

10/20/2005

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

RIGHT NUMBER: 1-28D

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
Point of injection into Blackfoot River. Point of redirection from Corral Creek.

QUANTITY: 1.820 CFS

PRIORITY DATE: 02/21/1890

POINT OF DIVERSION:

T01N R37E S31 SWNE Lot 7 Within BINGHAM County
T02S R36E S24 SWSE Lot 2 Injection Within BINGHAM County
T05S R40E S26 NESW Rediversion Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.820 CFS 137.00 AFY

PLACE OF USE: IRRIGATION Within CARIBOU County

T05S R40E S26	NESW	28.0	T05S R40E S26	NWSW	37.0
T05S R40E S26	SWSW	36.0	T05S R40E S26	SESW	9.3
T05S R40E S26	NESE	31.0	T05S R40E S26	NWSE	34.0
T05S R40E S26	SWSE	40.0	T05S R40E S26	SESE	40.0

255.3 ACRES TOTAL

This right is limited to the irrigation of 45.5 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 255.3 acres in a single irrigation season. Combined Right Nos.: 27-4009 and 1-28D.

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

Diversion of water under transfer 2433 is subject to the Carrying Capacity Contract between the Smith-Maxwell Ditch and the Fort Hall Water Users.

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 - Decreed

Use of water under this right will be regulated by watermasters with responsibility for the distribution of water among appropriators within State Water Districts No. 1 and 27.

The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works at the point of rediversion on Corral Creek.

10/20/2005

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 1-28D

RALPH O WHEATLEY
10053 S MARSH CREEK RD
MC CAMMON ID 83250
Telephone Number: (208) 254-3186

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/10/05 SIGNATURE: Randall C. Budge
Please print your name: Randall C. Budge, Attorney For Applicant

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

NOV 15 2005

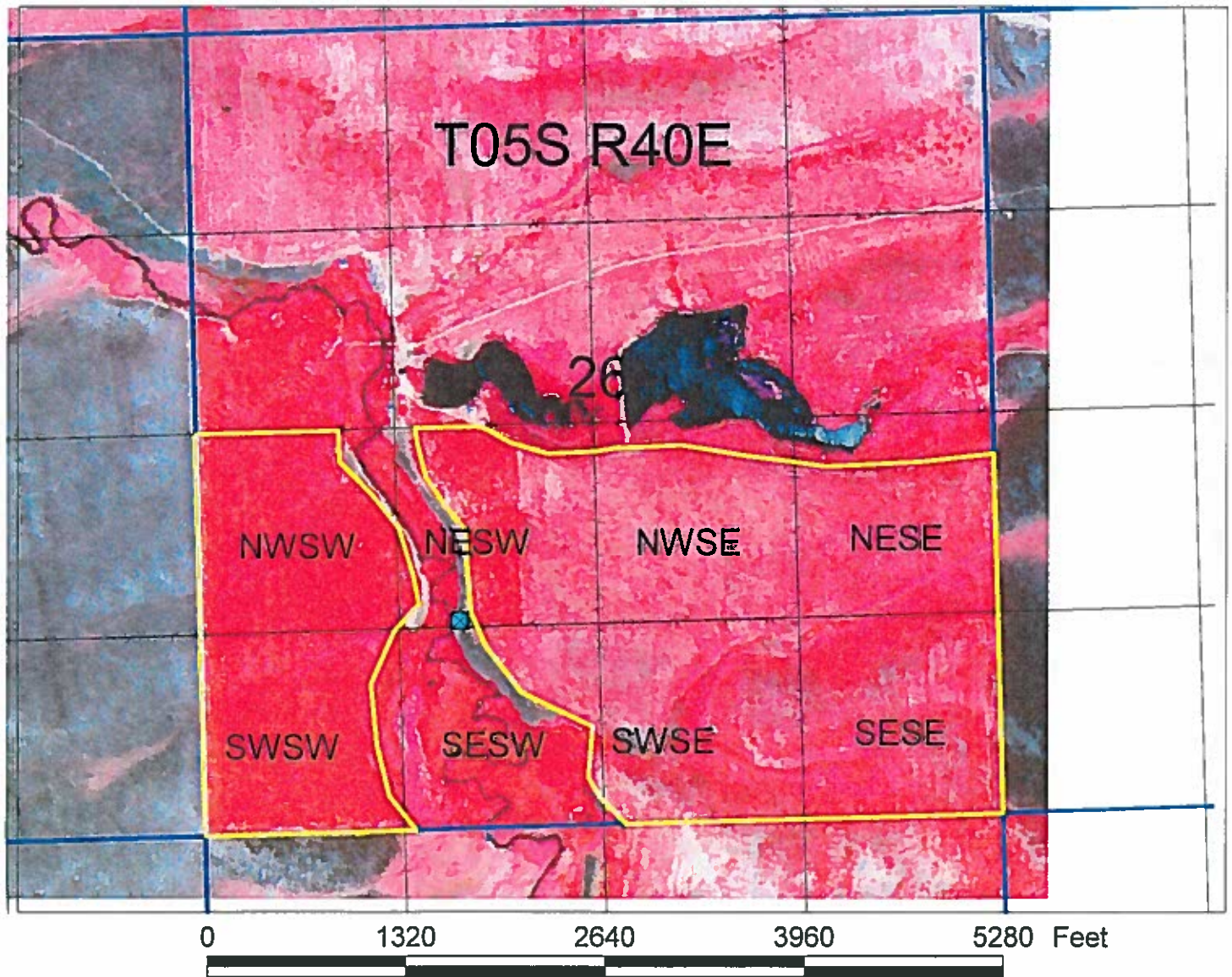
Department of Water Resources
Eastern Region

