

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: A41-00001D
Date Received: 3/06/1990
Receipt No: 5011541
Received By: AD~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VIVIAN CHARLES
Address: P.O. BOX 234 208-548-2660
ROCKLAND, ID 83271
OR
Name: IVAN CHARLES
Address: P.O. BOX 234 208-548-2660
ROCKLAND, ID 83271

2. Date of Priority: APR 01, 1880

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	30E	1	SE	SE	SE		POWER

5. Description of diverting works:
FROM CREEK TO MEASURING BOX, PUMP TO MAINLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

8. Total consumptive use is 87.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A41-00001D

Page 1

Date: 03/14/90

MICROFILMED
MAR 01 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	30E	1	SE	SE		IRR	18.0
						Section Acres	18.0
	31E	6	SW	SW	7	IRR	11.0
						Section Acres	11.0
						Total Acres	29.0

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:
NONE; PUMP SHARED WITH A41-00001E

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.
CLAIMANT FEELS THAT THE .80 CFS FOR FULL IRRIGATION SEASON.
THE ORIGINAL P/D WAS WIPED OUT IN 1968. THE PUMP REPLACED THE
OLD GRAVITY DIVERSION WHICH WAS LOCATED IN SECTION 7.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

HOUTZ

Decree Plaintiff

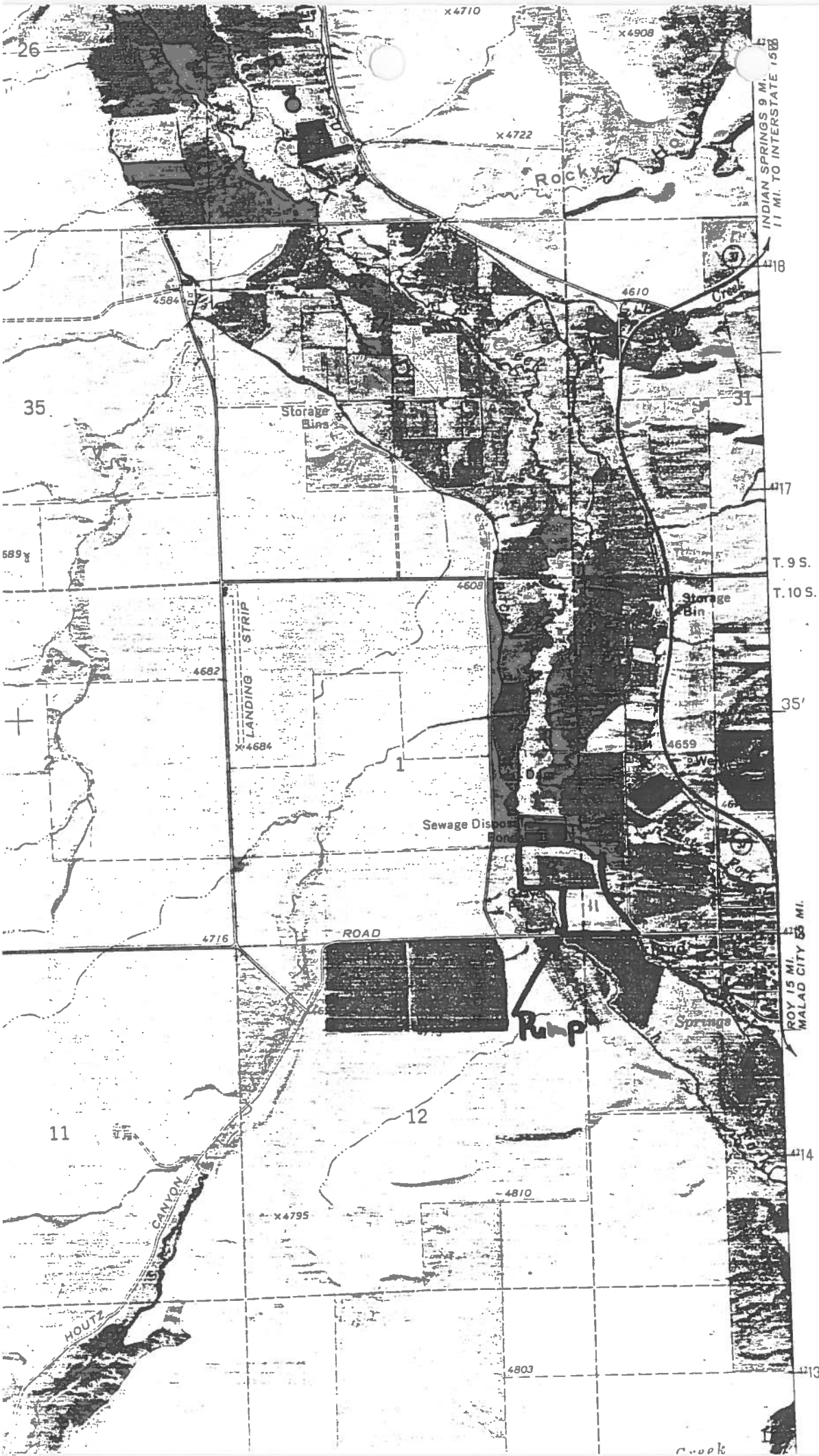
vs

ET AL.

Decree Defendant

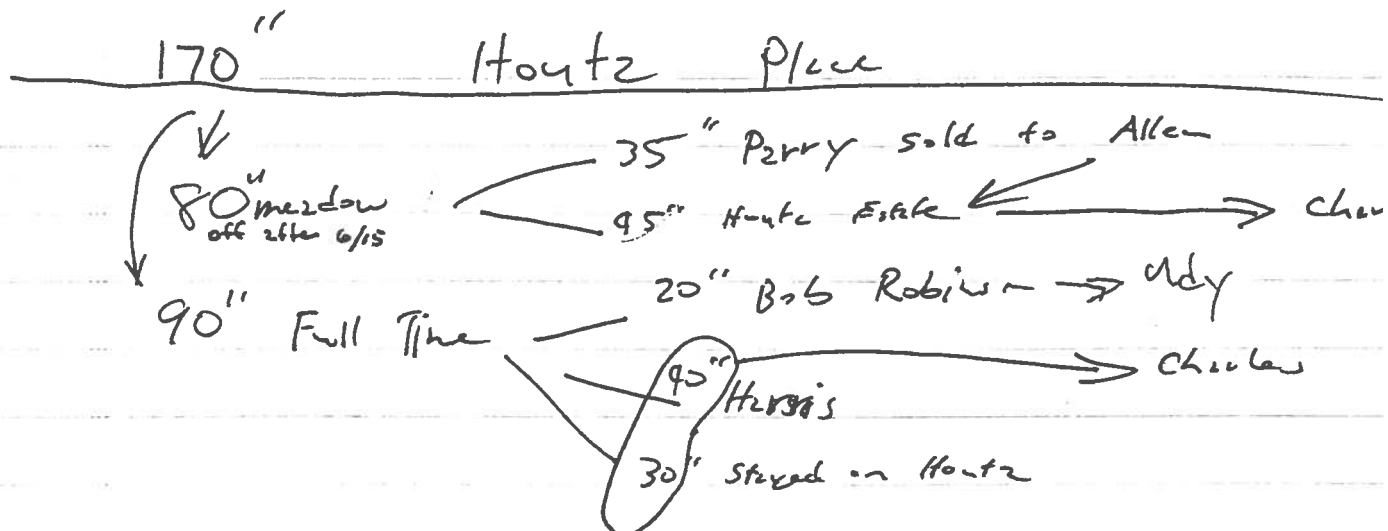
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

