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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: A65-03151
Date Received: 02/13/1990
Receipt No: X999999
Received By: SK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON K. WEILMUNSTER
Address: P. O. BOX 4
GARDEN VALLEY, ID 83622
2. Date of Priority: APR 01, 1897
3. Source: DEEP CREEK
CHURCH CREEK
ARKANSAS GULCH
Trib. to: PAYETTE RIVER
PAYETTE RIVER
DEEP CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	01E	1	SW	NW			GEM
07N	01E	35	NW	SE			GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.520		

7. Total Quantity Appropriated is:
0.520 C.F.S. (and/or)

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 of	Lot	Use	Acres
07N	01E	35	SE	NE		IRR	20.0

A65-03151

Page 1

Date: 02/11/90

MICROFILMED

SEP 22 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	01E	35	NE SE		IRR	6.0
Section Acres						26.0
Total Acres						26.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2155, 65-2158 & 65-3153
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
SOURCES FOR THIS RIGHT ARE CHURCH CREEK TRIB. TO PAYETTE RIVER,
ARKANSAS GULCH TRIB. TO DEEP CREEK & DEEP CREEK TRIB. TO PAYETTE
RIVER.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

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): [Signature] Date: 2-13 1990
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of Feb 19 90
[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994

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. Not yet recommended.
65-9600 and 65-515*

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 ^{dis}
65-02267 ^{PD 11-00}	65-02502 ^{PD}	65-02668 ^{PD}	65-03151 ^{dis}
65-03153 ⁸	65-03895 ^{PD}	65-06306 ^{PD 11-01}	65-08702 ^{PD}
65-10294 ^{PD 11-00}	65-00515 ^{PD 8-93}	65-06275 ^{dis}	65-06305 ^{PD 5-01}
65-09600 ^{PD 10-93}	65-06630 ^{PD 11-00}	65-08703 ^{PD 11-00}	

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

DB 7-23-01



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

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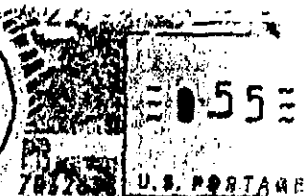
Millemann Pittenger & Mc Mahan
May 9, 2001
Page 2 of 2

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
Boise ID 83720-0098



ADDRESS SERVICE
REQUESTED

RECEIVED

MAY - 7 2001

Department of Water Resources

65- 3151
- 3153
- 2155
- 2158
- 2191
- 2267
- 2502
- 3895
- 10294
- 2247
- 24668
- 8702
- 6306

Weilminster



NO MAIL
RECEIPTABLE

MILLEMANN PITTENGER & MCMAHAN
~~706 N 1ST ST~~
MC CALL ID 83638

P.O. Box 1066



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



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 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

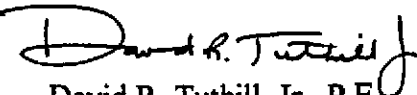
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,


David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

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: 65-3151

DON K WEILMUNSTER
PO BOX 4
GARDEN VALLEY ID 83622

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:

RECEIVED

APR 09 2001

WATER RESOURCES
WESTERN REGION

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

DATE: 4-05-01

SIGNATURE:

Don K. Weilmunster

Please print your name:

DON K. WEILMUNSTER

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

AJ0749NP
No. R65-03151

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

DATE: 06/08/00
PAGE: 1

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=====
OWNER      PRIORITY  USE PERIOD  DIVERSION  DIVERSION
CODE      NAME & ADDRESS  DATE      WATER USE  FROM  TO    RATE    VOLUME
-----
C  DON K WEILMUNSTER  04/01/1897  IRRIGATION  04-01 11-01  0.520 CFS
   P O BOX 4
   GARDEN VALLEY ID 83622
                                     TOTAL DIVERSION:  0.520 CFS

   Water Source:  DEEP CREEK      Tributary to:  PAYETTE RIVER
                  CHURCH CREEK    PAYETTE RIVER
                  ARKANSAS GULCH   DEEP CREEK
                                     Stage:  DECREED

Point(s) of Diversion:  T06N R01E S01  SNNW      GEM County
                       T07N R01E S35  NWSE      GEM County

