

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2255 V1

WATER RIGHT NUMBER: 67-2255 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM W WINEGAR
Current Owner	WEISER, ID REX M WINEGAR 970 JONATHAN RD WEISER, ID 83672 (208)549-1178

Priority Date: 07/06/1956

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
WARM SPRINGS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

WARM SPRINGS CREEK	SE1/4SE1/4NE1/4	Sec. 16, Twp 11N, Rge 06W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	06W	9																9.0	9.0
11N	06W	15						13.0	1.0										14.0
11N	06W	16	29.0			8.0													37.0

Total Acres: 60

Conditions of Approval:

1. 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.
2. E55 Right Nos. 67-2255 and 67-4313 are limited to the irrigation of a combined total of 60 acres in a single irrigation season.

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Adjudication Recommendation Report 67-2255 V1

3. E51 Right Nos. 67-2255 and 67-4313 are limited to a total combined diversion rate of 1.2 cfs.

Remarks:Comments:

1. mcase 4/21/2004 Priority Date
Comment: Claimed one day after licensed priority. File amended claim.
2. mcase 4/21/2004 POU
Comment: No good map of POU.
3. mcase 4/21/2004 Period of Use
Comment: No licensed Period of Use. I recommended standard Season of Use.
4. mcase 4/21/2004 Quantity
Comment: No licensed annual diversion volume. Could not determine volume for claim,
5. mmount 10/5/2006 conditions
Comment: added e55 and e51 in combo with 67-4313

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	4/21/2004 3:28:04 PM	mcase			Active
POD	4/21/2004 3:31:33 PM	mcase			Active
Source	4/21/2004 3:32:28 PM	mcase			Active
POU	4/21/2004 3:32:45 PM	mcase			Active
Use	4/21/2004 3:33:21 PM	mcase			Active
Season	4/21/2004 3:33:47 PM	mcase			Active
Quantity	4/21/2004 3:34:38 PM	mcase			Active
Season	6/1/2004 2:41:52 PM	mcase			Active
Contacts	10/5/2006 3:50:23 PM	mmount			Active

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Summary

10/05/2006

mmount

Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	4/21/2004 3:30:17 PM	mcase	Edited point location
POD	4/21/2004 3:31:33 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Source	4/21/2004 3:32:29 PM	mcase	(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?
POU	4/21/2004 3:32:45 PM	mcase	(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?
Use	4/21/2004 3:33:22 PM	mcase	(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?
Season	4/21/2004 3:33:48 PM	mcase	(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?
POU	1/20/2004 2:26:36 PM	awarntje	Edited shape boundary
POU	1/20/2004 2:31:21 PM	awarntje	Edited shape boundary
POU	1/20/2004 2:34:05 PM	awarntje	Edited shape boundary
Quantity	4/21/2004 3:34:39 PM	mcase	(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?
POU	1/20/2004 2:17:13 PM	awarntje	Edited shape boundary
POU	1/20/2004 2:36:47 PM	awarntje	Edited shape boundary
POU	1/21/2004 8:35:49 AM	awarntje	Edited shape boundary
POU	1/20/2004 2:38:22 PM	awarntje	Edited shape boundary

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POU	10/5/2006 3:49:29 PM	mmount	Updated shape for Active POU
Contacts	10/5/2006 3:50:24 PM	mmount	(No) 1. Do you want to schedule an appointment? Comment for 1: desk review
Summary	10/5/2006 3:52:35 PM	mmount	(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. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	1/20/2004 2:40:09 PM	awarntje	Edited shape boundary
POU	1/21/2004 8:30:33 AM	awarntje	Edited shape boundary
POU	1/21/2004 8:33:31 AM	awarntje	Edited shape boundary
POU	10/5/2006 3:49:48 PM	mmount	Updated PLS for Active POU
Season	6/1/2004 2:41:52 PM	mcase	(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?
Priority Date	4/21/2004 3:28:05 PM	mcase	(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? (No) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?

Water Supply Bank:

10/05/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-2255

NAME AND ADDRESS: REX M WINEGAR
970 JONATHAN RD
WEISER ID 83672

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.000 CFS

Right Nos. 67-2255 and 67-4313 are limited to a total combined diversion rate of 1.2 cfs.

