

10/20/2005

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

RIGHT NUMBER: 27-4010

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: CHICKEN CREEK

TRIBUTARY: CORRAL CREEK

QUANTITY: 1.820 CFS

PRIORITY DATE: 04/15/1964

POINT OF DIVERSION:

T05S R40E S26 SESWNE Within CARIBOU 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

PLACE OF USE: IRRIGATION Within CARIBOU County

T05S R40E S26	NENE	40.0	T05S R40E S26	NWNE	40.0
T05S R40E S26	SWNE	17.0	T05S R40E S26	SENE	33.0

130 ACRES TOTAL

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

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

06/03/2005

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

RIGHT NUMBER: 27-4010

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

SOURCE: CHICKEN CREEK

QUANTITY: 1.820 CFS

PRIORITY DATE: 05/01/1959

POINT OF DIVERSION:

T05S R40E S26 SWSWNE Within CARIBOU County

T05S R40E S26 SWSNW Within CARIBOU County

**PURPOSE AND
PERIOD OF USE:**

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	01/01 12/31	120.00 AFY
IRRIGATION STORAGE	01/01 12/31	120.00 AFY
IRRIGATION	04/15 10/31	1.820 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T05S R40E S26	NENE	40.0	T05S R40E S26	NWNE	40.0
T05S R40E S26	SWNE	30.0	T05S R40E S26	SENE	40.0
T05S R40E S26	NENW	40.0	T05S R40E S26	NWNW	40.0
T05S R40E S26	SWNW	40.0	T05S R40E S26	SENW	30.0

IRRIGATION FROM STORAGE same as IRRIGATION

300 ACRES TOTAL

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

No beneficial use found.

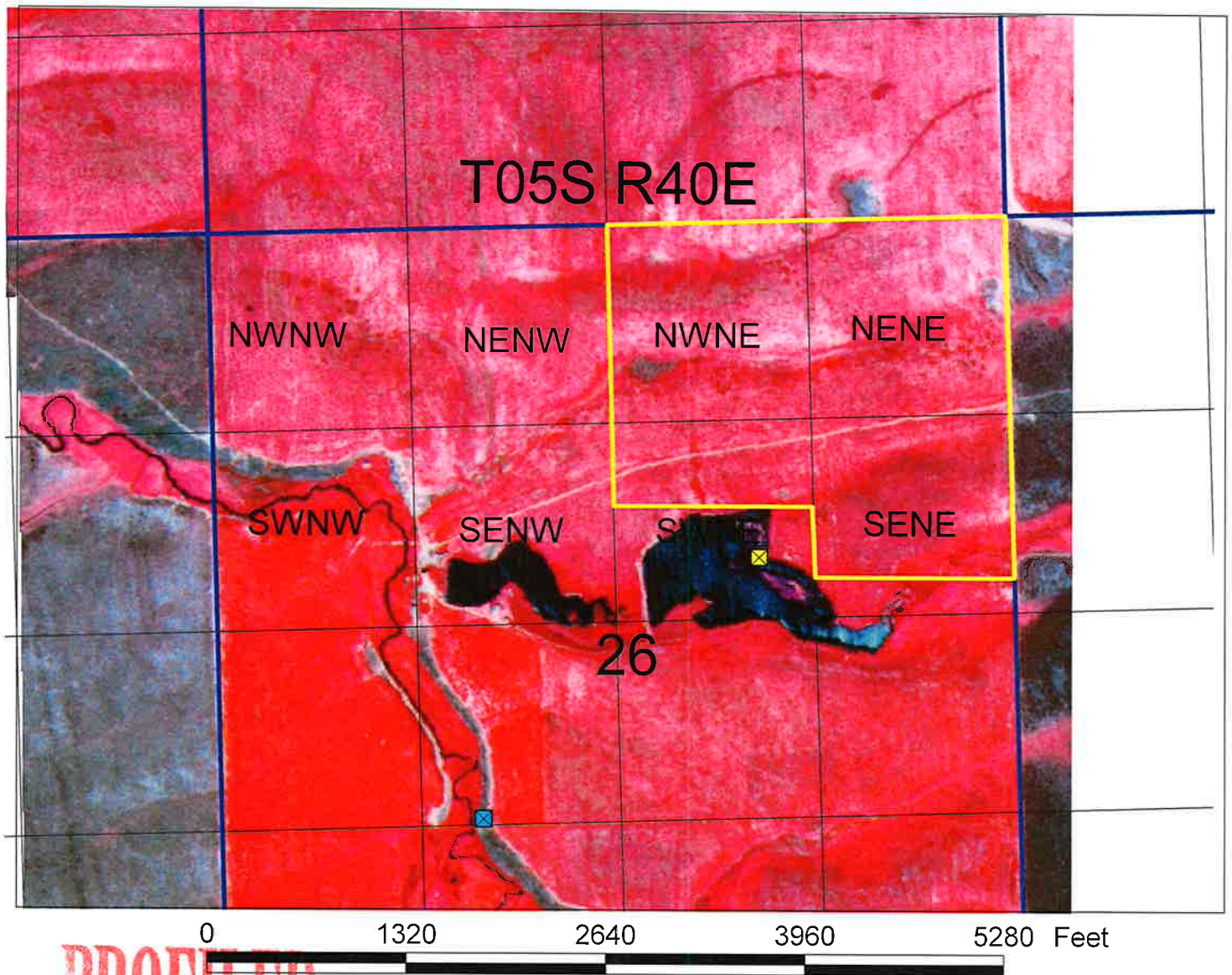
THIS LAND IS IN C.R.P. WITH 7 YRS LEFT AS OF FILING DATE.
THE SOURCE IS CHICKEN CREEK ON QUAD. AND IS KNOWN LOCALLY
AS INDIAN CREEK.

EXPLANATORY MATERIAL: Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

Idaho Department of Water Resources

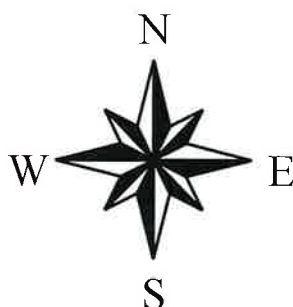
Claim No.: 27-4010



PROFILED

- Point of diversion.shp
- Place of use.shp
- Basin 27 gpsp.shp
- Township/Range
- Sections
- QQ

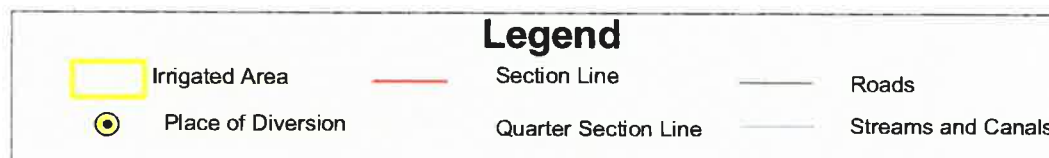
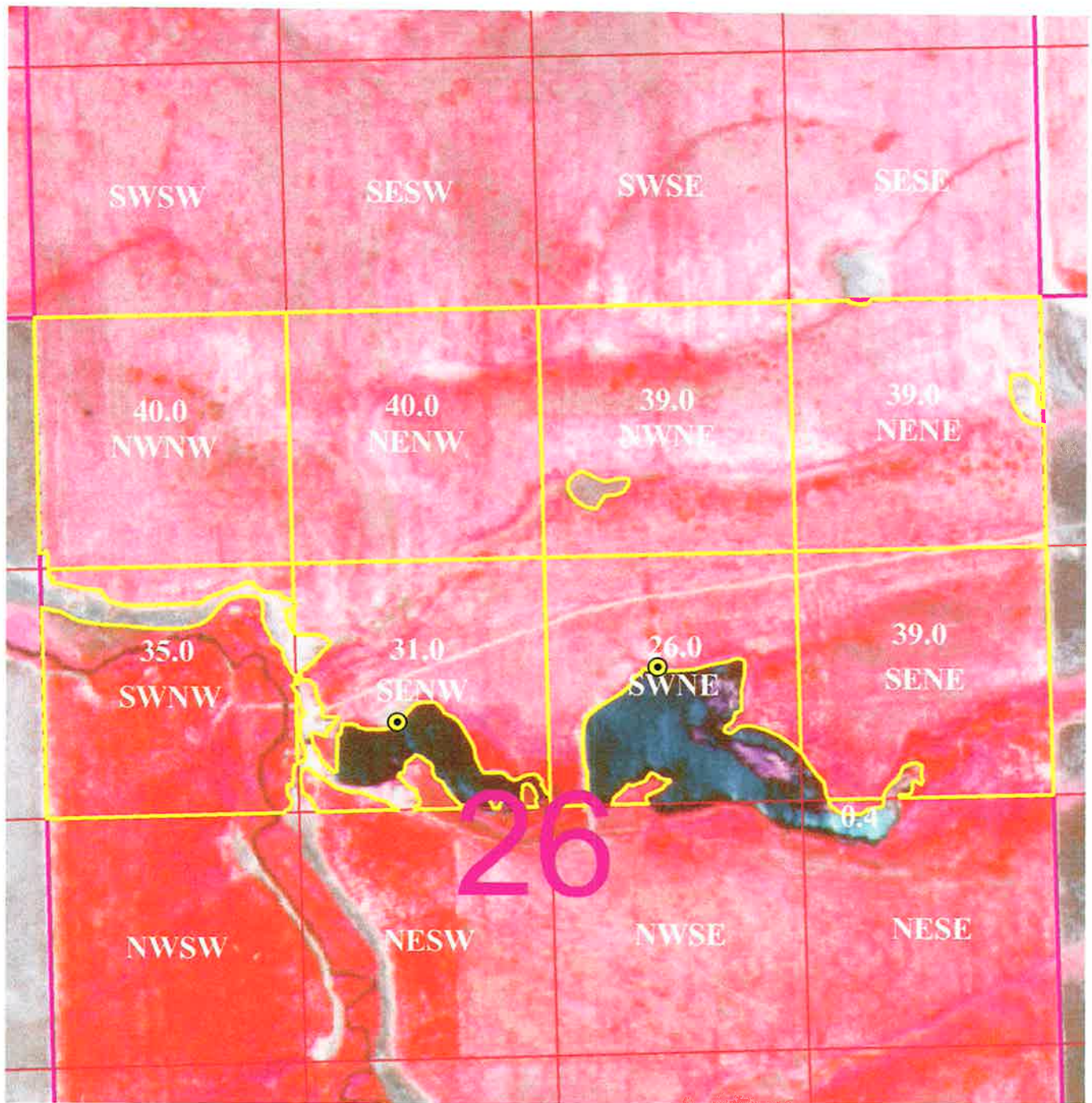
SCANNED
MAR 28 2006