MAR 01 1993



T9S
T10S

MICROFILME
MAR 01 1993



1.40

Inv. Check

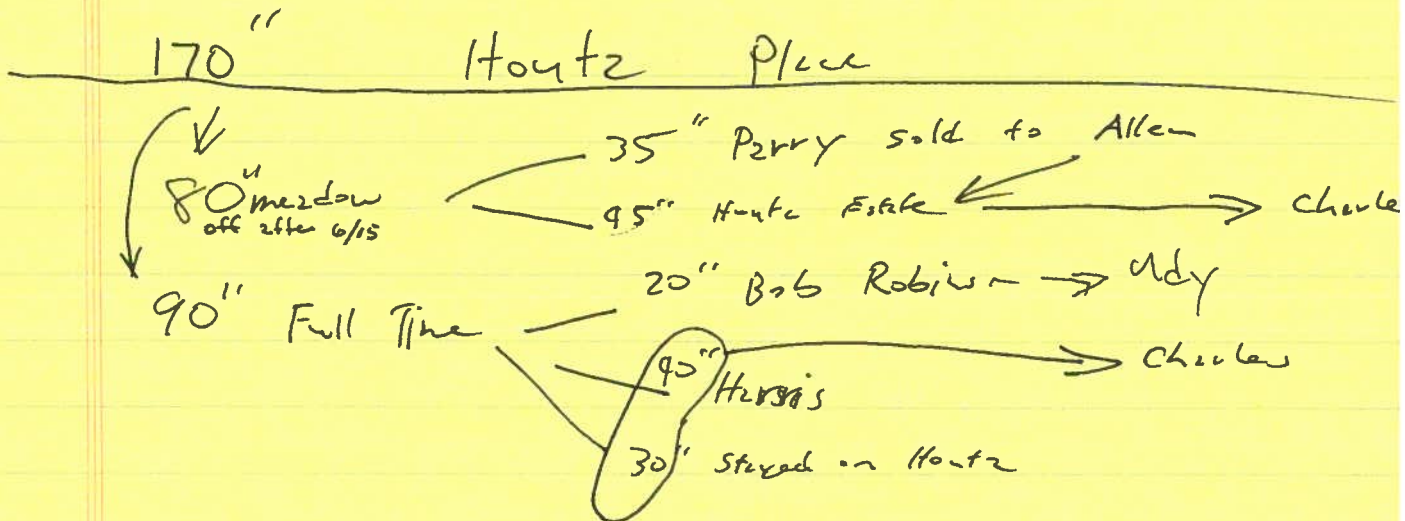
~~35" Perry sold to Allen~~
~~95" Houtz Estate~~

A41-00001 B	Udy	0.40	Full Tin
A41-00001 D	Charles 40"	0.80	Full Tin
A41-00001 E	Charles 45"	0.50	Spring
	30"	0.60	Fall
A41-00001 F	Allen	0.70	Spring

A41-10090

MICROFILMED

MAR 01 1993



1.40

Ivan Ching

~~35" Houtz's~~
~~35" Houtz's~~

A41-00001 B	Udy	0.40	Full Time
A41-00001 D	Charles 40"	0.80	Full Time
A41-00001 E	Charles 45"	0.50	Spring
	30"	0.60	Fall
A41-00001 F	Allen	0.70	Spring

A41-10090

MICROFILMED

MAR 01 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 SRBA

Case No. 39576

Subcase No.: 41-00001D

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.

Vivian Charles

Date

Ivan Charles

Date

IDWR Concurrence

Date

Approved as to form

Date

STANDARD FORM 5

STANDARD FORM 5

CERTIFICATE OF SERVICE

I certify that on _____, 2000, 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

Ivan & Vivian Charles
P.O. Box 234
Rockland, ID 83271

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

Signature of person or attorney mailing the form

08/28/2001

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

RIGHT NUMBER: 41-00001D

NAME AND ADDRESS: IVAN CHARLES
VIVIAN CHARLES
PO BOX 234
ROCKLAND, ID 83271

SOURCE: ROCK CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.4 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: 04/01/1880

POINT OF DIVERSION: T10S R30E S1 SESESE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	1.40 CFS

PLACE OF USE:

<u>IRRIGATION Within POWER County</u>					
T10S R30E S1		SESE	18	T10S R30E S12	NENE 1
T10S R31E S6	LOT 7	SWSW	11	T10S R31E S7	NENW 19
T10S R31E S7	LOT 1	NWNW	11	T10S R31E S7	SENW 21

81 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 41-00001E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 81.0 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

10/31/2000

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

RIGHT NUMBER: 41-1D

NAME AND ADDRESS: IVAN CHARLES
VIVIAN CHARLES
PO BOX 234
ROCKLAND, ID 83271

Revised

SOURCE: ROCK CREEK TRIBUTARY: ROCK CREEK

QUANTITY: ~~1.22~~ CFS **1.40**

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: 04/01/1880

POINT OF DIVERSION: T10S R30E S1 SESESE Within POWER County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-31	1.22 CFS 1.40

PLACE OF USE:

<u>IRRIGATION Within POWER County</u>					
T10S R30E S1	SESE	18	T10S R30E S12	NENE	1
T10S R31E S6	LOT 7 SWSW	11	T10S R31E S7	NENW	19
T10S R31E S7	LOT 1 NWNW	11	T10S R31E S7	SENE	21

81 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF ~~61.0~~ ^{**70**} ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 41-00001E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 81.0 ACRES IN A SINGLE IRRIGATION SEASON

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

10/31/2000

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

RIGHT NUMBER: 41-1D

NAME AND ADDRESS: IVAN CHARLES
VIVIAN CHARLES
PO BOX 234
ROCKLAND, ID 83271

SOURCE: ROCK CREEK TRIBUTARY: ROCK CREEK

QUANTITY: 1.22 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: 04/01/1880

POINT OF DIVERSION: T10S R30E S1 SESESE Within POWER County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-31	1.22 CFS

PLACE OF USE:

<u>IRRIGATION Within POWER County</u>			
T10S R30E S1	SESE	18	T10S R30E S12 NENE 1
T10S R31E S6 LOT 7	SWSW	11	T10S R31E S7 NENW 19
T10S R31E S7 LOT 1	NWNW	11	T10S R31E S7 SENW 21

81 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 61.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 41-00001E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 81.0 ACRES IN A SINGLE IRRIGATION SEASON

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RECEIVED

DEC 30 1999

Department of Water Resources
Southern Region

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

41-00001D

(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: IVAN E. VIVIAN CHARLES

Address: P.O. Box 234

Blackfoot, Idaho 83271

Daytime Phone: (208) 548-2666

Name & Address of Attorney, if any:

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

Name: _____

Address: _____

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

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: 1.4 CFS OR 70"
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):

One amount of water is 2.3 cfs @ 115" - 70" full time water 1.4 cfs @ 45" meadow right - 0.9 cfs. One full time water was cut 9" - from 70" 1.4 cfs. to 61" 1.2 cfs. We have been irrigating with this amount since 1968. All records that we have shows that we should receive this amount, the records date back to 1900.

We suggest a consolidation with all of the 41-0000 splits

F. **VERIFICATION** (Must be Completed)

State of Idaho)
County of Blaine)ss.

WILLIAM CHARLES , 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.

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 12-23-99



Donita J. Garner
Notary Public for _____
Residing at: Amor Falls, ID
My Commission Expires: 9-14-2007

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 December 23, 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: _____

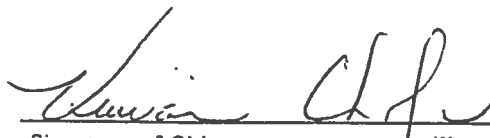
Address: _____

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 Right Number - R41-00001D

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
CHARLES

VIVIAN

CHARLES

IVAN

1 - PO BOX 234
2 -
3 -
City- ROCKLAND
Phone - 208-548-2660
1 - PO BOX 234
2 -
3 -
City- ROCKLAND
Phone - 208-548-2660
State- ID Zip- 83271

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1880 17 SOUTHERN D - DECREED

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

10S 30E 1 SE SE SE (77) POWER

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

01 - IRRIGATION 04/01 10/31 1.220

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.220 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
10S	30E	1	SE SE		18.0	01	IRRIGATION	(77) POWER	
10S	30E	12	NE NE		1.0	01	IRRIGATION	(77) POWER	
10S	31E	6	SW SW	7	11.0	01	IRRIGATION	(77) POWER	
10S	31E	7	NE NW		19.0	01	IRRIGATION	(77) POWER	
10S	31E	7	NW NW	1	11.0	01	IRRIGATION	(77) POWER	
10S	31E	7	SE NW		21.0	01	IRRIGATION	(77) POWER	

Total Acres: 81.0

+ - - Diversion Means - FROM CREEK TO MEASURING BOX,PUMP TO MAINLINE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 41-00001E

Prefix Translation: RESEARCH

POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 61.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 41-00001E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 81.0 ACRES IN A SINGLE IRRIGATION SEASON.

HOULTZ	Decree Plaintiff	Decree Defendant	Decree Date
	00/00/0000	00/00/0000	00/00/0000
	ET AL.		

Date: 06/11/1999 User Id: DJONES Subject: RECOMMENDATION
FLOW RATE LIMITED TO 1"/AC ESTABLISHED IN ARBITRATION. SEASON
PERIODS PER IDWR RECORDS. SET TO IDWR STANDARD. FLOW RATE DIVIDED BETWEEN EARLY AND LATE

Date: 10/27/1999 User Id: SCLELLAN Subject: COPIED FROM REMARKS THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN LISTED IN PLEADINGS IS H. P. HOUTZ. THE PUMP REPLACED THE ORIGINAL P/D WAS WIPED OUT IN 1968. THE PUMP REPLACED THE Date: 10/27/1999 User Id: SCLELLAN Subject: RECOMMENDATION THIS RIGHT IS CLAIMED AS -001D & -001E AND THE EARLY WATER AND FOR THE EARLY WATER. Date: 10/27/1999 User Id: SCLELLAN Subject: REVISED FLOW & ACRES BASED ON OLD WR RECORD DATA AND TRANSFER 4651 ADJUSTED THE RIGHT.

ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY CLAIMANT FEELS THAT THE .80 CFS FOR FULL IRRIGATION SEASON. OLD GRAVITY DIVERSION WHICH WAS LOCATED IN SECTION 7. LATE WATER HAVE BEEN SHIFTED SO -001D IS LATE WATER AND -001E IS

+ Adjudication Rights Dates and Flags Area

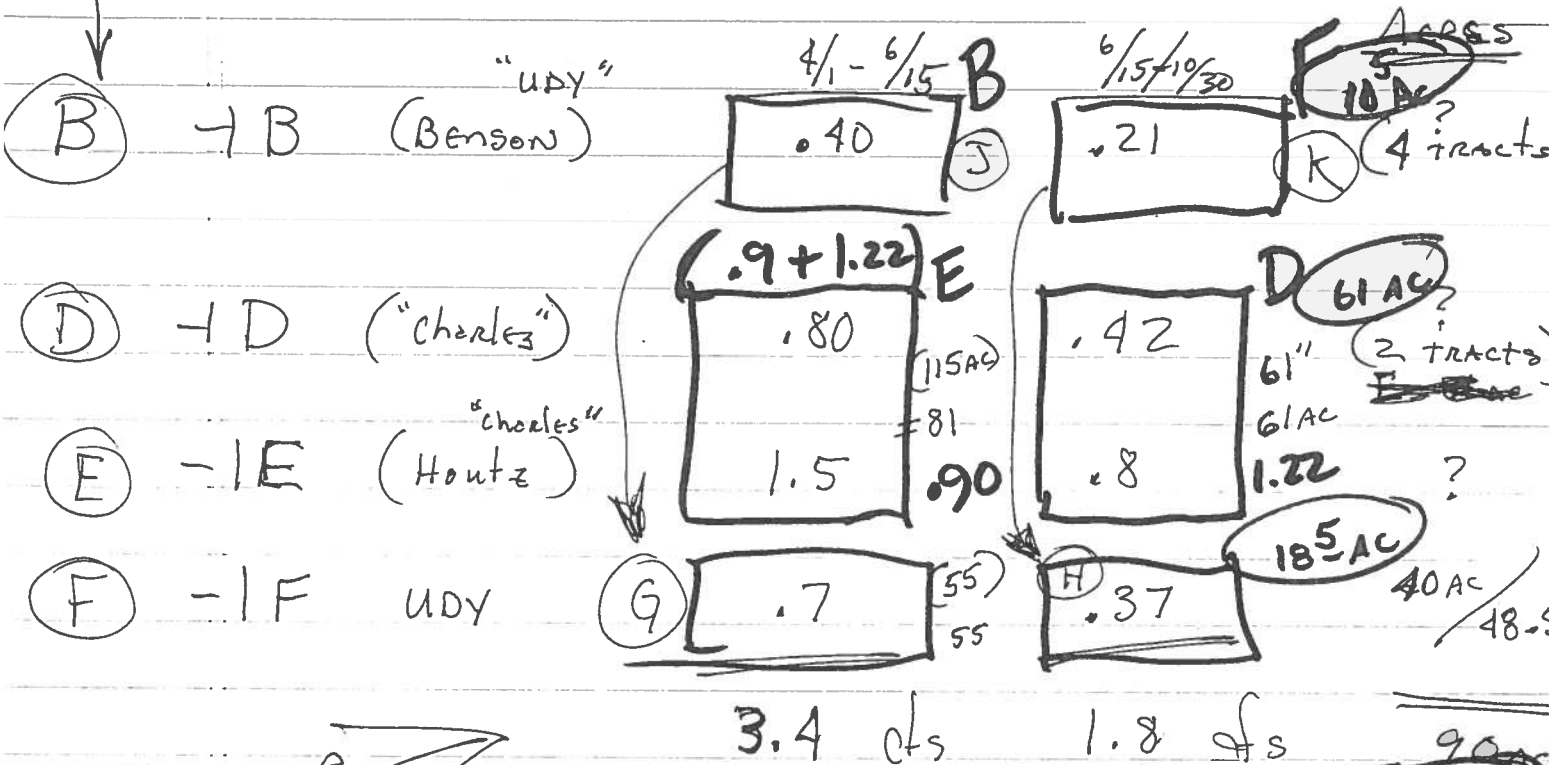
Court Report Filing	- 00/00/0000	Field Inspection Made	- 08/03/1995	Civil Case Number	- 39516
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/27/1999	Old Judicial District	-
Claim Received Date	- 03/14/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S01541	Water District	- 41
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	- D
				Notice of Error Flag	-