PRIORITY DATE: 07/06/1956

POINT OF DIVERSION:

T11N R06W S16 SESENE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.000 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T11N R06W S09	SESE	9.00	T11N R06W S15	NWNW	13.00
T11N R06W S15	SWNW	1.00	T11N R06W S16	NENE	29.00
T11N R06W S16	SENE	8.00			

60 ACRES TOTAL

Right Nos. 67-2255 and 67-4313 are limited to the irrigation of a combined total of 60 acres in a single irrigation season.

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: BASIS OF CLAIM - License

R-6W

9

T
11
N

16

20

35

65

buried steel pipe line 900x6"

P.D.

Warm Springs Creek

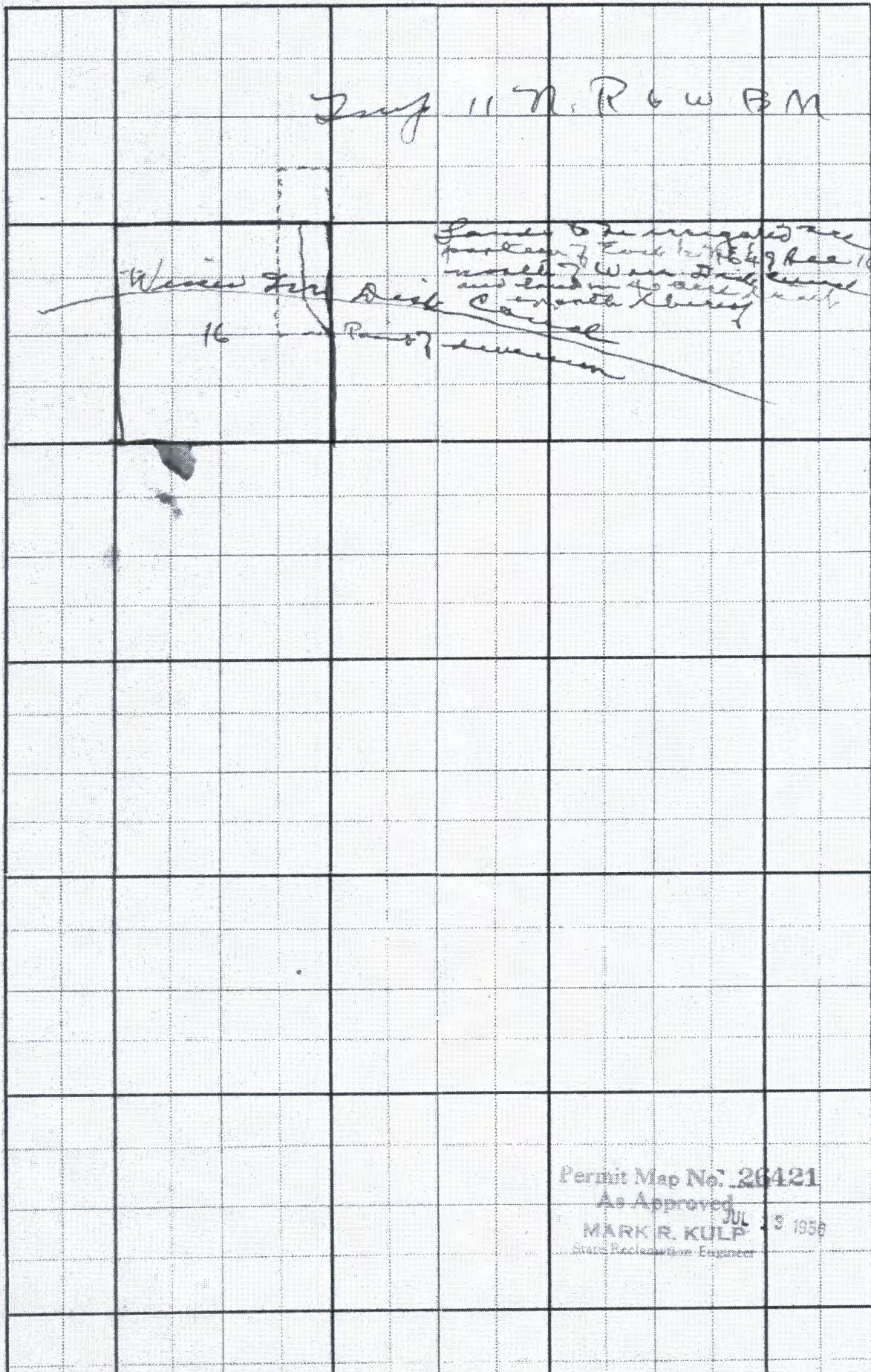
to Nelson

Subdivisions = Three

Area = 60 acres.

