

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: A41-00001E
Date Received: 3/06/1990
Receipt No: 5011591
Received By: APL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IVAN CHARLES 208-548-2660
Address: P.O. BOX 234
ROCKLAND, ID 83271
OR
Name: VIVIAN CHARLES 208-548-2660
Address: P.O. BOX 234
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	31E	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	06/15	1.500		
IRRIGATION	06/16	11/15	0.600		

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

8. Total consumptive use is 180.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A41-00001E

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	12	NE	NE		IRR	1.0
						Section Acres	1.0
	31E	7	NE	NW		IRR	27.0
			NW	NW	1	IRR	11.0
			SE	NW		IRR	21.0
						Section Acres	59.0
						Total Acres	60.0

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; A41-00001D SHARE SAME PUMP

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 FELT TO REFLECT CORRECTLY MEADOW WATER IS .90 CFS AND FULLTIME WATER IS .60 CFS THE P/D WAS PUT IN IN 1968 AFTER A FLOOD WIPED OUT THE ORIGINAL FLOOD DAM WHICH WAS LOCATED IN SECTION 7.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

HOUTZ

Decree Plaintiff

vs

ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: 1 *h 2/0*

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): *Joan Charles* Date: *3-14-90*

Date: _____

State of Idaho *Twila Falls*)
County of *Power*) SS.

Subscribed and sworn (or affirmed) before me this *14th* day

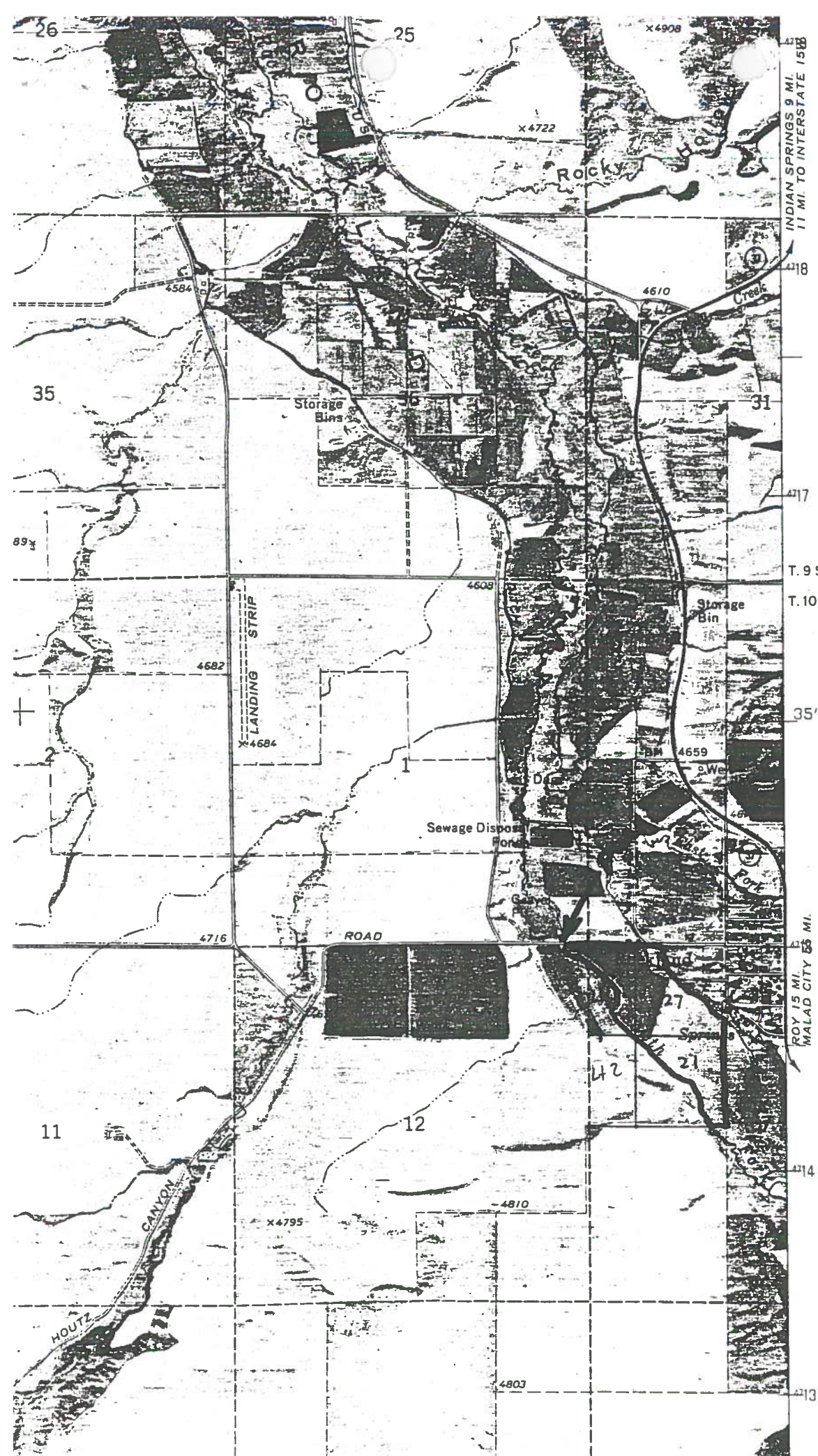
of *March* 19 *90*

[Signature]
Notary Public

Seal

Residing at *Kimberly, ID.*

My Commission Expires *6/30/92*



T9S
T10S

MICROFILMED

MAR 01 1993

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 41-00001D

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



8/2/2000 10:55 PM

NAME :

RE:

VIVIAN CHARLES

CALLIN

PARTIAL DECREE

She called to tell me she just received the partial decree for her right 41-00001D... this right has an Objection filed against it by them. I checked the IWTRS and found the same info there... I suggested she call the court and tell them and ask what to do. My guess is the court will have you write a letter to Alter or Amend the Partial Decree.

