

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: **A29-07537**
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 801-731-2498
Address: 3962 S 2275 W
ROY UT 84067
AND/OR
Name: BARBARA WINWARD 801-731-2498
Address: 3962 S 2275 W
ROY UT 84067

2. Date of Priority: MAR 19, 1980

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	13		NW	SW		BANNOCK

5. Description of diverting works:
EARTHEN DAM & SPILLWAY.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
RECREATION	06/01	12/31			2.10

7. Total Quantity Appropriated is:
C.F.S. (and/or) 2.10 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
RECREATION

MICROFILMED

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12S	36E	13	NW SW		REC	

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:

MEAS. DEVICES OF A TYPE APPROVED BY IDWR SHALL BE INSTALLED
IN A MANNER SO THAT THE RELEASES FROM STORAGE CAN BE
COMPARED TO THE INFLOW OF THE RESERVOIR.
CHANGED OWNERSHIP 8/25/95/JT/GT

15. Basis of Claim: LICENSE

MICROFILMED
NOV 13 1996

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: A29-07537
Date Received: 2/23/1990
Receipt No: EO12147
Received By: DMD

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: MAR 19, 1980

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
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RECREATION

A29-07537

Page 1

Date: 02/23/90

MICROFILMED

NOV 13 1992

A2907537

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	36E	13	NW	SW		REC	

11. Place of use in counties: BANNOCK

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

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COMPARED TO THE INFLOW OF THE RESERVOIR.

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

Number of attachments: 0

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): *Janet Smith* 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 Red Lake Falls, MN
My Commission Expires 22 Aug 1994

RIGHT NUMBER: 29-7537

NAME AND ADDRESS: BARBARA WINWARD
3962 S 2275 W
ROY UT 84067

FRANK D WINWARD
3962 S 2275 W
ROY UT 84067

SOURCE: BIRCH CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 2.1 AFY

FACILITY VOLUME 2.1 AF.

PRIORITY DATE: 03/19/1980

POINT OF DIVERSION:

T12S R36E S13 NWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	06/01 12/31	2.10 AFY
RECREATION STORAGE	06/01 12/31	2.10 AFY

PLACE OF USE:

