

12/17/2006

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

RIGHT NUMBER: 67-4546

NAME AND ADDRESS: NEWTON WINFREE
790 INDIAN VALLEY RD
INDIAN VALLEY ID 83632

GEORGIA WINFREE
790 INDIAN VALLEY RD
INDIAN VALLEY ID 83632

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.340 CFS

PRIORITY DATE: 05/04/1940

POINT OF DIVERSION:

T14N R01W S23 NENW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.340 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T14N R01W S14 NWNW 30.00

30 ACRES TOTAL

Right Nos. 67-438 and 67-4546 are limited to the irrigation of a combined total of 30.0 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from C. Ben Ross Reservoir



Idaho Department of Water Resources

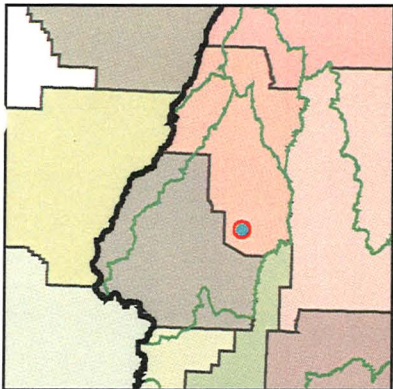
SRBA Recommendation:

67-4546

(Irrigation)

Legend

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



Adams County
IDWR Basin 67

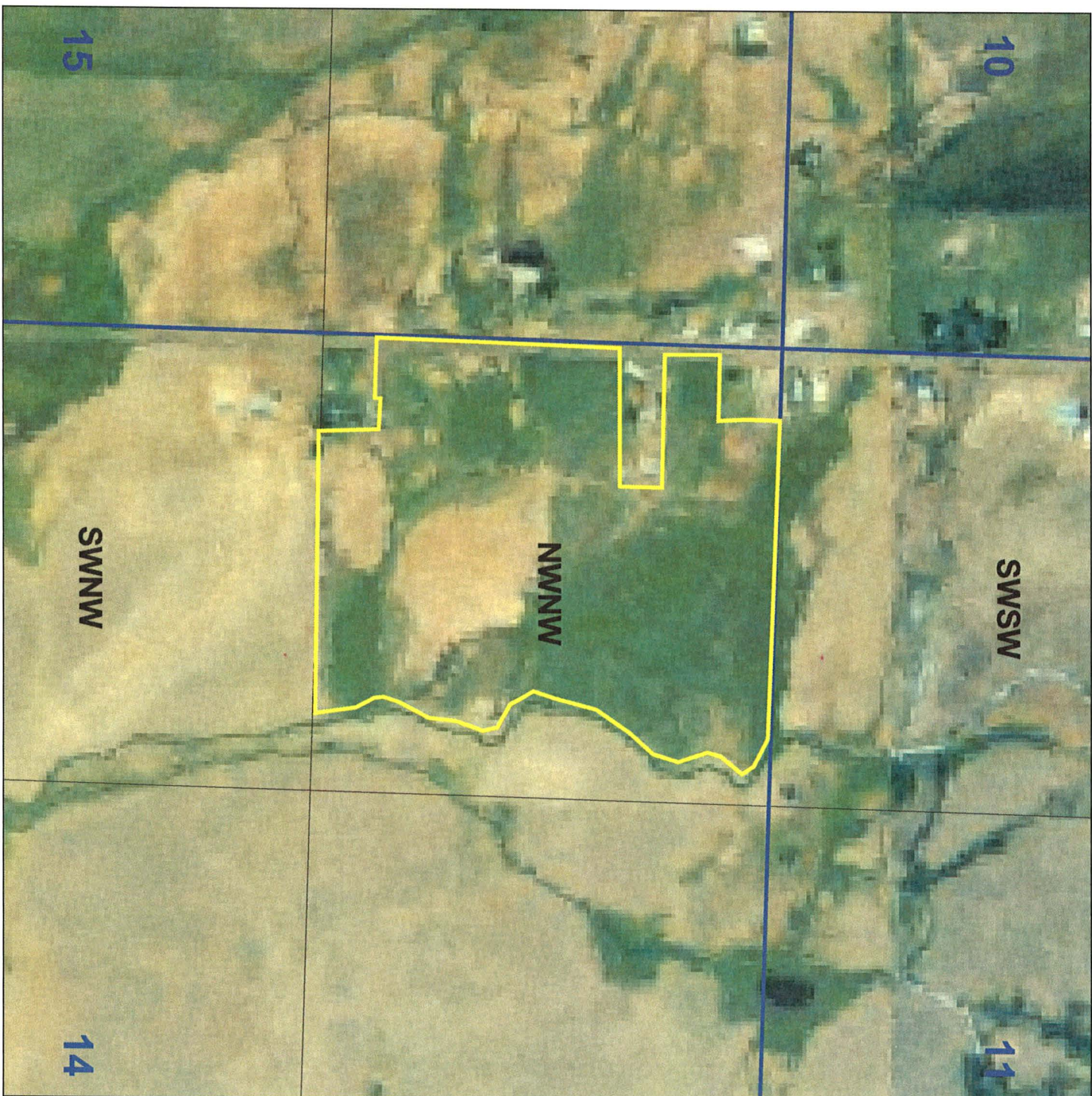
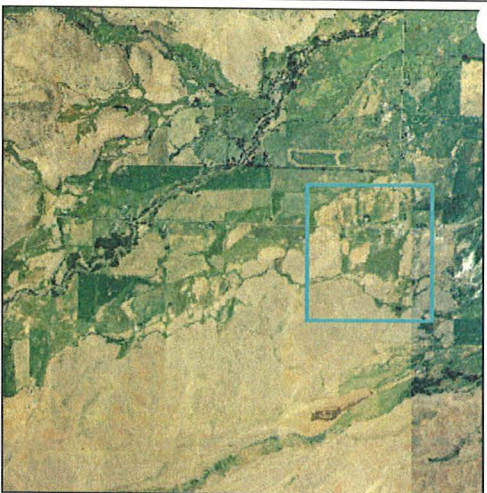