08/28/2001

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

RIGHT NUMBER: 41-00001E

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

SOURCE: ROCK CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.9 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 06-15	0.90 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 45.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 41-00001D 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
Bozeman, Montana

RECEIVED

DEC 27 1999

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

Case No. 39576

A. Subcase 41-00001E

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: IVAN & VIVIAN CHARLES

Address: P.O. Box 234

Rockland, IDAHO 83271

Daytime Phone: (208) 548-2460

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: _____
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):

Our amount of water is 2.3 cfs or 115" - 70" full time water 1.4 cfs & 45" meadow right - 0.9 cfs Our 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 41-000 splits.

F.

VERIFICATION (Must be Completed)

State of IDAHO)
County of POWER)ss.

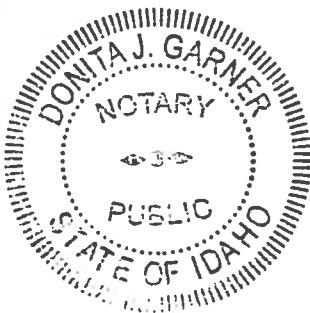
VIVIAN CHARLES, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Vivian Charles
(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 American Falls ID
Residing at: American Falls ID
My Commission Expires: 9-14-2004

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

RECEIVED

RECEIVED

DEC 20 1999

DEC 30 1999

Department of Water Resources

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

Case No. 39576

A. Subcase 41-00001E

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: see below
Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

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

Name: Ivan & Vivian Charles
Address: P.O. Box 234, Rockland, ID. 83271
Name:
Address: ,
Name:
Address: ,
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: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: See attached _____
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):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant does not have a POD at the location recommended. Claimant's water right should not include this POD. Perhaps there is a typographical error in POD as related rights define the POD in R30E instead of R31E.

VERIFICATION (Must be Completed)

Fredric W. Price, Water Rights Specialist, 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 of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 16, 1999

Jean Earl

Jean Earl

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 08-01-2002

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.

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Twin Falls, ID 83303-2707

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

Name:
Address: ,

Name:
Address: ,

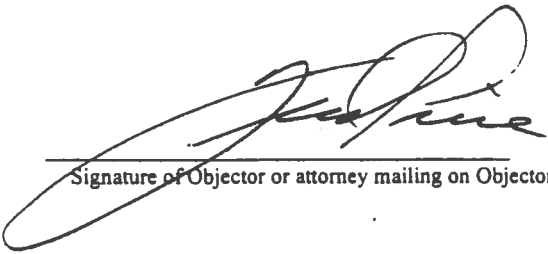
Name:
Address: ,

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

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



Signature of Objector or attorney mailing on Objector's behalf

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-23-1984
PAGE: 4-135

RIGHTS FROM: SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

RIGHT NUMBER: 41-00001E

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

SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

QUANTITY: 0.9 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 R31E S01

SHOULD POD BE IN R30E WHERE THE POW IS?

SESESE BLM

Within POWER County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATIONPERIOD OF USE
03-15 06-15QUANTITY
0.9 CFS

PLACE OF USE:

IRRIGATION

Within POWER County

T10S R30E S01

SESE 18 PVT

S12

NENE 1 PVT

R31E S06

Lot 7

(SWSW) 11 PVT

S07

NENW 19 PVT

Lot 1

(NWNW) 11 PVT

SENE 21 PVT

81 ACRES TOTAL

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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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

41-00001D DESCRIBES
THE POD IN R30E.

AJ5856NP

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

DATE: 1977-12-13
PAGE: 4-136

RIGHTS FROM: SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

RIGHT NUMBER: 41-00001E (CONT)

EXPLANATORY MATERIAL: (CONT)

RECEIVED

DEC 20 1999

RECEIVED

DEC 30 1999

Department of Water Resources

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

Case No. 39576

A. Subcase 41-00001E

(Insert water right number)

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Name:

Address: ,

Name:

Address: ,

Name:

Address: ,

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F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Fredric W. Price, Water Rights Specialist, 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

Fredric W. Price
(Signature of person filing objection)

Larry C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 16, 1999

Jean Earl

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 08-01-2002

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Name: Ivan & Vivian Charles
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Name:

Address:

Name:

Address:

Name:

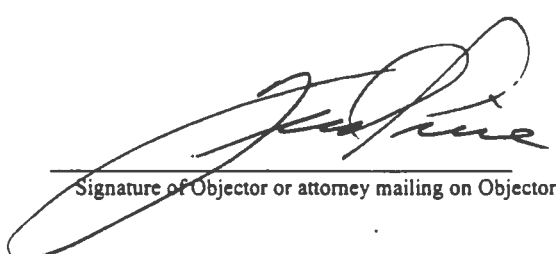
Address:

3. Copies to:

IDWR Document Depository
PO Box 83720
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United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



Signature of Objector or attorney mailing on Objector's behalf

AJ5856N2

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: 1987-12-19
PAGE: 1-135-----
RIGHTS FROM: SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

RIGHT NUMBER: 41-00001E

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

SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

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PRIORITY DATE: 04/01/1880

POINT OF DIVERSION: T10S R31E S01

← SHOULD POD BE IN R30E WHERE THE POW IS?

SESESE BLM

Within POWER County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATIONPERIOD OF USE
03-15 06-15QUANTITY
0.9 CFS

PLACE OF USE:

IRRIGATION

Within POWER County

T10S R30E S01

SESE 18 PVT

S12

NENE 1 PVT

R31E S06

Lot 7 (SWSW) 11 PVT

S07

NENW 19 PVT Lot 1 (NWNW) 11 PVT

SENE 21 PVT

81 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

41-00001D DESCRIBES
THE POD IN R30E.

