

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 45-7383 Priority July 18, 1979 Amount 0.09 cfs

THIS IS TO CERTIFY, that Nolan &/or Ann Winward
of Albion, Idaho, has complied with the terms and conditions of Permit
No. 45-7383 issued pursuant to Application for Permit dated July 18, 1979,
and has submitted proof to the Department of Water Resources on August 3, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.09 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from March 15 to November 15</u>	<u>at 0.09 cfs</u>	<u>and 12.0 acre feet</u>
	<u>from _____ to _____</u>	<u>at _____ cfs</u>	<u>and _____</u>
	<u>from _____ to _____</u>	<u>at _____ cfs</u>	<u>and _____</u>

(both dates inclusive)

Subject, however, to the condition that no more than 0.09 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
12.0 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7 Twp.
12S, Rge. 25E in the County of Cassia

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12S	25E	7																	3

Total number of acres irrigated 3

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of
November, 19 81.

Acting for the

Director

Norman C. Young

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
APPROVED

JUL 28 1979

Department of Water Resources
 Southern District Office

Department of Water Resources
 Southern District Office

1. Name of applicant Nolan and/or Ann Winward Phone 673-5360

Post office address Box 24 - Albion, Idaho 83311

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7 Township 12S

Range 25E B.M. Cassia County, additional points of diversion if any: 25E

4. Water will be used for the following purposes:

Amount 12 for irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 12 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump sprinkler and ditches

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
 (Month/Day) (Month/Day)

c. Proposed well diameter is 10 inches; proposed depth of well is 50 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	25E	7												3					3

Total number of acres to be irrigated 3

c. Describe any other water rights used for the same purposes as described above. 45-2735

license to irrigate 2 acres adjacent to above listed land.

9. a. Who owns the property at the point of diversion applicant

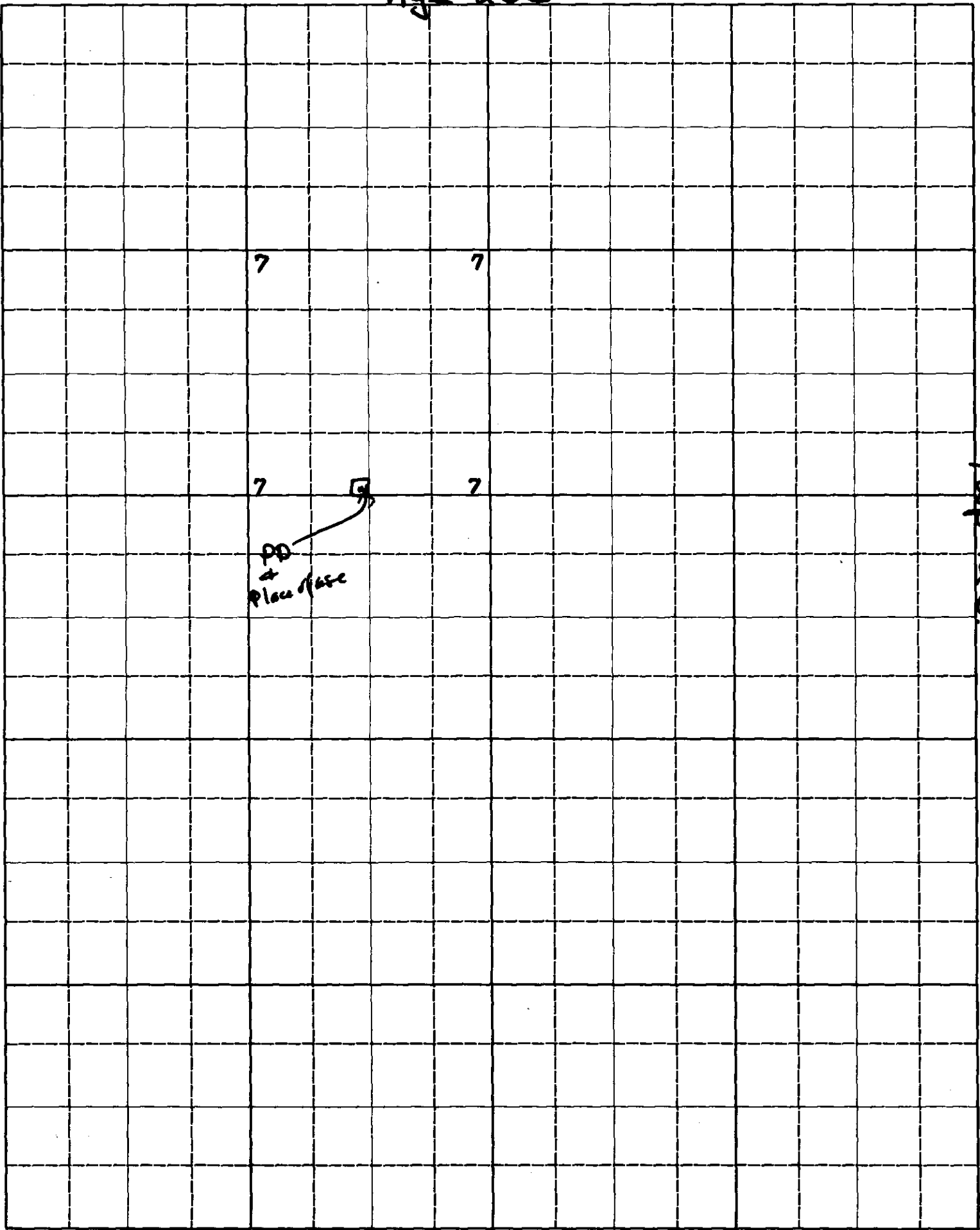
b. Who owns the land to be irrigated or place of use applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Because of the small acreage involved more than 1 inch per acre will be necessary

