

March 1, 2004

JENNIE AND CHARLES WINTER
44297 LOWER FORDS CREEK RD
OROFINO ID 83544

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #29-13667

Dear Claimants:

Your Notice of Claim to a Water Right referenced above was received from the SRBA Court recently. I have enclosed your receipt #C072796 for the filing fees. Please keep the receipt for your records.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Please notify us in writing if your address changes or if there is a change in ownership of your property and water rights.

Sincerely,

Donald V. Shaff, Manager
Adjudication Technical Section

DVS:ss:region
Enclosure:

Receipt #C072796



DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED M
2004 FEB 18 PM 4 47

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 29-13667
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO FILE
_____	)	LATE NOTICE OF CLAIM

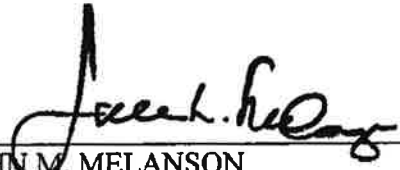
On November 21, 2003, Claimants Jennie L. Winter and Charles E. Winter, through counsel, filed a *Motion to File Late Notice of Claim*. A hearing was held on the *Motion* February 17, 2004. The *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, no objections were filed, and good cause for filing the late claim was shown.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for water right 29-13667 is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated February 18, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on February 18, 2004, with sufficient first-class postage to the following:

CHARLES L WINTER

JENNIE L WINTER

Represented by:

DEBORAH E. NELSON

277 N SIXTH STREET, STE 200

PO BOX 2720

BOISE, ID 83701-2720

Phone: 208-388-1200

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER GRANTING MOTION

Page 1 2/18/04

FILE COPY FOR 00331


Deputy Clerk

2083 DEC 10' AM 10 23

☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Jennie L. Winter and Charles E. Winter

My name is Deborah E. Nelson

My address is P.O. Box 2720, Boise, Idaho 83701-2720

My phone number is 208-388-1200

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to use the water in the SRBA because:

Such claim is not legally required for domestic use. However, Claimant has become
aware of possible benefits of adjudicating this water right which Claimant did not
previously know.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock water use. I desire to reinstate my Notice of Claim for domestic or stock water use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

Supporting documentation is attached to and described in the Notice of Claim,
submitted herewith.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☒ A claim filing fee for a domestic and stock water use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 75.00.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ ____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on February 17, 2004; 1:30 PM
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Ada)

Deborah E. Nelson, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

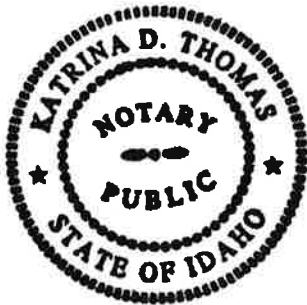
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

[Signature]
Signature of person filing motion

Deborah E. Nelson
Attorney signing in representative capacity

Subscribed and sworn to before me on:

December 9, 2003
(Insert Date)



Katrina Thomas
Notary Public for Idaho
Residing at: Boise
My Commission expires: 4-10-06

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachment, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on Dec. 9th, 2003, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

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

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)


Signature of person or attorney mailing the form

12/00/04

29-13667

TC of Mon - 775-3705

8m:

- * told him Mr. Mc. made apt -
- he can object when it is but he won't
- get actual notice stated he needs to
- check w/ SEBT Ct and County Ct to
- see when filed, likely in Feb or March
- 2005. He believes its a new case or has
- been forfeited. Told him he can submit evid.

- He settled his water rt. 29-13557
- Mr. Al told him both would have
- same quantity.

- But 29-4491 was change per.
- ADR in Feb. 04 to be .06 lps not .03
- like his H₂O rt.

- * Belies settlement based on error of
- fact -

Sheet No. 3.

Instrument No. 47681

MORTGAGE.

Mortgagor, -- Joseph Millard, a single man.
Mortgagee, -- The Bannock Abstract & Trust Company, a corporation.
Date, -- June 20, 1916.
Consideration, -- Two Hundred Dollars.
Recorded, -- June 26, 1916, at 1:05 P.M. in Book "25" of Mortgages, at page 506 of the Records of Bannock County, State of Idaho.
Acknowledged, -- Before Ida Woffington, a Notary Public in and for Bannock County, State of Idaho, June 20, 1916. (Seal)
Witness, -- Ida Woffington.

