



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 8, 2005

RALPH O. WHEATLEY
VAUNA WHEATLEY
10053 S. MARSH CRK RD
MCCAMMON, ID 83250

REF: Snake River Basin Adjudication (SRBA)
Claims 27-2124 and 27-4008

Subject: Amending the Notice of Claim to a water right.

RESPONSE DATE: MARCH 22, 2005

Dear Claimants;

Phil Yost and David Modersitzki filed the above listed claims in the SRBA in 1990. You recently purchased the property listed under these rights. Claim 27-4008 is a statutory claim that requires evidence to support the priority date claimed. The documents contained in the file do not support the original claimed 7/28/1961 priority date. The priority date supported by documents is 5/25/1977. This date however is after the May 25th, 1963 mandatory permit statute date. Therefore claim 27-4008 can only be recommended as an expansion claim to 27-2124. This means that you can irrigate the additional acres under 27-4008 but you have no additional diversion rate to use.

To include the additional acres under the expansion right both claims have to be amended to claim the acres. For your convenience I've enclosed the amended claims for **you both to sign in front of a notary**. Please return the forms to my office by the above response date. If you have any additional questions please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird

Enclosure: Amended Notice of Claim to a water right 27-2124 and 27-4008.