Q = 50 inches.

Q = by calculation



State of Idaho License and Certificate of Water Right

Water License No. 26421Amount 1.0 c.f.s.

Water District No. _____

Priority July 6, 1956THIS IS TO CERTIFY that WILLIAM W. WINEGAR

of Weiser, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 6, 19 56; that Permit No. 26421 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.6 second feet, was issued thereunder on June 6, 19 57, showing that said works were completed on the 21st day of May, 19 57; and that on the 14th day of September, 19 57, WILLIAM W. WINEGAR

of Weiser, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Warm Springs Creek, a tributary of SNAKE RIVER, for the purpose of Irrigation, under Use Permit No. 26421 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 10 of Licenses at page 6291, on the 8th day of April, 19 58;

The right hereby confirmed dates from July 6, 19 56;

The Point of Diversion is located

in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, Tp. 11 N., R. 6 W., B. M. County Washington

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 N.	6 W.	9 16	SE $\frac{1}{4}$ SE $\frac{1}{4}$	--	20
			NE $\frac{1}{4}$ NE $\frac{1}{4}$	--	35
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	--	5
			Total number of acres irrigated	--	60

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

8th day of April, 19 58.

/s/ Mark R. Kulp
State Reclamation Engineer.

(SEAL)

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: A67-02255
Date Received: 10/19/1989
Receipt No: Co/2419
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: REX M. WINEGAR 208-549-1178
Address: 970 JONATHAN RD.
WEISER, ID 83672

2. Date of Priority: JUL 06, 1956

3. Source: WARM SPRINGS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	06W	16	SE	SE	NE		WASHINGTON

5. Description of diverting works:
PUMP, LINES, AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		

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

8. Total consumptive use is 210.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	06W	9	SE	SE		IRR	7.0
						Section Acres	7.0
		15	NW	NW		IRR	2.0

SCANNED
MAY 10 2004

A67-02255

Page 1

Date: 10/19/89

MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	06W	15	SW	NW		IRR	12.0
					Section Acres		14.0
		16	NE	NE		IRR	33.0
			SE	NE		IRR	6.0
					Section Acres		39.0
					Total Acres		60.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
67-04313, 67-07490

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 26421

MICROFILMED
OCT 01 1992

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.

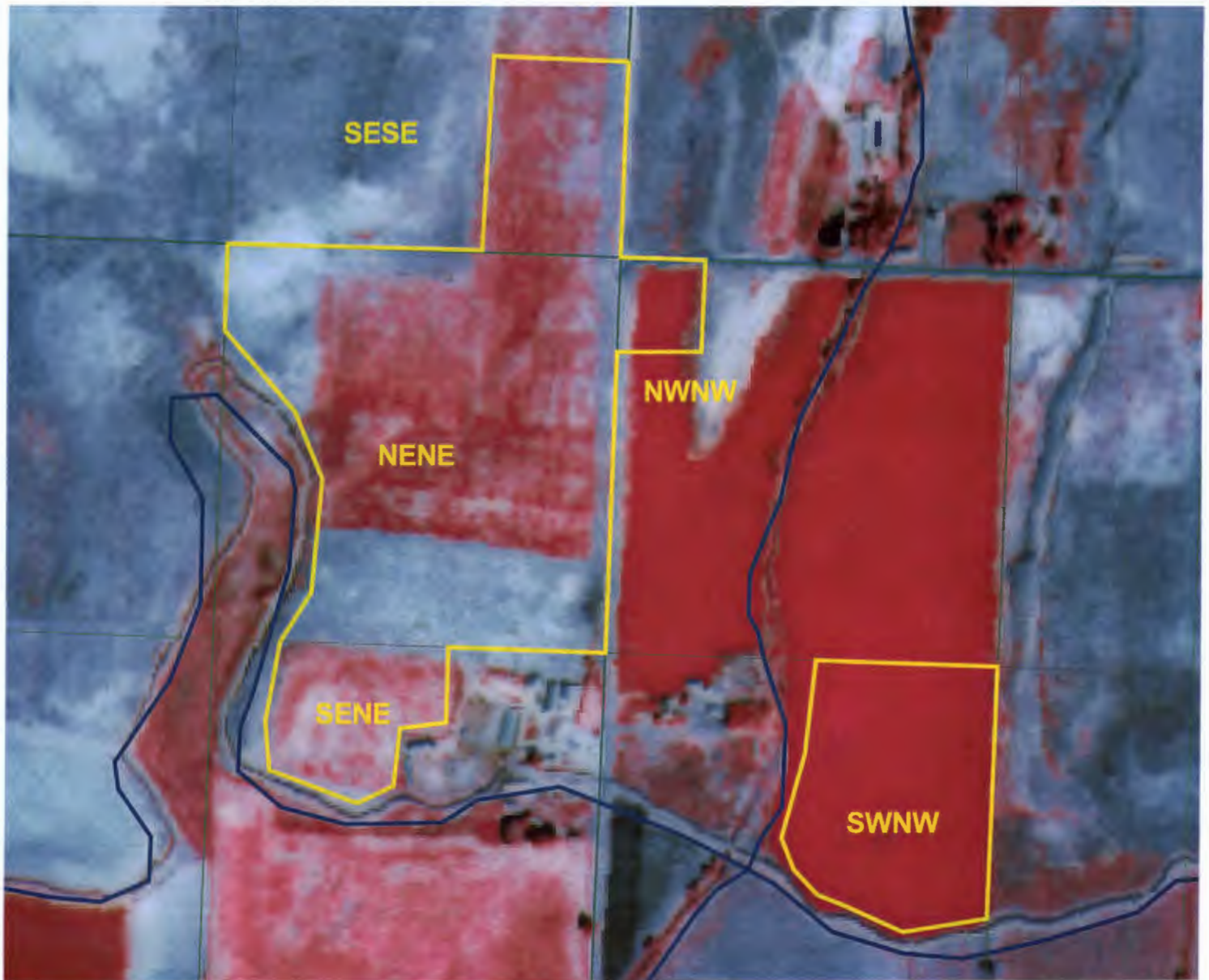
Signature of Claimant(s): Rex M. Winger Date: _____
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of October 19 89
Seal
Notary Public
Boise, ID
Residing at Boise, ID
My Commission Expires June 10, 1994

