

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: **A29-00329**
Date Received: 2/23/1990
Receipt No: E012147
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: FRANK D WINWARD
Address: 3962 S 2275 W
ROY UT

801-731-2498

84067

AND/OR

Name: BARBARA WINWARD
Address: 3962 S 2275 W
ROY UT

801-731-2498

84067

2. Date of Priority: JUN 9, 1904

3. Source: BIRCH CREEK

Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	36E	14	SE	SE			BANNOCK

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		

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

A.F.A.

8. Total consumptive use is 150.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	36E	12	NE	SE		IRR	3.0
						Section Acres	3.0
		13	NE	NW		IRR	3.0
			NW	NW		IRR	38.0
			SW	NW		IRR	27.0
			NW	SW		IRR	11.0
			SW	SW		IRR	1.0
						Section Acres	80.0
						Total Acres	83.0

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:

THE ORIGINAL DECREE STATES THAT THE WATER RIGHT IS FOR THE "CONTINUOUS AND UNINTERRUPTED FLOW OF 1/12 OF THE OF A BIRCH CREEK FLOWING TOWARDS MARSH VALLEY". THE DECREE DOES NOT GIVE A PRIORITY DATE NOR AN AMOUNT OF WATER. THE 1.2 CFS IS STRICTLY A GUESS ON MY PART; DMD, 23 FEBRUARY 1990.
CHANGED OWNERSHIP 8/25/95/JT/GT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

HENRY WAKLEY, ET. AL.

Decree Plaintiff

GEORGE WAKLEY

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: A29-00329
Date Received: 2/23/1990
Receipt No: E012147
Received By: DMA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK K. FRONK 801-257-3006
Address: 355 N 2 E
TREMONTON, UT 84337

OR

Name: DONNA P. FRONK 801-257-3006
Address: 355 N 2 E
TREMONTON, UT 84337

2. Date of Priority: JUN 09, 1904

3. Source: BIRCH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	36E	14	SE	SE			BANNOCK

5. Description of diverting works:
HEADGATE AND DITCH

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Purpose	From	To	C.F.S	(or)	A.F.A.
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7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 150.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-00329

Page 1

Date: 02/23/90

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NOV 13 1992

A2900329



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	36E	12	NE	SE		IRR	3.0
						Section Acres	3.0
		13	NE	NW		IRR	3.0
			NW	NW		IRR	38.0
			SW	NW		IRR	27.0
			NW	SW		IRR	11.0
			SW	SW		IRR	1.0
						Section Acres	80.0
						Total Acres	83.0

11. Place of use in counties: BANNOCK

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

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15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

HENRY WAKLEY, ET. AL.

Decree Plaintiff

vs

GEORGE WAKLEY

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: 2

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): *[Signature]* Date: Feb. 23, 90
Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me (this 23 day
of February 19 90

Seal

[Signature]
Notary Public

Residing at *[Signature]*
My Commission Expires 22 Aug 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-00329	12S 36E	14		SE	SE			BANNOCK		
OTHER AJ CLAIMS WITH SAME AJ POD			WR RECORDS IN SAME 40 ACRE TRACT							
A PREFIX			R PREFIX							
A29-00327			NONE							
								NONE		

SOURCE: BIRCH CREEK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

2900329 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: BIRCH CREEK

TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
12S	36E	14		SE	SE			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____ TRIB: _____

REVIEWED BY: _____ DATE: _____

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (___)

A. ROOT WATER RIGHT NUMBERS: A29-00329

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	36E	12	NE	SE		WINWARD, FRANK D	A29-00329 / 3.0	- /			14.0
			NE	SE		PHILLIPS LIVING TRUST	A29-07265 / 40.0	29-07265 / 40.0			
12S	36E	13	NE	NW		WINWARD, FRANK D	A29-00329 / 3.0	29-00329 /			
12S	36E	13	NW	NW		WINWARD, FRANK D	A29-00329 / 38.0	29-00329 /			25.0
12S	36E	13	SW	NW		WINWARD, FRANK D	A29-00329 / 27.0	29-00329 /			19.0
12S	36E	13	NW	SW		WINWARD, FRANK D	A29-00329 / 11.0	- /			5.0
			NW	SW		WINWARD, FRANK D	A29-07537 /	29-07537 /			
12S	36E	13	SW	SW		WINWARD, FRANK D	A29-00329 / 1.0	- /			1.0

