

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

COPY

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

CIVIL CASE NUMBER: 39576

RECEIVED

APR 2 1990

Ident. Number: A41-00026
Date Received: 3/15/1990
Receipt No: S011544
Received By: SCC

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MELVIN NELSON 208-548-2682
Address: P.O. BOX 334
ROCKLAND, ID 83271

2. Date of Priority: MAY 01, 1888

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

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

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

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

8. Total consumptive use is 55.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	31E	4	SW	SW		IRR	5.0
			SE	SW		IRR	5.6
			SW	SE		IRR	5.6
			SE	SE		IRR	1.0

Section Acres 17.2

A41-00026

Page 1

Date: 03/15/90

MICROFILMED

MAR 04 1993

10. Place of Use: Continued

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

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
A41-10091 & A41-00048

14. Remarks:

P/U WAS CHANGED TO PRESENT LOCATION YEARS AGO; NO TRANSFER FILED.
THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY
LISTED IN PLEADINGS IS H. P. HOUTZ.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date: 6/06/1903

HOUTZ

Decree Plaintiff

vs

ET AL

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): William Nelson Date: March 30 1990

Date: _____

State of Idaho)
County of Power) SS.

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

John W. Hartman
Notary Public

Seal

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

105.

STANCHION

Budae-
Ditch

Budget Ditch
P.D.

۱۳۰۰

Danielson
Ditch

A41-00026

MICROFILMED

MAR 04 1993

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

	<u>OLD</u>	<u>NEW</u>
41-00029	30 INCHES	30 INCHES
41-00030	8 INCHES	12 INCHES
41-00031	10 INCHES	5 INCHES
	<u>48 INCHES</u>	<u>48 INCHES</u>

ALLOCATION OF MELVIN NELSON WATER
RIGHTS DOWN DANIELSON DITCH.

PRIORITY DATE

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

ALREADY DECREED DOWN DANIELSON DITCH IS
41-10091B, COMPOSED OF DECREED RIGHT
41-00031 15 INCHES

GRAND TOTAL 45 INCHES

COPY

RECEIVED

OCT 5 - 2001

Department of Water Resources

RECEIVED

SEP 26 2001

2001 OCT - 2 PM 1:42
Department of Water Resources

FILED
DISTRICT OF THE

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.: 41-00026
)
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

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

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

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

Melvin Nelson 9/21/2001
Melvin Nelson Date

Steve Ceo 9/14/01
IDWR Concurrence Date

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

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

09/14/2001

2001 OCT -3 PM 1:49

Water Right 41-00026

FILED
2001 OCT 11 - SRBA
IDAHO

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

SOURCE: EAST FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.20 CFS

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

M.M.

NBS

see

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION:

T10S R31E S10 SESWNE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.200 CFS

PLACE OF USE: IRRIGATION Within POWER County

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

19.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 19.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 41-00029B, 41-00048, 41-10091B & 41-10275.

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

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

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

EXPLANATORY MATERIAL: Decreed

CERTIFICATE OF SERVICE

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

1. Original to:

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

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

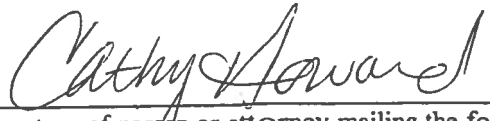
2. Copies to:

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

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

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

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



Signature of person or attorney mailing the form

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

Water Right 41-00026

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

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

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

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION:

T10S R31E S10 SESWNE Within POWER County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: IRRIGATION Within POWER County

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

19.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 19.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 41-00029B, 41-00048, 41-10091B & 41-10275.

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

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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 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: Decree

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

	<u>OLD</u>	<u>NEW</u>
41-00029	30 INCHES	30 INCHES
41-00030	8 INCHES	12 INCHES
41-00031	10 INCHES	5 INCHES
	48 INCHES	48 INCHES

ALLOCATION OF MELVIN NELSON WATER RIGHTS DOWN DANIELSON DITCH.

PRIORITY DATE

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

ALREADY DECREED DOWN DANIELSON DITCH IS
41-10091 B, COMPOSED OF DECREED RIGHT
41-00031 15 INCHES

GRAND TOTAL 45 INCHES

RECEIVED

NOV 06 2000

Department of Water Resources
Southern Region

Steve

See Danilson Ditch Water log for 2000 and copy of the Water Masters Report.

Steve follow my water claims through the process, You're the only one who knows the situation on this ditch. Water loss etc.

There's no question that the 45" is decreed to my land and has been delivered for the 45 years we owned the East Fork Ranch. Any loss of decreed water in this ditch will shut us dry.

I filed a Standard Form 1 on 41-00029B.

I thought the mailing of 7/23/99 Receipt No 5022385 was approval of 41-00029B.

Thanks Steve for giving this your attention.

Alvin Nelson

Melvin Nelson Rockland, Idaho

COST REPORT

1999

RECEIVED

NOV 06 2000

Department of Water Resources
Southern Region

YEAR EXPENSE=====				1999 \$5,513.13		
NAME	DITCH	AMT. OF DEGREE	1999 VOLUME	YEAR BUDGET	YEAR EXPENSE	DEBIT (CREDIT)
NELSON, MELVIN	BENCH	23.83	72.93	\$59.55	\$52.56	(\$6.99)
NELSON, MELVIN	BUDGE	48.00	146.82	\$117.26	\$105.84	(\$11.42)
NELSON, MELVIN	DANIELSON	45.00	137.70	\$112.94	\$99.23	(\$13.71)
NELSON, MELVIN	HILLHOUSE	36.53	111.95	\$87.94	\$80.67	(\$7.27)
NELSON, MELVIN	U.S.	108.16	330.97	\$263.35	\$238.50	(\$24.85)
PORATH, FARREN	U.S.	34.03	104.13	\$82.86	\$75.04	(\$7.82)
POULSON, MILTON	VALDEZ	2.00	6.16	\$4.84	\$4.44	(\$0.40)
RALPHS, BART	VALDEZ	17.50	53.90	\$42.35	\$38.84	(\$3.52)
RALPHS, BART	WEST	97.37	297.95	\$234.11	\$214.70	(\$19.41)
RALPHS, BART&RAY	WOODS	1.00	2.44	\$1.37	\$1.76	\$0.39
RALPHS, DAN	WEST	17.19	52.60	\$41.23	\$37.90	(\$3.43)
RALPHS, RGD	U.S.	14.58	44.61	\$35.50	\$32.15	(\$3.35)
ROBINSON, JAMES	BENCH	69.11	211.52	\$172.69	\$152.42	(\$20.27)
ROCKLAND SCHOOLS	CITY	1.00	3.06	\$2.41	\$2.21	(\$0.20)
ROCKLAND VILLAGE	CITY	45.00	137.70	\$108.38	\$99.23	(\$9.15)
ROPER, ALLEN	FRODSHAM	77.00	235.52	\$186.45	\$169.79	(\$16.66)
ROPER, ALLEN	U.S.	29.17	89.26	\$71.02	\$64.32	(\$6.70)
SPILLETT BROS.	ADSHEAD	17.77	54.38	\$41.82	\$39.18	(\$2.64)
SPILLETT BROS.	JACKSON	10.00	30.60	\$16.16	\$22.05	\$5.89
SPILLETT, JUAN	ADSHEAD	26.67	81.61	\$68.87	\$58.81	(\$10.06)
SPILLETT, JUAN	JACKSON	10.00	30.60	\$16.16	\$22.05	\$5.89
SPILLETT, ROBERT	BROWN-PARKER	35.00	107.10	\$88.12	\$77.18	(\$10.94)
TAYSON, KELVIN	ADSHEAD	18.33	56.09	\$45.66	\$40.42	(\$5.24)
TOBIAS, ELAINE	TYLER	10.00	27.79	\$22.50	\$20.03	(\$2.47)
TURNBEAUGH, NORMAN	WOODS	1.00	2.44	\$1.39	\$1.76	\$0.37
TURNBEAUGH, RAY	PAYNE	3.00	9.18	\$7.13	\$6.62	(\$0.51)
TYLER, DALE	TYLER	34.24	101.73	\$75.91	\$73.31	(\$2.60)
UDY BROS.	CITY	17.00	52.02	\$40.94	\$37.49	(\$3.45)
UDY BROS.	FERKINS	15.00	45.90	\$36.09	\$33.03	(\$3.01)
UDY BROS.	HADLEY	17.50	53.70	\$42.57	\$38.70	(\$3.87)
UDY BROS.	HARTLEY	42.00	83.04	\$24.24	\$59.84	\$35.60
UDY BROS.	HARTLEY2	23.00	0.00	\$0.00	\$0.00	\$0.00
UDY BROS.	HAY.RES.	44.00	44.00	\$43.29	\$31.71	(\$14.58)
UDY BROS.	HOUTZ	20.00	61.20	\$48.74	\$44.10	(\$4.64)
UDY BROS.	HOUTZMEADOW	35.00	32.90	\$35.07	\$23.71	(\$11.37)
WAGNER, STEVE	BENCH	8.07	24.70	\$20.16	\$17.80	(\$2.37)
WALKER, MERRILL	BENCH	44.51	136.23	\$111.22	\$98.16	(\$13.06)
WESTON, ROSCOE	ADSHEAD	26.67	81.61	\$66.43	\$58.81	(\$7.62)
WESTON, ROSCOE	BROWN MEADOW	30.00	36.00	\$42.21	\$25.94	(\$16.27)
WESTON, ROSCOE	BROWN-PARKER	47.00	143.82	\$118.33	\$103.64	(\$14.69)
WESTON, ROSCOE	JACKSON	10.00	30.60	\$16.16	\$22.05	\$5.89
WOODWORTH, JIM	BENCH	32.55	99.62	\$81.34	\$71.79	(\$9.55)
WOODWORTH, JIM	VALDEZ	37.50	115.50	\$90.77	\$83.23	(\$7.54)
TOTALS		2737.10	7350.80	6025.22	5513.13	-512.09

Danilson Ditch - East Fork Creek
Rockland, Ida.

Copy from Ditch log Book
year 2000.

April 20th Water put in Ditch 115"
at point of diversion.

April 30th 115" at Diversion 76" at Box
in Section 4, SE SW. Type of Box
H.P. Houtz.

May 5th Sec. 4 Box 74"

May 10th " " " 72"

May 20 " " " 74"

May 30 " " " 76"

May-average ditch loss 40.5"

June 5 Ditch washout water shut off.

June 28 water back in ditch, Flow set
by water Master 65" Ditch Decree.

July 5 Point of Diversion 65" - Sec 4
Box 40"

July 20 Section 4 Box 40"

July 30 " " " 42"

Average ditch loss for
July 25.6"

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NOV 06 2000

Department of Water Resources
Southern Region

Aug. 1st Sec 4 Box 40"
Aug 15 Point of Diversion 45" Sec. 4 Box
27"
Aug. 25 Diversion 45" Sec. 4 Box 22"
Aug. 26. Water to Monk Ranch.
Aug. Average loss 34"
Sept. 10 Diversion 45" Sec. 4 Box 12"
End of ditch zero.
Sept. 20 Diversion 45, Sec 4 Box. Not
enough water to measure.
Sept. 30 Diversion 45", Sec. 4 Box 0
Oct. 10 " " " " "
Oct. 20 Water shut off.

Melvin Nelson

Melvin Nelson
PO Box 334
Rockland, ID 83271-0334



RECEIVED

NOV 06 2000

Department of Water Resources
Southern Region

DEPT. of WATER RESOURCES
1341 Fillmore Street,
Suite 200
Twin Falls, Idaho. 83301-3380

ATTN: Steve Eiland.

83301+3380

RECEIVED

NOV 17 2000

Department of Water Resources

RECEIVED

NOV 08 2000

Department of Water Resources

200 NOV -6 PM 4:33

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

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

In Re SRBA

Case No. 39576

Subcases 41-00026 and 41-00048

ORDER SETTING STATUS
CONFERENCE

An initial hearing was held on November 2, 2000, in American Falls, Idaho. During the hearing, claimant Melvin Nelson said he needed to file a late objection as claimant in subcase 41-00029 to resolve his other two claims (41-00026 and 41-00048). Counsel for IDWR agreed that such a late objection was appropriate and would expedite the proceedings. So, Mr. Nelson verbally moved to file a late objection in subcase 41-00029 stating that water right should be decreed as claimed. 29B

SRBA records indicate 41-00029 does not exist because it was never reported to the SRBA Court in a *Director's Report*; hence, it has never been decreed nor disallowed. For that reason, the Special Master has no jurisdiction to act on Mr. Nelson's motion. Mr. Nelson is urged to contact attorney Nicholas B. Spencer at IDWR (800-451-4129) to further discuss his options.

THEREFORE, IT IS ORDERED that a telephone status conference will be held on **Friday, January 26, 2001, at 11:30 am**. Counsel for IDWR shall arrange for a single telephone conference call to the Special Master.

DATED November 6, 2000.

29 + 3C + 31 = 10091A

10091B

TERRENCE A. DOLAN

Special Master

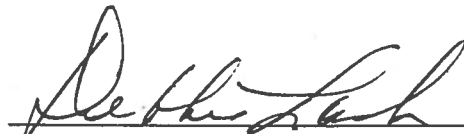
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of ORDER SETTING STATUS CONFERENCE was mailed on November 6, 2000, with sufficient first-class postage prepaid to the following:

Director of IDWR
Box 83720
Boise, ID 83720-0098

Melvin Nelson
Box 334
Rockland, Idaho 83271


Deputy Clerk

- 26 - 48 - 29B ?

✓ Rec'd Nelson:

→ send copy of Conv. Loss from 'Book'.

- Map out Decreed ϕ ou (if possible)

✓ STS CONF
(1/26/00)
(11:30 AM)

* OBJ. to -29B (check Q)
(Late)

(Houtz boxes at top & middle) for CL.

