

04/25/2005

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

**RIGHT NUMBER: 27-2128**

NAME AND ADDRESS: CHARLES R HORROCKS  
9659 N PHILBIN  
POCATELLO ID 83201

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.630 CFS  
81.200 AFY

PRIORITY DATE: 08/17/1961

POINT OF DIVERSION:

T03S R35E S4 SWSWNW Within BINGHAM County

T03S R35E S4 SESWNW Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

01/01 12/31

0.610 CFS

DOMESTIC

01/01 12/31

81.2 AF

0.020 CFS

.6 AF

PLACE OF USE: INDUSTRIAL Within BINGHAM County

T03S R35E S04 SWNW

DOMESTIC Within BINGHAM County

T03S R35E S04 SWNW

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.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1979 TO 2005.

EXPLANATORY MATERIAL: License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

SCANNED  
APR 17 2006

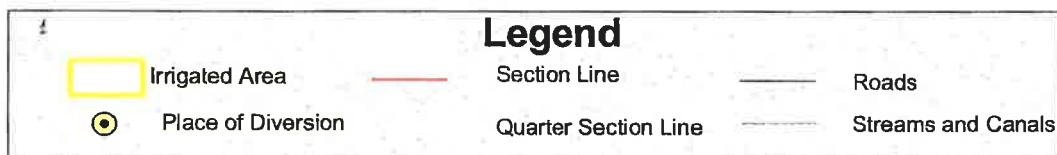
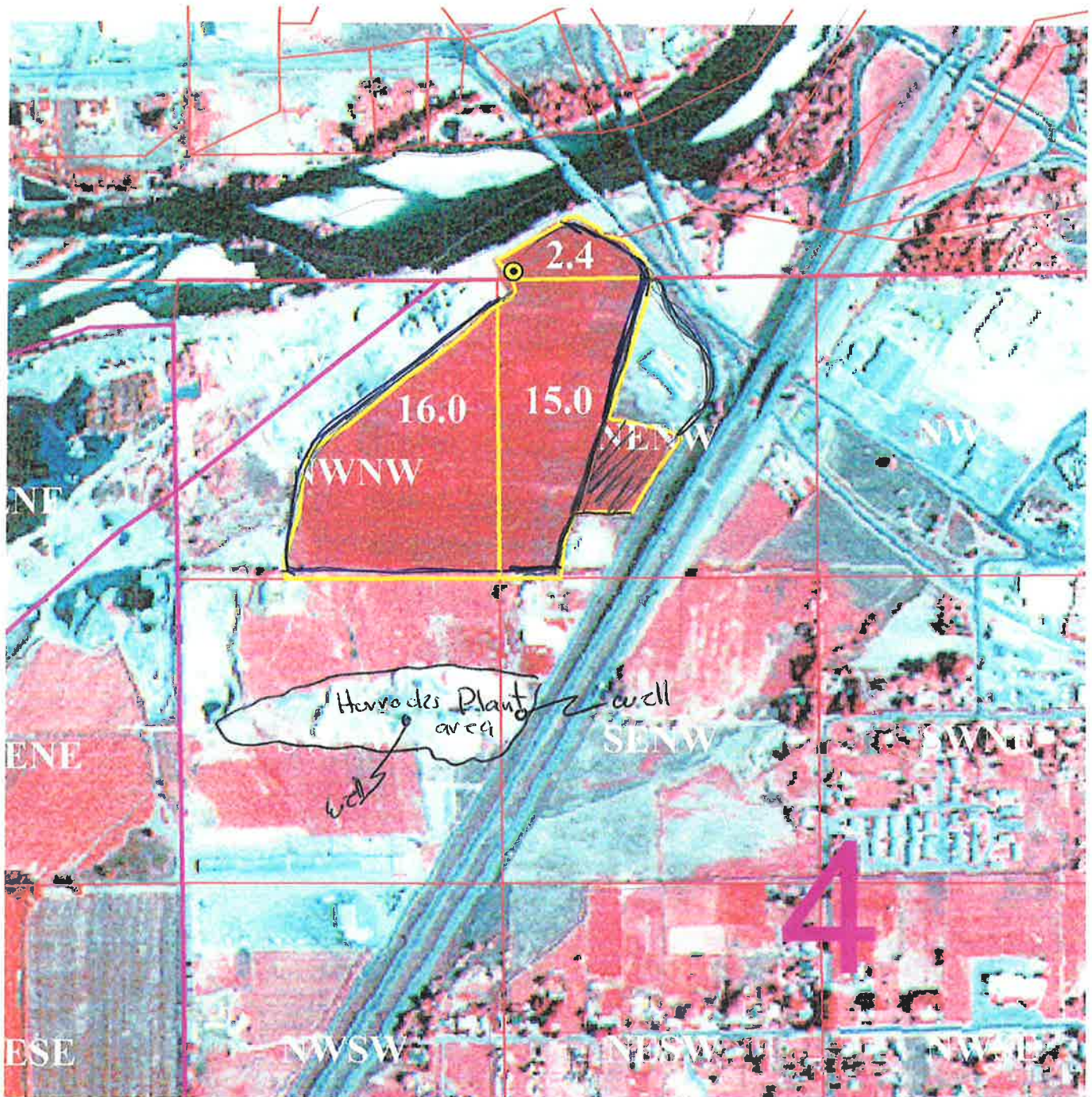
V-1 - N-1 V-2

