

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: A41-10129
Date Received: 4/09/1990
Receipt No: E012682
Received By: AP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RALPH M. WHEELER 208-226-2409
Address: 659 GIFFORD AVE.
AMERICAN FALLS, ID 83211

OR

Name: ANN F. WHEELER 208-226-2409
Address: 659 GIFFORD AVE.
AMERICAN FALLS, ID 83211

2. Date of Priority: FEB 11, 1911

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	31E	21		NE	SE		POWER

5. Description of diverting works:
WOODEN COVER AT 2 EMERGENT SITES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSEHOLD, 200 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	31E	21	NE	SE		DOMEST	
			NE	SE		STOCK	

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
MAR 02 1993

BY 4-19-90 ESRIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A41-10129Date Received 3-30-90Receipt Number ED12682NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Department of Water Resources
Eastern District OfficeDepartment of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Ralph M. or Ann F. Wheeler Phone (208) 226-2409
Mailing Address 659 Gifford Ave. American Falls, ID Zip 83211

2. Date of Priority (Only one per claim) _____ Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other ☒ (a) spring (sinks)
which is tributary to (b) _____
Name or kind of source4. Location of point of diversion is: Township 10S Range 31E
Section 21 , NE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot _____, BM.,
County of Power

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. wooden cover at 2 emergent sites

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

	Month/Day	Month/Day	(cfs)
For <u>domestic</u> purposes from <u>1/1</u> to <u>12/31</u> amount <u>0.02</u>			
For <u>stock</u> purposes from <u>1/1</u> to <u>12/31</u> amount <u>0.02</u>			

(Both dates are inclusive)

7. Total quantity claimed 0.04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 household, 200 cattle

MAR 02 1993

10. Place of use is: Township: 10S Range 31E

Section 21, NE 1/4 of SE 1/4, Govt. Lot _____, B.M.,

for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Power

12. Do you own the property listed above as place of use? Yes xx No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

☒ None or _____

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) *Robert M. Wheeler*

Date 3/15/90

John F. Wheeler Date 3/15/90

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Date _____

Title and Organization _____

State of Idaho/or _____)

County of _____ Power _____)

ss.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 16th day of March 19 90

SEAL

Notary Public *Carol Schreiber*

Residing at American Falls, ID

My Commission Expires 8-3-93

Last Name WHEELER

Ident No. _____

Copies: White-State, Yellow-Claimant

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MAR 22 1993

Sheet #2

Can we use this date? It is the
 first recorded official use and has been
 occupied since this date. Fill in blank date if OK
 PATENT.
 Ralph Steele

United States of America,
 By the President, Wm. H. Taft,
 By M. P. LeRoy, Secretary.
 John C. O'Connell, Acting
 Recorder of the General Land
 Office. Seal of the General
 Land Office affixed.

Grantor.

TO

Grantee.

William H. Firkins.

Dated, February 11th., 1911.
 Consideration, Full compliance with
 the U. S. Homestead Laws.
 Recorded November 12th., 1917,
 at 3:00 P. M. in Book 49 at
 Page 182, of the Records of
 Power County, Idaho.

POWER COUNTY ABSTRACT COMPANY
 LIMITED

AMERICAN TITLE INSURANCE
 DESCRIPTION AND REMARKS.

The North half of the Northeast quarter (NE 1/4 NE 1/4),
 the Southeast quarter of the Northeast quarter (SE 1/4 NE 1/4);
 and the Northeast quarter of the Southeast quarter
 (NE 1/4 SE 1/4) of Section Twenty-one (21) in Township Ten
 (10) South of Range Thirty-one (31) East of the Boise
 Meridian, Idaho, containing one hundred sixty (160) acres.

MICROFILMED

MAR U 2 1993

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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

March 20, 1990

Mr. Ralph M. Wheeler
659 Gifford Ave.
American Falls, Idaho 83211

RE: Domestic/Stockwater Adjudication Notice

Dear Mr. Wheeler:

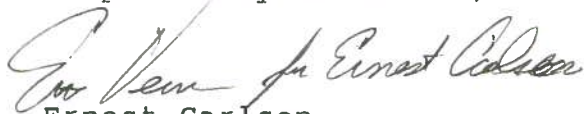
The Idaho Department of Water Resources (IDWR) is returning your Notice of Claim to a Water Right and your check no. 1126 in the amount of \$25.00 because of insufficient information. All items on the form must be complete and fees submitted before the IDWR can process the notice(s).

Please correct the items identified below and return the notice(s) and filing fee(s) to the IDWR within 30 days of the date of this letter. If the corrected notice(s) are not returned within the 30 days, each notice will be subject to an additional late fee.

The date of priority must be entered in Item #2. This is the month, day, and year water was first put to beneficial use. If the source listed in Item #3 is a spring or other surface water and the priority date is after May 20, 1971, an Application for Permit is necessary. If the date you have indicated is correct, please contact our office to discuss what can be done to correctly record your use of water.

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

Respectfully submitted,


Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

RECEIVED

MAR 30 1990

Department of Water Resources
Eastern District Office

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MAR 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. E, Twin Falls, Idaho 83301

(208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Apr. 13, 1990

Re: A41-10129

RALPH M WHEELER
.659 GIFFORD AVE
AMERICAN FALLS ID 83211

Dear Claimant(s):

Please review the computer generated claim(s) for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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MAR 6 2 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

~~KEITH HIGGINSON~~

Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

February 10, 1995

Dear Wateruser:

In response to the Bench Ditch Irrigation Company's letter to IDWR dated January 25, 1995, this letter is being sent to all waterusers of record in the Basin 41 Water District.

As you may know, the arbitration for delivery of water that has operated in the Rockland valley for over 100 years has been very effective in allowing the delivery of water rights by the local watermaster. The box method described in the arbitration has worked to divide the waters fairly, but recent studies of the boxes have determined the actual flow rates that have been delivered for years are different than the rates listed in the arbitration. This is largely due to the fact that the box method, as applied in the valley, is not a standard measuring device.

It is IDWR's position that:

Rights recommended in the ongoing Snake River Basin Adjudication, will be based on the historical beneficial use and historical diversion rate represented by use of the box method.

Conversion to an approved, standard measuring device is encouraged but should not result in a increase in the amount of water diverted. IDWR requests, before any old diversion structure is removed or destroyed, to view and measure the historical diversion rate as delivered by the box described in the arbitration.

Any change in measuring devices or structures that results in an increase of diversion rates above the historical beneficial use will result in injury to junior right holders within the Rock Creek system.

We look forward to working with all waterusers in the district. SRBA examinations will resume in the spring of 1995 and IDWR will measure and evaluate all of the structures diverting from Rock Creek and the East Fork of Rock Creek. If you have questions please contact me at my office in Twin Falls.

Sincerely,

STEVE CLELLAND
Water Resource Agent

AAI-10/29 WHEELER

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-24-1997

PAGE: A-44

RIGHT NUMBER: 41-10129

NAME & ADDRESS: ANN F WHEELER
RALPH M WHEELER
659 GIFFORD AVE
AMERICAN FALLS ID 83211

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 02/11/1911

POINT OF DIVERSION: T10S R31E S21 NWNESE Within POWER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.02 CFS

PLACE OF USE:	STOCKWATER	Within POWER County
	T10S R31E S21	NESE
	DOMESTIC	Within POWER County
	T10S R31E S21	NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
D/ 1 HOUSEHOLD, 200 CATTLE