PROFILED
SCANNED
NOV 17 2005

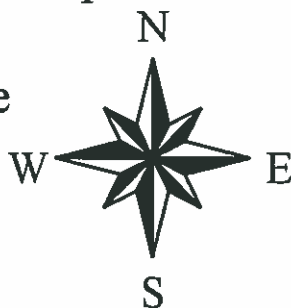
Idaho Department of Water Resources

Claim No.: 27-4009

1-28D



- Point of diversion.shp
- Place of use.shp
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Ernest Carlsen
Date Prepared: October 2005

Notes

This is a Basin 27 P.O.W. Cindy has
GPS points & Farm maps.

See transfer 2433 for exchange of oil
water for Carral Creek water. Claim 401-169F also.

HWf

11-9-2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-28D

WATER RIGHT NUMBER: 1-28D

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	D J BRENNAN
	, ZZ
Original Owner	EVAN WILLIAMS
	, ZZ
Current Owner	GAYLEN CHRISTENSEN PO BOX 307 TREMONTON, UT 84337 (801) 257-3361

Priority Date: 02/21/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	1.820 CFS	137.00 AF
<u>Total Diversion:</u>		1.820 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	NW1/4SE1/4	Sec. 31, Twp 01N, Rge 37E, B.M.
BINGHAM County		
SNAKE RIVER	NE1/4SW1/4	Sec. 26, Twp 05S, Rge 40E, B.M.
BINGHAM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	40E	26									20.0	26.0							46.0

Total Acres: 46

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-28D

1. General DIVERSION THROUGH RESERVATION CANAL WHICH DUMPS INTO BLACKFOOT RIVER. REDIVERSION THROUGH NEW SMITH-MAXWELL DITCH. IMPLIED 2 MINERS INCHES/ACRE. AMOUNT DELIVERED REDUCED BY 20% DUE TO RESERVATION CANAL TRANSPORT AGREEMENT.

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date: 12/16/1910
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 01
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Teton Irrigation Canal Co, et al
Decree Plaintiff: Rexburg Irrigation Co
Civil Case Number:
Judicial District: Sixth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Cindy S.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 23, 2003

RALPH O WHEATLEY
DBA MEADOWBROOK RANCH
10053 S MARSH CREEK RD
MCCAMMON ID 83250

RE: APPLICATION TO LEASE WATER RIGHT NOS. 1-28D, 1-169F, 27-2124, 27-4008, 27-4009, 27-4010, 27-7494 AND SRBA CLAIM 27-11314 TO THE WATER SUPPLY BANK

Dear Mr. Wheatley:

The Department of Water Resources ("department") has completed its review of the Applications to Sell or Lease Water Rights to the Water Supply Bank ("bank") that you submitted to this office. Please consider that the offered water rights referenced above are accepted into the bank with the exception of water right permit no. 27-7494 and Snake River Basin Adjudication ("SRBA") claim 24-11314. Permit no. 27-7494 cannot be accepted to the bank at this time as proof of beneficial use has not been submitted and the extent of development has not been verified. Similarly, SRBA claim 27-11314 is based on a beneficial use and has not yet been reviewed by adjudication staff. It cannot be accepted into the bank until further evidence of development is available.

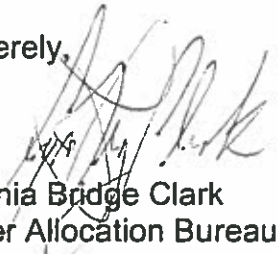
Several items to keep in mind in connection with lease of a water right to the bank are as follows:

1. There is no rental payment to the owner of the water right if the right or a part thereof is not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Finally, water right nos. 27-4008, 27-4009, and 27-4010 are all based on statutory claims. Though corresponding claims have been filed with the SRBA, the department has not verified the validity of either claim. These rights have been accepted into the bank; however, evidence of validity will be required before these rights can be rented from the bank.

If you have questions, please feel free to contact me.

Sincerely,


Cynthia Bridge Clark
Water Allocation Bureau

c: IDWR - Eastern Region, Soda Springs Office
1-28D, 1-169F, 27-2124, 27-4008, 27-4009, 27-4010, 27-7494 and SRBA Claim
27-11314

Randall C. Budge



LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE &
BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@radnelaw.net

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 393-0011
FACSIMILE: (208) 433-0167

May 8, 2003

Idaho Department of Water Resources
Eastern Division
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

*Re: Water Right No. 01-0028D
Ralph O. Wheatley*

To Whom It May Concern:

Enclosed please find a Notice of Claim to a Water Right which we are submitting as a late-filed SRBA right on behalf of Ralph O. Wheatley. Also enclosed is our check for filing fees as follows:

Base Fee:	\$ 50.00
Late Fee:	\$ 50.00
\$1/Per-Acre:	\$ <u>45.50</u>
Total:	\$145.50

If you have any questions, please contact me.

Sincerely,



RANDALL C. BUDGE

RCB:rr
Enclosures

RECEIVED

MAY 09 2003

Department of Water Resources
Eastern Region

Transfer No. 2433Water Right No. 01-0028D

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Gaylen Christensen Phone 801-257-3361
Post office address P. O. Box 307, Tremonton, UT 84337

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: 01-0028 (minus T. 1641)
 - a. Decree to D. J. Brennan & Evan Williams (Name)
in case of Rexburg Irrigation Co., et al vs Teton Irrigation Canal Co., et al
dated 12/16/1910 in 6th District county of _____
(Name of court)
 - b. License No. _____ issued by the Idaho Department of Water Resources
 - c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
Water was purchased from Walter & Mona Hamilton in April of 1964 (copy of water deed attached.)
3. Source of water Snake River tributary to Columbia River
4. Date of priority Feb. 21, 1890
5. Water is used for the following purposes:
amount 5.8 cfs for irrigation purposes from * April 1 to * November 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)
6. Total amount of water under right: a. 5.8 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is * NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22
Township 3 South Range 34 E, B.M., in Bingham County
Additional points of diversion, if any Smith and Maxwell Ditch Company
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3S	34E	22		X							L.3 X	L.4 X	X	X			L.6 X		130* 145
*Subsequent to T. 1641 acreage under original right was reduced from 160 to 145 acres. 130 *See Memorandum Decision issued on T1641 J.J. 1-9-81																			

Total number of acres to be irrigated 130*
145

9. Describe any other water rights used for the same purposes as described above _____

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 1.82 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points Smith & Maxwell Ditch.

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3S	34E	22		X							L.3 X	L.4 X	X	X			L.6 X		45.5

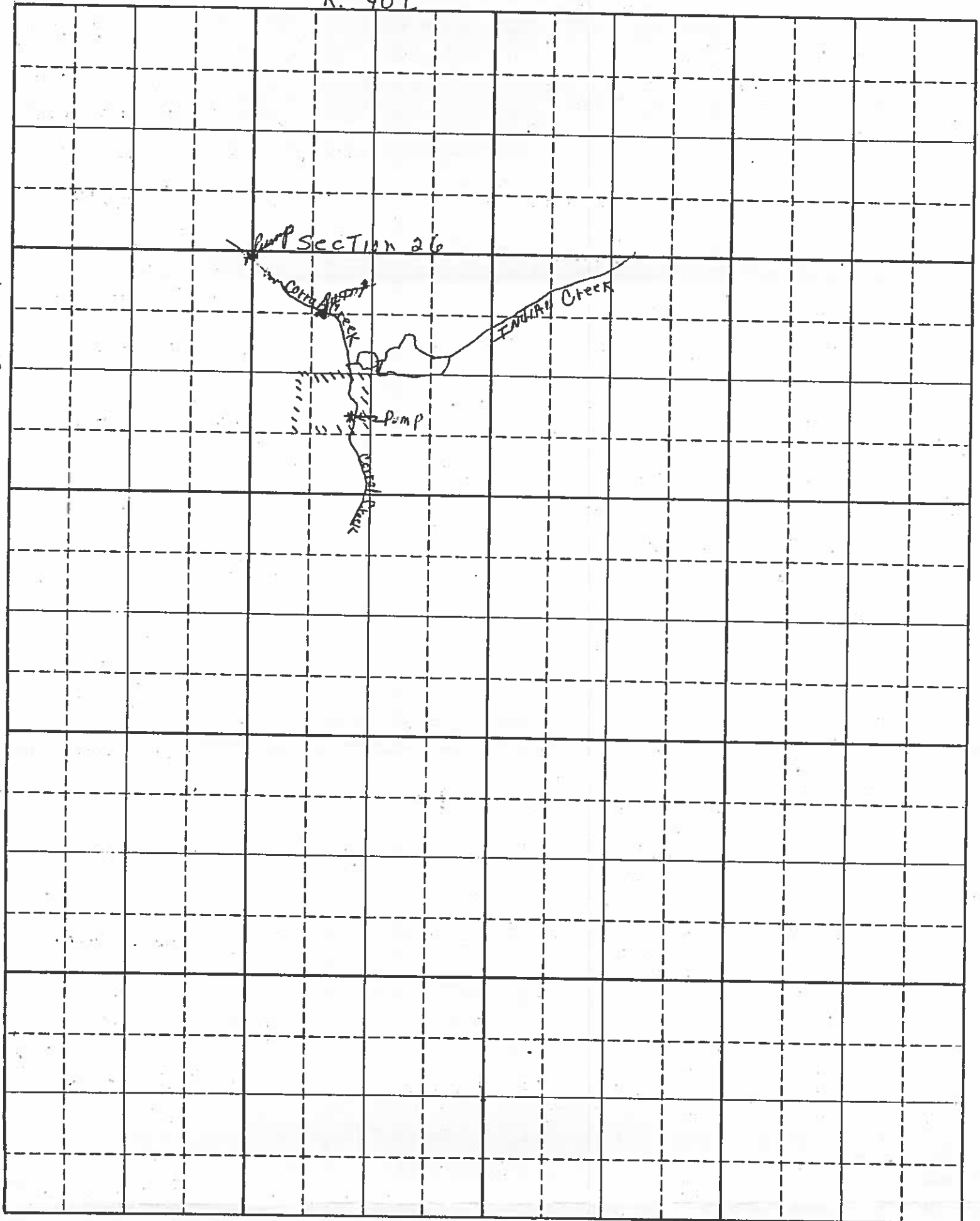
C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted 1.82 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NW ¼ SE ¼, Section 31 Township 1N
Range 37E, B.M., Bingham County
Additional points Water carried by the Reservation Canal and discharged into
the Blackfoot R. will be exchanged for water diverted from Corral Creek, tributary
to the Blackfoot R., in the NE¼SW¼, S. 26, T. 5S, R. 40E.
- c. Description of diverting works Headworks for Reservation Canal; Exchange diversion
works will consist of a pump and pipeline sprinkler system.
- d. Describe the reasons for applying for a change in the point of diversion _____

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R. 40 E



SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks Water diverted under the applicant's right shall be limited to the
irrigation of 45.5 acres per annum and shall not exceed a volume of 136.5
AF per annum.

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 21st day of April, 19 80.

(Signature of applicant)

(Notary public)

My commission expires 8-25-82

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 01-0028 D and said application is hereby approved, subject to the following limitations and conditions:
(1) A totalizing measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works at the point of diversion from Corral Creek*. (2) Use of water under this transfer is subject to control by the watermaster of State Water Districts 01, Snake River and 27, Blackfoot River. (3) Diversion of water under this transfer is subject to the Carrying Capacity Contract between the Smith Maxwell Ditch and the Fort Hall Water Users. (4) Water diverted under this right shall not be used to irrigate more than 46 acres nor exceed 137 acre feet per annum.

* Point of diversion in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, Twp. 5S, Rge. 40E.

Witness my hand this 20 day of February, 19 81.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by KW Date 4/28/80

Prelim. check by Je. Fee 35.00

Receipted by JD Date 5-05-80

Published in The Blackfoot News #13972

Pub. dates _____

Watermaster recommendation requested on _____

5-22-1980 rec'd. 5-4-1980

Protest filed by Fort Hall Water Users Assn.

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial

by EPH: Jim Det

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 1-28D
Date Received: 5/13/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RALPH O WHEATLEY Phone: (208)254-3186

10053 S MARSH CREEK RD
MC CAMMON ID USA 83250

2. Date of Priority: 12/16/1910

3. Source: SNAKE RIVER , SNAKE RIVER Trib. to: COLUMBIA RIVER , COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
01N	37E	31	NW	SE	BINGHAM	
05S	40E	26	NE	SW	BINGHAM	

5. Description of diverting works:

HEADWORKS FOR RESERVATIN CANAL, EXCHANGE DIVERSION WORKS WILL CONSIST OF A PUMP
AND PIPELINE SPRINKLER SYSTEM.
TRANSFER 2433

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1.82	137

7. Total Quantity Appropriated is:
1.82 C.F.S.

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	26	NE	SW	IRRIGATION	20
			NW	SW	IRRIGATION	25.5
					Section Acres	45.5
					Total Acres	45.5

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

OTHER WATER RIGHTS 27-4009,27-4010 AND TRANSFER 2433

15. Basis of Claim: Decreed

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 01-28DDate Received 5-9-03Receipt Number E028747NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 09 2003

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Ralph O. Wheatley Phone (208) 254-3186
Mailing Address 10053 S. Marsh Creek Rd., McCammon ID Zip 83250
2. Date of Priority (Only one (1) per claim) 12/16/1910
3. Source of water supply (a) Snake River
which is tributary to (b) Columbia River
4. a. Location of existing point of diversion is: Township 1 N. Range 37 E. Section 31,
1/4 of NW 1/4 of SE 1/4, Govt. Lot, B.M., County of Bingham

Additional points of diversion if any: Water carried by the Reservation Canal and discharged into Blackfoot R. will be exchanged for water directed from Corral Creek in
b. If instream flow, beginning point of claimed instream flow is: NE SW, S. 26, T.5S., R.40E.

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., 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.

Headworks for Reservation Canal; exchange diversion works will consist
of a pump and pipeline sprinkler system.
(See Transfer No. 2433 approved 2/20/1981, copy attached.)

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 1.82 or 136.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.82 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 136.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5S	40E	26									20	25.5							45.5

Total number of acres irrigated 45.5

11. In which county (ies) are lands listed above as place of use located? Bingham

12. Do you own the property listed above as place of use? Yes x No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

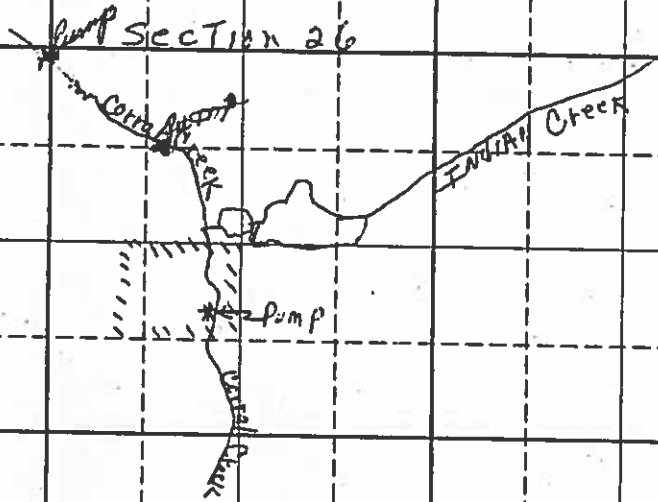
13. Describe any other water rights used at the same place and for the same purposes as described above.
27-4009, 27-4010 or None ()

14. Remarks:
See attached Transfer No. 2433

Last Name Wheatley Ident No. _____

land involved by section township and range number.

R. 40 E



15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 01-0028D

Court 6th District Case Number _____ Decree Date 12/16/1910

Plaintiff vs Defendant Rexburg Irr. Co. et al v. Teton Irr. Co., et al, Decree
to D.J. Brennan and Evan Williams

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 (1)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) X. Ralph D Wheatley Date 5/8/03

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

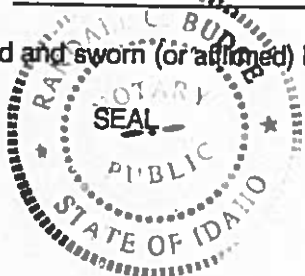
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 8th day of May xx 2003



Notary Public Randall C. Budge

Residing at Pocatello

My Commission Expires 10/11/2006

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Randall C. Budge 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 Randall C. Budge

Address P.O. Box 1391, Pocatello, ID 83204-1391

Date May 8, 2003

Last Name Wheatley Ident. Number _____