



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

September 26, 2019

EDWARD WHEELER
ELIZABETH SIMPSON
7 QUIGLEY LN
HAILEY ID 83333-8695

RE: Change in Ownership Water Right No(s): 37-22118

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on September 19, 2019 for the above referenced water right. The Notice could not be processed because water right 37-22118 is not appurtenant to your property.

James W. Phillips & Evelyn B. Phillips and James Rosenfeld & Alice Rosenfeld conveyed Lot 9, Marvin Gardens No. 1 Subdivision to Skip C. Connor & Leslie E. Conner (Connor's) in August, 1988, without any water (see enclosed warranty deed). In October, 1988, the Connor's filed an Application for Permit for irrigation and domestic uses for their property. The Department issued Permit 37-8428 to the Connor's. When the Connor's conveyed the property to Edward S. Wheeler in 1993 with all appurtenances, water right 37-8428 was included with that conveyance.

Charles M & Connie Johnson (Johnson) filed an amended claim for water right 37-22118 in May, 1989 (see attached claim). The Johnson claim for water right 37-22118 described Lot 9, Marvin Gardens Subdivision as part of the place of use, but stated the water right was reserved in the conveyance of the property. No objections or competing claims were filed, so the Snake River Basin Adjudication (SRBA) Court decreed water right 37-22118 in the name of Charles M. & Connie Johnson. The decree described your property as part of the place of use. However, your property was conveyed without water so water right 37-22118 is not appurtenant to your property.

The Department is returning your Notice of Change in Water Right Ownership and the attachments. A refund of \$100 has been requested and will be mailed to you under separate cover from the Idaho State Controller's Office.

If you have any questions regarding this matter, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: IDWR Southern Region Office
Charles M. & Connie Johnson
Haemmerle Law Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 19 2019

DEPARTMENT OF
WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37-22118	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name:

Charles Johnson

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Edward Wheeler and/or Elizabeth Simpson

New owner(s) as listed on the conveyance document

Name connector

☐ and

☐ or

☒ and/or

7 Quigley Lane

Hailey

ID

83333

Mailing address

City

State

ZIP

208 720 3666

lil.simpso@aol.com

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.

☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above:

forfeiture of part appurtenant to our property

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:

☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.

☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).

☐ Filing fee (see instructions for further explanation):

☐ \$25 per undivided water right.

☒ \$100 per split water right.

☐ No fee is required for pending adjudication claims.

☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.

☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature:

Elizabeth L. Simpson

Signature of new owner/claimant

Title, if applicable

Sept 18, 2019

Date

- Signature:

Edward A. Wheeler

Signature of new owner/claimant

Title, if applicable

Sept 18, 2019

Date

For IDWR Office Use Only:

Received by [Signature] Date 9/19/19

Receipt No. C107141

Receipt Amt. W00

Active in the Water Supply Bank? Yes ☐ No ☐

If yes, forward to the State Office for processing

W-9 received? Yes ☐ No ☒

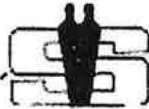
Name on W-9 _____

Approved by _____

Processed by _____

Date _____

RECEIVED
MAY 31 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION



Instrument # 468986
MAR. 17, BLAINE, IDAHO
7887 08.87 03.71 00 No. of Pages: 1
Recorded for: BLAINE COUNTY TITLE
MARSHA KERNAN Fee: 3.00
Ex-Officio Recorder Deputy
marsha.kernan@idaho.gov

QUITCLAIM DEED

THIS INDENTURE, Made this 19th day of July, 2002 between

EDWARD S. WHEELER and ELIZABETH SIMPSON

as Grantor and

EDWARD S. WHEELER and ELIZABETH SIMPSON, husband and wife

as Grantee

whose current address is P.O. Box 3508, NAILLEY, IDAHO 83333

WITNESSETH That said Grantor for and in consideration in lawful money of the United States of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee and to its heirs and assigns all that certain lot, piece or parcel of land, bounded and particularly described as follows, to-wit:

LOT 9 IN BLOCK 1 OF A REPLAT OF LOTS 4 & 5, MARVIN GARDENS NO. 1 SUBDIVISION, BLAINE COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED APRIL 5, 1986, AS INSTRUMENT NO. 293527, RECORDS OF BLAINE COUNTY, IDAHO.

