

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

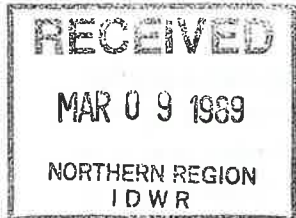
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. 486-10463

Date Received _____

Receipt Number N-2442



NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) WING, JOSEPH H. & ELLA P. Phone (208) 843-2107

Mailing Address P.O. Box 289, JULIAETTA, ID Zip 83535

2. Date of Priority (Only one per claim) JAN. 3, 1969 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other (X) (a) SPRING
Name or kind of source

which is tributary to (b) HOWARD CREEK

4. Location of point of diversion is: Township 36 N Range R 4 W

Section 12, SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____, BM.,

County of NEZ PERCE

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. DEVELOPED SPRING WITH SPRING-BOX PIPELINE TO HOUSE, LAWN, & GARDEN. 900 FEET OF PIPE TO HOUSE.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For DOMESTIC purposes from 01/01 Month/Day to 12/31 Month/Day amount 0.04 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) DOMESTIC FOR ONE HOUSEHOLD, LAWN & GARDEN

APR 27 1989

10. Place of use is: Township: 36N Range 3W
Section 7, SW 1/4 of NW 1/4, Govt. Lot _____, B.M.,
County of NEZ PERCE for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____
11. In which county (ies) are lands listed above as place of use located? NEZ PERCE
12. Do you own the property listed above as place of use? Yes X 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 described above.
N/A
14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court _____ Decree Date _____ Plaintiff vs Defendant _____
If applicable provide IDWR Water Right Number _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X Ella P. Wing Date X 2-24-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
document in the space below as _____ Organization
_____ of _____ Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____
Title and Organization _____

State of Idaho/or _____)
County of NEZ PERCE) SS.

Subscribed and sworn (or affirmed) before me this 24th day of FEBRUARY 1989

SEAL

Notary Public Donna E. Gully

Residing at BOISE, ID

My Commission Expires 11/08/1994 MICROFILMED

Last Name WING Ident No. A86-10463 APR 27 1993
Copies: White-State, Yellow-Claimant

7/28/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME King, Joseph H or Ella P

CLAIM IDENT. NO. A86-10463

DATE RECEIVED 3-9-89

CK # 358

AMOUNT \$ 25.00

YES

NO

1. Is the name and address complete with zip code?

2. Is priority date entered?

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). Use care if claim is returned. Refer to Adjudication Memos # 1 (Adj. Claims/Applications) and # 9 (Rejection of Claims). Explain in Comments.

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required)

4. Is the legal description of the p.d. complete?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. Is the consumptive use correct?

If required is a consumptive use entered?

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 ownership must be stated. If not under single ownership, each household must file a separate claim.

10. Is (are) the place(s) of use entered?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" checked?

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.)

15. Is the basis of the claim checked?

16. Is the claim signed by the claimant?

Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

Has the claim been signed, sealed, and dated by a notary?

Is the fee enclosed correct?

If this claim is based on an existing water right, has the identification number been entered?

Should this claim be receipted and data entered?

N/A

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Claim checked by: SLJ 727

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Comments:

THIS INDENTURE, made this 3RD day of JANUARY,

1969, by and between BETH WING, a widow, hereinafter called grantor, and JOSEPH H. WING and ELLA P. WING, his wife, hereinafter called grantees,

WITNESSETH:

That the grantor for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to her in hand paid by the grantees, receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, a perpetual right to take from and use water from the spring situate upon the following described premises in the County of Nez Perce, State of Idaho, to-wit:

The Southeast one-quarter of the Northeast one-quarter of Section Twelve (12), Township 36 North, Range 4 W.B.M.,

for the purpose of taking from said spring and using such quantity of water as may be required for domestic use on the premises of the grantees situate in the County of Nez Perce, State of Idaho, to-wit:

Beginning at a point on the right of way line of the Arrow-Deary highway as surveyed and established, said point being 40 feet left of Station 15/55.8 and approximately N. 31° 42' East 780' from the West one-quarter corner of Section 7, Township 36 North, Range 5 W.B.M.; thence along said right of way line N. 34° 28' West 161.0'; thence along said right of way line South 55° 32' West 30.0' to a point of curvature; thence on a curve to the right with a radius of 547.5' a distance of 20 feet along said right of way line being 70 feet left of and parallel to a 12° curve on the center line of said highway; thence South 75° 17' West 34.3 feet; thence South 1° 14' West 116.1 feet; thence South 87° 20' East 162.5 feet along the South line of the North one-half of Lot Two (2) of said Section 7 to the place of beginning, containing 0.327 acres, more or less, being the same property conveyed by the Trustees of School District #341 to H. O. Woodruff by deed dated April 1959.

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A86-10463

filed for record October 13, 1950, and recorded
in Book 185 of Deeds at page 433 of the records
in the Office of the Recorder of Nez Perce County,
Idaho,

together with the right and easement to construct, maintain,
repair and improve said spring and the right and easement to
construct, maintain, and repair a pipe line over said above
described premises of the grantor to convey said water to the
above described premises of the grantees, and the right of in-
gress and egress over said land of the grantor for the afore-
said purpose and the enjoyment thereof, said pipe line and
easement therefor to be located on the following line, to-wit:

Commencing at the Southwest corner of that tract
of land of the grantees as hereinabove described;
thence in a Northerly direction along the Westerly
line of said premises a distance of 47 feet to the
true point of beginning; thence in a Westerly
direction a distance of 900 feet to the aforesaid
spring.

TO HAVE AND TO HOLD the same unto the grantees, their
heirs and assigns forever, said rights and easements hereby
granted to be perpetual benefit to the above described land of
the grantees and a perpetual burden upon the above described
land of the grantor.

IN WITNESS WHEREOF, the grantor has hereunto set her
hand and seal this 3RD day of JANUARY, 1969.

Beth Wing
Beth Wing

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A86-10463

JAN 19 1995

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

(REGIONAL)

DIVERSION
VOLUME

TOTAL DIVERSION:

Stage: BENEFICIAL USE

NEZ PERCE County

SE

Other Rights: NONE

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A

- DETERMINATION OF HISTORICAL BENEFICIAL USE.

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

objection filed Date:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 12/29/1992 User-ID: SRBA Subject: DATA ENTRY CHANGE
I CHANGED THE TRIB. FROM HOWARD CREEK TO HOWARD GULCH. ALLEN B.
12/29/92.

Date: 12/29/1992 User-ID: KEEN Subject: COPIED FROM REMARKS
DESCRIPTION OF EXISTING DIVERSION WORKS: DEVELOPED SPRING WITH
SPRING-BOX, PIPELINE TO HOUSE, LAWN AND GARDEN. 900 FEET OF PIPE
TO HOUSE.

Date: 12/29/1992 User-ID: KEEN Subject: DIVERSION VOLUMES

8-12-98

AJ0749NP
No. RB6-10463

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/15/98
PAGE: 2

Comments: Date: 12/29/1992 User-ID: KEEN Subject: DIVERSION VOLUMES
REMOVED RECOMMENDED DIVERSION VOLUME. S.W. KEEN

Audit: 12/15/98 ENORAQUES

DIVERSION
VOLUME

0.04 CFS

TOTAL DIVERSION: 0.04 CFS

Stage: BENEFICIAL USE

NEZ PERCE County

MS

	NENE	NWNE	SUNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SSSW	SESW	:	NESE	NWSE	SWSE	SESE	:
T R S :	Lt Ac	Lt Ac	Lt Ac	Lt Ac	:	Lt Ac	Lt Ac	Lt Ac	Lt Ac	:	Lt Ac	Lt Ac	Lt Ac	Lt Ac	:	Lt Ac	Lt Ac	Lt Ac	Lt Ac	:
36N 03W 7 :					:		D			:					:					:

Other Rights: NONE

12/29/1992

Field Inspection Flag:
Presumption Flag:

Comments: Date: 12/29/1992 User-ID: SRBA Subject: DATA ENTRY CHANGE
I CHANGED THE TRIB. FROM HOWARD CREEK TO HOWARD GULCH. ALLEN B.
12/29/92.