AJ5855NP

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

DATE: 11-13-1981
PAGE: 4-134

RIGHTS FROM: SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

RIGHT NUMBER: 41-00001E (CONT)

EXPLANATORY MATERIAL: (CONT)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 11/20/00

TO: Steve Clelland

FROM: Vicki

DOCUMENT DESCRIPTION: Stip in 41-00001E
Yes, Fran's Vivian had a problem in figuring out
where to sign!

COVER SHEET + 6 PAGES

CONTACT: 327-5450 IF YOU DO NOT RECEIVE ALL THE PAGES.

THANK YOU!

Hi Steve: We got this from BUL. Rox is reviewing
it here. Nick wanted you to peek at it also.
If you see any problems, let me know please.

Thanks! V

Names of Parties Filing Document:

UNITED STATES OF AMERICA

IVAN CHARLES
VIVIAN CHARLES**Attorneys' Names and Addresses:**LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural
Resources DivisionLARRY A. BROWN
Special Attorney, U.S. Dept. of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
Ph.: (208) 331-5941 FAX: (208) 387-0842**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.41-00001E
)
)

Case No. 39576

) **STIPULATION TO RESOLVE**
) **OBJECTION AND JOINT MOTION**
) **TO DISMISS THE UNITED STATES**
) **AS A PARTY**
)

The United States of America and Ivan and Vivian Charles (hereinafter "Claimant"),
agree and stipulate to resolve the United States Department of the Interior, Bureau of Land
Management (hereinafter "BLM") objection filed in the above-captioned Subcase as follows:

STIPULATION

1. The parties agree and stipulate that the point of diversion described in the Director's Report recommendation for water right claim number 41-00001E filed by Claimant is incorrectly described as T.01S., R.31E., Section 01, SESESE. The parties agree and stipulate that the point of diversion shall be described as **T.01S., R.30E., Section 01, SESESE** in any amended Director's Report recommendation, partial decree, or final decree for the above-captioned Subcase.

2. This stipulation has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation. The parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest. This stipulation does not create a precedent for settlement of any other disputes or objections.

3. All parties agree to bear their own costs and attorney fees.

MOTION

The parties respectfully move this Court for an Order withdrawing BLM's objection to water right claim number 41-00001E and dismissing, without prejudice, the United States as a party to the above-captioned Subcase. In support of this motion, the parties incorporate by this reference the above-recited Stipulation. The stipulation resolves BLM's objection to water right

//

//

//

//

//

claim number 41-00001E filed by Claimant and eliminates the need for the United States to participate as a party to the Subcase. A proposed Order is filed herewith.

Respectfully submitted:

~~CONCURRENCE:~~
~~IVAN CHARLES~~ IDWR
~~VIVIAN CHARLES~~

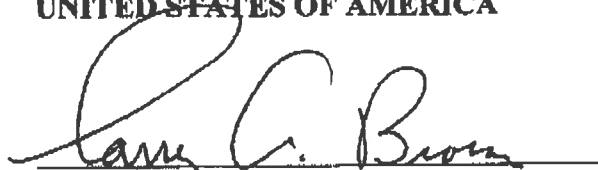
~~IVAN CHARLES~~

DATED: _____

~~VIVIAN CHARLES~~

DATED: _____

OBJECTOR:
UNITED STATES OF AMERICA


LARRY A. BROWN
Of Attorneys for the United States

DATED: 11/3/00

~~CONCURRENCE:~~ CLAIMANT:
~~IDAHO DEPARTMENT OF WATER RESOURCES~~



DATED: 11-10-2000



DATED: 11-10-2000

CERTIFICATE OF SERVICE

I certify that on _____, 2000, I served a true and correct copy of foregoing **STIPULATION TO RESOLVE OBJECTION AND JOINT MOTION TO DISMISS THE UNITED STATES AS A PARTY TO SUBCASE 41-00001E** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

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

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

Signature of Person Mailing Document

**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. 41-00001E

Case No. 39576

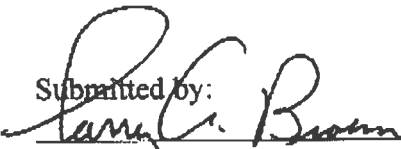
)
) **ORDER WITHDRAWING UNITED**
) **STATES' OBJECTION and**
) **DISMISSING UNITED STATES AS A**
) **PARTY TO SUBCASE**

Based upon a stipulation resolving the United States Department of the Interior, Bureau of Land Management (hereinafter "BLM") objection, the United States of America and Ivan and Vivian Charles filed a joint motion to withdraw BLM's objections to water right claim number 41-00001E and dismiss the United States as a party, without prejudice, to the above-captioned Subcase.

Based upon the record herein, IT IS ORDERED that BLM's objection to water right claim number 41-00001E is withdrawn. IT IS FURTHER ORDERED that the United States is dismissed as a party, without prejudice, to the above-captioned Subcase.

DATED this _____ day of _____, 2000.

Submitted by:


Larry A. Brown
Of Attorneys for the United States

TERRENCE A. DOLAN, Special Master

Approved as to Form:


Ivan Charles


Vivian Charles

CERTIFICATE OF SERVICE

I certify that on _____, 2000, I served a true and correct copy of foregoing **ORDER WITHDRAWING UNITED STATES' OBJECTION and DISMISSING UNITED STATES AS A PARTY TO SUBCASE** upon the following individuals by placing the document in the United States Mail in Twin Falls, Idaho, postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

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

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

Deputy Clerk

DATE: 10/27/99
PAGE: 1

Stage: DECREASED

POWER County

NE.

TOTAL ACRES

Other Rights: 41-00001D

IRRIGATION SEASON.

