

06/03/2005

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

RIGHT NUMBER: 27-4009

NAME AND ADDRESS: MEADOW BROOK RANCH
10053 SOUTH MARSH CREEK ROAD
MCCAMMON ID 83250

SOURCE: CORRAL CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 1.820 CFS

PRIORITY DATE: 05/01/1959

POINT OF DIVERSION:

T05S R40E S26 NENSW Within CARIBOU County

T05S R40E S26 NWSESW Within CARIBOU County

T05S R40E S27 NENWNE 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 S22	NESE	40.0	T05S R40E S22	NWSE	20.0
T05S R40E S22	SWSE	20.0	T05S R40E S22	SESE	40.0
T05S R40E S26	NESW	40.0	T05S R40E S26	NWSW	40.0
T05S R40E S26	SWSW	40.0	T05S R40E S26	SESW	40.0
T05S R40E S26	NESE	40.0	T05S R40E S26	NWSE	40.0
T05S R40E S26	SWSE	40.0	T05S R40E S26	SESE	40.0

440 ACRES TOTAL

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

LAND IS IN C.R.P. WITH 7 YRS. LEFT AS OF DATE OF FILING.

No beneficial use found.

EXPLANATORY MATERIAL: Beneficial Use

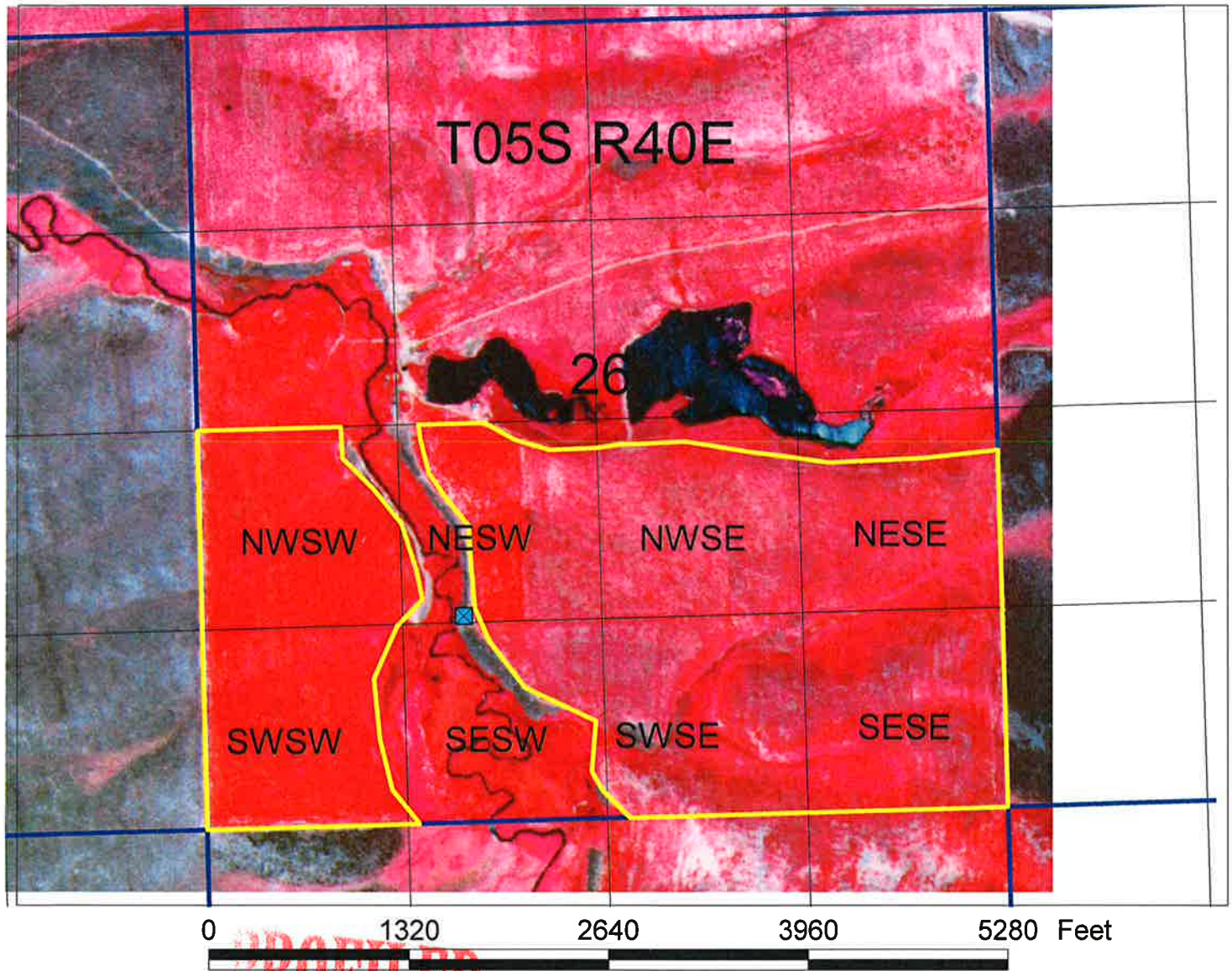
No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

