

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: **A41-00015**
Date Received: 7/23/1999
Receipt No: S022388
Received By: See

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROSCOE KRESS AND SONS LTD 208-548-2257
Address: 5187 S ROCKLAND HWY
ROCKLAND ID 83271

Name: UDY BROTHERS PARTNERSHIP 208-226-7857
Address: 5111 S HWY 37
ROCKLAND ID 83271
2. Date of Priority: MAY 1, 1883
3. Source: SPRING Trib. to: ROCK CREEK, SOUTH FORK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 11S | 31E | 22 | NE | SW | SW | | POWER |
| | | | | SW | SE | | POWER |
| | | 27 | | NE | NE | | POWER |
5. Description of diverting works:
RESERVOIR, PUMP SPRINKLERS -- OPEN DITCHES
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|-------------------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 1.700 | | |
| IRRIGATION STORAGE | 01/01 | 12/31 | | | 20.00 |
| IRRIGATION FROM STORAGE | 04/01 | 10/31 | | | 120.00 |
| STOCKWATER | 01/01 | 12/31 | 0.040 | | |
7. Total Quantity Appropriated is:
1.700 C.F.S. (and/or) 20.00 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	31E	22	SW	SW		IRR	15.0
			SE	SW		IRR	35.0
			SW	SE		IRR	35.0
						Section Acres	85.0
						Total Acres	85.0

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

14. Remarks:

RT. IS FOR ENTIRE FLOW OF SPRING, LOCATED IN NENE S27 T11S R31E.
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.
1919 DEED STATES OWNER HAS EXCLUSIVE USE OF ALL WATER ARISING
FROM SPRINGS ON PROPERTY

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date: / /

HOUTZ

Decree Plaintiff

ET AL.

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am partner of
Title
Ydy Bros, that I have signed the foregoing
Organization
document in the space below as partner of
Title
Ydy Bros and that the statements contained in the
Organization
foregoing document are true and correct.

M. Jerry Ydy
Signature of Authorized Agent

partner Ydy Bros
Title and Organization

July 23 1999
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of July 19 99
Seal