Water Right 27-2128

PROFILED

Water Right Claim Number 27-07074  
Townships , 2S35E, 3S35E

12/27/2000



400 0 400 800 Feet



SPATIAL  
DYNAMICS

08/30/2007

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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 27-2128

NAME AND ADDRESS: CHARLES R HORROCKS  
9659 N PHILBIN  
POCATELLO ID 83201

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.630 CFS  
81.20 AFY

PRIORITY DATE: 08/17/1961

POINT OF DIVERSION:  
T03S R35E S4 SWSWN Within BINGHAM County  
T03S R35E S4 SESWN Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> |                        |
|-----------------------|----------------------|------------------------|
| INDUSTRIAL            | 01/01 12/31          | 0.610 CFS<br>80.60 AFY |
| DOMESTIC              | 01/01 12/31          | 0.020 CFS<br>0.60 AFY  |

PLACE OF USE:

INDUSTRIAL in BINGHAM County

T03S R35E S04 SWNW

DOMESTIC in BINGHAM County

T03S R35E S04 SWNW

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

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM  
1979 TO 2005.

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 - License

Right includes accomplished change in purpose of use pursuant to Section  
42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section  
42-1425, Idaho Code.



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

Charles R. Horrocks  
9659 North Philbin Road  
Pocatello, Idaho 83201

March 17, 2004

Re: Snake River Basin Adjudication (SRBA)  
Claim 27-2128

Subject: SIGNATURE PAGE FOR AMENDED CLAIM No. 27-2128

RESPONSE DATE: March 26, 2004

Dear Claimant(s):

We received your signed amended claim back the end of February and appreciate you returning it in such a timely manner. Unfortunately your son Scott notarized it. A family member cannot notarize any legal documents, so I'm returning the signature page to you to have resigned and notarized by someone other than a family member.

Please return the notarized signature page to our office at 15 West Center in Soda Springs. If you would like a copy of the signed amended claim for your records, we would be happy to send you one.

Feel free to contact me at 547-3993 in Soda Springs if you have any questions.

Respectfully,

Cindy E. Bird  
Adjudication Bureau

CEB/pb

**PROFILED**

SCANNED

APR 17 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 3, 2004

Charles R. Horrocks  
9659 N. Philbin  
Pocatello, ID 83201

Ref: Snake River Basin Adjudication Claims  
27-2128A and 27-2128B

COPY

Subject: Combine above claims to 27-2128

Dear Mr. Horrocks:

Harold Jones recently visited your business and found that under 27-2128A & B the purpose of use had been converted from irrigation to domestic and industrial with two points of diversion in 1979. While Harold was there he located both wells and the legal description does not agree with the claimed point of diversion.

The change in purpose of use can be recognized in the adjudication as an accomplished transfer since it occurred prior to November 19, 1987. I've amended your claims 27-2128A & B into one claim, 27-2128 with the two points of diversion. Please carefully read through the amended Notice of Claim and sign it in front of a notary if you agree with the changes.

Originally the irrigation diversion rate under this license was for 1.64 cfs but since the irrigation from this source has not been used since 1979 the remaining portion of this right has been abandoned and/or forfeited. If you have any additional questions please feel free to contact me in Soda Springs at 547-3993.