DISALLOWED

Idaho Department of Water Resources

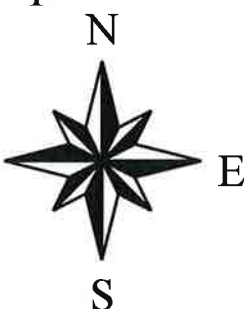
Claim No.: 27-4009

1-28D



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

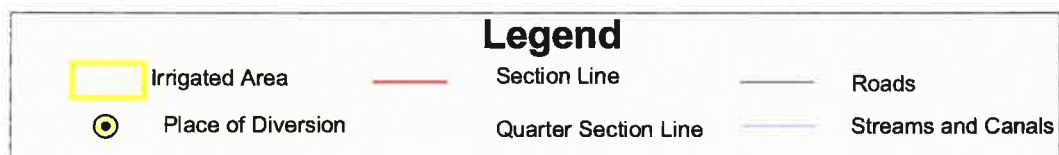
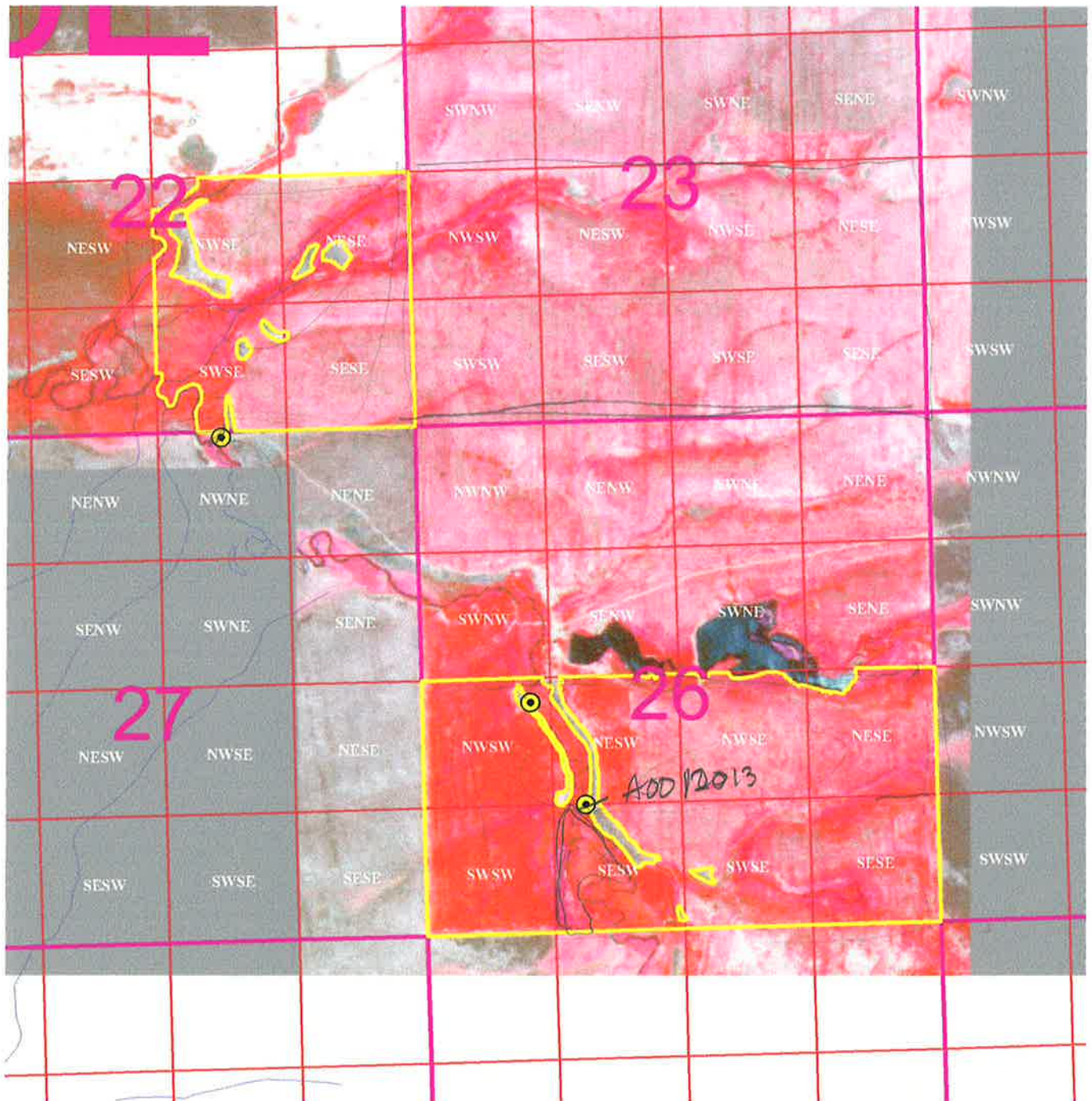
MAR 27 2006