Parcel Number: 000000000000 0040000100904

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof TO HAVE AND TO HOLD. All and singular the said premises, together with the appurtenances, unto the Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, The said Grantor has hereunto set its hand and seal the day and year first above written.

Edward S. Wheeler
EDWARD S. WHEELER

Elizabeth Simpson
ELIZABETH SIMPSON

State of Idaho
County of Blaine

On this 5th day of August, 2002, before me, the undersigned, a Notary Public, in and for said State, personally appeared EDWARD S. WHEELER and ELIZABETH SIMPSON

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument, and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Heather Abrams
Notary Public
Residing at: Blaine Co.
Commission Expires: 2/15/2006



WARRANTY DEED

FOR VALUABLE RECEIVED Granville Skip Conner also known as Skip C. Conner, an unmarried man and Leslie E. Conner, an unmarried woman

the grantors, do hereby grant, bargain, sell and convey unto

Edward S. Wheeler, a married man, as his sole and separate property

the grantee, whose current address is

Box 500
Truckee, CA 96160

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

Lot 9 of a REPLAT OF LOTS 4 AND 5, MARVIN GARDENS NO. 1
SUBDIVISION, BLAINE COUNTY, IDAHO, according to the
official plat thereof recorded April 5, 1988, as
instrument No. 293527, records of Blaine County, Idaho.

1031 Tax Deferred Exchange

GRANVILLE TITLE

1988 7-2-88 350000

3-1-89 12-1-89

SUBJECT TO: Taxes, easements, covenants, reservations, encumbrances and
encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the
said Grantee, his heirs and assigns forever. And the said Grantors do hereby
covenant to and with the said Grantee, that they are the owners in fee simple of
said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: December 30, 1993

Granville Skip Conner
Granville Skip Conner
Leslie E. Conner
Leslie E. Conner

STATE OF IDAHO, COUNTY OF: *Blaine*

On this *30th* day of *December*,
1993, before me a Notary Public in
and for said State, personally
appeared *Leslie E. Conner* known or
identified to me to be the person
whose name is subscribed to the
within instrument, and acknowledged
to me that she executed the same.

Karen Majerus
Notary Public

Residing at Ketchum

Comm. expires 1/9/97

Seal/Stamp:



STATE OF IDAHO
COUNTY OF: *Blaine*

day of *DECEMBER*, 1993, the
Notary Public, personally appeared



the person whose name is subscribed
to the within instrument, and acknowledged
to me that he executed the same in his
own name and as attorney in fact

Notary Public

Comm. Exp: *1-9-97*

SECTION 10, T.2 N., R.18 E., B.M., BLAINE COUNTY, IDAHO
JUNE 2017



Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

10/10/2011

WATER RIGHT NO. 37-22118

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHARLES M JOHNSON
Current Owner	CONNIE JOHNSON PO BOX 1883 HAILEY, ID 83333 (208)788-3668
Attorney	HAEMMERLE & HAEMMERLE PO BOX 1800 HAILEY, ID 83333 (208)578-0520

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.545 CFS	
STOCKWATER	04/01	11/01	0.02 CFS	
RECREATION	04/01	11/01	0.545 CFS	
AESTHETIC	04/01	11/01	0.545 CFS	
Total Diversion			0.545 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER|SWNW|Sec. 20|Township 03N|Range 18E|BLAINE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	18E	10		NENW	5		NWNW	5		SWNW	5		SEnw	5

Place of Use Legal Description: STOCKWATER BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	18E	10		NENW			NWNW			SWNW			SEnw	