Respectfully,

Cindy Bird  
Adjudication Bureau

Enclosed: Amended Notice of Claim 27-2128.



**AFFADAVIT OF WATER USE**

**Ref: A27-02128A, A27-02128B**

I, Charles Michael Horrocks affirm that before April of 1979 the water usage at the address commonly referred to as 577 Frontage Road, Blackfoot, Idaho was from two wells. One well located near the office of Horrocks Ready Mix and another well to the west approximately 400-600ft.

I began employment at this facility in April of 1979 and the wells were currently in daily use at that time for mixing concrete, washing gravel and irrigation.

Signed: C. Michael Horrocks  
C. Michael Horrocks  
345 E. Rich Lane  
Blackfoot, Idaho 83221

On this 2<sup>nd</sup> day of December in the year 2003, before  
me Scott K. Horrocks, a Notary Public in and for said State,  
personally appeared C. Michael Horrocks

known to me to be the person....whose name....he.....subscribed to the within  
instrument, and acknowledged to me that....he...executed the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and  
Affixed my official seal the day and year in this certificate first  
above written.

Scott K. Horrocks  
Notary Public for the State of Idaho,  
Residing at Bingham, Idaho.

exp. 2-13-04

Harrods Ready Mix Plant



Front well

A-27-02128 A+B

A27-02128 A + B



A27-02128A + B



CPS Tag

well pipe

Back well pipe outlet

*file*

To: powder1@ida.net

Cc: cbird@idwr.state.id.us

Subject: Horrocks Claims

Hi Skip,

We just received in the mail a notarized affidavit of water use from Charles Michael Horrocks concerning water usage as of April 1979 for Claims 27-2128A and 27-2128B.

My records indicate that you have these files, unless you sent them back with Cindy on Thursday (thats today).

His statement in part says "I began employment at this facility in April of 1979 and the wells were currently in daily use at that time for mixing concrete, washing gravel and irrigation."

The only thing I can see wrong with it is that Scott K. Horrocks was the notary. I believe there is a limitation on notarizing relatives signatures, especially spouses and if the notary may benefit from the statement that is being notarized (besides the \$2 for the signature.)

Do you want me to FAX the statement to you or hold it to add to the file when the file is returned?

Barbara :-}

## Notes

12-4-03 Affidavit re Use. BP

2-2-04 I called Mike Horrocks to find out if an address update is needed. He said ~~not~~ the address on the claim is the office address.

2-3-04 Letter to claimant re combining A+B. BP

2/17/04 Called Mike's cell phone, he is in Florida for 2 weeks. They looked over the claim and he thought he returned it to use last week. If we don't receive the amended claim this week then call Mike back. 2/23/04 CB.

2-23-04 Called Mr. Horrocks (233-7041). He will get it to us by 2-27. BP

2-26-04 Received amended claim

3-17-04 Sent out a new signature page. PB

4-25-04 Received signature page back from claimant signed by someone other than family member. PB

4/25/05 Purpose of use changed to industrial/domestic in 1979. Skip did a theoretical on diversion rate from the two wells.

The balance of this right was forfeited/abandoned in 1979 when they changed the use to industrial.

No layout needed, have I.F. print the NOE. CB.

# Claim Summary Worksheet

Claim No. 27 - 2128

Completion of claim is dependent on processing the following documents and/or actions.