✓ Review w/
Nick S.

— how to justify CL and $> 1''/\text{ac.}$ for rights

* Notes from INITIAL HEARINGS
11/2/00 SC

RECEIVED

DEC 30 1999

Department of Water Resources
Southern Region

RECEIVED

DEC 22 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 41-000 26
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Melvin Nelson

Address: Box 334

Blackland, Ida 83221

Daytime Phone: 548-2682

Name & Address of Attorney, if any:

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

Name: Melvin Nelson

Address: Box 334

Blackland, Ida 83221

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: 0.20 cfs.
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: SE, SW, Sec 4, T10, R31

11. I object because:

☐ This water right should not exist.

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

E. REASONS SUPPORTING OBJECTION(S):

This right is Based on The Horitz Decree, Which
Describes land owned by Melvin Nelson. 2
Purchased the J. Lewis farm in 1964, With Water Right
for 0.20 cfs, Priority 5/1/1888. The Lewis ditch is an
Extension of the Danielson ditch. The watermaster for
Dist. 29 has delivered this water to me in the Danielson
ditch for the past 35 years. Place of Use SE SW, Sec 4
T10 R31

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Power)ss.

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

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

Mervin Nelson
(Signature of person filing objection)

(Attorney signing in representative capacity)

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

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

INSTRUCTIONS FOR MAILING

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

G.

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Melvin Nelson
Address: Box 334
Rochland, Ida. 83271

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

AJ0743NP
(OD-124)

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

10/19/99 16:38:28
Page 1

Water Right Number - R41-00026

Prefix Translation:

RESEARCH

Old (D) Number -

Last Name -

First Name -

Address -

*** C - CURRENT OWNER ***
NELSON

MELVIN

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

State- ID Zip- 83271

Priority Date -
05/01/1888

Region -
17 SOUTHERN

Stage -

Status -
1 - DISALLOWED

Source -
ROCK CREEK, EAST FORK

Tributary -
ROCK CREEK

Turn Rng Sec Tract Lot RFlg County Point of Diversion

10S 31E 10 SE SW NE

(77) POWER

DANIELSON DITCH

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

01 - IRRIGATION

04/01

10/31

0.200

Total Div. Rate - + Total Div. Volume - +
0.200

Total Consumptive Use - + KW Usage - +
0.0

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

Total Acres: 19.2

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

- - - Non-Irrigation Use -

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

GEN CHANGE IN USE; INSUFFICIENT EVIDENCE OF DATE OF CHANGE.

- - - Old Water Right Numbers -
A4100026

Run 9/14/01
SCC

Water right number - R41-00026

Prefix Translation: RESEARCH

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

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

+ - - - - Comments - - - - -
Date: 06/16/1999 User Id: SCELLELLAN Subject: COPIED FROM REMARKS
P/U WAS CHANGED TO PRESENT LOCATION YEARS AGO; NO TRANSFER FILED. THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY LISTED IN PLEADINGS IS H. P. HOUTZ.
Date: 06/16/1999 User Id: SCELLELLAN Subject: DISALLOW
THIS RIGHT WHEN COMBINED WITH 41-100918 & 41-00048 EXCEEDS THE DECREED DUTY OF WATER OF 1 INCH/AC. ON THE ACREAGE FOUND OF 19.2
ACRES. IT IS DISALLOWED.
Date: 10/19/1999 User Id: SCELLELLAN Subject: COPIED FROM REMARKS
FORFEITED/ABANDONED DUE TO NON-USE FROM 1976 TO 1994.

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

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

M. NELSON

No ownership is shown for the right
41-00026 from the Lance Ditch pou; It is
Disallowed! PO5 code change in use
no Evidence.

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

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

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

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

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

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

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

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

That the said Lyman S. Barnard is entitled to the use of 40 inches of the water flowing in the said east fork of Rock Creek for the purpose of irrigating said land to be taken through the ditches constructed to and upon said land, his right to date from Oct., 1st., 1883. That the said D.A. Budge still owns and claims 80 acres in the said tract.

COPY

41-00029

41-0030
17
10-1-23
41-0031
41-048
41-0032
6-1-82
6-1-84
41-0033
5-1-85
41-0034

S.R.31,E. and has sold to the Promontory Stock Company 34 acres of said tract and now has in cultivation on the tract still owned by him about 35 acres of land. we find that the said D.A.Budge is entitled at all times to the use of 35 inches of water to be taken from the ditches constructed to and upon said land from the east fork of Rock Creek and said right to date from the 1st., day of Oct., 1883 - 44 (1883) and that the Promontory stock ranch Company is entitled to the use of 25 inches of the water of said east fork of Rock Creek at all times for the irrigation of said 34 acres purchased from the said D.A.Budge to be taken through the ditches constructed to and upon said land to date from the 1st., day of Oct., 1883. that the said Promontory Stock Ranch Company are also entitled to 10 inches of water from the east fork of Rock Creek to be taken through the Barnard and Valdez ditch by virtue of purchase of land and water right thereto to 40 acres of land in the Wm. Barnhart D.L.E. to N.E.1/4 N.E.1/4 sec., 9 tp., 10 S.R.31,E; only 10 acres of said land lying under said ditch; right to date from the 1st., day of June 1885. That Joseph Henry made homestead entry in the year 1882 and now has patent dated Mar., 12th., 1889 to and upon the following described tract: N.1/2 N.E.1/4 sec 7 N.W.1/4 N.W.1/4 sec 8 S.E.1/4 S.E.1/4 sec 6 tp., 10 S.R.31 E containing 150 acres; that in the spring of 1882 by means of enlarging the Houtz and Wood ditch on the south side of east fork did divert and appropriate water to and upon said land and has continued to use said water upon said land until there are now 31 acres of grain in cultivation under said ditch, and in 1886 by means of enlarging the Wood & Tyler ditch on the north side of the east fork of said Rock Creek did divert and appropriate water from said creek to and upon said land and now has in cultivation under said ditch 25 acres that since said time he has sold to G.A.Parry by deed of Sept., 18th., 1888 a portion of said land containing 86 acres; that said Joseph Henry and the said G.A.Parry his grantee are entitled to the use at all times of 60 inches of the waters of said east fork to be conveyed through the Houtz & Wood ditch, said right to date from the 1st., day of June 1882; and the said Joseph Henry is entitled to the use of 25 inches of water at all times for the irrigation of his land lying on the north side of said fork, the same to be conveyed through the Wood & Tyler ditch and to date from the 1st., day of June 1886. that in July, 1883 Delos Webb made settlement upon the following described tract of land and made final proof thereon to wit: S.E.1/4 N.W.1/4, Lot 3 sec., 6 tp., 10 S.R.31,E, 80 acres; that in the spring of 1885 the said Delos Webb, by means of enlarging the Wood & Tyler ditch heretofore mentioned did divert and appropriate water from the east fork of said Rock Creek located upon said land and continued the use thereof each and every season until the spring of 1887 when he sold said land and water right to D.C.Tyler, Sr; said D.C.Tyler has used said water for irrigation every year since and has now in cultivation on said tract 30 acres of land. that the said D.C.Tyler is entitled to the use of 30 inches of water from the said east fork of Rock Creek to irrigate his said land at all times the same to be taken through the Wood & Tyler ditch, the right to the use thereof to date from the 1st., day of May 1885.

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

COPY

41-00048

June 11, 1999

NOTICE OF ERROR
REPLY

RECEIVED
JUL - 8 1999

Department of Water Resources

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: 41-00026

MELVIN NELSON
PO BOX 334
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):

*I Lewis decree 10' 5-1-88
'No Record of Transfer' - Lorán Holmes was to check on
transfer in 1983 (no report) Twin Falls, Office.
Transfer Reported to Water Dist. 29, in 1945.*

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

*Reinstate the claim "41-00026"
claim is based on use & delivery for over
50 years. The Right was never abandoned*

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

I purchased the Lewis 160A in 1944

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

DATE:

7/1/99

SIGNATURE:

Melvin Nelson

Please print your name:

Melvin Nelson

Old (D) Number -

State- ID Zip- 83271

Disallow

- - Tributary
ROCK CREEK

DANIELSON DITCH

0.0

Total Acres: 19.2

ITCH

24.

Old Water Right Numbers

Prefix Translation: RESEARCH

HOULTZ	Decree Plaintiff	Decree Defendant	Decree Date
ET AL			06/06/1903

+	Comments
Date: 06/16/1999 User Id: SCIELELLAN Subject: COPIED FROM REMARKS P/U WAS CHANGED TO PRESENT LOCATION YEARS AGO; NO TRANSFER FILED. THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY LISTED IN PLEADINGS IS H. P. HOUTZ.	
Date: 06/16/1999 User Id: SCIELELLAN Subject: DISALLOW THIS RIGHT WHEN COMBINED WITH 4:1-100918 & 4:1-00068 EXCEEDS THE DECEED DUTY OF WATER OF 1 INCH/AC. ON THE ACREAGE FOUND OF 19.2 ACRES. IT IS DISALLOWED.	