Objection Filed Date:

Field Inspection Flag: D
Presumption Flag: D

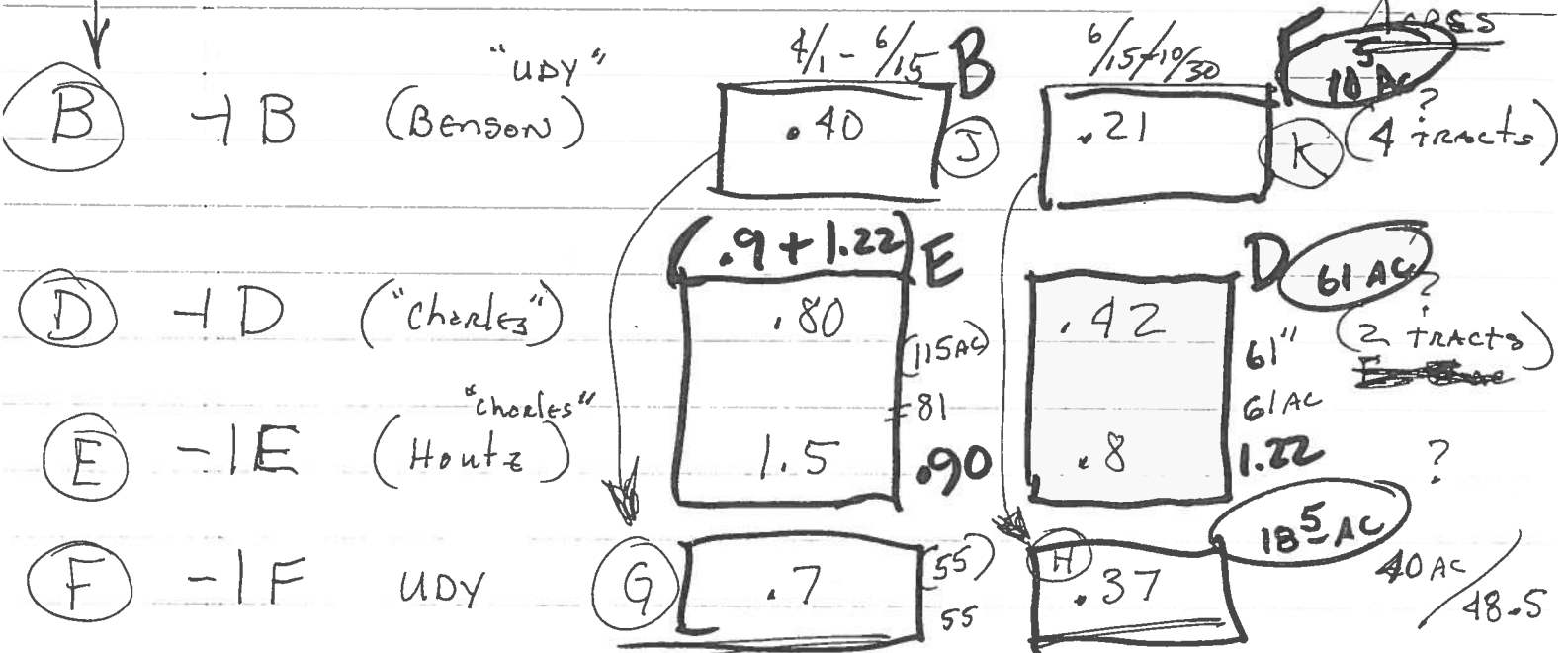
Revision of Split Review

10/27/99
BCC

41-00001

A's claim
Reference

WR RECORD



Same as Decree

3.4 cts

1.8 fs

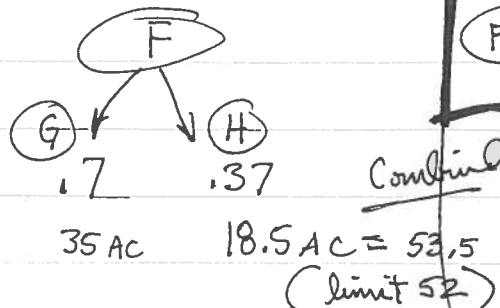
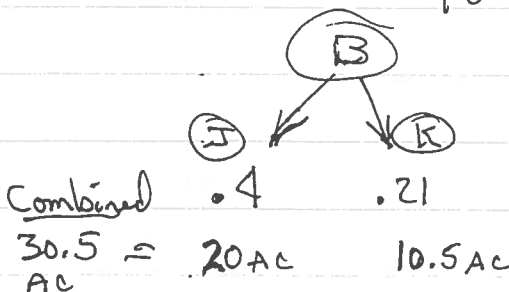
(90 + 80 AC)

(90 AC)
after 6/15

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 - 41-00001E

Prefix Translation: WATER RIGHT

Old (D) Number -

*** C - CURRENT 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

+ - - Twn Rng Sec Tract Lot Rflg County Point of Diversion - - - + Diversion Name - - - + Diversion Rate - - - + Diversion No. - - - +
10S 31E 7 SE NW (77) POWER
NW SE (77) POWER

+ - - Code Description Period From Period To Water Use - - - + Diversion Rate - - - + Diversion Volume - - - +
01 - IRRIGATION 03/15 06/15 1.500
01 - IRRIGATION 06/16 11/15 0.800

+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - + - - Total Consumptive Use - + - - KW Usage - +
1.500 0.0

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

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -
+ - - Remarks -

GEN 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 - 41-00001E

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 - 02/02/87 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	-				

41-00001 SPLIT REVIEW:

10/27/99
see

(p. 1 of 2)

Claims: (^{4/1}~~5~~ - 6/5)

(6/5 - 10/31)

Acres

meadow

full

Charles

-1D

.80

.80

(29 Ac)

-1E

1.5

0.6

(60 Ac)

2.3 (.9 + 1.4)

1.4

UDY

1B

.4

.4

(32)

1F

.7

.7

(54)

3.4

2.5

175 Ac

DECREE

3.4

1.8

170 Ac

Ø1

(170")

(90")

Decree awarded 80" to 80 acres till 6/5,
and awarded 90" to 90 acres full season.