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

Water Right Claim Number 27-04009
Township , 5S40E

12/04/2000



1000 0 1000 2000 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 1 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

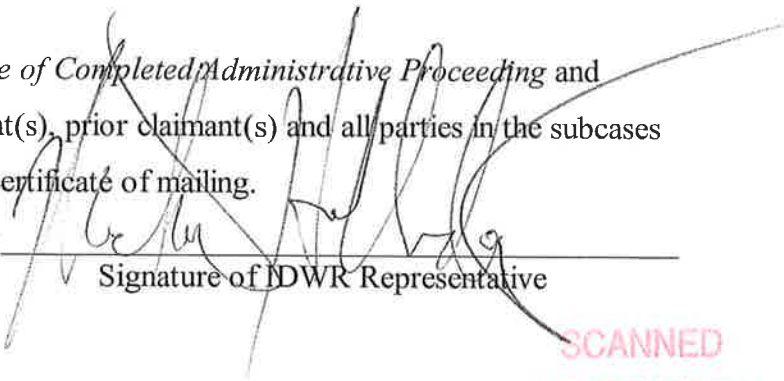
IDWR has completed the following Administrative proceeding:

- ☐ 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 19 2009
MAY 19 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

SCANNED
MAY 14 2009

Committee of Nine
Represented y:
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

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MAY 14 2009

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

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

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 1-28-D	processed separately		PD ✓ AOS 27-2124	processed separately	
PD ✓ AOS 27-4008	processed separately		PD ✓ AOS 27-7494	processed separately	
PD ✓ AOS 27-11314	disallowed		PD ✓ AOS 1-1495	disallowed	
PD ✓ AOS 27-7495	processed separately				
PD ✓ AOS 27-4010					
PD ✓ AOS 27-4009					

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MAR 27 2009

Department of Water Resources
Eastern Region

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. 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**.
- C. 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**
- D. 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 + Laura 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
 Receipted by BML
 Processed by _____ AJ

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

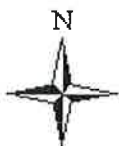
 Receipt Amt. 100.00
 Receipt No. 2034894
 WR _____ Date _____

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MAY 14 2009



USDA United States Department of Agriculture
Farm Service Agency



Digital Orthophotography
Not to Scale

Tract 178
Farm 43

SCANNED

MAY 14 2009

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. GOODSELL
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) 765-8888

ALL OFFICES TOLL FREE
(877) 232-6101

LOUIS F. RACINE (1917-2006)
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.

SCANNED
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
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. GOODSELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
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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

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

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APR 13 2009

Department of Water Resources
Eastern Region

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.

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

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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*



Instrument # 179957
CARIBOU COUNTY
2008-02-04 10:16:32 No. of Pages: 1
Recorded for: ALLIANCE TITLE
VEDA MASCARENAS
Ex-Officio Recorder Deputy *B. Strickman* Fee: 3.00
Index to: WARRANTY DEED

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 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 ID

County of JEFFERSON

On this 1 day of February, 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.

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

SCANNED
MAY 14 2008

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: 27-4009

MEADOW BROOK RANCH
10053 SOUTH MARSH CREEK ROAD
MCCAMMON ID 83250

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:
recommendation input in sec. 26
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: 7-19-05 SIGNATURE: *Ralph Whitley*
Please print your name: _____

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

PROFILED

**SCANNED
MAR 27 2006**

Notes

4/3/05. Working in Idaho falls.
The 1944 imagery doesn't show this
POU as irrigated. Possibly 1974 - mandatory.
Permit statute 1973, S.W.

Ralph will need to provide more
evidence to support a priority
date. The 1959 priority date
can't be shown.

Part of the land under this claim
is filed on under 27-7494 permit.
SE 1/4 of Section 24, T5S R40E.

Claim Disallowed.

7/18/05. Would like the POU in section
24 recommended. Ralph agreed that
the POU wasn't irrigated the land in
the SE Quarter of 26 is under reinstated
permit 27-7494.

