

IDAHO DEPARTMENT OF WATER RESOURCES 01/24/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: MARVIN W ROCK
4615 W OLD HWY 91
INKOM ID 83245

SOURCE: BLACKROCK CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.09 CFS

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION:

T07S R35E S23 NWNWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.020 CFS
IRRIGATION	04/01 10/31	0.090 CFS

PLACE OF USE: STOCKWATER Within BANNOCK County

T07S R35E S23 NWNE

IRRIGATION Within BANNOCK County

T07S R35E S23 NWNE 3.0

3 ACRES TOTAL

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

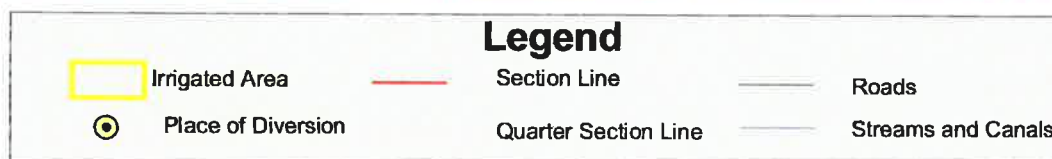
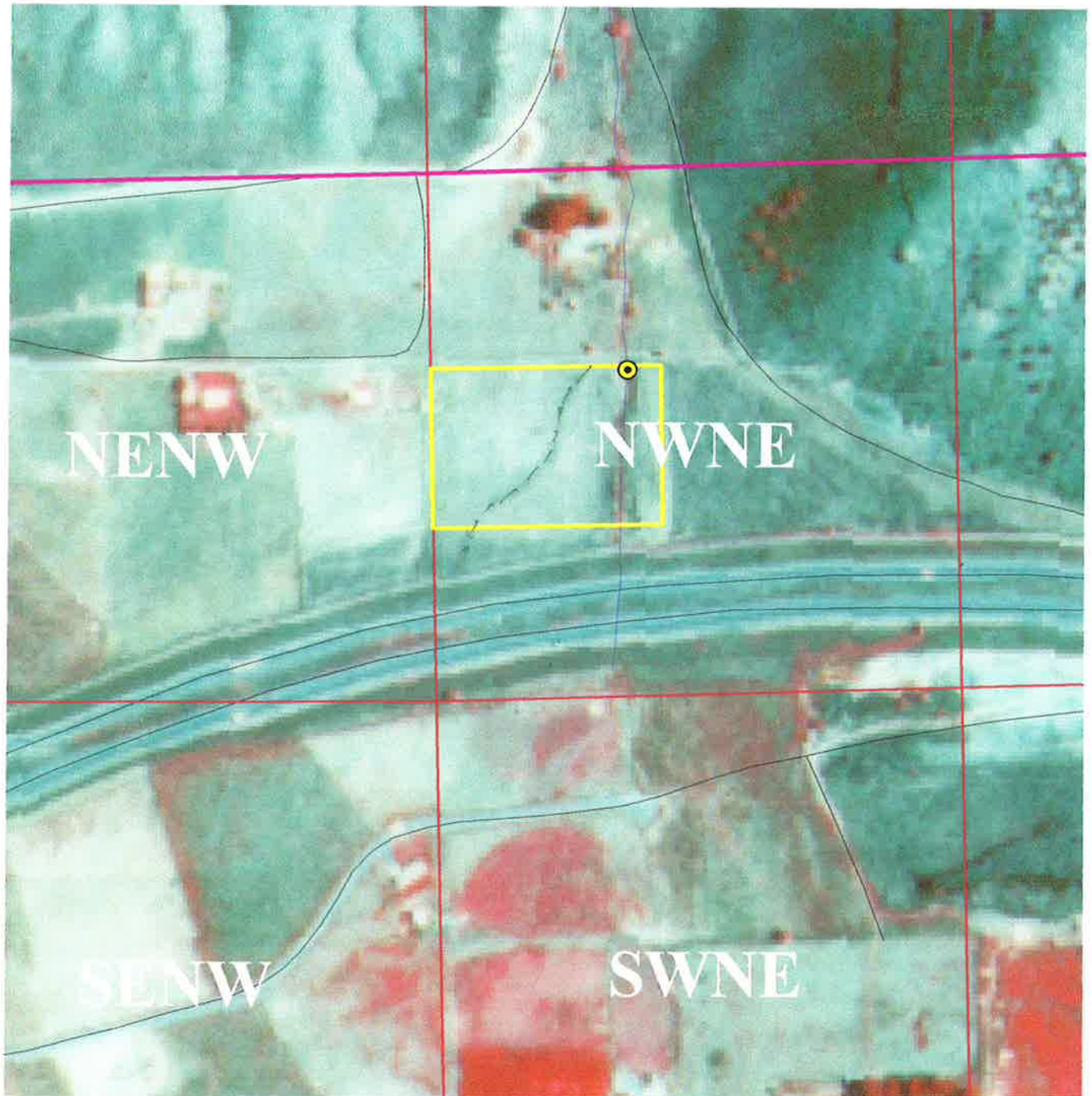
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

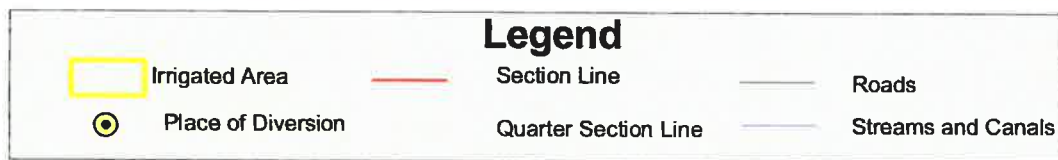
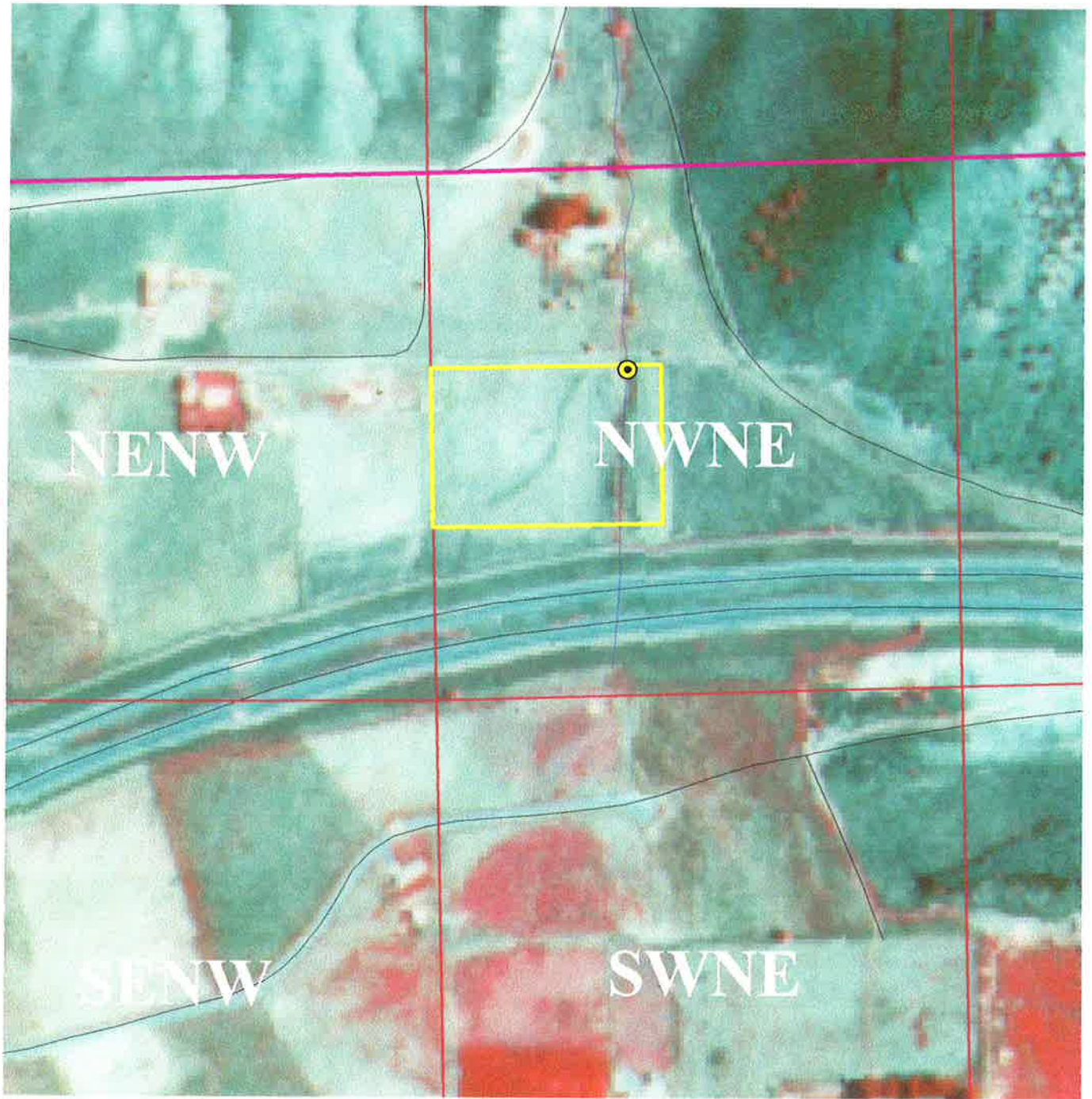
Water Right Claim Number A29-00495A
Township , 7S35E

08/28/2000



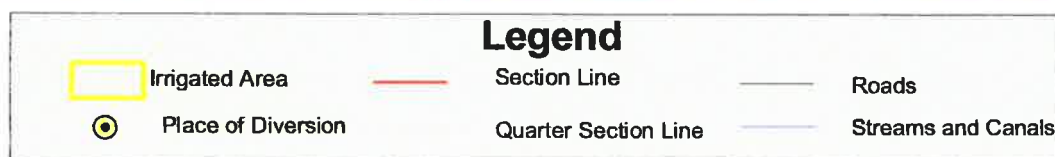
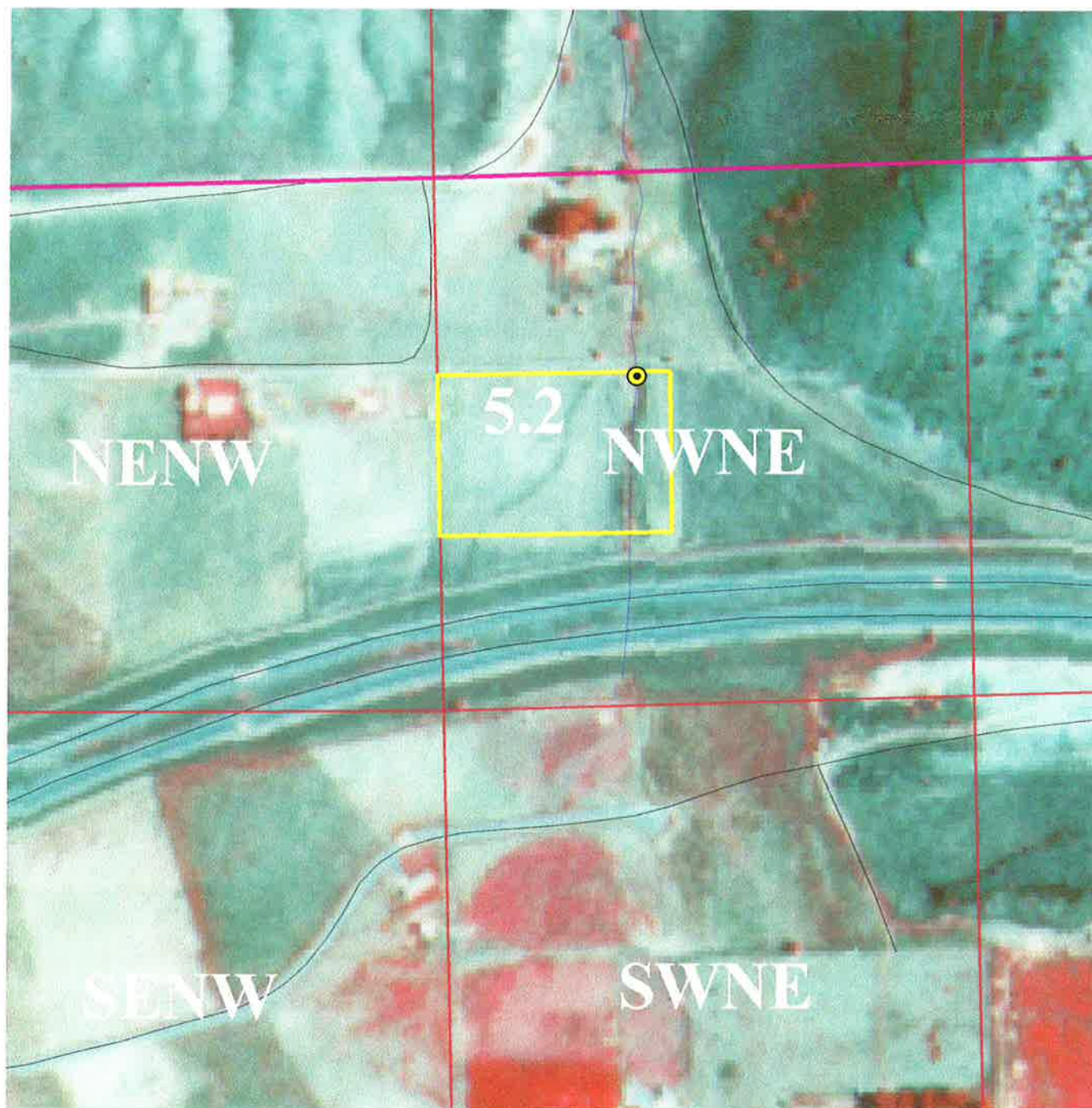
Water Right Claim Number A29-00495A
Township , 7S35E

08/28/2000



Water Right Claim Number A29-00495A
Township , 7S35E

08/28/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-495A V1

WATER RIGHT NUMBER: 29-495A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KATHLEEN M FLEMMING 1900 W QUINN RD POCATELLO, ID 83202 (208)237-9063
Current Owner	MARVIN W ROCK 4615 W OLD HWY 91 INKOM, ID 83245 (208)775-4535
Original Owner	RICHARD L FLEMMING 1900 W QUINN RD POCATELLO, ID 83202 (208)237-9063
Original Owner	ANDREW CIBULKA
Original Owner	, ZZ W WINN ROCK 417 ROOSEVELT POCATELLO, ID 83201 (208)232-6017

Priority Date: 06/17/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BLACKROCK CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	04/01 to 10/31	0.020 CFS	
IRRIGATION	04/01 to 10/31	0.090 CFS	
<u>Total Diversion:</u>		0.090 CFS	

Location of Point(s) of Diversion

BLACKROCK CREEK	NW1/4NW1/4NE1/4	Sec. 23, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of UseSTOCKWATER Within BANNOCK County

T07S R35E S23 NWNE

IRRIGATION Within BANNOCK County

T07S R35E S23 NWNE 3.0

Total Acres: 3

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-495A V1

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.

Remarks:Comments:

1. csaxton 1/24/2002 POU

Comment: 1987 NAPP does not show irrigation. Field exam indicated POD in place and statement from claimant was that he used creek water when available since purchasing property in 1994-94.

2. csaxton 1/24/2002 Source

Comment: Source also known as Terrel Creek.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	1/24/2002 1:13:54 PM	csaxton			Active
POD	1/24/2002 1:14:40 PM	csaxton			Active
Source	1/24/2002 1:21:58 PM	csaxton			Active
POU	1/24/2002 1:23:14 PM	csaxton			Active
Use	1/24/2002 1:24:26 PM	csaxton			Active
Season	1/24/2002 1:29:12 PM	csaxton			Active
Quantity	1/24/2002 1:47:09 PM	csaxton			Active
Summary	1/24/2002 1:52:36 PM	csaxton	1/24/2002 1:52:36 PM	csaxton	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-495A V1

POD	1/24/2002 1:47:09 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Contacts	1/24/2002 1:13:08 PM	csaxton	(No) 1. Do you want to schedule an appointment?
Priority Date	1/24/2002 1:13:54 PM	csaxton	Comment for 1: Field exam 5/30/01 (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	1/24/2002 1:14:40 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - No POD defined in Decree.
POD	1/24/2002 1:16:14 PM	csaxton	Edited point location
POD	1/24/2002 1:16:29 PM	csaxton	Edited PLS
Source	1/24/2002 1:21:58 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-495A V1

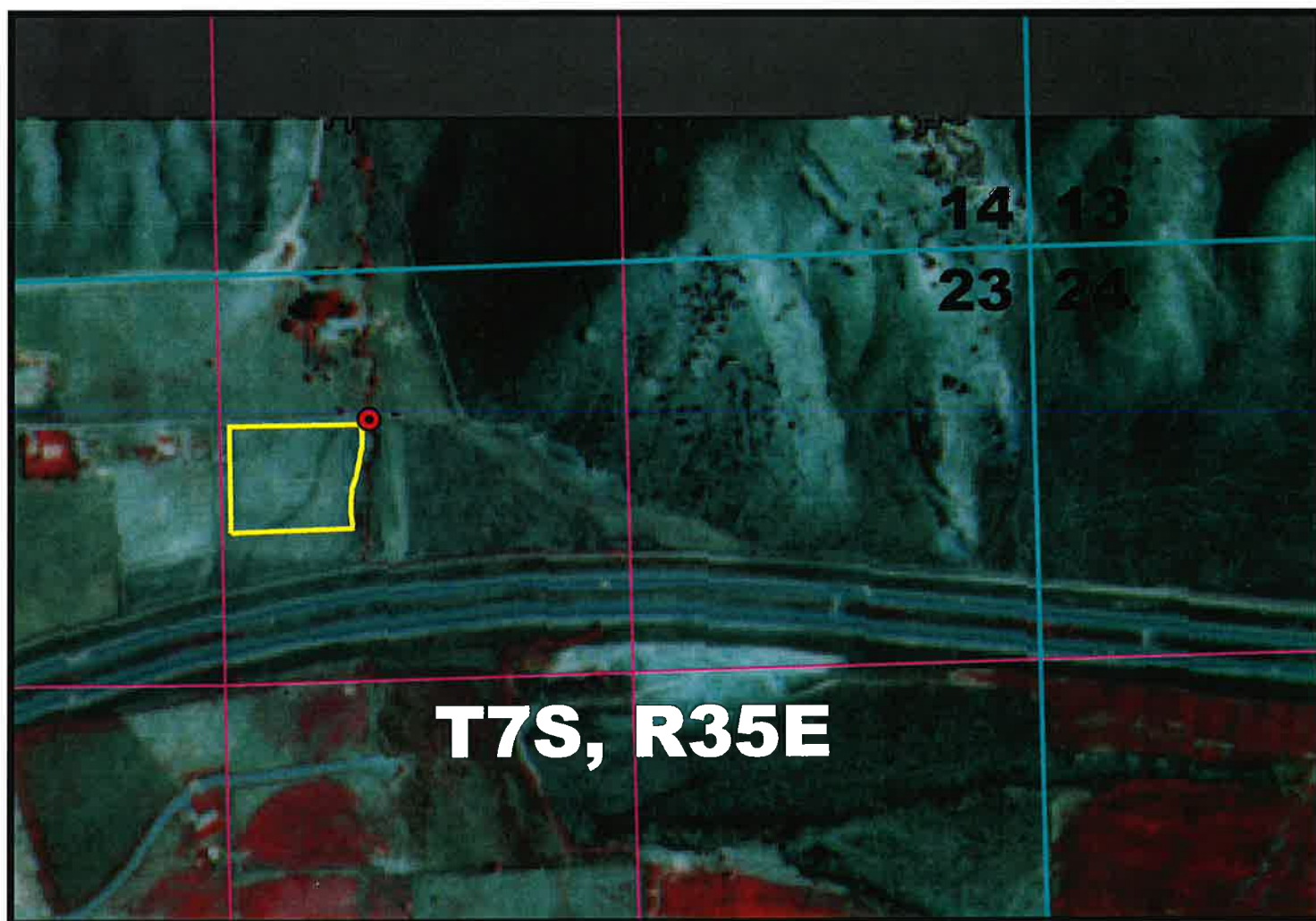
POU	1/24/2002 1:23:14 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	1/24/2002 1:23:31 PM	csaxton	Edited shape boundary
Use	1/24/2002 1:24:27 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	1/24/2002 1:29:13 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Summary	1/24/2002 1:52:36 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00495A



1320

0

1320 Feet

Total Irrigated Acres: 3.0



Point(s) of Diversion



Place of Use



Quarter Quarter Lines

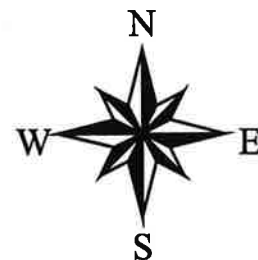


Section Lines

SCANNED

NOV 30 2005

PROFILED



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: January 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 24, 2002

MARVIN W ROCK
4615 W OLD HWY 91
INKOM ID 83245

RE: CHANGE IN OWNERSHIP FOR A29-00495A

Dear Mr. Rock:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 15, 2001

MARVIN W ROCK
4615 W OLD HWY 91
INKOM ID 83245

RE: Notice of Change in Water Right Ownership for 29-00495A and Priority Evidence for 29-12029

Dear Mr. Rock:

On May 1, 2001 I sent correspondence to you regarding the need for an amended claim and priority evidence for claim 29-12029. No response was received so I dropped by your home on May 30, 2001 and we discussed the need for Priority evidence on your well water use, and also discussed the need to file a Notice of Change in Water Right Ownership for your claim on Blackrock Creek water. On June 1, 2001 you were mailed an Amended claim.

Issue: 1

Amended claim 29-12029 needs to be signed and returned with priority evidence supporting as far back as the well was used for irrigation.

Issue: 2

Change of ownership form needs to be completed for 29-00495A and returned with the deed showing conveyance of the property from W Winn Rock to yourself.

Enclosed are copies of the Amended Claim, Change of ownership form, and the two claims in question. Please return the requested materials to this office by November 30, 2001.

Please feel free to contact me at 525-7161 if you have any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure(s)

RECEIVED
NOV 15 2001

SCANNED
NOV 30 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 1, 2001

Dear Claimant in the Snake River Basin Adjudication (SRBA):

About 10 years ago you or your predecessor filed with the Idaho Department of Water Resources a Notice of Claim to Water Right in the Snake River Basin Adjudication. As explained in the enclosed letter from Senators Marley and Wheeler the investigation phase of this process is now focused on your area, Basin 29, the Portneuf River Drainage.

