

2-25-92

Contact / Shuman
will tell Kent

January 30, 1992

KENT FOSTER
PO BOX 50130
IDAHO FALLS ID 83405

RE: GWENDOLYN WHEELER FAMILY LTD PARTNERSHIP
NOTICE OF CLAIM #A35-11922

Dear Mr. Foster:

Please find enclosed a Notice of Claim prepared with information from a copy we obtained from your office last week. Because we were unable to find the original, we would like the enclosed Notice signed and notarized.

Claims by corporations, municipalities, and other organizations must be signed by an officer of the corporation, an elected official of the municipality, or an individual authorized by the organization to sign the form. **The "For Organizations" block in Item #16 must be completed with the signator's title and must be notarized.**

Please return the signed Notice to the IDWR. If you have any questions, please feel free to contact this office.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:sc

Enclosure

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DECEMBER 5, 1991

KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: NOTICE OF CLAIM A35-11922/LARRY WHEELER

Dear Mr. Foster:

Notice of Claim A35-11922 in the name of Larry Wheeler was submitted by your office on May 30, 1989.

The Notice of Claim you have presented conflicts with Idaho Code 42-230, and Water Appropriation Rules and Regulations, paragraph 2,15, concerning the appropriation of groundwater. Water uses developed from a groundwater source after March 25, 1963, for any uses other than residential domestic, stock water or any use not exceeding 2,500g/day, requires filing an Application for Permit. We can find no record of a permit or application for the uses you claim for this property. As result, you may withdraw this Notice in Bingham County and submit an Application for Permit. A Withdrawal of Claim form is enclosed for your use if needed. An application form is also enclosed, with instructions, for your use in this matter. We will be happy to proceed with processing the application if you will return the completed form to our office.

Should you decide to pursue before the court the exact water right you have presented on the Notice, please contact our office to discuss what action is needed before returning the Notice. Please address any correspondence to my attention.

Respectfully submitted,



Gregory J. Taylor
Water Right Agent, Adjudications

GT:jt

Enclosure

TLC

11922
11923
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*Greg - take a
look at this
claim - it
appears to be
a water right
claim - it
should be
withdrawn
and a new
claim filed*

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
MICHAEL D. CRAPO
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
KUMEN L. TAYLOR
JAMES K. SLAVENS

WEST ONE BANK
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

KEY FINANCIAL CENTER
702 W. IDAHO SUITE 610
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

WM. LYMAN BELNAP, P.A.
RANDALL B. REED
RONALD D. CHRISTIAN

ARTHUR W. HOLDEN
(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
TERRY L. CRAPO
(1939-1982)
WILLIAM S. HOLDEN
(1907-1988)

April 29, 1991

Mr. Ernest Carlsen
DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15
Idaho Falls, ID 83402

Re: Gwendolyn Wheeler Family LTD. Partnership
Notice of Claim #A35-11922

RECEIVED

APR 30 1992

Department of Water Resources
Eastern District Office

Dear Mr. Carlsen:

In January you sent to us a Notice of Claim form prepared for the signature of Gwendolyn Wheeler. We have now been able to secure her signature and are returning the executed Notice of Claim pursuant to your request.

Yours very truly,



Kent W. Foster

#0471.00/srs

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4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME LARRY WHEELERCLAIM IDENT. NO. A35-11922DATE RECEIVED 5/30/89

CK # _____

AMOUNT \$ _____

YES NO Required Info?

1. Is the name and address complete with zip code? X — *
2. Is a priority date entered? X — *
- Is the priority date acceptable in view of mandatory filing dates? X — *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. X A *
3. (a) Is a source entered? X — *
- (b) Is a tributary to entered? (if required) N/A A — *
4. Is the legal description of the p.d. sufficient? X — *
5. Is there a description of the diverting works? X — *
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. X — *
- Is the period of use included? X — *
- Is a quantity claimed for each use? X — *
7. Is a total quantity claimed entered? X — *
8. If required is a consumptive use entered? N/A X — *
- Is the consumptive use correct? N/A — X *
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, see Adjudication Memo # 4. N/A X — *
10. Is (are) the place(s) of use and purpose(s) indicated? X — *
11. Is (are) the county(ies) entered? X — *
12. Is the ownership of p.u. checked? X — *
13. Are other water rights listed or "none" indicated? X — *
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.) N/A X — *
15. Is the basis of the claim indicated? X — *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A X — *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. X — *
18. Has the claim been signed, sealed, and dated by a notary? X — *
19. Was this claim filed on time, or was an extension granted? X — *
20. Is the fee enclosed correct? Exempt X — *
21. If this claim is based on an existing water right, has the identification number been entered? N/A X — *
22. Should this claim be data entered? X — *

