

08 December 2005

RECEIVED
DEC 13 2005
DEPARTMENT OF
WATER RESOURCES

Attn: Craig L. Saxton
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: 67-10535 Water adjudication request

Dear Mr. Saxton,

I am the Trustee for the Wheeler Family Trust to whom you mailed a letter dated 30 August 2005, seeking proof of a water right priority date. It was received on September 6th and required a response only 10 days later, by September 16th, 2005! This letter came during my absence and was not reviewed until after the response deadline. At this point, I don't know whether we can appeal our apparent failure to respond, but I am compelled to express my dismay and outrage nonetheless.

Having lived in Idaho for 25 years, I am reasonably familiar with the legal wrangling surrounding the SRWA controversy. For my own property, I've had to prove my water right on more than one occasion but suspect it was pointless. This is for a home built in 1907, which has used ground water for domestic and agricultural purposes since that time. I'm lucky in that I've maintained a relationship with the descendants of this original land/water owner. That said, I'd be hard pressed to provide the kind of evidence now being requested of Edward & Madeline Wheeler to establish a priority date for their beneficial water use, much less do it in 10 days!

The Wheelers acquired the property in question in 1969 and have used their water right for both agricultural and domestic use ever since. They purchased this farm from Sam Emrich, who I understand had owned this property for 30 or more years himself, and used his water right for domestic and agricultural purposes. However, Sam has long since passed away and the Wheelers themselves are now in their 80's. It would take a fair amount of time to search their basement and other locations where they've stored pieces of their life for the past 36 years, to find the kind of tangible evidence required to prove their beneficial use, much less that of a pre-existing use which as we all know is equally important. While we are prepared to do this, it's unrealistic to think this could be done in 10 days under the best of circumstances, which is really the jist of my letter.

I am absolutely appauled that the State of Idaho could treat its citizens so callously in such an important matter. To give citizens 10 days to prove a water right priority date, which could easily date back 100 years, is worse than cold hearted. It's downright disgraceful and outright dishonest! I would appreciate your explanation and justification for such a timeline and whether our claim can be appealed. Looking forward to your response, I remain

Respectfully,


Tony Edmondson, Trustee



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 30, 2005

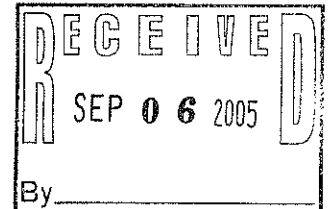
67-10535

Wheeler Family Trust

PO BOX 871

WEISER, ID 83672

RESPONSE DEADLINE
SEPTEMBER 16, 2005



Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number(s) shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. **Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.**

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. A map of the general area stated in your claim is also enclosed. If you irrigate, please outline the location of lands irrigated based on your claim, as well as the location of any points of diversion, if possible. If you have a claim other than irrigation, please outline the location of your place of use (i.e. house) and note the location of wells or other points of diversion. Please submit the completed map along with your evidence of priority. This will assist me in making a more accurate recommendation of your claim(s).

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. You can contact the Basin 67 team via e-mail at B67questions@IDWR.idaho.gov. If you wish to call, our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the Adjudication.

Sincerely,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosures