 41-0026 for 10" 35" total
 DISALLOWED

IDAHO DEPT OF WATER RESOURCES

41-10091B

41-00026
41-00048



660 0 660 1320 Feet

T10S R31E SEC. 4 & 9



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

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

DATA ENTRY BY: STEVE CLELLAND
DATE: June 16, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:10:14
04/22/91

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A41-00048

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								
REMARKS	Y							

"VERIFIED BY" CODES

- TOPO MAP/ORTHO-PQ = 1
- ASCS MAP = 2
- WATERMASTER RECORDS = 3
- MAPP 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 - A41-00048

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
NELSON

MELVIN

1 - P.O. BOX 334
2 -
3 -

City- ROCKLAND
Phone - 208-548-2682

State- ID Zip- 83271

--- Priority Date --- + --- Region --- + --- Stage --- + --- Status --- +
06/01/1885 17 SOUTHERN D - DECREED

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

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

--- Code --- Description --- Period From Period To --- Water Use --- Diversion Rate --- Diversion Volume ---
01 - IRRIGATION 04/01 11/01 0.200

--- Total Div. Rate --- + --- Total Div. Volume --- + --- Total Div. Capacity --- + --- Total Consumptive Use --- + --- KW Usage --- +
0.200 55.0

--- Twn ---	--- Rng ---	--- Sec ---	--- Tract ---	--- Lot ---	--- Acres ---	--- Place of Use ---	--- Code ---	--- Description ---	--- County ---
10S	31E	4	SW SW		5.0	01	IRRIGATION	(77) POWER	
10S	31E	4	SE SW		5.6	01	IRRIGATION	(77) POWER	
10S	31E	4	SW SE		5.6	01	IRRIGATION	(77) POWER	
10S	31E	4	SE SE		1.0	01	IRRIGATION	(77) POWER	
10S	31E	9	NE NE		4.0	01	IRRIGATION	(77) POWER	

Total Acres: 21.2

--- Diversion Means - SCREW GATE TO DITCH; VIA DANIELSON DITCH

--- Non-Irrigation Use -

--- Other Rights for Same Use - A41-10091 & A41-00026

--- Remarks ---
P/U WAS CHANGED TO PRESENT LOCATION YEARS AGO; NO TRANSFER FILED.
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.

*See Review
A41-10091
6/19/99*

Prefix Translation: ADJUDICATION CLAIM

Old Water Right Numbers

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

ET AL

- - -Comments- -
No Comments Found

Adjudication Rights Dates and Flags Area

Field Inspection Made	- 00/00/0000	Civil Case Number	-
Field Inspection Flag	-	Old Case Number	-
Verified Date	- 00/00/0000	Old Judicial District	-
Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Made Date	- 00/00/0000	Water District	- 47
Receipt Number	- S01544	Federal/State Indicator	- S
POU Ownership Flag	- Y	Presumption Flag	- D
Name Connector	-		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:10:14
04/22/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A41-00048

LAST: NELSON
ADDRESS: P.O. BOX 334
CITY: ROCKLAND
PHONE NUMBER: 208-548-2682
STATE: ID ZIP: 83271
OWNER CODE: C
FIRST: MELVIN

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

CLAIM REMARKS: P/U WAS CHANGED TO PRESENT LOCATION YEARS AGO; NO TRANSFER FILED.
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.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER: () -
DATE OF FIELD EXAM: _/_/____ APPOINTMENT MADE: Y() N() TIME: : A() P()
ACCOMPANIED BY: _____ PHONE NUMBER: () -
RELATIONSHIP TO CLAIMANT: _____
DIRECTIONS TO PROPERTY / REMARKS:

A. AJ CLAIM: # A41-00048 PRIORITY DATE: 06-01-1885 STAGE: D

B. WR RECORD: # 41-00048 PRIORITY DATE: 06-01-1885 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:

06-01-1885

REVIEWED BY _____

DATE _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A41-00048	10S	31E	10	SE	SW	NE		POWER