Claim checked by: TO Date: 7/27/89Claim must be returned to claimant: X (Yes) — (No)Claimant must be notified of modifications: X (Yes) — (No)

Receipt Prepared by: _____

Claim data entered by: _____

Sent to claimant by: _____

Date: _____

Date: _____

Date: _____

Checked by: _____

Date: _____

Comments: PERMIT REQUIRED. CONSUMPTIVE

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LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

WILLIAM S. HOLDEN
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TELEPHONE (208) 523-0620
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ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)
R. VERN KIDWELL, OF COUNSEL

RECEIVED

MAY 30 1989

Department of Water Resources
Eastern District Office

May 25, 1989

Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83401

Gentlemen:

We are enclosing twenty-four irrigation claims, one combination irrigation and domestic claim, one stockwater claim, and fourteen domestic claims, all in connection with the Snake River Basin Adjudication, and for filing. All of these water rights are appurtenant to lands that have in recent years were part of the Estate of C. L. Williams. Because our office was involved in some estate planning and some gifting following his death, we also did some extensive work on these water rights in about 1984. There are for instance, a number of Applications for Permit still pending to cover wells which, although drilled in the 1970s, were discovered during the Swan Falls controversy not to be documented. Because we had done work on the water rights in 1984, we were asked by the family to prepare the claims based upon the information gathered at that time.

We have also enclosed four original Powers of Attorney and one check for the filing fees in the amount of five thousand six hundred fifty-six dollars (\$5,631.00). It was computed as follows:

1. Susan Kittelson Family Limited Partnership
a. 35-2205A - \$ 50.00
Acreage fee - \$200.00
2. Estate and Jennie L. Williams
a. 35-2567 - \$50.00
Acreage fee - \$50.00

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b. 35-4151A- \$50.00
Acreage fee - \$40.00

90⁰⁰ ✓ ✓

c. 35-4237 - \$ 50.00
Acreage fee - \$125.00

210⁰⁰ ✓ ✓

d. 35-2130A- \$ 50.00
Acreage fee - \$125.00

175⁰⁰ ✓ ✓

e. 35-2099C- \$50.00
Acreage fee - \$35.00

85⁰⁰ ✓ ✓

f. 35-2876 - \$ 50.00
Acreage fee - \$315.00

305⁰⁰ ✓ ✓

g. Domestic Well - \$25.00

A35-11905

25⁰⁰ A3 ✓ ✓

3. William M. Williams Family Limited Partnership

a. 35-7557 - \$ 50.00
Acreage fee - \$153.00

273⁰⁰ ✓ ✓

b. 35-2567A- \$50.00
Acreage fee - \$65.00

115⁰⁰ ✓ ✓

4. Le Grande R. Williams Family Limited Partnership

a. 35-2567B- \$50.00
Acreage fee - \$25.00

75⁰⁰ ✓ ✓

b. 35-7631 - \$ 50.00
Acreage fee - \$311.00

361⁰⁰ ✓ ✓

c. Domestic Well - \$25.00

A35-11908

25⁰⁰ ✓ ✓

d. Second Domestic Well - \$25.00

A35-11909

25⁰⁰ ✓ ✓

5. & 6. Enid R. Williams
a. Domestic Well - \$25.00

A35-11910

25⁰⁰ ✓ ✓

b. Second Domestic Well - \$25.00

A35-11911

25⁰⁰ ✓ ✓

c. Third Domestic Well - \$25.00

A35-11912

25⁰⁰ ✓ ✓

1829.00

7. Douglas R. Williams Family Limited Partnership

a. 35-2097A- \$ 50.00
Acreage fee - \$475.00

525⁰⁰ ✓ ✓

2054

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475
87

b. 35-7842 - \$50.00
Acreage fee - \$55.00

155⁰⁰ ✓✓

c. 35-4156 - \$ 50.00
Acreage fee - \$110.00

155⁰⁰ ✓✓

(Makes a total of \$640.00
for the total acreage in the Section although this claim is for
a total of 320 acres)

