

LAW OFFICES

Packer & Kerr, Chartered

Blackfoot, Idaho 83221

(208) 785-0990

Thomas W. Packer
Robert M. Kerr, Jr.

RECEIVED

291 North Broadway
P. O. Box 160

NOV 6 1989

November 3, 1989

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
150 Shoup Avenue Suite 15
Idaho Falls, Idaho 83402

RE: Notice of Claim A35-12046 and A27-11152

Dear Mr. Carlsen:

In reviewing the letter of claim that you sent me, I believe that you returned the To Notice to Water Right because I failed to submit a Power of Attorney with them. Therefore, I have enclosed a Durable Power of Attorney.

If there are any other problems please notify me.

Sincerely,

THOMAS W. PACKER
Thomas W. Packer

TWP/rdj

Enclosures

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State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 23, 1989

P. Merrill and Ruth Packer
1046 Walker
Blackfoot, ID 83221

RE: Notice of CLaim A35-12046 and A27-11152

Dear Mr. and Mrs. Packer:

The Idaho Department of Water Resources (IDWR) is returning your Notice(s) of Claim to a Water Right because of insufficient information and/or fees. All items on the forms must be completed and fees submitted before the IDWR can process the notice(s).

A Notice of Claim to a Water Right must be filed in the Snake River Basin Adjudication at this time for all purposes commencing prior to November 20, 1987, except for some domestic and stock uses not exceeding 13,000 gallons per day. Failure to record a Notice of Claim for all other uses will result in forfeiture of the water right. However, the IDWR recommends that notices also be filed for domestic and stock purposes for various reasons.

Please correct the items identified below and return the notice(s) to the IDWR within 30 days of the date of this letter. If the corrected forms are not returned within the 30-day period, the filing fee previously paid for the notice(s) will be refunded and the record will be removed from the IDWR records. If the corrected notice(s) are returned to the IDWR after the refund has been made, each notice will be assessed an additional late fee.

If the Notice of Claim is signed by someone other than the claimant in Item #16, the signature must be notarized and written evidence such as a Power-of-Attorney must be submitted with the form showing that the signator has the authority to sign for the claimant.

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Ruth Packer
Page - 2 -

If you wish to make an appointment to discuss the corrections, please call the IDWR at (208)-525-7161.

Respectfully submitted,

Ernest Carlsen.

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

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4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Packer

CLAIM

ENT. NO.

135-12046

DATE RECEIVED

6-1-89

CK #

—

AMOUNT \$

—

YES

NO

Required
Info?

1. Is the name and address complete with zip code? / — *
2. Is a priority date entered? / — *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. / — *
3. (a) Is a source entered? / — *
- (b) Is a tributary to entered? (if required) N/A / — *
4. Is the legal description of the p.d. sufficient? / — *
5. Is there a description of the diverting works? / — *
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. / — *
- Is the period of use included? / — *
- Is a quantity claimed for each use? / — *
7. Is a total quantity claimed entered? / — *
8. If required is a consumptive use entered? N/A / — *
- Is the consumptive use correct? 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 ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A / — *
10. Is (are) the place(s) of use and purpose(s) indicated? / — *
11. Is (are) the county(ies) entered? / — *
12. Is the ownership of p.u. checked? / — *
13. Are other water rights listed or "none" indicated? / — *
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 / — *
15. Is the basis of the claim indicated? / — *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A / — *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. / — *
18. Has the claim been signed, sealed, and dated by a notary? / — *
19. Was this claim filed on time, or was an extension granted? / — *
20. Is the fee enclosed correct? Exempt / — *
21. If this claim is based on an existing water right, has the identification number been entered? N/A / — *
22. Should this claim be data entered? / — *

Claim checked by: ESDate: 7-18-89Claim must be returned to claimant: — (Yes) — (No)Claimant must be notified of modifications: — (Yes) — (No)

Receipt Prepared by:

Claim data entered by: JS-8-2-89

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

Notary - No Power of Attorney attachedNotary MICROFILMED

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DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESES PRESENTS:

That I, P. MERRILL PACKER, whose address is 1046 E Walker, Blackfoot, Bingham County, Idaho, have and do by these presents name, constitute and appoint Thomas W. Packer, whose address is 579 W 75 S, Blackfoot, Idaho 83221, my true and lawful attorney, for me in my name, place and stead to act for me as though I were present and acted in person, including the execution of any instrument in writing, and the acknowledgment thereof where proper, in all matters of business pertaining to my personal and business affairs, my properties, real, personal, mixed, and in all other matters whatsoever, with full power of substitution in the premises.

Without limiting the generality of the foregoing, I empower my said attorney, for me and in my name, to ask, demand, sue for, collect, recover and receive all sums of money, debts, dues, accounts, legacies, bequests, interests, dividends, annuities and demands whatsoever as are now or shall hereafter become due, owing, payable or belonging to me, and to endorse and cash checks, drafts, money orders, certificates of deposit, etc., to deposit and/or withdraw funds from any and all accounts in my name, or in which I have an interest, to execute all documents relating to motor vehicles and real and personal property of all kinds and such other instruments in writing of whatever kind or nature as may be necessary or proper pertaining to my personal and business affairs, giving and granting unto Thomas W. Packer, said attorney, full power and authority to do and perform each, all and every act and things whatsoever requisite and necessary to be done in and about the premises as fully to all intents and purposes as I might or could do if personally present, I hereby ratify and confirm that which my said attorney shall lawfully do or could do or cause to be done by virtue of these presents.

This power of attorney shall not be affected by any subsequent disability or incapacity which may affect me. I further nominate the said Thomas W. Packer, and the survivor of him, as conservator, guardian of my estate and guardian of my person if protective proceedings are hereafter commenced.

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