

12/14/2006

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

RIGHT NUMBER: 22-4096

NAME AND ADDRESS: BLACKFOOT FARMS LLC  
500 HUNTSMAN WAY  
SALT LAKE CITY UT 84108

SOURCE: SPRINGS TRIBUTARY: TETON CREEK

QUANTITY: 0.687 CFS

PRIORITY DATE: 04/15/1904

POINT OF DIVERSION:

T04N R45E S11 NENWNW Within TETON County

T04N R45E S11 SWNNWN Within TETON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 1/01 12/31           | 0.020 CFS       |
| IRRIGATION            | 6/01 10/31           | 0.667 CFS       |

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S11 NENW 37.00 T04N R45E S11 NWNW 7.20

STOCKWATER same as IRRIGATION

44.2 ACRES TOTAL

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 - Beneficial Use

Use of this right is combined with water from Garden Irrigation Company.



# Idaho Department of Water Resources

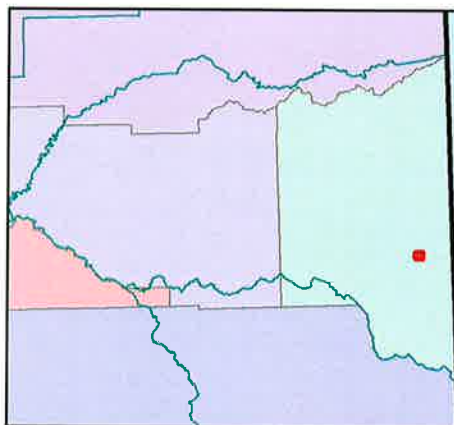
SRBA Recommendation

22-4096

(IRRIGATION)

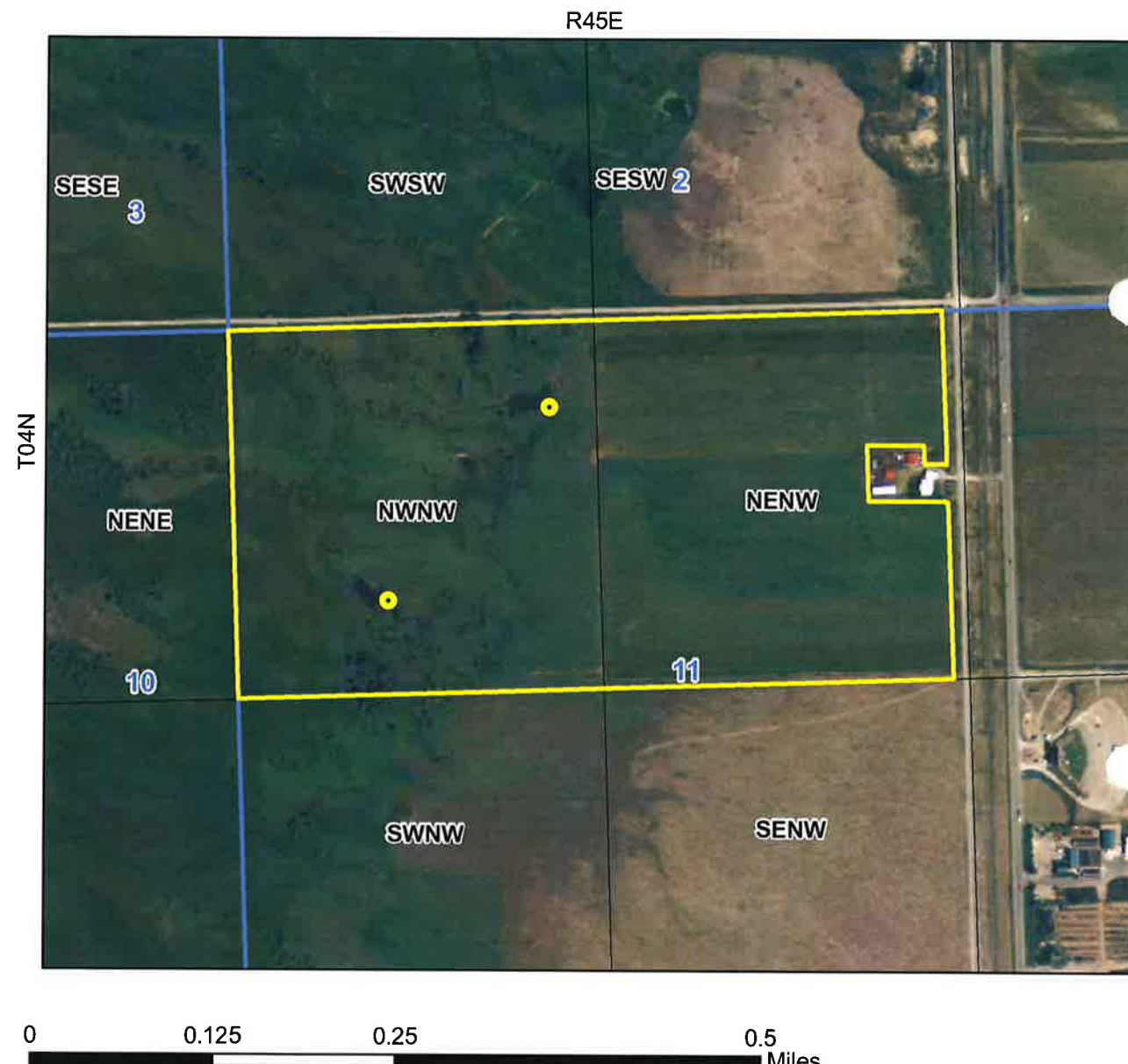
## Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Teton County  
IDWR Basin 22

Prepared by Denise Kidman  
On October 27, 2008  
2004 Aerial Photography



PROFILED

SCANNED  
OCT 27 2008



# Idaho Department of Water Resources

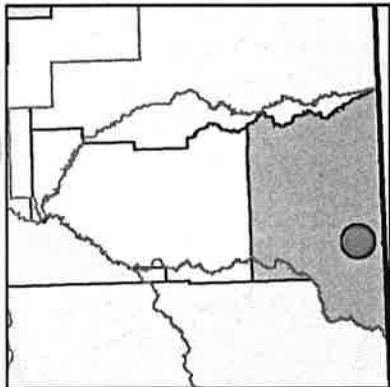
SRBA Recommendation:

**22-4096**

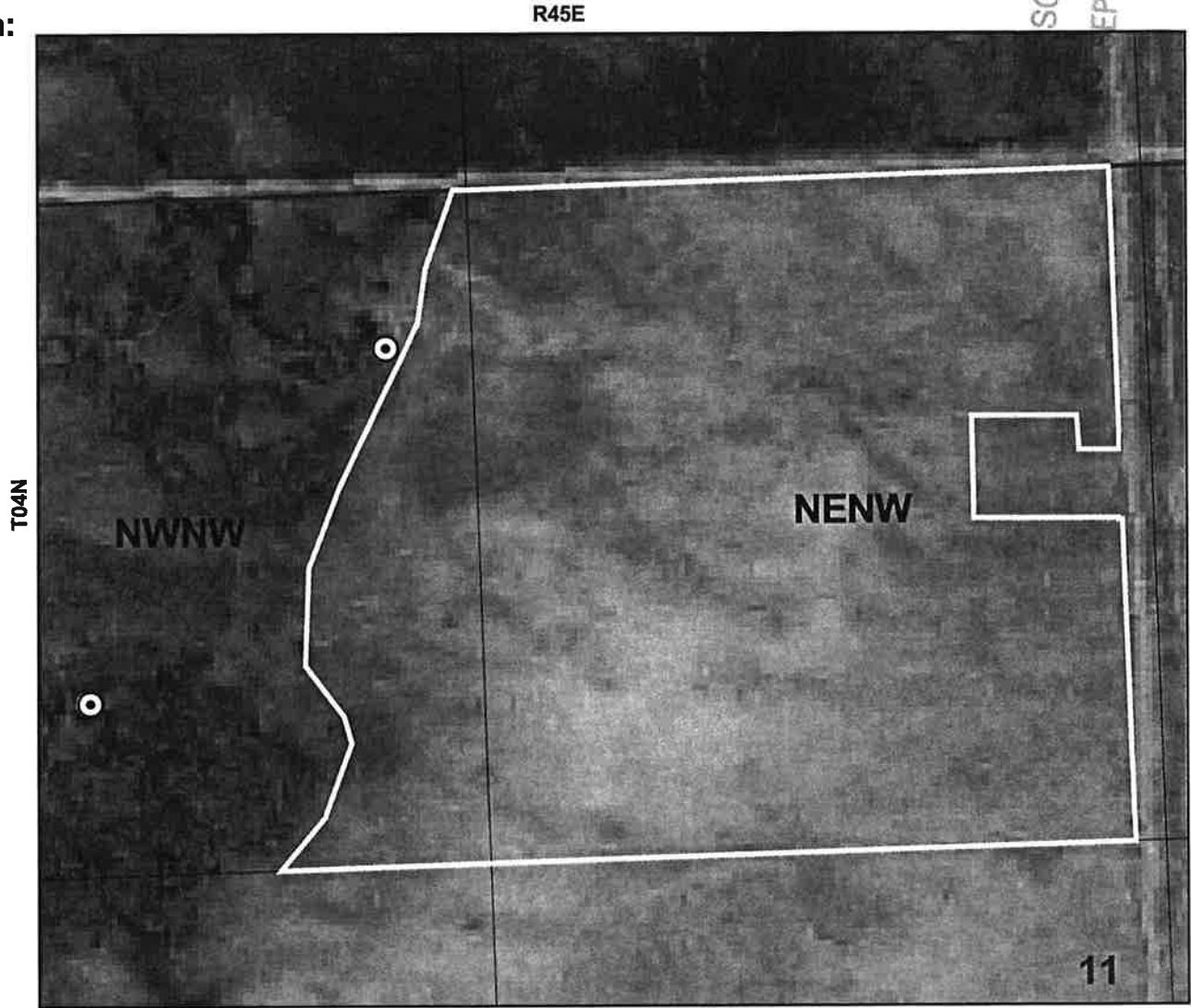
(Irrigation)

## Legend

- ⊙ Point of Diversion  
Place of Use
- ▭ Townships
- ▭ PLS Sections
- ▭ Quarter Quarters



Teton County  
IDWR Basin 22



0 0.1 0.2 Miles

Owner: Blackfoot Farms Llc

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

SCANNED  
EP 0 5 2007

Prepared by E. Carlsen  
On Thursday, December 14, 2006  
1987/88 Aerial Photography



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

November 18, 2008

Idaho Department of Water Resources  
Attn: Denise Kidman  
900 N. Skyline Drive, Suite A  
Idaho Falls, ID 83402-1718

*RE: 22-4096 (Blackfoot Farms, LLC)*

Dear Denise:

I am enclosing an SF5 for your review and signature. Please sign, initial and send the original SF5 back to me. I'll file it with the SRBA Court.

Thanks.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ray".

Ray Williams  
Paralegal

Enclosure

*Emailed back to Ray  
11/21/08*

RECEIVED  
NOV 21 2008  
Department of Water Resources  
Eastern Region

**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 No. 22-4096      |
|                | ) |                          |
| Case No. 39576 | ) |                          |
|                | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

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This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANT/OBJECTOR:**  
Blackfoot Farms, LLC

Randall C. Budge      11/13/08  
Randall C. Budge      Date  
Attorney for Claimant/Objector

**IDWR Concurrence:**

Denise Kidman 11-21-08  
Denise Kidman                      Date  
Water Resource Agent

\_\_\_\_\_  
Garrick L. Baxter                      Date  
Deputy Attorney General  
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED  
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-4096  
NAME AND ADDRESS: BLACKFOOT FARMS LLC  
500 HUNTSMAN WAY  
SALT LAKE CITY UT 84108  
SOURCE: Source: Tributary:  
SPRINGS TETON CREEK  
QUANTITY: 0.687 CFS 0.000 AFY  
PRIORITY DATE: 03/01/1904 04/15/1904

POINT OF DIVERSION: T04N R45E S11 NENWNW Within TETON County  
T04N R45E S11 SWNWNW Within TETON County

| PURPOSE AND PERIOD OF USE: | Purpose of use                  | Period of use: | Quantity: |
|----------------------------|---------------------------------|----------------|-----------|
|                            | IRRIGATION                      | 6/01 10/31     | 0.667 CFS |
|                            | STOCKWATER                      | 1/01 12/31     | 0.020 CFS |
| PLACE OF USE:              | IRRIGATION within TETON County  |                |           |
|                            | T04N R45E S11 NENW 37.0         |                |           |
|                            | T04N R45E S11 NWNW 40.0         |                |           |
|                            | T04N R45E S11 NWNW 7.2          |                |           |
|                            | STOCKWATER Same As IRRIGATION   |                |           |
|                            | 77 ACRES TOTAL 44.2 ACRES TOTAL |                |           |

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 - Beneficial Use  
Use of this right is combined with water from Garden Irrigation Company.

RUB  
OK  
RUB

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
253 THIRD AVENUE NORTH  
P. O. BOX 2707  
TWIN FALLS, IDAHO 83303-2707

2. BLACKFOOT FARMS LLC  
Represented by:  
BUDGE, THOMAS J  
201 E.CENTER ST.  
P.O. BOX 1391  
POCATELLO, ID 83204-1391

IDWR REPOSITORY  
P.O. BOX 83720  
BOISE, ID 83720-0098

---

Signature of person or attorney mailing the form



Idaho Department of Water Resources

# MEMORANDUM

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File: 22-4096 Blackfoot Farms  
Date: October 16, 2008  
Subject: Field Exam w/Harvey Walker

Dee O'Brian, contractor for adjudication exams, visited the POU on 10/6/2004 and 6/13/2005 but omitted part of the acres claimed by claimant.

Claimant filed objection for POD, POU, and priority. POD's and POU were confirmed by onsite visit and aerial photography. New photographs were taken of the acres omitted from recommendation showing the delivery system.

Evidence of priority was provided in form of an abstract from the Teton Abstract Company.

Kind of Instrument: Patent  
Date of Instrument: March 1, 1904  
Date of Record: October 18, 1912 @ 9:10am  
No. of Instrument: 46613- Fremont County  
Description: T04N R45E Sec 11 N ½ NW ¼

Version 2 recommendations will include the omitted acres and priority date claimed. POD's are located in T04N R45E Sec 11 NENWNW and SWNWNW. One of the claimed POD's was actually located in the SWNWNW not SENWNW.

**PROFILED**

**SCANNED**  
**OCT 27 2008**

*From the desk of Denise Kidman*



Photo 1: T04N R45E Sec 11 SW NE NW facing South.  
Established ditch use to irrigate omitted acres in  
NW NW.



