

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 BEAR RIVER BASIN WATER SYSTEM

RECEIVED

FEB 06 2025

IDWR/Preston

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

CIVIL CASE NUMBER: 79576

Claim ID: 13-637

Date Received: 2/6/25

Receipt No: P001847

Claim Fee: 90.00 By: MB

Please type or print clearly

1. Name of claimant(s) Doug and Pauli Wheeler Trust Phone (208) 339-3047
Mailing address 14892 N. Hwy 34 Thatcher, ID Zip 83283
Street or Box City State
Email address (optional) overtheedgeranchllc@gmail.com
2. Date of priority: (Only one per claim) April 2, 1883 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (☒) (a) North Burton Creek
which is tributary to (b) Bear River
4. a. Location of point of diversion is: Township 11S, Range 40E, Section 32,
SW 1/4 of NE 1/4, Govt. Lot _____, BM, County of Caribou
Parcel no. 11S40E320001
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, 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.
Gravity fed buried pipeline.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 04/20 to 09/30 amount 0.8 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.8 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	40E	33				0.1									29.2	3.2	24.4	27.2	84.1
11S	40E	34							S/21.9			30.3	12.7						64.9
12S	40E	3						Lot 4/18 6											18.6
12S	40E	4	Lot 1/30	Lot 2/25 4															55.4

Parcel no(s). 11S40E336601, 11S40E343601, RP00064.00, RP00063.00, and RP00060.00

Total number of acres irrigated 40 AC within the 223 AC POU

10. In which county(ies) are lands listed above as place of use located? Caribou and Franklin

11. Do you own the property listed above as place of use? Yes (☒) No (☐)
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
13-633A, 13-642, 13-644, 13-647, and 13-637 or None (☐)

13. Remarks (Include an explanation of the priority date selected):

The priority date is based on decreed water right number 13-637, which is an accomplished transfer of 40 acres.

Attachments:

- IDWR Water Right Report 13-637
- IDWR Map of Water Right 13-637
- Map of current place of use and point of diversion.

Name of claimant(s) Doug and Pauli Wheeler Trust

Claim ID _____

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License () Permit () Decree (☒)

Court Eastern Division Decree Date July 14, 1920 Plaintiff v. Defendant Utah Power & Light Company v.
The Last Chance Canal Company,
If applicable provide IDWR Water Right Number 13-637 Limited, et al.

15. **Signature(s)**

- (a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System 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: 3

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Trustee of Doug + Pauli Wheeler Trust
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent [Signature] Date 1-31-25

Printed Name of Authorized Agent Doug Wheeler

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Thomas J. Budge, Attorney, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature] Date 1-31-25

Address PO Box 1391, Pocatello, Idaho 83204-1391, tj@racineolson.com

Name of claimant(s) Doug and Pauli Wheeler Trust Claim ID _____

HOW YOU WILL RECEIVE NOTICES IN THE BEAR RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Bear River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Bear River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Bear River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Bear River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/BRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Bear River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

If you are acquiring property with water rights within the boundaries of the Bear River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

Doug and Pauli Wheeler Trust 13-637 - North Burton Creek POU & POD



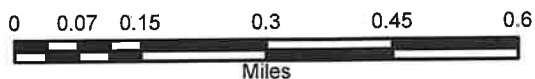
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, BLM, IDL, IDWR

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 4/1/2024



Legend

-  Quarter Quarters
-  PLS Sections
-  Townships
-  Place of Use Boundary
-  Point of Diversion



Doug and Pauli Wheeler Trust

Close

Water Right Report : 13-637(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	ROBBINS, C A			ZZ	

Water Right Status

Priority Date : 4/2/1883
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
SOUTH BURTON CREEK		BEAR RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
SOUTH BURTON CREEK	11S	40E	33	0		SE	SE	CARIBOU	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/20	9/30	0.80	CFS
TOTAL			0.80	CFS

Places of Use

[Printable View](#) [Paged View](#)

Place of Use Legal Description : IRRIGATION (CARIBOU county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
11S	40E	34			NE	SW	
11S	40E	34			SE	SW	
12S	40E	3	1		NE	NE	
12S	40E	3	2		NW	NE	

Irrigation Totals

Total Acres Acre Limit

Conditions

Code Conditions
P/U, AC IRR=40.

Dates

Licensed Date :
Decreed Date : 7/14/1920
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date :
Protest Deadline Date :

Other Information

State or Federal :
Water District Number : 11
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False



RACINE OLSON

February 6, 2025

RECEIVED

FEB 06 2025

IDWR/Preston

Idaho Department of Water Resources
325 East 600 South, Ste 300
Preston, Idaho 83263-4921
marion.beck@idwr.idaho.gov

**Re: Doug and Pauli Wheeler Trust
Bear River Basin Adjudication Notices of Claims to Water Rights**

To whom it may concern:

Enclosed please find for filing the originals of eleven Notices of Claims to Water Rights filed on behalf of the Doug and Pauli Wheeler Trust, together with a check in the amount of \$931 for the filing fees, broken down as follows:

Claim 1 (13-633A): \$50 flat fee + \$247 for stockwater (\$100 per cfs x 2.47 cfs) + \$145 (\$1.00 per acre x 144.1 acres) = \$442

Claim 2 (13-642, 13-644, 13-647): \$50 flat fee + \$57 (\$1.00 per acre x 57 acres) = \$107

Claim 3 (13-640): \$50 flat fee + \$35 (\$1.00 per acre x 35 acres) = \$85

Claim 4 (13-637): \$50 flat fee + \$40 (\$1.00 per acre x 40 acres) = \$90

Claim 5 (Stockwater): \$25 flat fee

Claim 6 (Stockwater): \$25 flat fee

Claim 7 (Stockwater): \$25 flat fee

Claim 8 (Stockwater): \$25 flat fee

Claim 9 (Stockwater): No fee

Claim 10 (Stockwater): No fee

Claim 11 (13-806): \$50 flat fee + \$196 (\$1.00 per acre x 195.2 acres) = \$246

Total: \$1,070.00

Please file the originals and email the claim numbers assigned to tessa@racineolson. Thank you for your assistance. Please contact us if you have any questions.

Sincerely,


TESSA SPARROW
Paralegal

Enclosures

c: Doug and Pauli Wheeler