

11/06/2006

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

RIGHT NUMBER: 22-11598

NAME AND ADDRESS: JAMES DALE WINN
1147 S 5TH W
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
10.50 AFY

PRIORITY DATE: 03/03/1960

POINT OF DIVERSION:
T06N R40E S31 NWSW Lot 3 Within MADISON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	DOMESTIC	01/01 12/31	0.040 CFS
	IRRIGATION	04/01 10/31	0.060 CFS

PLACE OF USE: IRRIGATION in MADISON County

T06N R40E S31 Lot 3 NWSW 3.00

DOMESTIC same as IRRIGATION

3 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 - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 22-2291.

11/06/2006

**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: 22-11598

JAMES DALE WINN
1147 S 5TH W
REXBURG ID 83440
Telephone Number: (208)356-3078

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: 11-14-06 SIGNATURE: James Dale Winn
Please print your name: James Dale Winn

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

RECEIVED
NOV 17 2006
Department of Water Resources
Eastern Region



Idaho Department of Water Resources

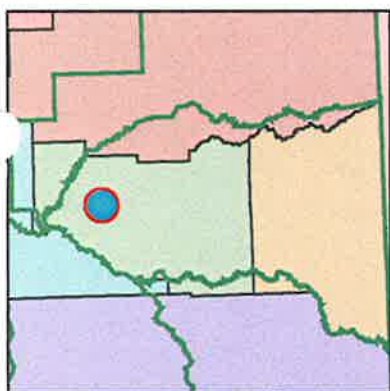
SRBA Recommendation:

22-11598

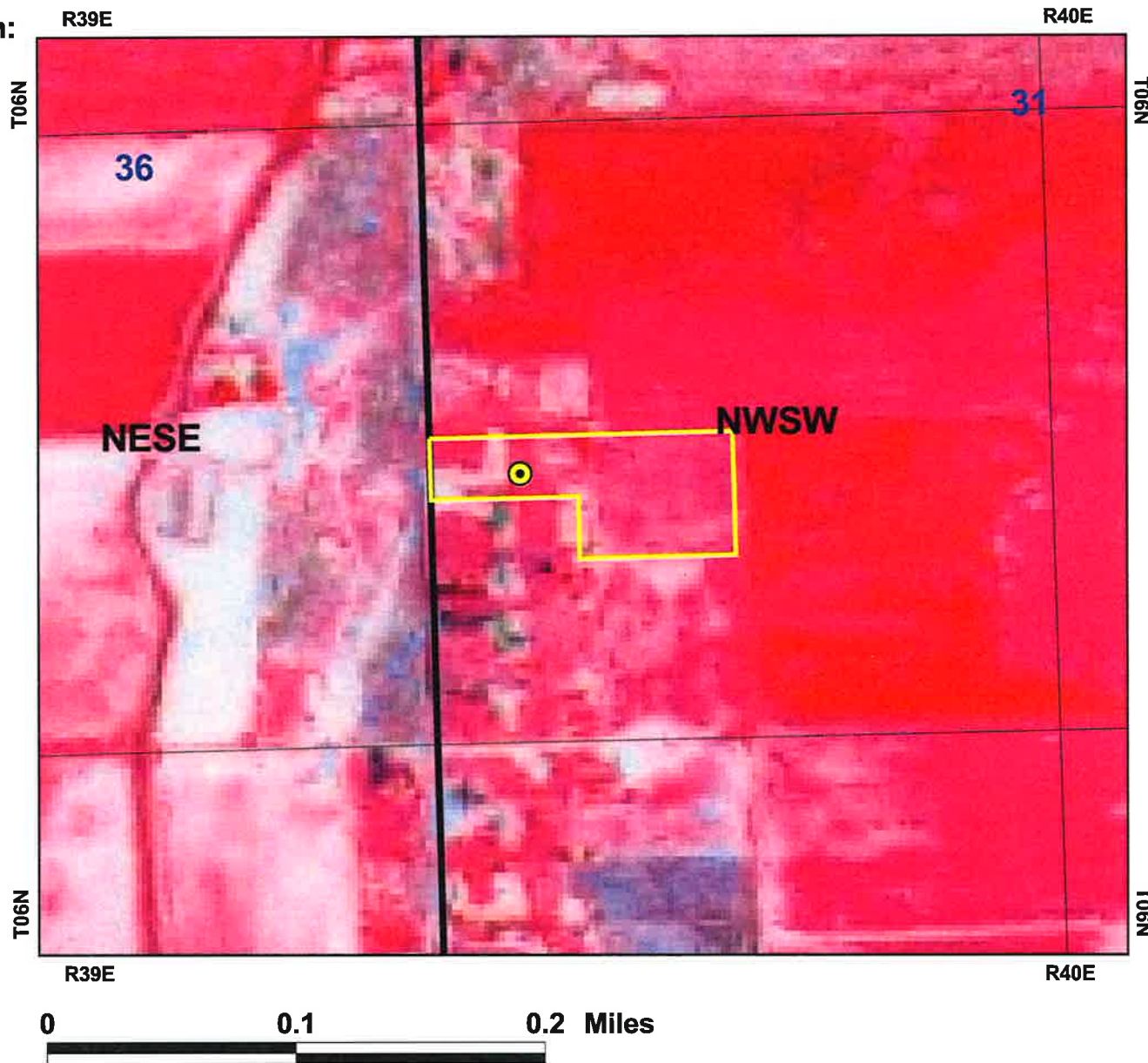
(Irrigation)

Legend

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



Madison County
IDWR Basin 22



Prepared by T. Galbraith
On Monday, November 6, 2006
1987/88 Aerial Photography



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

EASTERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 6, 2006

James Dale Winn
1147 S 5th W
Rexburg ID 83440

RE: Change to Preliminary Director's Report **22-11598**

Dear **Mr. Winn:**

The purpose of this letter is to notify you the Preliminary Director's Report you previously received for the above referenced claim has been changed. A printout of the new Preliminary Director's Report is included for your records.

The notices of error and new claims received subsequent to the mailing of the Preliminary Director's Report caused us to re-examine the recommendations involving water right **22-11598**. The recommendation has been changed to more accurately reflect the use of water for this right.

If you have questions or wish to schedule an appointment please call me at the above number.

Respectfully,

Trent Galbraith
Water Agent
Adjudication Bureau

Enclosure

Amended Preliminary Directors Report

7395 **State of Idaho** **License and Certificate of Water Right**

Water License No. G-28502 Amount 2.16 c.f.s.
Water District No. Priority March 2, 1960

THIS IS TO CERTIFY that E. RAYMOND ERIKSON - Assignee - EDGAR WILLIAM ERIKSON
of Rexburg, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 3, 19 60; that Permit No. G-28502
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.16 second feet, was issued thereunder on August 15, 19 62, showing that said works
were completed on the 2nd day of May, 19 62; and that on the 2nd
day of May, 19 62, EDGAR WILLIAM ERIKSON

of Rexburg, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
a tributary of subterranean flow, for the purpose of irrigation
under Use Permit No. G-28502 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
12 of Licenses at page 7395, on the 15th day of August, 19 62;
The right hereby confirmed dates from March 3, 19 60;

The Point of Diversion is located
in the SE 1/4 SW 1/4, Sec. 31, Tp. 6 N, R. 40 E, B. M. Madison County
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 2.16 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N	40 E	31	NE 1/4 SW 1/4	40	37
			NW 1/4 SW 1/4	40	34
			SW 1/4 SW 1/4	40	30
			SE 1/4 SW 1/4	40	40
5 N	40 E	6	Lot 2 SW 1/4 NE 1/4	40	40
			NW 1/4 SE 1/4	40	30
Total number of acres to be irrigated:					211

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

15th day of August, 19 62.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)



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

EASTERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

October 31, 2006

James Dale Winn
1147 S 5th W
Rexburg ID 83440

RE: Change to Preliminary Director's Report **22-11598**

Dear **Mr. Winn**:

I have enclosed an amended claim for your signature. Based on your Notice of Error Form you sent in I have found that this claim is part of water license # 22-2291. This amended claim changes the priority date to match the license. Please sign this claim have it notarized and send it back in to me. The claim will remain in temporary status until I receive your signature. Once I receive your signature I can then make my recommendation. Thank you for your attention in this matter.

Respectfully,

Trent Galbraith
Water Agent
Adjudication Bureau

Enclosure

Amended Claim

State of Idaho

License and Certificate of Water Right

Water License No. G-28502 Amount 2.16 c.f.s.
 Water District No. Priority March 3, 1960

THIS IS TO CERTIFY that E. RAYMOND ERIKSON - Assignee - EDGAR WILLIAM ERIKSON
 of Rexburg, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated March 3, 1960; that Permit No. G-28502
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 2.16 second feet, was issued thereunder on August 15, 1962, showing that said works
 were completed on the 2nd day of May, 1962; and that on the 2nd
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of Rexburg, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of a well
 a tributary of subterranean flow, for the purpose of irrigation
 under Use Permit No. G-28502 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
 12 of Licenses at page 7395, on the 15th day of August, 1962;
 The right hereby confirmed dates from March 3, 1960;

The Point of Diversion is located
 in the SE 1/4 SW 1/4, Sec. 31, Tp. 6 N, R. 40 E, B. M. Madison County
 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 2.16 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N	40 E	31	NE SW	40	37
			NW SW	40	34
			SW SW	40	30
			SE SW	40	40
5 N	40 E	6	Lot 2 SW NE	40	40
			NW SE	40	30
Total number of acres to be irrigated:					211

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

15th day of August, 1962.

/s/ RALPH W. THOMAS
 Deputy State Reclamation Engineer.

(SEAL)

October 24, 2006

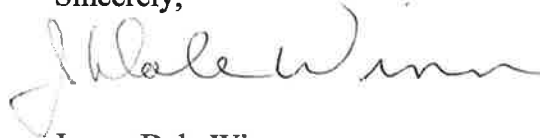
Trent S. Galbraith
Idaho Department of Water Resources
900 North Skyline Rd., Ste. A
Idaho Falls, ID 83402-1718

Dear Mr. Galbraith,

When I visited with you on October 18, 2006, I was not aware that I was using the wrong priority date. I am now aware that the priority date I have been using was based on the date that I drilled my well. However, the property that I purchased in 1973 had previously been watered from a well that was drilled in 1962. I am enclosing the information on this well. I am also enclosing two letters from people who can verify the date when the well was drilled and that the property that I own was watered prior to 1973.

If any additional information is needed, there are numerous people who can verify that the property I own and water was previously watered by the well that was drilled in 1963.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Dale Winn".

James Dale Winn

Enclosures (4)

October 25, 2006

Trent S. Galbraith
Idaho Dept of Water Resources
900 N Skyline Rd. Ste. A
Idaho Falls ID 83402

RE: Priority Date of Water Right Number 22-11598

Dear Sir:

At the request of Dale Winn, this letter is to verify that my father, E. Raymond Erikson, leased 160 acres of ground from his brother, Edgar William Erikson, in 1962. The agreement of the lease was that E. Raymond Erikson would have a well drilled and a sprinkler system installed. The three acres that Dale Winn purchased in 1973, was part of this 160 acres that was watered by this well.

Dale drilled a well in 1973, and has been watering from this well to the present time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Guy Erikson".

Guy Erikson

October 24, 2006

Mr. Trent S. Galbraith
Idaho Department of Water Resources
900 North Skyline Rd., Ste. A
Idaho Falls ID 83402

Dear Sir:

I have been acquainted with the Winn and Erikson Families for a long time and am aware that Raymond Erikson leased ground from his brother, Bill, in the early 60's. I am also aware that a well was drilled and a sprinkler system installed at that time. The ground that Dale purchased in 1973 was part of this ground and he has been watering from a well since then.

Yours truly,

A handwritten signature in cursive script, appearing to read "Blair Heinz".

Blair Heinz

RECEIVED
MAY 4 1962STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. G 28502

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Wm. Sommers, 74, Rexburg, Idaho, farming, Rexburg, Idaho.

Ques. 2. Are you acquainted with Edgar William Erikson, the holder of Permit No. G 28502? How long have you known him and where does he reside?

Ans. 40 years. He resides at Rexburg, Idaho.

Ques. 3. Have you read or heard read said Permit No. G 28502, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Well in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, T 6 N., Range 40 E. B. M. Pump and sprinkler system.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 4.8 cfs. I have seen that amount being conveyed and used.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 4.8 cfs. Estimated the amount from my experience and knowledge.

28502

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation of 240 acres - SW $\frac{1}{4}$ Sec. 31, T 6 N., R. 40 E.B.M.,
Lot 2 & NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, T 5 N., R 40 E.B.M. Cultivated land and
has been improved from dry farm land to irrigated land.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy loam, and requires 4.8 cfs. for profitable cultivation.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I drive by this property almost daily during the farming season
and have seen the water/4.8 cfs. in use on this land continuously for two
years during the farming season.

(Signed) Wm. Soumerai

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Rexburg, County of Madison, State of Idaho, on this 2nd day of May, A. D. 1962.

Mary Smith
Notary Public.

My commission expires June 25, 1963

May 8, 1962

Re: Permit No. G-28502
E. Raymond Erikson

Miss Mary Smith
Attorney at Law
Rexburg, Idaho

Dear Miss Smith:

We enclose the Assignment of Permit No. G-28502 from
E. Raymond Erikson to Edgar William Erikson, which has been recorded
in this office.

We also enclose departmental receipt No. G-6953
in the amount of \$0.50 covering the fee for recording.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. assignment
receipt

28 50 2

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

April 11, 1961

DEPOSITIONS ARE OF NO VALUE

AFFIDAVIT OF PUBLICATION

IS ATTACHED

Re: Permit No. G-28502
E. Raymond Eriksen

Mary Smith,
Attorney at Law,
Rexburg, Idaho.

Dear Miss Smith:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-28502, in the name of E. Raymond Eriksen. Final Proof is to be made before you, as Notary on the 29th day of May, 1961, ~~1959~~ at 10:00 o'clock A.M., at 70 East Main, Rexburg Idaho.

As of this date we have mailed the Notice to the Rexburg Standard with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (Holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. ^{Rule}~~Rutledge~~
Chief Clerk

Encl.

EPR:Pk

cc: Applicant

28502

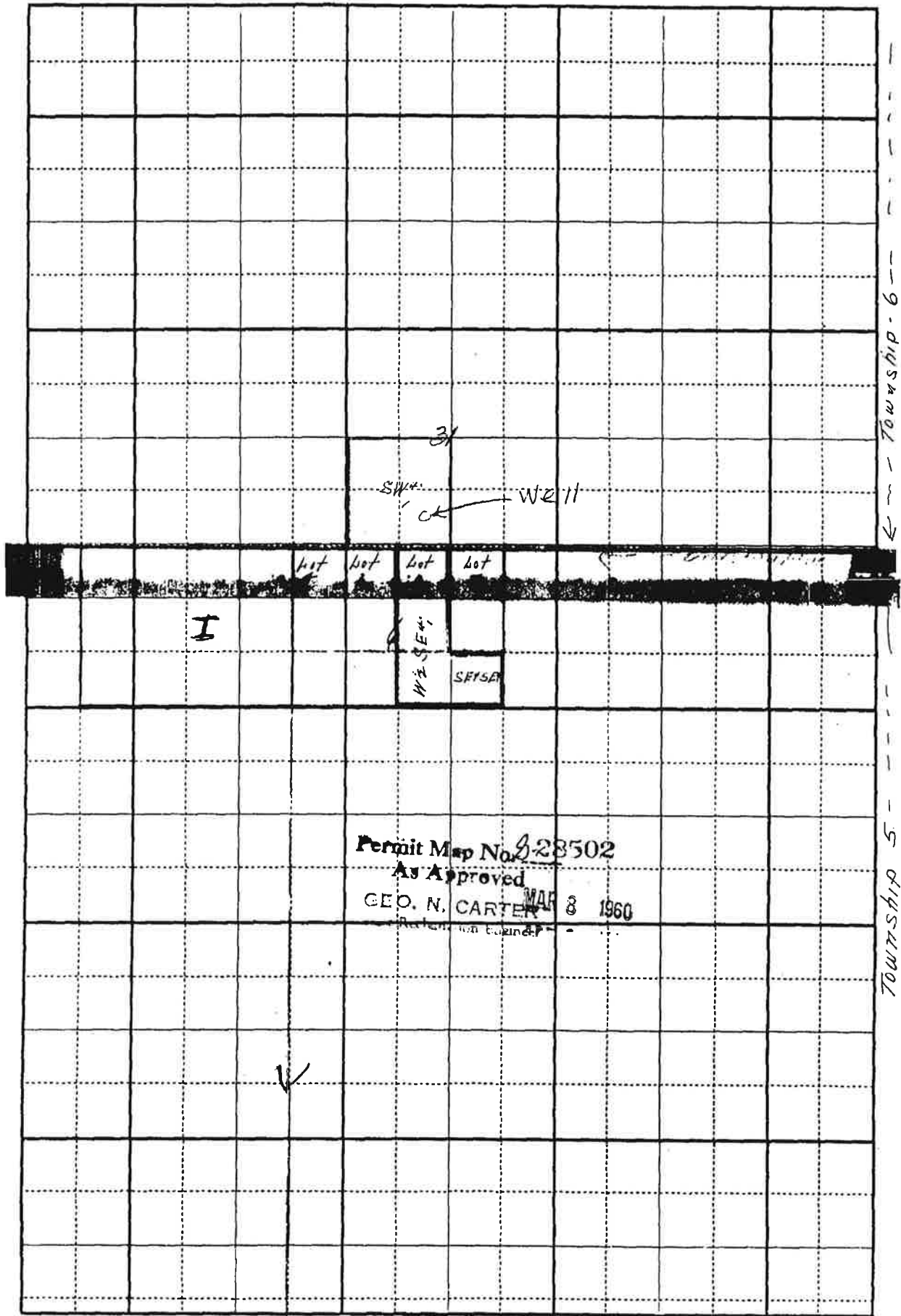
Range 31

Township 6-N-Range 40-E B.M.