Ralph will get me an affidavit from
the Christensen Family that this land
was irrigated CB.

11/30/03 9.58 am. Ralph Wrenthley
27-2124, 27-4008 & 27-1131d

Johnson Bear head
S/L 8220

Groundwater - source.
Engine in the shop.

GPS Point file 272124
Loc N 42° 57.960'
W 111° 44.145'

10 am 1 photo looking west at well
and pivot controller.

M.I. runs East and West (south of the
well) Than another m.c. runs North, south
east of the well

8-21-1980 Photo from Ases office

Ralph Whately

- 1/ Ground still in CRP - up 2007 - Started in 1987
- 2/ In 1974 system was r/dent
- 3/ Approx 1551 acres including enlargement
- 4/ ~~A~~ Permit 27-7494 in CRP - Proof filed but we need better info on CRP protection. Can we do theoretical. Call Dave Conkard & Keith Wilson & put note in file that exam will be done in 2007
- 5/ North well is Curren 27-2124 - 318 acres
- 6/ A27-04010 - Chicken Creek (^{Indian or} Bear Creek on Map) flows into ponds & re-lift into mainline & co-mingled with well (North Preparators)
- 7/ Expansion A27-11314 of A27-02124 For extra acres in Section 22
- 8/ A27-4009 - ties into mainline for "South" property

27-4009 Canal creek 7/30/03

193 diversion from Canal Creek.

GPS Tag No. A0012013. attached to
Main line as it came from
Canal Creek.

Also pump. Jandro in G.P. The guy
the Phil-Yat & David Montague pointed
lost the mark.

GPS file Name: 274009.
11:28 AM. (10:27) 7/30/03
N 42° 57.104'
W. 111° 44.521'

GPS tag placed on main line approximately
16' East of creek.

11:40 AM Canal Creek. 1 photo looking
West at Canal Creek and where the
water is diverted from.

7/38/03

27-4009

293 diversion from Canal Ck.
Portable pipe & pump
was and ditch worked out.

12:39pm (11:39am)

GPS file name 400902

27-4009 diversion 2.

N 42° 57.385'

W 110° 44.601'

diversion west of the home.

12:43pm 1 photo looking SW at Canal cut
and diversion.

303 diversion off of Canal Ck.

12:56pm file name 400903

Canal cut diversion 3.

N 42° 57.961'

W 110° 48.934'

Approx 200' E from Canal Ck

12:58pm 1 photo looking W at Div
& Canal Ck

alfalfa tripp on the land, so it
does show that

EXAM INFORMATION

Exam Date Wed 7-30-03Exam Time 8amCLAIM(S) 01-28D, 27-4008, 27-2124, 17314, 4009 E, 4010NAME Ralph WheatlyADDRESS 10053 S. Marsh Ck road McCammonPHONE () 254-3186 HOME251-1243