You are invited to attend a public meeting:

McCammon	Wednesday, May 9 at 2:00 p.m. McCammon City Hall 802 Front St., McCammon
Pocatello	Wednesday, May 9 at 7:00 p.m. Armed Forces Reserve Center 611 W. Quinn, Pocatello
Soda Springs	Thursday, May 10 th at 10:00 a.m. Soda Springs City Hall 9 West 2 nd South, Soda Springs

The purpose of these meetings is for (1) the Department to update you on how the adjudication process works, and (2) for you, the claimant, to express concerns or discuss problems relating to water delivery in your area. This will help us to understand from an historical perspective the use and delivery of your water right.

Throughout this summer our adjudication staff, primarily from the Idaho Falls Eastern Regional Office but also at times from Boise, will be contacting various water users in Basin 29. We ask for your cooperation in this process – the better we understand your water rights the better chance of you receiving an accurate decree from the SRBA Court that fully describes your water rights.

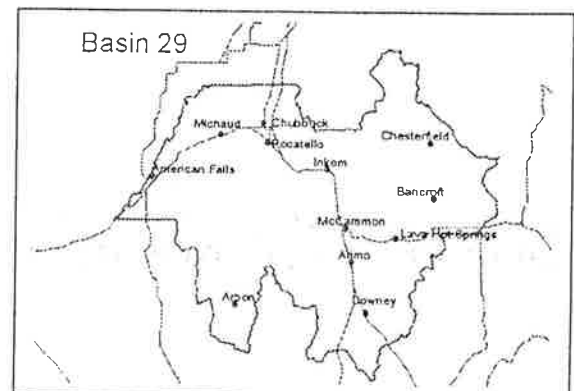
This investigation effort is being conducted by an experienced and successful staff. During recent years, this staff has accurately investigated and reported water rights in neighboring basins to the west, including the Big Lost River, the Little Lost River, Camas Creek, and Birch Creek.

Please contact the Idaho Falls Office with any questions.

Sincerely,

Ernest Carlsen
Adjudication Supervisor, Eastern Region

Enclosures: Letter from Representative Marley and
Senator Wheeler
Information Brochure





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 1, 2001

Dear Water Users:

Ten years ago or more, we filed Adjudication Claims for our water rights. Over the last ten years, the Idaho Department of Water Resources ("IDWR") and the SRBA Court have been working on a number of legal questions called "Basin Wide Issues." These have been settled to the point that the Department is proceeding with investigating claims. Claims investigation in Basin 29, the Portneuf River Drainage, is now underway.

This summer IDWR will be examining claims in Basin 29 with a goal of making "preliminary recommendations" in December. An informal "notice of error" process will follow, where claimants can present additional information to IDWR if they believe the recommendations are incorrect.

Early in 2002, IDWR will present its recommendations to the Court in the form of a "director's report". This will begin the "objection" period, where water users can object to their own or others' water rights before the Court. Finally, the Court will make a determination based upon the claims, the department recommendations, and any information presented in trial as a result of the objection process. Partial decrees of individual Basin 29 rights should be issued some time in 2002.

It is VERY IMPORTANT that we be informed and involved in this process, to make sure the Department makes correct recommendations for our water rights. If the Department asks for information, PLEASE RESPOND. They need that information to recommend your right, or they wouldn't ask for it.

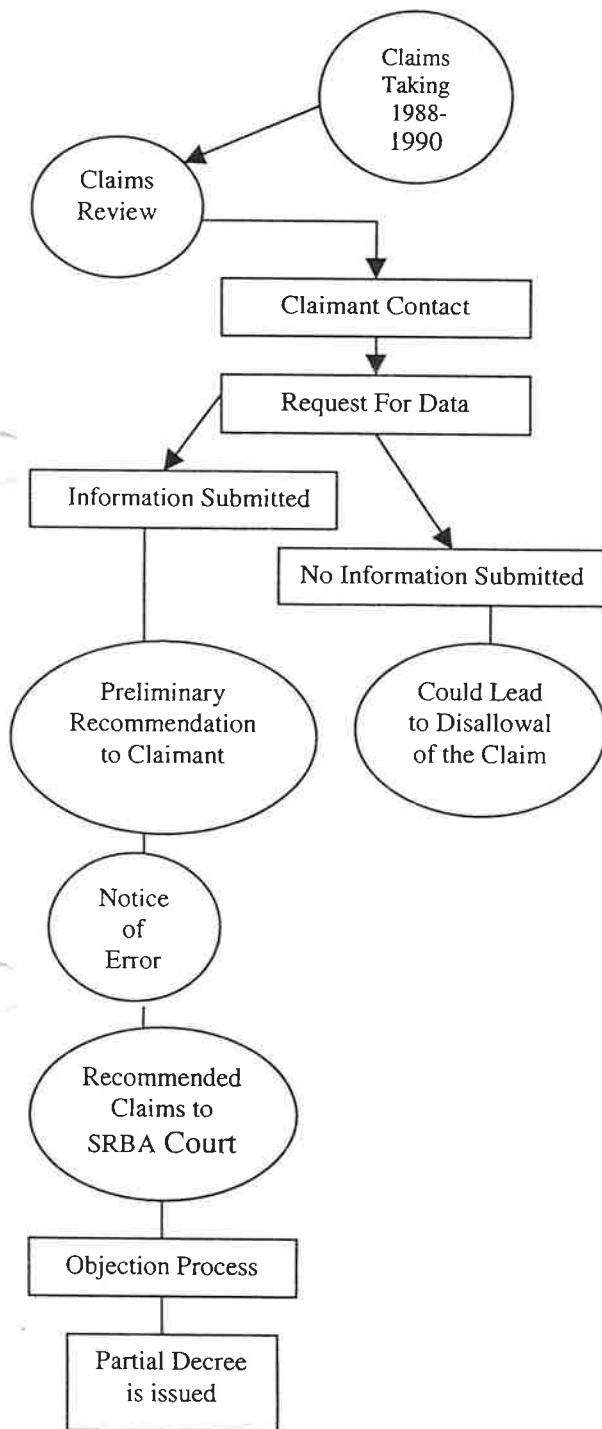
The Department has invited us to a public meeting at 2:00 P.M. on May 9th, at the McCammon City Hall; 7:00 P.M. on May 9th, at the Armed Forces Reserve Center in Pocatello; or 10:00 A.M. on May 10th at the Soda Springs City Hall. They will explain the process, and answer questions. Please come and participate.