NAME OF APPLICANT

E. Ray

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

Range 39 N-

Range 40

28502

10/19/2005

**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: 22-11598

JAMES DALE WINN

1147 S 5TH W

REXBURG ID 83440

Telephone Number: (208)356-3078

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

Until I met with Mr. Galbraith, I was not aware that I was using the wrong priority date. I am submitting additional information showing that the priority date should have been 1962.

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: _____ SIGNATURE: _____

Please print your name: _____

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



T6N, R40E
T5N, R40E

Sec 36 **Sec 31**

WINN JAMES DALE

RP06N40E314801
RP06N40E315701

Allen B. Ruberry
State of Idaho
Department of Water Resources
900 N., Skyline Dr., Suite A
Idaho Falls ID 83402-1718

RECEIVED

MAY 25 2004

Department of Water Resources
Eastern Region

Re: Evidence of Priority For SRBA Water Right Claim 22-11598

Dear Sir,

Enclosed is documentation to support the priority date on above claim. After reviewing the pamphlet you sent, I believe I have sufficient data to show the proof required.

If there are any questions, or if there is anything further that I need to do, please let me know.

Sincerely,



James Dale Winn
1147 S. 5th West
Rexburg ID 83440
Phone: 356-3078

May 24, 2004

RECEIVED

MAY 25 2004

Department of Water Resources
Eastern Region

To Whom It May Concern:

The intent of this letter is to verify that Dale Winn has used water on three acres located across the street from my home. This property was purchased in 1973 from an uncle, William Erikson. A well was drilled in November of 1973, and the following spring I planted barley and pasture grass on this property. He began watering said property at that time and has continued watering since that time.


Guy Erikson

Shannon Sommer
Rexburg, ID
Commission Expires 4-28-09

5-24-04



July 6, 2005

State of Idaho
Department of Water Resources
900 No. Skyline Dr., Suite A
Idaho Falls ID 83402-1718

To Whom It May Concern

Re: Evidence of Priority for SRBA Water Right Claim 22-11598

In regard to your letter of June 8, 2005, I came into your office yesterday and was advised that you would need to have affidavits from people who have personal knowledge of my water usage.

Enclosed are these affidavits along with a copy of the Warranty Deed showing the date the property was purchased.

Sincerely,

A handwritten signature in cursive script that reads "Dale Winn". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Dale Winn

RECEIVED
JUL 08 2005

Department of Water Resources
Eastern Region

evault

THIS INDENTURE, made this 15th day of November, 1972, between E. W. ERIKSON, a widower

of the County of Madison, State of Idaho
the party of the first part and JAMES DALE WINN and COLLEEN WINN, his wife

of the County of Madison, State of Idaho
the party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of FOUR THOUSAND FIVE HUNDRED AND NO/100 - - - - - Dollars lawful money of the United States of America to party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents, does grant, bargain, sell and convey and confirm unto the said party of the second part, and to party of the second part's heirs and assigns, forever, all the following described real estate situated in the County of Madison, State of Idaho, to-wit:

Commencing at a point 32 rods North of the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 31, Township 6 North, Range 40 East, Boise Meridian, in Madison County, State of Idaho, and running thence
North 8 rods; thence
East 40 rods; thence
South 16 rods; thence
West 20 rods; thence
North 8 rods; thence
West 20 rods to the point of beginning.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part,

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the party of the second part, and to party of the second part's heirs and assigns forever. And the said party of the first part, and said party of the first part's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said party of the second part, and party of the second part's heirs and assigns, against the said party of the first part, and party of the first part's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said party of the first part hereunto has set his hand.

E. W. Erikson

STATE OF IDAHO,

County of MADISON ss.

On this 15th day of November, 1972, before me RALPH A. PARKER, a Notary Public in and for said State, personally appeared E. W. ERIKSON, a widower

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

Ralph A. Parker
Notary Public for the State of Idaho
Residing at Rexburg, Idaho.
My Commission Expires: 8-6-75

No. 147388
WARRANTY DEED
(FORM No. 321)

E. W. ERIKSON, a widower

TO

JAMES DALE WINN and COLLEEN WINN, husband and wife

Dated November 15, 1972

STATE OF IDAHO,

County of MADISON ss.