|                                                    | Requested                       | Response date | Received | Completed | Notes                      |
|----------------------------------------------------|---------------------------------|---------------|----------|-----------|----------------------------|
| <b>OWNERSHIP</b>                                   |                                 |               |          |           |                            |
| Ownership Change Form                              |                                 |               |          |           |                            |
| Warranty Deed                                      |                                 |               |          |           |                            |
| Map(s)                                             |                                 |               |          |           |                            |
| Is this a split? Y N                               |                                 |               |          |           |                            |
| <b>AMENDMENT</b>                                   |                                 |               |          |           |                            |
| Notarized amended claim                            | 2-3-04                          |               | 2-26-04  |           |                            |
| Correction in POD/Source                           |                                 |               |          |           |                            |
| Correction in POU                                  |                                 |               |          |           |                            |
| Change in Priority Date                            |                                 |               |          |           |                            |
| Change in Diversion Rate                           |                                 |               |          |           |                            |
| <b>ENLARGEMENT</b>                                 |                                 |               |          |           |                            |
| 1. Advised claimant need to file enlargement claim |                                 |               |          |           |                            |
| 2. Receive enlargement claim                       |                                 |               |          |           |                            |
| 3. Eastern registration process                    |                                 |               |          |           |                            |
| 4. Notarized claim                                 |                                 |               |          |           | Enlargement Claim # -      |
| <b>SPLIT CLAIM</b>                                 | Obtain information from Eastern |               |          |           | Parent Right # - : CFS     |
| Ownership                                          |                                 |               |          |           | Children # - ; CFS         |
|                                                    |                                 |               |          |           | Children # - ; CFS         |
|                                                    |                                 |               |          |           | Children # - ; CFS         |
|                                                    |                                 |               |          |           |                            |
|                                                    |                                 |               |          |           | <b>Children Total: CFS</b> |

Children total must agree with parent right.

## Notes

10/9/03 Was a transfer filed to change the purpose from irrigation to industrial?

No, transfer on the scanned documents.

12-4-03 Affidavit of Use, BO

2-2-04 Called Mike Horrocks and he said the claimed address is the office number.

## Notes

10/9/03 This right 27-2128 was licensed in 1977 for irrigation. Was a transfer filed changing the purpose of use.  
\* No transfer in the scanned documents.

## Notes

CLAIMS A27-02128A + A27-02128B

1/ Exam done with Mike Harrocks - owner  
with Charles Harrocks (Mike is the son of Charles)  
Mike's cell phone - 251-2696; Blackfoot Plant  
Phone - 785-6426. No Transfer ever Filed!

2/ Mike Harrocks was asked to send an affidavit  
detailing the change of nature of use on WR  
27-02128 from Agriculture to Industrial.  
He & his father started the concrete plant in  
1979 on the same place of use that was  
irrigated under 27-02128. Gravel is  
mined & washed on site for the ready-mix  
plant adjacent. Mike will send information  
directly to the Salt Springs office.

3/ These 2 claims should be consolidated into  
one entity. Two smaller wells now replace the  
original irrigation well.

4/ GPS data - Front well 0632411 File 2128A (12-3-01)  
(10hp) 0233599 GPS tag #A0009082

Back well 0632274 File 2128A1  
(10hp) 0233610 GPS tag #A0009083

5/ Mike finds cfs of 0.77 for Industrial & 0.02 cfs  
for domestic is correct. Use is year-round for ready-mix  
& from March to Dec. for washing gravel.

(over)

## Notes

Claims A27-02128A + B continued

c/ The plant operates 6 days a week  
for 52 weeks a year according to  
Mike Horvack.

Well Thoreticals - Both wells have 10hp pumps

$$A/ \frac{10hp \times 8.81 \times 70\% \text{ eff}}{70' \text{ deep} + 2.31 (50 \text{ psi rest})} = 0.33 \text{ cfs}$$

$$B/ \frac{10hp \times 8.81 \times 70\% \text{ eff}}{90' \text{ deep} + 2.31 (50 \text{ psi rest})} = 0.30 \text{ cfs}$$

\* Total Thoretical for both wells approximately  
0.63 cfs or 282.7 gpm

$$\text{Assumption: } 282.7 \text{ gpm} \times 60 \text{ min/hr} \times 5 \text{ hrs/day} = 84,810 \text{ gpd}$$

$$84,810 \text{ gpd} \times 312 \text{ days of operation} = 26,460,720 \text{ gallons/year}$$

$$\frac{24,460,702 \text{ gallons/year}}{325,850 \text{ gallons/af}} = \underline{\underline{81.2 \text{ af/a}}}$$

## Contacts Data Entry Form

Owner Type \_\_\_\_\_ Full Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_  
Current Owner Charles R. Horrocks, 9659 N. Philbin Rd. Pocahontas, ID 83201  
Name connector: and \_\_\_\_\_, or \_\_\_\_\_, and/or \_\_\_\_\_  
Current Owner \_\_\_\_\_  
Current Owner \_\_\_\_\_  
Representing Attorney: \_\_\_\_\_ Phone Number: \_\_\_\_\_

## INTER-DEPARTMENT MEMO

TO: SkipFROM: CindySUBJECT: 27-2128 A & BDATE: 10/9/03

Please verify the use, POP & POH. There was  
no transfer filed to change the purpose  
of use.