Please call the Idaho Falls office for IDWR at 525-7161, if you have questions.

Thank You,

Representative Bert C. Marley
Pocatello, Dist. 33

Senator "Moon" Wheeler
American Falls, Dist. 35



Questions and Answers:

Q: Why now? I adjudicated my water rights in 1989.

A. You filed your claims in 1989. Now we are investigating those claims to make accurate recommendations to the Fifth District Court.

Q: If I furnish more information will you take away my water right?

A. The State does not want your water right. We ask for additional information so that we may make accurate recommendations of Beneficial Uses of the water rights. Our schedule is very tight – we need the info ASAP.

Q: How much more money do you want?

A. You paid for your claim in 1989, or so. There might be additional fees only in extenuating circumstances, such as additional acres or new claims.

Q: How come you want me to file another claim?

A. If we suggest you file additional claims it means we have found

additional uses of water to which you may be entitled, or we have identified additional acres.

Q: What about my Domestic well and Stockwater?

A. There is no statutory requirement to file either; but IDWR accepts your Domestic and/or Stockwater claims.

The Tools We Use:

In the evaluation of water right claims and preparation of recommendations the adjudication staff utilize:

- State-of-the-art computer technology.
- High resolution 1987 NAPP photography to identify the place of use.
- Global Positioning System (GPS) used to pin-point points of diversion or detail significant features.
- Prior decrees, licenses and transfers.
- Water measurements for claims based on beneficial use.
- Watermaster records
- Historical records
- Claimant input and participation

JUN 19 2001

Log for claim A29-00495A

Spatial Dynamics LTD

8/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	NWNE	3	5.2	
Totals:			3	5.2	

5/30/01 - Well drilled in 1993-94 - Cant recommend well water
- Have used surface water when Available
Since Purchasing land 1993-1994.
- Resumed use of surface water

WR #: 29-00495A

DATE: 5/30/01

GPS File: 495A

Or

Northing: 190590

Easting: 636656



Looking SW. Pump Located at NE corner of Property next to road. I am standing on road to take picture.
Looking at Irrigated field. I-15 in upper right hand corner of Picture.

WR #: 29-00495A

DATE: 5/30/01

GPS File: 495A

OR

Northing: 190590

Easting: 636656



Looking SW. Pump Located at NE corner of Property next to road. I am standing on road to take picture.

FIRST DIVISION,

EDWARD J. TURNER, *Commissioner.*

COVE, IDAHO.

1903.

DECREED WATER RIGHTS

Terrel or Black Rock Creek, Bannock County

DECREE.

In the District Court of the Fifth Judicial District of the
State of Idaho, in and for Bannock County.

Thos. F. Terrell, Plaintiff,

vs.

*Andrew Cibulka, James Stranger, W. O. Priest and J. T.
Holcomb*, Defendants.

This cause came regularly on for trial on this the 22nd day of June, 1903, before the Court without a jury, a jury being expressly waived, D. W. Standrod and Thos. F. Terrell, Esqs., appearing for the plaintiff and Messrs Reeves & Boyd appearing as attorneys for the defendant Andrew Cibulka; and it appearing to the Court that the defendants James Stranger and W. O. Priest were regularly and duly served with summons in the above entitled cause, and having failed to appear, answer or demur within the time allowed by law or at all, and the time allowed by law for such appearance having expired, the default of said defendants, James Stranger and W. O. Priest was duly entered according to law; and it further appearing to the Court that the plaintiff, Thos. F. Terrell, and the defendant Andrew Cibulka, on the 16th day of June, 1903, made and entered into an agreement in writing compromising their rights and thereby settling all matters of dispute, and consenting to a decree in this

cause in conformity to such agreement, which said agreement is filed herein, and has been adopted by the Court as a part of its findings of fact, and ordered to be made a part of the judgment roll; and the evidence of the plaintiff and said defendant Andrew Cibulka having been offered, submitted and considered; and the Court having made, signed and filed its written findings of fact and conclusions of law herein; and being fully advised in the premises;

29-0494 Now, Therefore, in virtue of the law and the findings of fact and conclusions of law as aforesaid, it is ordered, adjudged and decreed, that the plaintiff, Thos. F. Terrell have the use and benefit and the continuous and uninterrupted flow of two-thirds of all the waters of Terrell Creek or Black Rock Creek, for agricultural, domestic and stock purposes; and two-thirds of any and all water that may be stored therefrom by reservoiring the same; and two-thirds of any increase in the flow of said stream by the improvement of its channel or source of supply.

29-0495 That the defendant Andrew Cibulka have the use and benefit and the continuous and uninterrupted flow of one-third of all the waters of said stream for agricultural, domestic and stock purposes; and one-third of any and all water that may be stored therefrom by reservoiring the same; and one-third of any increase in the flow of said stream by the improvement of its channel or source of supply.

That the labor and costs of reservoiring and improving said stream shall be borne by said plaintiff and said defendant in the proportion of their respective rights in said water; before any work in that respect is done by either party, it must be upon reasonable notice to the other, and if either party fails to contribute his share of the labor and expense of such reservoiring and improvement, the party so making such reservoirs and improvements shall have the individual and exclusive use of such increase until the other party shall have made a fair contribution of his part of such labor and expense so made and incurred.

That the rights of the plaintiff, Thos. F. Terrell, and the defendant, Andrew Cibulka, shall be of equal dignity,

and neither shall have any preference or priority over the other.