Date: 12/29/1992 User-Id: KEEN Subject: COPIED FROM REMARKS:
DESCRIPTION OF EXISTING DIVERSION WORKS: DEVELOPED SPRING WITH
SPRING-BOX, PIPELINE TO HOUSE, LAWN AND GARDEN. 900 FEET OF PIPE
TO HOUSE.

Date: 12/29/1992 User-ID: KEEN Subject: DIVERSION VOLUMESS
REMOVED RECOMMENDED DIVERSION VOLUME. S.W. KEEN

Audit:	04/18/91	05/08/91	03/04/92	05/18/92
	FLEGEL	FLEGEL	FLEGEL	FLEGEL
	12/29/92	KEEN		

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OK
S.W. Koe
12-30-92

AJ0749NP
No. R86-10463

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/29/92
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELLA P WING C JOSEPH H WING PO BOX 289 JULIAETTA ID 83535 (208) 843-2107	01/03/1969	DOMESTIC	01-01 12-31	0.04 CFS	1.2 AFA
TOTAL DIVERSION:					0.04 CFS	1.2 AFA

Water Source: SPRING

Tributary to: HOWARD GULCH

Stage: BENEFICIAL USE

Point(s) of Diversion:

T36N R04W S12

SESENE

NEZ PERCE County

Place of use Legal Description for: DOMESTIC

	NE	NW	SW	SE
T R S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
36N 03W 7	:	:	:	:

POU County: NEZ PERCE

Non-Irrigation Uses: DOMESTIC, 1 HOME, LAWN AND GARDEN.

Other Rights: NONE

Remarks: DESCRIPTION OF EXISTING DIVERSION WORKS: DEVELOPED SPRING WITH
SPRING-BOX, PIPELINE TO HOUSE, LAWN AND GARDEN. 900 FEET OF PIPE
TO HOUSE.

Dates:

Exam Made Date:

Verified Date:

12/29/1992

Misc:

Water District Number:

Field Inspection Flag:
Presumption Flag:



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Water Right Number - A86-10463 Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

*** C - CURRENT OWNER ***
WING JOSEPH H.
1 - P.O. BOX 289
2 -
3 -
City- JULIAETTA
Phone - 208-843-2107
1 - P.O. BOX 289
2 -
3 -
State- ID Zip- 83535

WING ELIA P.
City- JULIAETTA
Phone - 208-843-2107
State- ID Zip- 83535

Priority Date - + 18 Region - +
01/02/1969
3 -
Source - +
SPRING
J - BENEFICIAL USE
Howard Creek
Tributary
Stream Index (Blank if no Index Code)

Twn Rng Sec Tract Lot Rfig County Point of Diversion
36N 04W 12 SE SE NE (69) NEZ PERCE
Diversion Rate Diversion Volume

Code Description Period From Period To Water Use
43 - DOMESTIC 01/01 12/31 0.040
Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - + Total Consumptive Use - + KW Usage - +
0.040

Twn Rng Sec Tract Lot Acres Place of Use Code Description County
36N 36W 7 SW NW
Total Acres:

- - - - - Diversion Means - DEVELOPED SPRING WITH SPRING BOX PIPELINE TO HOUSE 900'
- - - - - Non-Irrigation Use - D/I HOME
- - - - - Other Rights for Same Use - NONE

- - - - - Remarks
- - - - - No Remarks found.
- - - - - Old Water Right Numbers -
- - - - - No Old Water Right Numbers found.

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8-10-90-21

Adj. flag translation: Adjudication Temporary Work Area

-- Conditions of Approval --
No Conditions of Approval found.

+ - - - Decree Defendant - - +

No Comments Found

TIPRETT

Adjudication Rights Dates and Flags Area

Field Inspection Made	- 00/00/0000	Civil Case Number	-
Field Inspection Flag	-	Old Case Number	-
Verified Date	- 00/00/0000	Old Judicial District	-
Last Amended Date	- 00/00/0000	Temporary Right	- P
Receipt Number	- N002442	Water District	-
POU Ownership Flag	- Y	Federal/State Indicator	- S
Name Connector	- OR	Presumption Flag	-

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