Revision of Split Review

10/27/99
BCC

41-00001

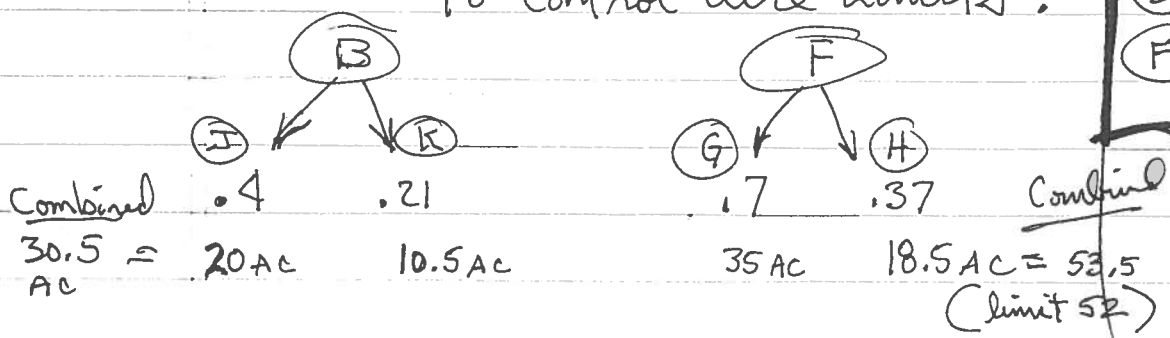
AJ claim reference
WR RECORD



REVISED:

* Modify 'D' to allow for transfer #4651
Acres = 61 Q = 1.22

* Split B & F into Early/Late Waters to Control acre limits:



Lic. Version Results in Ac.
total =
B = 20 AC.
D = 21 AC.
E = 40
F = 40
121 AC.
EXPANSION OF DECREE

Water Right Number - 41-00001D

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
CHARLES

IVAN

1 - 756 FALLS AVE.
2 -
3 -

City- AMERICAN FALLS State- ID Zip- 83211
Phone -

*** O - ORIGINAL OWNER ***
HOUTZ

HENRY P.

1 -
2 -
3 -
City-
Phone - State- Zip-

+ - - Priority Date - - + - - Region - - - + - - - Stage - - - + - - - Status - - - +
04/01/1980 17 SOUTHERN D - DECREED

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

+ - - - - - - - - - - - Point of Diversion - - - - - Diversion Name - - - - - Diversion Rate - - - - - Diversion No.
Twn Rng Sec Tract Lot Rflg County
10S 30E 1 SE SE (77) POWER

+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 06/15 0.800
01 - IRRIGATION 06/16 11/15 0.420

+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - + - - Total Consumptive Use - + - - KW Usage - +
0.800 0.0

+ - - - - - - - - - - - Place of Use - - - - - Description - - - - - County
Twn Rng Sec Tract Lot Acres Code
10S 30E 1 SE SE 01 IRRIGATION (77) POWER
10S 31E 6 SW SE 01 IRRIGATION (77) POWER

+ - - - - Diversion Means -

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

GEN P/U INCOMPLETE. SEE FILE.
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 - 41-00001D

Prefix Translation: WATER RIGHT

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

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

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

+ - - - - - Decree Plaintiff - - - + + - Decree Date - +

HOUTZ ET AL. 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 |
| Presumption Flag | - | Name Connector | - | POU Ownership Flag | - |
| SRBA Decreed Flag | - | | | | |

AJ0749NP
No. R41-00001D

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

DATE: 10/27/99
PAGE: 1

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|---|------------------|------------|-----------------------|-------------------|---------------------|
| C | VIVIAN CHARLES | 04/01/1880 | IRRIGATION | 04-01 10-31 | 1.400 CFS | |
| C | IVAN CHARLES
PO BOX 234
ROCKLAND ID 83271
(208) 548-2660 | | | | | |
| TOTAL DIVERSION: | | | | | 1.400 CFS | |

Water Source: ROCK CREEK, SOUTH FORK
Point(s) of Diversion: T10S R30E S01
Tributary to: ROCK CREEK
Stage: DECREED
POWER County

Place of use Legal Description for: IRRIGATION

| | NE | NW | SW | SE | SUM |
|-------------|---------------|------------------|------------------|----------------|------|
| T R S | NE NE NE SENE | NE NW NW NW SENE | NE SW SW SW SENE | NE SE SE SE SE | |
| 1 | 18.0 | | | | 18.0 |
| 10S 30E 12 | 1.0 | | | | 1.0 |
| 10S 31E 6 | 11.0 | | | | 11.0 |
| 10S 31E 7 | 51.0 | | | | 51.0 |
| TOTAL ACRES | | | | | 81.0 |

POU County: POWER

Other Rights: 41-00001E

Remarks: POU1
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 41-00001E IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 81.0 ACRES IN A SINGLE
IRRIGATION SEASON.

Dates: Exam Made Date: 08/03/1995
Verified Date: 10/27/1999
Objection Filed Date:
Misc: Water District Number: 41
Field Inspection Flag: D
Presumption Flag: D

Revised
split/combined
10/27/99
Dce

41-00001 PLIT REVIEW:

10/27/99
see

| (p. 1 of 2) | Claims: | (4/15 - 6/15) | (6/15 - 10/31) | Acres |
|--------------------|---------|-----------------------|----------------|---------------|
| | | meadow | full | |
| Charles | -1D | .80 | .80 | (29 Ac) |
| | -1E | 1.5 | 0.6 | (60 Ac) |
| | | <u>2.3</u> (.9 + 1.4) | <u>1.4</u> | |
| Udy | -1B | .4 | .4 | (32) |
| | -1F | .7 | .7 | (54) |
| | | <u>3.4</u> | <u>2.5</u> | <u>175 Ac</u> |

DECREE

Ø1

3.4
(170")

1.8
(90")

170 Ac

Rec'd:

Decree awarded 80" to 80 acres till 6/15,
and awarded 90" to 90 acres full season.
Both coverages were separate POU's.
- Udy Rights continue this practice; okay.
- Charles Rights have combined the rights together
as one operation.