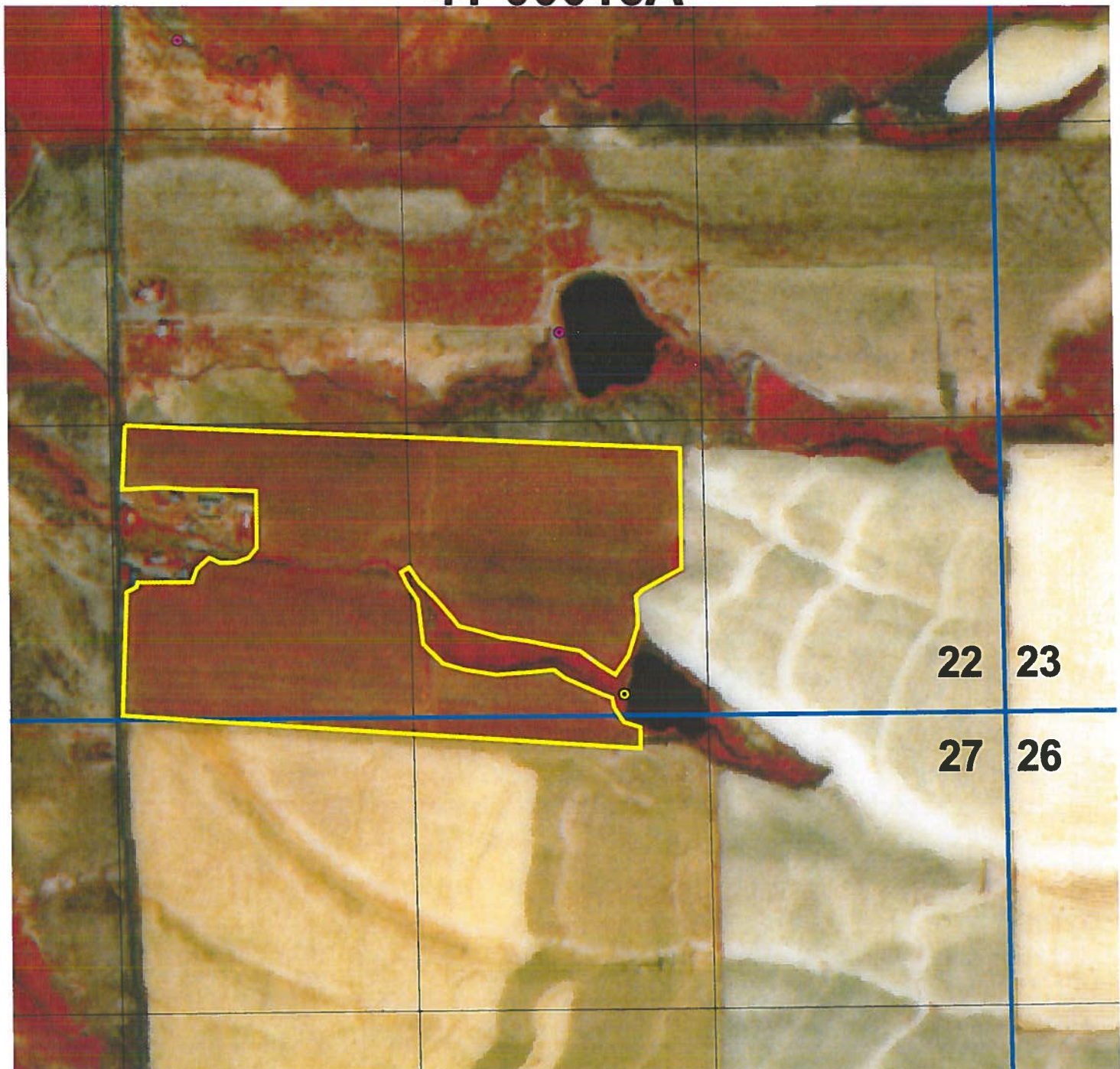
Steve Coll
Notary Public

Residing at Twin Falls ID

My Commission Expires 12/7/2000

IDAHO DEPT OF WATER RESOURCES

41-00015A



660 0 660 1320 Feet

T11S, R31E, SEC. 22



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

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY
*** REVISED ***
DATA ENTRY BY: STEVE CLELLAND
DATE: October 26, 1999

DATE: 10/26/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROSCOE KRESS AND SONS LTD 5187 S ROCKLAND HWY ROCKLAND ID 83271 (208) 548-2257	05/01/1883	IRRIGATION IRRIGATION STORAGE IRRIGATION FROM STORAGE STOCKWATER	04-01 10-31 01-01 10-31 04-01 10-31 01-01 12-31	1.260 CFS 0.040 CFS	20.00 AFA 120.00 AFA

Stage: DECREED

POWER County

Place of use Legal Description for: IRRIGATION

[illegible]

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Place of use Legal Description for: STOCKWATER

[illegible]

POU country: POWER

Other Rights: NONE

Conditions of Approval:

- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
N08 - THE QUANTITY OF WATER DECEDED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

Dates: Exam Made Date: 05/31/1995 Verified Date: 10/26/1999 Objection Filed Date:

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

IDAHO DEPT OF WATER RESOURCES

41-00015A



660 0 660 1320 Feet

T11S, R31E, SEC. 22



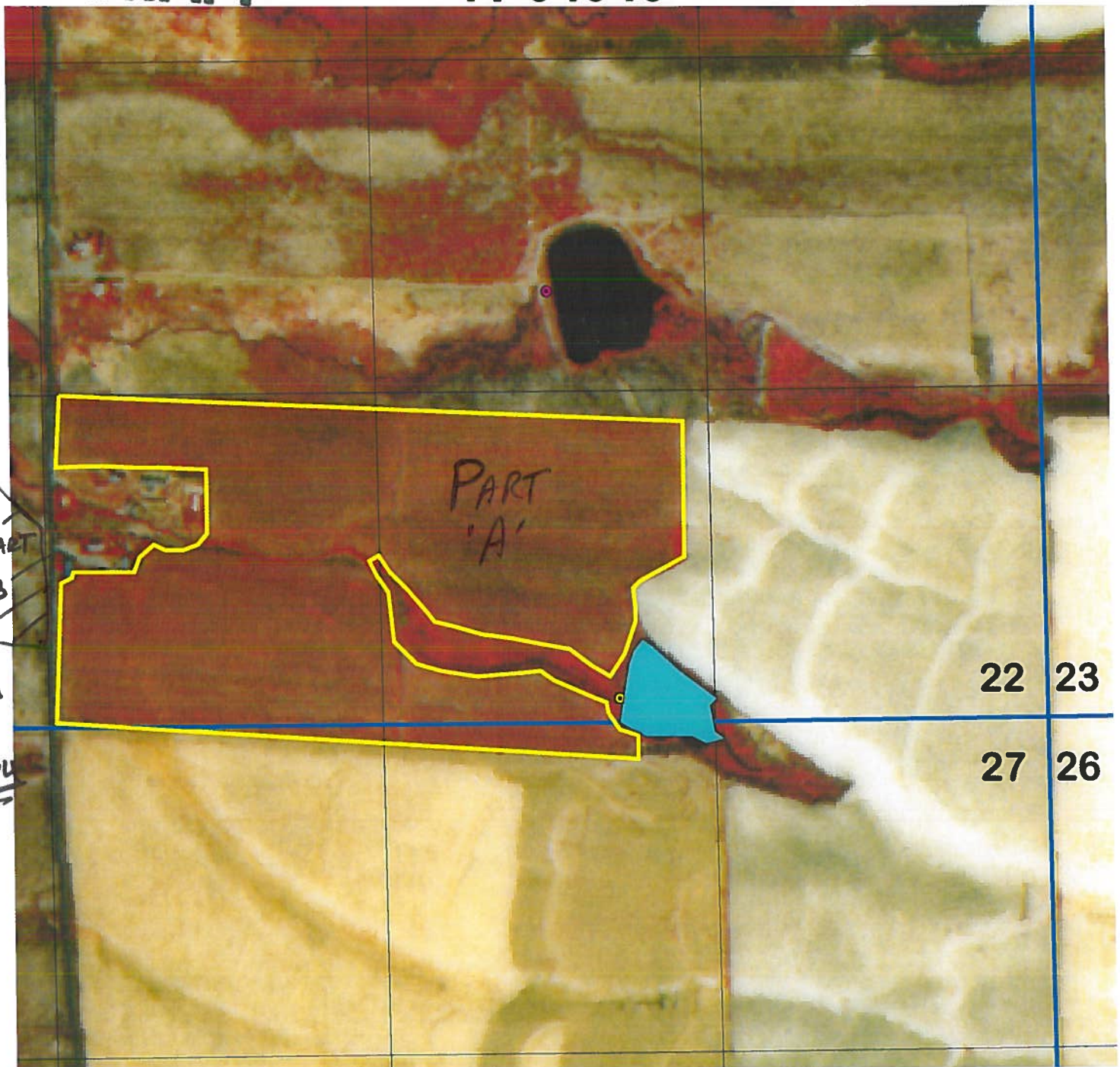
- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY
*** REVISED ***
DATA ENTRY BY: STEVE CLELLAND
DATE: October 26, 1999

IDAHO DEPT OF WATER RESOURCES

DRAFT

41-04040-4008



660 0 660 1320 Feet

A 41-00015 A KRESS

T11S R31E SEC. 22



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

DRAFT

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

DATA ENTRY BY: STEVE CLELLAND
DATE: June 1, 1999

A 41-00015 B UDY

CLAIM NUMBER A41-04008 DATE 6/1/99 TRANSFER NUMBER _____
 AGENT SW CLAIMED ACRE TOTAL 70
 GIS ACRE TOTAL 63

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	11S	31E	22																	
GIS														(15)	35			35		70
ECOM															33			30		63
															33			30		63
CLAIM	<DEGREE>																			
GIS	POU: 21																			
ECOM			22																	
X = 15 th Legal			27																	
CLAIM = 2 nd Legal			28																	
GIS																				
ECOM																				

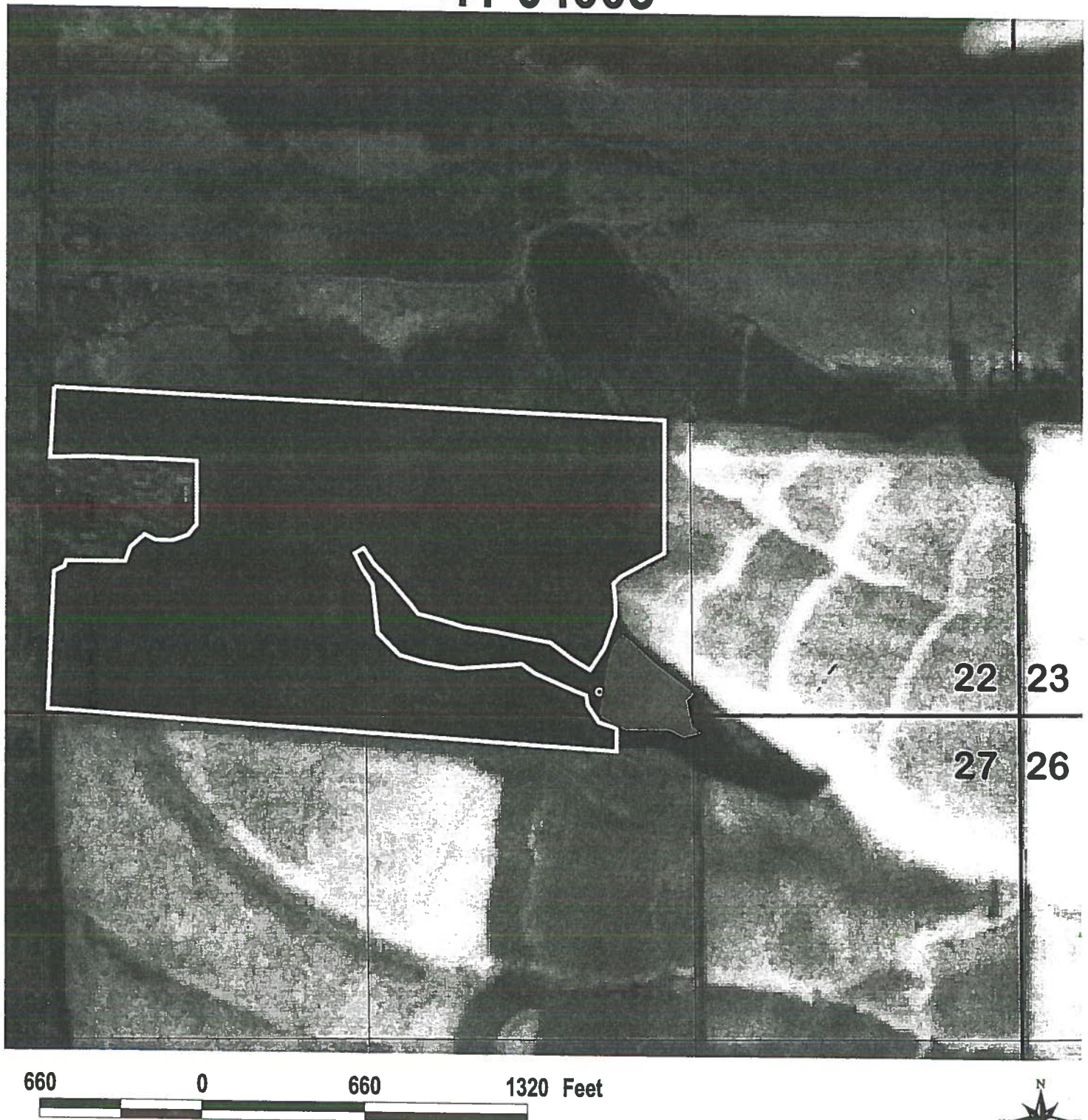
341-POU.SHP
 SHAPE NOS. 41
 341-POD.SHP
 POU DESCRIPTION
 Pond Size: 2.3 acres (surface area)
 - to meet the claimed AF pond would be 8.6 ft deep and this is acceptable & reasonable.
 Allow 20 AF STORAGE.
 Volume? Capacity

POD Dam:
 T11S, R31E, S22, SE SW SE

BF TABLES UPDATED
 41-DBPOU.DBF
 41-DBPOD.DBF
 LEG LAYOUT
 41-04008.jpg
 41-00015
 Revised & Resubmitted 10/26/99 SW
 41-00015B.jpg

IDAHO DEPT OF WATER RESOURCES

41-04008



RECOMMENDED PLACE OF USE

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

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

DATA ENTRY BY: STEVE CLELLAND
DATE: June 1, 1999

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: A41-04008
DATE: 6-1-99
BY: SCW

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) (\dots 30.4p \dots) (0.70)}{[(\dots \emptyset \dots) + (\dots 50 \dots \times 2.31)]} = \underline{1.6 \text{ cfs}}$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner ()	owner ()	
area estimate (X)	estimate (X)	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	<u>30 HP - from owner in claim</u>
Booster (Y) (N)		

REMARKS

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	CV-DV	
5/01-09/30	153	2-3	
4/15-10/15	184	2.5-3.5	POTENTIAL = $(\dots) \times (1.98) \times (\dots)$
4/01-10/31	214	3-4	
3/01-11/30	275	VARIES	
3/15-11/15	246	VARIES	

POTENTIAL = _____

REQUIRED Acre Feet/Acre/Annum = _____
(AF/Ann/Ac irrigation requirement from chart for area)

NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

— should be capable of supply of claimed amount.

$$63 \text{ Ac.} \times 0.02 \text{ cfs} = \underline{1.26 \text{ cfs}}$$



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

~~KEITH HIGGINSON~~

Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

February 10, 1995

Dear Wateruser:

In response to the Bench Ditch Irrigation Company's letter to IDWR dated January 25, 1995, this letter is being sent to all waterusers of record in the Basin 41 Water District.

As you may know, the arbitration for delivery of water that has operated in the Rockland valley for over 100 years has been very effective in allowing the delivery of water rights by the local watermaster. The box method described in the arbitration has worked to divide the waters fairly, but recent studies of the boxes have determined the actual flow rates that have been delivered for years are different than the rates listed in the arbitration. This is largely due to the fact that the box method, as applied in the valley, is not a standard measuring device.

It is IDWR's position that:

Rights recommended in the ongoing Snake River Basin Adjudication, will be based on the historical beneficial use and historical diversion rate represented by use of the box method.

Conversion to an approved, standard measuring device is encouraged but should not result in a increase in the amount of water diverted. IDWR requests, before any old diversion structure is removed or destroyed, to view and measure the historical diversion rate as delivered by the box described in the arbitration.

Any change in measuring devices or structures that results in an increase of diversion rates above the historical beneficial use will result in injury to junior right holders within the Rock Creek system.

We look forward to working with all waterusers in the district. SRBA examinations will resume in the spring of 1995 and IDWR will measure and evaluate all of the structures diverting from Rock Creek and the East Fork of Rock Creek. If you have questions please contact me at my office in Twin Falls.

