

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: A41-00017
Date Received: 7/23/1999
Receipt No: S022388
Received By: Sch

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UDY BROTHERS PARTNERSHIP 208-226-7857
Address: 5111 S HWY 37
ROCKLAND ID 83271
2. Date of Priority: APR 1, 1886
3. Source: SPRINGS Trib. to: ROCK CREEK, SOUTH FORK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 11S | 31E | 22 | SE | NW | SE | | POWER |
5. Description of diverting works:
CHECK DAM AND DITCH
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 0.350 | | |
7. Total Quantity Appropriated is:
0.350 C.F.S. (and/or) 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	21	NE	NE		IRR	12.0
			SE	NE		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	14.0
		22	NW	NW	IRR	20.0
			SW	NW	IRR	23.5
					Section Acres	43.5
					Total Acres	57.5

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:
41-00043 & 41-00044

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

HOUTZ

Decree Plaintiff

ET AL.

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

15

22

17 AC

39 AC

17.5

17 AC

A41-00017
CLAIM MAP

An aerial photograph of a landscape, likely a wetland or coastal area, with various colored overlays. A blue line runs vertically through the center-left. A green line outlines a large area on the right. A pink line outlines a specific area in the center. Several small purple circles are scattered across the map. The text 'UDY BROTHERS CLAIMS:' is in the upper right, followed by three claim numbers. The numbers '16 15' and '21 22' are in the center-left. The background shows a mix of brown, tan, and green colors, with some buildings visible in the center-right.

UDY BROTHERS CLAIMS:

A41-00017

A41-00043

A41-00044

16 15

21 22



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 7, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

UDY BROTHERS PARTNERSHIP
RICHARD UDY
511 S HWY 37
ROCKLAND ID 83271

RE: SRBA CLAIM NOS. A41-00017, A41-00043, A41-00044 ET. AL.

DEAR MR. UDY,

Enclosed are the claims and checks I discussed with you by phone earlier this day.

First, the SRBA claim for the 89 acres is being returned along with check no. 1432 for \$189.00. While you can file this in the SRBA as a valid claim, it does appear to be better filed as an Application for Permit, which you have already filed successfully with IDWR. As I explained this claim would most likely be disallowed since it used an increase in diversion rate to accomplish the acreage expansion. If for some reason you choose to file it at a later date you still have that option.

Secondly, the other three claims are prepared based on the information you relayed to Jim Stanton and the existing data of the base rights claimed. Please review the information as printed, if you are satisfied they correctly describe your water rights then simply sign them on page 3 as shown and with a notary verification. If you need to make changes to better describe the rights, strike through the incorrect portions and make the necessary changes, initial the changes and sign as described above.

I have returned your original check no. 1434 for \$317.00. The correct fees for the filing of the three claims is \$357.00.

When you are ready to finish the filing of these claims please return them along with the fees to our office and I will complete the filing process for our records.

If you have any questions at all about this process please call me at our office.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

6/1/99 update :
see Claims never filed.

RECEIVED

NOV 27 2001

Department of Water Resources
Southern Region

41-17
SNAKE RIVER BASIN ADJUDICATION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

OCT 29 2001

Claim Number(s):

See attached list

Department of Water Resources

Previous Mailing Address:

Udy Brothers Partnership
5111 S. Hwy 37
Rockland, ID 83271

New Mailing Address:

Udy Brothers Partnership
455 Pierce
American Falls, ID 83211

Telephone Number:

(208) 226-7857

Signature of Claimant(s):

Udy Bros by George Udy ^{11 hrs.}

Please return this completed form to:

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

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

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

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

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.: 41-00017
)
)
)
)
)
)
)

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.

Udy Bros. by George Lutz 8/21/01
for Udy Bros. Partnership Date

Ryanne Brown 2/23/01
IDWR Concurrence Date

Wink Spencer 2-26-01
Approved as to form Date

02/23/2001

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

RIGHT NUMBER: 41-00017

NAME AND ADDRESS: UDY BROTHERS PARTNERSHIP
5111 S HWY 37
ROCKLAND, ID 83271

SOURCE: SPRINGS TRIBUTARY: SOUTH FORK ROCK CREEK

QUANTITY: 0.31 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.

USE OF THIS RIGHT WITH RIGHT NO. 41-00043 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.31 CFS.

PRIORITY DATE: 04/01/1886

POINT OF DIVERSION: T11S R31E S22 SENWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-15 10-31

QUANTITY
0.31 CFS

PLACE OF USE:

IRRIGATION Within POWER County
T11S R31E S22 SWNW 15.3

15.3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 41-00043 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 15.3 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.

RB *gh*
NBS

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CERTIFICATE OF SERVICE

I certify that on Aug 30, 2001, I caused to be served true and correct copies of the Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

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

2. Copies to:

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

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

Udy Bros. Partnership
5111 South Hwy 37
Rockland, ID 83271

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


Signature of person or attorney mailing the form

02/23/2001

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

RIGHT NUMBER: 41-00017

NAME AND ADDRESS: UDY BROTHERS PARTNERSHIP
5111 S HWY 37
ROCKLAND, ID 83271

SOURCE: SPRINGS TRIBUTARY: SOUTH FORK ROCK CREEK

QUANTITY: 0.31 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.

USE OF THIS RIGHT WITH RIGHT NO. 41-00043 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.31 CFS.