WORK

CELL

DOMESTIC ☒ STOCKWATER ☒ IRRIGATION ☒ OTHER ☐

OTHER RIGHTS _____

DIRECTIONS Meet at the Soda Springsoffice

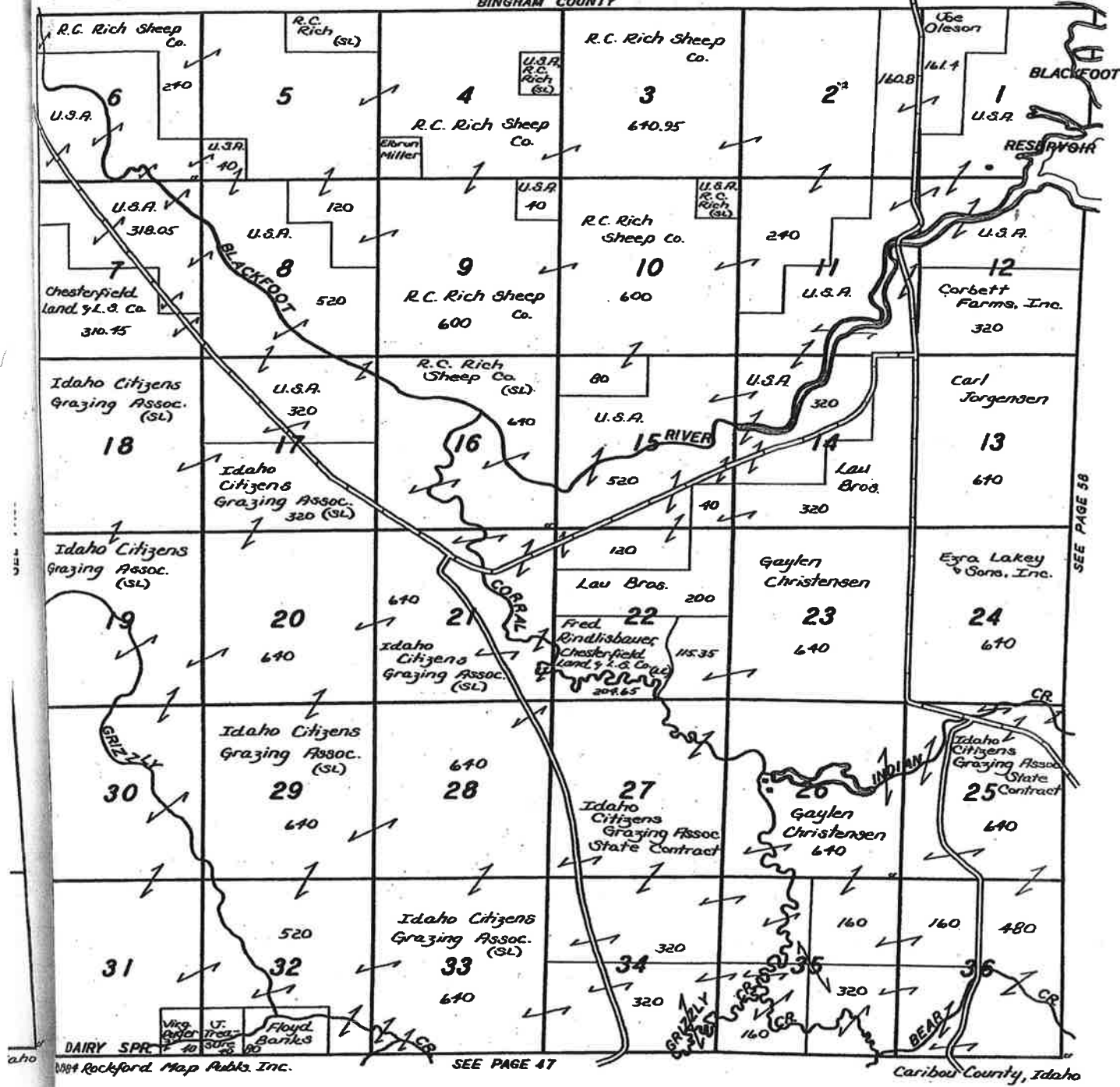
NOV 18 2004

1-87D goes thru Reservation Canal and
redistributed in the Smith Maxwell ditch

DOGS _____

DATE 7/23/03APPOINTMENT Ralph Wheatly

BINGHAM COUNTY



NOV 18 2004



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

Ralph Wheatley
10053 South Marsh Creek Road
McCammon, Idaho 83250

June 10, 2003

Subject: Filing Fee for Permit # 27-7494

Dear Mr. Wheatley,

In order to change the ownership of permit # 27-7494 from Dave Modersitzki and/or Phil Yost to you, you will need to submit a \$25.00 filing fee made out to the Idaho Department of Water Resources (IDWR). Please indicate on your check the permit # 27-7494 and submitted to Karilynn Townsend with the IDWR at 1301 North Orchard, Boise, ID 83706.

Once IDWR receives the fee they will complete the process to show you as the owner. If you have any questions please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

cc: Karilynn Townsend



Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Ralph Wheatley					
Name connector: and	_____, or	_____, and/or				
Current Owner	McCammon					
Current Owner						

Accompanied By: Ralph Wheatly Phone Number: 281-1243

Date of Field Exam: 7-30-03 Time: 8 am

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Date:

6/3/05

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?

If Yes, go to 2
If No, go to 3.

Yes () No (X)

2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4
If No, status will be set as Active. Go to 5

Yes () No ()

3. Is the water being used for all of the purposes claimed and to the extent claimed?

If Yes, status will be set as Active. Go to 5
If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4

Yes () No (X)

4. Is any portion of the claim being recommended?

If Yes, status will be set as Active. Go to 5
If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5

Yes () No (X)

5. Does this right have any combined used limits with other rights?

If Yes, go to 6
If No, go to 6

Yes () No (X)

6. Is an additional remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Go to 7
If No, go to 7

Yes (X) No ()

7. Would you like to view the recommended right?

If Yes, go to 8
If No, the review is incomplete. The recommendation must be viewed to complete the review.

Yes (X) No ()

8. Is this a "split" or "combined" right?

If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 9
If No, go to 9

Yes () No (X)

9. Do you have documents you would like to attach or link to the file?

If Yes, go to PowerDOCS and profile the documents. Go to 10
If No, go to 10

Yes () No (X)

10. Would you like to set the verification date?

If Yes, the review is complete.
If No, the review is incomplete. The recommendation must be verified to complete the review.

Yes (X) No ()

Summary

Claim No.