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

Water Right Claim Number 27-04010
Township , 5S40E

12/04/2000



600 0 600 1200 Feet





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 29, 2009

KEITH J MUNNS & RUTH N MUNNS
8279 S 400 W
REXBURG ID 83440

RE: Notice of Change of Water Right Ownership (NCO) for 27-4009 & 27-4010
and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Bobby Kern
Office Specialist II

Enclosure

cc Randall Budge

SCANNED
MAY 14 2009

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 27-4009 & 27-4010

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party Wheatley - Munns

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 5/1/2009

Signature of IDWR Representative

SCANNED
MAY 14 2009

CERTIFICATE OF MAILING

I certify that on May 1, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Ralph O Wheatley & Vauna Wheatley
Meadowbrook Ranch
10053 S Marsh Creek Rd
McCammon ID 83250

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Keith J & Ruth N Munns
8279 S 400 W
Rexburg ID 83440

4. One copy to:

Each party in the subcase, or attorney of record:
Committee of Nine
Represented by:
Barker Roshalt & Simpson LLP
113 Main Ave W Ste 303
PO Box 485
Twin Falls ID 83303-0485

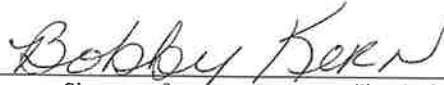
Shoshone-Bannock Tribes
Represented by:
Jeanette Wolfley Special Counsel
Shoshone-Bannock Tribe
202 N. Arthur
Pocatello ID 83202

Ralph O & Vauna Wheatley
Ralph O Wheatley
Vauna Wheatley
Represented by:
Randall C Budge
201 E Center Ste A2
PO Box 1391
Pocatello ID 83204-1391

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MAY 14 2009

Committee of Nine
Represented by:
Ray W Rigby
25 N 2nd E
PO Box 250
Rexburg ID 83440-0250

5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

SCANNED

M

04/23/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-4009

NAME AND ADDRESS: KEITH J MUNNS
8279 S 400 W
REXBURG ID 83440

RUTH N MUNNS
8279 S 400 W
REXBURG ID 83440

SOURCE: CORRAL CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 1.820 CFS

PRIORITY DATE: 04/15/1964

POINT OF
DIVERSION:

T05S R40E S26 SWNESW Within CARIBOU 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
PLACE OF USE:	<u>IRRIGATION in CARIBOU County</u>		
	T05S R40E S26 NESW 28.00	T05S R40E S26 NWSW	37.00
	T05S R40E S26 SWSW 36.00	T05S R40E S26 SESW	9.30
	T05S R40E S26 NESE 31.00	T05S R40E S26 NWSE	34.00
	T05S R40E S26 SWSE 40.00	T05S R40E S26 SESE	40.00

255.3 ACRES TOTAL

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:

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

SCANNED
MAY 14 2009

04/23/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-4010
NAME AND ADDRESS: RUTH N MUNNS
8279 S 400 W
REXBURG ID 83440
KEITH J MUNNS
8279 S 400 W
REXBURG ID 83440

SOURCE: CHICKEN CREEK TRIBUTARY: CORRAL CREEK

QUANTITY: 1.820 CFS

PRIORITY DATE: 04/15/1964

POINT OF
DIVERSION:

T05S R40E S26 SESWNE Within CARIBOU 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
PLACE OF USE:	<u>IRRIGATION in CARIBOU County</u>		
	T05S R40E S26 NENE 40.00	T05S R40E S26 NWNE 40.00	
	T05S R40E S26 SWNE 17.00	T05S R40E S26 SENE 33.00	
	130 ACRES TOTAL		

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

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

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MAY

SCANNED

MAY 14 2009

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
PD ✓ AOS 1-28D	processed separately		AD ✓ 27-2124	Processed separately	
or PD 27-4008	processed separately		or permit 27-7494	processed separately	
or AOS 27-11314	disallowed processed separately		or AOS 1-169F	disallowed processed separately	
or WR 27-7495	Processed separately				
or AOS 27-4010					
or AOS 27-4009					

RECEIVED

MAR 27 2009

Department of Water Resources
Eastern Region

2. The following **REQUIRED** information must be submitted with this form:
- The appropriate **FILING FEE**. See instructions for fee amounts.
 - A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
 - Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Ralph O. Wheatley + Vauna Wheatley

4. New Owner/Claimant(s)

Keith J. Munns + Ruth N. Munns

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

8279 S 400 W, Rexburg ID 83440

City, State and ZIP Code

New Telephone Number

(208) 356 3372 Email: _____

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MAY 14 2009

5. Date you acquired the property

2-1-2008

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Keith J. Munn

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:
 Received by BML
 Received by BML
 Processed by _____ AJ

 Date 3/27/09
 Date 3/27/09
 Date _____

 Receipt Amt. 100.00
 Receipt No. E034894
 WR _____ Date _____

 SCANNED
 MAY 1



USDA United States Department of Agriculture
Farm Service Agency



Digital Orthophotography
Not to Scale

Tract 178
Farm 43

SCANNED
MAY 14 2003

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

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

www.racinelaw.net

SENDER'S E-MAIL ADDRESS: RCB@racinelaw.net

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
ERIC L. OLSEN
CONRAD J. AIKEN
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
DAVID E. ALEXANDER
PATRICK N. GEORGE
SCOTT J. SMITH
JOSHUA D. JOHNSON
STEPHEN J. MUHONEN
BRENT L. WHITING
JONATHAN S. BYINGTON
DAVE BAGLEY
CAROL TIPPI VOLYN
THOMAS J. BUDGE
CANDICE M. MCHUGH
JONATHAN M. VOLYN
MARK A. SHAFFER

BOISE OFFICE
101 SOUTH CAPITOL
BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE
477 SHOUP AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

COEUR D'ALENE OFFICE
250 NORTHWEST
BOULEVARD, SUITE 106A
COEUR D'ALENE, ID 83814
TELEPHONE: (208) 765-6888

ALL OFFICES TOLL FREE
(877) 232-6101

LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON, OF COUNSEL

April 13, 2009

Cynthia Bridge-Clark
Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: *Application to Lease Water Right Nos. 1-28D, 1-169F, 27-2124,
27-4008, 27-4009, and 27-4010*

Dear Cynthia:

The above-referenced water rights were placed into the State Water Supply Bank by former owner Ralph O. Wheatley, dba Meadowbrook Ranch. Enclosed for your convenient reference is a copy of the Department's May 23, 2003 letter confirming the acceptance into the bank. As noted in the letter, permit number 27-7494 was not accepted into the bank as proof of beneficial use had not been submitted. That permit was reinstated by Order dated June 3, 2004, the proof was filed and a Proof Acknowledgment Letter dated June 4, 2004 issued by the Department, copies of which are also enclosed.

Pursuant to the enclosed Warranty Deed dated 2/1/08, Caribou County Instrument No. 179957, the real property and all appurtenant water rights were acquired from the Wheatleys by Keith J. And Ruth N. Munz, husband and wife, whose address is 8279 S. 400 W., Rexburg, Idaho 83440. The Munz went into the Eastern Region Office in March and had prepared, signed and filed a Notice of Change in Water Right Ownership to reflect them as the owners of these and all other appurtenant water rights. Once this has been processed, the Munz should be reflected as the owner in the Department's records.

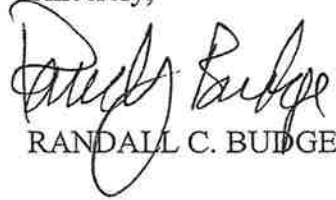
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MAY 14 2009

April 13, 2009
Page 2

The Munz desire to continue to have the above-referenced water rights in the State Water Supply Bank and also to add Water Right 27-7494 which now qualifies. Please confirm that these water rights remain in the Water Supply Bank and update your records to reflect the Munz as the current owners.

If you have any questions, please contact me. Thanks for your cooperation and assistance.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Keith J. Munz
IDWR/Eastern Region

SCANNED
MAY 14 2009

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
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www.racinelaw.net

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

W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODSELL
JOHN B. INGELSTROM
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TELEPHONE: (208) 765-6888

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(877) 232-6101

LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON, OF COUNSEL

April 13, 2009

IDWR/Eastern Region
Attn: Sharla Cox, Adm. Asst.
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Re: Water Right Nos. ~~01-29X~~, 01-169F, 27-7495, 27-4009, ~~27-4010~~,
27-11314, 27-4008, 27-2124, 27-7494

Dear Sharla:

Enclosed please find a copy of the Warranty Deed dated 2/1/08, Caribou Country Instrument No. 179957 pursuant to which the described property was acquired by Keith R. And Ruth N. Munz from Ralph O. And Vauna Wheatley. Also enclosed is a summary of the water rights appurtenant to the property acquired by the Munz.

I met with Mr. Munz last week and will continue to represent him with respect to the pending SRBA claims on these rights, as we are familiar with the same, having represented the Wheatleys previously. Mr. Munz indicates that he was in to your office in mid-March and had prepared, signed and filed a Notice in Change of Water Right Ownership in order to have these water rights placed into his name. However, he did not keep a copy of the Notice as filed and therefore is unsure whether or not all of these water rights were included in the Notice of Change as they should have been. Can you please confirm this and also provide me with a copy of the Notice of Change of Water Right Ownership as filed.

Also enclosed for your information and file is a copy of the letter we have sent to the Boise Office to confirm the status of those rights that were previously placed into the Water Supply Bank.

RECEIVED

APR 1 2009

Department of Water Resources
Eastern Region

SCANNED
MAY 14 2009

April 13, 2009
Page 2

Thank you for your cooperation and assistance. If you have any questions, don't hesitate to give me a call.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Keith Munz
IDWR/Boise

SCANNED
MAY 14 2009

SCANNED
MAY 14 2009

WATER RIGHT SUMMARY
KEITH J. AND RUTH N. MUNNS
8279 S. 400 W.
Rexburg, Idaho 83440

<u>Water Right No.</u>	<u>Priority</u>	<u>CFS</u>	<u>AF</u>	<u>Source</u>	<u>Use</u>
1. 01-0028D* (Transfer No. 2433, Approved 4/20/81)	2/21/1890	1.82		Corral Creek	Irrigation 4/01-11/01
2. 01-169F*	02/21/1890	1.54		Corral Creek	Irrigation 4/01-11/01
3. 27-7495	2/25/1990	49AF		Chicken Creek	Recreation/Storage 1/01 - 12/31 (Reservoir)
4. 27-4009*	5/01/1959	1.82		Corral Creek	Irrigation 4/01-11/01 (440 ac)
5. 27-4010*	5/01/1959	1.20		Chicken Creek	Irrigation 4/01-11/01 (300 ac)
6. 27-11314	7/28/1961	2.4		Groundwater	Irrigation 4/01-11/01 (120 ac)
7. 27-4008* (Partial Decree issued 8/13/2007)	4/01/1961	3.2		Groundwater	Irrigation 4/01-11/01 (320 ac)
8. 27-2124* (Partial Decree issued 8/13/2007)	7/28/1961	4.38		Groundwater	Irrigation 4/01-11/01 (318 ac)
9. 27-7494 (Proof due)	2/18/1990	6.67		Groundwater	Irrigation 4/01-11/01 (480 ac)

P/D-P/U: Sections 22, 23, 26, 35, 36
Township 5 South, Range 40 East, Caribou County

*Accepted into State Water Supply Bank 5-23-03.

SCANNED
MAY 14 2009



WARRANTY DEED

Instrument # 179957

CARIBOU COUNTY

2008-02-04

10:16:32 No. of Pages: 1

Recorded for : ALLIANCE TITLE

VEDA MASCARENAS

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 3.00

BA Straatman

Order No.: 3080840925ER

FOR VALUE RECEIVED

Ralph O. Wheatley and Vauna Wheatley, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Keith J. Munns and Ruth N. Munns, Husband and Wife

whose current address is 8279 S 400 W Rexburg, ID 83440

the grantee(s), the following described premises, in Caribou County, Idaho, TO WIT:

Township 5 South, Range 40 East, Boise Meridian, Caribou County, Idaho:

Section 22: East ½ of the Southeast ¼, also, BEGINNING at a point 880 feet East of the Southwest corner of the Southeast ¼ of said Section 22, and running

Thence North 7°58' West 444 feet;

Thence North 1°23' East 1002 feet;

Thence North 38°22' West 454 feet;

Thence North 16°29' West 541 feet;

Thence North 62°48' East 252 feet;

Thence South 86°58' East 177 feet;

Thence North 51°48' East 339 feet, more or less, to a point on the North line of the Southeast ¼ of Section 22;

Thence along North line 272 feet, more or less, to the Northeast corner of the Northwest ¼ of the Southeast ¼ of Section 22;

Thence South 2640 feet to the South line of said Section 22;

Thence West 440 feet, to the POINT OF BEGINNING.

Section 23: All.

Section 26: All.

Section 35: Northeast ¼.

Section 36: Northwest ¼.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 2-1-08

Ralph O. Wheatley
Ralph O. Wheatley

Vauna Wheatley
Vauna Wheatley

SCANNED
MAY 14 2009

Copy *only*



WARRANTY DEED

Instrument # 179957
CARIBOU COUNTY
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whose current address is 8279 S 400 W Rexburg, ID 83440

the grantee(s), the following described premises, in Caribou County, Idaho, TO WIT:

Township 5 South, Range 40 East, Boise Meridian, Caribou County, Idaho:

Section 22: East 1/4 of the Southeast 1/4, also, BEGINNING at a point 880 feet East of the Southwest corner of the Southeast 1/4 of said Section 22, and running

Thence North 7°58' West 444 feet;

Thence North 1°23' East 1002 feet;

Thence North 38°22' West 454 feet;

Thence North 16°29' West 541 feet;

Thence North 62°48' East 252 feet;

Thence South 86°58' East 177 feet;

Thence North 51°48' East 339 feet, more or less, to a point on the North line of the Southeast 1/4 of Section 22;

Thence along North line 272 feet, more or less, to the Northeast corner of the Northwest 1/4 of the Southeast 1/4 of Section 22;

Thence South 2640 feet to the South line of said Section 22;

Thence West 440 feet, to the POINT OF BEGINNING.

Section 23: All.

Section 26: All.

Section 35: Northeast 1/4.

Section 36: Northwest 1/4.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 2-1-08

Ralph O. Wheatley
Ralph O. Wheatley

Vauna Wheatley
Vauna Wheatley

State of Idaho TO

County of JEFFERSON

On this 1 day of January, in the year 2008 before me, a Notary Public in and for said state, personally appeared Ralph O. Wheatley and Vauna Wheatley known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

SCANNED

Reed D. Wood
Notary Public for the State of Idaho
Residing at: *Rexburg, Idaho*
Commission Expires: *6-10-11*

06/03/2005

**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: 27-4010

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

251-1243 (C)

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

disagree not being recommended

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

recommendation to be made

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

Place was being irrigated in the 1960's

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

DATE:

7-18-05

SIGNATURE:

Ralph Wheatley

Please print your name: _____

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

SCANNED
MAR 28 2006

PROFILED

Notes

10/3/05. 1964 imagery doesn't show the pond for storage.

The 1987/88 Napp photography clearly shows the ponds.

No evidence to support a 1959 priority date.

The photo from Caribou Co. Soil Conservation office dated 11/74 does show the ponds. They were proposing the ponds.

Problem: 1973 mandatory permit statute.

The 1964 imagery under this right. Pou also doesn't show this land as irrigated.

Claimant will have to provide more proof before this right could be recommended.

Claim disallowed, NO B.U. found CB. See file 27-4009 for 1964, 1974 photos and FSA information.

7/18/05 (1) Ponds show up on 1974 ortho quad. Not the 1964 imagery.

Ralph will get me an affidavit from Christensen family on the irrigation of this land. He agrees that the storage wasn't there in 1959.

Ralph Whately

1 Ground still in CRP - up 2007 - Staid in 1987

2/ In 1974 system was redent

3/ Approx 1551 acrs including enlargement

4/ ~~CRP~~ 27-7494 in CRP - Proof filed

but we need better info on CRP protection. Can we do theoretical.

Call Dave Colson & Keith Wilson & put

note in file that exam will be done

in 2007

5/ North well is lower 27-2124 - 318 acrs

6/ A27-04010 - Chicken Creek (Bar Creek on Map) Indian or Map

Flows into ponds & rift into mainline

& Co-mingler with well (North Property)

7/ Expansion A27-11314 of A27-02124

For extra acrs in Section 22

8/ A27-4009 - this info missing for "E"th

Property

254-3186

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Ralph Wheatly	10053 S Marsh	Crk Rd			
Name connector: and _____, or _____, and/or _____						
Current Owner	Mc Cammon					
Current Owner						

Date: _____

Priority Date Data Entry Form

Claim Number: A 27-4010

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

No evidence to support claimed
priority date.1974 photo from soil conservation
doesn't show storage.1987 Napp photograph clearly shows
storage.1964 photo doesn't show irrigation.Reviewer: CBDate: 6/3/05

Priority Date

Claim No. 27-4010

1. Should this water use have been included in a later court decree of the water rights from this source?
If Yes, go to 2
If No, go to 4
Yes () No (X)
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree?
If Yes, go to 3a
If No, go to 4
Yes () No ()
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use?
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
Yes () No ()
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion?
If Yes, go to 11
If No, go to 4
Yes () No ()
4. Is the basis of claim a decree or license?
If Yes, go to 5
If No, go to 7
Yes () No (X)
5. Does the decree or license have a Priority Date?
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
Yes () No ()
6. Did the Claimant claim the decreed or licensed Priority Date?
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
Yes () No ()
7. Is the basis of claim a Permit or Application?
If Yes, go to 10e
If No, go to 8
Yes () No (X)
8. Is the basis of claim a posted notice?
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
Yes () No (X)
9. Is the Priority Date claimed after the date a permit is required for the source and the water use?
If Yes, go to 11
If No, go to 12
Yes () No (X)
- 10e. Will the license be issued prior to filing the Director's Report?
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to 15
Yes () No ()
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426?
If Yes, go to 12
If No, disallow with condition P01.
Yes () No ()
12. Does the claim file contain sufficient evidence of Priority Date?
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
Yes () No (X)
13. Has additional evidence of priority date been submitted?
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
Yes () No (X)
14. Can any portion of the claim be recommended as a valid water right?
If Yes, go to 15
If No, disallow with condition P01.
Yes () No (X)
15. Is the basis of claim coded correctly?
If Yes, go to 16
If No, Enter the appropriate basis of claim.
Yes () No ()
6. Is a Priority Date remark and/or condition required?
If Yes, Enter the appropriate basis of claim. Priority Date review is complete
If No, Priority Date review is complete.
Yes () No ()

Priority Date

7/30/03

27-4010

9:03 AM. Chicken Creek.
Chicken

Diesel pump- location has been pulled out
since land has been in CRP since
1987.

- POU: 274010 file name
N 42° 57.395'
W 111° 44.052'

9:14 AM Photo looking west at Pump
location and storage pond.

Img-742

9:23 AM.

pond - 8-10 acres.

9:15 AM. Photo Looking south at Part of POU.

Img-743.

9:25 AM.

and pond area where Chicken Creek
flows in.

7/30/03 A0012012 GPS Tag. Applied to pipe.

6/14/03 FSA 11/74 Map shows migration on the land

classified under this claim, without some addition

andance, the priority will be moved to 4/1/74.

look at adding some 1962-64 photos, because we
can't determine a 1974 priority because the mandatory
Bureau Manual says:

10" to 8"

move every 40'

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Ralph Wheatley	10053 S. Marsh Ck Rd				
Name connector: and _____, or _____, and/or _____						
Current Owner	Valuna Wheatley	McCammon, ID				
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: Ralph Wheatley Phone Number: 254-3186Relationship to Claimant: —Date of Field Exam: 7-30-03 Time: 8am

Directions to Property (if different from above) and/or update owner information:

Nath of Soda Springs, meet at the
officeReviewer: CBDate: 8/11/03

Priority Date Data Entry FormClaim Number: 27-4010

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Need further information, FSA maps
date 11/74 shows the land as irrigated
but it's after the 1971 mandatory permit
statute.

Reviewer: CBDate: 8/11/03

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

☐ Use Claimed POD and Source as Recommended POD and Source

File name: _____

File name	Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
274010	SS	40E	26		SWNE	Cambria	Chickadee Ck.
GPS Coordinates:	N42° 57.398'					W111° 44.052'	

GPS Coordinates:							
------------------	--	--	--	--	--	--	--

GPS Coordinates:							
------------------	--	--	--	--	--	--	--

GPS Coordinates:							
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GPS Coordinates:							
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GPS Coordinates:							
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GPS Coordinates:							
------------------	--	--	--	--	--	--	--

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

Transfers Changing POD _____

Reviewer: _____

Date: _____

Gaylen Christensen
P.O. Box 307
Tremonton, Utah 84337

Dec. 1974
1800 Acres

LOCATION:

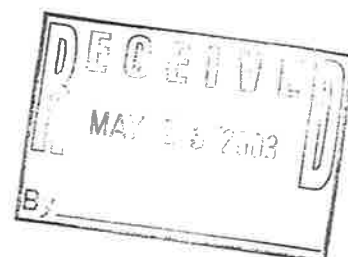
This farm is located about 25 miles North of Soda Springs and near the Blackfoot dam. Corral Creek runs through the property, South to North West. Bear Creek runs from the East into Corral Creek.

FACT:

Irrigated Cropland-----	850 Acres
Irrigated Pastureland-----	106 Acres
Non-Irrigated Cropland-----	531 Acres
Non-Irrigated Pastureland-----	182 Acres
Homestead, Waste Rock, Out Crop ect.----	131 Acres
Irrigation Systems-Sprinklers-----	4 Each
Well-----	1 Each
Pond-----	1, 48 Ac. Ft.
	Approx. 12 Surface Ac.

OBJECTIVES:

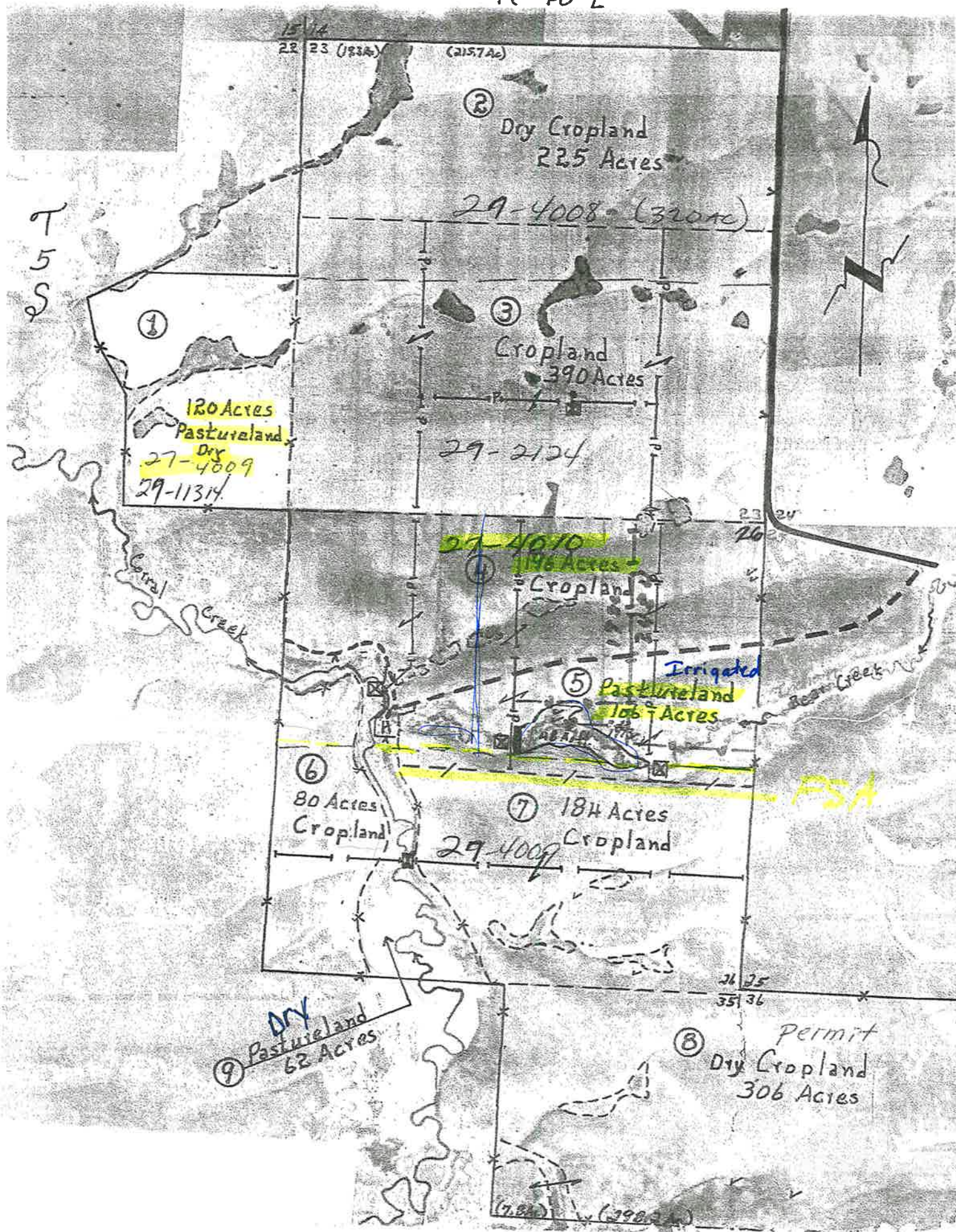
1. To control soil loss from water and wind erosion.
2. To control noxious and annual weeds.
3. To manage pastureland.
4. To develop and manage the sprinkler irrigation systems properly.



cooperating with
Caribou Soil Conservation District

OWNER Gaylen Christensen FARM NO. _____ DATE 11/74
 OPERATOR Caribou Idaho SCALE 1/2" = 1 Mile ACRES 1800
 COUNTY STATE PHOTO NO. _____

R 40 E



27-4010
RALPH WHEATLEY
JULY 30, 2003
NARRATIVE BY CINDY BIRD



Photo 1. IMG_742

Photo 1 was taken looking west at pump location and storage pond for Chicken Creek. The diesel pump was pulled out because the land has been in CRP since 1987.

Point of diversion was GPS'd and a tag was applied to the pipe. POD FILE 274010.