Place of use Legal Description for:  IRRIGATION
                                     NE      NW      SW      SE
      NENE  NENE  SWNE  SENE  :  NENW  NWNW  SNNW  SENW  :  NESW  NWSW  SWSW  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  :  SUM
-----
07N 01E 35 :                20 :                :                :  06                :  26.0
                                     TOTAL ACRES  26.0
=====
```

POU County: GEM

Remarks: POD 2 POINTS OF DIVERSION LOCATED IN T07N, R01E, S 35, NWSE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Comments: Date: 06/08/2000 User-ID: SBOCK Subject: COPIED FROM REMARKS
SOURCES FOR THIS RIGHT ARE CHURCH CREEK TRIB. TO PAYETTE RIVER,
ARKANSAS GULCH TRIB. TO DEEP CREEK & DEEP CREEK TRIB. TO PAYETTE
RIVER.

Audit: 06/08/00 SBOCK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:11:41
12/11/99
16

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A65-03151

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																																																																										
C	DOM K WEILMUNSTER	04/01/1897	IRRIGATION	04-01-11-01	0.520 CFS																																																																																																																											
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Water Source: DEEP CREEK CHURCH CREEK ARKANSAS GULCH		Tributary to: PAYETTE RIVER PAYETTE RIVER DEEP CREEK		Stage: DECREED																																																																																																																												
Point(s) of Diversion:		T06N R01E S01 T07N R01E S35	SWNW NWSE	GEM County GEM County																																																																																																																												
Place of use Legal Description for: IRRIGATION																																																																																																																																
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POU County: GEM

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2155, 65-2158 & 65-3153
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
SOURCES FOR THIS RIGHT ARE CHURCH CREEK TRIB. TO PAYETTE RIVER,
ARKANSAS GULCH TRIB. TO DEEP CREEK & DEEP CREEK TRIB. TO PAYETTE
RIVER.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag: Presumption Flag:

WR5809NP
No. 65-03151

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/08/99
PAGE: 29

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DON K. WEILMUNSTER P. O. BOX 4 GARDEN VALLEY ID 83622	04/01/1897	IRRIGATION	04/01 11/01	0.520 CFS	
TOTAL DIVERSION:					0.520 CFS	

Water Source: DEEP CREEK
CHURCH CREEK
ARKANSAS GULCH

Tributary to: PAYETTE RIVER
PAYETTE RIVER
DEEP CREEK

Stage: DECREED

Point(s) of Diversion: T06N R01E S01
T07N R01E S35

SWNW
NWSE

GEM County
GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	01E	35	:					20	:											:	26.0
																				TOTAL ACRES	26.0

Pou County: GEM

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2155, 65-2158 & 65-3153
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SOURCES FOR THIS RIGHT ARE CHURCH CREEK TRIB. TO PAYETTE RIVER,
ARKANSAS GULCH TRIB. TO DEEP CREEK & DEEP CREEK TRIB. TO PAYETTE
RIVER.

Dates:	App. Received:	Priority Date:	04/01/1897
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:11:06
12/11/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-03151

LAST: WEILMUNSTER FIRST: DON K
ADDRESS: P O BOX 4
CITY: GARDEN VALLEY STATE: ID ZIP: 83622
PHONE NUMBER:

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2155, 65-2158 & 65-3153
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
SOURCES FOR THIS RIGHT ARE CHURCH CREEK TRIB. TO PAYETTE RIVER,
ARKANSAS GULCH TRIB. TO DEEP CREEK & DEEP CREEK TRIB. TO PAYETTE
RIVER.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: () -

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y() N()

TIME: __:__ A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

See CUR 65-02155

- A. AJ CLAIM: # A65-03151 PRIORITY DATE: 04-01-1897 STAGE: D
- B. WR RECORD: # 65-03151 PRIORITY DATE: 04-01-1897 STAGE: D
- C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N()
- D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N()
- E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y() N()
- F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?
- PROOF OF BENEFICIAL USE SUBMITTED N/A() Y() N()
- FIELD EXAM COMPLETED N/A() Y() N()
- FIELD EXAM SENT TO STATE OFFICE N/A() Y() N()
- LICENSE ISSUED N/A() Y() N()
- * IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.
