

08/26/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-4008

NAME AND ADDRESS: RALPH O WHEATLEY
10053 S MARSH CREEK RD
MC CAMMON ID 83250

VAUNA WHEATLEY
10053 S MARSH CRK RD
MCCAMMON ID 83250

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.200 CFS

Right Nos. 27-2124 and 27-4008 are limited to a total combined diversion rate of 4.38 cfs.

PRIORITY DATE: 05/25/1977

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T05S R40E S23 NWSWSE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	3.200 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T05S R40E S23	SWNE	18.0	T05S R40E S23	SENE	17.0
T05S R40E S23	SWNW	19.0	T05S R40E S23	SENW	18.0
T05S R40E S23	NESW	39.0	T05S R40E S23	NWSW	40.0
T05S R40E S23	SWSW	40.0	T05S R40E S23	SESW	40.0
T05S R40E S23	NESE	40.0	T05S R40E S23	NWSE	40.0
T05S R40E S23	SWSE	40.0	T05S R40E S23	SESE	39.0

390 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 390 acres in a single irrigation season. Combined Right Nos.: 27-2124 and 27-4008

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is based upon an enlargement of Right No. 27-2124 pursuant to Section 42-1426, Idaho Code.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 27-2124 is also diverted through point of diversion described above.

This right is for an enlargement of 72 acres within the place of use described for this right.

04/18/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-4008

NAME AND ADDRESS: RALPH O WHEATLEY
10053 S MARSH CREEK RD
MC CAMMON ID 83250

VAUNA WHEATLEY
10053 S MARSH CRK RD
MCCAMMON ID 83250

SOURCE: GROUND WATER

QUANTITY: 3.200 CFS

PRIORITY DATE: 05/25/1977

POINT OF DIVERSION:

T05S R40E S23 NWSWSE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	3.200 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T05S R40E S23	NENE	40.0	T05S R40E S23	NWNE	40.0
T05S R40E S23	SWNE	40.0	T05S R40E S23	SENE	40.0
T05S R40E S23	NENW	40.0	T05S R40E S23	NWNW	40.0
T05S R40E S23	SWNW	40.0	T05S R40E S23	SENW	40.0

320 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No lawful appropriation shown.

EXPLANATORY MATERIAL: Beneficial Use

NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

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 SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 27-4008
Date Received: 2/12/1990
Receipt No: E012016
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

~~PHIL J YOST Phone: (208) 425-3875~~ RALPH O. WHEATLEY 254-3186

~~1780 RICH RD
GRACE ID USA 83241~~

10053 S. MARSH CRK RD
MCCAMMON, ID 83250

~~DAVID MODERSITZKI Phone: (208) 648-7722~~ VAUNA WHEATLEY 254-3186

~~2526 KELLY TOPONCE RD
BANCROFT ID USA 83217~~

10053 S. MARSH CRK RD
MCCAMMON, ID 83250

2. Date of Priority: ~~07/28/1961~~ 5-25-1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	40E	23	NW SW SE	CARIBOU	

5. Description of diverting works:

WELL WITH SPRINKLER SYTEM

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	4/01 11/01	4.38	<u>411</u>

7. Total Quantity Appropriated is:
4.38 C.F.S. 411 AFA

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	40E	23	NE	SW	IRRIGATION	40 ✓
			NW	SW	IRRIGATION	40 ✓
			SW	SW	IRRIGATION	40 ✓
			SE	SW	IRRIGATION	40 ✓
			NW	SE	IRRIGATION	40 ✓
			SW	SE	IRRIGATION	40 ✓
			SE	SE	IRRIGATION	39 ✓
			NE	SE	IRRIGATION	39 ✓
			SW	NW	IRRIGATION	18.3 ✓
			SE	NW	IRRIGATION	18.3 ✓
			SE	NE	IRRIGATION	17.4 ✓
			SW	NE	IRRIGATION	18.0 ✓

Section Acres 390

Total Acres 390

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:
27-2124

14. Remarks:

THIS LAND IS IN C.R.P. WITH 7 YRS. LEFT AS OF THE FILING DATE.
THIS RIGHT IS AN EXPANSION TO 27-2124.

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin 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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Ralph Whalley Date: 7-18-05
_____ Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of July 2005

Cindy E. Bird
Notary Public

Residing at Lava Hot Springs
My commission Expires May 1, 2007