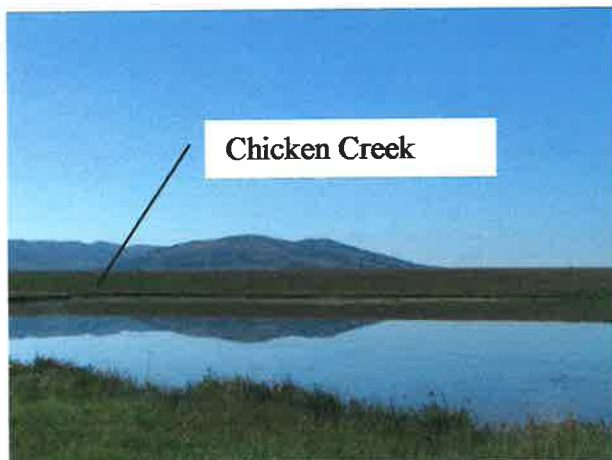
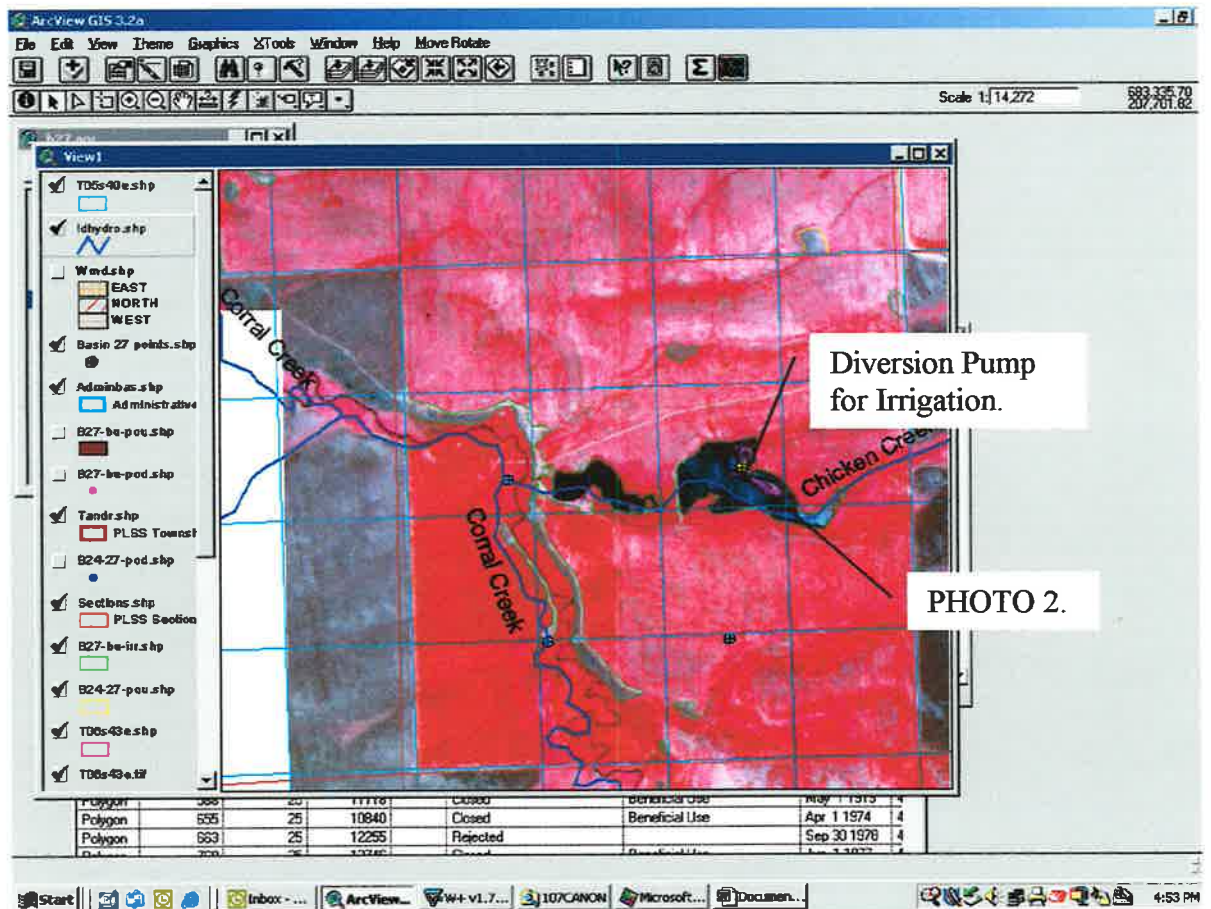


Photo 2. IMG_743

Photo 2 was taken looking south at part of the place of use and the pond where Chicken Creek flows into the pond. No GPS point was determined for the point where the Creek flows into the storage pond.



Feature 1. 1987/88 NAPP PHOTOGRAPHY.



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Phil Yost
1760 Rich Road
Grace, Idaho 83241

April 23, 2003

Re: Evidence of Priority

Claim No.(s) A27-04009 & A27-04010

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

.....
The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by May 23, 2003, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Adjudication Claim Report

✓ ✓ ✓ ✓ ✓ CB
4/2/03

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	27-2124	No	27-7495	25	- WATER RIGHT
	27-4008	No			
	27-11314				
	27-4010				
	27-4009				

The following **REQUIRED** information must be submitted with this form:

- The appropriate **FILING FEE**. See instructions for fee amounts.
- A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

4. New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

Meadow Brook Ranch

Ralph or Danna Wheatley
10053

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

10053 S Marsh Crk RD

McCammon Idaho 83258

208) -254-3186

Sept 2001

OLD OWNER : Yost and Modersitzki

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

x Ralph Wheatley

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>DC</u>	Date <u>2/25/2003</u>	Fee <u>\$ 25.00</u>
Received by <u>DC</u>	Date <u>2/25/2003</u>	Receipt No. <u>FD28515</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

1240

2 11715

Chris
place

STATE OF IDAHO } 163807
County of Caribou }

I hereby certify that this instrument was filed at the request
of Caribou Title Co
at 11:30 o'clock A in this 21st day of
June, 2001 in my office and duly
recorded Official Records
Recorder Edie Izatt

Order No. 11306

Mail Taxes to:
Philip J. Yost
David M. Modersitzki
1760 Rich Road
Grace, ID 83241

Signature

Toni Raby 6⁰⁰
Deputy

WARRANTY DEED

THIS INDENTURE, made this 5th day of March, 1998, between
PHILIP J. YOST and LISA J. YOST, husband and wife, of Grace,
Caribou County, Idaho 83241 hereinafter called First Party, and
PHILIP J. YOST and LISA J. YOST, husband and wife; DAVID M.
MODERSITZKI and KAREN JANE MODERSITZKI, husband and wife, of 1760
Rich Road, Grace, Caribou County, Idaho 83241 hereinafter called
Second Party:

WITNESSETH: that the said First Party, for and in
consideration of the sum of TEN DOLLARS, lawful money of the United
States of America, to said First Party in hand paid by the said
Second Party, the receipt of which is hereby acknowledged, does by
these presents, Grant, Bargain, Sell and Convey and Confirm unto
said Second Party, and to said Second Party's heirs and assigns
forever: All that certain lot, piece or parcel of land situate,
lying and being in the County of Caribou, State of Idaho, more
particularly described as follows:

Township 5 South, Range 40 East of the Boise Meridian:

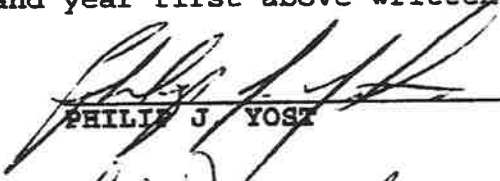
Section 22: ~~EX~~SEX, ALSO, Beginning at a point 880 feet East of the
~~SW~~SEX of said Section 22, and running
thence North 7°58' West 44 feet;
thence North 1°23' East 1002 feet;
thence North 38°22' West 454 feet;
thence North 16°29' West 541 feet;
thence North 62°48' East 252 feet;
thence South 86°58' East 177 feet;
thence North 51°48' East 339 feet, more or less, to
a point on the North line of the SEX of said
Section 22;
thence along the North line 272 feet, more or less,
to the Northeast Corner of the NWSEX of said
Section 22;
thence South 2640 feet to the South line of said
Section 22;
thence West 440 feet,
to the point of beginning.

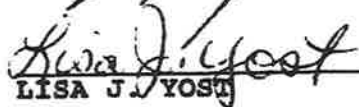
Section 23: ALL. 640
 Section 26: ALL. 640
 Section 35: NE¼. 1600
 Section 36: NW¼. 160

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident and unto the said First Party, and to their heirs and assigns forever, and the said First Party shall and will warrant and by these present forever defend.

IN WITNESS WHEREOF, the said First Party has hereunto set their hands and seals, the day and year first above written.


 PHILIP J. YOST


 LISA J. YOST

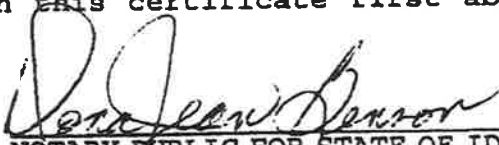
STATE OF IDAHO)
 : ss.
 County of Caribou)

June, 2001.

On this 20th day of ~~April, 2002~~ before me the undersigned, a Notary Public in and for said County and State, personally appeared Philip J. Yost and Lisa J. Yost, husband and wife known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.




 NOTARY PUBLIC FOR STATE OF IDAHO
 Residing at: Soda Springs, ID.
 My commission expires: 8/15/2003.

Mail Tax Notice to:
Ralph O. Wheatley
10053 South Marsh Creek RD
McCammon, ID 83250

STATE OF IDAHO }
County of Caribou }

ss 164304

I hereby certify that this instrument was filed at the request
of Caribou Title
at 1:35 o'clock P m this 6th day of
Sept, 2001 in my office and duly

recorded official Records

Recorder Edie Izatt

Sandra L. Godfrey
Signature

6.00
Deputy

WARRANTY DEED

For Value Received PHILIP J. YOST AND LISA J. YOST, husband and wife, and DAVID M. MODERSITZKI AND KAREN JANE MODERSITZKI, husband and wife, the grantors, do hereby grant, bargain, sell and convey unto RALPH O. WHEATLEY AND VAUNA WHEATLEY, husband and wife, of McCammon, Bannock County, Idaho, the grantees, the following described premises located in Caribou County, Idaho, to-wit:

Township 5 South, Range 40 East of the Boise Meridian:

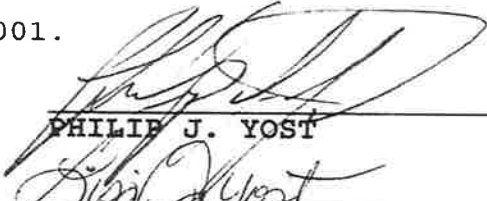
Section 22: E $\frac{1}{2}$ SE $\frac{1}{4}$, ALSO, Beginning at a point 880 feet East of the Southwest corner of the SE $\frac{1}{4}$ of said Section 22, and running
thence North 7°58' West 444 feet;
thence North 1°23' East 1002 feet;
thence North 38°22' West 454 feet;
thence North 16°29' West 541 feet;
thence North 62°48' East 252 feet;
thence South 86°58' East 177 feet;
thence North 51°48' East 339 feet, more or less, to a point on the North line of the SE $\frac{1}{4}$ of Section 22;
thence along North line 272 feet, more or less, to the Northeast corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22;
thence South 2640 feet to the South line of said Section 22;
thence West 440 feet,
to the point of beginning.