Place of Use Legal Description: RECREATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	18E	10		NENW			NWNW			SWNW			SEnw	

Place of Use Legal Description: AESTHETIC BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	18E	10		NENW			NWNW			SWNW			SEnw	

Total Acres: 20

Conditions of Approval:

1. PORTIONS OF PROPERTY BEING SOLD TO: JAMES ROSEFELD, P.O. BOX 665, HONAUNAU, HI 96726 THOMAS HICKEY, P.O. BOX JAMES W. PHILLIPS, P.O. BOX 864, HAILEY, ID 83333
***** 8/28/95, DJ: REVIEW OF SUBMITTED CLAIM SHOWED DATA ENTRY OMISSION OF 10 AC IRR IN SENW SEC 10, CORRECTED THIS DAY.
2. This right is a split from former right 37-577CE.

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley
DATE: September 30, 2019
RE: Refund: ownership change-returned

Please refund \$100.

NAME: EDWARD S WHEELER/ ELIZABETH SIMPSON
7 QUIGLEY LN
HAILEY ID 83333-8695

RECEIPT #: C107741

Thank you.

Jean



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

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Brad Little
Governor

Gary Spackman
Director

September 20, 2019

EDWARD WHEELER
ELIZABETH SIMPSON
7 QUIGLEY LN
HAILEY ID 83333-8695

RE: Change in Ownership Water Right No(s): 37-22118

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

 √ a conveyance document from Edward E. Wheeler to Edward S. Wheeler and Elizabeth Simpson. You provided a warranty deed from Granville Skip Conner and Leslie Connor to Edward E. Wheeler and a quitclaim deed from Edward E. Wheeler & Elizabeth Simpson to Edward E. Wheeler & Elizabeth Simpson. The Department needs the document that conveyed the parcel to Edward S. Wheeler and Elizabeth Simpson.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed. Once the proper documentation is provided, the notice will be taken to our legal staff for review. This right was decreed by the Snake River Basin Adjudication (SRBA) Court in the name of Charles and Connie Johnson. Since there were no competing claims nor ownership objections to the Department's recommendation, the Department considers any subsequent court decree confirming the right to be a determination of ownership of the water right.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

SEP 19 2019

DEPARTMENT OF
WATER RESOURCES

Justin Ferguson
IDWR
Idaho Water Bank
322 E. Front St STE 648
Boise ID 83702

Dear Justin;

I spoke with you on September 16th regarding a surface water right that we own the place of use of a part of the water right, which is shown as Lot 9 Marvin Gardens on the included plat map for Marvin Gardens Subdivision. The water right 37-22118 was Quit Claimed to Charles and Connie Johnson by James Phillips, although Mr. Johnson never owned our property. We have been unsuccessfully trying to obtain the surface water right to support any future water need for our horse property, although we have for 26 years irrigated with a groundwater right that is conveyed by sprinklers for on our 2.5 acre property. We have separate pumps for our domestic and irrigation supplies.

During the current 5 year period required to prove beneficial use on the 37-22118 right, we have not allowed Mr. Johnson to put a pipe over our fence to deliver water, which they did once in the previous 5 year period without asking. As the irrigation season is nearly over, and we do not plan to allow for Mr. Johnson to trespass on our property, we are applying for the portion of water right 37-22118 for which our property is the place of use. We understand the Mr. Johnson has forfeited his ownership of our portion of the right.

The enclosed application and check for \$200 is to apply for a split of 37-22118 that will allow a new water right to be established in our names for the portion appurtenant to our property, shown on the plat and on the IDWR database as the place of use.

Please accept our application and payment of \$100 for the split and new water right.

If you have any questions regarding this application, please feel free to call me at 208 720-3666.

Thank you so much for your consideration and assistance in this matter.

Elizabeth L Simpson
Edward S. Wheeler
7 Quigley Lane
Hailey, ID 83333
208 720-3666
208 720-4394