27 - 4009

Summary Data Entry Form

Claim No.: _____

Remarks and Conditions (Include Type, Category and Code if applicable):

P03 No B.U. Found
P13

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

Claim No.:

27-4009

Reviewer

CB

Date

6/3/05

Bird, Cindy

From: King, Scott
Sent: Wednesday, May 14, 2003 3:10 PM
To: Carlsen, Ernie
Cc: Bird, Cindy
Subject: RE: basin 27 early imagery

Ernie,

My duties for aerial photography seem to be assisting the regions in ordering larger quantities of photographs where we've ordered indexes for selecting photos to purchase, and seeing them through the scanning and registration process. I haven't been involved when there are a small number of photos ordered, but can help a bit. It sounds like Cindy's area is small enough that one or two photos should do the trick.

I see that the APFO in SLC has partial coverage of Caribou county from 1964 (see <http://www.apfo.usda.gov/filmcatalogs/id.pdf>) They may or may not have photos for Cindy's location. I suggest Cindy contact the APFO directly with the legal location (see the web site; their number is included), and they can tell her if there is any coverage for that year at this location. If so, she can work with them to identify exactly which photo(s) are needed for coverage. Sometimes it helps to provide a map to them using our aerial photography or the DOQQs that is large enough scale to show roads and streams. Single photos are something like \$5 each for 9x9 BW print. Once you have the photo(s) identified, I can carry the order on, or you can handle it as you prefer.

If APFO doesn't have coverage, there are a few other potential sources that are generally a little more expensive and more time consuming to research. Check with APFO first, and let me know if you're not successful.

Scott

-----Original Message-----

From: Carlsen, Ernie
Sent: Tuesday, May 13, 2003 2:59 PM
To: King, Scott
Subject: FW: basin 27 early imagery

Scott, are you the contact person for ordering early imagery?
Ernie

-----Original Message-----

From: Bird, Cindy
Sent: Tuesday, May 13, 2003 2:53 PM
To: Carlsen, Ernie
Subject: basin 27 early imagery

hi,

Is it possible to order some 1962-4 imagery for basin 27 on some of these B.U. claims? Specifically, T5S, R40E sections 22, 23 and 26. I have several filed in this area from different sources that don't quite jive with the information in the file.

Thanks,
Cindy

5/13/03 27-4009.

The FSA map dated 11/74 does not show the land in
Section 22 as irrigated. The land in Section
26 however was.
Email message attached from Scott King about the
early imagery.

CRP-1
(01-30-97)U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation1. ST. & COUNTY DE & C/D
160292. SIGN-UP NUMBER
153. CONTRACT NUMBER
6604. ACRES FOR ENROLLMENT
1539.85. FARM NUMBER
436. TRACT NUMBER(S)
178

7. COUNTY OFFICE ADDRESS AND PHONE NO. (area code)

Caribou County FSA
159 E 2nd South #1
Soda Springs, ID 83276
(208) 547-4396

8. OFFER (Select one)

STANDARD

ENVIRONMENTAL PRIORITY

9. CONTRACT PERIOD

FROM MM-DD-YYYY TO MM-DD-YYYY

10-01-1997 09-30-2007

CONSERVATION RESERVE PROGRAM CONTRACT

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "Owner", "Operator", and "Tenant", respectively) on the farm identified above. The undersigned person or persons may hereafter collectively be referred to as "the Participant". The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") for the stipulated contract period from the date the Contract is executed by the CCC or other use set by CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract including the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection. The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2; and if applicable, CRP-15 and CRP-1 Continuation.

10. OFFER FOR PERMISSION TO ALLEY CROP

In order to participate in CRP under CP19, Alley Cropping, I/we submit an offer of \$_____ per acre reduction, from the amount specified in Item 11A, in the annual rental payments for permission to produce agricultural commodities on eligible acres in accordance with the provisions for alley cropping set out in the applicable regulations. I/we understand that for each year of the CRP contract the annual rental payment will be reduced by the amount agreed to above, which reduction must be a reduction of at least 50 percent in the annual rental payment.