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX	
A41-00026	NONE	41-00022
A41-10091		41-00026
A41-00021		
A41-00022		

SOURCE: ROCK CREEK, EAST FORK

TRIB: ROCK CREEK

B. WR POINT OF DIVERSION AND SOURCE:

4100048 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

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:		1/4	1/4	LOT	COUNTY
TWP.	RGE.	SEC.			
---	---	---	---	---	---
---	---	---	---	---	---
SOURCE: ROCK CREEK, EAST FORK		TRIB: ROCK CREEK			
REVIEWED BY: _____		DATE: _____			

A. ROOT WATER RIGHT NUMBERS: A41-00048

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	31E	4	SW	SW		NELSON, MELVIN	A41-00048 / 5.0	-	/		28.0
			SW	SW		ANDERSON, BURTON	A41-00030A / 19.0	-	/		
			SW	SW		NELSON, MELVIN	A41-00026 / 5.0	-	/		
			SW	SW		NELSON, MELVIN	A41-10091 / 15.0	-	/		
			SW	SW		WEGNER, STEPHEN	A41-00030B / 1.0	-	/		
			SW	SW		STATE OF IDAHO	A41-10137 /	-	/		
			SW	SW		BUDGE, D. A.	A41-07046 /	41-07046 /	/		
			SW	SW		LISH, H. D.	41-00030 /	41-00030 /	/		
			SW	SW		ANDERSON, BURTON	41-07061 /	41-07061 /	/		
10S	31E	4	SE	SW		NELSON, MELVIN	A41-00048 / 5.6	-	/		25.0
			SE	SW		NELSON, MELVIN	A41-00026 / 5.6	41-00026 /	/		
			SE	SW		NELSON, MELVIN	A41-10088 /	-	/		
			SE	SW		NELSON, MELVIN	A41-10091 / 17.6	-	/		
			SE	SW		BUDGE, D. A.	A41-10091 / 17.6	41-00030 /	/		
10S	31E	4	SW	SE		NELSON, MELVIN	A41-00048 / 5.6	-	/		36.0
			SW	SE		NELSON, MELVIN	A41-00026 / 5.6	41-00026 /	/		
			SW	SE		NELSON, MELVIN	A41-10091 / 17.6	-	/		
			SW	SE		NELSON, MELVIN		41-00029 /	/		
			SW	SE		NELSON, MELVIN		41-00031 /	/		
			SW	SE		NELSON, MELVIN		41-00035 /	/		
10S	31E	4	SE	SE		NELSON, MELVIN	A41-00048 / 1.0	-	/		42.0
			SE	SE		BENCH DITCH IRRIGATION CO.	A41-00023 / 15.0	-	/		
			SE	SE		BENCH DITCH IRRIGATION CO.	A41-00018 / 15.0	-	/		
			SE	SE		BENCH DITCH IRRIGATION CO.	A41-02001 / 15.0	41-02001 / 25.0	/		
			SE	SE		BENCH DITCH IRRIGATION CO.	A41-10009 / 15.0	-	/		
			SE	SE		BENCH DITCH IRRIGATION CO.	A41-00020A / 15.0	-	/		
			SE	SE		NELSON, MELVIN	A41-00026 / 1.0	41-00026 /	/		
			SE	SE		BENCH DITCH IRRIGATION CO.	A41-00031A / 15.0	-	/		
			SE	SE		NELSON, MELVIN	A41-10091 / 11.0	-	/		
			SE	SE		NELSON, MELVIN		41-00029 /	/		
			SE	SE		NELSON, MELVIN		41-00031 /	/		
			SE	SE		BENCH DITCH USERS		41-00035 /	/		
10S	31E	9	NE	NE		NELSON, MELVIN	A41-00048 / 4.0	41-00048 / 10.0	/		27.0
			NE	NE		NELSON, MELVIN	A41-00026 / 4.0	-	/		
			NE	NE		NELSON, MELVIN	A41-10091 / 5.0	-	/		
TOTAL ACRES						A41-00048	21.20	10.00			158.00

