

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 63-4737
Date Received: 4/24/1990
Receipt No: C016489
Received By: *kw 10/19/06*

Amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Amended

1. Name of Claimant(s)

KELLY RAY WINSLOW
PO BOX 401
21494 TUCKER RD
GREENLEAF ID USA 83626

Phone: (208)459-8153

2. Date of Priority: 01/01/1927

3. Source: DIXIE GULCH CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04W	16	SW NW	CANYON	

5. Description of diverting works:

CONCRETE CHECK INTO GRAVITY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.5	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED

APR 22 2008

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04W	16	SW	NW	STOCKWATER	
			SW	NW	IRRIGATION	10
					Section Acres	10
					Total Acres	10

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

Ownership Change form received 7/11/2006. Kelly Ray Winslow bought out Claren Winslow in 1984. kw 7/12/2006

Claim amended to add stockwater use which has been a part of this water right since 1934.

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): X Kelly Ray Wish Date: 10-19-06

Date:

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 19th
of October 2006

Danni M. Smith

Notary Public

Residing at BOISE ID

My commission Expires 12/05/2006



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 63-4737
Date Received: 4/24/1990
Receipt No: C016489
Received By:

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

1. Name of Claimant(s)

KELLY RAY WINSLOW Phone: (208)459-8153
PO BOX 401
21494 TUCKER RD
GREENLEAF ID USA 83626

2. Date of Priority: 01/01/1927

3. Source: DIXIE DRAIN Trib. to: RIVERSIDE CANAL

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04W	16	SW NW	CANYON	

5. Description of diverting works:

CONCRETE CHECK INTO GRAVITY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.5	

7. Total Quantity Appropriated is:
0.5 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
04N	04W	16	SW	NW	IRRIGATION	10
					Section Acres	10
					Total Acres	10

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

Ownership Change form received 7/11/2006. Kelly Ray Winslow bought out Claren Winslow in 1984. kw 7/12/2006

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.

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: A63-04737
Date Received: 2/14/1990
Receipt No: C016489
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLAREN WINSLOW 208-459-8153
Address: P.O. BOX 401
GREENLEAF, ID 83626

AND/OR

Name: KELLY WINSLOW 208-459-8153
Address: P.O. BOX 401
GREENLEAF, ID 83626

2. Date of Priority: JAN 01, 1927

3. Source: DIXIE DRAIN Trib. to: RIVERSIDE CANAL

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	16	SW	NW			CANYON

5. Description of diverting works:
CONCRETE CHECK INTO GRAVITY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	16	SW	NW		IRR	10.0

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: A63-04737

Date Received: 4-24-90

Receipt No: C016489

Received By: Julie

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAY 23 1990

1. Name: WILLIAM R. THOMAS
Address: P.O. BOX 2590
RT 2
CALDWELL, ID

83605

Department of Water Resources

2. Date of Priority: JAN 01, 1927

3. Source: DIXIE DRAIN

Trib. to: RIVERSIDE CANAL

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	16	SW	NW			CANYON

5. Description of diverting works:
CONCRETE CHECK INTO GRAVITY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	16	SW	NW		IRR	10.0

Section Acres 10.0

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10. Place of Use: Continued

Total Acres 10.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

Decree Plaintiff

vs

Decree 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: one

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):

Kelly Winslow

Date: 4/23/90

Claren Winslow

Date: 4/23/90

State of Idaho)

County of Canyon)

SS.

Subscribed and sworn (or affirmed) before me this 23rd day

of April 19 99

Robert L. Alexander
Notary Public

Seal

Residing at Caldwell, Idaho

My Commission Expires Life

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AUG 20 1992

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

RECEIVED

JUL 11 2006

DEPARTMENT OF
WATER RESOURCES

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A63-4737				

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) Clasen & Kelly Winslow
PO Box 401 Greenleaf, Id 83626
4. New Owner/Claimant(s) Kelly Winslow
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 401 / 21494 Tucker
- City, State and ZIP Code Greenleaf, Id 83626
- New Telephone Number (208) 459-8153
5. Date you acquired the property 11-7-1984

6.

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Handwritten Signature]

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee <u>N/A</u>
Received by _____	Date _____	Receipt No. _____
Processed by <u>peu</u> AJ	Date <u>7/12/06</u>	WR _____ Date _____

A.

PC51537

AFTER RECORDING MAIL TO:

Kelly Ray Winslow
21494 Tucker Rd
Greenleaf, ID 83626

REQUEST PIONEER - CALDWELL
TYPE Deal FEE 6-00

CANYON CNTY RECORDER
G NOEL HALES
[Signature]

2003 JUN 30 AM 11 48

RECORDED

200339843

QUITCLAIM DEED

File No.: **4101-194898 (SP)**

Date: **June 25, 2003**

For Value Received, **Kelly Ray Winslow, an unmarried man**, who acquired title as **Kelly Winslow, a single man**, do(es) hereby convey, release, remise, and forever quit claim unto **Kelly Ray Winslow, an unmarried man**, whose address is **21494 Tucker Rd, Greenleaf, ID 83626**, the following described premises in **Canyon County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

together with their appurtenances.

Dated: June 25, 2003

[Signature]
Kelly Ray Winslow

STATE OF **Idaho**)
ss.
COUNTY OF **Ada**)

On this **Twenty-fifth day of June, 2003** before me, a Notary Public in and for said State, personally appeared **Kelly Ray Winslow**, 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.



[Signature]
Notary Public of Idaho
Residing at: Nampa, ID
Commission Expires: 9-4-2008



State of Idaho } ss.
County of Canyon }
I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.
DATED 7-3-01
G. Noel Hales, Clerk of the District Court and Ex Officio Recorder.
By *[Signature]* Deputy

Exhibit "A"

The Southwest Quarter of the Northwest Quarter in Section 16, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM:

BEGINNING at the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 16, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, the TRUE POINT OF BEGINNING; running thence

West to the Dixie Gulch Wasteway; thence

Northeasterly along said Wasteway to its intersection with the right of way of the Riverside Irrigation District Canal; thence

Southeasterly along the Southwesterly line of said right of way to its intersection with the East line of said Southwest Quarter of the Northwest Quarter; thence

South to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A parcel situated in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter and the Southeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 16, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

BEGINNING at the Southwest corner of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter; thence

North $89^{\circ} 32' 57''$ East along the South boundary of said Southwest Quarter of the Southwest Quarter of the Northwest Quarter, a distance of 394.07 feet to the TRUE POINT OF BEGINNING; thence

North $6^{\circ} 02' 33''$ West a distance of 336.64 feet; thence

North $84^{\circ} 33' 02''$ East a distance of 326.66 feet; thence

South $39^{\circ} 45' 22''$ West a distance of 5.33 feet; thence

South $0^{\circ} 00' 18''$ East a distance of 359.44 feet to a point on the South boundary of said Southeast Quarter of the Southwest Quarter of the Northwest Quarter; thence

South $89^{\circ} 32' 57''$ West along the South boundary of said Southeast Quarter of the Southwest Quarter of the Northwest Quarter and the South boundary of said Southwest Quarter of the Southwest Quarter of the Northwest Quarter, a distance of 286.38 feet to the TRUE POINT OF BEGINNING.



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. No. ACB-04737

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

RECEIVED
MAY 23 1990

Department of Water Resources

Please type or print clearly:

Name of Claimant(s) Kelly Winslow
Claren Winslow

Mailing Address (include Zip Code) P.O. Box 401
Greenleaf, Idaho 83626
21064 Ustick
Caldwell, Idaho 83605

Phone Number (208) 459 - 8153
208 454 8411

MICROFILMED
AUG 20 1992

RECEIVED
FEB 14 1990

Department of Water Resources

LAND SALE AGREEMENT

THIS AGREEMENT, Made and entered into this 7th day of November, 1984, by and between W. R. THOMAS, being one and the same person as William R. Thomas, a widower, of 1807 Cedar Street, Caldwell, Canyon County, Idaho, hereinafter called the vendor, and KELLY WINSLOW, a single man, of Route 6 Box 176, Caldwell, Canyon County, Idaho, and CLAREN WINSLOW and TERESA WINSLOW, husband and wife, of Route 6 Box 178, Caldwell, Canyon County, Idaho, hereinafter called the purchasers, WITNESSETH:

That in consideration of the mutual covenants and agreements herein contained, the vendor agrees to sell and the purchasers agree to buy, on the terms and conditions herein-after specified, the following described real property located in the County of Canyon, State of Idaho, to wit:

REAL PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED
HERETO AND MADE A PART HEREOF;

for the total sum and purchase price of THIRTY-TWO THOUSAND AND NO/100 DOLLARS (\$32,000.00), lawful money of the United States of America, it being understood and agreed that the said Kelly Winslow, a single man, is buying an undivided 1/2 interest therein and the said Claren Winslow and Teresa Winslow, husband and wife, are buying an undivided 1/2 interest therein.

The purchasers agree to pay the purchase price to the vendor on the terms and conditions following, to wit:

The purchase price of \$32,000.00 shall bear interest from date at the rate of 10 percent per annum and shall be payable as follows:

\$5,000.00 plus accrued interest on or before
February 10, 1985;

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The balance, to wit, the sum of \$27,000.00,
being payable in annual installments as follows:

\$4,185.00 on the 10th day of February, 1986; and

\$4,185.00 on the 10th day of February of each and
every year thereafter until the entire balance, together
with interest thereon, shall have been paid in full;
said installment payments to be applied first to
accrued interest and thereafter to principal.

The purchasers shall have the privilege of prepaying any
amount at any time.

The purchasers shall be entitled to immediate possession of
said premises, subject to dispossession in the event of their
default, as hereinafter provided.

The vendor agrees to pay all state and county taxes, all
irrigation district taxes or water assessments, and all taxes
or assessments of whatsoever kind or nature levied or assessed
against said premises for the year 1984 and prior thereto.

The purchasers agree to pay when due and before the same
become delinquent all state and county taxes, all irrigation
district taxes or water assessments, and all taxes or assessments
of whatsoever kind or nature levied or assessed against said
premises for the year 1985 and subsequent thereto.

The purchasers may tear down, destroy or remove the buildings
on the real property at any time they so desire.

Purchasers agree at their own expense to keep the build-
ings now or hereafter on said premises insured against loss by
fire in some insurance company approved by the vendor, in an
amount not less than the full insurable value thereof, loss,
if any, payable first to the vendor as his interest may appear
from time to time and thereafter to the purchasers; the said pur-
chasers agree to keep said policy or policies in full force
and effect at all times and to deliver said policy or policies
to the escrow holder hereinafter named, to be by it held until
the purchase price is paid in full.

Purchasers agree that all improvements placed by them upon said premises shall be left by them in the event of the termination of their rights hereunder as herein provided or otherwise.

Purchasers agree that they will not commit or suffer others to commit waste or damage to said premises and that they will keep the said premises in good repair at all times; and that they will not cause or permit or suffer any liens or encumbrances to become such against the said premises and, should such liens or encumbrances be made or filed against said premises, said purchasers agree not to permit the same to continue or remain as liens or encumbrances against said premises.

Title to the property described herein is hereby reserved in the vendor until the purchase price herein specified and the interest thereon shall have been paid in full, in any event and anything herein contained to the contrary notwithstanding; and the vendor further agrees that upon the payment of said purchase price in full he will convey or cause to be conveyed to the purchasers all of said real estate, free of encumbrances, except as to those taxes and assessments hereinabove provided to be paid by the purchasers and except as to any other encumbrances permitted or suffered by the purchasers to become liens or encumbrances against said property.

As a means of carrying out the terms and conditions of this contract by the vendor and making such conveyance, it is further mutually agreed as follows:

That said vendor will, immediately upon and contemporaneously with the execution of this Agreement, deposit in escrow with First Interstate Bank of Idaho, Caldwell, Idaho,

subject to the terms and conditions herein stated, the following papers and instruments:

- (a) A good and sufficient Warranty Deed to the property hereinabove described, duly and properly executed by the vendor, as grantor, in favor of the purchasers, as grantees;
- (b) The original executed and acknowledged copy of this Agreement;
- (c) Insurance policy or policies.

When the purchasers shall have made the payment of \$5,000.00 which becomes due on February 10, 1985, the vendor shall obtain and place in escrow a purchaser's title insurance policy.

It is further understood and agreed that First Interstate Bank of Idaho, Caldwell, Idaho, is hereby mutually designated as escrow holder, and shall be and it hereby is instructed and directed to deliver said Deed and Title Insurance Policy, together with any other instruments the purchasers may hereafter deposit with said escrow holder, to the said purchasers when and at such time as the said purchasers, their heirs, executors, administrators or assigns, shall have paid to the said vendor the full purchase price of said premises hereinabove mentioned and when and at such time as said purchasers shall have performed each and all the terms and conditions of this Agreement incumbent upon them to be performed. But if the said purchasers shall fail to perform, refuse or neglect to pay the purchase price as herein provided, together with interest thereon as above specified, or shall fail, refuse or neglect to perform each, all or any of the terms of this Agreement incumbent upon them to be performed at the time and in the manner agreed, then and in that event, at the option of and on demand of the said vendor, said escrow holder shall be and it is hereby instructed to surrender and deliver all

of said documents so deposited in escrow to the said vendor, free and clear of all right, title or claim of the purchasers, provided that said escrow holder shall not return said documents so deposited in escrow to the vendor until the expiration of thirty (30) days' notice, in writing, to said purchasers, given through the escrow holder by registered mail to the purchasers at their last known address, after default of the said purchasers as herein provided; provided further that no forfeiture herein shall become effective if the purchasers shall fully perform all defaults in said contract within the period of the notice so given.

It is further understood and agreed by and between the parties hereto that time is an essential element of this Agreement and in the event the said purchasers shall fail to pay the said sums of money, including the purchase price and interest herein provided, at the times or in the manner hereinbefore specified, or shall fail or refuse to pay the taxes, water assessments or special assessments herein agreed to be paid by the said purchasers at the time and in the manner in this contract provided, or shall fail, refuse or neglect to perform each, all or any of the terms of this Agreement incumbent upon them to be performed at the time or in the manner herein agreed, then and in that event this Agreement shall, at the option of the said vendor, his heirs, executors, administrators or assigns, become null and void and all payments made by the said purchasers and all improvements on said premises shall, at the option of the said vendors, their heirs, executors, administrators or assigns, be forfeited to the said vendor and become his property; and in case of forfeiture as above set forth, such payment or payments or improvements as shall have been made shall be considered and deemed by the

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parties hereto as liquidated damages to reimburse the said vendor for any loss or damage which he may have sustained by reason of the failure of the said purchasers to perform their covenants and agreements herein, and for the reasonable use and occupancy of said premises.

It is further understood and agreed that if the said vendor, his heirs, executors, administrators or assigns, shall declare a forfeiture of this contract as herein provided, then said vendor shall be released from any and all liability in law or equity to convey the said premises to the said purchasers, and purchasers agree to surrender upon demand of the said vendor, his heirs, executors, administrators, assigns or agents, immediate and peaceable possession of said premises forthwith to the said vendor, his heirs, executors, administrators, assigns or agents, and all rights of the said purchasers under this Agreement shall forthwith cease and terminate; provided, however, that no forfeiture herein shall become effective until the expiration of thirty (30) days' notice, in writing, to the purchasers, given through the escrow holder by registered mail to the purchasers at their last known address, after the date of said default and specifying the matters in default for which said forfeiture is declared; provided that if said matters in default under said contract shall be performed within the period of said notice, then said forfeiture shall not become effective.

In the event the vendor shall give the written notice above referred to, the purchasers agree to pay a reasonable attorney's fee for the preparation of said notice and all costs in connection with the giving of said notice.

It is further understood and agreed that if the said vendor shall not choose to declare a forfeiture as herein provided,

then nothing in this contract shall be construed as in any way preventing the said vendor, his heirs, executors, administrators or assigns, from enforcing the performance of this contract.

Time is the essence of this contract and it is expressly agreed that any consideration or departures therefrom or any delay in enforcing the performance of the same, by or with the consent of the said vendor, shall not operate to waive or be a waiver of the right of the vendor to stand upon the strict letter and construction of the terms hereof, nor be construed to be a waiver of the right of the said vendor to enforce the same in accordance with its terms at any time.

This Agreement shall be binding not only upon the parties hereto, but upon their heirs, executors, administrators or assigns.

IN WITNESS WHEREOF, The parties have hereunto set their hands and seals the day and year first above written.

W. R. Thomas
W. R. Thomas VENDOR

Kelly Winslow
Kelly Winslow

Claren Winslow
Claren Winslow

Teresa Winslow
Teresa Winslow PURCHASERS

STATE OF IDAHO)

ss.

County of Canyon)

On this 12 day of November, 1984, before me, the undersigned, a Notary Public in and for said State, personally appeared W. R. THOMAS, a widower, KELLY WINSLOW, a single man, and CLAREN WINSLOW and TERESA WINSLOW, husband and wife, known to me to be the persons whose names are 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 in this certificate first above written.

Wayne E. Davis
Notary Public for Idaho
Residing at Caldwell, Idaho

EXHIBIT "A"

The Southwest Quarter of the Northwest Quarter in Section 16, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM:

Beginning at the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 16, Township 4 North, Range 4 West of the Boise Meridian in Canyon County, Idaho, running thence West to the Dixie Gulch Wasteway; thence Northeasterly along said Wasteway to its intersection with the right of way of the Riverside Irrigation District; thence Southeasterly along the Southwesterly line of said right of way to its intersection with the East line of said Southwest Quarter of the Northwest Quarter; thence South to the place of beginning.

ALSO EXCEPTING THEREFROM:

A parcel situated in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter and the Southeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 16, Township 4 North, Range 4 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the Southwest corner of said Southwest Quarter of the Southwest Quarter of the Northwest Quarter, thence North $89^{\circ}32'57''$ East along the South boundary of said Southwest Quarter of the Southwest Quarter of the Northwest Quarter, a distance of 394.07 feet to the TRUE POINT OF BEGINNING; thence North $6^{\circ}02'33''$ West, a distance of 336.64 feet; thence North $84^{\circ}33'02''$ East, a distance of 326.66 feet; thence South $39^{\circ}45'22''$ West, a distance of 5.33 feet; thence South $0^{\circ}00'18''$ East, a distance of 359.44 feet to a point on the South boundary of said Southeast Quarter of the Southwest Quarter of the Northwest Quarter; thence South $89^{\circ}32'57''$ West along the South boundary of said Southeast Quarter of the Southwest Quarter of the Northwest Quarter and the South boundary of said Southwest Quarter of the Southwest Quarter of the Northwest Quarter, a distance of 286.38 feet to the TRUE POINT OF BEGINNING.

This parcel is subject to a 50 foot road easement along the South boundary of said Southwest Quarter of the Southwest Quarter of the Northwest Quarter.

Together with all water, water rights, ditches and rights of way for ditches appurtenant thereto or in anywise appertaining;

SUBJECT TO Power Line Easement to Idaho Power Company shown by Instrument #290784 in the office and records of the County Recorder of Canyon County, Idaho;

2. SUBJECT TO right of way for Dixie Gulch Wasteway and Riverside Irrigation District canal;

SUBJECT TO questions or losses arising as to locations
and distances of Dixie Gulch Wasteway and Riverside Irrigation
District Canal;

SUBJECT TO right of way for roads, ditches and laterals;

SUBJECT TO Well Maintenance Agreement shown by Instrument
#977860 in the office and records of the County Recorder
of Canyon County, Idaho;

SUBJECT TO Road Maintenance Agreement recorded as
Instrument #977861 in the office and records of the County
Recorder, Canyon County, Idaho.

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SEBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 22 2008

By _____ Clerk

DISTRICT OF THE _____ Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA) **SPECIAL MASTER'S REPORT**
)
Case No. 39576) **FINDINGS OF FACT AND**
) **CONCLUSIONS OF LAW**
)
) **FOR WATER RIGHT 63-04737**

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 18, 2007, the Wilder Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source of the water right should be described as wastewater. On August 22, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-04737 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Aug 22 2008

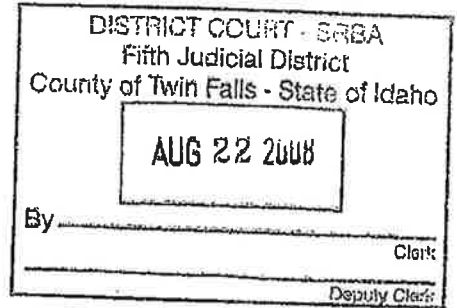

Theodore P. Booth

Theodore R. Booth
Special Master
Snake River Basin Adjudication

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)
)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-04737



NAME AND ADDRESS: KELLY RAY WINSLOW
PO BOX 401
21494 TUCKER RD
GREENLEAF, ID 83626

SOURCE: DIXIE GULCH CREEK TRIBUTARY: BOISE RIVER

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

QUANTITY: 0.17 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1934

POINT OF DIVERSION: T04N R04W S16 SWNW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.17 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation		Within Canyon County
	T04N R04W S16	SWNW 8.7	
	8.7 Acres Total		
	Stockwater		Within Canyon County
	T04N R04W S16	SWNW	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Parcel No. R3611301000

Use of this right is combined with water from Wilder Irrigation District.

This right when combined with all other rights shall not exceed 0.02 cfs per acre at the field headgate.

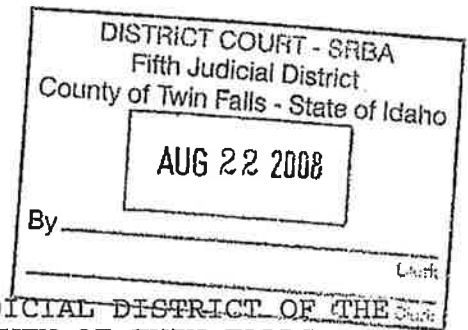
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication





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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-04737

On August 22, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

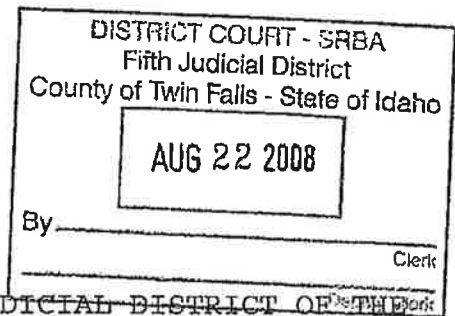
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 22, 2008.



DIANA R DELANEY
Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-04737

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 22, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

KELLY RAY WINSLOW

Represented by:
DAVID L WHITNEY
PO BOX 26
CALDWELL, ID 83606-0026
Phone: 208-459-3659

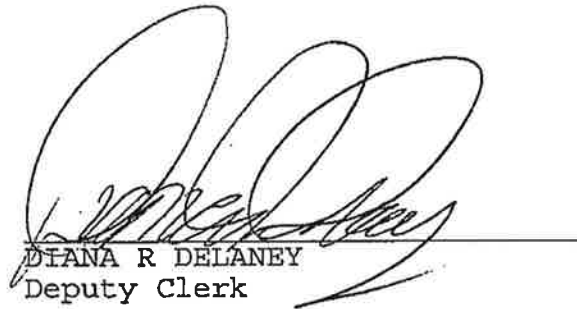
CERTIFICATE OF MAILING

PAGE 1
08/22/08

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



DIANA R DELANEY
Deputy Clerk

COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

In Re SRBA

AUG 27 2008)

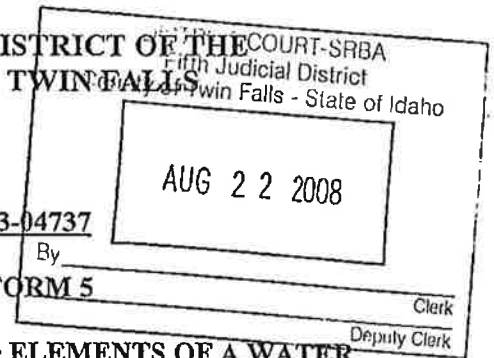
DEPARTMENT OF
WATER RESOURCES)

Case No. 39576)

SUBCASE: 63-04737

By STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER
RIGHT



This form is used to report the stipulated elements of one water right acquired under state law. 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Kelly Ray Winslow
P.O. Box 401
21494 Tucker Rd.
Greenleaf, ID 83626

OBJECTOR:

Wider Irrigation District
709 Cleveland Blvd.
Caldwell, ID 83605

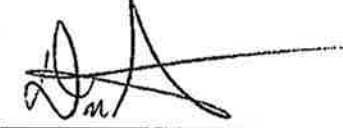

Date 6-18-08


Albert P. Barker

6/25/08
Date

RESPONDENT: Bureau of Reclamation

IDWR CONCURRENCE:


Date 7/24/08


Date 8/13/2008

Date 8-19-08

CERTIFICATE OF MAILING

I certify that on August 21, 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. Copies to:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

KELLY RAY WINSLOW

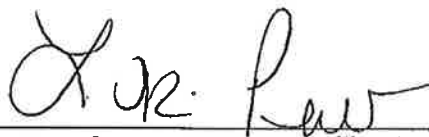
Represented by:
DAVID L WHITNEY
PO BOX 26
CALDWELL, ID 83606-0026

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 63-4737

NAME AND ADDRESS: KELLY RAY WINSLOW
PO BOX 401
21494 TUCKER RD
GREENLEAF ID 83626

SOURCE: DIXIE GULCH CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.170 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1934

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

POINT OF DIVERSION:

T04N R04W S16 SWNW Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/01 11/15	0.170 CFS

PLACE OF USE:

IRRIGATION in CANYON County

T04N R04W S16 SWNW 8.70

STOCKWATER in CANYON County

T04N R04W S16 SWNW

8.7 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Parcel No. R3611301000

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.

Use of this right is combined with water from Wilder Irrigation District.This right when combined with all other rights shall not exceed 0.02 cfs per acre at the field headgate.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 100 range cattle.

Kelly R. Winslow 6-18-08

08/13/2008

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

RIGHT NUMBER: 63-4737

NAME AND ADDRESS: KELLY RAY WINSLOW
PO BOX 401
21494 TUCKER RD
GREENLEAF ID 83626

SOURCE: DIXIE GULCH CREEK

TRIBUTARY: BOISE RIVER

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

QUANTITY: 0.170 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1934

POINT OF DIVERSION:

T04N R04W S16 SWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/01 11/15	0.170 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S16 SWNW 8.70

STOCKWATER in CANYON County

T04N R04W S16 SWNW

8.7 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right when combined with all other rights shall not exceed 0.02 cfs per acre at the field headgate.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Parcel No. R3611301000

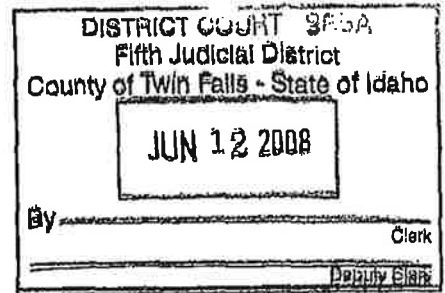
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Use of this right is combined with water from Wilder Irrigation District.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 100 range cattle.

per S&S
RW



**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: 63-04737

Case No. 39576

**NOTICE CHANGING LOCATION
FOR JUNE 26, 2008, INITIAL HEARING**

On June 10, 2008, this court issued an *Order Setting Subcase(s) for Initial Hearing* setting the hearing for June, 26, 2008, at 1:00 p.m. (mountain time) at the SRBA District Court in Twin Falls, Idaho

NOTICE IS GIVEN that the **hearing location is changed**. Initial Hearing for Subcase 63-04737 will be held:

**June, 26, 2008, at 1 p.m. (mountain time)
Idaho Supreme Court Building
451 West State Street
Boise, ID 83720**

Dated June 12, 2008.


Deputy Clerk
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE CHANGING LOCATION FOR JUNE 26, 2008 INITIAL HEARING was mailed on June 12, 2008, with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:

ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

KELLY RAY WINSLOW

Represented by:

DAVID L WHITNEY
PO BOX 26
CALDWELL, ID 83606-0026
Phone: 208-459-3659

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098



2008 JUN 10 PM 04:39
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____	)	SUBCASE NO: 63-04737

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 26, 2008 at 01:00 PM (MT)
SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 23, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 6/10/08

(continued)

Dated: JUNE 10, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on JUNE 10, 2008,
with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

KELLY RAY WINSLOW

Represented by:
DAVID L WHITNEY
PO BOX 26
CALDWELL, ID 83606-0026
Phone: 208-459-3659

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

DAVID L. WHITNEY
Attorney at Law
Post Office Box 26
Caldwell, Idaho 83606-0026
Telephone: (208) 459-3659
Facsimile: (208) 459-9067
Bar No. 1122

RECEIVED
JAN 18 2008
DEPARTMENT OF
WATER RESOURCES

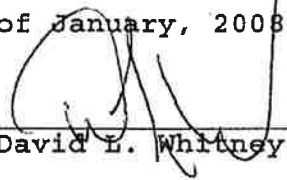
Attorney for Claimant of Water Right, Kelly Ray Winslow

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	)	A. Subcase 63-4737
	)	
Case No. 39576	)	NOTICE OF APPEARANCE
	)	
	)	

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney, David L. Whitney, appears in the above-entitled action for the said Claimant of Water Right, Kelly Ray Winslow.

Dated this 16th day of January, 2008.



David L. Whitney

CERTIFICATE OF MAILING

I certify that on January 16, 2008, I mailed the original and copies of this Notice of Appearance to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

COPY

2. One copy to the party who filed the Response to Objection at the following address:

Name: E. Gail McGarry
United States of America acting through the
Department of Interior, Bureau of Reclamation,
Regional Director PN Code-3100
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234
Daytime Phone: (208) 378-5306

Attorney: David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

3. One copy to the party who filed the objection at the following address:

Name: Wilder Irrigation District
Address: 709 Cleveland Blvd.
Caldwell, Idaho 83605

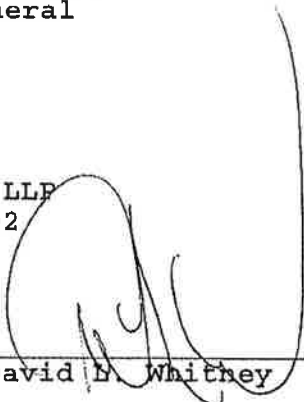
4. Copies to:

IDWR Document Depository
P.O. Box 83702
Boise, ID 83720-0098

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102
Boise, Idaho 83702



David D. Whitney

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)

A. Subcase 63-4737

(Insert water right number)

Case No. 39576)

STANDARD FORM 1

OBJECTION

RECEIVED

Please fill in the following information:

JUN 19 2007

DEPARTMENT OF
WATER RESOURCES

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson, LLP

1010 W. Jefferson, Ste. 102, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Kelly Ray Winslow

Address: PO Box 401

21494 Tucker Rd.

Greenleaf, ID 83626

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Wilder Irrigation District. Should be Dixie Gulch waste way Tributary to Riverside Canal.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: Land Subject to Wilder Irrigation Water Right

10. ☐ **I object because:**

☒ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Wilder Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Wilder Irrigation District. The place of use is covered by an existing Wilder Irrigation District water right, which is the primary water right for the place of use.

F. VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Ada)

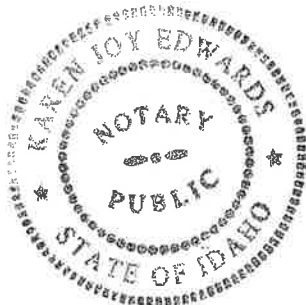
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 200__, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Kelly Ray Winslow
Address: PO Box 401
21494 Tucker Rd.
Greenleaf, ID 83626

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

10/23/2006

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

RIGHT NUMBER: 63-4737

NAME AND ADDRESS: KELLY RAY WINSLOW
PO BOX 401
21494 TUCKER RD
GREENLEAF ID 83626

SOURCE: DIXIE GULCH CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.170 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1934

POINT OF DIVERSION:

T04N R04W S16 SWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/01 11/15	0.170 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S16 SWNW 8.70

STOCKWATER Within CANYON County

T04N R04W S16 SWNW

8.7 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Parcel No. R3611301000

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

Stockwater use is for 100 range cattle.

07/12/2006

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

RIGHT NUMBER: 63-4737

NAME AND ADDRESS: KELLY RAY WINSLOW
PO BOX 401
21494 TUCKER RD
GREENLEAF ID 83626

SOURCE:

~~DIXIE DRAIN~~

Dixie Gulch CK.

Boise River *fixed 10/19*
TRIBUTARY: RIVERSIDE CANAL

QUANTITY: 0.170 CFS

PRIORITY DATE: 01/01/1934

POINT OF DIVERSION:

T04N R04W S16 SWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.170 CFS

PLACE OF USE:

IRRIGATION Within CANYON County

T04N R04W S16 SWNW 8.70

8.7 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Parcel No. R3611301000

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

*Claim amended 10/19/06
(to include stockwater
as a use) during
NOE period - tw
10/23/06*



Idaho Department of Water Resources

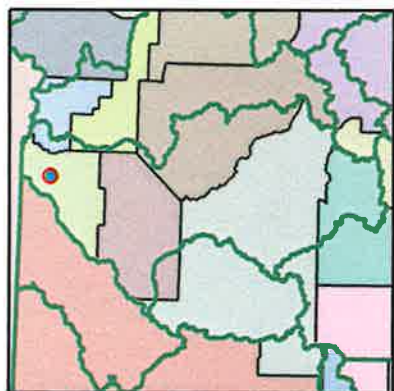
SRBA Recommendation:

63-4737

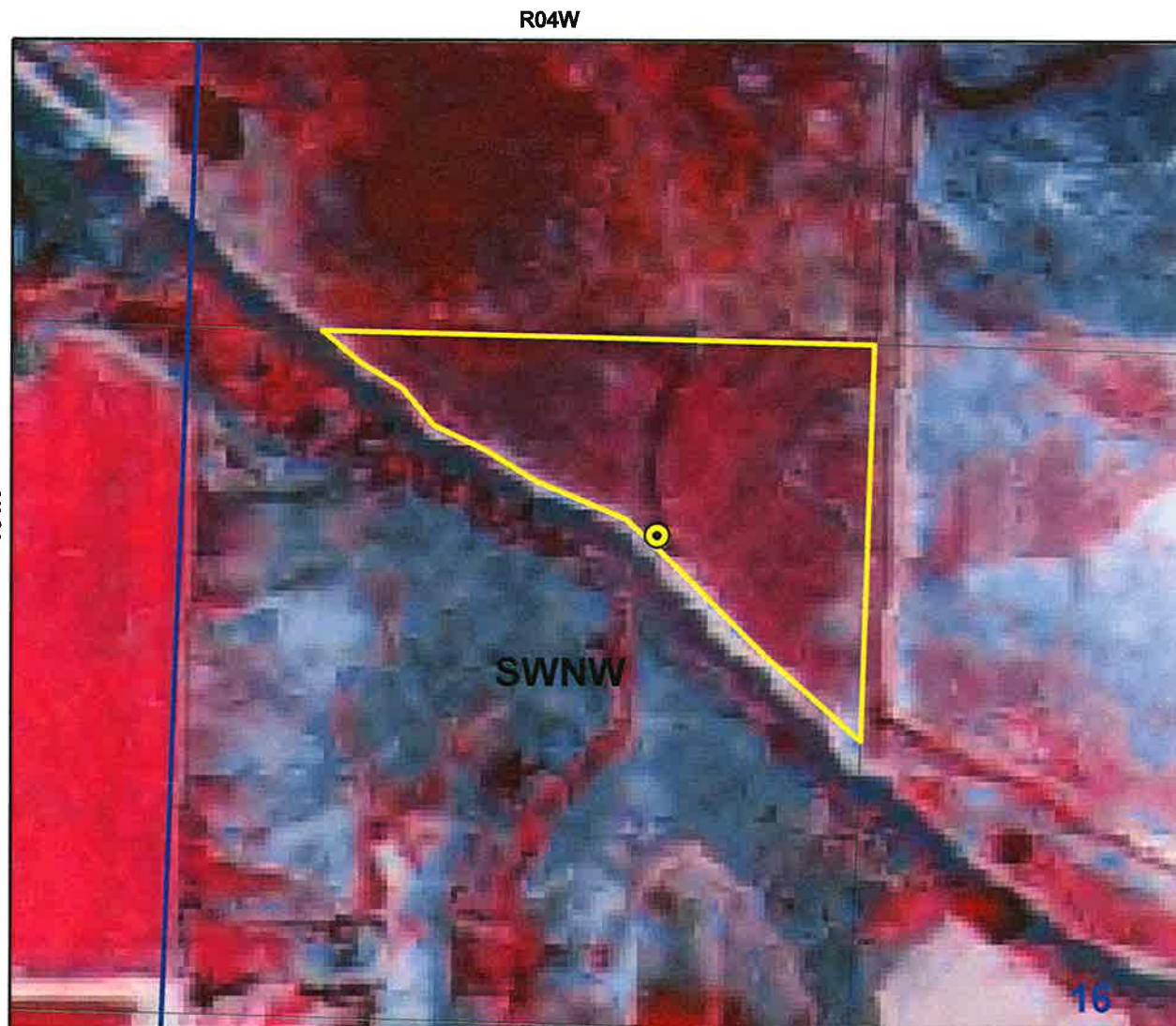
Acres = 8.7

Legend

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



Canyon County
IDWR Basin 63



0 0.1 0.2 Miles

Prepared by K. Walker
On Thursday, June 29, 2006
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 13, 2006

KELLY RAY WINSLOW
PO BOX 401
GREENLEAF ID 83626

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. 63-4737

Dear Mr. Winslow:

We have processed the change in ownership for the above referenced Notice of Claim. Enclosed is a copy of the Claim for your files.