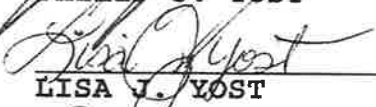
Section 23: All.
Section 26: All.
Section 35: NE $\frac{1}{4}$.
Section 36: NW $\frac{1}{4}$.

TOGETHER with the all of the 2001 CRP payment and all subsequent years under the present contract.

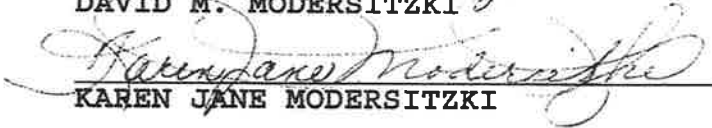
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: September 4, 2001.


PHILIP J. YOST

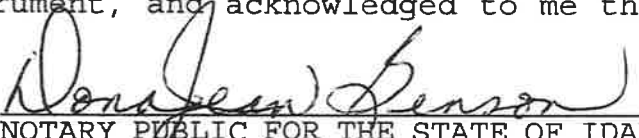

LISA J. YOST


DAVID M. MODERSITZKI


KAREN JANE MODERSITZKI

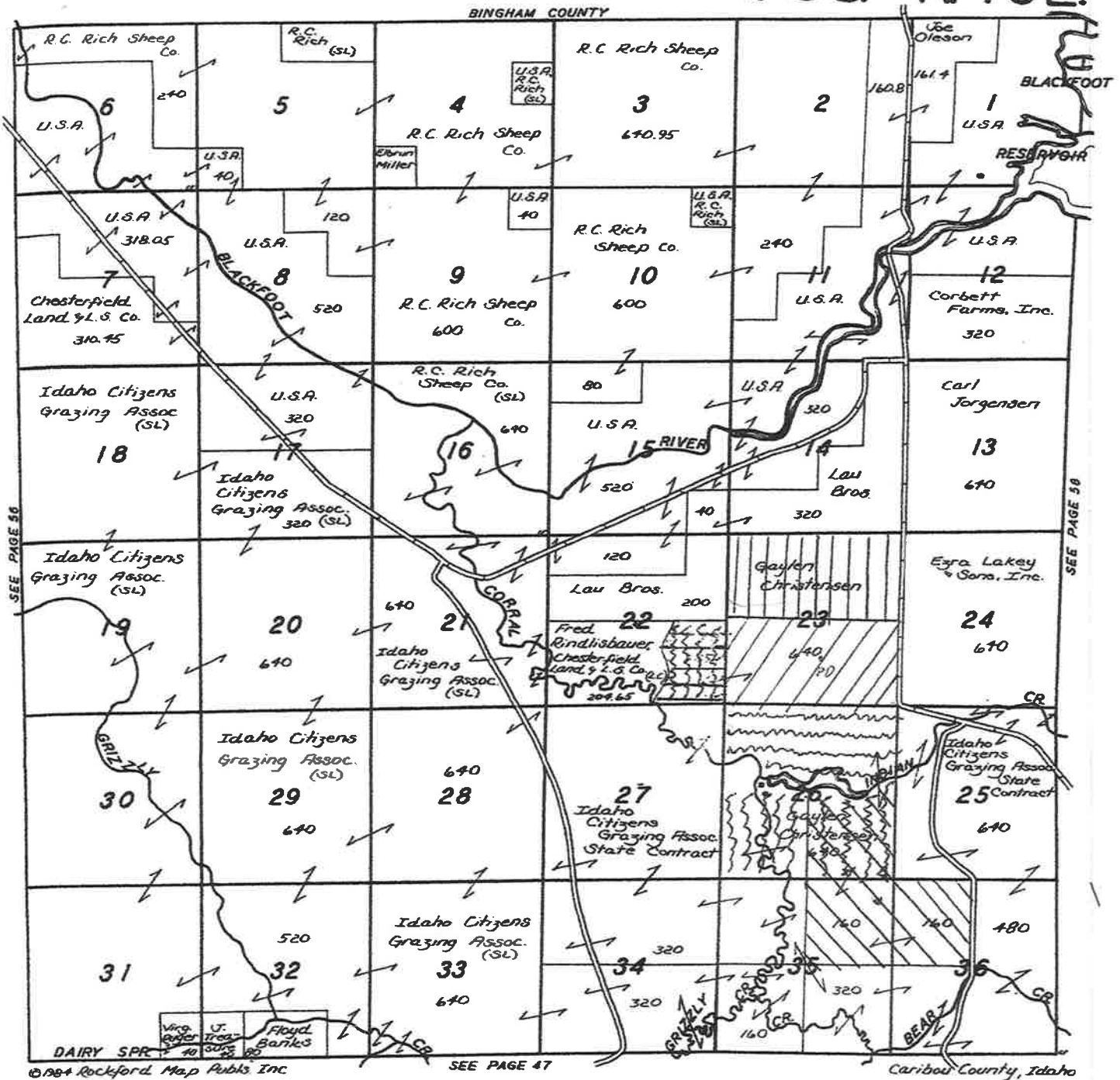
STATE OF IDAHO)
 : ss.
County of Caribou)

On this 4th day of September, 2001, before me the undersigned, a notary public in and for said County and State, personally appeared PHILIP J. YOST AND LISA J. YOST, husband and wife, and DAVID M. MODERSITZKI AND KAREN JANE MODERSITZKI, husband and wife, known or identified to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.


NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: Soda Springs, Idaho
My commission expires: 8/15/2003.