- G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A() Y() N()
- * FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.
- H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y() N()

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

04-01-1897

REVIEWED BY _____

DATE _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-03151	06N 01E	1		SW	NW			GEM		
A65-03151	07N 01E	35		NW	SE			GEM		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-00512 NONE
A65-02155
A65-02158
A65-03153

WR RECORDS IN SAME 40 ACRE TRACT

65-00512
65-02155
65-02158
65-03153

SOURCE: DEEP CREEK
CHURCH CREEK
ARKANSAS GULCH

TRIB: PAYETTE RIVER
PAYETTE RIVER
DEEP CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-03151	07N 01E	35		NW	SE			GEM		
65-03151	06N 01E	1		SW	NW			GEM		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX

65-00512
65-02155
65-02158
65-03153

A65-00512 NONE
A65-02155
A65-02158
A65-03153

SOURCE: DEEP CREEK
CHURCH CREEK
ARKANSAS GULCH

TRIB: PAYETTE RIVER
PAYETTE RIVER
DEEP CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
06N	01E	1		SW	NW			GEM		
07N	01E	35		NW	SE			GEM		

SOURCE: DEEP CREEK

TRIB: PAYETTE RIVER

REVIEWED BY: DATE:

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

A. ROOT WATER RIGHT NUMBERS: A65-03151

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07N	01E	35	SE	NE		WEILMUNSTER, DON K	A65-03151 / 20.0	65-03151 / 20.0			
			SE	NE		WEILMUNSTER, DON K	A65-03153 / 20.0	65-03153 / 20.0			
			SE	NE		WEILMUNSTER, DON K	A65-02155 / 20.0	65-02155 / 20.0			
			SE	NE		WEILMUNSTER, DON K	A65-00512 /	65-00512 /			
			SE	NE		WEILMUNSTER, DON K	A65-02158 / 20.0	65-02158 / 20.0			
07N	01E	35	NE	SE		WEILMUNSTER, DON K	A65-03151 / 6.0	65-03151 / 6.0			
			NE	SE		WEILMUNSTER, DON K	A65-03153 / 5.0	65-03153 / 5.0			
			NE	SE		WEILMUNSTER, DON K	A65-02155 / 5.0	65-02155 / 5.0			
			NE	SE		WEILMUNSTER, DON K	A65-02158 / 5.0	65-02158 / 5.0			

ADDITIONAL POU FOUND

TOTAL ACRES A65-03151 26.00 26.00

POU COUNTY: GEM

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-03151	DEEP CREEK	WEILMUNSTER, DON K	0.520	0.020		
	CHURCH CREEK					
A65-02155	ARKANSAS GULCH	WEILMUNSTER, DON K	0.500	0.003		
	DEEP CREEK					
A65-02158	DEEP CREEK	WEILMUNSTER, DON K	0.500	0.003		
	ARKANSAS GULCH					
	CHURCH CREEK					

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-03153	CHURCH CREEK ARKANSAS GULCH DEEP CREEK	WEILMUNSTER, DON K	0.800	0.005		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-00512	STOCKWATER	WEILMUNSTER, DON K	FROM 01-01 TO 12-31	0.330 CFS	20.10 AF/A
A65-00512	DOMESTIC	WEILMUNSTER, DON K	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE? Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS? N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM? Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT? Y() N()

NOTES:

TOTAL ACRES: _____ N/A()

REVIEWED BY: _____ DATE: _____

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-03151 IRRIGATION	FROM 04-01 TO 11-01	0.520 CFS	
TOTAL DIVERSION RATE/VOLUME		0.520 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-03151 IRRIGATION	FROM 04-01 TO 11-01	0.520 CFS	
TOTAL DIVERSION RATE/VOLUME		0.520 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

PAGE: 9

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

CLAIM NUMBER: A65-03151

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.520 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.520 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES: _____

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
IRRIGATION	04-01	11-01	DATABASE 0.520	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			0.520	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-03151

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 0.520	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-03151	0.520	-		65-03151	0.520
TOTAL CFS		0.520				0.520

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE	FIELD EXAMINER
Y	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:11:06
12/11/99

PAGE: 15
QUICKLOOK INFORMATION

15
CLAIM NUMBER: A65-03151

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

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.

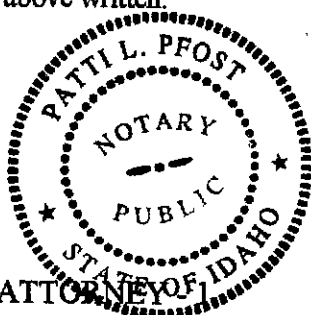
DATED this 29 day of Nov, 2000.

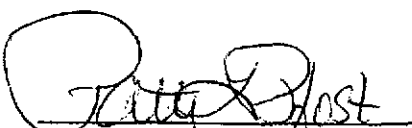

DONALD K. WEILMUNSTER

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

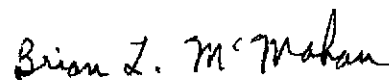
Dear Denise and/or Lori:

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 conform 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