ADDITIONAL POU FOUND

TOTAL ACRES A29-00329 83.00 64.00

POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-00329	BIRCH CREEK	WINWARD, FRANK D	1.200	0.014		
A29-07265	GROUNDWATER	PHILLIPS LIVING TRUST	1.600	0.020	280.00	3.50

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-07537	RECREATION	WINWARD, FRANK D	FROM 06-01 TO 12-31		2.10 AF/A

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

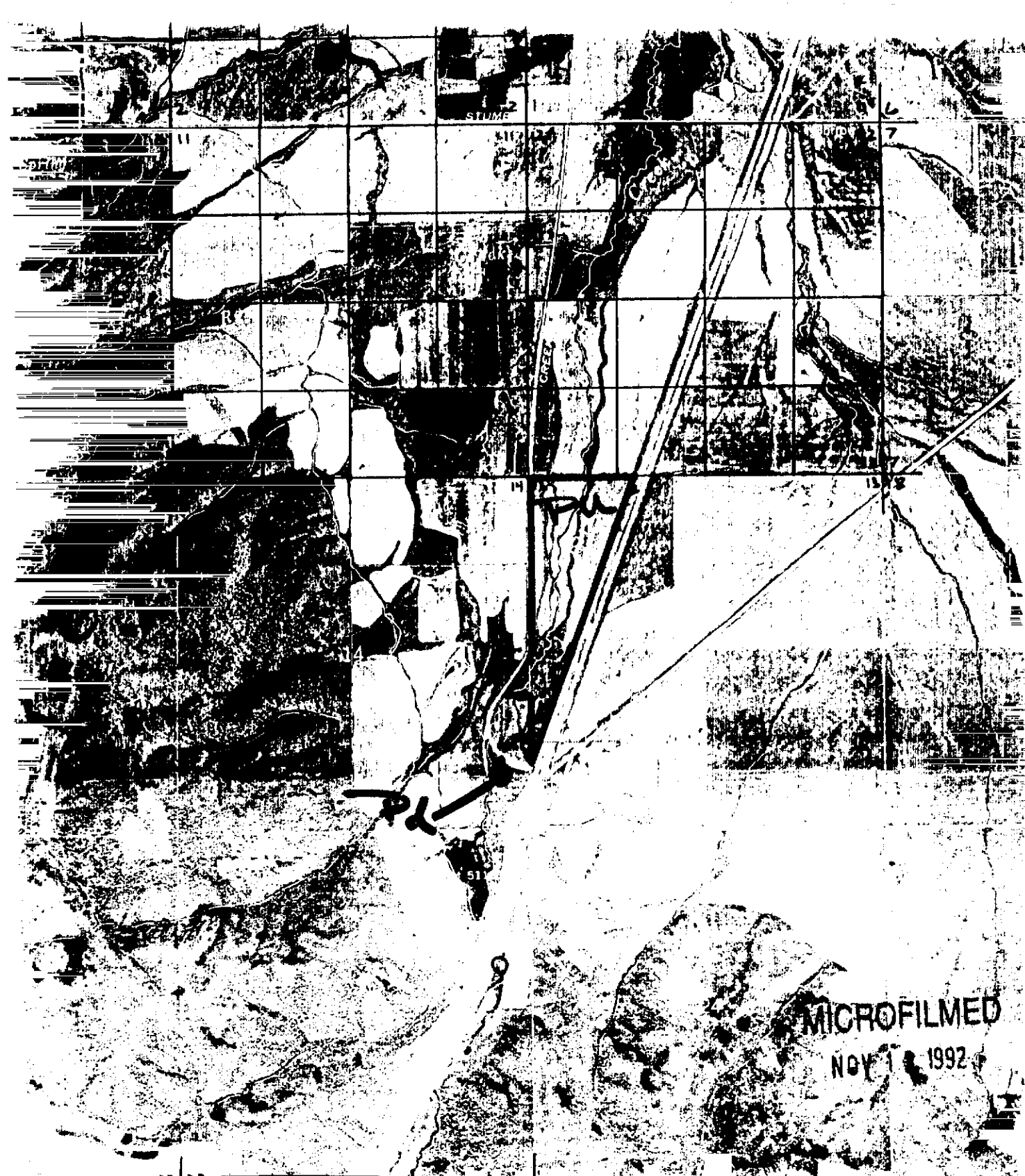
N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()