BINGHAM COUNTY



/// 27-2124 4.38 CFS License 318 acres 7/28/1961 well
 27-7494 6.67 CFS Permit 480 acres 2/18/1990 well
 III 27-4008 3.2 CFS Claim 320 acres 4/01/1961 well
 III 27-1814 2.4 CFS Beneficial Use 120 acres 7/28/1961 well
 27-7495 49 AF License - 0 2/25/1990 Chicken Creek
 ~~~ 27-4010 1.82 CFS Claim 300 acres 5/01/1959 Chicken Creek

JUL 16 2000

Log for claim 27-04010

Spatial Dynamics BTD

12/4/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 05s40e         | 26  | NENE | 40               | 39             |         |
| 05s40e         | 26  | NWNE | 40               | 39             |         |
| 05s40e         | 26  | SWNE | 30               | 26             |         |
| 05s40e         | 26  | SENE | 40               | 39             |         |
| 05s40e         | 26  | NENW | 40               | 40             |         |
| 05s40e         | 26  | NWNW | 40               | 40             |         |
| 05s40e         | 26  | SWNW | 40               | 35             |         |
| 05s40e         | 26  | SENW | 30               | 31             |         |
| 05s40e         | 26  | NESE | 0                | 0.4            |         |
| <b>Totals:</b> |     |      | 300              | 289.4          |         |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 27-4010

WATER RIGHT NUMBER: 27-4010

Owner Type                      Name and Address  
 Current Owner                      GAYLEN CHRISTENSEN  
                                          PO BOX 307  
                                          TREMONTON, UT 84337  
                                          (801) 257-3361

Priority Date: 05/01/1959  
 Basis: Statutory Claim  
 Status: Active

Source                                              Tributary  
 INDIAN CREEK                                      CORRAL CREEK

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION FROM STORAGE | 1/01 to 12/31           |                       | 120.00 AF            |
| IRRIGATION              | 4/01 to 11/01           | 1.820 CFS             |                      |
| IRRIGATION STORAGE      | 1/01 to 12/31           |                       | 120.00 AF            |
|                         | <u>Total Diversion:</u> | 1.820 CFS             | 120.00 AF            |

Location of Point(s) of Diversion

|                |            |                                 |
|----------------|------------|---------------------------------|
| INDIAN CREEK   | SE1/4NE1/4 | Sec. 26, Twp 05S, Rge 40E, B.M. |
| CARIBOU County |            |                                 |
| INDIAN CREEK   | SW1/4NW1/4 | Sec. 26, Twp 05S, Rge 40E, B.M. |
| CARIBOU County |            |                                 |

Place of Use  
 IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|------|------|------|------|------|------|------|------|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05S | 40E | 26  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 |    |    |    |    |    |    |    |    | 320.0  |

Total Acres: 320

IRRIGATION FROM STORAGE same as IRRIGATIONConditions of Approval:Remarks:Comments:Dates and Other Information:

AJ5809NP  
No. A27-04010

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/00  
PAGE: 76

| OWNER<br>CODE    | NAME & ADDRESS                                                              | PRIORITY<br>DATE | WATER USE                                                   | USE PERIOD<br>FROM TO                     | DIVERSION<br>RATE | DIVERSION<br>VOLUME      |
|------------------|-----------------------------------------------------------------------------|------------------|-------------------------------------------------------------|-------------------------------------------|-------------------|--------------------------|
| C                | PHIL J YOST<br>1760 RICH RD<br>GRACE ID 83241<br>(208) 425-3875             | 05/01/1959       | IRRIGATION<br>IRRIGATION STORAGE<br>IRRIGATION FROM STORAGE | 04-01 11-01<br>01-01 12-31<br>01-01 12-31 | 1.820 CFS         | 120.00 AFA<br>120.00 AFA |
| TOTAL DIVERSION: |                                                                             |                  |                                                             |                                           | 1.820 CFS         |                          |
| C                | DAVID M MODERSITZKI<br>RR 1 BOX 1560<br>BANCROFT ID 83217<br>(208) 648-7722 |                  |                                                             | CONSUMPTIVE USE:                          |                   | 750.00 AFA               |

Water Source: CHICKEN CREEK

Tributary to: CORRAL CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T05S R40E S26 SWSWNE SWSWSE CARIBOU County

Place of use Legal Description for: IRRIGATION

| NE          |     |      |      |      |    |      |    |      |    |        |      | NW   |    |      |    | SW   |    |        |      | SE   |    |      |    |      |      |        |    |       |    |      |    |      |         |   |
|-------------|-----|------|------|------|----|------|----|------|----|--------|------|------|----|------|----|------|----|--------|------|------|----|------|----|------|------|--------|----|-------|----|------|----|------|---------|---|
|             |     | NENE |      | NWNE |    | SWNE |    | SENE |    | : NENE |      | NWNW |    | SWNW |    | SENW |    | : NESW |      | NWSW |    | SWSW |    | SESW |      | : NESE |    | NWSE  |    | SWSE |    | SESE |         | : |
| T           | R   | S    | : Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac     | : Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac     | : Lt | Ac   | Lt | Ac   | Lt | Ac   | : Lt | Ac     | Lt | Ac    | Lt | Ac   | Lt | Ac   | : SUM   |   |
| 05S         | 40E | 26   | :    | 40   |    | 40   |    | 30   |    | 40     | :    | 40   |    | 40   |    | 40   |    | 30     | :    |      |    |      |    |      | :    |        |    |       |    |      |    |      | : 300.0 |   |
| TOTAL ACRES |     |      |      |      |    |      |    |      |    |        |      |      |    |      |    |      |    |        |      |      |    |      |    |      |      |        |    | 300.0 |    |      |    |      |         |   |

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

POU County: CARIBOU

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN THIS LAND IS IN C.R.P. WITH 7 YRS LEFT AS OF FILING DATE.  
THE SOURCE IS CHICKEN CREEK ON QUAD. AND IS KNOWN LOCALLY AS  
INDIAN CREEK.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 27 Field Inspection Flag:  
Presumption Flag:

**Section 42-225a, Idaho Code**

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Gaylen Christensen  
(name of claimant)

**The extent and nature of said claim is as follows:**

- |        |                      |     |                               |                |      |                   |    |                        |
|--------|----------------------|-----|-------------------------------|----------------|------|-------------------|----|------------------------|
| Amount | <u>1.82 cfs</u>      | Use | <u>Irrigation</u>             | Period of Use: | From | <u>April 1</u>    | To | <u>November 1</u>      |
| Amount | <u>120 a/f</u>       | Use | <u>Storage</u>                | Period of Use: | From | <u>Jan 1</u>      | To | <u>Dec 31</u>          |
| Amount | <u>          </u>    | Use | <u>          </u>             | Period of Use: | From | <u>          </u> | To | <u>          </u>      |
|        | (cfs, gpm<br>or a/f) |     | (dom., irri.,<br>stock, etc.) |                |      |                   |    | (both dates inclusive) |

- (5) A) Point of diversion: (give location of point where water is diverted from its source)  
SE ¼ NE ¼, Sec. 26 Twp. 5S Rge. 40 E B. M. County of Caribou  
Additional points of diversion: SW<sub>4</sub><sup>1</sup> NW<sub>4</sub><sup>1</sup>, sec 26, twp 5S, Rge 40E,  
B.M., Caribou County
- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field etc.) Give sizes and capacities; be as specific as possible. pump, pipeline and sprinkler

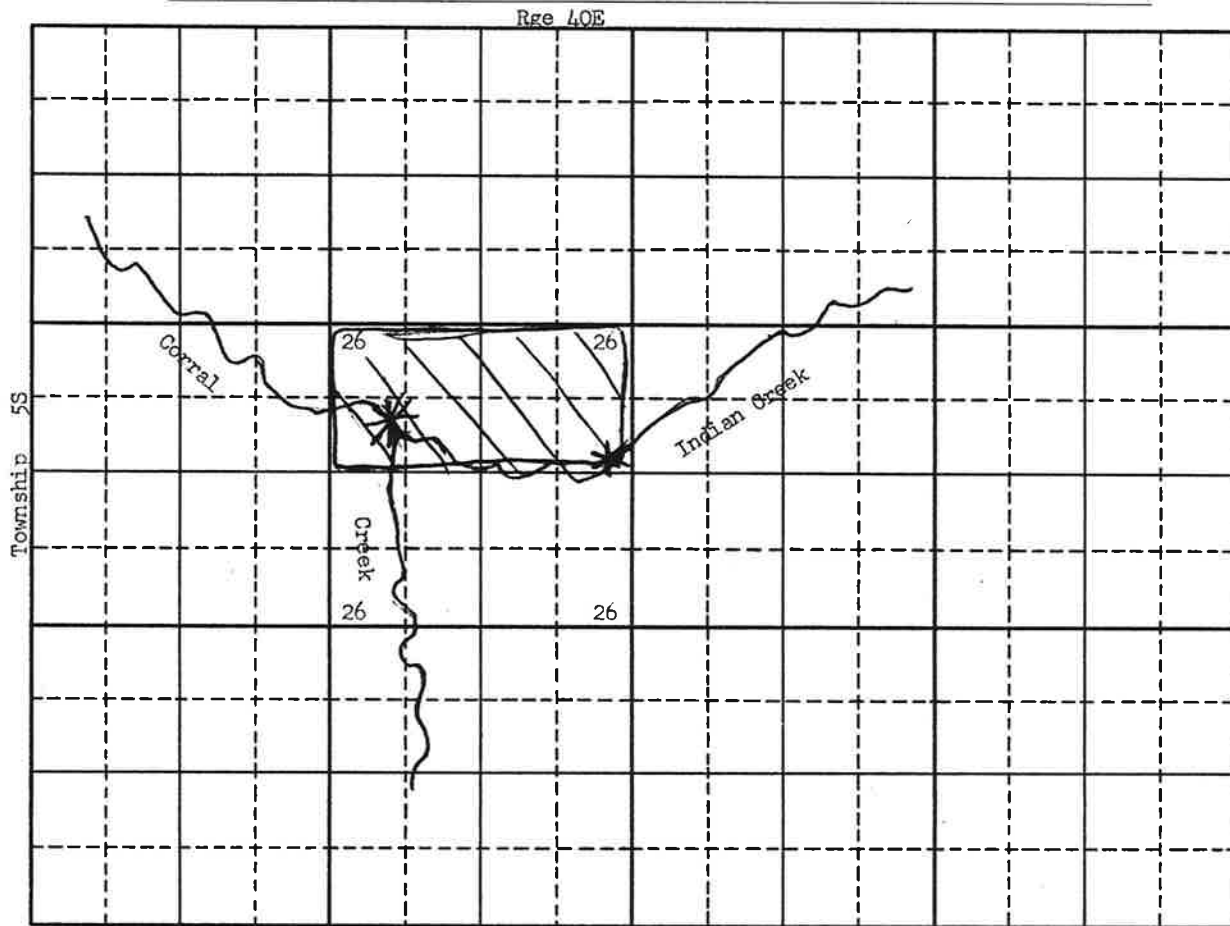
- [illegible]

Total No. of acres 320

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: \_\_\_\_\_

- (7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_

(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Caribou ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 2nd day of May, 19 77.

Notary Public

Residing at Tremonton Utah

My commission expires 4-13-77

**For Department Use Only**

|                                            |                     |                         |                           |                |
|--------------------------------------------|---------------------|-------------------------|---------------------------|----------------|
| Received by <u>CU</u>                      | Date <u>5-25-77</u> | Exception filed by:     | Forwarded to claimant by: | Date           |
| Prelim. check by <u>ARK</u>                | Date <u>5-26-77</u> |                         |                           |                |
| \$10.00 fee received by <u>CU</u>          | Date <u>5-26-77</u> |                         |                           |                |
| Approved for publication by <u>me</u>      | Date <u>6-23-77</u> | #1310 <u>Ed. Wright</u> | <u>CU</u>                 | <u>6-14-77</u> |
| Published in <u>Caribou County Journal</u> |                     | <u>Robert A. Hansen</u> |                           |                |
| Dates <u>June 21 9-1977</u>                |                     | <u>William Paul</u>     |                           |                |

ACKNOWLEDGMENT BY INDIVIDUAL

STATE OF IDAHO )

COUNTY OF )

SS:

On this 23rd day of January, in the year of 1995, before me,

JoAnn L. Rhodes

a Notary Public, personally appeared

H.D. Ozburn

, known or identified to me

(or proved to me on the oath of \_\_\_\_\_), to be the

person(s) whose name(s) (is) (~~are~~) subscribed to the within instrument, and

acknowledged to me that (he) (~~she~~) (~~they~~) executed the same.

(SEAL)

JoAnn L. Rhodes

Notary Public in and for the State of Idaho

Residing at: Soda Springs, Id

My Bond Expires:

5-13-97

RECORDED

NOV 13 1995

| OWNER<br>CODE | NAME & ADDRESS                                                              | PRIORITY<br>DATE | WATER USE                                                   | USE PERIOD<br>FROM TO                     | DIVERSION<br>RATE                    | DIVERSION<br>VOLUME      |
|---------------|-----------------------------------------------------------------------------|------------------|-------------------------------------------------------------|-------------------------------------------|--------------------------------------|--------------------------|
| C             | PHIL J YOST<br>1760 RICH RD<br>GRACE ID 83241<br>(208) 425-3875             | 05/01/1959       | IRRIGATION<br>IRRIGATION STORAGE<br>IRRIGATION FROM STORAGE | 04-01 11-01<br>01-01 12-31<br>01-01 12-31 | 1.82 CFS                             | 120.00 AFA<br>120.00 AFA |