Decreed

DATE: 07/15/97
PAGE: 166

DIVERSION
VOLUME

0-04 CFS

Stage: BENEFICIAL USE

POWER County

SE

5

SE

D

1 HOUSEHOLD 200 CATTLE

211

N13

03/30/95 POST-STD

DATA ENTERED BY SW
DATE 9-23-97

Claim 4/5cc

AJ5809NP
No. 41-10129

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/06/98
PAGE: 26

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ANN F WHEELER	02/11/1911	STOCKWATER	01-01 12-31	0.02 CFS	
C	RALPH M WHEELER		DOMESTIC	01-01 12-31	0.02 CFS	
	659 GIFFORD AVE					
	AMERICAN FALLS ID 83211					
	(208) 226-2409					
			TOTAL DIVERSION:		0.04 CFS	

Water Source: SPRING Tributary to: SINKS Stage: BENEFICIAL USE

Point(s) of Diversion: T10S R31E S21 NW/4SE POWER County

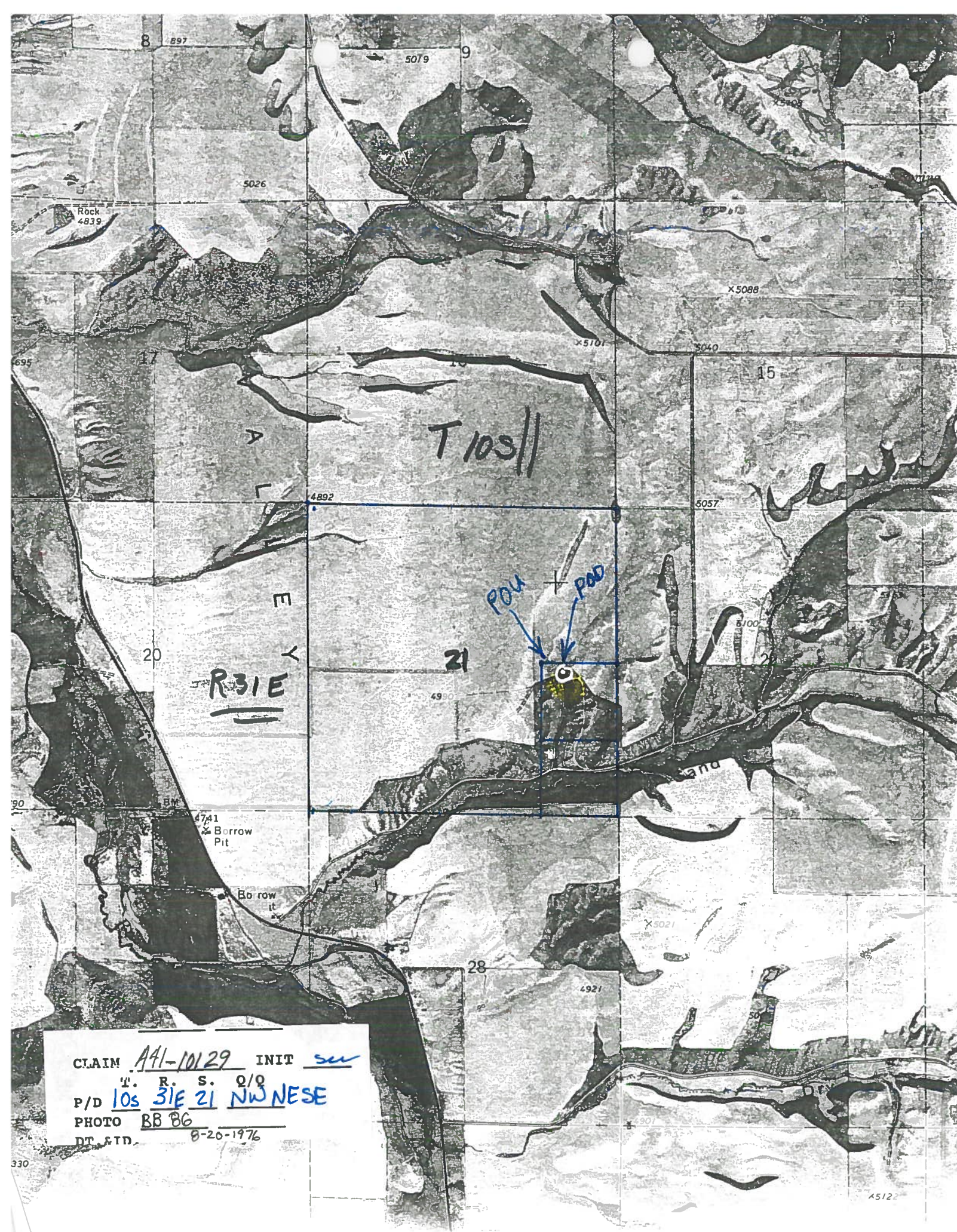
Place of use Legal Description for: STOCKWATER									
NE		NW		SW		SE			
T	R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
10S	31E	21	:	:	:	:	:	:	:

Place of use Legal Description for: DOMESTIC									
NE		NW		SW		SE			
T	R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
10S	31E	21	:	:	:	:	:	:	:

POU County: POWER
Non-Irrigation Uses: 1 HOME
Other Rights: NONE

Conditions of Approval:
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP D/ 1 HOUSEHOLD, 200 CATTLE
Dates: Exam Made Date: Verified Date: Objection filed Date:
Misc: Water District Number: Field Inspection Flag: Presumption Flag:



CLAIM NO. A41-10129

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
FOR DOMESTIC AND STOCKWATER CLAIMS IN PLACE OF A CVR

1. ☒ No Change NAME:
☐ NEW OWNER: _____
☒ No Change ADDRESS:
☐ NEW ADDRESS: _____
- ☒ DATA ENTRY STANDARDS CHECKED?
2. ☒ No Change - DATE OF PRIORITY: No Field Verification Needed.
☐ CHANGE- Priority date, per claimant, is _____.
(if the priority date, based on your exam, seems questionable,
explain in COMMENTS.)
3. ☒ No Change - SOURCE:
☐ CHANGE - Different Source found: _____
4. ☒ No Change - POINT OF DIVERSION:
☒ Point of diversion is different than the claim *Spring*
New P/D: Twp. _____, Rge. _____, Sec. _____, NW 1/4 _____ 1/4 _____ 1/4
- Note: If the 10-acre tract is shown on the claim, then
verification of the 10-acre parcel is needed. Otherwise the
10-acre tract is not required, unless the source is a spring.
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS:
☐ Incomplete desc., complete items missing, IF KNOWN.
HP of pump _____ Static water level _____ Well depth _____
Casing size _____ Pumping water level _____ Gravity flow _____
Method of irr. _____
6. ☒ No Change - WATER USES:
☐ Different uses, (list uses found).
- | | | | | |
|-----------|------------|----------|------------------|----------|
| Use _____ | From _____ | To _____ | Amount _____ cfs | _____ af |
| Use _____ | From _____ | To _____ | Amount _____ cfs | _____ af |
7. ☒ No Change - TOTAL VOLUME:
☐ Change found, The new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____
- ☒ DATA ENTRY STANDARDS (correct to..)

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4, 1/4

11. ☐ Checked: N/A

12. ☐ Checked: N/A

13. ☒ No change - OTHER RIGHTS FOR SAME USE:
☐ CHANGE: _____

14. ☒ None REMARKS: (copy existing remarks to comments in "R")
☐ Add the following standard remarks:
LIST STANDARD REMARKS FOR THE RECOMMENDATION:

15. ☒ BASIS OF CLAIM VERIFIED AS: D - L - P - S - J (circle one)

COMMENTS: (pertinent to field examination)

Exact date of Exam is unrecorded
Occurred during Summer of 1994 -

ATTACHMENTS: Attached to This Form. Attachments are in Permit File.

PHOTOS

MAP

SYSTEM DIAGRAM

☒
☐
☐

☐
☐
☐

DATE EXAM CONDUCTED: 1994

FIELD EXAMINER:

Signature

Stu Call

REVIEWED BY/DATE:

See 9/19/97

DATA ENTRY BY/DATE:

VERIFICATION BY/DATE: