

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-13667

WATER RIGHT NUMBER: 29-13667

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JENNIE L WINTER 1791 N INKOM RD INKOM, ID 83245 (208)775-3178
Current Owner	CHARLES E WINTER 1791 N INKOM RD INKOM, ID 83245 (208)775-3178

Priority Date: 06/20/1916

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.010 CFS	
	<u>Total Diversion:</u>	0.010 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4NW1/4	Sec. 26, Twp 07S, Rge 36E, B.M.
BANNOCK County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	26						X											

Conditions of Approval:

1. N13 The quantity of water under this right shall not exceed 6,500 gallons per day.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-13667

Comments:Dates and Other Information:

Licensed Date:
 Decreed Date: 8/18/2005
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	8/3/2004 11:56:57 AM	dshaff			Closed
Priority Date	8/3/2004 11:57:49 AM	dshaff			Closed
POD	8/3/2004 11:58:03 AM	dshaff			Closed
Source	8/3/2004 11:59:14 AM	dshaff			Closed
POU	8/3/2004 12:00:49 PM	dshaff			Closed
Use	8/3/2004 12:01:12 PM	dshaff			Closed
Season	8/3/2004 12:01:42 PM	dshaff			Closed
Quantity	8/3/2004 12:02:03 PM	dshaff			Closed
Summary			08/03/2004	dshaff	Closed
Summary			03/04/2005	dshaff	Closed
Summary			03/11/2005	ecarlson	Closed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	3/11/2005 5:19:06 PM	ecarlson	Edited point location
POU	3/11/2005 5:17:29 PM	ecarlson	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-13667

Summary	3/11/2005 5:33:38 PM	ecarlson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right?
Source	8/3/2004 11:59:14 AM	dshaff	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - claim map
POD	8/3/2004 11:54:28 AM	dshaff	Edited point location
POU	8/3/2004 11:55:35 AM	dshaff	Edited shape boundary
Contacts	8/3/2004 11:56:57 AM	dshaff	(No) 1. Do you want to schedule an appointment? Comment for 1: Small domestic to go with 29-4491.
Priority Date	8/3/2004 11:57:49 AM	dshaff	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Related to 29-4491.
POD	8/3/2004 11:58:04 AM	dshaff	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-13667

POU	8/3/2004 12:00:50 PM	dshaff	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - County tax parcel data and photography as to house
Use	8/3/2004 12:01:12 PM	dshaff	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - small domestic
Season	8/3/2004 12:01:42 PM	dshaff	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - small domestic
Quantity	8/3/2004 12:02:03 PM	dshaff	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - small domestic

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-13667

Summary	8/3/2004 12:04:47 PM	dshaff	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Summary	3/4/2005 12:10:34 PM	dshaff	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-13643

WATER RIGHT NUMBER: 29-13643

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHARLES E WINTER 1791 N INKOM RD INKOM, ID 83245 (208)775-3178
Current Owner	JENNIE L WINTER 1791 N INKOM RD INKOM, ID 83245 (208)775-3178

Priority Date: 06/15/1917
Basis: Beneficial Use

Status: **Temporary**

<u>Source</u>	<u>Tributary</u>
GROVE SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.050 CFS	

Location of Point(s) of Diversion

GROVE SPRING NW1/4NW1/4 Sec. 26, Twp 07S, Rge 36E, B.M.
BANNOCK County

Place of Use

DOMESTIC

[illegible]

STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-13643

Conditions of Approval:

1. WAITING FOR COURT TO ACCEPT THIS LATE CLAIM. JC 7-22-03
2. STOCKWATER, 5 HORSES

Remarks:

Comments:

Water Supply Bank:

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 29-13643
Date Received: 7/22/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

CHARLES E WINTER Phone: (208)435-4466
4297 LOWER FORDS CREEK RD
OROFINO ID USA 83544

JENNIE L WINTER Phone: (208)435-4466
4297 LOWER FORDS CREEK RD
OROFINO ID USA 83544

2. Date of Priority: 06/15/1917

3. Source: GROVE SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	36E	26	NW NW	BANNOCK	

5. Description of diverting works:

SPRING FILLS RESERVOIR AND APPROXIMATELY 1500 FT OF PIPELINE CARRIES WATER TO
ONE FAMILY DWELLING AND CORRAL AREA.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	36E	26	NW NW	NE NW	DOMESTIC STOCKWATER	

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

STOCKWATER, 5 HORSES

WAITING FOR COURT TO ACCEPT THIS LATE CLAIM. JC 7-22-03

15. Basis of Claim: Beneficial Use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Charles E. & Jennie L. Winter
(Name of Claimant)
4297 Lower Fords Creek Road, Orofino, ID 83544 Telephone No: (208)435-4466
(Mailing Address) (Zip Code)

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

1. Date of Priority: (When the water was first applied to beneficial use) June 15, 1917
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Spring (refer. to as "The Grove Spring") tributary to sinks

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 or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)
Quantity	<u>.04cfs</u>	Use <u>domestic</u>	Period of Use From <u>01/01</u> to <u>12/31</u>
Quantity	<u>.02cfs</u>	Use <u>stock</u>	Period of Use From <u>01/01</u> to <u>12/31</u>
Quantity		Use	Period of Use From to
Quantity		Use	Period of Use From to

4. .05cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Govt. Lot
Sec. 26 Township 7S Range 36E B.M., Bannock County; additional points
of diversion, if any: -0-

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.
Spring fills reservoir and approximately 1500' of pipeline carries water to one family dwelling and corral area. The reservoir is 6'x8'x5'. In 2002 summer, the galvanized pipe was disconnected during remodeling of the house and is being replaced with pvc. The concrete reservoir will also be replaced.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.

D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
78	36E	26		1/4				1/4											D
																			S

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Spring supplies potable water for a one-family dwelling and is also used to water stock when animals are corraled or otherwise without access to the unnamed stream which runs the length of the dry land pasture and is below the level of corrals.

NOTE: Include here the type and number of stock watered: Horses (5)

7. Remarks: This is a small spring that serves one household and supplements stock water as described above. Its output is not sufficient to serve as the main source of stockwater or for use to water lawn and/or garden areas. It has proven sufficient for household and drinking.
8. Map - Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of Idaho)
Clearwater) ss.
County of Bannock)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing 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.

Charles L. Barteaux
James L. Barteaux
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 15th day of July, 2003.