If your mailing address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your water rights. If you have any questions concerning this letter, please do not hesitate to contact me at (208) 287-4953.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is written in a cursive, flowing style.

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

RECEIVED

APR 05 2006

WATER RESOURCES
WESTERN REGIONRec'd at S.O.
4/6/2006
pw**Prior to Field Exam**

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed) NA
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63-4737Owner: Claren +/or Kelly Winslow Phone No. (208) 459-8153Current Address: PO Box 401 Greenleaf, Id 83626

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER Kelly Winslow (he bought out Claren)
- ☐ No change Address
- ☒ NEW ADDRESS PO Box 401 Greenleaf, Id 83626 / 21494 Tucker Greenleaf, Id 83626
- ☐ How long owned property? _____

Accompanied by: Kelly Winslow**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 1/1/1934

(If priority date, based on your exam, seems questionable, explain below.)

Kelly Winslow agreed with 1934 instead of 1927,
based on the information he collected + previously submitted

Source: Dixie Drain Tributary to Riverside Canal

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

Tag #
A0002102

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			SW	NW	16	4N	4W	Canyon	N 43° 41.10.5
									W 116.49.45.5
									elevation 2448

Description of diverting works

A 14" steel pipe is located in the side of the Dixie Drain that gravity flows to a concrete check/head gate on the OVERLAP REVIEW North side of the Riverside Canal

Other water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

(No other sources of surface water or groundwater are used as supplemental water sources for this property or PDU.)

WATER USES

☐ No change

☒ Different Uses

$$7.5 \text{ Acres} \times 0.02 \text{ cfs} = 0.15 \text{ cfs}$$

Use Irrigation From 3/15 To 11/15 Amount 0.15 CFS AFA

~~Use Stockwater From 01/01 To 12/31 Amount 0.02 CFS AFA~~

Use stockwater From 3/15 To 11/15 Amount 0.02 CFS AFA

TOTAL VOLUME – Groundwater only NA

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☐ No change

☒ Changes Exam found: Domestic # of homes _____ Stock # 15 cows + calves + 1 bull

Types 15 cows + calves

Additional comments: Table 1 Recommended

Diversion Rates for Stockwater
26-50 cattle = 0.02 cfs

PLACE OF USE:

☒ No Change

☒ Changes shown below:

~~exch~~ except
changes in
acreage +
stockwater

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4W	16							7.5										7.5
4N	4W	16							X										

Overlap with other water rights: None

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

No other sources of water supply this acreage.

Delivery System Narrative: Dixie Drain (spring fed & waste water).
A 14" steel pipe is located in the bank of Dixie Drain
which gravity flows over the top of Riverside Canal to
a concrete check/head gate which then splits the water
into 3 directions to gravity flow irrigate the 7.5 acres,
& utilized as stockwater for 15 cows + calves & 1 bull.

→ 8.7 ac × 0.02 = 0.17 cfs allowable -
no stock use, not claimed. kw

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: Pipe flow chart:

Attach appropriate documents

* See attachment

NARRATIVE/REMARKS/COMMENTS

The 14" steel pipe from the Dixie Drain to the concrete
check/head gate, is 80 gauge pipe to withstand that much
flow, prevent leaking, & handle being buried under the
road adjacent to the Riverside Canal.

This inspection was conducted on a Sat. morning, so the
date 3/25/06 is correct.

Directions: N Hwy 184, Exit 27, Hwy 19 thru
Greenleaf, north on Tucker, (1 mile past Peckham
21494 Tucker is physical address of owner but not POD or POU)
2.1 miles from Hwy 19 + Tucker intersection follow Tucker to
Tucker + Red Top Rd. intersection. Go 0.3 miles then turn right
onto dirt road next to canal. Go thru gates + at 0.9 mile is POD + POU.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED:

4/4/06

FIELD EXAMINER:

Judy Hernerway

Field Inspection: A63-4737 Winslow

Date: 3/25/2006

Field Inspector: Sandy Hemenway

Measurements/Calculations:

Pipe Flow Chart: gravity flow from the Dixie Drain to the concrete head gate

14" diameter pipe = 5.34 cfs capacity

**see attachment for calculation on flow

Stockwater:

Table 1 Recommended Diversion Rates for Stockwater: 26-50 cattle = 0.02 cfs

Stock: 15 cattle + calves, + 1 bull = 31 cattle maximum

Season: 3/15 - 11/15 = 246 days

Required V.i.r. = (#head x gallons/day/head x days of use per year) / 325,850 =

$[31 \times 12 \times (8 \times 31)] / 325,850 = 92256 / 325850 = 0.2831 = \mathbf{0.3 \text{ afa}}$

Potential V.d.r. = Max. allowable cfs x permit season number of days x 1.9835 =

$0.02 \text{ cfs} \times 246 \times 1.9835 = 9.758 = \mathbf{9.8 \text{ afa}}$

Irrigation:

Confirmed acres irrigated: 7.5 acres x 0.02cfs = 0.15 cfs

Season 3/15 - 11/15 = 246 days

Required V.i.r. = allowable acres under permit x requirement IDWR chart (figure 2)=

$7.5 \text{ acres} \times 2.5 = \mathbf{18.75 \text{ afa}}$

Potential V.d.r. = max. allowable cfs x permit season x 1.9835 =

$0.15 \times 246 \times 1.9835 = \mathbf{73.19 \text{ afa}}$

Pipeflow Computation Spreadsheet (DRT 12/31/1992)

Data Entered By: Sandy Hemenway

Project: Flow Computation for A63-4737 Winslow

Given: See Data Table

Compute head losses with the Williams and Hazen Formula:

$$f = 0.2083 \cdot (100 / \text{roughness})^{1.85} \cdot ((\text{cfs} \cdot 448.8)^{1.852} / \text{ID}^4 \cdot 8655 \cdot \text{Length} / 100)$$

To Find: Compute the Rate of Flow

Data Table

Total Head: 25.00 feet

Pressure Req'd: 0.00 psi

Available Head: 25.00 feet

Pipe Roughness: 134.00 Note: pvc = 150, smooth and straight pipe = 140
aluminum - joint length 20' = 125, joint length
30' = 130, joint length 40' = 132, joint length
50' = 134, new riveted steel = 100
old riveted steel = 100, old cast iron = 95,
old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Head Loss from Pipe Friction	Head Loss per 100 ft
13.50	60.00	0.00		0.00
1.00	0.00	0.00		
1.00	0.00	0.00		
			0.00	

Rate of Flow: 0.371 CFS

Directions:

Match head loss per 100 ft with available head. Change cfs rate until they match fairly close.



A63-4737 Winslow 3/25/06 S.H.

concrete check/head gate from 14" steel pipe



3/25/06 A63-4737 Winslow SH.



POU 7.5 Acres
w/ 3 ditches branching out
to flood irrigate

3/25/06 A63-4737 Winslow SH.

Sandley -

A63-4737 Field Exam Request:
Winslow

Contact:

03/07/2006

Contact **Kelly Winslow @ #459-8153** to set up a field exam.

* **Evidence of priority** has been received from Mr. Winslow, so that is taken care of. Please inform Mr. Winslow, should he accompany you on the field exam, that I will be changing the claimed priority date of 1927 to 1934, based on the affidavit he submitted.

He's ok w/ this.

Property Address:

0 Tucker Lane
Caldwell

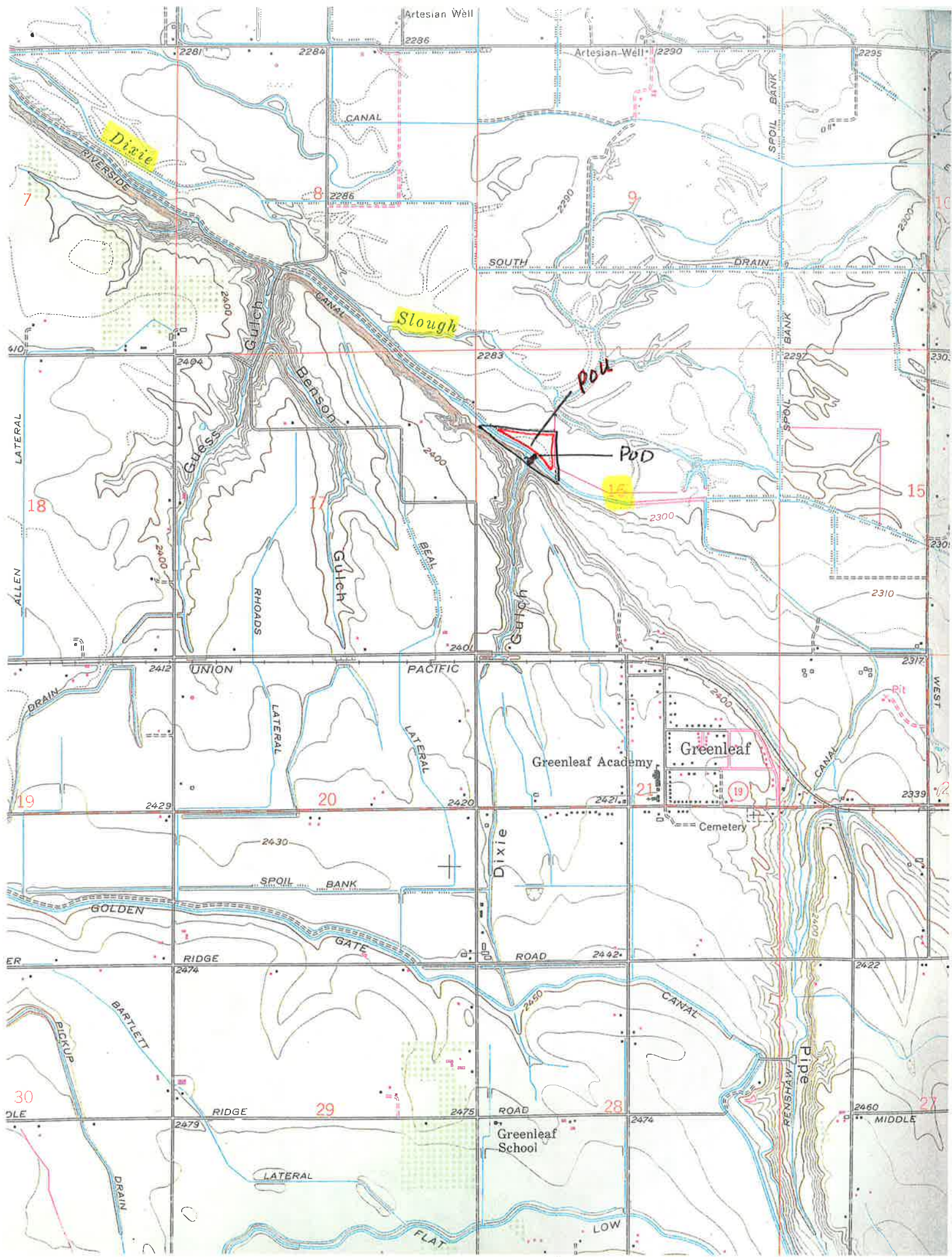
Requests:

*Please verify all the elements of this right.

In addition, please verify:

- **GPS** the location of the **POD**.
- Is the source the **Dixie Drain**, tributary to **Riverside Canal**? Please verify. Yes
- Is any **Irrigation District** water used to supplement this right? No
- **1987 Aerial Photo:** Please draw the **10.0 acres** irrigated on the enclosed **1987 aerial photograph**. (FYI: Canyon Co. Tax Lot information shows that there are only a **maximum of 7.5 acres** associated with this parcel.) Draw the **diversion works** on the 1987 aerial photo also; along with the location of the **point of diversion**.
- **Capacity of System:** Measure the capacity of this system. Verify that the claimed **0.5 cfs** is possible/applicable.

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region



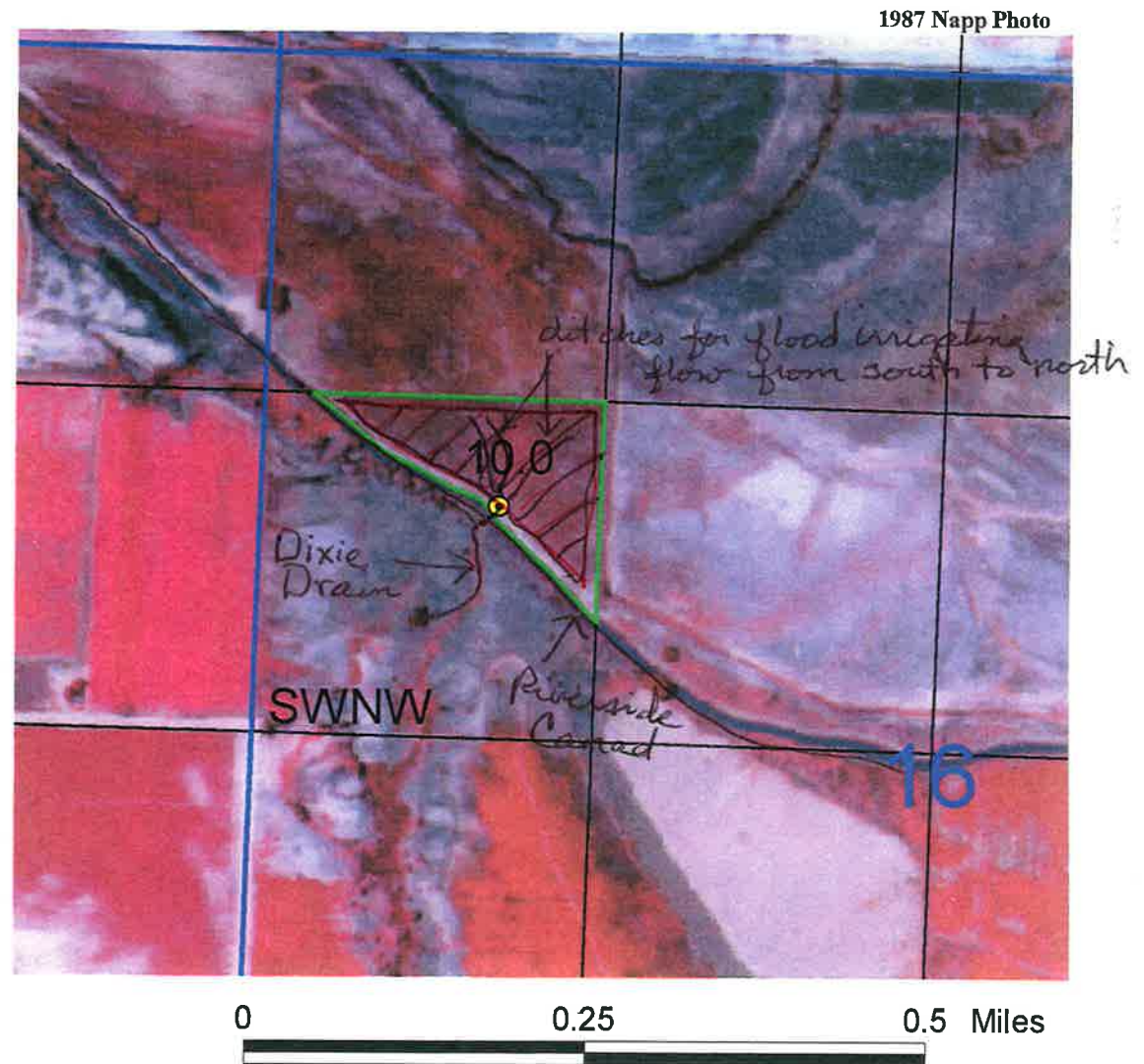
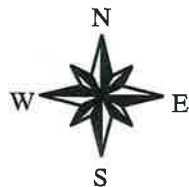
Idaho Department of Water Resources

Claim Number: 63-04737

Legal: T04N, R04W, S16

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4737

WATER RIGHT NUMBER: 63-4737

Owner Type Name and Address
 Current Owner CLAREN WINSLOW
 PO BOX 401
 GREENLEAF, ID 83626
 (208)459-8153
 Original Owner WILLIAM R THOMAS
 PO BOX 2590
 RT 2
 CALDWELL, ID 83605
 Current Owner KELLY WINSLOW
 PO BOX 401
 GREENLEAF, ID 83626
 (208)459-8153

bought out

physical address

21494 Tucker

Greenleaf,
Id 83626Property Address:Ø Tucker lane
Caldwell
Greenleaffor
POU
+ POD

Priority Date: 01/01/1927-1934

Basis: ~~Statutory Claim~~

Status: Active

Beneficial Use

Source

DIXIE DRAIN ? yes

Tributary

RIVERSIDE CANAL ? yes

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.500 CFS

Annual VolumeTotal Diversion:

0.500 CFS

is system capable of
this amount?Location of Point(s) of Diversion

DIXIE DRAIN

SW1/4NW1/4

Sec. 16, Twp 04N, Rge 04W, B.M.

CANYON County

Place of Use

IRRIGATION

stockwater 15 cows + calves + 1 bull (field is rented out) 3/15-11/15-

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	04W	16	NE	NW	SW	SE	10.0

Total Acres: 10

a Maximum of 7.5 AC

according to Canyon Co.

Tax lot info.

Conditions of Approval:Remarks:he's OK w/ this, since
banks + ditches make up
part of the 10 acres.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4737

02/02/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4737	Claim	04N	04W	16	SW	NW		IRRIGATION	10/10	CLAREN WINSLOW
4737	Water Right	04N	04W	16	SW	NW		IRRIGATION	10/10	WILLIAM R THOMAS

NO OL



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

June 30, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

KELLY WINSLOW
PO BOX 401
21494 TUCKER RD
GREENLEAF ID 83626

RE: Notice of Claim to a Water Right No. 63-4737

Dear Mr. Winslow:

We are in the process of reviewing the field examination conducted on March 25, 2006, and we found the contractor had attached a "Notice of Change in Water Right Ownership" form to the exam to be sent to you. Enclosed you will find the form she had completed for your convenience. Please make sure the form is completed correctly, sign on page 2 where indicated and return it to me, along with a copy of the most recent deed or other legal document indicating your ownership in the enclosed pre-paid envelope. There is no fee for this change in ownership as long as this claim is pending in the Snake River Basin Adjudication (SRBA). Once the claim has been decreed there will be a \$25.00 fee to change the ownership.

We will be making our preliminary recommendations for all the claims in Canyon County later this year and you will receive notice of our findings at that time. You will have a chance to review the recommendation for any error before the recommendations are submitted to the court in Twin Falls. If you have any questions concerning your claim please do not hesitate to contact me at (208) 287-4953.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

Receipt Details for ID C016489

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
4/24/1990 11:05:02 AM	4/24/1990	State	\$60.00	Check
Payer	WINSLOW, KELLY			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2742			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$60.00	ADJUDICATION FEE	410162	9337	00		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4737		\$60.00	Claim

OK

Print Report

Sandy

A63-4737 Field Exam Request:
Winslow

Contact:

03/07/2006

Contact **Kelly Winslow @ #459-8153** to set up a field exam.

* **Evidence of priority** has been received from Mr. Winslow, so that is taken care of. Please inform Mr. Winslow, should he accompany you on the field exam, that I will be changing the claimed priority date of 1927 to **1934**, based on the affidavit he submitted.

Property Address:

0 Tucker Lane
Caldwell

Requests:

*Please verify **all the elements** of this right.

In addition, please verify:

- **GPS** the location of the **POD**.
- Is the source the **Dixie Drain**, tributary to **Riverside Canal**? Please verify.
- Is any **Irrigation District** water used to supplement this right?
- **1987 Aerial Photo:** Please draw the **10.0 acres** irrigated on the enclosed **1987 aerial photograph**. (**FYI:** Canyon Co. Tax Lot information shows that there are only a **maximum of 7.5 acres** associated with this parcel.) Draw the **diversion works** on the 1987 aerial photo also; along with the location of the **point of diversion**.
- **Capacity of System:** Measure the capacity of this system. Verify that the claimed **0.5 cfs** is possible/applicable.

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region

TO Whom This Concerns

03-4737

I would like a copy of your findings
for my records of this matter when
you finish

Kelly Winkler
Kelly Winkler

RECEIVED

MAR 06 2006

WATER RESOURCES
WESTERN REGION

RECEIVED

MAR 06 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

103-4737)
)
)
)
State of Idaho)
County of _____)

AFFIDAVIT

William R. Thomas

deposes and says: My family moved to Greenleaf
Idaho in 1934 when I was ten years
old. My Dads father, George Thomas had
come to Idaho several years before.
He had built the flume across the
canal and it was in use at that time
to irrigate the pasture north of the canal.
I don't know how many years before
1934 that it was used.

William R. Thomas
(Signature)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

February 7, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CLAREN & KELLY WINSLOW
PO BOX 401
GREENLEAF ID 83626

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-4737

*(+) sent shapfile -
requesting if need
be, any corrections
be returned*

Dear Claimants,

In the past, William Thomas submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. Mr. Thomas indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to 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."**

It is important that each element of the Notice of Claim be substantiated. 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.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by March 1, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you may be receiving a call from us in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-4737

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that William R. Thomas

(Name of Claimant)

Box 2590, Route 2 Caldwell, Idaho 83605

(Mailing Address)

(Zip Code)

Telephone No. 459-4030

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1927

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Dixie Drain tributary to Riverside Canal

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.50 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) .50 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 NW 1/4, Sec. 16 Twp. 4N Rge. 4W B.M., County of Canyon

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Concrete check into gravity ditch.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	4W	16							10										10

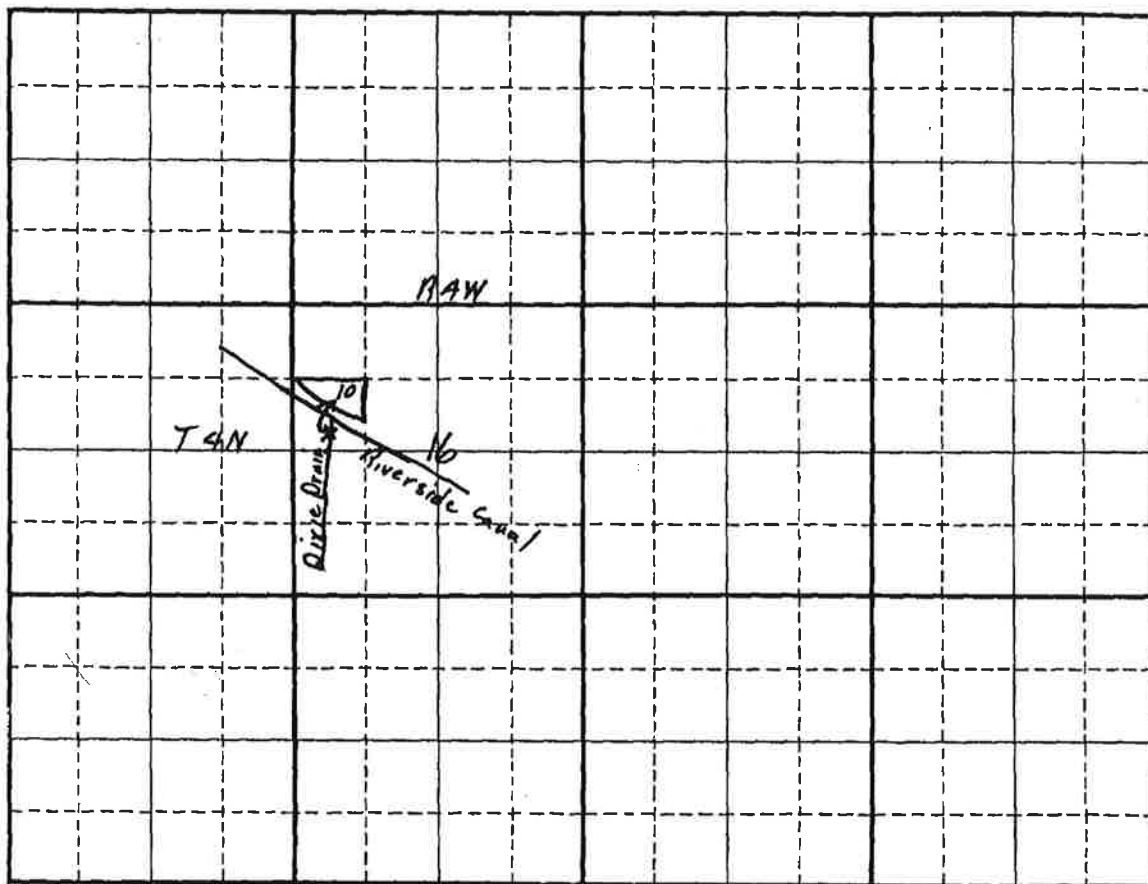
No. of acres 10

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____

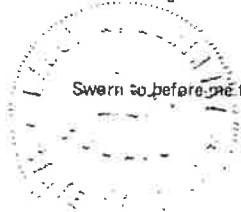


Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.



Sworn to before me this 6th day of June, 1980.

Nancy M. Northway
(Claimant)

Nancy M. Northway
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by <u>CHS</u>	Date <u>6/6/80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EED</u>	Date		claimant by:	
\$20.00 fee received by <u>HWN</u>	Date <u>6/6/80</u>	# <u>16350</u>	<u>h/h</u>	<u>7/22/80</u>
Published in <u>Octada Free Press</u>				
Dates <u>6/19 & 6/26/80</u>				



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 18, 1990

RECEIVED
MAY 23 1990

Department of Water Resources

Mr. Robert L. Alexanderson
P.O. Box 26
Caldwell, ID 83606

RE: Notice of Claim to a Water Right
A63-04737, in the name of Winslow

Dear Mr. Alexanderson:

Please place your notary seal at the appropriate location on page 2 of the enclosed claim. As soon as this correction is made and the claim is returned, we will process it.

If these documents are returned by June 18, 1990, a late fee will not be assessed. Please do not hesitate to contact this office if you have any questions or need assistance.

Thank you for your consideration.

Sincerely,

Sharon Harrington-Thornton

for Donald V. Shaff
Manager, Adjudication Section

5-25-90
• not in claim
• correct "out to" "5-9-90"

MICROFILMED
AUG 20 1992

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK
LAWYERS

ROBERT L. ALEXANDERSON, P.A.
WAYNE E. DAVIS (1919-1986)
RONALD P. RAINEY, P.A.
DAVID L. WHITNEY, P.A.
DAVID E. KERRICK

110 NORTH NINTH AVENUE
POST OFFICE BOX 26
CALDWELL, IDAHO 83606-0026

AREA CODE 208
TELEPHONE 459-3659

April 23, 1990

RECEIVED
APR 24 1990

Department of Water Resources

Ms. Helen Harrington-Thornton
Senior Water Rights Agent
State of Idaho Department
of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Re: Notice of Claim to a Water Right
A63-04737

Dear Helen:

Pursuant to your letter dated April 18, 1990, we enclose:

1. A copy of the aforementioned letter.
2. Notice of Claim to a Water Right A63-04737 executed by Kelly Winslow and Claren Winslow.
3. Attachment to Claim identifying the Claimants.
4. Check of Kelly Winslow made payable to your Department in the sum of \$60.00.