+ - - Audit Fields - - +
06/16/99 SCLELAN

Adjudication Rights Dates and Flags Area		
Court Report Filing	- 00/00/0000	-
Objection Filed Date	- 00/00/0000	-
Response Filed Date	- 00/00/0000	-
Claim Received Date	- 03/15/1990	-
Field Inspection Made	- 07/15/1994	-
Field Inspection Flag	-	-
Verified Date	- 06/16/1999	-
Last Amended Date	- 00/00/0000	-
Receipt Number	- S01544	-
POU Ownership Flag	- Y	-
Name Connector	-	-
Civil Case Number	-	-
Old Case Number	-	-
Old Judicial District	-	-
Temporary Right	-	-
Water District	-	-
Federal/State Indicator	- S	-
Presumption Flag	- D	-
Notice of Error Flag	-	-

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

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

I-POU.SHP
 APE NOS. 7 for (B) pair
 I-POD.SHP
 S. DESCRIPTION T10s R31E:
 (A) Budget D. - S10, SWNENW
 (B) Danielson D. - S10, SESWNE
 Combined Rts: (Decree duty limits rec'd to 1"/Ac)
 41-0029 Budget D. 0.60 cfs - 30 Ac
 41-0030 " 0.16 - 8 Ac
 41-0031 " 0.20 - 10 Ac
 41-0031 Danielson D. 0.30 - 15 Ac
1.26 cfs = 63 AC

6
 * Portion of Claimed pou on West End is not owned

(A) 45 AC found - 45"

(B) 19.2 Ac found - 15"; 15 AC on 19.2 ppm (1883)
 overlap w/ (1885)

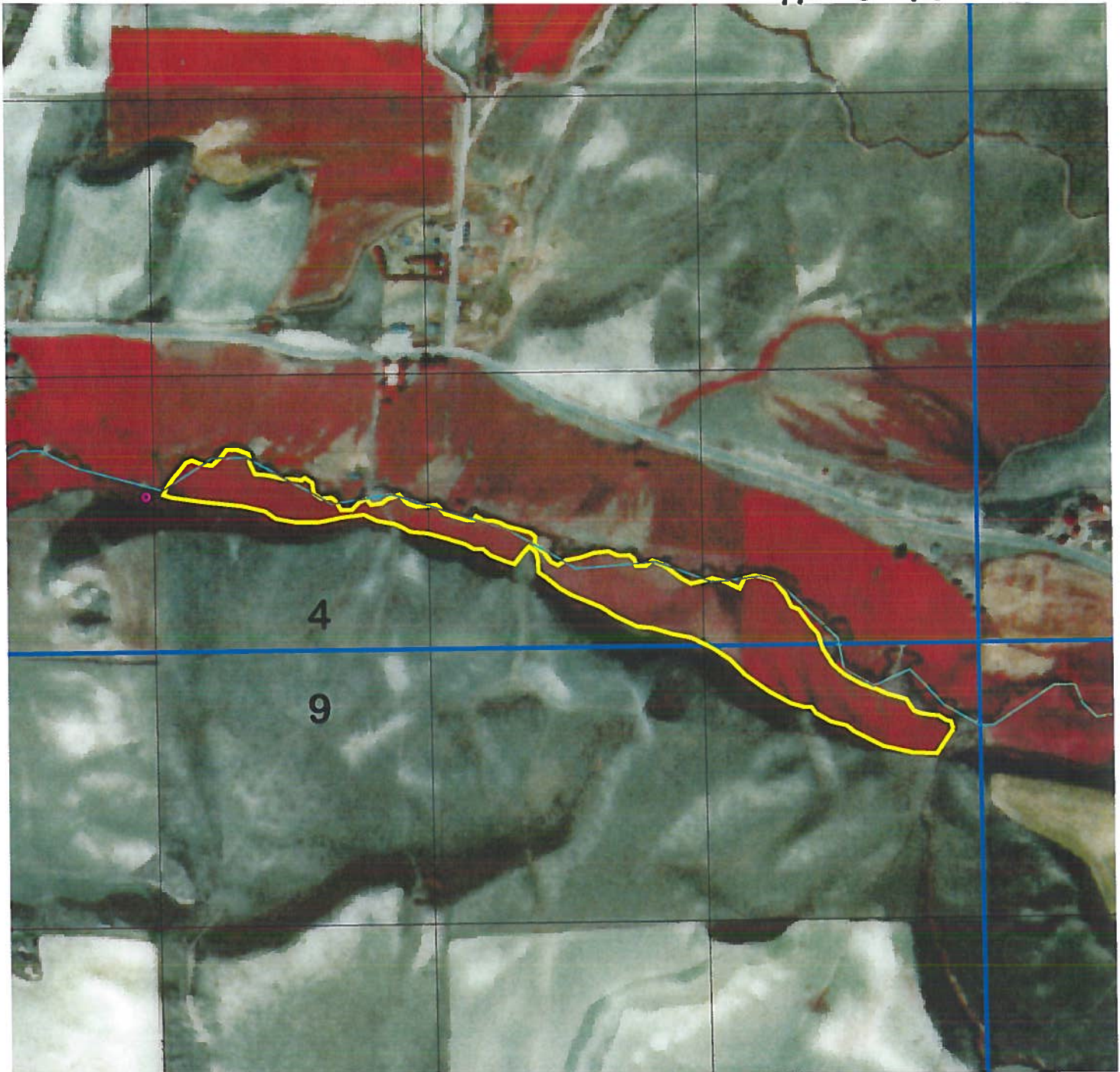
CLAIMS: 41-0048 for 10" - 2.2" in ppm (1888)
 41-0026 for 10" 35" total
 GLAYOUT ✓ 41-10091 A.jpg
 ✓ 41-10091 B.jpg