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

Rge 25E.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ann E. Winward
(Applicant)
Ann E. Winward

Proposed Priority 7/18/79
Received by TB Date 7-18-79 Time 12:40
Preliminary check by TB Fee \$ 20.00
Received by TB Date 7-18-79 # 13265
Publication prepared by marya Date 7/31/79
Published in south idaho press
Publication dates 8/14 + 8/21/79
Publication approved marya Date 8/23/79
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by LT jma

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 45-7383, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 81.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: _____

Witness my hand this 13th day of September, 19 79.

A. Glen Saxton
Chief, Operations Bureau

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)

) ss.

STATE OF IDAHO)

Donna Fitzhugh being first
duly sworn, deposes and says that She is the

clerk of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for *two*
consecutive weeks, commencing with the issue
dated *Aug. 14* 1979, and ending
with the issue dated *Aug. 21* 1979.

Donna Fitzhugh
Subscribed and sworn to before me

this *25th* day of *Aug.*

1979.

Notary Public
Notary Public

Cost of Publication *\$19.27*

Notary Fee *\$19.27*

Total Cost *\$19.27*

NOTARY PUBLIC RESIDING AT
RUPERT, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1981

original in file # 43-7140

AUG 14 1979

Idaho Department of Water Resources

79-228

NOTICE OF APPLICATION
FOR WATER RIGHT

Notice is hereby given that the following ap-
plication(s) have been submitted for permit to
appropriate the public waters of the State of
Idaho:

43-7140

DURFEE, KENT &/or BRUCE, ELMO, ID 83312,
Source: GROUNDWATER, Priority Date:
07/27/1979, Amount: 3.20 CFS, Diversion Point:
NWSI Sec 14 T 16S R 24E, CASSIA Co., Use:
IRRIGATION (3.20 CFS) from 04/01 to 11/01,
Place of Use: NWNW SWNE NINW SENW Sec 14 T
16S R 24E FOR 160 ACRES, Diversion Means:
EXISTING WELL AND PUMP TO SPRINKLER SYSTEM.

45-7384

BINGHAM, STANLEY R., ROUTE 2 BOX 260,
BURLEY, ID 83318, Source: UNNAMED STREAM
tributary to MARSH CREEK, Priority Date:
07/20/1979, Amount: 3.00 CFS, Diversion Point:
NWSW SWSW, Sec 28 T 10S R 24E, CASSIA Co.,
Use: IRRIGATION (0.64 CFS) from 03/15 to
11/15, POWER (3.00 CFS) from 01/01 to 12/31,
FISH PROP. (3.00 CFS) from 01/01 to 12/31,
Place of Use: NWSW Sec 28 T 10S R 24E FOR 32
ACRES, Diversion Means: EARTH DAM, DITCHES TO
POND AND PUMP.

45-7383

WINWARD, NOTAN &/or ANN, BOX 24, ALBION,
ID 83311, Source: GROUNDWATER, Priority Date:
07/18/1979, Amount: 0.12 CFS, Diversion Point:
SESW Sec 07 T 12S R 25E, CASSIA Co., Use:
IRRIGATION (0.12 CFS) from 03/15 to 11/15,
Place of Use: SESW Sec 07 T 12S R 25E FOR 3
ACRES, Diversion Means: WELL, PUMP SPRINKLER
AND DITCHES.