11A. Rental Rate Per Acre (\$)	\$46.00	12. Identification of CRP Land (See Reverse for additional space)				
B. Annual Contract Payment (\$)	\$70,830.80	A. Tract No.	B. Field No.	C. Practice	D. Acres	E. Total C/S
C. First Year Payment (\$)		178	1	CP 10	767.9	0
(Item 11C applicable only to continuous signup when the first year payment is prorated.)		178	2	CP10	19.8	0
		178	3	CP 10	105.9	0

13. OWNERS, OPERATORS, AND TENANTS

A. OPERATOR NAME AND ADDRESS		SOCIAL SECURITY NUMBER	
Meadowbrook Ranch		8 2 0 - 4 6 - 9 4 0 6	
10053 S. Marsh Creek Rd		SIGNATURE	
McCammon, ID 83250		DATE 9-4-01	
B. OWNER NAME AND ADDRESS		SOCIAL SECURITY NUMBER	
Ralph Wheatley		5 1 9 - 6 6 - 1 2 4 3	
10053 S Marsh Creek Rd		SIGNATURE	
McCammon, ID 83250		DATE 9-4-01	
C. NAME AND ADDRESS		SOCIAL SECURITY NUMBER	
Vauna Wheatley		5 1 8 - 7 0 - 9 0 5 9	
10053 S Marsh Creek Rd		SIGNATURE	
McCammon, ID 83250		DATE 9-4-01	

14. CCC USE ONLY - Payments according to the shares are approved.

SIGNATURE OF CCC REPRESENTATIVE

Peter Elson

DATE

9-11-01

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended, and regulations promulgated at 7 CFR PART 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 288, 287, 371, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0125. The time required to complete this information collection is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D. C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.



Original - County Office Copy



Owner's Copy



Operator's Copy



NRCS Copy

Continuation of Item 12 - Identification of CRP Land

[illegible]

☐ Original - County Office Copy

☐ Owner's Copy

☐ Operator's Copy

 NRCS Copy

1573
T597

8
26.6

HEL

12
62.2

26	25
35	36

13
125.2

14
155.2

HEL

15
12.4
16
12.4

1241E

NOV

Southern

9
70.1

8
26.6

43

1997-2007

1997-2007

HEL

HEL 10
20.1
1997-2007
HEL
11.3

12
62.2

1997-2007

26	25
35	36

13
125.2

1997-2007
HEL

3.4

HEL 15
12.4
HEL 16
6.5
HEL 17
2

JOINED 4-23



cooperating with
 Soil Conservation District
 OWNER Gaylen Christensen FARM NO. _____ DATE 11/74
 OPERATOR Caribou Idaho SCALE 1" = 1/4 mile ACRES 1800
 COUNTY STATE PHOTO NO. _____