Photo 2 shows the delivery system to the west

**PROFILED**

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OCT 27 2008



Photo 3 Delivery system southwest of the north pond.



Photo 4: Another view of delivery system.

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PROFILED



Photo 5: Facing north



Photo 6: North Pond

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OCT 27 2008

PROFILL

22-4096



T04N-R45 E-S003

T04N-R45 E-S002

200S 100W

*Handwritten:*  
BINGHAM  
DITCH

T04N-R45 E-S010

T04N-R45

300S 100W

T04N-R45 E-S015

T04N-R45 E-S07

Thomas E. Winger  
6161 N. 45 E.  
Idaho Falls, Id. 83401  
208-552-2268.  
201-3569

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March 14, 2008

To whom it concerns:

I, Tom Winger was the owner and operator of the 80 A. ranch located at 50 W. 225 S. Driggs, Idaho. It was in the family since about 1940. We had water rights from Garden Water Co. that was used to water as needed on all of the 80 acres. I later in about 1990 put a pump in a spring in the bottom 40 to pump water through a sprinkler system for the complete 80 as needed when the ditch water was no longer available. The high ground would burn up so the sprinkler was needed.



Tom Winger

wtj45@tetontel.com

## Kidman, Denise

---

**From:** Baxter, Garrick  
**Sent:** Wednesday, October 01, 2008 11:48 AM  
**To:** Kidman, Denise  
**Cc:** rcb@racinelaw.net; why@atcnet.net; Williams, Ray; Courtney, Andrea  
**Subject:** 22-4096 (Blackfoot Farms)

Denise,

I understand that you are taking the Basin 22 subcases. We just had a hearing on this right. The Special Master granted the motion to file late objection. For the next step, I need you to connect with Harvey Walker and discuss the recommendation. They have objected to priority date and number of acres. Randy said that he has an affidavit that addresses the number of acres. Once he provides me with the affidavit, I will forward to you. Once you have had a chance to review their info, please email me with your thoughts. Next status conference is Dec 17<sup>th</sup>. Please try to connect up with Harvey before then.

Let me know if you have any questions.  
Thanks,  
Garrick

Randy Budge

Priority  
Point of Diversion } as claimed  
Place of Use } correct ~~to~~ recommended

11/21/2006

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:**

Water right number: 22-4096

BLACKFOOT FARMS LLC  
500 HUNTSMAN WAY  
SALT LAKE CITY UT 84108  
Telephone Number: (801)589-5864

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-14-06

SIGNATURE: [Signature]

Please print your name: Young H. Walker

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

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SEP 05 2007



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: [www.idwr.state.id.us](http://www.idwr.state.id.us)

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 8, 2006

BLACKFOOT FARMS LLC  
500 HUNTSMAN WAY  
SALT LAKE CITY UT 84108

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP  
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-4096

Dear Sir or Madam:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree  
Technical Records Specialist

Enclosure

SCANNED  
SEP 05 2007

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

OK JC 2/8/06  
RECEIVED  
FEB 02 2006

Department of Water Resources  
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 22-4096 V-1           |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former  
Owner/Claimant(s)

THOMAS E WINGER

50 W 225 S. DRiggs Id. 83422

4. New Owner/Claimant(s)

Black foot Farms L.C.

Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address

500 HONTS MAN WAY

City, State and ZIP Code

SALT LAKE CITY. UT 84108

New Telephone Number

(801) 589-5864 Tom Muir OR 208-521-3254 Harvey Wacker

5. Date you acquired the property

11-14-05

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SEP 05 2007

172706

NOV 14 2005

TETON CO. ID  
CLERK RECORDER

## WARRANTY DEED

Order No.:3050513991-T

### FOR VALUE RECEIVED

Thomas E. Winger and Jacqueline M. Winger, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Blackfoot Farms, L.C., a Utah Limited Liability Company

whose current address is

500 Huntsman Way, Salt Lake City, UT 84108

the grantee(s), the following described premises, in Teton County, Idaho, TO WIT:

N ½ NW ¼ Section 11, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever, including all appurtenant water rights and 40 shares of Garden Water Company common stock. And the said Grantor does hereby covenant to and with the said Grantee(s), that they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements and rights of way of record.

And that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 11-14-05

Thomas E. Winger  
Thomas E. Winger

Jacqueline M. Winger  
Jacqueline M. Winger

### Instrument # 172706

DRIGGS, TETON, IDAHO

2005-11-14 03:40:41 No. of Pages: 1

Recorded for: ALLIANCE TITLE & ESCROW

NOLAN G. BOYLE

Ex-Officio Recorder Deputy RB Boyle Fee: 3.00

Index to: DEED, WARRANTY

State of Idaho

County of Teton

On this 14 day of November, in the year 2005 before me, a Notary Public in and for said state, personally appeared Thomas E. Winger and Jacqueline M. Winger known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



[Signature]  
Notary Public for the State of Idaho

Residing at: Driggs, ID

Commission Expires: 2-1-08

172706

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SEP 05 2007

**BLACKFOOT FARMS, L.C.**

August 25, 2005

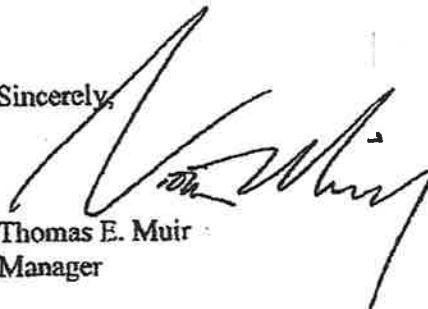
To Whom It May Concern:

On behalf of Blackfoot Farms, L.C., Mr. Harvey Walker has been provided signatory authority to sign various Application for Permit with State of Idaho, Department of Water Resources, for the appropriation of public waters of the State of Idaho as indicated on the respective permits.

Should you have any questions, please feel free to contact me directly at 801/584-5864.

Thank you.

Sincerely,



Thomas E. Muir  
Manager

**BLACKFOOT FARMS, L.C.**

500 Huntsman Way • Salt Lake City, Utah 84108 • 801-584-5700 • Fax 801-584-5788

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SEP 05 2007

water right # 22-4096  
Springs.

December 12, 2006

Idaho Department of Water Resources

To Whom It May Concern:

I, Tom Winger, have knowledge of my Grandfather's and Father's use of 22-4096. I was born in 1936 and, as far back as I can remember, we have put that water to beneficial use.

Sincerely,

*Tom Winger*

Tom Winger

State of Idaho )

) ss.

County of Teton )

On this 12<sup>th</sup> day of December, 2006 before me, a Notary Public in and for said State, personally appeared Tom Winger known, or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

*Janet Gangis*  
Notary Public for the State of Idaho  
Residing at Tetonia  
Commission Expires: 4/30/2010

JANET GANGIS  
NOTARY PUBLIC  
STATE OF IDAHO

SCANNED

SEP 05 2007

**LIMITED POWER OF ATTORNEY**

22-153  
22-4096  
22-7043  
22-13611  
22-13613

BLACKFOOT FARMS, LLC, WILLIAM E. REID, CEO, of 97 North Highway 33, Driggs, Idaho 83422, designate and appoint HARVEY WALKER of 2338 North 2930 West, Arco, ID 83213, as our attorney in fact and agent (subsequently called "agent") to act in our name and for our benefit. We grant to our agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as we might or could do if personally present and fully competent, hereby ratifying and confirming all that our agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.

Specific Powers

Our agent shall have and may exercise the following specific power:

- a. To handle all affairs and do all that needs done, including signing of documents, pertaining to water rights, wells and all water issues.

Revocability

This power of attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by us or our agent and delivered to such person or institution.

Interpretation

This instrument is to be construed and interpreted as a limited power of attorney.

Disability of Principal

This Limited Power of Attorney shall not be affected by disability of the principal.

SCANNED

JAN 10 2006

Third-Party Reliance

Third parties may rely upon the representations of our agent as to all matters relating to any power granted to our agent, and no person who may act in reliance upon the representations of our agent or the authority granted to our agent shall incur any liability to us or our estate as a result of permitting our agent to exercise any power.

Expiration

Unless sooner revoked in the manner above provided, this Limited Power of Attorney shall expire at midnight on April 30, 2008.

Governing Law

This Limited Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

IN WITNESS WHEREOF, we have executed this Limited Power of Attorney this 26 day of October, 2006.

BLACKFOOT FARMS, LLC, Principal

By William E. Reid  
WILLIAM E. REID, CEO

STATE OF IDAHO    )  
                              ) ss.  
County of Teton    )

On this 26 day of October, 2006, personally appeared before me WILLIAM E. REID, who, being by me first duly sworn, declared that he is the CEO of BLACKFOOT FARMS, LLC, that he signed the foregoing document as CEO of the corporation, and that the statements therein contained are true.



Pauline Bagley  
Notary Public for Idaho  
My Commission Expires: 8/2011

LIMITED POWER OF ATTORNEY  
1006 Blackfoot-Walker-POA

SCANNED  
JAN 10 2006

Claim no. \_\_\_\_\_

Claimant Contact Log

Date                      Remarks                      Agent initials

10/6/04    Visited w/ Tom Winger. He explained  
DD       his system to me and showed  
         me location of springs and ponds.

6/13/05    Visited again with Tom Winger  
         Did another try to GPS 2 PDD locations

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6/13/05  
20 Visited with Tom Winger again.

Redo on gps at both pond & spring sites.  
I put the tag on a power pole that is located  
near the pond where the pump is located.  
There is nothing permanent to put a tag  
near the 2nd spring which is approx  
200 yds south of the first location.  
The nearest post or pole is 50 yds from  
the spring so I didn't tag it. I hope  
one tag on the north spring will do.

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## Priority Date Data Entry Form

Claim Number: \_\_\_\_\_

Water Right Priority Date: \_\_\_\_\_ Water Right Basis: \_\_\_\_\_

Claimed Priority Date: MARCH 1, 1904 Claimed Basis: STAT.Recommended Priority Date: DEC. 4, 1913 Recommended Basis: BU

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

CLAIMS DATED PRIOR TO ROYBURN VS TETON DECIDE  
TO SOURCE(S) (SPRINGS) TRIBUTARY TO TETON CK - WHICH IS  
TRIBUTARY TO TETON RIVER.

EVIDENCE DATED DEC. 4, 1913 IS THE ONLY DOCUMENT  
THAT DISCUSSES WATER RIGHTS => THEREFORE - 12/04/1913 IS  
RECOMMENDED

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

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DD 6/13/05 2nd PDD for Tom Winger  
claim A22-4096. Spring runs directly into a  
ditch. Plastic dams are used to divert  
from the ditch. When all dams are  
removed, the water runs into other springs  
and ultimately to Teton Creek & Teton River.

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SEP 05 2007



22-4096

Tom Wingers pond (springs) and  
pump diversion

10/06/04  
DO

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SEP 05 2007

Water Right No(s). \_\_\_\_\_



GPS DATA:

Tag # A0013896 Location: Power pole near pond

Diversion Data:

Source: Spring Trib to: Teton Creek

MOTOR

Make: Marathon Electric Model: YE254TDR7072EN Hp: 25  
SN: 01-90119-515-01

PUMP

Make: Cornell Model: ERR-25-4 Disch: 8" mainline  
SN: 76381 - 12.00

NOTES:

Source is a spring that has been dammed up to form  
a pond. A pump is used to divert water to mainline and  
wheel lines

6/13/05 A second spring approx. 150 yds. south of pond is 2nd POD.

Field Exam Date: 10/06/04 Agent: DD

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SEP 05 2007

## Point of Diversion and Source Data Entry Form

Claim Number: \_\_\_\_\_

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T \_\_\_\_\_, R \_\_\_\_\_, Sec. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Water Right Point of Diversion: T \_\_\_\_\_, R \_\_\_\_\_, Sec. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Claimed Point(s) of Diversion and Source.

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source | Tributary to |
|-----|-----|-----|---------|----------------|--------|--------|--------------|
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |

Recommended Point(s) of Diversion and Source.

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source | Tributary to |
|-----|-----|-----|---------|----------------|--------|--------|--------------|
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |

Other rights from this POD? \_\_\_\_\_

Transfers Pending or approved: \_\_\_\_\_

Document how the POD and Source were verified:

10/06/04 DO Field exam showed springs that are dammed up. A pump is used to irrigate the eastern part of this claim.

There are approx. 10 springs that come up in the NW 1/4 of Section 11. This bottom part seems to be irrigated with sub-irrigation.

6/13/05 A second spring is used as a POD and source. Field exam showed spring and ditch conveying water to ground to be irrigated. Plastic dams are moved down the ditch to divert water from the second spring. There is no headgate or diversion structure.

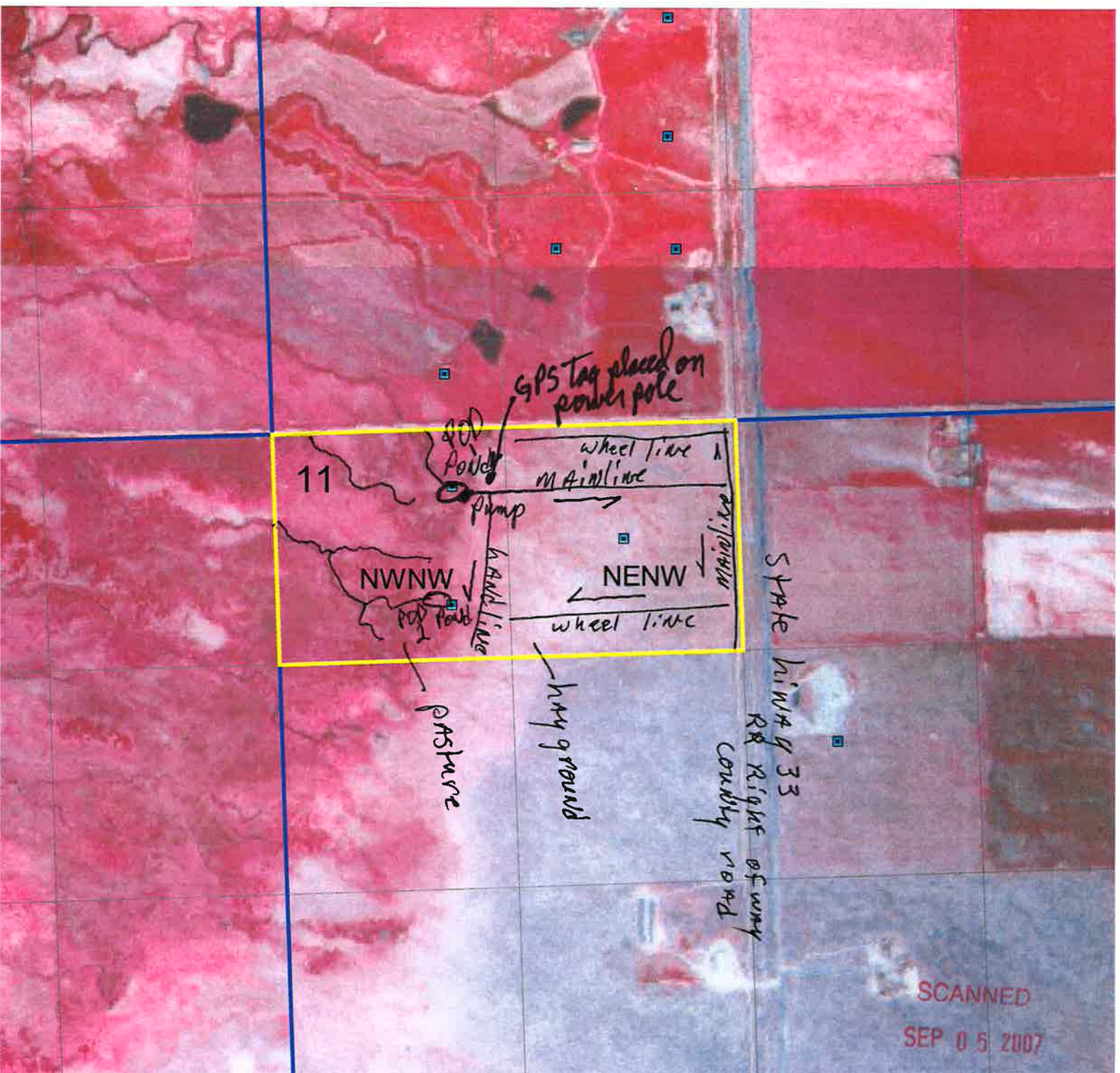
Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

SEP 05 2007

22-4096

THN  
R456

10/6/04  
DD



## Place Of Use Data Entry Form

Claim Number: \_\_\_\_\_

Claimed Place Of Use

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|---|--------|---------|-------|----------------|
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |

Total acres \_\_\_\_\_

Recommended Place of Use

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|---|--------|---------|-------|----------------|
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |

Total acres \_\_\_\_\_

Pending or approved Transfers: \_\_\_\_\_

Overlapping rights: \_\_\_\_\_

Document how the POU was verified:10/6/04  
DO

Field exam shows that the NENW of Section 11 is irrigated with pump and wheel lines.

The top 5-B acres of NWNW is irrigated with a hand line. The bottom or western part of NWNW of Sec 11 is irrigated with small streams from a series of springs.

6/13/04  
DO

The second POU is a spring that runs into a ditch that runs through the ground. Dams placed in this ditch also irrigate this claim.

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

SCANNED

SEP 05 2007

May 13, 2004

**THOMAS WINGER  
50 W 225 S  
DRIGGS ID 83422**

**RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4096**

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

***Your claim, as referenced above, claims a Priority Date MARCH 1 1904 from SPRINGS.***

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

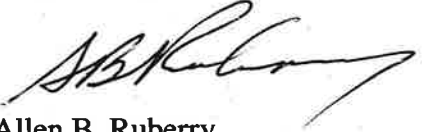
It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

SCANNED  
SEP 05 2007

.....  
**The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**  
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry  
Sr. Water Resource Agent  
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

SCANNED  
SEP 05 2007

#293

Geo. D. Bernard & Co. St. Louis

1002

No. \_\_\_\_\_

# ABSTRACT OF TITLE TO

The north half of the northwest quarter  
(N $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section eleven (11) in Town-  
ship four (4) North Range forty five  
(45) East Boise Meridian.

---

SCANNED

SEP 05 2007

TETON ABSTRACT COMPANY  
DRIGGS, IDAHO

Geo. D. Bernard & Co. St. Louis

ABSTRACTER'S STATEMENT.

\*\*\*\*\*

From the beginning of the title herein until the fifth day of January, Nineteen hundred-fourteen, the property herein described was a part of Fremont County. On the date mentioned, it became a part of Madison County and so remained until the fifth day of July Nineteen - hundred fifteen, when it became a part of Teton County; said changes being the result of county divisions.

---

SCANNED

SEP 05 2007

TETON ABSTRACT COMPANY  
TETON COUNTY  
DRIGGS, IDAHO

United States  
By George A. Robethan

Grantors

to

Harvey L. Crandall

Grantees

Kind of Instrument Final Receipt

Date of Instrument Dec 5 1902

Date of Record Oct. 3 1903

Book 5 of Deeds Page 249

No. of Instrument 1270--Fremont

Consideration, \$ 6.00

Granting Words

Description and Remarks:

IT IS HEREBY CERTIFIED that Harvey L. Crandall has made payment in full for the following described real estate, to-wit: N $\frac{1}{2}$  NW $\frac{1}{4}$  Sec 11 Twp 4 N.R. 45 E.B.M., (and other property).

Transcribed from Book A Page 622 Fremont County Records.

Covenant, if any

Witnesses

Date of Acknowledgment

Before Whom Acknowledged?

Is Wife Separately Examined in Acknowledgment?

SCANNED

SEP 05 2007

TETON ABSTRACT COMPANY  
TETON COUNTY  
BRIDGE, IDAHO

United States of America

to

Harvey L. Crandall

Grantors

Kind of Instrument Patent

Date of Instrument March 1 1904

Date of Record Oct. 18 1912 @ 9:10 AM

Book 6 of Patents Page 248

No. of Instrument 46613--Fremont

Grantees

Consideration, \$

Granting Words Gives and Grants.

Description and Remarks:

N $\frac{1}{2}$  NW $\frac{1}{4}$  Sec 11 Twp 4 N.R. 45 E.B.M.  
(and other property).

Transcribed from Book D Page 545  
Fremont County Records.

Covenant, if any

Witnesses

Date of Acknowledgment

Before Whom Acknowledged?

Is Wife Separately Examined in Acknowledgment?

SCANNED

SEP 05 2007

TEJON ABSTRACT COMPANY  
TEJON COUNTY  
BRIDGE & JEWELL  
COMPILED BY



N.A. Brown  
FOR

Mr. Jackson  
July 4, 1895  
E. Brown



United States  
By George A. Robethan

Grantors

to

Harvey L. Crandall

Grantees

Kind of Instrument Final Receipt

Date of Instrument Dec 5 1902

Date of Record Oct. 3 1903

Book 5 of Deeds Page 249

No. of Instrument 1270--Fremont

Consideration, \$ 6.00

Granting Words

Description and Remarks:

IT IS HEREBY CERTIFIED that Harvey L. Crandall has made payment in full for the following described real estate, to-wit: N $\frac{1}{2}$  NW $\frac{1}{4}$  Sec 11 Twp 4 N.R. 45 E.B.M., (and other property).

Transcribed from Book A Page 622 Fremont County Records.

Covenant, if any

Witnesses

Date of Acknowledgment

Before Whom Acknowledged?

Is Wife Separately Examined in Acknowledgment?

MICROFILMED  
NOV 6 1996

TETON ABSTRACT COMPANY  
TETON COUNTY  
DRIGGS, IDAHO



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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

AUGUST 22, 1996

THOMAS WINGER  
50 W 225 S  
DRIGGS ID 83422

RE: CHANGE IN OWNERSHIP FOR A22-04096

Dear Mr. Winger:

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 is a copy of the Notice(s) 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 this Notice for your records.