If issued, the permit(s) will be subject to all
prior water rights. Protests against the granting of
any permit must be filed with the Director of the
Idaho Department of Water Resources, 1041 Blue
Lakes Blvd. North, Twin Falls, Idaho 83301 and
received on or before AUGUST 31, 1979.

C. STEPHEN ALLRED
Director

Published in the South Idaho Press on August
14, 21, 1979.

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State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

December 2, 1981

RE: Permit No. 45-7383

Nolan &/or Ann Winward
Box 24
Albion, ID 83311

Dear Mr. and Mrs. Winward:

Enclosed is a copy of the Water Right License issued on the above
referenced Permit.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

Enclosure

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State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 9, 1981

RE: Permit No. 45-7383

Nolan &/or Ann Winward
Box 24
Albion, ID 83311

Dear Mr. and Mrs. Winward:

A representative of this Department has made an examination of the works covered by your Permit No. 45-7383, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.09 cfs Source: groundwater

The maximum quantity diverted shall not exceed 12.0 acre feet per year.

Point(s) of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Twp. 12S, Rge. 25E, Cassia County

Beneficial use: Irrigation of 3 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Twp. 12S, Rge. 25E

Priority date established: July 18, 1979

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

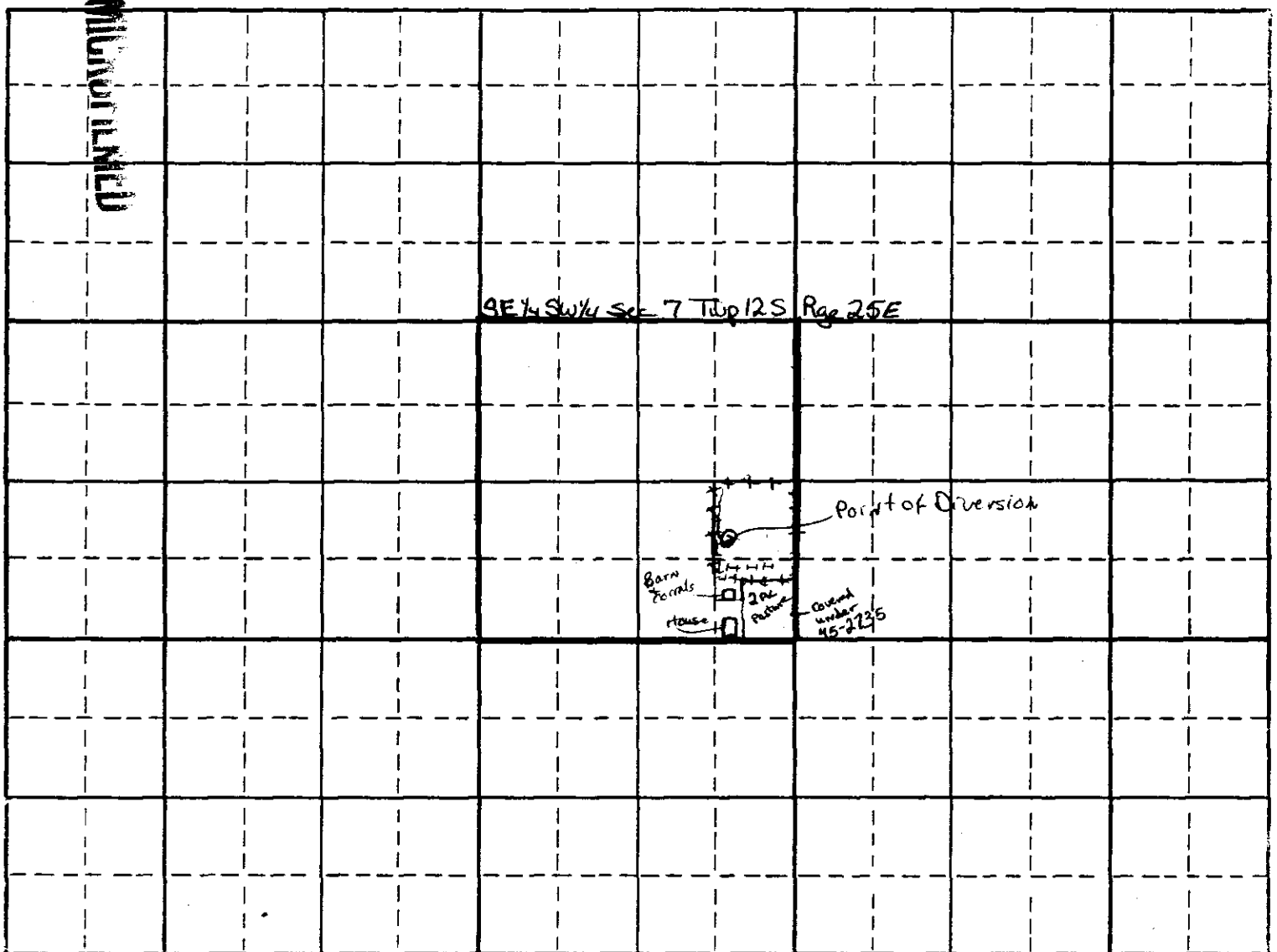
Sincerely,

JIM JOHNSON
Water Distribution Supervisor

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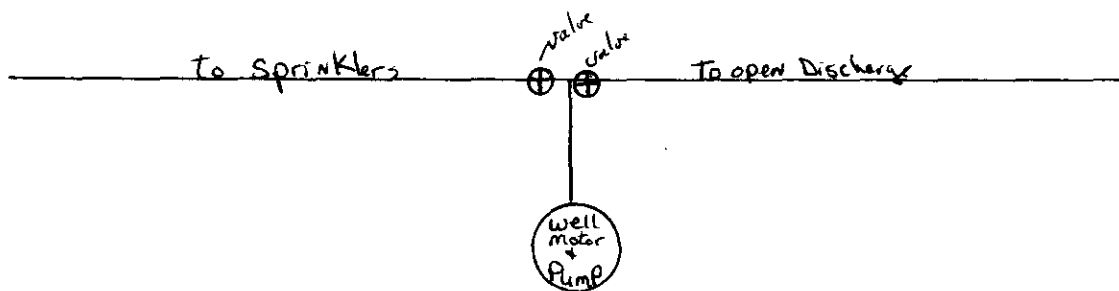
License 45-2735 GW in of 2 Acres
Permit 45-7434 GW in of 35 acres > No Overlap

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SE 1/4 SW 1/4, Sec. 7, Twp 12 S. Rge 25 E.

Place(s) of Use

TWP.	RGE.	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	
12S	25E	7												3					3

Recommended Amendments:

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

Examiner's Signature

James A. Blum

Date 10-21-81

Checked by

J. A. Blum

Date 10-21-81

Approved by

[Signature]

Date 11/4/81



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

August 12, 1981

