

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-23294
Exam Date: 05/09/2018

1. Current Owner:
DONALD K WEILMUNSTER PO BOX 4 GARDEN VALLEY ID 83622
2. Accompanied by: Don Weilmunster
Phone No: 208-462-3777
Address: Same
Relationship to permit Holder: Same

3. **SOURCE:**
ALDER CREEK

Tributary
SOUTH FORK PAYETTE RIVER

Method of Determination: Field observation

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NO Overlap

Water Right No.	Source	Purpose of Use	Basis
N/A	N/A	N/A	N/A

Comments: N/A

2. Other water rights with the same point-of-diversion: NO Overlap

Water Right No.	Source	Purpose of Use	Basis
N/A	N/A	N/A	N/A

Comments: N/A

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:** No Point of Diversion developed.

Method of Determination: Field observation

PLACE OF USE: No Place of Use developed.

Method of Determination: Field Observation

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.
N/A Indicate weir size/pipe as applicable.

Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be
N/A 1:24,000 or greater.

N/A Aerial Photo Attached (required for irrigation of 10+ acres).

N/A Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A	N/A	N/A	N/A	N/A	N/A

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A	N/A	N/A	N/A	N/A	N/A	N/A

2. Measurements: N/A

E. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method: N/A

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A

G. NARRATIVE/REMARKS/COMMENTS

Field exam was conducted on May 9, 2018 by agent Justin Shearer. He was accompanied by permit holder Donald Weilmunster. Ownership of the permit is in the name of Donald K. Weilmunster. At the time of the exam, no beneficial use had been developed. Field observation discovered that no Point of Diversion from Alder Creek was developed in the NW ¼ NE ¼ of Sec. 11, Twp 08N, Rge 04E. Additionally, Don and his wife Linda confirmed that the permitted Place of Use in the SW ¼ NE ¼ of Sec. 11, Twp 08N, Rge 04E was not being irrigated with water from Alder Creek, nor had it been during the beneficial use development period.

Consequently, it was determined that no Beneficial Use had been developed. Thus, I am recommending that this permit be voided or relinquished by the permit holder for no beneficial use developed.

Have conditions of permit approval been met? ____ Yes x No**H. RECOMMENDATIONS****1. Recommended Amounts**

Recommending voiding or relinquishment of permit.

2. Recommended Amendments____ Change P.D. as reflected above ____ Add P.D. as reflected above x None____ Change P.U. as reflected above ____ Add P.U. as reflected above x None**I. AUTHENTICATION**

Justin Shearer - Water Resource Agent, Senior

Field Examiner's Name Justin Shearer Date 6/24/20Reviewer Patrick Kelly Date 6-26-2020

RECEIVED

JUN 25 2020

WATER RESOURCES
WESTERN REGION

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Attorneys for Linda L. Weilmunster

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

IN THE MATTER OF THE ESTATE OF

DONALD K. WEILMUNSTER,

Deceased.

Case No. CV08-20-00070

LETTERS TESTAMENTARY

1. Linda L. Weilmunster was duly appointed and qualified as personal representative of the estate of the above-named decedent by the Court with all authority pertaining thereto.

2. Administration of the estate is unsupervised.

These letters are issued to evidence the appointment, qualification, and authority of the said personal representative.

WITNESS, my signature and the Seal of this Court,

DATED: Signed: 4/27/2020 10:04 AM



Honorable Roger Cockerille
MAGISTRATE JUDGE

LETTERS TESTAMENTARY



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W Airport Way • Boise ID 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348

Website: idwr.idaho.gov • Email: westerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 9, 2020

DONALD K WEILMUNSTER
PO BOX 4
GARDEN VALLEY, ID 83622

COPY

RE: Water Appropriation Permit No. 65-23294

Notice of Intent to Void Permit

Dear Mr. Weilmunster:

On May 15, 2018 Department of Water Resources (IDWR) personnel conducted an examination to verify the water use developed under Permit 65-23294, which authorized you to establish a right to divert water from Alder Creek to irrigate 0.5 acres. The examiner found no evidence of an existing diversion and reported that you have not diverted water and applied it to a beneficial use as authorized by your permit.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. A water appropriation permit authorizes development of a water right within a specific time frame. Under Permit 65-23294, development was to have been completed by June 1, 2014. No water right has been established, and no license can be issued, if you have not developed a beneficial use of water within the time period authorized by your permit.

Unless you supply information within thirty (30) days demonstrating that you have developed a beneficial use of water under Permit 65-23294, I will take action to void your permit. If you are no longer interested in your permit or agree that development has not taken place, you can shorten the voiding process by signing and returning the enclosed relinquishment form.

If you have any question, please contact me at 208-334-2190.

Respectfully,

Justin Shearer
Water Resource Agent, Sr
IDWR, Western Region

Enclosures: Water Permit Proof Report, Map, Relinquishment Form



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 27, 2018

DONALD WEILMUNSTER
PO BOX 4
GARDEN VALLEY, ID 83622

COPY

RE: Scheduling Field Exam for Water Right Permit No. 65-23294

Dear Permit Holder:

We are planning to conduct water right examinations in the vicinity of the above-referenced permit **this season**. An examination is needed to verify the water use in order to issue a water right license.

The above-referenced permit authorizes **0.020 CFS** from **ALDER CREEK** tributary to **SOUTH FORK PAYETTE RIVER** for **IRRIGATION** use. **If you have developed a beneficial use and still own the place of use property, please contact me at your earliest convenience to schedule an examination.**

If you did not develop a beneficial use of water under the permit during the beneficial use period, a license cannot be issued and the permit should be relinquished. If that use was developed, but have ceased using the water and you currently carry no interest in it, please relinquish the permit by submitting the enclosed Relinquishment of Permit form (no fee required).

If you did develop a beneficial use of water under the permit, but you no longer own the place of use property identified in the permit, please submit the enclosed Assignment of Permit form with the applicable \$25 processing fee.

Please contact me within the next thirty (30) days at (208) 334-2190 to either schedule an examination or submit a relinquishment or assignment form. If you no longer own the place of use property and/or do not respond to this letter, the department will work with the current property owner to issue a license or void the permit.

Sincerely,

Justin Shearer
Water Resource Agent

Enclosures: Relinquishment of Permit form
Assignment of Permit form
Water Permit Report and Map



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 27, 2017

DONALD WEILMUNSTER
PO BOX 4
GARDEN VALLEY, ID 83622

COPY

RE: Scheduling Field Exam for Water Right Permit No. 65-23294

Dear Permit Holder:

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The above-referenced permit authorizes **0.020 CFS** from **AL** **PAYETTE RIVER** for **IRRIGATION** use. If you have developed a **place of use property**, please contact me at your earliest convenience.

If you did not develop a beneficial use of water under the permit, a license cannot be issued and the permit should be relinquished. If you have ceased using the water and you currently carry no interest in the property, please submit the enclosed Relinquishment of Permit form (no fee).

If you did develop a beneficial use of water under the permit, please submit the enclosed Assignment of Permit form with the applicable \$25 processing fee.

Please contact me within the next thirty (30) days at (208) 334-2190 to either schedule an examination or submit a relinquishment or assignment form. If you no longer own the place of use property and/or do not respond to this letter, the department will work with the current property owner to issue a license or void the permit.

Sincerely,

Justin Shearer
Water Resource Agent

Enclosures: Relinquishment of Permit form
Assignment of Permit form
Water Permit Report and Map

• Contact prior to
early Spring '18 for FE.

• ~~950 Alder Creek Rd.~~

• mail to PO Box 4

-JA 1/4/18