Why was the right split for the same guy?  
What is the pre-87 purpose place, pod?  
Need evidence to support the change

( ) For your information

☒ - Response

CB  
signature

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

Contacts Data Entry Form

State of Idaho  
Department of Water Resources

RECEIVED  
SEP 9 1977  
Department of Water Resources  
Eastern District Office

WATER RIGHT LICENSE

License of Water Right No. 30098/27-2128 Priority August 17, 1961 Amount 1.64 cfs

THIS IS TO CERTIFY, that VERL B. and CHARLES R. HORROCKS  
of Blackfoot, Idaho, has complied with the terms and conditions of Permit  
No. 30098/27-2128 issued pursuant to Application for Permit dated August 17, 1961,  
and has submitted proof to the Department of Water Resources on September 6, 1966,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 4.31 cfs of water from a groundwater source,  
tributary to \_\_\_\_\_, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use | Period of Use                         | Rate of Diversion      | Annual Volume        |
|----------------|---------------------------------------|------------------------|----------------------|
| Irrigation     | from <u>Mar. 15</u> to <u>Nov. 15</u> | at <u>1.64</u> cfs and | <u>287</u> acre feet |
|                | from _____ to _____                   | at _____ cfs and       | _____                |
|                | from _____ to _____                   | at _____ cfs and       | _____                |

(both dates inclusive)

Subject, however, to the condition that no more than 1.64 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
287 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 4, Twp. 3S,  
Rge. 35E, B.M. in the County of Bingham

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 3S   | 35E   | 4    |                  |                  |                  |                  |                  |                  | 40               | 2.4              |                  |                  |                  |                  |                  |                  |                  |                  | 42.4   |
|      |       | 5    | 3.4              |                  | 3.2              | 33               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 39.6   |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 82

Water diverted to lands under this license shall not exceed 287 acre feet per  
annum when used in combination with all other water rights.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho  
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use  
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7th day of

September, 19 77.

  
Director

State of Idaho  
Department of Water Resources

RECEIVED  
SEP 9 1977  
Department of Water Resources  
Eastern District Office

WATER RIGHT LICENSE

License of Water Right No. 30098/27-2128 Priority August 17, 1961 Amount 1.64 cfs

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of Blackfoot, Idaho, has complied with the terms and conditions of Permit  
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and has submitted proof to the Department of Water Resources on September 6, 1966,  
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capacity for the diversion of 4.31 cfs of water from a groundwater source,  
tributary to \_\_\_\_\_, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use | Period of Use                                                | Rate of Diversion    | Annual Volume |
|----------------|--------------------------------------------------------------|----------------------|---------------|
| Irrigation     | from <u>Mar. 15</u> to <u>Nov. 15</u> at <u>1.64</u> cfs and | <u>287</u> acre feet |               |
|                | from _____ to _____ at _____ cfs and                         |                      |               |
|                | from _____ to _____ at _____ cfs and                         |                      |               |

(both dates inclusive)

Subject, however, to the condition that no more than 1.64 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
287 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 4, Twp. 3S,  
Rge. 35E, B.M. in the County of Bingham

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 3S   | 35E   | 4    |                  |                  |                  |                  |                  |                  | 40               | 2.4              |                  |                  |                  |                  |                  |                  |                  |                  | 42.4   |
|      |       | 5    | 3.4              |                  | 3.2              | 33               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 39.6   |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

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NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho  
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use  
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7th day of  
September, 1977.

  
Director

September 8, 1977

Re: License No. 30098/27-2128

Verl B. and R. Horrocks  
Route #2, Box 4  
Blackfoot, ID 83221

Gentlemen:

Enclosed, please find a copy of your approved Water Right License No. 330098/27-2128.

