

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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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

)

Subcase 29-13667

)

Case No. 39576

)

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

)

On November 21, 2003, Claimants Jennie L. Winter and Charles E. Winter, through counsel, filed a *Motion to File Late Notice of Claim*. A hearing was held on the *Motion* February 17, 2004. The *Motion* complied with all procedural requirements under ***SRBA Administrative Order 1***, no objections were filed, and good cause for filing the late claim was shown.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for water right 29-13667 is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this ***Order*** will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated February 18, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on February 18, 2004, with sufficient first-class postage to the following:

CHARLES L WINTER

JENNIE L WINTER

Represented by:

DEBORAH E. NELSON

277 N SIXTH STREET, STE 200

PO BOX 2720

BOISE, ID 83701-2720

Phone: 208-388-1200

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098


Deputy Clerk

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 RIGHT TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

2/24/04
CO 12-116

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

Please type or print clearly

1. Name of Claimant(s) Jennie L. Winter and Charles E. Winter Phone (208) 435-4466
Mailing Address 4297 Lower Fords Creek Road, Orofino, ID Zip 83544
2. Date of Priority (only one (1) per claim) June 20, 1916
3. Source of water supply (a) Spring
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 75 Range 36E Section 26 ,
NE 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Bannock
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of _____
1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
Including the dates of any changes or enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

Spring fills reservoir and approximately 1500' of pipeline carries water to house.

6. Water is claimed for the following purposes

(both dates are inclusive) (cfs) (acre feet)

For domestic purposes from 1/1 to 12/31 amount .04 or
 For purposes from to amount or
 For purposes from to amount or
 For purposes from to amount or

7. Total quantity claimed (a) .04 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is .04 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number Of livestock Etc.) One household

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	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	
7S	36E	26						D											

Total number of acres irrigated

11. In which county(ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes X No

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as describe above. or None (X)

14. Remarks:

Documentation to support this Notice of Claim is attached hereto (original mortgage on property). Additional documentation regarding land ownership and water use (including irrigation and stock) on this property are included in IDWR files for water right number 29-4491.

Last Name Winter Ident. No.

Scale: 2 inches equals 1 mile

NW NW S. 26,
T 7S, R 36E

Last Name Winter Ident. No.

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 X

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

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Charles E. Hunter Date 12/1/03

Date 12/1/03

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____

County of Clearwater

Subscribed and sworn (or affirmed) before me this

1st

day of December 20 03

Notary Public

Residing at

My Commission Expires

Sheila L. Barteaux

Weippe, Idaho

April 30, 2005

17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, Deborah E. Nelson will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Address

Date

Deborah E. Nelson

P.O. Box 2720, Boise, ID 83701

December 9, 2003

Last Name Winter

Ident. Number _____

MORTGAGE.

Mortgagor, -- Joseph Millard, a single man.
Mortgagee, -- The Bannock Abstract & Trust Company, a corporation.
Date, -- June 20, 1916.
Consideration, -- Two Hundred Dollars.
Recorded, -- June 26, 1916, at 1:05 P.M. in Book "25" of Mortgages, at page 506 of the Records of Bannock County, State of Idaho.
Acknowledged, -- Before Ida Woffington, a Notary Public in and for Bannock County, State of Idaho, June 20, 1916. (Seal)
Witness, -- Ida Woffington.

DESCRIPTION AND REMARKS.

The north half of the northwest quarter of Section 26, in Township 7 South of Range 36 East of the Boise Meridian, in Idaho, containing 80 acres, according to the official plat of the survey of the said lands, returned to the General Land Office by the Surveyor General,

together with all improvements, privileges and appurtenances thereunto belonging and all rights of homestead exemption, together with all ditch and water rights of every nature, however evidenced, used upon said lands or any part thereof, or belonging to the same or to said mortgagor for use thereon, or which may hereafter be acquired for such use during the life or before full payment of the obligation secured hereby.

This grant is intended as a mortgage to secure the payment of one certain promissory note for the sum of \$200.00, due June 20, 1921, with interest at the rate of 8 per cent per annum, from July 1, 1916,