Log for claim A29-00329

Spatial Dynamics TWB

5/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s36e	12	NESE	3	0	Wrong tract in database?
12s36e	13	NENW	3	2.1	
12s36e	13	NWNW	38	39	
12s36e	13	SWNW	27	26	
12s36e	13	NWSW	11	11	
12s36e	13	SWSW	1	0.4	
Totals:			83	78.5	

AJ5809NP
No. A29-00329

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 15

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANK D WINWARD	06/09/1904	IRRIGATION	04-01 11-01	1.200 CFS	
C	BARBARA WINWARD					
	3962 S 2275 W					
	ROY UT 84067					
	(801) 731-2498					
				TOTAL DIVERSION:	1.200 CFS	
				CONSUMPTIVE USE:		150.00 AFA

Water Source: BIRCH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion:

T12S R36E S14

SESE

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		
12S	36E	12	:					:					:					:					:	3.0
12S	36E	13	:					:	03	38	27		:		11	01		:	03				:	80.0
																							TOTAL ACRES	83.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00327

Remarks: GEN THE ORIGINAL DECREE STATES THAT THE WATER RIGHT IS FOR THE
"CONTINUOUS AND UNINTERRUPTED FLOW OF 1/12 OF THE OF A BIRCH
CREEK FLOWING TOWARDS MARSH VALLEY". THE DECREE DOES NOT GIVE A
PRIORITY DATE NOR AN AMOUNT OF WATER. THE 1.2 CFS IS STRICTLY A
GUESS ON MY PART; DMD, 23 FEBRUARY 1990.
CHANGED OWNERSHIP 8/25/95/JT/GT

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: C

Audit: 02/23/90 DUNN 05/24/94 COX 03/29/95 POST-STD 08/25/95 JTHOMPSO



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

AUGUST 25, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FRANK D WINWARD
3962 S 2275 W
ROY UT 84067

RE: CHANGE IN OWNERSHIP FOR A29-07537 AND A29-00329

Dear Mr. Winward:

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.

Enclosed are copies of the Notices 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 these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

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NOV 13 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 8 Aug 1995

LEGAL DESCRIPTION OF PROPERTY: Township 12S Range 36E
Section 13, 1/4 of W 1/2 1/4 of SW 1/4, Govt. Lot _____, BM. NE NW 1/4
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: 01C HT A29-07537; A29-00329 HT NO - R.
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Jack Frank & Donna Frank
355 N 2 E
TREMONTON UT 84337
- ☐ New Owner/Claimant (Purchaser): Frank D Winward & Barbara Winward
- ☐ New Mailing Address: 3962 S 2275 W
ROY UT 84067
- ☐ New Telephone Number: (801) 731-2498
- ☐ 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: Warranty Deed

(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): Frank Winward Date 8-21-95

Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

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
NOV 18 1996

A29-07537
00329

Copy

WARRANTY DEED

95011641

JACK FRONK a/k/a JACK K. FRONK AND DONNA FRONK, husband and wife,

as GRANTOR:

of TREMONTON County of Box Elder State of UT

CONVEYS AND WARRANTS TO

FRANK D. WINWARD AND BARBARA WINWARD, husband and wife as joint tenants a 1/2 interest, and P. WAYNE HANSEN, GWEN C. HANSEN KEVIN WAYNE HANSEN, SCOTT J. HANSEN, KENNEY CALL HANSEN, AND RICH CRAIG HANSEN an undivided 1/12 interest each