Sincerely,

JAN GROVER  
Water Rights Supervisor

JG/cah

Enclosure

11/10/77

RECEIVED

MAY 27 1976

*Law Offices*

FURCHNER, MARTSCH & BAKER

178 W. JUDICIAL STREET  
BLACKFOOT, IDAHO 83221

Department of Water Resources

H. WILLIAM FURCHNER  
JAMES L. MARTSCH  
DWIGHT E. BAKER

May 25, 1976

AREA CODE 208  
788-2310  
P. O. BOX 752

Mr. Bobby D. Fleenor  
Chief, Water Rights  
Department of Water Resources  
Statehouse  
Boise, Idaho 83720

Re: Permit No. 27-2128  
Verl B. Horrocks

Dear Mr. Fleenor:

A further search of our ancient File No. 13 has produced the original depositions and affidavit of publication of notice of proof of completion of works for the above permit which were apparently last returned to our office by your letter of September 23, 1966.

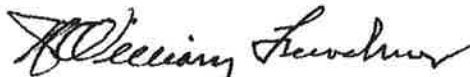
We have stricken from the proofs the 5 acres which we at one time intended to add by amendment, since Mr. Horrocks no longer owns the land and it is not irrigated from the well described in the permit anyway.

I believe you will now find everything in order for issuance of the final license and closing of your file in this case.

When the license is issued, will you please return it to our office for Mr. Horrocks.

Very truly yours,

FURCHNER, MARTSCH & BAKER



H. William Furchner

Encls:  
HWF: fb

June 10, 1976

Re: Permit No. 30098/27-2128  
Verl B. & Charles R. Horrocks

Mr. H. William Furchner  
Furchner, Martsch & Baker  
P.O. Box 752  
Blackfoot, Idaho 83221

Dear Mr. Furchner:

This is to acknowledge receipt of the proof depositions and affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of the Department. We cannot tell just when this examination will be made, but our examiner will try to contact the Horrocks' prior to the exam so that someone may show the system.

Thank you for your help in this matter, we are sorry for the many years' delay.

Sincerely,

D. Darlene Reich  
Water Rights Supervisor

ddr

bc: Eastern Regional Office  
ENC: Field report

## FIELD REPORT

2. Source of water supply: Groundwater ☒ Surface water ☐ \_\_\_\_\_  
(name spring, stream, etc.)  
Tributary to \_\_\_\_\_