I hereby certify that this instrument was filed for record at request of REXBURG ABSTRACT COMPANY at 3:20 minutes past 4 o'clock P. M., this 15th day of November, 1972, in my office, and duly entered in Book of at page 147388

By Ralph A. Parker, Notary Recorder, Deputy.
Fees, \$ 1.00

Mail to REXBURG ABSTRACT CO.

AFTER RECORDING RETURN TO

July 6, 2005

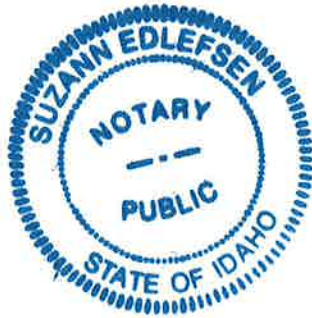
To Whom It May Concern:

In 1972 the Winn's purchased three acres of property across the street from my home from William Erikson.. In 1973, they built a home and had a well drilled. In 1974, two acres of the ground was planted into grain underseeded with pasture grass. The entire three acres has been watered continuously since then.

Sincerely,

A handwritten signature in cursive script, appearing to read "Guy Erikson".

Guy Erikson



July 6, 2005

To Whom It May Concern:

I have been a lifelong friend of Dale Winn. I personally know that he purchased three acres of ground from his uncle, William Erikson, in 1972. In 1973 he built a home at which time Hopkins Well Drilling drilled a well and Thompson Plumbing installed a two horse pump on the property. I was involved in planning the irrigation system. He has watered this three acres from this well to the present time.

Sincerely,

Blair Heinz

Blair Heinz

Acknowledgment

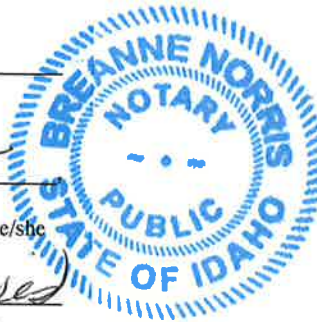
State of Idaho
County of Madison
On July 6, 2005 Blair Heinz
personally appeared before me,

☐ who is personally known to me
☒ whose identity I proved on the basis of Idaho D
☐ whose identity I proved on the oath, affirmation of _____
a credible witness

to be the signer of the above document, and he/she acknowledged that he/she signed it

5/17/10
My Comm Exp

Breanne Norris
Notary Public



July 6, 2005

To Whom It May Concern:

We built a home next to the Winn property and moved into it in 1977. Dale Winn and I are first cousins and I am aware that he built his home there in 1973, at which time he drilled a well and has been watering his three acres since that time. My uncle, Raymond Erikson, purchased the property next to the Winns at the same time they purchased theirs and I later purchased my property from Uncle Raymond.

Sincerely,

Ted Erikson

Ted Erikson

State of Idaho

County of Madison

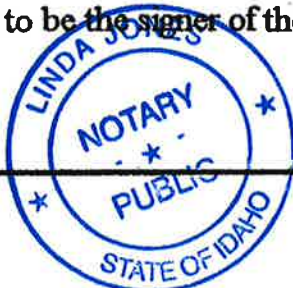
On July 6th, 2005, Ted Erikson personally appeared before me,

X who is personally known to me

_____ whose identity I proved on the basis of _____

_____ whose identity I proved on the oath/affirmation of _____,
a credible witness

to be the signer of the above document, and he/she acknowledged that he/she signed it.



Linda Jones
Notary Public

Expires - 11-7-2009

June 8, 2005

JAMES DALE WINN
1147 S 5TH W
REXBURG ID 83440

FINAL NOTICE
PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11598

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. 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 of NOV 30, 1973, from GROUNDWATER.

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.**

9/26/05 No Response → Drawn - No Bill found!
Chambers AS A Permit = No Such Permit
APR

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below.

☐ Search for both active and inactive water right records.

Search Results

Type of Query

USAGE INSTRUCTION

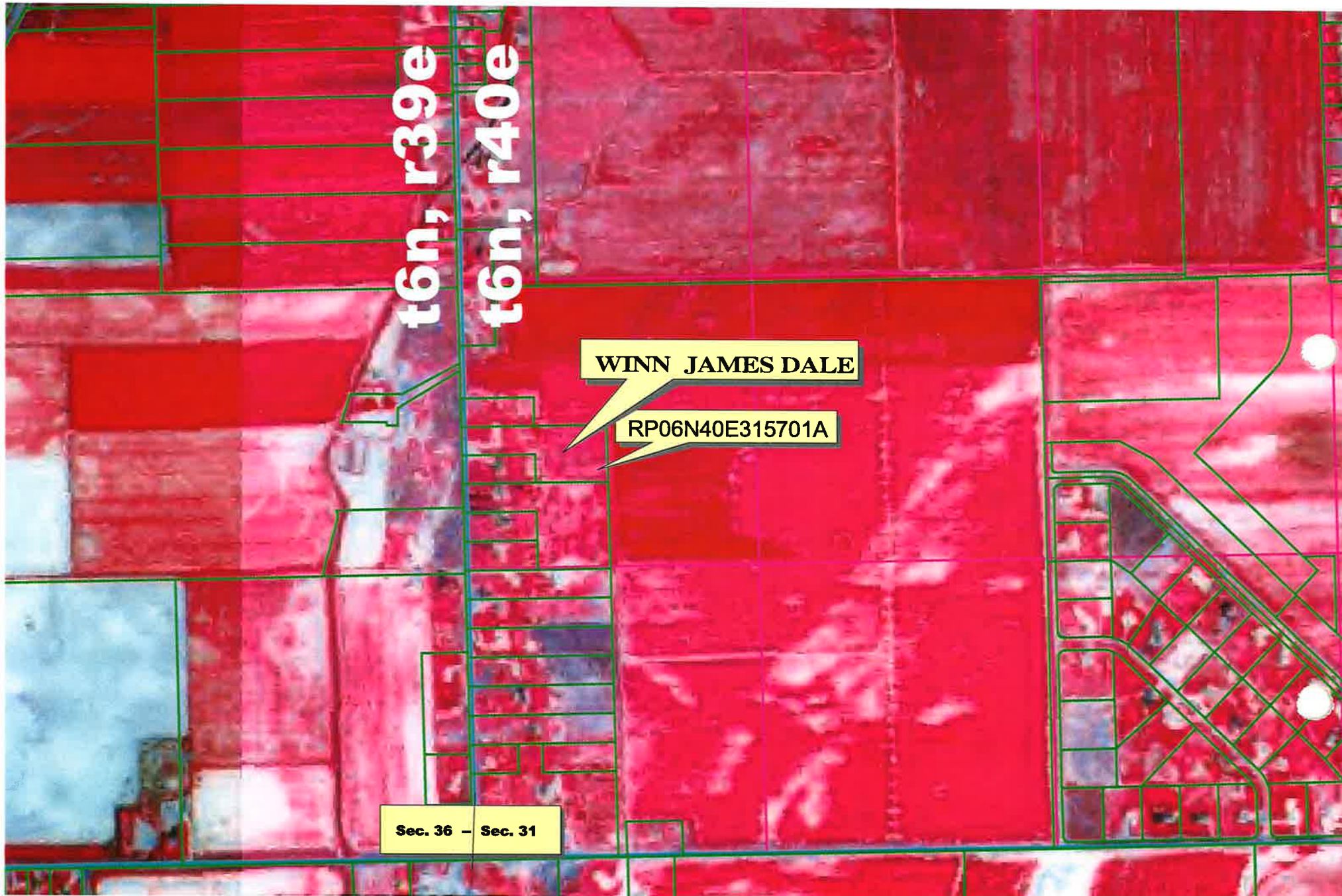
☐ All SRBA & Water Rights	
SRBA ☐ Claims ☐ Recommendations ☐ Both	Water Rights ☐ Applications ☒ Permits ☐ Decrees, Licenses and Statutory Claims ☐ Transfers ☐ All of the above

Basin Who What When Where Clear Search Help

Query parameters:
basinFrom = 22
lastName = WINN
Search for: active Records

Number of records = 0

← No permit found in B22
under name of claimant.
Bae 10/27/04



Water Right(s): 22-11598

NOTES:

EXAM MAP
Basin 22 Project

Examiner: _____

Date: _____

MAILED 4/28/04


April 28, 2004

JAMES D WINN
1147 S 5TH W
REXBURG ID 83440

IMPORTANT NOTICE;
PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-1598

11598

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. 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 of NOVEMBER 30, 1973, from a WELL.

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

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 22-11598
Date Received: 8/24/1988
Receipt No: E001698
Received By:

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

1. Name of Claimant(s)

JAMES DALE WINN Phone: (208)356-3078
1147 S 5TH W
REXBURG ID USA 83440

RECEIVED
NOV 03 2006
Department of Water Resources
Eastern Region

2. Date of Priority: 03/03/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	40E	31	NW SW	MADISON	

5. Description of diverting works:

WELL, 2 HP SUBMERSIBLE PUMP, 80 FEET

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.06	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.1 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
06N	40E	31	NW SW	DOMESTIC	
			NW SW	IRRIGATION	3.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 22-2291.