0 0.6 1.2 Miles

A horizontal scale bar with three segments, corresponding to the 0, 0.6, and 1.2 mile markings.

Prepared by IDWR State Office
On Sunday, December 17, 2006
1987/88 Aerial Photography

67-4546



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4546 V1

WATER RIGHT NUMBER: 67-4546 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NEWTON WINFREE 790 INDIAN VALLEY RD INDIAN VALLEY, ID 83632 (208)256-4319
Current Owner	GEORGIA WINFREE 790 INDIAN VALLEY RD INDIAN VALLEY, ID 83632 (208)256-4319

Priority Date: 05/04/1940

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.340 CFS	
	<u>Total Diversion:</u>	0.340 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	NE 1/4NW 1/4	Sec. 23, Twp 14N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	01W	14																	30.0
																			30.0

Total Acres: 30

Conditions of Approval:

1. W30 Use of this right is combined with water from C. Ben Ross Reservoir
2. 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.
3. E55 Right Nos. 67-438 and 67-4546 are limited to the irrigation of a combined total of 30.0 acres in a single irrigation season.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4546 V1

Comments:

1. dnarsavage 7/26/2006 POU

Comment: Despite several attempts to contact the claimants, no priority evidence - or correspondence of any sort - was ever received regarding this claim. I can recommend only the 21 acres of this claim that overlap the decreed right 67-438 (21 acres total) claimed on the same ground. To choose the POU, I used the 1987 and 2004 imagery to outline what appeared to be the most obviously irrigated and most easily farmed contiguous 21 acres.

2. dnarsavage 7/26/2006 Priority

Comment: No EOP received. Can use overlapping decreed right as EOP for 21 acres.

3. csaxton 12/17/2006 POU

Comment: Recommendation amended per POU for 67-438. Can recommend more acres for this right giving priority date of 5-4-1940 which is one day after the licensing FE was conducted for 67-2385. During the licensing FE, a delivery system was confirmed and the claimed POU falls within the LWID service area. We know at this time that flood water could be delivered to the claimed POU.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.42		21
Combined Water Rights: 67-438 , 67-4546		

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	7/26/2006 11:34:31 AM	dnarsavage			Active
Priority Date	7/26/2006 11:35:58 AM	dnarsavage			Active
POD	7/26/2006 11:36:26 AM	dnarsavage			Active
Source	7/26/2006 11:38:20 AM	dnarsavage			Active
POU	7/26/2006 11:38:50 AM	dnarsavage			Active
Use	7/26/2006 1:13:06 PM	dnarsavage			Active
Season	7/26/2006 1:13:41 PM	dnarsavage			Active
Quantity	7/26/2006 1:14:14 PM	dnarsavage			Active
Summary			07/26/2006	dnarsavage	Active
Summary			12/17/2006	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4546 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	7/26/2006 11:34:32 AM	dnarsavage	(No) 1. Do you want to schedule an appointment? Comment for 1: Made several unsuccessful attempts to contact claimants
Season	7/26/2006 1:13:41 PM	dnarsavage	(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 administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Use	7/26/2006 1:13:07 PM	dnarsavage	(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 - Overlaps decreed right
Quantity	7/26/2006 1:14:14 PM	dnarsavage	(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? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Overlaps decreed right