Other uses: \_\_\_\_\_

**Other Points of Diversions:**

Measuring device required: yes ☐ no ☒

[illegible]**TOTAL ACREAGE**

160

Rge. 35E

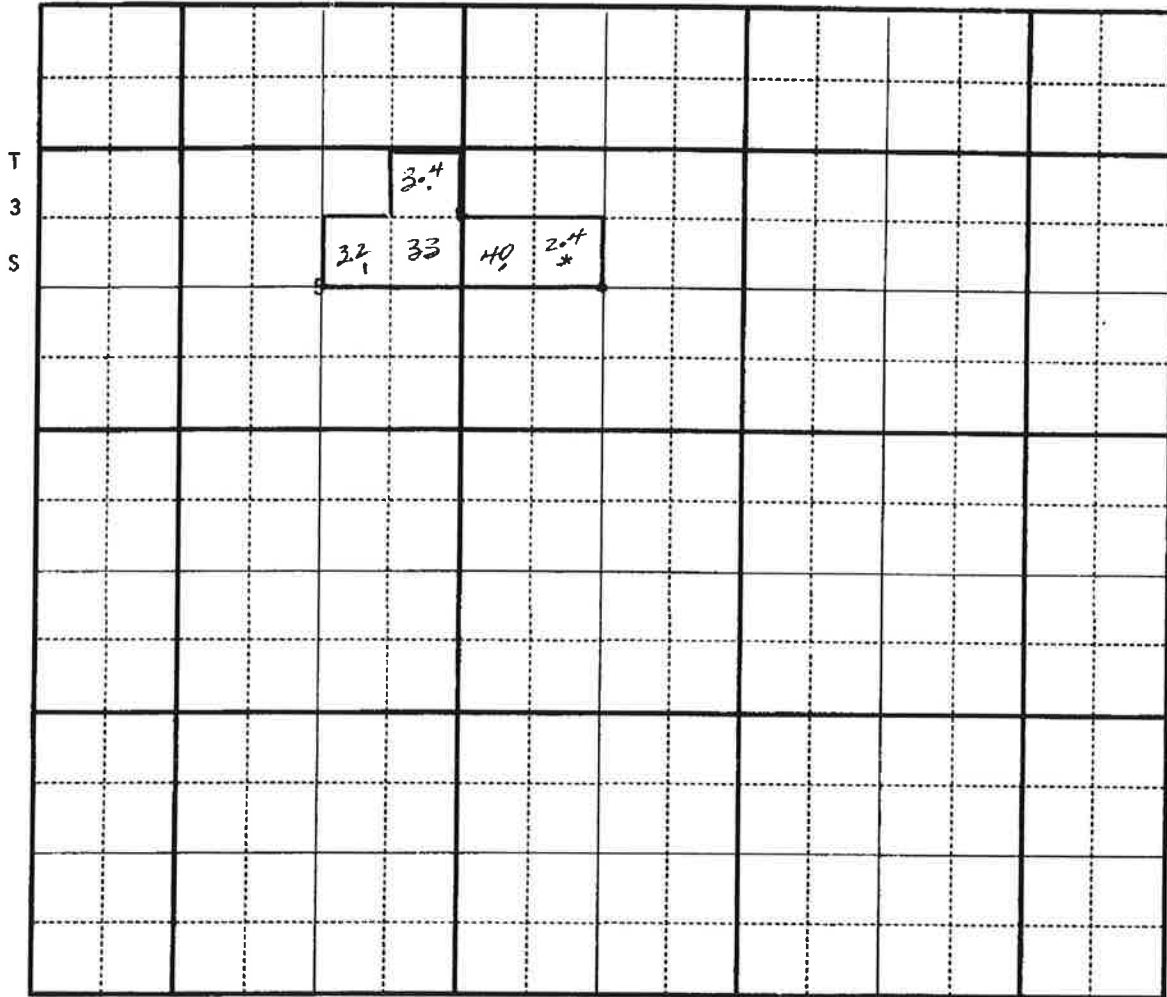
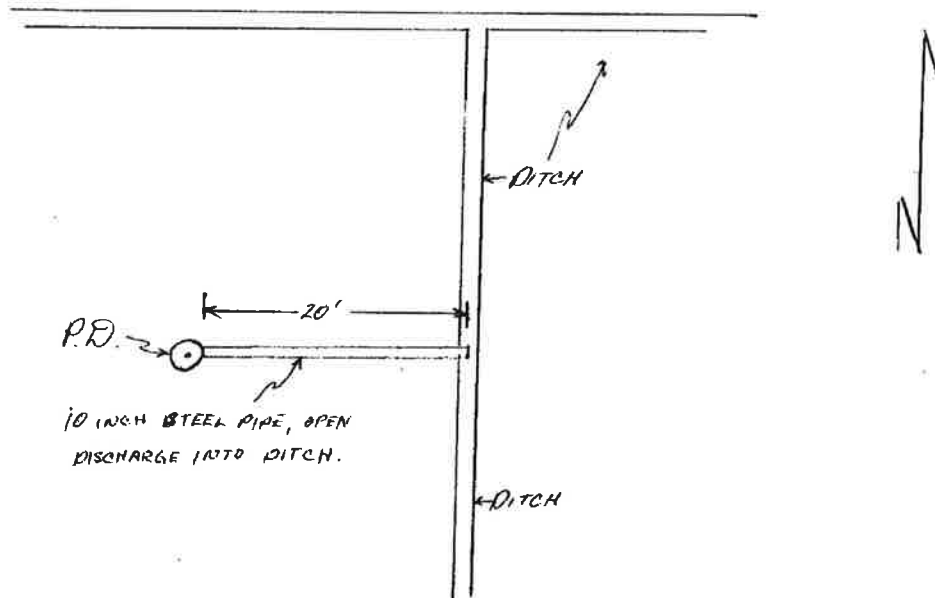


Diagram of System



DATE OF EXAM 9/8/76

ACREAGE  
Found 82  
Recommended 82

Irrigation Requirement 3.5 Ac Ft/Ac

USE  
Irrigation Q = 1.64 c.f.s. V = 287 AF/Ann. from MARCH 15 to NOVEMBER 15  
Domestic Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_  
Livestock Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_

Is water co-mingled? yes ☒ no ☐

Name source: SURFACE WATER FROM DITCH  
twp. 35 N/S, Rge. 22 E/W, B.M., Sec. \_\_\_\_\_, Sub. 8 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County WYOMING

Exchange? yes ☐ no ☒

Name source exchanged with: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge. \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Point of injection: N.A.  
twp. \_\_\_\_\_ N/S, Rge. \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Point of exchange: N.A.  
twp. \_\_\_\_\_ N/S, Rge. \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Total Q measured 4.31 cfs. Method of measurement METER

Total Q recommended 1.64 cfs Meter No. PWR Type SPARKING Condition GOOD

Total V recommended 287 AF/ANN.