Idaho Department of Water Resources

67-2255



500 0 500 1000 1500 2000 2500 3000 Feet

T11N, R 06W, S9, S15 & S16



**Prepared by Anita L. Warntjes
January 21, 2004
1993/94 True Color Photo**

DONOT
SCAN

Page 1

04/21/2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2255 V1

WATER RIGHT NUMBER: 67-2255 V1

Owner Type
Original Owner
Name and Address
WILLIAM W WINEGAR
WEISER, ID
Current Owner
REX M WINEGAR
970 JONATHAN RD
WEISER, ID 83672
(208)549-1178

DRAFT

Priority Date: 07/08/1958
Basis: License
Status:

Source
WARM SPRINGS CREEK

Tributary
SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	03/01	to 11/15	1.000 CFS	
	Total Diversion:		1.000 CFS	

Location of Point(s) of Diversion
WARM SPRINGS CREEK
WASHINGTON County
SE1/4SE1/4NE1/4
Sec. 16, Twp 11N, Rge 06W, B.M.

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	06W	9																7.0	7.0
11N	06W	15					2.0	12.0											14.0
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Total Acres: 60

Conditions of Approval:

Remarks:

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04/21/2004

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Comments:

1. mcase 4/21/2004 - Priority Date
Comment: Claimed one day after licensed priority. File amended claim.

2. mcase 4/21/2004 - POU
Comment: No good map of POU.

3. mcase 4/21/2004 - Period of Use
Comment: No licensed Period of Use. I recommended standard Season of Use.

4. mcase 4/21/2004 - Quantity
Comment: No licensed annual diversion volume. Could not determine volume for claim.

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

Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	4/21/2004 3:28:04 PM	mcase			
POD	4/21/2004 3:31:33 PM	mcase			
Source	4/21/2004 3:32:28 PM	mcase			
POU	4/21/2004 3:32:45 PM	mcase			
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Quantity	4/21/2004 3:34:38 PM	mcase			

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
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Source	4/21/2004 3:32:29 PM	mcase	(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?
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POU	1/20/2004 2:26:36 PM	awarntje	Edited shape boundary
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POU	1/21/2004 8:35:49 AM	awarntje	Edited shape boundary
POU	1/20/2004 2:38:22 PM	awarntje	Edited shape boundary
POU	1/20/2004 2:40:09 PM	awarntje	Edited shape boundary
POU	1/21/2004 8:30:33 AM	awarntje	Edited shape boundary
POU	1/21/2004 8:33:31 AM	awarntje	Edited shape boundary
Priority Date	4/21/2004 3:28:05 PM	mcase	(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? (No) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?