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4546 V1

Summary	7/26/2006 1:15:20 PM	dnarsavage	(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? (Yes) 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?
POD	7/26/2006 11:37:18 AM	dnarsavage	Updated shape
Source	7/26/2006 11:38:20 AM	dnarsavage	(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 - Overlaps decreed right
POU	7/26/2006 11:38:50 AM	dnarsavage	(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 - Overlaps decreed right
POU	7/26/2006 11:39:11 AM	dnarsavage	Updated shape for Active POU
POU	7/26/2006 11:40:09 AM	dnarsavage	Edited Season Of Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4546 V1

General	7/26/2006 11:35:58 AM	dnarsavage	(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 of this water use 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 - A portion of this claim overlaps a decreed right. This is the only portion that will be recommended.
POD	7/26/2006 11:36:26 AM	dnarsavage	(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?
POU	7/26/2006 11:40:15 AM	dnarsavage	Updated PLS for Active POU
POU	12/17/2006 9:46:08 AM	csaxton	Updated shape for Active POU
POU	12/17/2006 9:46:15 AM	csaxton	Updated PLS for Active POU
Summary	12/17/2006 9:50:42 AM	csaxton	(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? (Yes) 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?

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 67-4546
Date Received: 1/8/1990
Receipt No: C013860
Received By:

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

1. Name of Claimant(s)

NEWTON WINFREE Phone: (208)256-4319

790 INDIAN VALLEY RD
INDIAN VALLEY ID USA 83632

GEORGIA WINFREE Phone: (208)256-4319

790 INDIAN VALLEY RD
INDIAN VALLEY ID USA 83632

2. Date of Priority: 05/01/1936

3. Source: LITTLE WEISER RIVER , LITTLE WEISER RIVER Trib. to: WEISER RIVER ,
WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	01W	23	NE NW	ADAMS	
14N	01W	36	SE NW	ADAMS	

5. Description of diverting works:

DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/31	0.8	

7. Total Quantity Appropriated is:
0.8 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
14N	01W	11	SE	SW	IRRIGATION	15
					Section Acres	15
14N	01W	14	NE	NW	IRRIGATION	15
			NW	NW	IRRIGATION	32
					Section Acres	47
					Total Acres	62

11. Place of use in counties: ADAMS

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

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.

\$50

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

RECEIVED
JAN 8 1990

Ident. Number: A67-04546
Date Received: 1-8-90
Receipt No: C013860
Received By: C. Wong

Ported 1-4-89 DMS
Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NEWTON WINFREE 208-256-4319
Address: P.O. BOX 33
INDIAN VALLEY, ID 83632
OR
Name: GEORGIA WINFREE 208-256-4319
Address: P.O. BOX 33
INDIAN VALLEY, ID 83632

2. Date of Priority: MAY 01, 1936

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	01W	23	NE	NW			ADAMS
		36	SE	NW			ADAMS

5. Description of diverting works:
DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/31	0.800		

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

8. Total consumptive use is 207.0 Acre Feet Per Annum.

9. Non-irrigation uses:

SCANNED
APR 14 2004

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	01W	11	SE	SW		IRR	15.0
						Section Acres	15.0
		14	NE	NW		IRR	15.0
			NW	NW		IRR	32.0
						Section Acres	47.0
						Total Acres	62.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
A67-00438

14. Remarks:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

Georgie Wampler

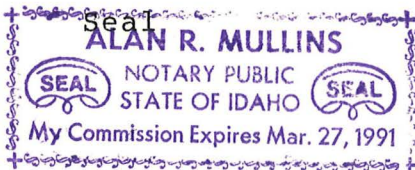
Date: 12/4/90

State of Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of January 19 90

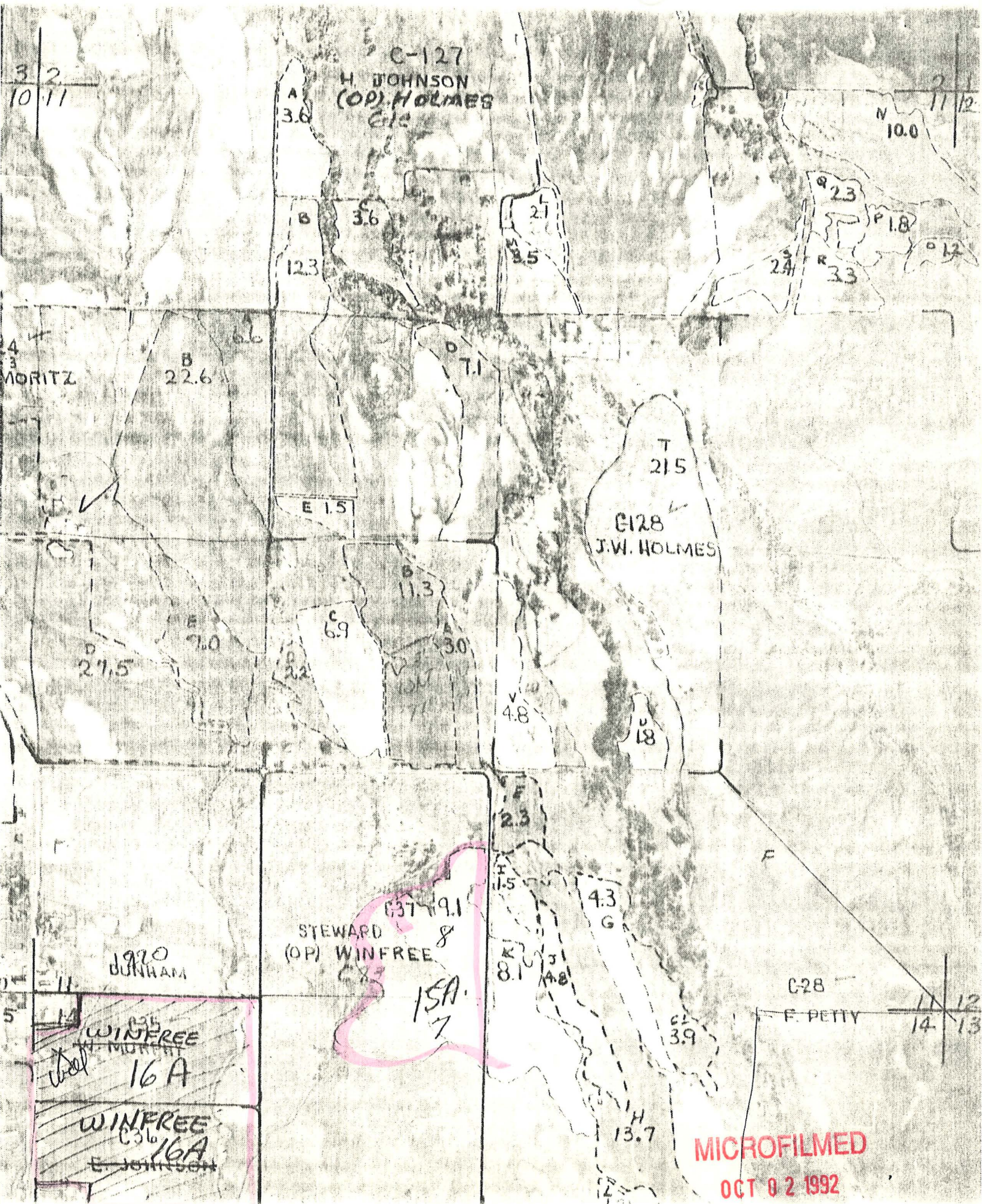
[Signature]

Notary Public

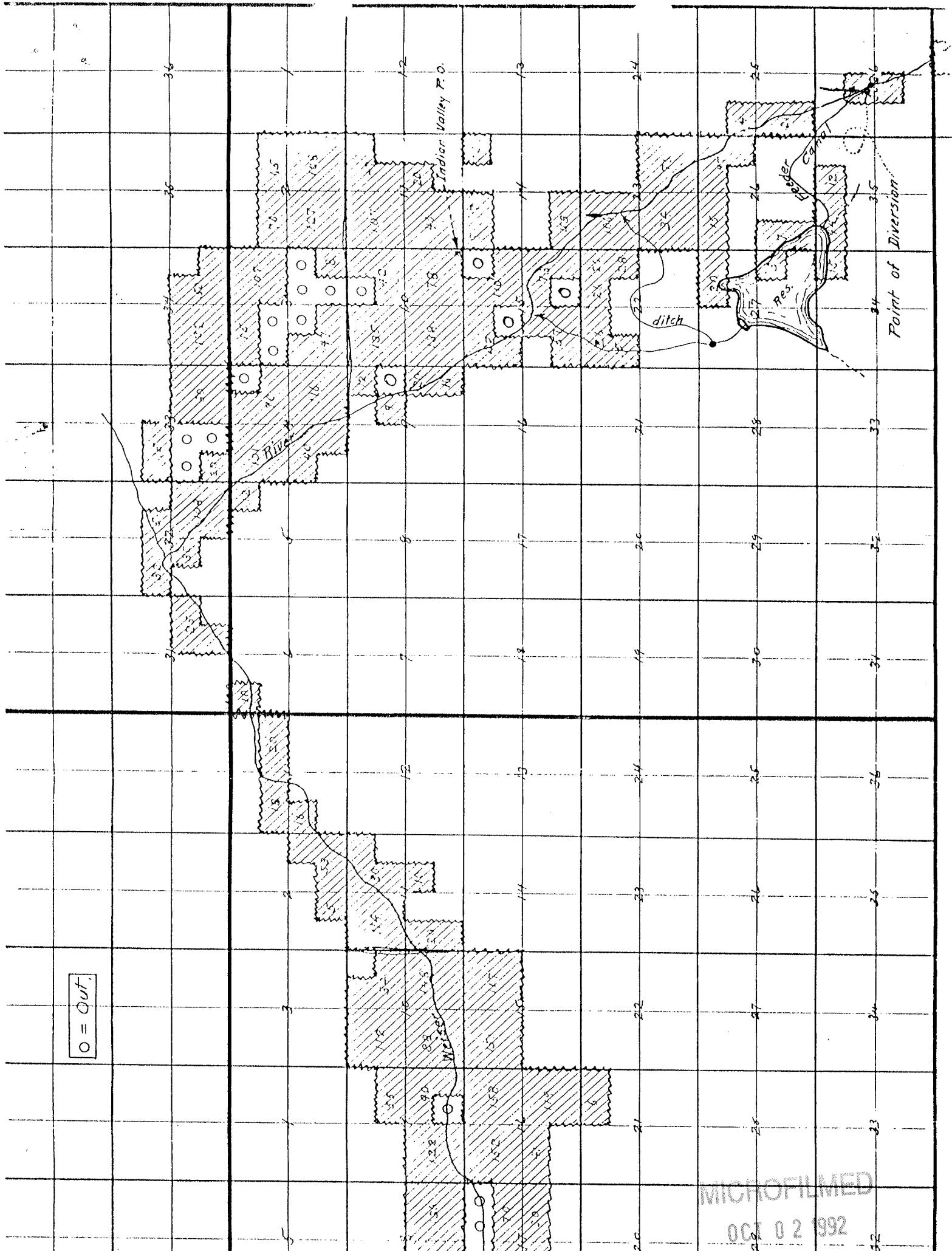


Residing at Council

My Commission Expires _____



O = Out.



MICROFILMED
OCT 02 1992

4/5/1989

SRDA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Winfree

CLAIM IDENT. NO.

A67-04546

DATE RECEIVED

4/4/90

CK #

0013860

AMOUNT \$

50.00

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (If required) ☒ YES ☐ NO N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO
6. Are the water uses appropriate for the form? The short form is limited
to domestic and stockwater uses with direct diversion. All claims that
include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A
- Is the consumptive use correct? ☒ YES ☐ NO N/A
9. Are the non-irrigation uses listed properly? If this claim is on the
short form, and more than one domestic use is listed, single owner-
ship must be stated. If not under single ownership, see
Adjudication Memo # 4. ☒ YES ☐ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO
12. Is the ownership of p.u. checked? ☒ YES ☐ NO
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO
14. If required, are remarks correct? (If the claimant does not own
the place of use, authority for filing the claim must be
explained in the remarks.) ☒ YES ☐ NO N/A
15. Is the basis of the claim indicated? ☒ YES ☐ NO
16. If the claimant requested a monthly docket sheet, is payment enclosed?
(If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A
17. Is the claim signed by the claimant, and is the signature appropriate?
Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt *
21. If this claim is based on an existing water right, has the
identification number been entered? ☒ YES ☐ NO N/A
22. Should this claim be data entered? ☒ YES ☐ NO

Claim checked by: [Signature]

Date:

4/2/90

Claim must be returned to claimant:

(Yes) (No)

Claimant must be notified of modifications:

(Yes) (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

MICROFILMED

OCT 02 1992