as joint tenants with full rights of survivorship and not as tenants in common

as GRANTEE

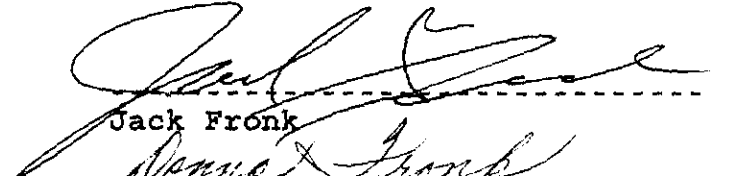
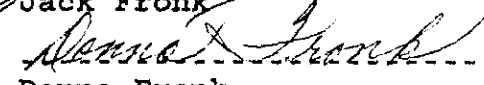
of 3962 S. 2275 W., Roy, County of Weber State of UTA (\$10.00) TEN AND OTHER GOOD AND VALUABLE CONSIDERATION DOLLARS the following described tract of land in BANNOCK County, State of Idaho to wit:

All that portion of the West half of Southwest Quarter and Northwest Quarter of Section 13, Township 12 South, Range 36 BBM, Bannock County, Idaho, lying West of Interstate 15, Bannock County, Idaho.

Subject to easements, covenants and restrictions of record or enforceable in law or equity.

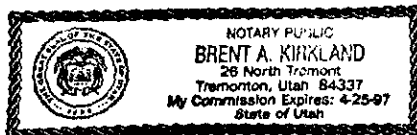
WITNESS the hand(s) of said grantor(s), this 8 day of AUGUST, 1995

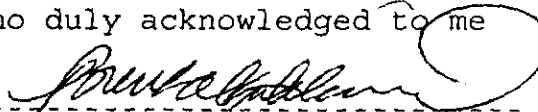
HE 38 5.12


Jack Fronk

Donna Fronk

State of UTAH) ss:
County of BOX ELDER

On this 8 day of August, 1995 personally appeared before me JACK FRONK a/k/a JACK K. FRONK AND DONNA FRONK, husband and wife, the signer(s) of the within instrument who duly acknowledged to me that (t)he(y) executed the same.




Notary Public
My Comm. Expires:
Residing at:

When recorded please mail to:
Grantee
3962 S. 2275 W.
Roy, UT 84067

95011641

NO. 95011641
RECORDED AT REQUEST OF
AMERICAN LAND TITLE CO.

'95 AUG 11 A10:42

OFFICE OF THE CLERK NO. 3645
BANK OF IDAHO
LAND RECORDS
ES. 00 DEPUTY 212

This agreement, made by and between:

Robert G. Curtis and Janice D. Curtis, husband and wife, Downey, Idaho.

and

Jack K. Fronk, 355 North 2nd East, Tremonton, Utah 84337,

referred to respectively hereafter as Curtis and Fronk, shall be as follows:

RECITALS

Curtis owns the following described property:

1. Used 503 International combine 3496
2. Real estate described in exhibit "A" attached hereto.
3. Water rights to real estate described in judgment entered in the district court of the Fifth Judicial District of Idaho in and for Bannock County titled Henry Wakley et al plaintiffs the George Wakley et al defendants, said judgment being entered June 9, 1904 by Alfred Budge, district judge with said water right being described as follows:

29 0329 that defendant J.J. Wakley be adjudged and decreed to have the use and benefit of a continuous and uninterrupted flow of 1/12 of the waters of a Birch Creek flowing toward Marsh Valley. That said waters are used upon and pertinent to the northwest quarter section 13 township South, Range 36 E.B.M., except 30 acres thereof heretofore conveyed by deed by said defendant to J. H. Wakley.

Fronk owns a new 1460 International combine serial number 1700213U005829. Fronk is further willing to include \$10,000 for purposes of equalizing property values.

Curtis and Fronk have agreed to exchange the above described properties.

NOW THEREFORE in consideration of the mutual covenants contained herein, it is agreed as follows:

1. Curtis transfer: Curtis in consideration of the conveyance by Fronk of the property described above, agrees to convey to Fronk, the above described used International combine, real estate and water rights.

2. Fronk transfer: Fronk, in consideration of the conveyance by Curtis of the above described property, agrees to convey to Curtis the above described new International combine and \$10,000 cash.

3. Documents: Curtis and Fronk agree to execute appropriate warranty deeds, bills of sale and other documents necessary to convey merchantable title free of all encumbrances except for easements and reservations of record.

MICROFILMED

NOV 13 1992