TEMPORARY: Waiting for signed amendment.

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: _____

For Individuals:

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

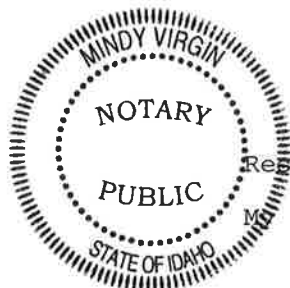
Signature of Claimant(s): James Dale Winn Date: 11-2-06

Date: _____

State of Idaho)

County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 2nd day of November 2006



Mindy Virgin

Notary Public

Residing at

REXBURG, IDAHO

My commission Expires _____

**MY COMMISSION EXPIRES
September 20, 2012**

BONDED THRU NOTARY PUBLIC UNDERWRITERS

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: A22-11598
Date Received: 8/01/1989
Receipt No: E001698
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES DALE WINN 208-356-3078
Address: 1644 S. 1000 W.
REXBURG, ID 83440

2. Date of Priority: NOV 30, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	31	NW	SW			MADISON

5. Description of diverting works:
WELL, 2 HP SUBMERSIBLE PUMP, 80 FEET

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	03/15	11/15	0.060		

A2211598

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

A.F.A.

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	31	NW	SW		DOMEST	
			NW	SW		IRR	30

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

NONE

14. Remarks:

15. Basis of Claim: PERMIT

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 _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

22

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 A22-11598
Date Received 8-24-88 *dt*
Receipt Number E001698

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

Please type or print clearly

1. Name of Claimant (s) James Dale Winn Phone 208 356-3078

Mailing Address 1644 S 1000 W Rexburg ID Zip 83440

2. Date of Priority (Only one (1) per claim) Nov. 1973

3. Source of water supply (a) groundwater (well)
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 06N Range 40E Section 31,
NW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Madison

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 enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. well w/2 horse

Submersable pump 80 ft.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from Jan 1 to Dec 31 amount _____ or _____

For Irrigation purposes from Mar 15 to Nov 15 amount _____ or 7 1/2

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) 7 1/2 (acre feet)

8. Total consumptive use claimed is 7 1/2 acre feet per annum.

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

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
			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	

Total number of acres irrigated 3

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

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 described above. _____ or None ()

14. Remarks:

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ 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 ☒ _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) J. Dale Winn Date 8-24-88
_____ Date _____

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 Madison) SS.

Subscribed and sworn (or affirmed) before me this 24th day of August 19 88

SEAL

Notary Public Philip W. Gann

Residing at PEARL, Idaho

My Commission Expires 10.1.91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

01/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME WINN, JAN S DALL CLAIM ID# NO. A22-11598
 DATE RECEIVED 8/24/88 CK # _____ AMOUNT \$ _____

	YES	NO
1. Is the name and address complete with zip code?	☒	☐
2. Is a priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.		
3. (a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	N/A ☒	☐
4. Is the legal description of the p.d. sufficient?	☒	☐
5. Is there a description of the diverting works?	☒	☐
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒	☐
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
7. Is a total quantity claimed entered?	☒	☐
8. If required is a consumptive use entered?	N/A ☒	☐
Is the consumptive use correct?	N/A ☒	☐
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	N/A ☒	☐
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐
11. Is (are) the county(ies) entered?	☒	☐
12. Is the ownership of p.u. checked?	☒	☐
13. Are other water rights listed or "none" indicated?	☒	☐
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	N/A ☒	☐
15. Is the basis of the claim indicated?	☒	☐
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Was this claim filed on time, or was an extension granted?	☒	☐
Is the fee enclosed correct?	Exempt ☒	☐
If this claim is based on an existing water right, has the identification number been entered?	N/A ☒	☐
Should this claim be receipted and data entered?	☒	☐

E001698

Check 22-02291
 34 ac. in NW 1/4 SW 1/4
 No different property E6/ 11-14-89
 Claim checked by: TO
 Comments: PERMIT REQUIRED FOR IRRIGATION (NONE FOUND) -
COULD BE 22-7549 (GARY + PAT ARCHIBALD), BUT PRIORITY DIFFERENT.
CODED GUIDELINE AMOUNTS AND ASSUMED P/4 SAME AS P/D.