That the plaintiff, Thos. F. Terrell, by virtue of said stipulation and agreement, is awarded and adjudged a right-of-way five feet in width upon each side of the center line of his ditch as now located and established, through the lands of said defendant, Andrew Cibulka, for the purpose of maintaining and repairing such ditch.

That the defendants James Stanger and W. O. Priest, and each of them and their agents and servants, be and they are each, perpetually enjoined and restrained from in any manner, whatsoever, molesting or interfering with the free flow of the waters of said stream, and from asserting any right or claim thereto; and the plaintiff, Thos. F. Terrell, and the defendant, Andrew Cibulka, and each of them, and their agents, servants and employees be and they are hereby each perpetually restrained and enjoined from in any manner whatsoever, molesting or interfering with the free and uninterrupted flow of the waters of said stream, except as herein decreed, fixed and adjudged to said respective parties by this decree.

That the plaintiff and the defendants, Andrew Cibulka pay and bear the costs of this suit in proportion to their respective rights in the waters of said stream.

Done in open District Court on this the 22nd day of June, 1903.

ALFRED BUDGE.

Judge of said District Court.

State of Idaho, County of Bannock, ss.

I, E. G. Gallet, Clerk of the District Court, Ex-Officio Auditor and Recorder of Bannock County, Idaho, do hereby certify that the within and foregoing is a full, true and correct copy of the original water decree as shown by the records of my office.

Witness my hand and official seal this 26th day of June, 1903.

(Seal.)

E. G. GALLET,

Clerk District Court, Ex-Officio Auditor and Recorder.

AJ5809NP
No. A29-00495A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 80

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	W WINN ROCK 417 ROOSEVELT POCATELLO ID 83201 (208) 232-6017	06/17/1902	IRRIGATION STOCKWATER	04-01 11-01 01-01 12-31	0.090 CFS 0.020 CFS	
TOTAL DIVERSION:					0.090 CFS	
CONSUMPTIVE USE:						7.50 AFA

Water Source: TERRELL CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R35E S23 NWNWNE BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07S	35E	23	:					:					:					:						
				03																				3.0
TOTAL ACRES																							3.0	

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07S	35E	23	:					:					:					:						
				S																				

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER, 4 HORSES

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-07103 A29-00495B A29-07103 A29-10094

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00495 A29-00495B A29-07127 A29-07127B A29-11633

Remarks: GEN SOURCE ALSO KNOWN AS BLACK ROCK CREEK.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Audit: 05/01/90 MOBILE2 05/21/93 THOMPSON 03/29/95 POST-STD

MAY 21, 1993

W WINN ROCK
417 ROOSEVELT
POCATELLO ID 83201

RE: CHANGE IN OWNERSHIP FOR A29-00495A

Dear Mr. Rock:

The request for Change in Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a typed Notice with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Dave Carlson
Water Right Agent, Adjudications

DC:jt

Enclosure: Notice of Claim

cc: Richard Flemming/copy Change Ownership

MICROFILMED

APR 12 1994

MICROFILMED

AS



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 07 South Range 35 East
Section 23, 1/4 of NW 1/4 of NW 1/4, Govt. Lot NE, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A 29 - 00495 A
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Richard L Flemming
1900 W. Quinn Rd Pocatello, Idaho
- ☐ New Owner/Claimant (Purchaser): W. Winn Pock
- ☐ New Mailing Address: 417 Roosevelt
Pocatello Idaho 83201
- ☐ New Telephone Number: (208) 232-6017
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☒ Attach proof of ownership, describe proof attached: Statement of settlement.
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) W. Winn Pock Date 5-20-93
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED
APR 12 1994

STATEMENT OF SETTLEMENT
Buyer's

Property Address: POCATELLO, ID

Seller: RICHARD L. FLEMING AND KATHLEEN M. FLEMING

Purchaser: W. WINN ROCK AND MARVIN W. ROCK

Settlement Date: 05/14/93

Date of Proration: 05/17/93

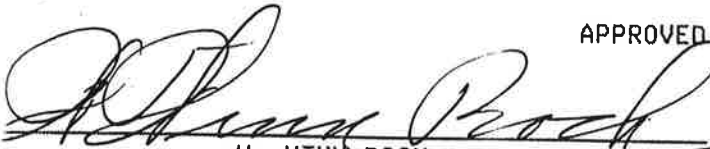
Legal Description:

BEGINNING AT THE NORTHEAST CORNER OF NE1/4NW1/4 OF SECTION 23,
TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, THENCE SOUTH ALONG
EAST BOUNDARY OF ACCESS ROAD, THENCE WEST A DISTANCE OF 55 FEET
TO THE REAL POINT OF BEGINNING, THENCE SOUTH A DISTANCE OF 390 FEET TO
A POINT, THENCE EAST A DISTANCE OF 620 FEET; THENCE NORTH A DISTANCE OF
90 FEET TO A POINT ON SOUTH BOUNDARY OF ACCESS ROAD; THENCE WEST ALONG
EAST BOUNDARY A DISTANCE OF 620 FEET TO THE POINT OF BEGINNING....

File No: 1-59970

Description	Debit	Credit
Contract Sales Price	15,000.00	
Deposit or earnest money		500.00
CURRENT TAXES 01/01/93 to 05/17/93		76.41
Settlement Fee to AMERICAN LAND TITLE COMPANY	50.00	
Recording Fees	3.00	
Sub-Totals	15,053.00	576.41
Balance due from Buyer		14,476.59
TOTALS	15,053.00	15,053.00

APPROVED and ACCEPTED


W. WINN ROCK


MARVIN W. ROCK

AMERICAN LAND TITLE COMPANY

MICROFILMED

APR 12 1994

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 29-495A
Date Received: 5/1/1990
Receipt No: E013959
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARVIN W ROCK Phone: (208)775-4535

4615 W OLD HWY 91
INKOM ID USA 83245

2. Date of Priority: 06/17/1902

3. Source: TERRELL CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	23	NW NW NE	BANNOCK	

5. Description of diverting works:

PUMP IN CREEK, HOSE, SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.09	
STOCKWATER	1/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.09 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED
NOV 30 2005

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	23	NW	NE	STOCKWATER	
			NW	NE	IRRIGATION	3
					Section Acres	3
					Total Acres	3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

SOURCE ALSO KNOWN AS BLACK ROCK CREEK.