IDAHO DEPT OF WATER RESOURCES

41-10091B

41-00026

41-00048



660 0 660 1320 Feet

T10S R31E SEC. 4 & 9



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

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

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

CLAIM NUMBER A41-00026
A41-00048
A41-10091

DATE 4/30/99
AGENT SCC

TRANSFER NUMBER _____
CLAIMED ACRE TOTAL _____
GIS ACRE TOTAL _____

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B41-POU.SHP
SHAPE NOS.

See final Review sheet of
6/16/99 see

B41-POD.SHP
NOS. DESCRIPTION

DBF TABLES UPDATED _____
B41-DBPOU.DBF _____
B41-DBPOD.DBF _____
JPEG LAYOUT _____



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

A41-00026

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:19:47
04/19/91

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A41-00026

MR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
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 - A41-00026

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NELSON

MELVIN

1 - P.O. BOX 334
2 -
3 -City- ROCKLAND
Phone - 208-548-2682

State- ID Zip- 83271

+ - - Priority Date - - +
05/01/1888+ - - - - Region - - - +
17 SOUTHERN+ - - - - Stage - - - +
D - DECREED

+ - - - - Status - - - +

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

+ - - - - Rng Sec Tract Lot RFlg County Point of Diversion - - - - - Stream Index (Blank if no Index Code)

10S 31E 10 SE SW NE (77) POWER

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

01 - IRRIGATION

04/01 11/01

0.200

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

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

Total Acres: 21.2

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

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A41-10091 & A41-00048

Remarks - - - - -
P/U WAS CHANGED TO PRESENT LOCATION YEARS AGO; NO TRANSFER FILED.
THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY
LISTED IN PLEADINGS IS H. P. HOUTZ.

Water right number - A41-00026

Prefix Translation: ADJUDICATION CLAIM

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

+ - - - - - A4100026 - - - - - Old Water Right Numbers - - - - - +

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

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

+ - - - - - Audit Fields - 03/14/90 CLELLAND

+ - - - - - - - - - - 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 | - 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 | - 03/15/1990 | 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 | - S011544 | Federal/State Indicator | - S |
| Claims Tape Error Flag | - | POU Ownership Flag | - Y | Presumption Flag | - D |
| Fee Exempt Flag | - | Name Connector | - | | |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:19:47
04/19/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A41-00026

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

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

CLAIM REMARKS: P/U WAS CHANGED TO PRESENT LOCATION YEARS AGO; NO TRANSFER FILED.
THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY
LISTED IN PLEADINGS IS H. P. HOUTZ.

FIELD EXAMINATION INFORMATION

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

A. AJ CLAIM: # A41-00026 PRIORITY DATE: 05-01-1888 STAGE: D
B. WR RECORD: # 41-00026 PRIORITY DATE: 05-01-1888 STAGE: D

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD EXAMINER
N

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

REMARKS:

RECOMMENDED PRIORITY DATE:
05-01-1888

REVIEWED BY _____ DATE _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------|------|------|------|-----|-----|-----|-----|-------|
| | | | | | | | | |
| A41-00026 | 10S | 31E | 10 | SE | SW | NE | | POWER |

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
A41-00048 NONE
A41-10091
A41-00021
A41-00022

WR RECORDS IN SAME 40 ACRE TRACT

41-00022

SOURCE: ROCK CREEK, EAST FORK

TRIB: ROCK CREEK

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|----------|------|------|------|-----|-----|-----|-----|-------|
| | | | | | | | | |
| 41-00026 | 10S | 31E | 10 | | SW | NE | | POWER |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