Respectfully submitted,

  
Jo Thompson  
Adjudication Secretary

Enclosure: Notice of Claim

MICROFILMED  
NOV 06 1996

SCANNED

SEP 05 2007

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right Number(s) \_\_\_\_\_  
Adjudication Claim Number(s) 22-4096
2. The following **REQUIRED** information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.  
AND  
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)  
OR  
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Eldon Winger  
P.O. Box 214 Driggs, ID 83422
4. New Owner/Claimant(s) Thomas E Winger  
Name connector (Check one): ☐ AND, ☐ OR, ☒ AND/OR  
New Mailing Address 50 W 225 S  
City, State and ZIP Code Driggs, ID, 83422  
New Telephone Number (208) 354-2442
5. Date you acquired the property Nov. 13, 1989
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated 40 Number and type of stock 50 To 100 Beef
- Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Thomas E Winger Date 8-20-96
8. (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)  
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

SEP 05 2007

MICROFILMED



COOPERATIVE CENTER FOR  
HEALTH STATISTICS - VITAL  
STATISTICS

450 W. STATE ST.  
BOISE, IDAHO 83720

CERTIFICATE OF DEATH

DATE FILED: JUNE 05, 1989

STATE FILE NUMBER: 89-02817

DECEDENT: ELDON WINGER

DATE OF DEATH: APR. 29, 1989

PLACE OF DEATH: IDAHO FALLS, IDAHO

DATE OF BIRTH: JULY 17, 1909

PLACE OF BIRTH: IDAHO

AGE: 79 YEARS SEX: MALE

VETERAN? NO

MARITAL STATUS: MARRIED

SPOUSE (MAIDEN) : ELVA GROVER

SOCIAL SECURITY NUMBER: [REDACTED] RESIDENCE: DRIGGS, IDAHO

FATHER: ARTHUR WINGER

FATHER'S BIRTHPLACE: UTAH

MOTHER (MAIDEN): CAMILLA HILL

MOTHER'S BIRTHPLACE: UTAH

MORTUARY: WADE FUNERAL HOME

MORTICIAN: MARK L. WADE

DRIGGS, IDAHO  
DISPOSITION: BURIAL

CERTIFYING PHYSICIAN: LAWRENCE T. CURTIS, MD

AUTOPSY: NO

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST:

INTERVAL

CARDIAC ARREST  
MYOCARDIAL INFARCTION  
SEVERE CORONARY ARTERIOSCLEROSIS

1 HOURS  
2 DAYS  
20 YEARS

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

NONE LISTED

110765  
FILED

AT THE REQUEST OF

*Tom Winger*

AT 05 MINUTES PAST 3 P M

DATE August 18, 1992

*Asa J. Drake*

CLERK OF RECORDER

*Nora Rigby*

DATE ISSUED: AUGUST 12, 1992

This is to certify that this is a true and correct reproduction or abstract of the official record  
filed with the Idaho Department of Health & Welfare, Boise, Idaho.

*Richard W. Blair*

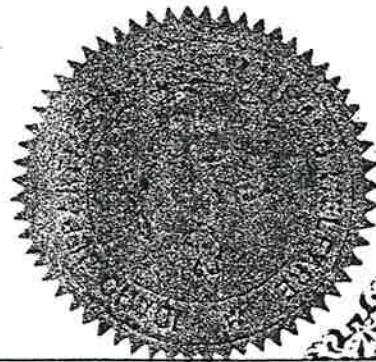
RICHARD W. BLAIR, State Registrar

DO NOT ACCEPT UNLESS ON SECURITY PAPER WITH EMBOSSED SEAL OF IDAHO  
DEPT. OF HEALTH & WELFARE CLEARLY AFFIXED.  
Section 39-273, Idaho Code

HWH0139

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NOV 06 1996

SCANNED  
SEP 05 2007



DEPARTMENT OF HEALTH AND WELFARE

288500

Harvey L. Crandall, unmarried

Grantors

to

The American Freehold Land-Mortgage  
Co. of London, Limited

Grantees

Kind of Instrument Mortgage

Date of Instrument Sept. 1 1903

Date of Record Oct. 3 1903

Book 21 of Mortgages Page 93

No. of Instrument 1259--Fremont

Consideration, \$ 700.00

Granting Words

Grant, Bargain, Sell and Convey

Description and Remarks:

N $\frac{1}{2}$  NW $\frac{1}{4}$  Sec 11 Twp 4 N.R. 45 E.B.M.,  
(and other property).

The same to secure the payment of  
\$700.00, with interest at the rate  
of 10% per annum, due Sept. 1 1903

Transcribed from Book 0 Page 115  
Fremont County Records.

Covenant, if any

Witnesses WM. D. VanDyke.

Date of Acknowledgment Sept. 11 1903

Before Whom Acknowledged? Wm Quinn, Notary Public, County of Philadelphia  
State of Penn. Seal.

Is Wife Separately Examined in Acknowledgment?

TETON ABSTRACT COMPANY  
TETON COUNTY  
DRIGGS, IDAHO

SCANNED

SEP 05 2007

MICROFILMED

NOV 06 1900

H. A. Baron

vs. to

Henry M. Olmstead and Josephine Olmstead

Grantors

Grantees

No.

Kind of Instrument Execution.

Date of Instrument December 4, 1913.

Date of Record April 6, 1914; 9 A M

Book 11 of - - Page 78.

No. of Instrument 1012.

Consideration, \$ 2771.20

Granting Words

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT.

Description and Remarks:

NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 11, Twp. 4 N., R. 45 E. B. M.

together with other property as follows:

NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 32; NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 21, Twp. 4 N., R. 45 E. B. M.

SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 6, NW $\frac{1}{4}$  NE $\frac{1}{4}$ ; NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 7, Twp. 4 N., R. 46 E. B. M.

with all water rights particularly that certain certificate of the capital Stock of the Wyoming & Brady Bench Canal Company Ltd.

dated November 10, 1910, being #20 for 120 shares of the Captial Stock.

E. J. Harrop, Sheriff, Fremont County

Covenant, if any

By Grant Castley, Deputy.....

-O-O-O-O-O-O-

Witnesses

Date of Acknowledgment December 4, 1913.

Before Whom Acknowledged? A. M. Carter, Clerk of the District Court, By W. E. Gee, Deputy, Clerk of District Court, Fremont County, Idaho.

Is Wife Separately Examined in Acknowledgment?

(SEAL)

SCANNED

SEP 05 2007

MICROFILMED

NOV 06 1996

TETON ABSTRACT COMPANY

TETON COUNTY

DRIGGS. 3 IDAHO

IN THE MATTER OF THE ESTATE OF

H. A. BARON, Deceased.

To

Bertha E. Baron, surviving wife of

H. A. Baron.

DECREE OF DISTRIBUTION

Dated July 14, 1919.

Recorded July 15, 1919; 3:05 PM

Book 8 page 371

INSTRUMENT NUMBER 5970.

DECREES to Bertha E. Baron the surviving wife of H. A. Baron all the property hereinafter described, and all of the property of said estate, was and is, the community property of said deceased and said surviving wife; that all the interest of the said H. A. Baron, deceased, in and to the following described property, to-wit:

A certain deficiency Judgment in favor of H. A. Baron, deceased, against Henry M. Olmstead in the amount of \$2417.80, dated November 29th, 1913 recorded in Teton County, Idaho.