Both acreages were separate pou's.

- UDY Rights continue this practice; okay.
- Charles Rights have combined the rights together as one operation

Rec'd:

GIS Ac

Rec'd

Ac

SEE NEXT PAGE !!

-1D

.8

.8

29

-1E

1.5

.6

52

2.3 (115")

1.4 (n 70")

81 Ac

(70 Ac.)
Combined
Pou

-1B

.4

(20 Ac)

.4

(20")

30.6

-1F

.7

(35 Ac)

~~0~~

52

163.6 Ac.

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

Net Ac. = 81 + 20 + ~~35~~
? = 106 Ac

(p. 2 of 2)

41-00001 SPLIT REVIEW

10/27/99

scu

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")	4/1 to 10/31	(70 AC)	70 AC / 81 AC PPU

- 1 E	0.9 cfs (45")	4/1 to 6/15	(45 AC)	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 description 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

Sec

COPY

All Dates 1800

File: H2ORIGHTS SFORK
Report: DECREE NUMBER
DECREE NUMB DECREE OWNER

PRESENT OWNER

DELIVERY DITCH

INCHES

PRIORITY DAT COMMENTS

41-001 D+E	H.P. HOUTZ	CHARLES, IVAN	PRIVATE PUMP	70	1.4	Apr 1 80	EXCEPT JULY AND AUG.
41-001 B	H.P. HOUTZ	UDY BROS.	PRIVATE PUMP	20	0.4	Apr 1 80	EXCEPT JULY AND AUG.
41-001 D+E	H.P. HOUTZ	CHARLES, IVAN	MEADOW PUMP	45	0.9	Apr 1 80	TILL JUNE 15
41-001 F	H.P. HOUTZ	NELSON, CLIFFORD		35	0.7	Apr 1 80	TILL JUNE 15
41-003	ANDREW ALLEN	JUD RANCHES	TAYSON MEADOW	85		May 14 80	EXCEPT JULY AND AUG.
41-008	ANDREW ALLEN	JUD RANCHES	LANDING	15		May 14 80	EXCEPT JULY AND AUG.
41-004 A	S.N. MORRIS	ELAINE MITCHELL	LANDING	99.50"		May 17 80	EXCEPT JULY AND AUG.
41-004 C	S.N. MORRIS	STAN GROOM	LANDING DITCH	66.100"		May 17 80	TRANS. 3059
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 FUGESD	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, DRPIN	ADSHHEAD	8.89		Oct 1 89	
41-008	CHARLES TAYSON	TAYSON, DRPIN	ADSHHEAD	8.89		Oct 1 89	

why different dates
41-00050

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 until now he has in cultivation thereon about 100 acres; that said