GIS AC

Rec'd
Ac

-1D
-1E

.8
1.5
2.3 (115")

SEE NEXT PAGE !!

.8
.6
1.4 (~70")

29
52
81 Ac

(70 Ac.)
Combined
POU

-1B (20 Ac)
-1F (35 Ac)

.4
.7

.4 (20")

30.6

52

163.6 Ac.

20/30.6
PPH
Combined
w/ 32 B
w/ PPH

Net Ac. = 81 + 20 + 3
? = 104 Ac

(p. 2 of 2)

41-00001 SPLIT REVIEW

10/27/99
SC

Charles' D & E claims:

Decree listed earlier water & late water as separate items on separate lands, therefore, suggest SPLIT/RECOMBINE D & E as shown on the watermaster inventory.

70" or 1.4 cfs will list as PART 'D'

45" or 0.9 cfs will list as PART 'E'

Rec'd:

| | | | Decree
Acres
Limit: | Rec'd
Acres |
|-------|---------------|-------------------------------|---------------------------|------------------------------|
| - 1 D | 1.4 cfs (70") | $\frac{4}{1} + \frac{10}{31}$ | (70 AC) | $\frac{70 AC}{81 AC}$
PPU |

| | | | | |
|-------|---------------|------------------------------|---------|------------------------------|
| - 1 E | 0.9 cfs (45") | $\frac{4}{1} + \frac{6}{15}$ | (45 AC) | $\frac{45 AC}{81 AC}$
PPU |
|-------|---------------|------------------------------|---------|------------------------------|

POU is
Combined:

Both get Combined Acres
limit: 81 AC.

(NOTE: 11 Acres - may need to be claimed as another claim with later priority.)

* Due to the vagueness of the POU descriptions for the 90 Acres of full water & the 80 acres early water, this Watermaster record is the best and most accepted application of the splits of the right 41-00001.

41-00001

SPLIT REVIEW

10/27/99
See

SCC

COPY

File: H2ORIGHTS SFORK
Report: DECREE NUMBER

DECEASEE NUMB DECREED OWNER

PRESENT OWNER

DELIVERY DITCH

INCHES

PRIORITY DAT COMMENTS

cf's



| | | | | | | | |
|-------------|-----------------|------------------|----------------|---------|-----|-----------|----------------------------------|
| 41-001 D+E | H.P. HOUTZ | CHARLES, IVAN | PRIVATE PUMP | 70 | 1.4 | Apr 1 80 | TILL JUNE 15 |
| 41-001 B | H.P. HOUTZ | UTV BROS. | PRIVATE PUMP | 20 | 0.4 | Apr 1 80 | |
| 41-001 D+E | H.P. HOUTZ | CHARLES, IVAN | MEADOW PUMP | 45 | 0.9 | Apr 1 80 | |
| 41-001 F | H.P. HOUTZ | NELSON, CLIFFORD | | 35 | 0.7 | Apr 1 80 | TILL JUNE 15 |
| 41-003 | ANDREW ALLEN | JUD RANCHES | TRAYSON MEADOW | 85 | | May 14 80 | EXCEPT JULY AND AUG. |
| 41-003 | ANDREW ALLEN | JUD RANCHES | LANDING | 15 | | May 14 80 | EXCEPT JULY AND AUG. |
| 41-004 A | S.N. MORRIS | ELAINE MITCHELL | LANDING | 50" | | May 17 80 | EXCEPT JULY AND AUG. TRANS. 3059 |
| 41-004 C | S.N. MORRIS | STAN GRONM | LANDING DITCH | 60/100" | | May 17 80 | EXCEPT JULY AND AUG. |
| 41-005 | JOSEPH BROWN | WESTON, ROSCOE | WESTON MEADOW | 30 | | Apr 10 80 | EXCEPT JULY AND AUG. |
| 41-005-0050 | JOSEPH BROWN | ROSCOE WESTON | BROWN-PARKER | 47 | | May 6 83 | |
| 41-006 | JOSEPH BROWN | ROSCOE WESTON | | ALL | | | |
| 41-007 | WILLIAM FUGGED | BOB SPILLETT | BROWN-PARKER | 30 | | May 6 83 | |
| 41-008 B | CHARLES TAYSON | SPILLETT, JUAN | ADSHHEAD | 26.67 | | Oct 1 79 | |
| 41-008 D | CHARLES TAYSON, | WESTON, ROSCOE | ADSHHEAD | 26.67 | | Oct 1 79 | |
| 41-008 E | CHARLES TAYSON | SPILLETT, RAY | ADSHHEAD | 17.77 | | Oct 1 79 | |
| 41-008 | CHARLES TAYSON | TAYSON, NRPIN | ADSHHEAD | R.R. | | Oct 1 89 | |

why different notes
41-00050

All Dates 1800

reside upon said tract of land and has never disposed of any part thereof that at the time of his location only about three claimants lived on south fork from which he claims water; that in April, 1880, he made a ditch from rock Creek to and upon his said lands 4 feet in width and one foot deep and during that season irrigated about 30 acres of meadow land, broke up and cultivated about 6 acres in wheat and one acre in garden; that acreage broken and sown in grain and grasses was extended by him every year down to the present untill now about 90 acres of said land is growing lucerne and about 80 acres in meadow land, growing natural grasses and timothy, that is, 170 acres of said land are under a high state of cultivation and require water to produce profitable crops that the meadow land referred to will produce a good and valuable crop if well irrigated up to the 15th., day of June.

We find that the said Henry P. Houtz is entitled to the flow of 170 inches of the waters of the south fork of Rock Creek, at all times from the beginning of the irrigating season in the early spring up to the 15th day of June of each year, and from the 15th., day of June of each year and during the remainder thereof, he is entitled to a flow at all times of 90 inches of the waters of said south fork, said water to be measured under a 4 inch pressure, his right to the use thereof to date from the 1st., day of April 1880 and to be taken from ditches now built and through he takes said water on both sides of said channel of said south fork creek.

We further find that in the spring of 1886, said Henry P. Houtz diverted water from the east fork through what is known as the H.C. Wood ditch and appropriated the same for the irrigation of about 7 acres of lucern grown upon the above described lands and has continued to use said water for irrigating said lucern every year since and that for irrigating said 7 acres, he is entitled at all times to a flow of 10 inches of the waters of said east fork to be taken through said H.C. Wood's ditch under a 4 inch pressure; his right to date from the 1st., day of May, 1886.

Andrew Allen, on Oct., 27th., 1879 made settlement upon the following described tract of land, to wit: N.W. 1/4 of sec., 4, Tp., 11, S.R., 31, E, containing 159.68 acres; homestead patent for same dated March 29th. 1889 that all of said land was fenced by him during the year 1880; that on May 14th., 1880 he completed a ditch from the south fork of Rock Creek, about 40 rods long on the west side of said creek about 2 feet wide and 2 feet deep by means of which he irrigated 7 acres of grain and about 45 acres of meadow; that since said time he has increased the area of said land cultivated untill he now has about 100 acres of said land under cultivation, all being meadow land and has used the water each year since the appropriation; that about the year 1883, he and others constructed a ditch about 4 miles in length from what is known as Landen creek the same being a tributary of south fork of Rock Creek to and upon his said land and has used the same each and every year since for the purpose of irrigating the above described tract of land; that said land and the crop grown thereon require to be irrigated in order to produce a valuable crop up to the 1st., of July of every season.