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:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

A. AJ CLAIMED USES:

PURPOSES
A41-00048 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.200 CFS

B. WR RECORDED USES:

PURPOSES
41-00048 IRRIGATION

MONTH/DAY
FROM TO

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.200 CFS
.200 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: 0.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.200 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. MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A41-10091 & A41-00026

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A41-00048	ROCK CREEK, EAST FORK	NELSON, MELVIN	0.200	0.009		
A41-00030A	ROCK CREEK, EAST FORK	ANDERSON, BURTON	0.520	0.021		
A41-10091	ROCK CREEK, EAST FORK	NELSON, MELVIN	1.260	0.018		
A41-00030B	ROCK CREEK, EAST FORK	WEGNER, STEPHEN	0.020	0.020		
A41-00023	ROCK CREEK, EAST FORK	BENCH DITCH IRRIGATION CO.	0.200			
A41-00018	ROCK CREEK, EAST FORK	BENCH DITCH IRRIGATION CO.	0.200			
A41-02001	ROCK CREEK, EAST FORK	BENCH DITCH IRRIGATION CO.	9.000	0.010		
A41-10009	ROCK CREEK, EAST FORK	BENCH DITCH IRRIGATION CO.	9.500			
A41-00020A	ROCK CREEK, EAST FORK	BENCH DITCH IRRIGATION CO.	0.400	0.010		
A41-00031A	ROCK CREEK, EAST FORK	BENCH DITCH IRRIGATION CO.	0.100			

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A41-10137	DOMESTIC	WEGNER, STEPHEN	FROM 01-01 TO 12-31	.040 CFS	
A41-07046	MINIMUM INSTREAM FLOW	STATE OF IDAHO	FROM 01-01 TO 12-31	11.000 CFS	
A41-10088	STOCKWATER	NELSON, MELVIN	FROM 01-01 TO 12-31	.070 CFS	
A41-10088	DOMESTIC	NELSON, MELVIN	FROM 01-01 TO 12-31	.040 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 55.0 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 0.200	DATABASE EXAMINER	DATABASE EXAMINER 55.0
TOTAL FOR THIS RIGHT		0.200		55.0

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: 41-00048
TOTAL DIVERSION RATE OF WR SPLITS

DATEBASE	EXAMINER	CFS
0.200		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A41-00048	A41-00048	0.200	-		41-00048	0.200
TOTAL CFS		0.200				0.200

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)

DATEBASE	FIELD EXAMINER
Y	

REMARKS:

AUTHENTICATION:
SIGNATURE: _____ DATE: _____
NAME OF FIELD EXAMINER: _____ TITLE: _____

Water Right Number - 41-00048

Prefix Translation:

WATER RIGHT

Old (D) Number -

Last Name -

First Name -

Address -

*** C - CURRENT OWNER ***
PROMONTORY STOCK RANCH CO.

1 -
2 -
3 -
City-
Phone -

State- Zip-

Priority Date - 06/01/1885

Region - 17 SOUTHERN

Stage - D - DECREED

Status -

Source - ROCK CREEK, EAST FORK

Tributary - ROCK CREEK

Twn Rng Sec Tract Lot Rflg County

Point of Diversion -

Stream Index (Blank if no Index Code)

Code Description

Period From Period To

Water Use Diversion Rate Diversion Volume

01 - IRRIGATION

0.200

Total Div. Rate - 0.200 Total Div. Volume - Total Div. Capacity -

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
10S	31E	9	NE NE		10.0	01	IRRIGATION	(77) POWER

Total Acres: 10.0

- - - Diversion Means - VIA BARNARD & VALDEZ DITCH

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

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.

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

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

- - - Decree Plaintiff - - - Decree Defendant - - - Decree Date -
HOUTZ ET AL. 06/06/1903

WATER RIGHT

No Comments Found

ights Dates and Flags Area

- Field Exam Fee
- Swan falls
- Temporary Right - P
- DLE/Carey Act -
- Water District - 41
- Transfer/Amended -