| C             | DAVID M MODERSITZKI<br>RR 1 BOX 1560<br>BANCROFT ID 83217<br>(208) 648-7722 |                  |                                                             |                                           | TOTAL DIVERSION:<br>CONSUMPTIVE USE: | 1.82 CFS<br>750.00 AFA   |

Water Source: CHICKEN CREEK

Tributary to: CORRAL CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T05S R40E S26

SWSWNE SWSNW

CARIBOU County

Place of use Legal Description for: IRRIGATION

| NE  |     |    |   | NW   |      |      |      | SW |      |      |      | SE   |    |      |      |      |      |    |      |      |      |      |             |       |       |  |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|----|------|------|------|------|----|------|------|------|------|-------------|-------|-------|--|
| T   | R   | S  |   | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | :  | NESW | NWSW | SWSW | SESW | :  | NESE | NWSE | SWSE | SESE | :           | SUM   |       |  |
|     |     |    |   | Lt   | Ac   | Lt   | Ac   | Lt | Ac   | Lt   | Ac   | Lt   | Ac | :    | Lt   | Ac   | Lt   | Ac | Lt   | Ac   | Lt   | Ac   | Lt          | Ac    | :     |  |
| 05S | 40E | 26 | : | 40   | 40   | 30   | 40   | :  | 40   | 40   | 40   | 30   | :  |      |      |      |      | :  |      |      |      |      |             | :     | 300.0 |  |
|     |     |    |   |      |      |      |      |    |      |      |      |      |    |      |      |      |      |    |      |      |      |      | TOTAL ACRES | 300.0 |       |  |

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

POU County: CARIBOU

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: THIS LAND IS IN C.R.P. WITH 7 YRS LEFT AS OF FILING DATE.  
THE SOURCE IS CHICKEN CREEK ON QUAD. AND IS KNOWN LOCALLY AS  
INDIAN CREEK.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number: 27

Field Inspection Flag:  
Presumption Flag:

I have lived in this valley all my life  
and have farmed in Caribou County for 40 years.  
I have witnessed that this section of land  
was under irrigation from 1959.

Harry Dean Osborn  
Osborn Farms  
2403 Govt. Dam Road  
Soda Springs, Idaho  
83246

Phone: 208-547-3865

January 23, 1995

Mr. David Modersitzki  
2526 Kelly Toponce Road  
Bancroft, Idaho 83217

I am writing this letter in response to a request of Mr. Modersitzki. The purpose of this letter is to attempt ~~to~~ shed some light on the irrigation sources on the property formerly farmed by a Gaylen Christensen.

Several years ago we were in the wholesale petroleum business and Gaylen Christensen received petroleum products for farming purposes. We started operating our business in the early sixties and ceased business in 1987. We sold wholesale petroleum until approximately 1984. We may have started selling to Christensen in 1964 or 1965, and continued selling to him until the early 80's. Our recollection of dates is vague. We trust that the information in this letter will assist him in the matter of water rights in the vicinity of Township 5S - 40E, section 26.

We cannot attest to the legal CFS, or locations of any water rights in review. In 1964 or 65 we saw water being pumped from corral creek. Some time after 64 or 65, we seem to recall a well for pumping water south and east of the corral creek location. After that time it seems, G. Christensen built a water storage dam, tributary was Chicken Creek. This dam seemed to be used for pleasure and some irrigation.

It is impossible for us to give you information as to the amount of pumping and the amounts of petroleum used for irrigation at various locations. We recall delivering diesel to a well site and a location on corral creek for pumping water for irrigation. We recall delivering diesel for several uses. Christensen had many projects going from spring to late fall, planting grain, summerfallowing, irrigating grain, harvesting grain, fall plowing, and baling straw.

We regret that our recollections are vague, but trust the information will assist Mr. Modersitzki in the water right issue.

Do not hesitate to contact me again if you feel I may be able to give you some more information.

Yours very truly,

*Marjorie Beins*  
Marjorie Beins

Information furnished by Marjorie Beins, secretary and part owner of Beins Oil & Supply Company.

MICROFILMED

NOV 13 1996

January 23, 1995

Mr. David Modersitzki  
2526 Kelly Toponce Road  
Bancroft, Idaho 83217

I am writing this letter in response to a request of Mr. Modersitzki. The purpose of this letter is to attempt ~~to~~ shed some light on the irrigation sources on the property formerly farmed by a Gaylen Christensen.

Several years ago we were in the wholesale petroleum business and Gaylen Christensen received petroleum products for farming purposes. We started operating our business in the early sixties and ceased business in 1987. We sold wholesale petroleum until approximately 1984. We may have started selling to Christensen in 1964 or 1965, and continued selling to him until the early 80's. Our recollection of dates is vague. We trust that the information in this letter will assist him in the matter of water rights in the vicinity of Township 5S - 40E, section 26.

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Do not hesitate to contact me again if you feel I may be able to give you some more information.

Yours very truly,

*Marjorie Beins*  
Marjorie Beins

Information furnished by Marjorie Beins, secretary and part owner of Beins Oil & Supply Company.

MICROFILMED  
NOV 13 1996

**INDIVIDUAL  
ACKNOWLEDGEMENT**

STATE OF IDAHO       )  
                              ) S.S.  
COUNTY OF CARIBOU )

ON THIS 23RD DAY OF JANUARY, IN THE YEAR 1995, BEFORE ME  
HUGH NORMAN, A NOTARY PUBLIC IN AND FOR SAID STATE OF IDAHO,  
PERSONALLY APPEARED MARJORIE BEINS  
KNOWN OR IDENTIFIED TO ME (OR PROVED TO ME ON THE OATH OF  
                              ) TO BE THE PERSON

WHOSE NAME       SUBSCRIBED TO THE WITHIN INSTRUMENT AND  
ACKNOWLEDGED TO ME THAT       SHE       EXECUTED THE SAME.

  
RESIDING AT SODA SPRINGS

MY COMMISSION EXPIRES 12/10/98

MICROFILMED  
NOV 13 1996

I, H.D. Ozburn, owner /operator of Ozburn Farms wish to assist in establishing priority right of water right claim **A27-04010** in township 5S, range 40E, section 26. The water course is Chicken Creek which is a tributary to Corral Creek.

This section of land was at that time owned by Mr. Gaylan Christensen and since has been purchased by Mr. Phil J. Yost and Mr. David MÖdersitzki.

Mr. Chrsitensen built a water storage facility, tributary was Chicken Creek. Water for irrigation was then pumped from that water storage unit in 1959... and for several years after that date.

I have farmed in Soda Springs area for 40 years and so am well aware of irrigation proceeedures in the area north of Soda Springs as it was unique to our area... all the other farms in the area were dryland farms.

If I can be of further assistance, please contact me.



H.D. Ozburn  
Ozburn Farms  
2403 Govt. Dam Road  
Soda Springs, Idaho 83276  
Phone: 208-547-3868

MICROFILMED  
NOV 13 1980

IN THE MATTER OF

Gaylen Christensen  
Surface Water  
State of Idaho  
County of Carson

RECEIVED

MAY 25 1977

AFFIDAVIT

Department of Water Resources  
Eastern District Office

being first duly sworn,

deposes and says:

I Gaylen Christensen did witness  
Gaylen Christensen sprinkling his farm  
from water out of Indian Creek in May  
and June 1961  
Gaylen Christensen

I Lynn J. Jenson, did witness Gaylen  
Christensen sprinkling his farm from  
water out of Indian Creek in June  
and July of 1961  
Lynn J. Jenson

I Lee Stoker did witness Gaylen Christensen  
pumping water out of Indian Creek  
watering his crops 1961 & during spring season.  
Lee Stoker

I Richard T. Messler did witness Gaylen  
Christensen sprinkling his farm from  
water out of Indian Creek in May and  
June of 1961  
Richard T. Messler

(Signature)

Subscribed and sworn to before me this 21st day of May, 1977.

Quinn P. Schuch  
(Notary Public)

Residing at Town of Ararat  
My Commission Expires 4-19-78

380

SCANNED

JUL 16 2001

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: A27-04010  
Date Received: 1/24/1990  
Receipt No: E012016  
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: PHIL J. YOST 208-425-3875  
Address: 1760 RICH RD.  
GRACE, ID 83241  
AND/OR  
Name: DAVID M. MODERSITZKI 208-648-7722  
Address: R.R. 1 BOX 1560  
BANCROFT, ID 83217

2. Date of Priority: MAY 01, 1959

3. Source: CHICKEN CREEK Trib. to: CORRAL CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 05S      | 40E   | 26      | SW     | SW     | NE     |     | CARIBOU |
|          |       |         | SW     | SE     | NW     |     | CARIBOU |

5. Description of diverting works:  
DIESEL PUMP WITH SPRINKLER SYSTEM.

6. Water is used for the following purposes:

| Purpose                 | From             | To               | C.F.S. | (or) | A.F.A. |
|-------------------------|------------------|------------------|--------|------|--------|
| IRRIGATION              | 04/01            | 11/01            | 1.820  |      |        |
| IRRIGATION STORAGE      | 01/01            | 12/31            |        |      | 120.00 |
| IRRIGATION FROM STORAGE | <del>01/01</del> | <del>12/31</del> |        |      | 120.00 |

81-10/31

7. Total Quantity Appropriated is:  
1.820 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 750.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

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10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 05S      | 40E   | 26      | NE  |    | NE  |     | IRR           | 40.0  |
|          |       |         | NW  |    | NE  |     | IRR           | 40.0  |
|          |       |         | SW  |    | NE  |     | IRR           | 30.0  |
|          |       |         | SE  |    | NE  |     | IRR           | 40.0  |
|          |       |         | NE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 40.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 40.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 30.0  |
|          |       |         |     |    |     |     |               |       |
|          |       |         |     |    |     |     | Section Acres | 300.0 |
|          |       |         |     |    |     |     | Total Acres   | 300.0 |

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:  
NONE

14. Remarks:

THIS LAND IS IN C.R.P. WITH 7 YRS LEFT AS OF FILING DATE.  
THE SOURCE IS CHICKEN CREEK ON QUAD. AND IS KNOWN LOCALLY AS  
INDIAN CREEK.

15. Basis of Claim: STATUTORY CLAIM

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 X 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): David Modersitz Date: 1-24-90  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Carleton ) SS.

Subscribed and sworn (or affirmed) before me this 24 day

of Ja 19 90

Seal

John Dal Cerna  
Notary Public

Residing at Boise ID

My Commission Expires 6/7/94

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