A35-11913
d. Domestic Well - \$25.00

25⁰⁰ ✓✓

8. John D. Williams Family Limited Partnership

a. 35-20970- \$ 50.00
Acreage fee - \$616.00

660⁰⁰ ✓✓

A35-11914
b. Domestic Well - \$25.00

25⁰⁰ ✓✓

A35-11915
c. Second Domestic Well - \$25.00

25⁰⁰ ✓✓

A35-11916
d. Stock Well - \$25.00

25⁰⁰ ✓✓

9. Carolyn Mendoza Family Limited Partnership

a. 35-20970- \$50.00
Acreage fee - \$30.00

80⁰⁰ ✓✓

b. 35-2106 - \$ 50.00
Acreage fee - \$120.00

175⁰⁰ ✓✓

10. Roger D. Williams Family Limited Partnership

a. 35-41510- \$ 50.00
Acreage fee - \$120.00

170⁰⁰ ✓✓

A35-11917
b. Domestic Well - \$25.00

25⁰⁰ ✓✓

11. Leslie Ann Dance Family Limited Partnership
(This property is apparently no longer owned by a
family member)

12. Steven L. Wheeler

a. 35-21250- \$50.00
Acreage fee - \$32.00 (31.9 acres)

82⁰⁰ ✓✓

A35-11918
b. 35- - \$ 50.00
Acreage fee - \$132.00

122⁰⁰ ✓✓

1740

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c. 35-2267 - \$ 50.00
Acreage fee - \$100.00 150⁰⁰ ✓ ✓
d. ^{A35-11919} Domestic Well - \$25.00 25⁰⁰ ✓ ✓ 4244 (Cum)

13. Darrin A. Wheeler Family Limited Partnership

a. 35-2125B - \$ 50.00
Acreage fee - \$264.00 (263.1 acres) 314 ✓ ✓
b. 35-2130^B - \$50.00 103 ✓ ✓
Acreage fee - \$53.00
c. 35-2099A - \$50.00 135²² ✓ ✓
Acreage fee - \$85.00
d. ^{A35-11920} Domestic Well - \$25.00 25⁰⁰ ✓ ✓

(Makes a total \$402.00 or 401.1 acres which are actually irrigated, although this claim is for a total of 90 acres)

14. Gwendolyn Wheeler Family Limited Partnership

a. 35-2099B - \$ 50.00
Acreage fee - \$280.00 280 ✓ ✓
b. ^{A35-11921} Domestic Well - \$25.00 25⁰⁰ ✓ ✓
c. ^{A35-11922} Larry Wheeler Irrigation
and Domestic Well - \$25.00 55 ✓ ✓
(Gwendolyn's husband)
Acreage fee - \$5.00
d. ^{A35-11923} Second Domestic Well
for Larry Wheeler - \$25.00 25⁰⁰ ✓ ✓

(41)
4/21
TOTAL \$5,631.00

2866
1177 1037

You will also notice right away that the claims filed on behalf of Roger D. Williams do not yet have signatures. We apologize for this and hope that you will be patient, but when it came time to have these signed, Roger was apparently on vacation and no one was able to reach him. As soon as he returns, we will try to arrange to have him come in and sign the claims. We felt it was necessary to file all of the claims together, and of course trying to coordinate the signatures of

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Idaho Department of
Water Resources
May 25, 1989
Page 5

that many people, when most of them did not really understand the procedure and what would be required, resulted in some logistical problems.

Thank you for your continued assistance.

Yours very truly,


Kent W. Foster

#0471.00/srr

Enclosures

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