DESCRIPTION AND REMARKS.

The north half of the northwest quarter of Section 26, in Township 7 South of Range 36 East of the Boise Meridian, in Idaho, containing 80 acres, according to the official plat of the survey of the said lands, returned to the General Land Office by the Surveyor General,

together with all improvements, privileges and appurtenances there unto belonging and all rights of homestead exemption, together with all ditch and water rights of every nature, however evidenced, used upon said lands or any part thereof, or belonging to the same or to said mortgagor for use thereon, or which may hereafter be acquired for such use during the life or before full payment of the obligation secured hereby.

This grant is intended as a mortgage to secure the payment of one certain promissory note for the sum of \$200.00, due June 20, 1921, with interest at the rate of 8 per cent per annum, from July 1, 1916,

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 29-13667
Date Received: 12/10/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

JENNIE L WINTER Phone: (208)775-3178
1791 N INKOM RD
INKOM ID USA 83245

CHARLES E WINTER Phone: (208)775-3178
1791 N INKOM RD
INKOM ID USA 83245

2. Date of Priority: 06/20/1916

3. Source: 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	NE NW NW	BANNOCK	

5. Description of diverting works:

Spring fills reservoir and approximately 1500 ft of pipeline carries water to house.

6. Water is used for the following purposes:

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

7. Total Quantity Appropriated is:
0.04 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	DOMESTIC	

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:

Documentation to support this Notice of Claim is attached to the claim (original mortgage on property). Additional documentation regarding land ownership and water use (including irrigation and stock) on this property are included in IDWR files for water right number 29-4491.

15. Basis of Claim: Beneficial Use

03/11/2005

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

RIGHT NUMBER: 29-13667

NAME AND ADDRESS: JENNIE L WINTER
4297 LOWER FORDS CREEK RD
OROFINO ID 83544

CHARLES E WINTER
4297 LOWER FORDS CREEK RD
OROFINO ID 83544

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.010 CFS

The quantity of water under this right shall not exceed 6,500 gallons per day.

PRIORITY DATE: 06/20/1916

POINT OF DIVERSION:

T07S R36E S26 ~~NE~~NWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.010 CFS

PLACE OF USE:

DOMESTIC Within BANNOCK County

T07S R36E S26 NWNW

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

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

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

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-13667

WATER RIGHT NUMBER: 29-13667

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JENNIE L WINTER 4297 LOWER FORDS CREEK RD OROFINO, ID 83544 (208)435-4466
Current Owner	CHARLES E WINTER 4297 LOWER FORDS CREEK RD OROFINO, ID 83544 (208)435-4466

Priority Date: 06/20/1916

Basis: Beneficial Use

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	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

SPRING	NE1/4NW1/4NW1/4	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:

- Documentation to support this Notice of Claim is attached to the claim (original mortgage on property). Additional documentation regarding land ownership and water use (including irrigation and stock) on this property are included in IDWR files for water right number 29-4491.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-13667

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 RIGHT TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

2/24/04
2072-1916

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) Jennie L. Winter and Charles E. Winter Phone (208) 435-4466
Mailing Address 4297 Lower Fords Creek Road, Orofino, ID Zip 83544
2. Date of Priority (only one (1) per claim) June 20, 1916
3. Source of water supply (a) Spring
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 75 Range 36E Section 26,
NE 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Bannock
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
Including the dates of any changes or enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

Spring fills reservoir and approximately 1500' of pipeline carries water to house.

6. Water is claimed for the following purposes

		(both dates are inclusive)	(cfs)	(acre feet)
For	domestic	purposes from 1/1 to 12/31	amount .04	or
For		purposes from _____ to _____	amount _____	or
For		purposes from _____ to _____	amount _____	or
For		purposes from _____ to _____	amount _____	or

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is .04 acre feet per annum.

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

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
7S	36E	26						D											

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as describe above.

or None (X)

14. Remarks:

Documentation to support this Notice of Claim is attached hereto (original mortgage on property). Additional

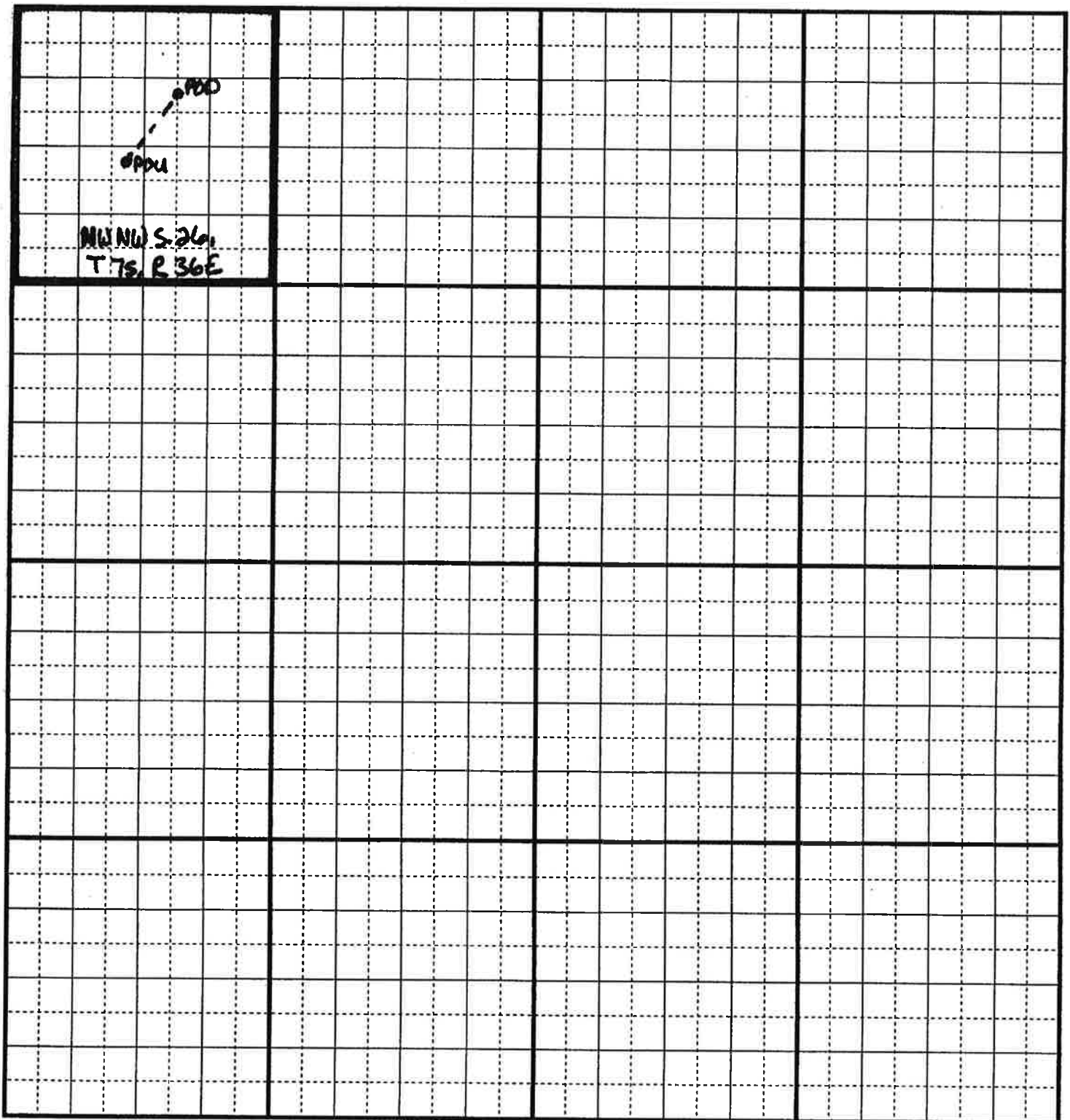
documentation regarding land ownership and water use (including irrigation and stock) on this property are included in

IDWR files for water right number 29-4491.

Last Name Winter Ident. No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Winter Ident. No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature(s)

(a.) by signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☐ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

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

Signature of Claimant(s) Charles J. Hunter Date 12/1/03

Date 12/1/03

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____

County of Clearwater
Subscribed and sworn to (or affirmed) before me this _____



15th day of December 20 03
Notary Public Sheila L. Barteaux
Residing at Weippe, Idaho
My Commission Expires April 30, 2005

17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, Deborah E. Nelson will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Deborah E. Nelson

Address P.O. Box 2720, Boise, ID 83701

Date December 9, 2003

Last Name Winter Ident. Number _____