Sincerely,

STEVE CLELLAND
Water Resource Agent

~~A41-04008~~
A41-00015

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Z

23

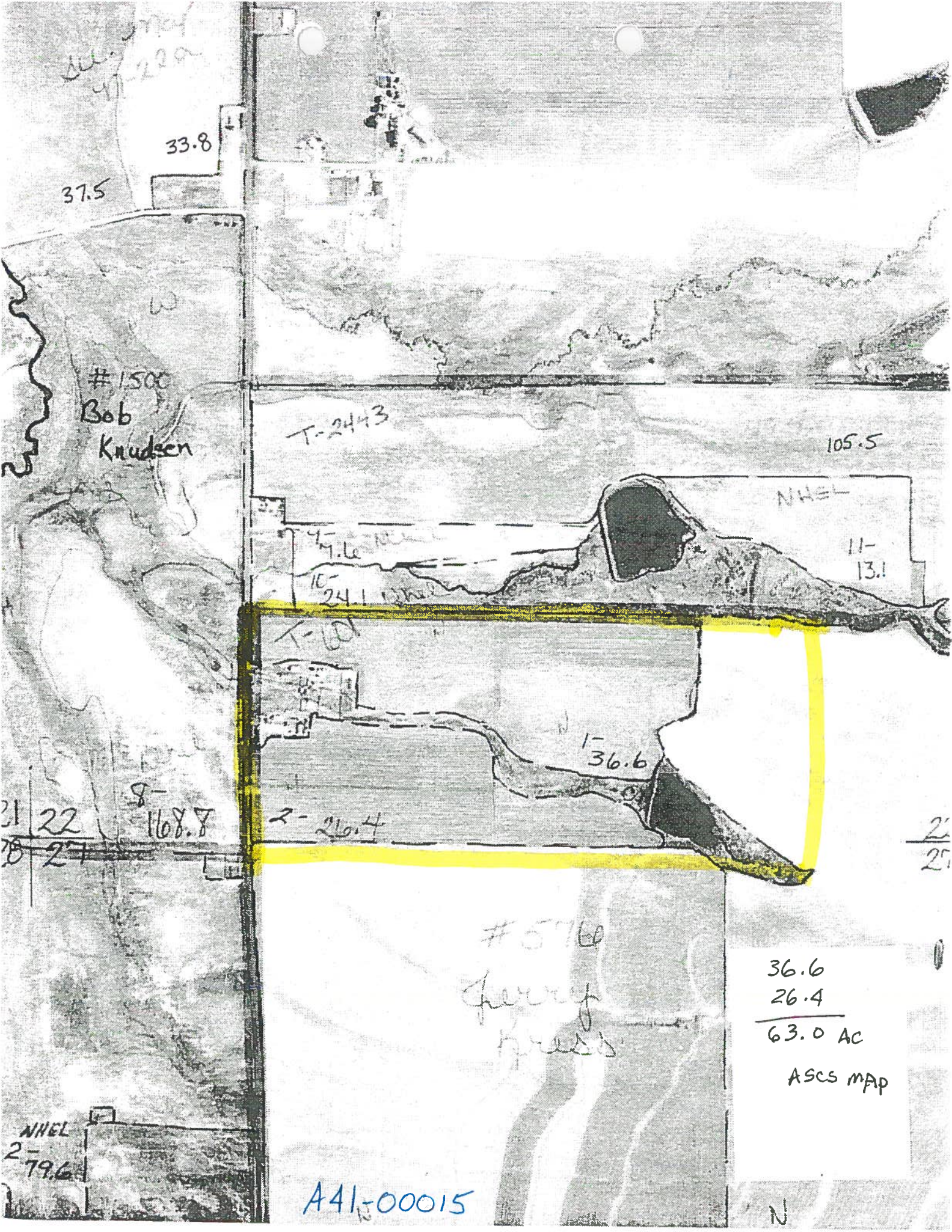
R 31 E

Kress
GPS EXAM
5-31-95

CLAIM INIT
T. R. S. Q/Q

P/D
PHOTO opa CC36
DT.&ID. 8-20-76

yon



33.8

37.5

#1500
Bob
Knudsen

T-2443

105.5

NHCL

11-
13.1

T-101

1-
36.6

2-26.4

21 22
26 27
8-168.8

2
25

#5760
Gerry
Hess

36.6
26.4

63.0 AC

ASCS MAP

A41-00015

NHCL
2-79.6

N

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			5-51-05					
POINT OF DIV	Y							
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
 MAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

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

A41-00015