The Northeast Quarter of the Northwest Quarter of Section 11, Twp. 4 N., R. 45 E. B. M., together with 40 shares of the Capital Stock of Garden water company, Limited, represented in Certificate No. 64 of said Company issued to deceased February 19th, 1916; Also the Northwest Quarter of the Northwest Quarter of Section 21, Twp. 4 N., R. 45 E. B. M.; Also the Southeast Quarter of the Southwest Quarter of Section 6; Northwest Quarter of the Northeast Quarter; Northeast Quarter of the Northwest Quarter of Section 7, Twp. 4 N., R. 46 E. B. M., together with one hundred twenty shares of the capital stock of the Garden Water Company Limited represented by Certificate No. 90 of said company for 115 shares issued to deceased May 25th 1916 and five shares of Certificate No. 84 of said Company, aforesaid.

M. BYRNE, Probate Judge (SEAL)

I HEREBY CERTIFY the foregoing to be a full, true and correct copy of the original Decree of Distribution on file in my office, in the above entitled estate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the above named Court this 14th day of July, 1919.

M. BYRNE, Probate Judge. (SEAL)

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SCANNED

NOV 15 1950

SEP 05 2007

TETON ABSTRACT COMPANY

TETON COUNTY

DRIGGS. 4 IDAHO

8-19-96

Mrs Winger:

Before I can change  
the water right to your  
name, I need your  
signature. Please return  
for completion.

Jo Thompson

MICROFILMED

SCANNED NOV 6 6 15 00

SEP 05 2007

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90 90 90

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34.1

4

T641

S. 11 T 11 N R 11 E 15





## WARRANTY DEED

For Value Received

Elva Winger, a single person

the grantor , do es hereby grant, bargain, sell, and convey unto

Thomas E. Winger 1445 West 3400 South,  
Rexburg, Idaho 83440

the grantee , the following described premises, to-wit:

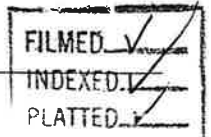
The North half of the Northwest Quarter of Section 11,  
Township 4 North, Range 45 East Boise Meridian located  
in Teton County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee ,  
and his heirs and assigns forever. And the said Grantor do es hereby covenant to and  
with the said Grantee , that s he is the owner in fee simple of said premises; that said  
premises are free from all incumbrances except as hereinabove set forth and that he will warrant and  
defend the same from all lawful claims whatsoever.

Dated:

x *Elva Winger*

105092



STATE OF IDAHO, COUNTY OF *Teton*  
On this *13* day of *November 1989*,  
before me, a notary public in and for said State, personally  
appeared

Elva Winger

known to me to be the person whose name is  
subscribed to the within instrument, and acknowledged to  
me that executed the same.

*Notary Public*  
Residing at *Idaho*, Idaho  
Comm. Expires *9-30-93*

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at  
the request of *Thomas E. Winger*

at *05* minutes past *12* o'clock p.m.,  
this *13th* day of *November*,  
19*89*, in my office, and duly recorded in Volume  
of the Official Records. *microfilmed*

*E. Wayne Schiess*  
Ex-Officio Recorder

By *Donnie Reese* Deputy.

Fees \$  
Mail to:

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: A22-04096  
Date Received: 9/19/1988  
Receipt No: M001340  
Received By:

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: THOMAS WINGER  
Address: 50 W 225 S  
DRIGGS ID

208-354-2442  
83422

2. Date of Priority: MAR 1, 1904

3. Source: SPRINGS Trib. to: TETON CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 04N      | 45E   | 11      | NE     | NW     | NW     |     | TETON  |
|          |       |         | SE     | NW     | NW     |     | TETON  |

5. Description of diverting works:  
PUMP & PIPELINE, DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 06/01 | 10/31 | 0.667  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.020  |      |        |

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

8. Total consumptive use is 160.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/90-95 RANGE, 5 HEAD OF HORSES

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 04N      | 45E   | 11      | NE     | NW     |     | IRR | 40.0  |
|          |       |         | NW     | NW     |     | IRR | 40.0  |

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NOV 06 1996

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| Section Acres |       |         |            |     |     | 80.0  |
| Total Acres   |       |         |            |     |     | 80.0  |

11. Place of use in counties: TETON

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

13. Other Water Rights Used:  
NONE

14. Remarks:  
BOTH OF THESE SPRINGS WERE DEVELOPED APPROX THE SAME TIME. THEY WERE BOTH IN USE WHEN I PURCHASED THIS PLACE IN 1940. THE ABSTRACT SHOWS A DATE OF 12-05-1902 WHEN THE PLACE WAS FIRST HOMESTEADED.  
\*\*CHANGED OWNERSHIP 8/19/96; "P" OWNER/EC\*\*  
OWNERSHIP CHANGE COMPLETED WITH "C" OWNER CODE 8/22/96/JT

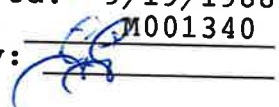
15. Basis of Claim: STATUTORY CLAIM

MICROFILMED  
NOV 08 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: A22-04096  
Date Received: 9/19/1988  
Receipt No: M001340  
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ELDON WINGER  
Address: P.O. BOX 214  
DRIGGS, ID 83422 208-354-2483  
OR  
Name: ELVA G. WINGER  
Address: P.O. BOX 214  
DRIGGS, ID 83422 208-354-2483

A2204096



2. Date of Priority: MAR 01, 1904

3. Source: SPRINGS Trib. to: TETON CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 04N      | 45E   | 11      | NE     | NW     | NW     |     | TETON  |
|          |       |         | SE     | NW     | NW     |     | TETON  |

5. Description of diverting works:  
PUMP & PIPELINE, DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 06/01 | 10/31 | 0.667  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.020  |      |        |

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

8. Total consumptive use is 160.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/90-95 RANGE, 5 HEAD OF HORSES

A22-04096

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Date: 09/19/88

SCANNED  
SEP 05 2007

MICROFILMED  
OCT 29 1992

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 04N           | 45E   | 11      | NE     | NW  |     | IRR | 40.0  |
|               |       |         | NW     | NW  |     | IRR | 40.0  |
| Section Acres |       |         |        |     |     |     | 80.0  |
| Total Acres   |       |         |        |     |     |     | 80.0  |

11. Place of use in counties: TETON

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

13. Other Water Rights Used:  
NONE

14. Remarks:

BOTH OF THESE SPRINGS WERE DEVELOPED APPROX THE SAME TIME. THEY WERE BOTH IN USE WHEN I PURCHASED THIS PLACE IN 1940. THE ABSTRACT SHOWS A DATE OF 12-05-1902 WHEN THE PLACE WAS FIRST HOMESTEADED.

15. Basis of Claim: STATUTORY CLAIM

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): E. Adon J. Winger Date: Sept 19, 1988  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Teton ) SS.

Subscribed and sworn (or affirmed) before me this 19<sup>th</sup> day  
of Sept 19 88

Walter Gene Gibson  
Notary Public

Seal

Residing at Boise, 2d  
My Commission Expires 9-2-1994

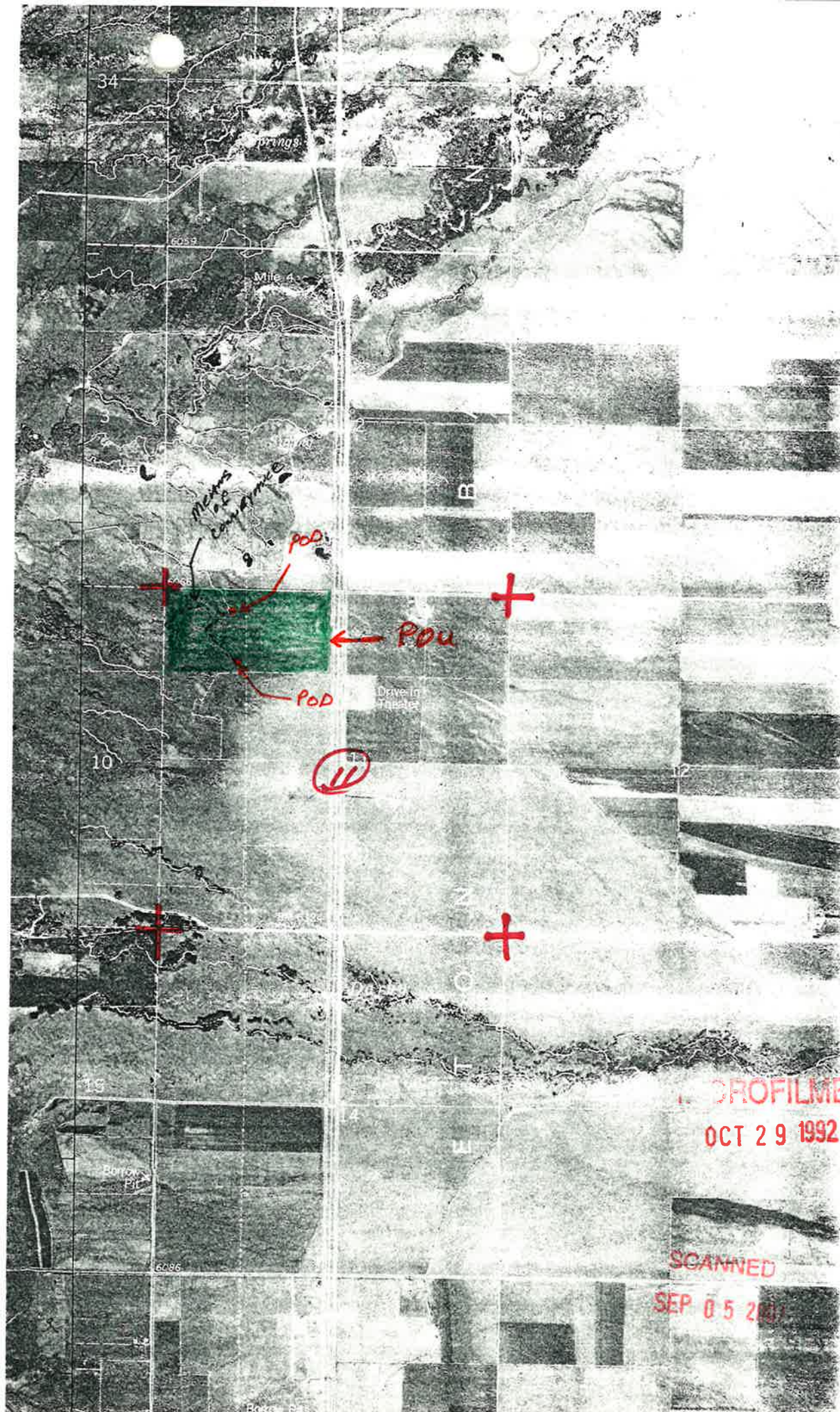
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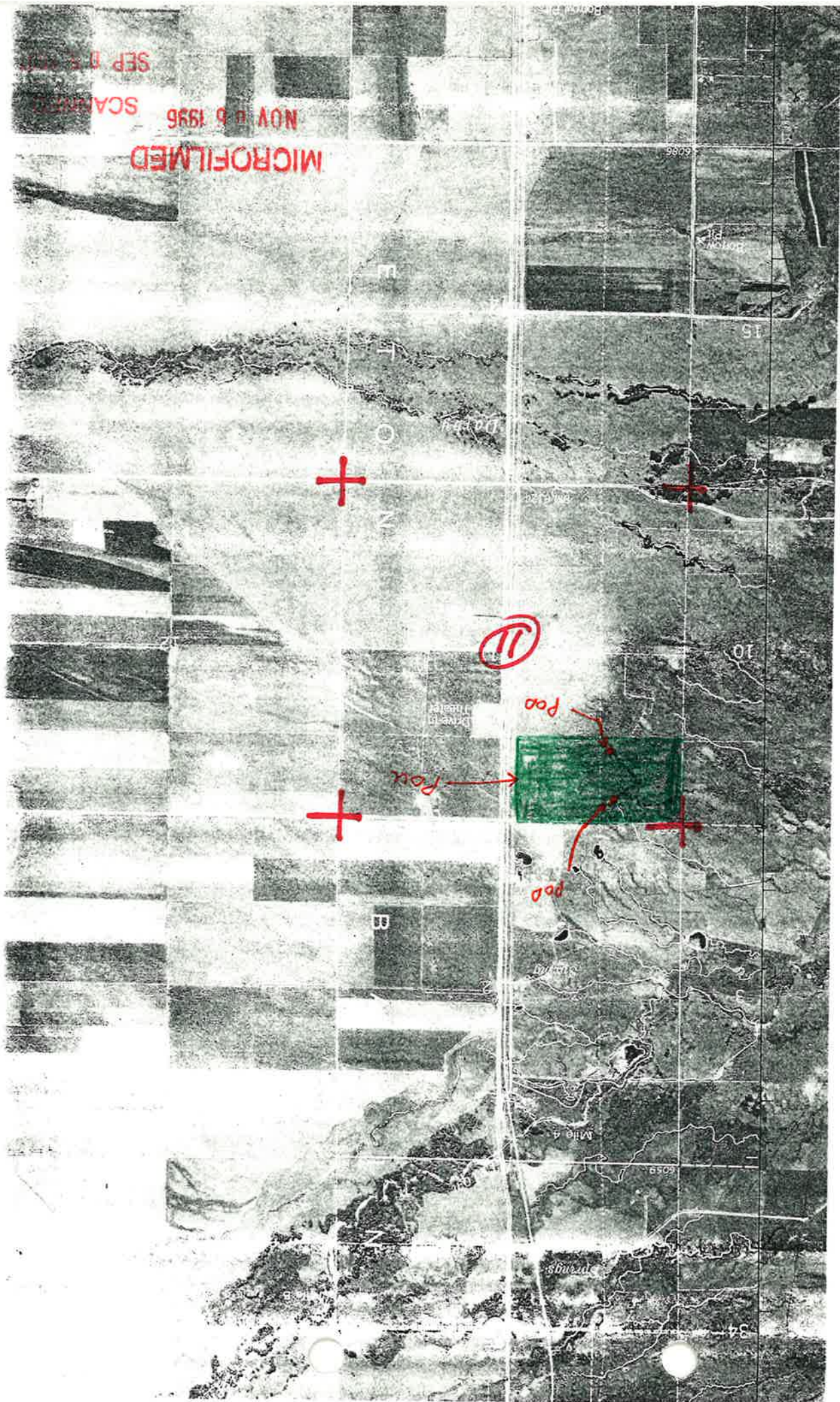
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Eldon Winger

T04N R45E

Section 11





Section 11  
Town R45E  
Eldon Winger

4N  
5N