Thank you again for your very fine assistance.

If you have any questions, please call me.

Very truly yours,

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK

Robert L. Alexander

Robert L. Alexander

RLA/dw

Enclosures - 4.

MICROFILMED
AUG 20 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 18, 1990

COPY

Robert L. Alexanderson
Attorney at Law
P.O. Box 26
Caldwell, ID 83606-0026

RE: Notice of Claim to a Water Right A63-04737, Canyon County
Snake River Basin Adjudication

Dear Mr. Alexanderson:

Enclosed please find the computer-generated claim form for the above-mentioned Notice of Claim. The attachment sheet should be completed to reflect the correct name and address of the owners of the water right.

The filing fee for this claim is \$60.00. Please have the claimants sign the form, having their signatures notarized.

I apologize for the delay in responding to your letter of February 13, 1990. However, if this form is completed and returned to this office by May 18, 1990, late fees will not be assessed. Please attach a copy of this letter to the returned form. Thank you for your understanding and cooperation.

Sincerely,

Helen Harrington-Thornton
Senior Water Rights Agent

HHT:sf:state:tf

Enclosure:

Notice of Claim #A63-4737

MICROFILMED
AUG 20 1992

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK
LAWYERS

ROBERT L. ALEXANDERSON, P.A.
WAYNE E. DAVIS (1919-1986)
RONALD P. RAINEY, P.A.
DAVID L. WHITNEY, P.A.
DAVID E. KERRICK

110 NORTH NINTH AVENUE
POST OFFICE BOX 26
CALDWELL, IDAHO 83606-0026

AREA CODE 208
TELEPHONE 459-3659

April 10, 1990

RECEIVED
APR 11 1990

Ms. Helen Harrington-Thornton
Senior Water Rights Agent
State of Idaho Department
of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Department of Water Resources

Re: Claim No. 63-4737

Dear Helen:

Enclosed is a copy of our letter to you dated February 13, 1990.
Please advise me of the status of this matter.

Thank you for your continued assistance.

Very truly yours,

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK


Robert L. Alexanderson

RLA/dw

Enclosure - 1.

MICROFILMED
AUG 20 1992

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK

LAWYERS

ROBERT L. ALEXANDERSON, P.A.
WAYNE E. DAVIS (1919-1986)
RONALD P. RAINEY, P.A.
DAVID L. WHITNEY, P.A.
DAVID E. KERRICK

110 NORTH NINTH AVENUE
POST OFFICE BOX 26
CALDWELL, IDAHO 83606-0026

AREA CODE 208
TELEPHONE 459-3659

February 13, 1990

RECEIVED
FEB 14 1990

Ms. Helen Harrington-Thornton
Senior Water Rights Agent
State of Idaho Department
of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Department of Water Resources

Re: Claim No. 63-4737

Dear Helen:

I appreciate very much receiving your letter dated February 9, 1990, with enclosure regarding the above claim.

I have checked with the Winslows, the contract purchasers of the real property. They confirm the description of the property and water use which exists today.

It would be most helpful if you would develop the claims form through your computer. Then send it to me with instructions regarding signatures and fees payable.

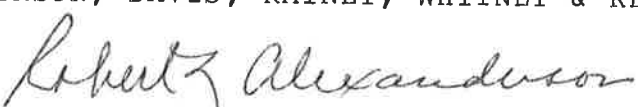
Enclosed is a copy of the Thomas - Winslows Land Sale Agreement for your information and file.

If you have any questions, please contact me.

Again, thank you for your good help.

Very truly yours,

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK


Robert L. Alexanderson

RLA/dw

Enclosure - 1.

MICROFILMED
AUG 20 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 9, 1990

Mr. Robert L. Alexanderson
Alexanderson, Davis, Rainey,
Whitney & Kerrick
P. O. Box 26
Caldwell, ID 83606-0026

RE: Snake River Basin Adjudication (SRBA)
Canyon County
Previous Filing by W. R. Thomas, #63-4737

Dear Mr. Alexanderson:

Enclosed please find Receipt No. C014085 for the fees for Mr. Neary's claim. The claim has been processed.

In regard to your request for information on the property owned by W. R. Thomas and being purchased by Kelly and Claren Winslow, there is a previous filing, however, it is not a license. The Department of Water Resources attempted to obtain records of all water rights which had been previously unfiled. Called the "Statutory Claim" process or "243" claims, this process began with sworn statements or "Claims to a Water Right" which were then put into the files of the Department.

Unfortunately, that process did not go any further than the sworn statement. Those filing have not yet been field examined. However, especially in this case, the information which we have on file is available to the current owner to use as a basis of claim in the Snake River Basin Adjudication.

Mr. Thomas did file such a claim, in 1980, and I have enclosed a copy for you to retain. If you find that this filing does indeed describe the property and water use which exists today, I would be happy to develop the claim form through the computer based on the Form 243 claim. There is an identification number in the upper right hand corner which is how we would reference this previous filing.

If you choose, you may complete the form yourself using the information on the Form 243 claim. I have enclosed a Notice of Claim form for your possible use.

MICROFILMED
AUG 20 1992

Mr. Robert L. Alexanderson
February 9, 1990
Page 2

Please let me know if I can be of any assistance or answer any questions.

Sincerely,

Helen Harrington-Thornton
Helen Harrington-Thornton
Senior Water Rights Agent

HHT:sf:state

Enclosures:

Copy of Claim #63-4737

Receipt No. C014085

Long form w/instructions

MICROFILMED
AUG 20 1992

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK

LAWYERS

ROBERT L. ALEXANDERSON, P.A.
WAYNE E. DAVIS (1919-1986)
RONALD P. RAINEY, P.A.
DAVID L. WHITNEY, P.A.
DAVID E. KERRICK

110 NORTH NINTH AVENUE
POST OFFICE BOX 26
CALDWELL, IDAHO 83606-0026

AREA CODE 208
TELEPHONE 459-3659

January 18, 1990

Ms. Helen Harrington
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

RECEIVED
JAN 19 1990

Re: Portion of SW1/4 NW1/4 Section
16, Township 4 North, Range 4
West of the Boise Meridian in
Canyon County, Idaho

Department of Water Resources

Dear Helen:

When you helped me last Tuesday on the Neary License #A63-02249B, neither of us realized that I would have to enlist your help again so soon.

I have now been contacted by Kelly Winslow, P.O. Box 401, Greenleaf, Idaho, and Claren Winslow, Route 6, Caldwell, Idaho, who are buying on contract from W. R. Thomas the property described in Exhibit "A" enclosed herewith.

You will note that this property was not included in the Neary License, but we have reason to believe that W. R. Thomas got a license on the property being sold to my people. Mr. Thomas is now deceased, so we cannot make inquiry of him.

If you can find a license for this property, I will appreciate it if you would send me a copy.

Thank you for your assistance.

Very truly yours,

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK

Robert L. Alexanderson

Robert L. Alexanderson

RLA/dw

Enclosure - 1.

MICROFILMED
AUG 20 1992

EXHIBIT "A"

The Southwest Quarter of the Northwest Quarter in Section 16, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM:

Beginning at the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 16, Township 4 North, Range 4 West of the Boise Meridian in Canyon County, Idaho, running thence West to the Dixie Gulch Wasteway; thence Northeasterly along said Wasteway to its intersection with the right of way of the Riverside Irrigation District; thence Southeasterly along the Southwesterly line of said right of way to its intersection with the East line of said Southwest Quarter of the Northwest Quarter; thence South to the place of beginning.

ALSO EXCEPTING THEREFROM:

A parcel situated in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter and the Southeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 16, Township 4 North, Range 4 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the Southwest corner of said Southwest Quarter of the Southwest Quarter of the Northwest Quarter, thence North $89^{\circ}32'57''$ East along the South boundary of said Southwest Quarter of the Southwest Quarter of the Northwest Quarter, a distance of 394.07 feet to the TRUE POINT OF BEGINNING; thence North $6^{\circ}02'33''$ West, a distance of 336.64 feet; thence North $84^{\circ}33'02''$ East, a distance of 326.66 feet; thence South $39^{\circ}45'22''$ West, a distance of 5.33 feet; thence South $0^{\circ}00'18''$ East, a distance of 359.44 feet to a point on the South boundary of said Southeast Quarter of the Southwest Quarter of the Northwest Quarter; thence South $89^{\circ}32'57''$ West along the South boundary of said Southeast Quarter of the Southwest Quarter of the Northwest Quarter and the South boundary of said Southwest Quarter of the Southwest Quarter of the Northwest Quarter, a distance of 286.38 feet to the TRUE POINT OF BEGINNING.

This parcel is subject to a 50 foot road easement along the South boundary of said Southwest Quarter of the Southwest Quarter of the Northwest Quarter.

Together with all water, water rights, ditches and rights of way for ditches appurtenant thereto or in anywise appertaining;

SUBJECT TO Power Line Easement to Idaho Power Company shown by Instrument #290784 in the office and records of the County Recorder of Canyon County, Idaho;

SUBJECT TO right of way for Dixie Gulch Wasteway and Riverside Irrigation District canal;

MICROFILMED

AUG 20 1992