15. Basis of Claim: Decreed

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.

PROFILED

SCANNED
NOV 30 2005

JUN 19 2001

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: **A29-00495A**
Date Received: 5/ 1/1990
Receipt No: E013959
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: W WINN ROCK 208-232-6017
Address: 417 ROOSEVELT
POCATELLO ID 83201

2. Date of Priority: JUN 17, 1902

3. Source: TERRELL CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	35E	23	NW	NW	NE		BANNOCK

5. Description of diverting works:
PUMP IN CREEK, HOSE, SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.090		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 4 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	35E	23	NW	NE		IRR	3.0
			NW	NE		STOCK	

MICROFILMED

APR 12 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCE ALSO KNOWN AS BLACK ROCK CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

THOS. F. TERRELL

Decree Plaintiff

ANDREW CIBULKA, ET. AL.

vs Decree Defendant

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: A29-00495A
Date Received: 3/27/1990
Receipt No: E013959
Received By:

MAY - 1 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD L. FLEMMING
Address: 1900 W. QUINN RD.
POCATELLO, ID

208-237-9063

83202

AND/OR

Name: KATHLEEN M. FLEMMING
Address: 1900 W. QUINN RD.
POCATELLO, ID

208-237-9063

83202

2. Date of Priority: JUN 17, 1902

3. Source: TERRELL CREEK

Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	35E	23	NW	NW	NE		BANNOCK

5. Description of diverting works:
PUMP IN CREEK, HOSE, SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.090		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is

7.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 4 HORSES

A29-00495A

Page

1

Date: 03/27/90

MICROFILMED
NOV 13 1992

A2900495A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	23	NW	NE		IRR	3.0
			NW	NE		STOCK	

Section Acres 3.0

Total Acres 3.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCE ALSO KNOWN AS BLACK ROCK CREEK.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

THOS. F. TERRELL
Decree Plaintiff

vs

ANDREW CIBULKA, ET. AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: -1-

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): Kathleen M. Fleming Date: 3-21-90

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of March 19 90

Carter Fritschle
Notary Public

Seal

Residing at Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

OK JC
1-2302

RECEIVED
JAN 23 2002

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-00495A				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *NO Fee*
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) W. Wina Rock
4. New Owner/Claimant(s) Marvin W Rock
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 4615 W Old Hwy 91
- City, State and ZIP Code Idaho 83245
- New Telephone Number 208, 775-4535
5. Date you acquired the property Jan 24 1995

SCANNED
NOV 30 2005

QUITCLAIM DEED

For Value Received

W. WINN ROCK, SINGLE MAN

95001374

do hereby convey, release, remise and forever quit claim unto
MARVIN W. ROCK AND ETHLENE S. ROCK, HUSBAND AND WIFE

whose current address is

4615 WEST OLD HIGHWAY 91
INKOM, IDAHO 83245

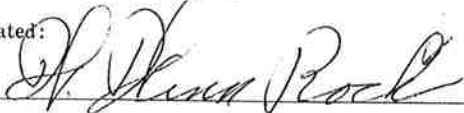
the following described premises, to-wit:

IN BANNOCK COUNTY, IDAHO, BEGINNING AT THE NORTHEAST CORNER OF NE1/4NW1/4 OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, THENCE SOUTH ALONG * BOUNDARY OF ACCESS ROAD, THENCE WEST A DISTANCE OF 55 FEET TO THE REAL POINT OF BEGINNING, THENCE SOUTH A DISTANCE OF 390 FEET TO A POINT, THENCE EAST A DISTANCE OF 620 FEET; THENCE NORTH A DISTANCE OF 390 FEET TO A POINT OF SOUTH BOUNDARY OF ACCESS ROAD; THENCE WEST ALONG SAID BOUNDARY A DISTANCE OF 620 FEET TO THE POINT OF BEGINNING....

*EAST BOUNDARY OF SAID SECTION A DISTANCE OF 490 FEET TO A POINT ON SOUTH RIGHT OF WAY

together with their appurtenances.

Dated:



W. WINN ROCK

STATE OF IDAHO, COUNTY OF BANNOCK

On this 24TH day of January, 1995,
before me, a notary public in and for said State, personally
appeared W. Winn Rock

NOTARY SEAL

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



Notary Public
Idaho

Residing at Pocatello
Comm. Expires 03-19-96

95001374

NO. 95001374
RECORDED AT REQUEST OF

ETHLENE ROCK

'95 JAN 30 P3:28

OFFICIAL RECORD BOOK NO. 633
BANNOCK COUNTY IDAHO
LARRY W. GHAN RECORDER
EE.3.00 DEPUTY PS-CK

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

NOV 30 2005

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 29-495A
Date Received: 5/1/1990
Receipt No: E013959
Received By:

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

1. Name of Claimant(s)

MARVIN W ROCK Phone: (208)775-4535

4615 W OLD HWY 91
INKOM ID USA 83245

2. Date of Priority: 06/17/1902

3. Source: TERRELL CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
07S	35E	23	NW	NW	NE	BANNOCK	

5. Description of diverting works:

PUMP IN CREEK, HOSE, SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.09	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.09 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
07S	35E	23	NW	NE	STOCKWATER	
			NW	NE	IRRIGATION	

SCANNED
3
NOV 30 2005

Section Acres 3

Total Acres 3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

SOURCE ALSO KNOWN AS BLACK ROCK CREEK.

15. Basis of Claim: Decreed

SCANNED
NOV 30 2005