

No Color

Documents

In File

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: A65-00512
Date Received: 2/13/1990
Receipt No: X999999
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON K. WEILMUNSTER 208-462-3777
Address: P.O.BOX 4
GARDEN VALLEY, ID 83622

2. Date of Priority: APR 01, 1940

3. Source: SPRING Trib. to: CHURCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	01E	1	SW	NW			GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.330		20.10
DOMESTIC	01/01	12/31	0.040		1.20

7. Total Quantity Appropriated is:
0.330 C.F.S. (and/or) 20.10 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	01E	35	SE	NE		DOMEST	
			SE	NE		STOCK	

11. Place of use in counties: GEM

A65-00512

Page 1

Date: 02/13/90

MICROFILMED

SEP 15 1992

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

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.

Number of attachments: 1

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): Doris Sulmasy Date: 2 - 13 90

Date: _____

State of Idaho)

County of Ada)

SS.

Subscribed and sworn (or affirmed) before me this 13th day

of Feb 19 90

Robert E. Smith
Notary Public

Seal

Residing at Boise, ID

My Commission Expires 11/08/1994

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 372

INDICATES TOTAL

SOURCE: SPRING

TRIBUTARY TO: CHURCH CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-0512	WEILMUNSTER, DON K. ROUTE 2, PARMA, IDAHO 8366C	4/ 1/1940	STOCKWATER	1/ 1 12/31	20.10 AFA .33 CFS	SWNW S 1 T 6N R 1E	SENE S35 T 7N R 1E	BENEFICIAL USE
			DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS		SENE S35 T 7N R 1E	
					*20.10*AFA *.33*CFS			

INDICATES TOTAL

SOURCE: SPRING

TRIBUTARY TO: CLEAR CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-9037	CALLENDERS, INC. C/O SOLLIE R. CALLENDER, P.O. BOX 221, CASCADE, IDAHO 83611	6/ 1/1901	STOCKWATER	1/ 1 12/31	1.40 AFA .03 CFS	NWNW S27 T13N R 4E	NWNW S27 T13N R 4E	BENEFICIAL USE
65-11312	U. S. DEPT. OF AGR. FOREST SERVICE, FEDERAL BLDG., 324 25TH STREET, OGDEN, UTAH 84401 REMARKS: EAST MOUNTAIN LOOKOUT.	5/29/1905	DOMESTIC	1/ 1 12/31	.10 AFA .01 CFS	NWSE S21 T13N R 5E	NWSE S21 T13N R 5E	RESERVED
65-8912	REG. CHURCH OF JESUS CHRIST OF L. D. S. 408 NORTH GARDEN STREET, BOISE, IDAHO 83704	5/ 1/1960	DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS	SESW S27 T13N R 4E	SESW S27 T13N R 4E	BENEFICIAL USE
65-6785	KING, HENRY L. & KING, DOROTHY 320 WEST ASH, CALDWELL, IDAHO 83605	4/ 1/1970	IRRIGATION	4/15 10/15	--- AFA .03 CFS	NWSE S32 T13N R 4E	NWSE (2) S32 T13N R 4E *2*	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	.40 AFA .02 CFS *---*AFA *.05*CFS		SAME AS OTHER USE	

MICROFILMED
SEP 15 1992

RECEIVED

MILLEMANN, PITTENGER, McMAHAN & PEMBERTON, LLP
ATTORNEYS AT LAW

706 NORTH FIRST
POST OFFICE BOX 1066
MCCALL, IDAHO 83638

MAY 17 2001

Idaho Department of Water Resources

STEVEN J. MILLEMANN
GREGORY C. PITTENGER
BRIAN L. McMAHAN
AMY N. PEMBERTON

TELEPHONE (208) 634-7641
FACSIMILE (208) 634-4516
E-MAIL mpm@micron.net

May 16, 2001

Idaho Department of Water Resources
Attn: Sally Sherman
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098

*5-21-01- Added firm to
all claims. And yet recommended:
65-9600 and 65-512*

Re: SRBA/Don Weilmunster

Dear Ms. Sherman:

This letter is in response to your letter to us dated May 9th regarding the above-referenced matter. I note that the mail returned to you was sent to our physical address of 706 N. First Street, but please be advised that our mailing address is P.O. Box 1066, McCall, Idaho 83638. The purpose of this letter is to confirm that our mailing address is P.O. Box 1066, McCall, Idaho 83638.

You also asked for a listing of water right numbers in the name of Don Weilmunster. The following is a listing of the water right numbers in his name in the SRBA, but it is not necessarily a complete listing of each and every water right owned by Mr. Weilmunster. The water right numbers entered in the SRBA are as follows:

65-02155 ⁸	65-02158 ³	65-02191 ^{PD 11-3-00}	65-02247 ²⁵
65-02267 ^{PD 11-00}	65-02502 ¹⁰	65-02668 ¹⁰	65-03151 ⁸
65-03153 ⁸	65-03895 ⁸⁰	65-06306 ^{PD 11-01}	65-08702 ^{PD}
65-10294 ^{PD 11-00}	65-00515 ^{PD 8-93}	65-06275 ²⁵	65-06305 ^{PD 5-01}
65-09600 ^{PD 10-93}	65-06630 ^{PD 11-00}	65-08703 ^{PD 11-00}	65-512

The above list does not include water rights that are not subject to the SRBA. Thank you for your attention to these matters. If you have any questions, please give me a call.

Sincerely,

Brian L. McMahon

BRIAN L. McMAHAN

BLM/plp
cc: Client

*Drj
1-23-01*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 9, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Millemann, Pittenger & Mc Mahan LLP
P.O. Box 1066
Mc Call, ID 83638

RE: Snake River Basin Adjudication (SRBA)
**Water Rights #65-3151, 65-3153, 65-2155, 65-2158, 65-2191, 65-2267,
65-2502, 65-3895, 65-10294, 65-2247, 65-2668, 65-8702 & 65-6306**
Your Client Don Weilmunster

Gentlemen:

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, **list any other water right holders you represent including their water right numbers,** and return this letter by May 25, 2001. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your client's name and water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Returned Mail

#####

Millemann Pittenger & Mc Mahan
May 9, 2001
Page 2 of 2

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.

Dept. of Water Resources
 Adjudication Bureau
 P.O. Box 83720
 Police ID 83720-0098

RECEIVED
 MAY - 7 2001
 Department of Water Resources

ADDRESS SERVICE
 REQUESTED

MILLEMANN PITTEGER & MCMAHAN
 706 N 1ST ST
 MC CALL ID 83638
 P.O. Box 1066



NO MAIL
 RECEIPT

65-3151
 - 3153
 - 2155
 - 2158
 - 2191
 - 2267
 - 2502
 - 3895
 - 10294
 - 2247
 - 2468
 - 8702
 - 2306

Wilmington

U.S. POSTAGE
 55





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

July 7, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Brian L. McMahan
Millemann, Pittenger, McMahan & Pemberton, LLP
P.O. Box 1066
McCall, ID 83638

Re: Snake River Basin Adjudication (SRBA)
Your Three Letters of May 16, 2001
Your Firm's Address Enhancement, Water Right Claimants
Don Weilmunster, M Resorts, Ltd. and D. John and Teresa Carey

Dear Mr. McMahan:

Thank you for responding to my May 9th letter regarding your returned mail. I have added your Post Office box to our records.

In one of your three May 16, 2001 letters to me, you mentioned that John and Teresa Carey, pro se, have a substantial interest in Boulder Irrigation Company and Boulder Meadows Irrigation Company. I have enclosed a copy of the water rights for these two companies as they were recommended to the SRBA Court. The objection period for these rights ended April 14, 2000.

You requested that your firm receive any correspondence regarding these water rights. You may check our web site (www.idwr.state.id.us) to investigate water rights and claims, and the Court's website (www.srba.state.id.us) to learn the status of water rights and claims reported to the Court.

Please contact me if I can be of further service.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures:

Copy of Recommended Water Rights #65-12007, 65-2308, 65-2963 and
partial decree #65-2916

03/09/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-512

DON K WEILMUNSTER

PO BOX 4

GARDEN VALLEY ID 83622

Telephone Number: (208)462-3777

RECEIVED

APR 09 2001

**WATER RESOURCES
WESTERN REGION**

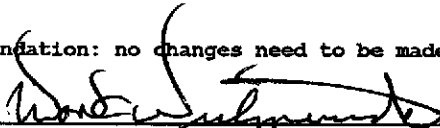
1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4/5/01

SIGNATURE: 

Please print your name: DON K. WEILMUNSTER

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

Field Inspection Flag:
Presumption Flag:

WR5809NP
No. 65-00512

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/08/99
PAGE: 12

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DON K. WEILMUNSTER MONTOUR STAR RT. EMMETT ID 836170000	04/01/1940	STOCKWATER DOMESTIC	01/01 12/31 01/01 12/31	0.330 CFS 0.040 CFS	20.10 AFA 1.20 AFA
TOTAL DIVERSION:					0.330 CFS	20.10 AFA

Water Source: SPRING

Tributary to: CHURCH CREEK

Stage: DECREED

Point(s) of Diversion:

T06N R01E S01

SWNW

GEM County

Place of use Legal Description for: STOCKWATER

	NE				NW				SW				SE			
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07N 01E 35	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Place of use Legal Description for: DOMESTIC

07N 01E 35	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Pop County: GEM

Dates:	App. Received:	Priority Date:	04/01/1940
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

SPECIAL POWER OF ATTORNEY

RECEIVED

JAN 09 2001

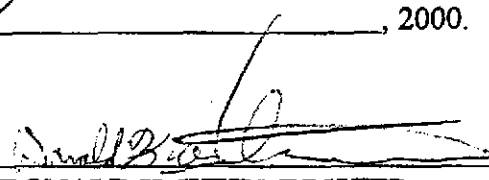
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
(ss.
County of Valley)

KNOW ALL MEN by these presents, that I, Donald K. Weilmunster, of P.O. Box 4, Garden Valley, Idaho 83622, do hereby make, constitute and appoint STEVEN J. MILLEMANN and/or BRIAN L. McMAHAN, of the law firm of Millemann, Pittenger & McMahan, LLP, P.O. Box 1066, City of McCall, County of Valley, State of Idaho, 83638, as my true and lawful attorneys-in-fact, for me, and in my name, place and stead. The Powers granted to the above-named persons are LIMITED to the following:

1. Preparing, executing and filing all documents advisable or required by the Idaho Department of Water Resources and/or the Snake River Basin Adjudication Court to establish, protect, administer and manage water rights on my Idaho properties.
2. The rights, powers and authority of said attorneys-in-fact shall not be terminated until revoked by me in writing.

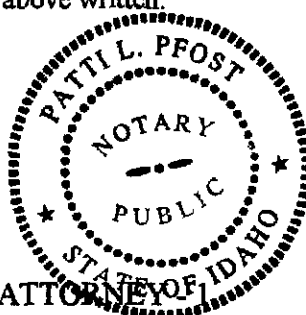
DATED this 29 day of Nov, 2000.


DONALD K. WEILMUNSTER

STATE OF IDAHO,)
(ss.
County of Valley)

On this 29 day of November, 2000, before me, Patti L. Pfost, a Notary Public in and for said State, personally appeared DONALD K. WEILMUNSTER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.




NOTARY PUBLIC FOR IDAHO
Residing at: McCall, Idaho
My Commission Expires: 2/22/2006

SPECIAL POWER OF ATTORNEY

MILLEMANN, PITTENGER & McMAHAN, LLP
ATTORNEYS AT LAW

706 NORTH FIRST
POST OFFICE BOX 1066
MCCALL, IDAHO 83638

RECEIVED

JAN 09 2001

WATER RESOURCES
WESTERN REGION

STEVEN J. MILLEMANN
GREGORY C. PITTENGER
BRIAN L. McMAHAN
AMY N. PEMBERTON

TELEPHONE (208) 634-7641
FACSIMILE (208) 634-4516
E-MAIL mpm@micron.net

January 8, 2001

Idaho Department of Water Resources
Western Region
Attn: Denise Buffington or Lori Harris
2735 Airport Way
Boise, ID 83705

Re: Donald K. Weilmunster

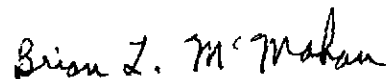
Dear Denise and/or Lori:

Attached to this cover letter is a Special Power of Attorney. Under it, Donald K. Weilmunster gives a power of attorney to Steven J. Millemann and/or Brian L. McMahan, and the powers given are for all water matters, e.g., for SRBA claims, licenses, permits, and so forth.

Please file this Special Power of Attorney in your permanent records. A copy of the document is also enclosed. Will you please confirm that copy and return it to us in the self-addressed stamped envelope which is provided for your convenience?

I have discussed this Special Power of Attorney with Dan Nelson; accordingly, if you have any questions regarding it, please contact him, and/or please feel free to contact me. Thank you.

Sincerely,



BRIAN L. McMAHAN

BLM/plp

Enc.

cc: Client