41-00022

A41-00048 NONE
A41-10091
A41-00021
A41-00022

SOURCE: ROCK CREEK, EAST FORK

TRIB: ROCK CREEK

C. FIELD EXAM REQUIRED?

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

REMARKS:

| |
|--|
| |
| |
| |
| |
| |

| RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: | | | | | | |
|---|------|------|------------------|-----|-----|--------|
| TWP. | RGE. | SEC. | 1/4 | 1/4 | LOT | COUNTY |
| --- | --- | --- | --- | --- | --- | --- |
| --- | --- | --- | --- | --- | --- | --- |
| SOURCE: ROCK CREEK, EAST FORK | | | TRIB: ROCK CREEK | | | |
| REVIEWED BY: _____ | | | | | | |
| DATE: _____ | | | | | | |

A. ROOT WATER RIGHT NUMBERS: A41-00026

B. POI LISTING

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

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y FIELD EXAMINER

PRESUMPTION FLAG: D

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

A. AJ CLAIMED USES:

PURPOSES
A41-00026 IRRIGATION

MONTH/DAY
FROM 06-01 TO 11-01

DIVERSION QUANTITY

.200 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.200 CFS

B. WR RECORDED USES:

PURPOSES
41-00026 IRRIGATION

MONTH/DAY
FROM TO

DIVERSION QUANTITY

.200 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.200 CFS

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

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

AJ TOTAL CLAIMED DIVERSION RATE: 0.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.200 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED? FIELD DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y

B. 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: A41-10091 & A41-00048

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|-----------------------|----------------------------|-----------|----------------|-----------|----------------|
| A41-00026 | ROCK CREEK, EAST FORK | NELSON, MELVIN | 0.200 | 0.009 | | |
| A41-00030A | ROCK CREEK, EAST FORK | ANDERSON, BURTON | 0.520 | 0.021 | | |
| A41-10091 | ROCK CREEK, EAST FORK | NELSON, MELVIN | 1.260 | 0.018 | | |
| A41-00030B | ROCK CREEK, EAST FORK | WEGNER, STEPHEN | 0.020 | 0.020 | | |
| A41-00023 | ROCK CREEK, EAST FORK | BENCH DITCH IRRIGATION CO. | 0.200 | | | |
| A41-00018 | ROCK CREEK, EAST FORK | BENCH DITCH IRRIGATION CO. | 0.200 | | | |
| A41-02001 | ROCK CREEK, EAST FORK | BENCH DITCH IRRIGATION CO. | 9.000 | 0.010 | | |
| A41-10009 | ROCK CREEK, EAST FORK | BENCH DITCH IRRIGATION CO. | 9.500 | 0.010 | | |
| A41-00020A | ROCK CREEK, EAST FORK | BENCH DITCH IRRIGATION CO. | 0.400 | | | |
| A41-00031A | ROCK CREEK, EAST FORK | BENCH DITCH IRRIGATION CO. | 0.100 | | | |

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

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

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 55.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

| REC.
PURPOSES | REC. PERIOD
FROM TO | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|----------------------|------------------------|----------------------------|-----------------------|---------------------------|
| IRRIGATION | 04-01 11-01 | DATABASE EXAMINER
0.200 | DATABASE EXAMINER | DATABASE EXAMINER
55.0 |
| TOTAL FOR THIS RIGHT | | 0.200 | | 55.0 |

REVIEWED BY: _____

DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED
() ()
() ()
() ()

NEEDS REVIEW
() ()
() ()
() ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 41-00026
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.200

EXAMINER

CFS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "R" CLAIM NUM. | "R" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| A41-00026 | A41-00026 | 0.200 | - | | 41-00026 | 0.200 |

TOTAL CFS

0.200

0.200

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
If NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD EXAMINER

REMARKS:

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

Water Right Number - 41-00026

Prefix Translation:

WATER RIGHT

Old (D) Number -

Last Name -

First Name -

Address -

*** C - CURRENT OWNER ***
LEWIS

J.

1 -
2 -
3 -

City-
Phone -

State- Zip-

Priority Date - 05/01/1888

Region - 17 SOUTHERN

Stage - D - DECREED

Status -

Source - ROCK CREEK, EAST FORK

Tributary - ROCK CREEK

Twn Rng Sec Tract Lot Rflg County Point of Diversion - Stream Index (Blank if no Index Code)

10S 31E 10 SW NE (77) POWER

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

01 - IRRIGATION

0.200

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

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use Code | Description | County |
|-----|-----|-----|-------|-----|-------|-------------------|-------------|------------|
| 10S | 31E | 4 | SE SW | | | 01 | IRRIGATION | (77) POWER |
| 10S | 31E | 4 | SW SE | | | 01 | IRRIGATION | (77) POWER |
| 10S | 31E | 4 | SE SE | | | 01 | IRRIGATION | (77) POWER |

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

Remarks -

AC. IRR.=9.
P/U WAS CHANGED TO PRESENT LOCATION YEARS AGO; NO TRANSFER FILED.
THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY
LISTED IN PLEADINGS IS H. P. HOULTZ.

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