That the said Andrew Allen is entitled to the flow of 100 inches of the waters of said south fork creek at all times from the beginning of the irrigating season of each year except from the (1st., day of July to the 1st day of September of each year upon said land for the purpose of irrigating the said land; said water to be taken from the ditch on the west side of the stream above mentioned and the ditch leading from Landen creek above mentioned; but in case both ditches are used at the one and the same time, they shall not convey to the said A. Allen in the aggregate more than the aforesaid 100 inches, said water to be measured under a 4 inch pressure, and the right to the use thereof to date from the 14th., day of May 1880.

In 1879, John Gibbs made settlement on S.W. 1/4, Sec., 4, tp., 11, S.R. 31 E, containing 160 acres; that on the 17th., day of May 1880 Gibbs with other parties made a ditch from the west side of south fork of Rock Creek to and upon said lands and irrigated a crop thereon; said ditch was 2 1/2 feet wide by 10 inches deep; that in the early spring of 1881 S.N. Morris purchased the right of Gibbs to said land and water right; in 1881 said Morris cultivated and irrigated on said land 8 acres of grain and about 40 acres of hay land; in 1882 and each and every year subsequent thereto the said Morris has increased his acreage in grain, lucerne and natural meadow intil now he has in cultivation thereon about 100 acres; that said

4" pressure

4" pressure

4" pressure

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: 41-00001D

VIVIAN CHARLES
IVAN CHARLES
PO BOX 234
ROCKLAND ID 83271

Daytime Telephone Number:

Evening Telephone Number:

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

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

V.C.
You have 0.58 cfs, it should be 0.80 which is 40".
Also after the 15th June we don't lose any of this water, you say we do.

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

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

Water Right Number - R41-00001D Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***
CHARLES VIVIAN 1 - PO BOX 234 State- ID Zip- 83271

CHARLES IVAN City- ROCKLAND State- ID Zip- 83271
Phone - 208-548-2660

CHARLES HENRY P 1 - PO BOX 234 State- ID Zip- 83271
Phone - 208-548-2660

*** O - ORIGINAL OWNER ***
HOUTZ 1 - City- ROCKLAND State- ID Zip- XXXXXXXX
Phone - 208-000-0000

1 - D - DECEED + - - - - Stage - - - - + + - - - - Status - - - - +
2 - + + - - - - Tributary - - - - - +
3 - ROCK CREEK +

10S 30E 1 SE SE SE (77) POWER Point of Diversion - - - - - +

10S 30E 1 SE SE SE (77) POWER County +

10S 30E 1 SE SE SE (77) POWER Diversion Rate Diversion Volume +

10S 30E 1 SE SE SE (77) POWER Water Use +

10S 30E 1 SE SE SE (77) POWER Period From Period To +

10S 30E 1 SE SE SE (77) POWER 04/01 06/15 +

10S 30E 1 SE SE SE (77) POWER 06/16 10/31 +

10S 30E 1 SE SE SE (77) POWER 04/01 06/15 +

10S 30E 1 SE SE SE (77) POWER 06/16 10/31 +

10S 30E 1 SE SE SE (77) POWER 04/01 06/15 +

10S 30E 1 SE SE SE (77) POWER 06/16 10/31 +

Remarks

| + | ----- | No Old Water Right Numbers Found | ----- | ----- | Old Water Right Numbers | ----- | + |
|---|-------|----------------------------------|-------|-------|-------------------------|-------|---|
| | | | | | | | |

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

+ - - - - Adjudication Rights Dates and Flags Area - - - - +

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 03/14/1990 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S01541 | Water District | - 41 |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - OR | Presumption Flag | - D |
| | | | | Notice of Error Flag | - |

CLAIM NUMBER

A41-00001D

DATE

5/27/99

TRANSFER NUMBER

AGENT

su

CLAIMED ACRE TOTAL

29

GIS ACRE TOTAL

29

| | TWP | RNG | SEC | NE | | | | NW | | | | SW | | | | SE | | | |
|-------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|---------|----|----|----|----|----|
| | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |
| CLAIM | 10S | 30E | 1 | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | 18 |
| RECOM | | | | | | | | | | | | | | | | | | | 19 |
| CLAIM | 10S | 31E | 6 | | | | | | | | | | | (LOT 7) | | | | | |
| GIS | | | | | | | | | | | | | | 11 | | | | | 1 |
| RECOM | | | | | | | | | | | | | | 10 | | | | | 1 |
| CLAIM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |
| RECOM | | | | | | | | | | | | | | | | | | | |

B41-POU.SHP

SHAPE NOS.