Sheila L. Barteaux
Notary Public

Residing at: Weippe, Idaho

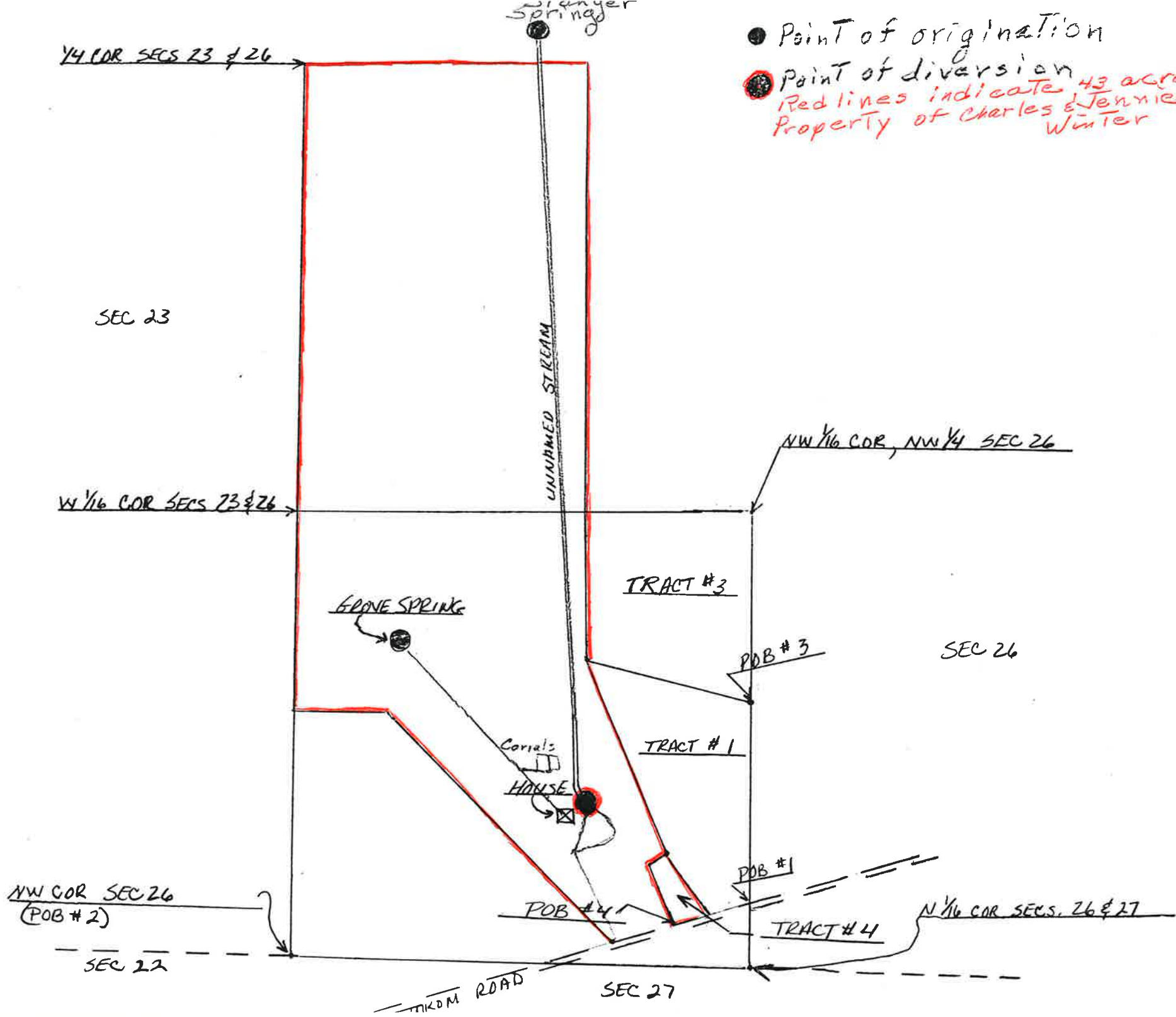
My commission expires: April 30, 2005

FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee _____ Receipt # _____
Receipt prepared by _____ Date _____

Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____

- Point of origination
- Point of diversion
- Red lines indicate 43 acre Property of Charles & Jennie Winter



Jennie L. Winter
4297 Lower Fords Creek Road
Orofino, ID 83544

July 15, 2003

Mr. Dennis Dunn
Idaho Dept. of Water Resources
Eastern Region
900 N. Skyline, Suite A
Idaho Falls, ID 83402

RECEIVED

JUL 18 2003

Department of Water Resources
Eastern Region

Re: New Claim

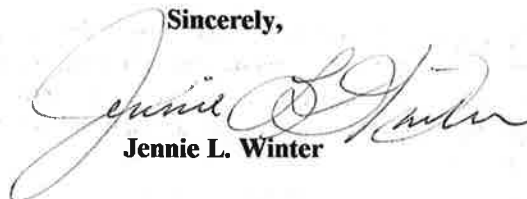
Dear Mr. Dunn:

I am enclosing a Claim to a Water Right. This claim refers to the spring in the small grove of trees that you observed on June 13 when you visited our property to investigate and disprove a claim that we had blocked and altered the stream bed of another source of water upon which we have claim referred to as the "unnamed stream." Because you have already seen this spring and have firsthand knowledge of the reservoir to which I am referring, I have directed the claim form to you. If you see any problems with it, I would appreciate it if you would let me know. Also, I appreciate the advice you gave me to file on this spring immediately. I believed that my parents had filed on it at one point. I have in my possession a copy of a letter written to the IDWR when the regional office was located at 1515 Lincoln Road in Idaho Falls, together with a copy of a water right claim that specifies that this is the spring that "runs into our house." However the claim has not been notarized and I can't find another copy of it. I tried to find out online if it had been filed, but did not have enough information to do so.

As you saw, the old log house which was served by this stream has been torn down, leaving only the cinderblock portion which we remodeled into a one-room dwelling last summer under the inspection of Kelly Sluder, Bannock County building and zoning inspector. A new underground power line is in place and the house is safely wired and approved by state inspections. We plan to build a modest addition to this small house which at present is without water except for the unnamed stream flowing beside it. We will install a cistern at the site of the spring to replace the concrete reservoir and use PVC instead of the galvanized pipe which previously facilitated the gravity flow of the water into the house. Are plans for this type of renovation available through the IDWR so that we could do this ourselves? Since this has been and still is the source of water to the house, are we required to obtain a permit? We need to proceed immediately to put it to its former use. Please let us know of any rules that apply to going forward with our plans.

I appreciate the professional and respectful way in which you conducted your visit to our home and property. I know that you are very busy throughout the state, but hope you will have time to answer my questions or refer them to someone who is equally qualified. I also hope that you are enjoying a successful recovery from your recent accident.

Sincerely,



Jennie L. Winter