

Lester, Steve

From: Lester, Steve
Sent: Wednesday, June 17, 2009 7:57 AM
To: Spackman, Gary
Subject: RE: Water Rights Permit # 67-14991

*into filed in
 protest Appl.
 copy fyi*

Gary:

I previously spoke with applicant Nancy Evans, who is Lori Otter's secretary/assistant. Nancy said she would be sending something, although I didn't expect it would be via email to you. Anyway, the document was added to the file & I'll let John know about it.

Thanks

Steve

From: Spackman, Gary
Sent: Tuesday, June 16, 2009 5:56 PM
To: Lester, Steve
Cc: Westra, John
Subject: FW: Water Rights Permit # 67-14991

Steve,

John Westra and I received the attached document via email. The document was saved in a word processing format I could not open. IT staff converted the document for me. I assume you will make it a part of the file. thanks.

Gary Spackman

From: Hebert, Don
Sent: Tuesday, June 16, 2009 9:50 AM
To: Spackman, Gary
Cc: HelpDesk
Subject: RE: Water Rights Permit # 67-14991

The document has been converted to .doc.

Don Hebert

IT Systems Analyst
 Support Services Bureau
 Idaho Department of Water Resources
don.hebert@idwr.idaho.gov
 208.287.4865

For technical support please email the Help Desk at helpdesk@idwr.idaho.gov

The information contained in this communication is confidential and private and intended only for the use of the addressee. Unauthorized use, disclosure, distribution or copying is strictly prohibited and may be unlawful. If you received this communication in error, please inform us of the erroneous delivery by return e-mail. Thank you for your cooperation.

From: Spackman, Gary
Sent: Tuesday, June 16, 2009 9:41 AM
To: HelpDesk

6/17/2009

Subject: FW: Water Rights Permit # 67-14991

Dear Help,

I received the above email and couldn't open the attachment. Could someone there find the appropriate software and produce a copy? Thanks.

Gary Spackman

From: Don Evans [mailto:cutnbs@gmail.com]

Sent: Tuesday, June 16, 2009 9:29 AM

To: Spackman, Gary; Westra, John

Subject: Water Rights Permit # 67-14991

Please see attachment.

6/17/2009

RE: Water Rights Permit #67-14991

(2740 Knob hill Rd – Midvale, Idaho 83645)

David Tuthill, Director of Idaho Division of Water Resources.

To Whom All It May Concern:

You have received from Terry Williams, through Jim Gillespie, his attorney, an objection to the water rights we have applied for. You now have documents in your file proving that Mr. Williams and Mr. Gillespie lied regarding all three points in the objection. Terry Williams does not own any property bordering or even close to 2740 Knob hill Rd, my wife and I have a clear and legal deed to the one acre at 2740 Knob Hill Rd, and there has not been, and is not now, any litigation going on regarding the property, or any property bordering 2740 knob Hill Rd.

Nancy and I obtained this one acre from her mother Edna Fern William, over two years ago while she was still alive and in charge of her own affairs and estate. We later obtained a building permit from Washington County and are in the process of building a home there, which is approx ninety percent completed. The well was drilled just prior to beginning of construction.

Terry Williams, is one of five children of Beryl Kenneth Williams and Edna Fern Williams. Now that both of the parents are deceased, (Kenneth Williams, approx 6 years ago and Fern Williams, approx 1 year ago) the remaining properties are in the Williams Family Trust of which Jackie F (Williams) Jones and Kenneth R Williams are the executors. There exists a Trust and an Edna Fern Williams Will. If things do go into litigation for some reason, the courts will either go with the Trust, or the Will, not both. The Trust states that Terry, (along with the rest of the inheritors) will get a fifth of everything, which will mean the properties will be sold and the moneys divided evenly. The last will of Fern Williams states that the only thing Terry will receive is the remaining portion of the hill property which is approx 23 acres. This has been offered to him twice now by the executors, and he has refused both times because he wants more. This refusal constitutes a legal contesting of the Will, which under the stipulations of the Will eliminates him from receiving anything. Either way, the court goes (if it goes to litigation), it is unlikely that Terry Williams will ever own any property adjacent to 2740 Knob Hill Road.

Even though our domestic well is established and protected under the domestic clause of "established water right laws," Terry has repeatedly threatened to take any and all water rights he can get, if he obtains property bordering ours. Nancy and I feel it is prudent to do all that is possible to clearly establish our rights to water for the residence and the one acre, which is the minimum acreage that the County will allow for a rural single family building sight.

Thank you for your consideration.

Sincerely Yours,

H. Don Evans, Nancy M. Evans

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