4" pressure

4" pressure

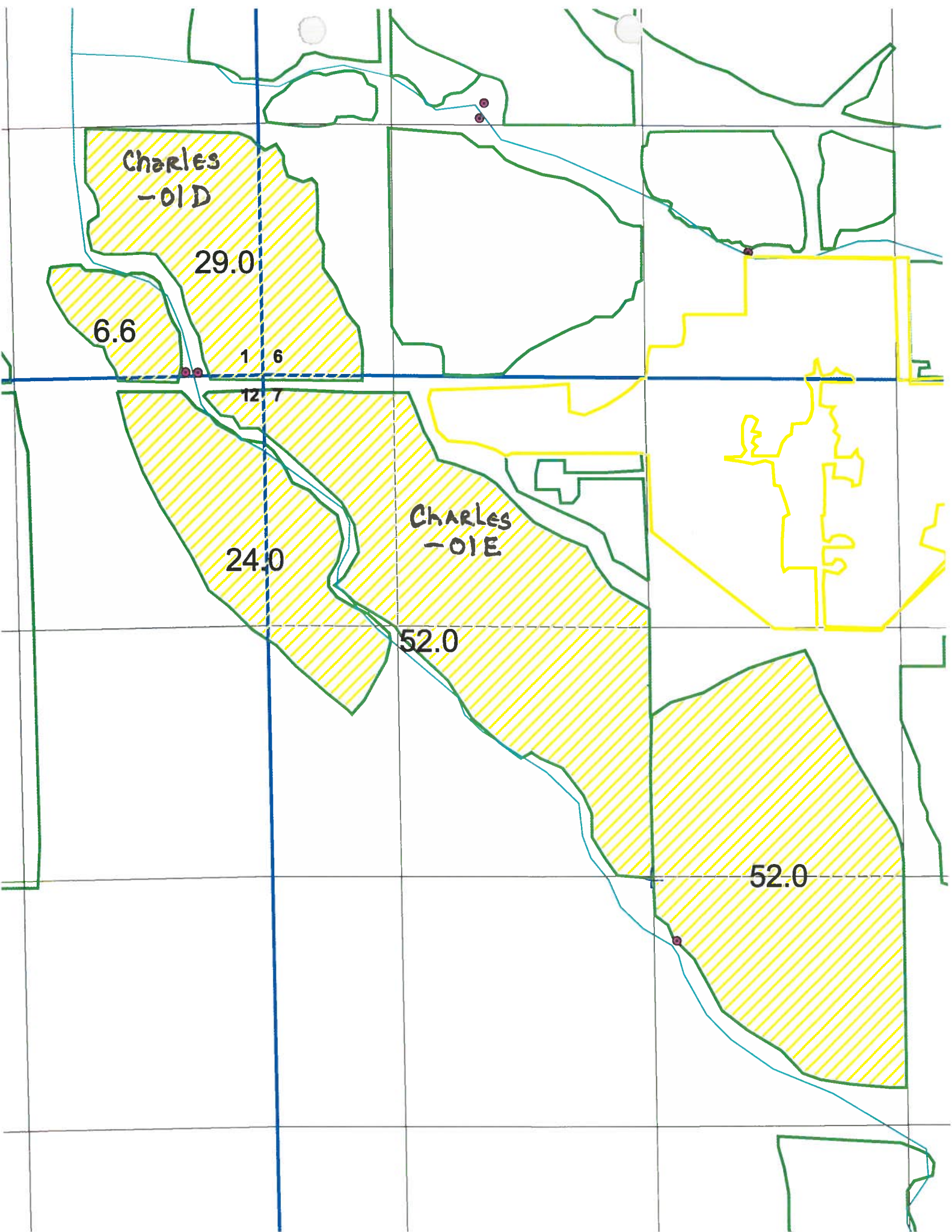
4" pressure

41-0001

41-0002

41-0003

5-14-83



MR5809NP
No. 41-00001E

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/11/99
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HENRY P. HOUTZ	04/01/1880	IRRIGATION	03/15 06/15	1.500 CFS	
			IRRIGATION	06/16 11/15	0.800 CFS	

TOTAL DIVERSION: 1.500 CFS

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

Point(s) of Diversion: T10S R31E S07 SENW NWSE POWER County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	: Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac
10S 30E 12	: I	:	:	:	:
10S 31E 6	:	:	:	:	:
10S 31E 7	:	: I 01-1	: I	:	: 07-1

Pou County: POWER

Other Water Rights With Same Point(s) of Diversion with Stage (Includes All Sources):
41-00001F 41-00032B

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

Remarks: GEN 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: 04/01/1880
Proof Due Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 41 Field Exam Fee:
Audit: 02/02/87 05/28/88 CONVERT

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: 41-00001E

IVAN CHARLES
VIVIAN 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):

The amount of water that you have for this piece of ground is incorrect according to everything that we have.

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

You have down 1.04 CFS. It should be 1.50 CFS which is 75". Then on the 15th June you have 0.6 it should be 0.90 CFS - 45". Then that leaves us 0.60 - 30".

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

V.C. BECAUSE ALL OF OUR RECORDS SHOW THIS.

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

DATE: _____ SIGNATURE: _____
Please print your name: _____

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

AJ0743NP
(00-124)

Water Right Number - R41-00001E Prefix Translation: RESEARCH Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CHARLES IVAN
1 - PO BOX 234
2 -
3 - State- ID Zip- 83271

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

*** O - ORIGINAL OWNER ***
HOUTZ HENRY P
1 -
2 -
3 - State- ID Zip- XXXXXX
City- 0000000000000000
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 - - - - - +
TwN Rng Sec Tract Lot Rflg County

10S 31E 1 SE SE SE (77) POWER

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume
Code 01 - IRRIGATION 03/15 06/15 1.040
01 - IRRIGATION 06/16 11/15 0.600

+ - - - - Total Div. Rate - - - + + - - - - Total Div. Volume - - - + + - - - - Total Consumptive Use - - - + + - - - - KW Usage - - - +
1.040 1.040 0.600 0.0

+ - - - - Place of Use Description County
TwN Rng Sec Tract Lot Acres Code (77) POWER
10S 30E 12 NE NE 1.0 01 IRRIGATION (77) POWER
10S 31E 7 NE NW 19.0 01 IRRIGATION (77) POWER
10S 31E 7 NW NW 11.0 01 IRRIGATION (77) POWER
10S 31E 7 SE NW 21.0 01 IRRIGATION (77) POWER

Total Acres: 52.0

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

CLAIM NUMBER

A41-00001E

DATE

5/27/99

TRANSFER NUMBER

AGENT

see

CLAIMED ACRE TOTAL

60

GIS ACRE TOTAL

52

	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	12	1															1
GIS				1															1
RECOM																			
CLAIM	10s	31E	7							(60+1)									
GIS								27	11		21								59
RECOM								19	11		21								51
CLAIM																			
GIS																			
RECOM																			

B41-POU.SHP

SHAPE NOS.

29

★ Limit to Decree Duty of 1"/Ac

52 Acres = 52 inches, 1.04 cts

B41-POD.SHP

NOS. DESCRIPTION

22

Pump: T10s, R30E, S1, SESESE

DBF TABLES UPDATED

B41-DBPOU.DBF

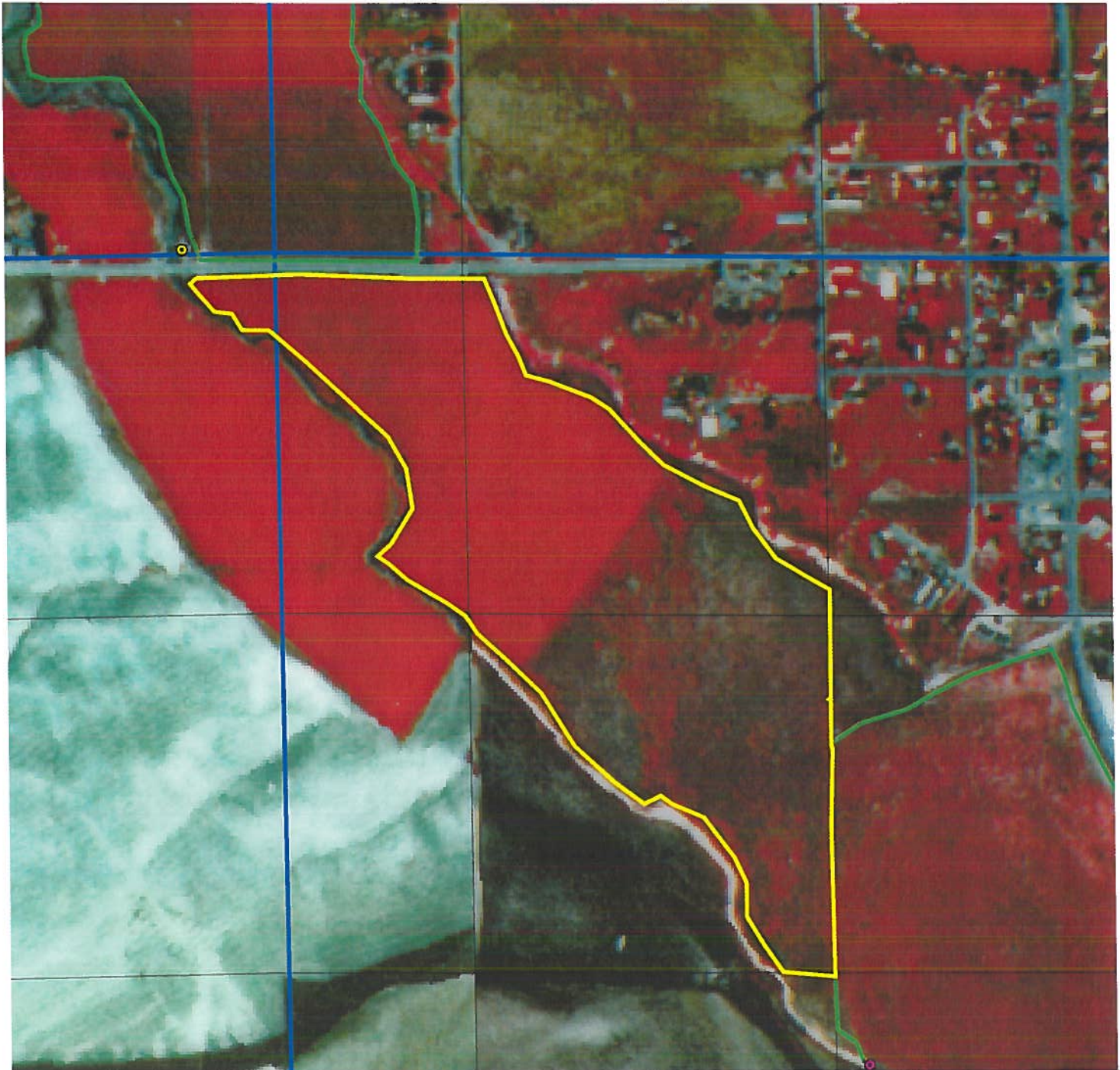
B41-DBPOD.DBF

JPEG LAYOUT

41-00001E.jpg

IDAHO DEPT OF WATER RESOURCES

41-00001E



660 0 660 1320 Feet

T10S R30E SEC. 12
T10S R31E SEC. 7



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

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

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

8-3-95

Field Notes

Sec

Charles Pump @ Rock Creek

BCW @ 14.0 cpm

= 1.33 cfs

w/ James Robinson

A41-00001 D

00001 E

Water Right Number - A41-00001E

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

+ - First Name - - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
CHARLES

IVAN

1 - P.O. BOX 234
2 -
3 -

City- ROCKLAND
Phone - 208-548-2660

State- ID Zip- 83271

CHARLES

VIVIAN

1 - P.O. BOX 234
2 -
3 -

City- ROCKLAND
Phone - 208-548-2660

State- ID Zip- 83271

*** O - ORIGINAL OWNER ***
HOUTZ

HENRY P.

1 -
2 -
3 -
City- 0000000000000000
Phone - 208-000-0000

State- ID Zip- XXXXXX

+ - - Priority Date - - +
04/01/1880

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

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

+ - - Tributary - - - - - +
ROCK CREEK

TwN	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)
10S	31E	1	SE SE SE			(777) POWER		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	06/15		1.500	
01 - IRRIGATION		06/16	11/15		0.600	

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +
1.500 180.0

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
10S	30E	12	NE NE		1.0		01	IRRIGATION	(777) POWER
10S	31E	7	NE NW		27.0		01	IRRIGATION	(777) POWER
10S	31E	7	NW NW	1	11.0		01	IRRIGATION	(777) POWER
10S	31E	7	SE NW		21.0		01	IRRIGATION	(777) POWER

Total Acres: 60.0

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

+ - - Non-Irrigation Use - NONE

Prefix Translation: ADJUDICATION 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 FELT TO REFLECT CORRECTLY MEADOW WATER IS .90 CFS
AND FULLTIME WATER IS .60 CFS
THE P/D WAS PUT IN IN 1968 AFTER A FLOOD WIPED OUT THE ORIGINAL
FLOOD DAM WHICH WAS LOCATED IN SECTION 7.

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

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

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

-----Comments-----
No Comments Found

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 35976
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 Flg	-	POU Ownership Flag	- Y	Presumption Flag	- D
Fee Exempt Flag	-	Name Connector	- OR		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:11:48
04/19/91

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A41-00001E

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	Y							
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-P4 = 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:11:48
04/19/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A41-00001E

LAST: HOUTZ
ADDRESS: 0000000000000000
CITY: 0000000000000000
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: XXXXXX
OWNER CODE: 0

LAST: CHARLES
ADDRESS: P.O. BOX 234
CITY: ROCKLAND
PHONE NUMBER: 208-548-2660
STATE: ID ZIP: 83271
OWNER CODE: C

LAST: CHARLES
ADDRESS: P.O. BOX 234
CITY: ROCKLAND
PHONE NUMBER: 208-548-2660
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 FELT TO REFLECT CORRECTLY MEADOW WATER IS .90 CFS
AND FULLTIME WATER IS .60 CFS
THE P/D WAS PUT IN IN 1968 AFTER A FLOOD WIPED OUT THE ORIGINAL
FLOOD DAM WHICH WAS LOCATED IN SECTION 7.

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: # A41-00001E PRIORITY DATE: 04-01-1880 STAGE: D
B. WR RECORD: # 41-00001E PRIORITY DATE: 04-01-1880 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:
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
A41-00001E	10S	31E	1	SE	SE	SE		POWER
OTHER AJ CLAIMS WITH SAME AJ POD								
A PREFIX				MR RECORDS IN SAME 40 ACRE TRACT				
NONE				NONE				

SOURCE: ROCK CREEK, SOUTH FORK TRIB: ROCK CREEK

B. MR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
41-00001E	10S	31E	7		SE	NW		POWER
41-00001E	10S	31E	7		NW	SE		POWER

OTHER MR RECORDS WITH SAME MR POD AJ CLAIMS IN SAME 40 ACRE TRACT

41-00001F A PREFIX R PREFIX

SOURCE: ROCK CREEK, SOUTH FORK TRIB: ROCK CREEK

C. FIELD EXAM REQUIRED?

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

REMARKS:

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

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	12	NE	NE		CHARLES, IVAN	A41-00001E / 1.0	41-00001E /			28.0
			NE	NE		UDY BROTHERS	A41-00001B / 11.0	41-00001B /			
			NE	NE		HOUTZ, HENRY P.		41-00002 /			
10S	31E	7	NE	NW		CHARLES, IVAN	A41-00001E / 27.0	41-00001E /			41.0
			NE	NW		CHARLES, IVAN	A41-00002A / 5.0	- /			
			NE	NW		CHARLES, IVAN	A41-10090 /	- /			
			NE	NW		ROCKLAND WATER AND SEWER ASSOC	A41-04023 /	- /			
			NE	NW		CITY OF ROCKLAND	A41-00002B / 20.0	- /			
			NE	NW		CITY OF ROCKLAND	A41-00025C / 20.0	- /			
			NE	NW		CITY OF ROCKLAND	A41-00032F / 20.0	- /			
			NE	NW		MOSS, NORMAN K.	A41-10140 /	- /			
			NE	NW		CHARLES, IVAN	R41-10090 /	- /			
			NE	NW		HOUTZ, HENRY P.		41-00002 /			
10S	31E	7	NW	NW	1	CHARLES, IVAN	A41-00001E / 11.0	41-00001E /			21.0
			NW	NW	1	UDY BROTHERS	A41-00001B / 9.0	41-00001B /			
			NW	NW	1	HOUTZ, HENRY P.		41-00002 /			
10S	31E	7	SE	NW		CHARLES, IVAN	A41-00001E / 21.0	41-00001E /			31.0
			SE	NW		HOUTZ, HENRY P.		41-00002 /			
TOTAL ACRES						A41-00001E	60.00				121.00

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	MONTH/DAY	DIVERSION QUANTITY
A41-00001E IRRIGATION	FROM 03-15 TO 06-15	1.500 CFS
A41-00001E IRRIGATION	FROM 06-16 TO 11-15	.600 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.500 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
41-00001E IRRIGATION	FROM 03-15 TO 06-15	1.500 CFS
41-00001E IRRIGATION	FROM 06-16 TO 11-15	.800 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.500 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)	Y
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N

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: 1.500 CFS
MR ROOT RIGHT TOTAL DIVERSION RATE: 1.500 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; A41-00001D SHARE SAME PUMP

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A41-00001E	ROCK CREEK, SOUTH FORK	CHARLES, IVAN	1.500	0.025		
A41-00001B	ROCK CREEK, SOUTH FORK	UDY BROTHERS	0.400	0.015		
A41-00002B	ROCK CREEK, EAST FORK	CITY OF ROCKLAND	0.100	0.001		
A41-00025C	ROCK CREEK, EAST FORK	CITY OF ROCKLAND	0.400	0.004		
A41-00032F	ROCK CREEK, EAST FORK	CITY OF ROCKLAND	0.680	0.007		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A41-10090	STOCKWATER	CHARLES, IVAN	FROM 01-01 TO 12-31	.020 CFS	
A41-04023	MUNICIPAL	ROCKLAND WATER AND SEWER ASSOC	FROM 01-01 TO 12-31	.670 CFS	
A41-10140	DOMESTIC	MOSS, NORMAN K.	FROM 01-01 TO 12-31	.040 CFS	
R41-10090	STOCKWATER	CHARLES, IVAN	FROM 01-01 TO 12-31	.020 CFS	

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 = 180.0 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	03-15 06-15	1.500		
IRRIGATION	06-16 11-15	0.600		180.0
TOTAL FOR THIS RIGHT		1.500		

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: 41-00001
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
3.400

EXAMINER

CFS

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
-	-	-	-	-	41-00001A	-
-	-	-	-	-	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)
If NO, is the written review sheet attached? (Y/N)

DATABASE N
FIELD EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

Water Right Number - 41-00001E

Prefix Translation:

WATER RIGHT

Old (D) Number -

Last Name -

First Name -

Address -

*** C - CURRENT 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

Trm	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)
10S	31E	7	SE NW			(77) POWER		
10S	31E	7	NW SE			(77) POWER		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	06/15		1.500	
01 - IRRIGATION		06/16	11/15		0.800	

Total Div. Rate - 1.500

Total Div. Volume -

Total Div. Capacity -

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

- - - Diversion Means -

- - - 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.

WATER RIGHT

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

Decree Defendant - - - +
ET AL.

- - Comments - -
No Comments Found

CONVERT

Water Rights Dates and Flags Area

Field Exam Made	-	00/00/0000
Protested Date	-	00/00/0000
Hearing Date	-	00/00/0000
Verified Date	-	00/00/0000
Receipt Number	-	
Appl Received	-	00/00/0000
Presumption Flag	-	

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