Recommended Amendments:

P.D. \_\_\_\_\_  
Place of Use \_\_\_\_\_  
Other \_\_\_\_\_  
None ☒

MEASUREMENT CALCULATION:

$Q = .01 \text{ AF} / 101.300 = 435.6 / 101.300 = 4.31 \text{ cfs.}$

$V = 3.5 \times 82 = 287 \text{ AF/ANN.}$

SYSTEM DESCRIPTION:

1/2 HP MOTOR, 30 HP, 3 PHASE, SERIAL # 3261731, LAYNE & BOWLER TURBINE  
PUMP, SERIAL # 4402510  
SYSTEM CONSISTS OF 2 MILES OF DITCHES.

REMARKS:

SYSTEM DESCRIBED BY UERL HORROCK, 4/10/76  
WATER FROM IRRIGATION CHANNEL.

Examiner's Signature Ernest Carlson Date 9/9/76

Checked by Anthony R. Kozlowski Date 2/3/77

Approved by \_\_\_\_\_ Date \_\_\_\_\_

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 27-2128  
Date Received: 3/21/1990  
Receipt No: X999999  
Received By:

**AMENDED**

**AMENDED**

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

CHARLES R HORROCKS Phone: (208)233-7041

9659 N PHILBIN  
POCATELLO ID USA 83201

2. Date of Priority: 08/17/1961

3. Source: GROUND WATER

Trib. to: ,

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 Lot | County  | Type |
|----------|-------|---------|--------|--------|---------|---------|------|
| 03S      | 35E   | 4       | NE     | SW     | NW      | BINGHAM |      |
| 03S      | 35E   | 4       | NW     | SE     | NW      | BINGHAM |      |

5. Description of diverting works:

Two smaller wells now replace the original irrigation well. Both have 10 hp pumps.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| INDUSTRIAL | 01/01 | 12/31 | 0.61   |            |
| DOMESTIC   | 01/01 | 12/31 | 0.02   |            |

7. Total Quantity Appropriated is:  
0.63 C.F.S. and/or 81.2 A.F.A.

8. Total consumptive use:



9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres |
|----------|-------|---------|------------|-----|------------|-------|
| 03S      | 35E   | 4       | SW         | NW  | INDUSTRIAL |       |
|          |       |         | SW         | NW  | DOMESTIC   |       |

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

CLAIM WAS AMENDED TO COMBINE THE A & B BACK INTO THE PARENT RIGHT. THE IRRIGATION WATER RIGHT WAS CONVERTED TO INDUSTRIAL AND DOMESTIC IN 1979. NO IRRIGATION FROM THIS SOURCE HAS BEEN DONE SINCE 1979.

15. Basis of Claim: License

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 \_\_X\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

**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) Charles R. Horrocks Date: 3 - 24 - 04

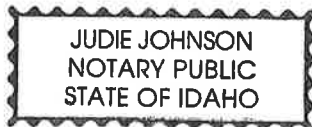
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )

County of Bannock )

Subscribed and sworn (or affirmed) before me this 24<sup>th</sup> day of March 2004

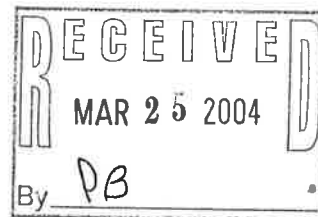
SEAL



Judie Johnson  
Notary Public

Residing at Chubbuck

My Commission Expires: 05-12-09



Number of attachments: \_\_\_\_\_

**For Individuals:**

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

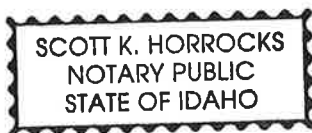
Signature of Claimant(s): Charles R. Horroch Date: 2-25-04

\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Bingham ) SS.

Subscribed and sworn (or affirmed) before me this 25<sup>th</sup> day  
of February 2004

Scott K. Horrocks  
Notary Public



Residing at Bingham County  
My commission Expires 2/13/2010