RECREATION Within BANNOCK County

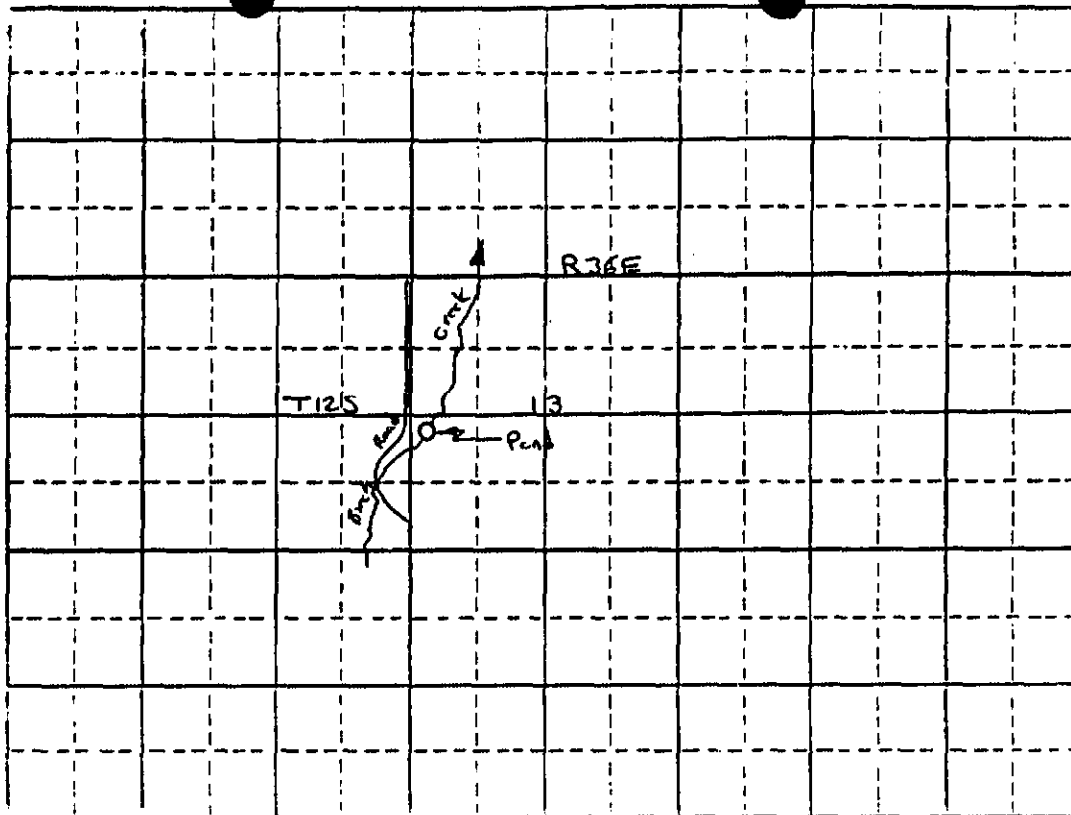
T12S R36E S13 NWSW

RECREATION STORAGE same as RECREATION

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

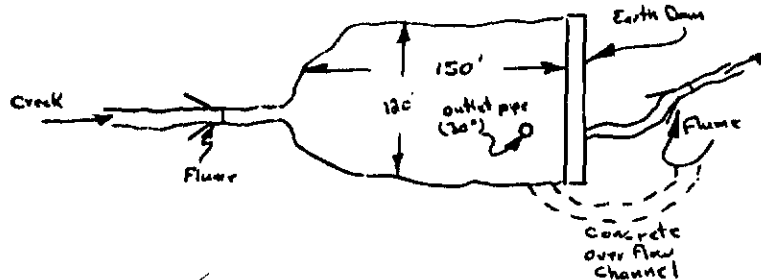
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: ✓ NW 1/4 SW 1/4 Sect. 13 T125 R36E

Place(s) of Use ✓

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	136E	13									X								

Recommended Amendments:

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature

Checked by

Approved by

[Handwritten signatures]
 [Signature]
 [Signature]
 [Signature]

Date 12-1-1983

Date 30 Jan 1984

Date 7-7-1986

1273
RECEIVED
JAN 21 1984

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

Department of Water Resources

39-7537
Permit No.

CONTACT WITH PERMIT HOLDER

DATE	INITIALS	REMARKS
------	----------	---------

- ☐ Appointment letter mailed:
- ☐ Telephone call made:
(List Telephone No. used)
- ☐ Appointment scheduled for:
(Date, time, location)

EXAMINATION

Date 9-1-1983 Accompanied by N.A. Total Q measured 2.00 F

If source is surface water, estimate total flow of source _____

Methods of measurement Measuring tape Meets Permit requirement?

Measurement calculations: Pond on creek created by dam.
Physical dimensions are
150' long x 120' wide x 5' deep

$$\frac{90,000 \text{ cF}}{43,560 \text{ cF}} \div 2.06 \text{ AF}$$

$$= 2.066 \approx 2.07 \text{ AF}$$

[illegible]

System Description Dam (2nd level) on creek creates pond with 30' ^(outlet) intake pipe concrete
overflow channel and outflow channel. Measuring flumes at inflow & outflow
sites

**Code with map on reverse side. Disregard code if only one.*

RECOMMENDED AMOUNTS

Irrigation requirement = _____ AFA/Acre

USE	G (cfs)	V (afa)	FROM	TO
<u>Recreation ✓</u>	<u>N/A</u>	<u>2.08 af</u>	<u>E-1 ✓</u>	<u>12-31 ✓</u>
		<u>2.07%</u>	<u>2.1 AF</u>	
Total	<u>N/A</u>	<u>2.1 AF</u>		
		<u>2.06 af</u>		

[illegible]

Frank
(Name)

Accompanied by: NA

6-30-82

Measuring Device Type:

Meter #	Annubar#	Size "
---------	----------	--------

Remarks: outflow 2" deep thru 18 1/2' throat

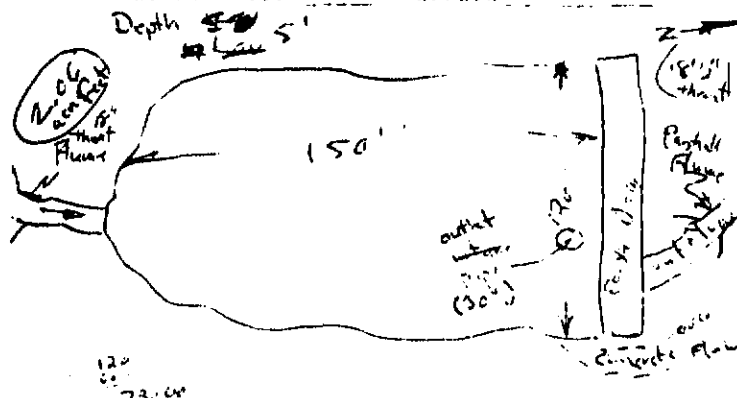
Measurement calculations: Physical measurement

No were installed either up or
down stream. 2 pr taken
Faustell Flume
taken in 9-1-83 of Flumes

- SCHEMATIC DIAGRAM OF SYSTEM:

Model line	Diameter	Length
------------	----------	--------

Depth ~~50~~ 5'



WR5809NP
No. 29-07537

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/01/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JACK FRONK	03/19/1980	RECREATION	06/01 12/31		2.10 AFA
TOTAL DIVERSION:						2.10 AFA

Water Source: BIRCH CREEK

Tributary to: MARSH CREEK

Stage: LICENSE

Point(s) of Diversion:

T12S R36E S13

NWSW

BANNOCK County

Place of use Legal Description for: RECREATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
12S	36E	13	:																	:
			:																	:

Pou County: BANNOCK

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 29H.
- O16 - See remarks for additional conditions of approval.

Remarks: GEN MEAS. DEVICES OF A TYPE APPROVED BY IDWR SHALL BE INSTALLED IN A MANNER SO THAT THE RELEASES FROM STORAGE CAN BE COMPARED TO THE INFLOW OF THE RESERVOIR.

Dates:	App. Received:	Priority Date:	03/19/1980
	Proof Due Date: 07/01/1982	Proof Made Date:	08/17/1981
	Exam Made Date: 09/01/1983	Exam Sent to S.O.:	
	Licensed Date: 09/29/1986		

Misc: Water District Number: 29H Field Exam Fee:

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 29-7537 Priority March 19, 1980 Amount 2.1 acre feet

THIS IS TO CERTIFY, that Jack Fronk
of Tremonton, Utah, has complied with the terms and conditions of Permit
No. 29-7537 issued pursuant to Application for Permit dated March 19, 1980
and has submitted proof to the Department of Water Resources on August 17, 1981
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 N/A of water from Birch Creek
tributary to Marsh Creek, and that the permk 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
<u>Recreation</u>	from <u>June 1</u> to <u>December 31</u>	at <u>N/A</u> cfs and	<u>2.1 acre feet</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than N/A 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
2.1 acre feet per year, said waters to be diverted within the NW1/4 SW1/4 Section 13,
Twp 12S, Rge 36E in the County of Bannock

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Total
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12S	36E	13										X							

Total number of acres irrigated _____



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/2 1/4 of SW 1/4, Govt. Lot , BM. 9 N10 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: OK AT A29-04537; A29-00329 OK AT

☐ Name and Address of Former Owner/Claimant(s)(Seller): Jack Frank & Donna Frank
355 W 2 E

☐ New Owner/Claimant (Purchaser): Frank D Winward & Barbara Winward

☐ New Mailing Address: 3962 S 2275 W
Roy UT 84067

☐ New Telephone Number: (71) 731-2428

☐ 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 D Winward Date 8-21-95

☐ 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:

MICROFILMED

NOV 13 1995

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