



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

December 11, 2002

Dear Claimant(s):

I am the Deputy Attorney General for the Idaho Department of Water Resources working on the SRBA in Basin 29. After reviewing your water right claim, it appears that the priority date you claimed for your water right(s) might not be correct and that October 10, 1878, might be the appropriate priority date for your claim(s). In order to recommend this priority date, which is earlier than the priority date you originally claimed, your claim(s) would need to be amended. Therefore, I have enclosed for your review and signature an amended claim form. If you would like to amend your claim(s) to reflect the earlier priority date please initial the change on the amended claim form and have your signature notarized; then, return the signed amended claim in the enclosed self-addressed envelope.

The Department intends to issue its preliminary Director's Report for your water right(s) in January, 2003. If we do not receive the signed, notarized amended claim form from you prior to January 10, 2003, the Department will recommend your water right(s) with the priority date no earlier than the priority date that you have currently claimed.

If you have any questions concerning this matter, you can contact me at (208) 327-5404 or Allen Ruberry, Senior Water Resource Agent with IDWR's Eastern Region Office at (208) 525-7161.

Very Truly Yours,


Candice M. McHugh
Deputy Attorney General, IDWR

Enclosures

cc: Allen Ruberry

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 29-329
Date Received: 2/23/1990
Receipt No: E012147
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

BARBARA WINWARD
3962 S 2275 W
ROY UT USA 84067

Phone: (801)731-2498

FRANK D WINWARD
3962 S 2275 W
ROY UT USA 84067

Phone: (801)731-2498

2. Date of Priority: 06/09/1904

10/10/1878

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	Type
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	4/01	11/01	1.2	

7. Total Quantity Appropriated is:
1.2 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
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12S	36E	12	NE	SE	IRRIGATION	3
					Section Acres	3
12S	36E	13	NE	NW	IRRIGATION	3
			NW	NW	IRRIGATION	38
			SW	NW	IRRIGATION	27
			NW	SW	IRRIGATION	11
			SW	SW	IRRIGATION	1
					Section Acres	80
					Total Acres	83

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:

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

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__ _____

Notary Public

Residing at _____

My commission Expires _____