28

limited by decree duty of 1"/Ac

29 ACS = 29"

Q = 0.58 cfs

B41-POD.SHP

NOS. DESCRIPTION

22

(pump) 10S, 30E, S1 SESESE

DBF TABLES UPDATED

B41-DBPOU.DBF

B41-DBPOD.DBF

JPEG LAYOUT

41-00001D.jpg

IDAHO DEPT OF WATER RESOURCES

41-00001D



660 0 660 1320 Feet

T10S R30E SEC. 1
T10S R31 E SEC. 6



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

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

DATA ENTRY BY: STEVE CLELLAND
DATE: May 27, 1999

Charles
 50 Hp
 12' lift
 8" main
 75 psi

$$1E \& 1D \\ (1.50) (.80) = 2.3$$

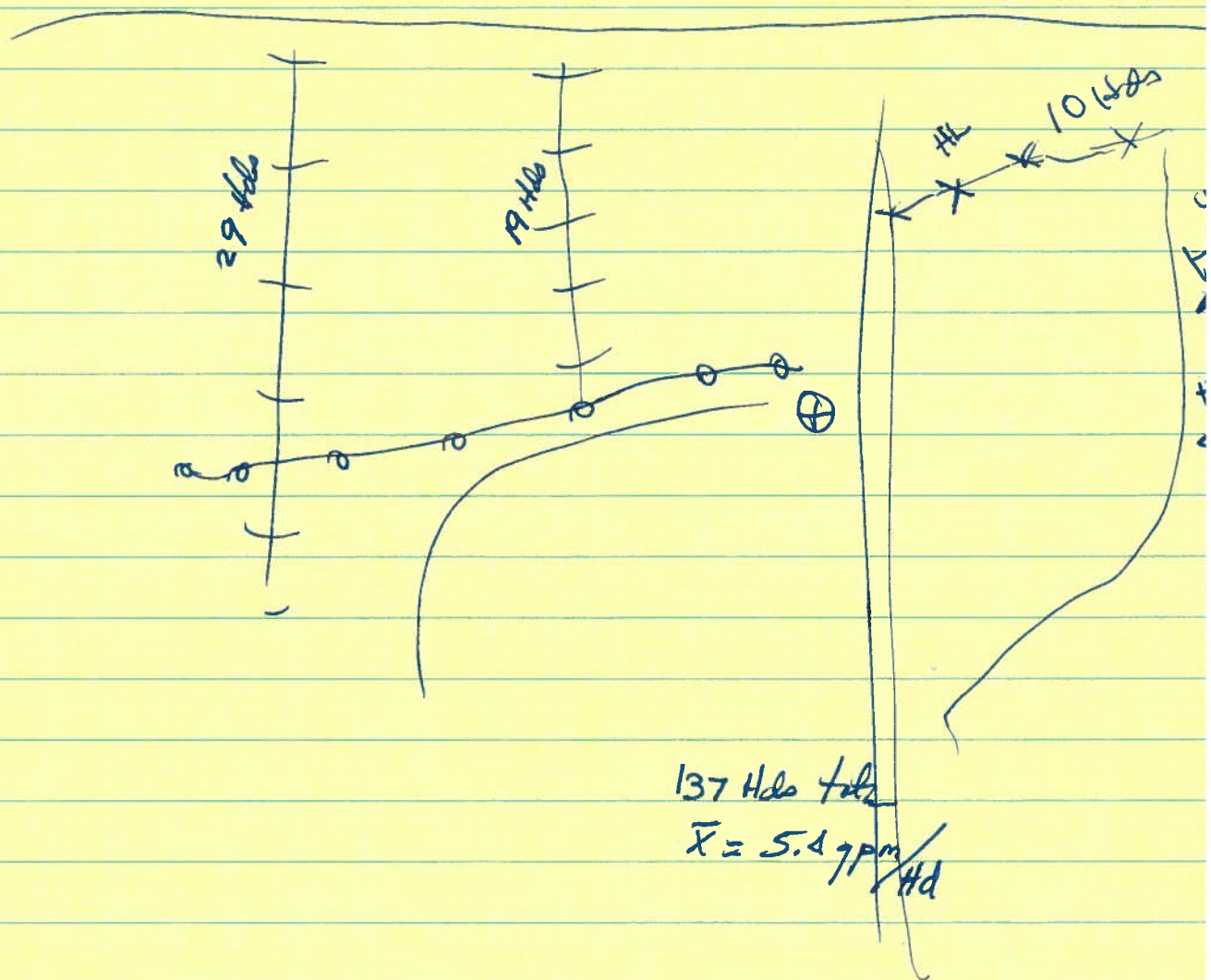
Field Notes
 7-13-95

$$\left[\frac{-30\%}{1.61 \text{ cfs}} \right]$$

Theo Calc:

$$\frac{8.8(50)(.70)}{12 + (75 \times 2.31)} = \frac{308}{185}$$

$$= 1.66 \text{ cfs}$$



8-3-95
Field Notes
JCC

Charles Pump @ Rock Creek

BCW @ 14.0 cm
= 1.33 cfs

w/ James Robinson

A41-00001 D
00001 E

| 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 | | 7-13-95 | | | | | |
| SOURCE | | | | | | | | |
| PLACE OF USE | Y | | | | | | | |
| DIV. AMOUNT
CFS/VOLUME | Y | | | | | | | |
| CONSUMPTIVE USE | - | | | | | | | |
| PURPOSES | Y | | | | | | | |
| PERIOD OF USE | Y | | | | | | | |
| BASIS OF CLAIM | Y | | | | | | | |
| REMARKS | Y | | | | | | | |

"VERIFIED BY" CODES

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

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

Water Right Number - A41-00001D

Prefix Translation: ADJUDICATION CLAIM

Old (0) Number -

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

*** C - CURRENT OWNER ***
CHARLES

VIVIAN

1 - P.O. BOX 234

2 -
3 -
City- ROCKLAND

State- ID Zip- 83271

Phone - 208-548-2660

CHARLES

IVAN

1 - P.O. BOX 234

2 -
3 -
City- ROCKLAND

State- ID Zip- 83271

Phone - 208-548-2660

*** O - ORIGINAL OWNER ***
HOUTZ

HENRY P.

1 -

2 -

3 -

City- 00000000000000

State- ID Zip- XXXXXXXXX

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1880 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
ROCK CREEK, SOUTH FORK ROCK CREEK+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot RFlg County
10S 30E 1 SE SE SE (77) POWER+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.800+ - - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.800 87.0+ - - - - - - - - - - - Place of Use - - - - - Description - - - - - County - - - - - +
Twn Rng Sec Tract Lot Acres Code
10S 30E 1 SE SE 18.0 01 IRRIGATION (77) POWER
10S 31E 6 SW SW 11.0 01 IRRIGATION (77) POWER
Total Acres: 29.0

+ - - Diversion Means - FROM CREEK TO MEASURING BOX, PUMP TO MAINLINE

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE; PUMP SHARED WITH A41-00001E

Prefix Translation: ADJUDICATION CLAIM

| | | | | | | | | |
|------------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| Court Report Filing | - | 00/00/0000 | Field Inspection Made | - | 00/00/0000 | Civil Case Number | - | 39576 |
| Objection Filed Date | - | 00/00/0000 | Field Inspection Flag | - | | Old Case Number | - | |
| Response Filed Date | - | 00/00/0000 | Verified Date | - | 00/00/0000 | Old Judicial District | - | |
| Claim Received Date | - | 03/14/1990 | 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 | - | S011541 | Federal/State Indicator | - | S |
| Claims Tape Error Flag | - | | POU Ownership Flag | - | Y | Presumption Flag | - | D |
| See Exempt Flag | - | | Name Connector | - | OR | | | |

LAST: CHARLES
ADDRESS: P.O. BOX 234
CITY: ROCKLAND
PHONE NUMBER: 208-548-2660

FIRST: VIVIAN
STATE: ID ZIP: 83271

OWNER CODE: C

LAST: HOUTZ
ADDRESS:
CITY: 0000000000000
PHONE NUMBER: 208-000-0000

FIRST: HENRY P.
STATE: ID ZIP: XXXXXXXX

OWNER CODE: O

LAST: CHARLES
ADDRESS: P.O. BOX 234
CITY: ROCKLAND
PHONE NUMBER: 208-548-2660

FIRST: IVAN
STATE: ID ZIP: 83271

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y
FIELD
EXAMINER

CLAIM 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.
CLAIMANT FEELS THAT THE .80 CFS FOR FULL IRRIGATION SEASON.
THE ORIGINAL P/D WAS WIPE OUT IN 1968. THE PUMP REPLACED THE
OLD GRAVITY DIVERSION WHICH WAS LOCATED IN SECTION 7.

FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A41-00001D

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: # A41-00001D PRIORITY DATE: 04-01-1880 STAGE: D

B. WR RECORD: # 41-00001D PRIORITY DATE: 04-01-1880 STAGE: D

C. FIELD EXAM REQUIRED?

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

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

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
04-01-1880

=====

REVIEWED BY _____ DATE _____

=====

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|------------|------|------|------|-----|-----|-----|-----|-------|
| A41-00001D | 10S | 30E | 1 | SE | SE | SE | | POWER |

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
NONE NONE

SOURCE: ROCK CREEK, SOUTH FORK

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------|------|------|------|-----|-----|-----|-----|-------|
| 41-00001D | 10S | 30E | 1 | SE | SE | SE | | POWER |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
41-00001B A41-00001B NONE

SOURCE: ROCK CREEK, SOUTH FORK

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. | 1/4 | 1/4 | | |

| | | | | |
|--------------------------------|-----|------------------|-----|-----|
| --- | --- | --- | --- | --- |
| --- | --- | --- | --- | --- |
| SOURCE: ROCK CREEK, SOUTH FORK | | TRIB: ROCK CREEK | | |

REVIEWED BY: _____ DATE: _____

A. ROOT WATER RIGHT NUMBERS:

A41-00001B
A41-00001D

A41-00001E

A41-00001F

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------|-----|-----|-----|-----|-----|--------------------------------|------------------|---------------|-----------------|----------------|------------------|
| 10S | 30E | 1 | SE | SE | | CHARLES, VIVIAN | A41-00001D /18.0 | 41-00001D / | | | 34.0 |
| | | | SE | SE | | UDY BROTHERS | A41-00001B / 6.0 | 41-00001B / | | | |
| | | | SE | SE | | HOULTZ, HENRY P. | | 41-00002 / | | | |
| 10S | 31E | 6 | SW | SW | 7 | CHARLES, VIVIAN | A41-00001D /11.0 | 41-00001D / | | | 21.0 |
| | | | SW | SW | | ROCKLAND WATER AND SEWER ASSOC | A41-04023 / | - | | | |
| | | | SW | SW | 7 | COX, THERA ALICE | A41-10108 / | / | | | |
| | | | SW | SW | 7 | HOULTZ, HENRY P. | | 41-00001E / | | | |
| | | | SW | SW | 7 | HOULTZ, HENRY P. | | 41-00002 / | | | |
| | | | SW | SW | 7 | WOOD, HEBER C. | | 41-00024 / | | | |
| TOTAL ACRES | | | | | | A41-00001D | 29.00 | | | | 55.00 |

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
Y FIELD
EXAMINER

PRESUMPTION FLAG: D

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

A. AJ CLAIMED USES:

PURPOSES
A41-00001D IRRIGATIONMONTH/DAY
FROM 03-15 TO 11-15DIVERSION QUANTITY
.800 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.800 CFS

B. WR RECORDED USES:

PURPOSES
41-00001D IRRIGATION
41-00001D IRRIGATIONMONTH/DAY
FROM 03-15 TO 06-15
FROM 06-16 TO 11-15DIVERSION QUANTITY
.800 CFS
.420 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.800 CFS

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

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

AJ TOTAL CLAIMED DIVERSION RATE: 0.800 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 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) N

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: NONE; PUMP SHARED WITH A41-00001E

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|------------------------|-----------------|-----------|----------------|-----------|----------------|
| A41-00001D | ROCK CREEK, SOUTH FORK | CHARLES, VIVIAN | 0.800 | 0.027 | | |
| A41-00001B | ROCK CREEK, SOUTH FORK | UDY BROTHERS | 0.400 | 0.015 | | |

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

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|-----------|--------------------------------|---------------------|----------|--------|
| A41-04023 | MUNICIPAL | ROCKLAND WATER AND SEWER ASSOC | FROM 01-01 TO 12-31 | .670 CFS | |
| A41-10108 | DOMESTIC | COX, THERA ALICE | 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 = 87.0 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.)

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 41-00001

TOTAL DIVERSION RATE OF WR SPLITS DATABASE EXAMINER CFS
3.400

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| A41-00001B | A41-00001B | 0.400 | - | - | 41-00001B | 0.400 |
| - | A41-00001D | 0.800 | - | - | 41-00001D | 0.800 |
| - | A41-00001E | 1.500 | - | - | 41-00001E | 1.500 |
| A41-00001F | A41-00001F | 0.700 | - | - | 41-00001F | 0.700 |
| - | - | - | - | - | 41-00001 | - |
| - | - | - | - | - | 41-00001A | - |
| - | - | - | - | - | 41-00001C | - |
| TOTAL CFS | | 3.400 | | | | 3.400 |

DIVERSION RATE REVIEW

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

DATABASE FIELD
N EXAMINER

REMARKS:

=====

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

=====

Water Right Number - 41-00001D

Prefix Translation:

WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
CHARLES

IVAN

1 - 756 FALLS AVE.
2 -
3 -

City- AMERICAN FALLS

State- ID Zip- 83211

*** O - ORIGINAL OWNER ***
HOUTZ

HENRY P.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - +
04/01/1880+ - - - Region - - - +
17 SOUTHERN+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - +

+ - - - - Source - - - - +
ROCK CREEK, SOUTH FORK+ - - - - Tributary - - - - +
ROCK CREEK+ - - - - Point of Diversion - - - - +
Stream Index (Blank if no Index Code)

10S 30E 1 SE SE (77) POWER

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

01 - IRRIGATION 03/15 06/15 0.800
01 - IRRIGATION 06/16 11/15 0.420+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.800+ - - - - Place of Use - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
10S 30E 1 SE SE 01 IRRIGATION (77) POWER
10S 31E 6 SW SW 7 01 IRRIGATION (77) POWER

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - +
P/U INCOMPLETE. SEE FILE.
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 - 41-00001D

Prefix Translation: WATER RIGHT

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

+ - - - - - 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

+ - - - - - -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 | - 41 |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - P |
| Decree Date | - 06/06/1903 | Presumption Flag | - | | |

DATE: 06/11/99
PAGE: 2

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

WR5809NP
No. 41-00001D

| | | | | | | |
|------------------|---|------------------|------------|----------------------------|------------------------|---------------------|
| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
| C | IVAN CHARLES
756 FALLS AVE.
AMERICAN FALLS ID 83211 | 04/01/1880 | IRRIGATION | 03/15 06/15
06/16 11/15 | 0.800 CFS
0.420 CFS | |
| TOTAL DIVERSION: | | | | | 0.800 CFS | |

Water Source: ROCK CREEK, SOUTH FORK Tributary to: ROCK CREEK Stage: DECREEED
Point(s) of Diversion: T10S R30E S01 SESE POWER County

Place of use Legal Description for: IRRIGATION

| | | | | | | | |
|------|------|------|------|------|------|------|------|
| NE | | NW | | SW | | SE | |
| NENE | NWNE | SENE | SENE | SENE | SENE | SENE | SENE |
| T | R | S | Lt | Ac | Lt | Ac | Lt |
| 10S | 30E | 1 | : | : | : | : | : |
| 10S | 31E | 6 | : | : | : | : | : |

Pou County: POWER

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
41-00001B

Other Water Rights Listing Overlapping Place(s) of use:
41-00001B 41-00001E 41-00002 41-00024

Remarks: GEN P/U INCOMPLETE. SEE FILE.
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.

Dates: App. Received: Priority Date: 04/01/1880
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 41 Field Exam Fee:

Audit: 01/27/87 05/28/88 CONVERT