PRIORITY DATE: 04/01/1886

POINT OF DIVERSION: T11S R31E S22 SENWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-15 10-31	0.31 CFS

PLACE OF USE:

<u>IRRIGATION Within POWER County</u>	
T11S R31E S22 SWNW	15.3

15.3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 41-00043 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 15.3 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

02/15/2001

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

RIGHT NUMBER: 41-00017

NAME AND ADDRESS: UDY BROTHERS PARTNERSHIP
5111 S HWY 37
ROCKLAND, ID 83271

SOURCE: SPRINGS TRIBUTARY: SOUTH FORK ROCK CREEK

QUANTITY: 0.31 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: 04/01/1886

POINT OF DIVERSION: T11S R31E S22 SENWSE Within POWER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-15 10-31	0.31 CFS

PLACE OF USE:

IRRIGATION Within POWER County			
T11S R31E S22	SWNW	14	T11S R31E S22
T11S R31E S22	NWSW	0.5	SENW 0.8

15.3 ACRES TOTAL

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

*Revised
2/22/01*

*E01
E11*

*- edit to pon
"SWNW" only*

IDAHO DEPT OF WATER RESOURCES

41-00017 & 41-00043



660 0 660 1320 Feet



T11S, R31E, SEC. 22, SWNW

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

DATA ENTRY BY: STEVE CLELLAND
DATE: February 15, 2001

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

41-00017

& 41-00043

2/8/01 SOC

FIELD NOTES & REVIEW:

I left w/ George Udy from Rockland to view the uses described under these 2 claims. The Ditches and pasture exist as described. Both sources can be delivered to the pasture. It appears to be a valid set of claims based on the information available to me.

It was pointed out to me by Wm James Robinson that the Landing Division had fallen into disrepair during my field visit of 1999. He gave the impression that the right is not valid. The field observations & letters from user's support a use:

Recommend the right as valid
and overturn the Disallowal.

Steve Chubb
2/15/01

Layout: ✓ 2/15/01 41-00017.jpg
ECVR: (-17)
(-43)

UDY

11/2/00

INITIAL
HEARINGS
SCC

#17

Hayes water to 16 Acre field
across road from landing C.

EXAMS
NEEDED

#43

overlaps the same 16 Ac
(different source)

Amended DR. (end 2/01)

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 - 00017

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Udy Bros Partnership

Address: 5111 So Hwy 37

Rockland Idaho 83271

Daytime Phone: 226-7857 221-2277 cell.

Name & Address of Attorney, if any:

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

Name: Udy Bros Partnership

Address: 5111 So Hwy 37

Rockland Idaho 83271

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: Springs
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: 4-1-1886
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: 4-1 10-31
9. ☒ **Place of Use**
Should be: 11 S 31 E Sec 22 & 23
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~~ Udy Bros purchased this water right And
property in 1998. The previous owners did use this water
before 1976 and After the year 1976. This water is
irrigating this ground as far as I write this objection.
This is A decreed water right

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Power)ss.

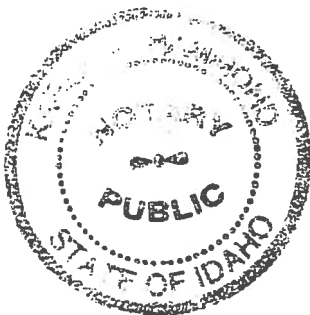
Udy Bros. by George Udy , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Udy Bros. by George Udy
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 27, 1999



Karen M. Hammond
Notary Public for State of Idaho
Residing at: American Falls, ID
My Commission Expires: 5/29/2003

INSTRUCTIONS FOR MAILING

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

G.

CERTIFICATE OF MAILING

I certify that on Dec 27, 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

Filed By George Ledy
Signature of Objector or attorney mailing on Objector's behalf

RECEIVED

DEC 28 1999

Department of Water Resources
Northern Region

12/28/99

Pertaining to water right #41-00017;
We irrigated with this water right
continuously from the time we purchased
it in 1963 until we moved in 1990.

Stephen G Hays

Subscribed & sworn this 28th day of December,
1999

Dustin Black
Notary Public
Timber Falls, ND
Comm. Expires 9-20-2000

Water Right Number - R41-00017

Prefix Translation: RESEARCH

Old (D) Number -

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

1 - 5111 S HWY 37
2 -
3 -
City- ROCKLAND
Phone - 208-226-7857

State- ID Zip- 83271

Priority Date - 04/01/1886

Region - 17 SOUTHERN

Stage -

Status - I - DISALLOWED

Source - SPRINGS

Tributary - ROCK CREEK, SOUTH FORK

Twn Rng Sec Tract lot Rflg County
11S 31E 22 SE NW SE (77) POWER

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.350

+ - Total Div. Rate - + - Total Div. Volume - + - Total Consumptive Use - + - KW Usage -
0.350 0.0

Twn	Rng	Sec	Tract	lot	Acres	Place of Use	Code	Description	County
11S	31E	21	NE NE		12.0	01	IRRIGATION	(77) POWER	
11S	31E	21	SE NE		2.0	01	IRRIGATION	(77) POWER	
11S	31E	22	NW NW		20.0	01	IRRIGATION	(77) POWER	
11S	31E	22	SW NW		23.5	01	IRRIGATION	(77) POWER	
Total Acres:					57.5				

+ - - Diversion Means - CHECK DAM AND DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 41-00043 & 41-00044

GEN FORFEITED/ABANDONED
DUE TO NON-USE FROM 1976 TO 1999.

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

Prefix Translation: RESEARCH

No Conditions of Approval found.

ET AL.

10/27/99 SCLELLAN

Adjudication Rights Dates and Flags Area

- 07/23/1999

1

1

41-00017

10/27/99
su

Unable to confirm elements of this right;
late Claims.

Field observation finds POA ~~is~~ irrigated from
well (north) and South piece is not
irrigated in 1995.

10/27/99
SCC

17.0

16

15

21

22

9.2

21.0

19.0

0.8

8.3

2.8

16.0

19.0

POD
HAYES
RES.

0017
POU