Nolan J. Winwand
Star Route
Box 84
Albion, Idaho 83311

Re: Permit No. 45-7383

Dear Mr. Winwand:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Sincerely,

Gary L. Funderburg
Senior Water Resource Agent

GLF:marya

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DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 45-7383.

Name(s) of Permit Holder: NOLAN J. WINWARD

Post Office Address: STAR ROUTE BOX 24 ALBION IDAHO

Tel. No. 673 5360

Source of Water:

Extent of Use:

- ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☒ Irrigation 5 _____ (acres)
☐ Other _____

Measuring Device:

Required?

☐ Yes

☒ No

Installed?

☐ Yes

☐ No

Access Port:

Required?

☐ Yes

☒ No

Installed?

☒ Yes

☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

7-30-81

Date

Nolan J. Winward
Signature of Permit Holder

NOLAN J WINWARD
P O BOX 24
ALBION ID 83311

POSTAGE DUE
RECEIVED



RECEIVED
AUG 3 1987

AUG 3 1987

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

WINWARD, NOLAN & ANN
BOX 24
ALBION, ID 83311

138436

JULY 31, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 45-7383 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

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State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

September 17, 1979

Nolan & Ann Winward
Box 24
Albion, Idaho 83311

Dear Mr. & Mrs. Winward,

RE: Permit No. 45-7383

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

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NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

45-2383-

WINWARD, NOLAN &/or ANN

BOX 24, ALBION, ID 83311

Source: GROUNDWATER

Priority Date: 07/18/1979

Amount: 0.12 CFS

Diversion Point: SESW Sec 07 T 12S R 25E, CASSIA Co.

Use: IRRIGATION (0.12 CFS) from 03/15 to 11/15

Place of Use: SESW Sec 07 T 12S R 25E FOR 3 ACRES

Diversion Means: WELL, PUMP SPRINKLER AND DITCHES

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before AUGUST 31, 1979.

C. STEPHEN ALLRED

Director

Published 8/14 & 8/21/79.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

JULY 31, 1979

South Idaho Press
P.O. Box 190
Burley, Idaho 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 31, 1979.

Yours truly,

Mary A. Hill
Secretary

Encl.

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