R 40 E



809E

1241E

South
Property

HEL

6
80.1
C-2
1991-2001

South Property

43

70.1
C-2
1991-2001

HEL

8
26.6
C-2
1991-2001

HEL
20.1
C-2
1991-2001

HEL
62.2
C-2
1991-2001

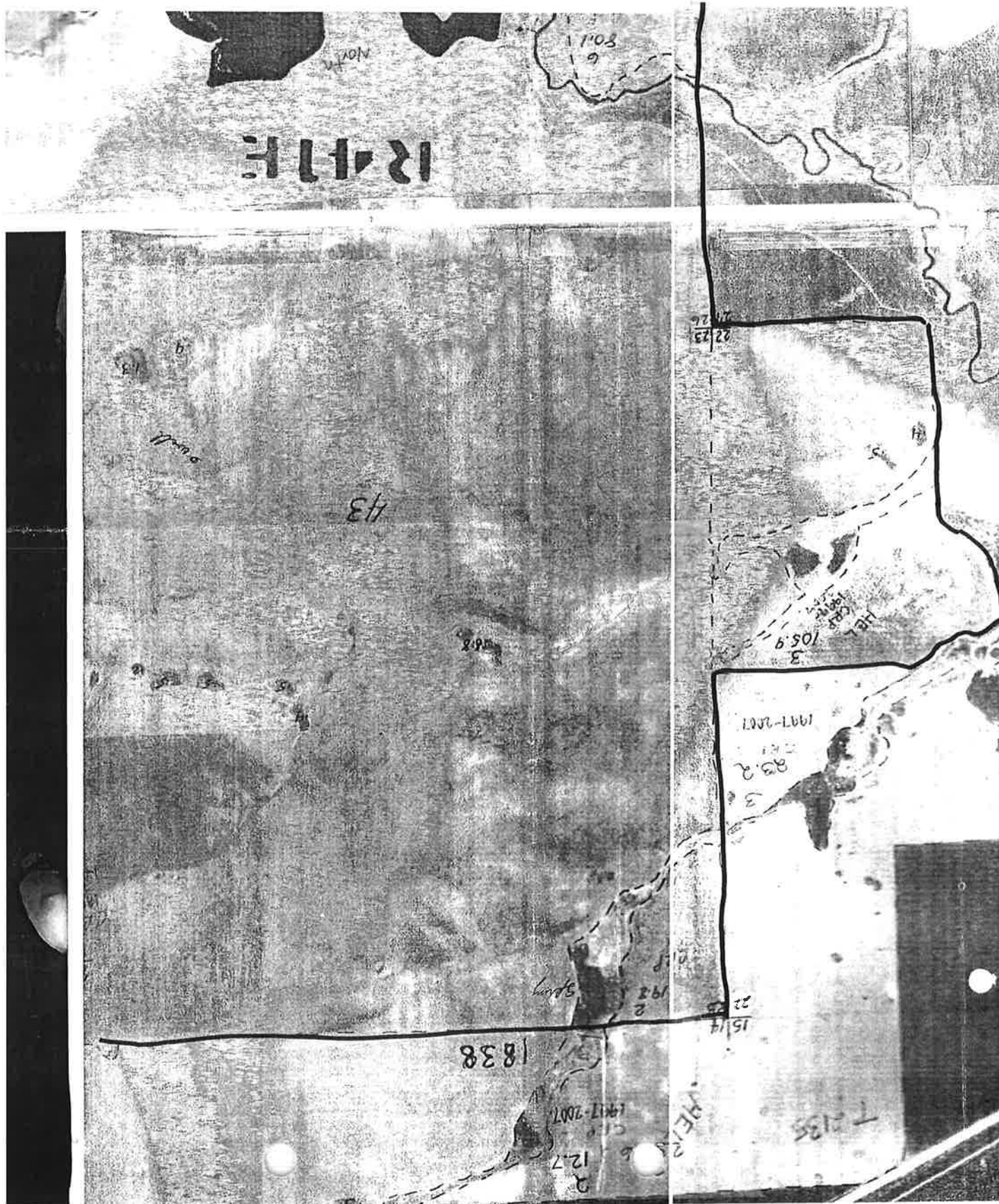
26.15
33.36

573
577

314

HEL
19.1
C-2
1991-2001

HEL
12.4
C-2
1991-2001





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

Dec. 1974
1800 Acres

LOCATION:

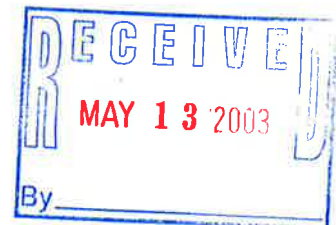
This farm is located about 25 miles North of Soda Springs and near the Blackfoot dam. Corral Creek runs through the property, South to North West. Bear Creek runs from the East into Corral Creek.

FACT:

Irrigated Cropland-----	850 Acres	} 956
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.





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

VCLUC 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 3 Marsh Crk RD

McAmmon 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>E028515</u>
Processed by _____	AJ Date _____	WR _____ Date _____

1240
2 11715

STATE OF IDAHO }
County of Caribou }

163807

Chris
place

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 Izett

Signature

Toni Rigby ^{OD}
Deputy

Order No. 11306

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

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:

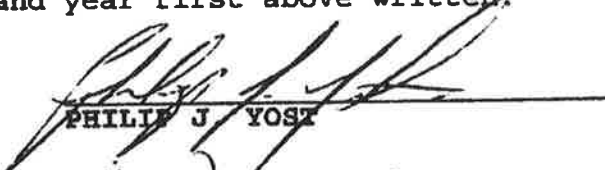
Section 22: ~~EX~~SEX, ALSO, Beginning at a point 880 feet East of the ~~SW~~SEX of said Section 22, and running
thence North 7°58' West 44 feet;
thence North 1°23' East 1002 feet;
thence North 38°22' West 454 feet;
thence North 16°29' West 541 feet;
thence North 62°48' East 252 feet;
thence South 86°58' 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 NW~~SEX~~ 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

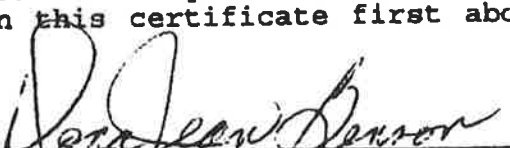
STATE OF IDAHO)
 : ss.
 County of Caribou)

June, 2001.

On this 20th day of ~~April, 1992~~ 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 S. Godfrey 6.00
Signature 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:

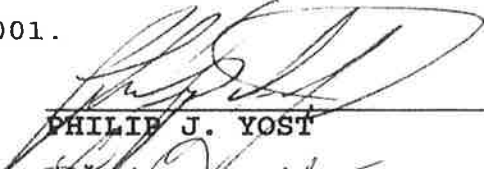
Section 22: E $\frac{1}{4}$ SE $\frac{1}{4}$, ALSO, Beginning at a point 880 feet East of the Southwest corner of the SE $\frac{1}{4}$ of said Section 22, and running
thence North 7°58' West 444 feet;
thence North 1°23' East 1002 feet;
thence North 38°22' West 454 feet;
thence North 16°29' West 541 feet;
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.

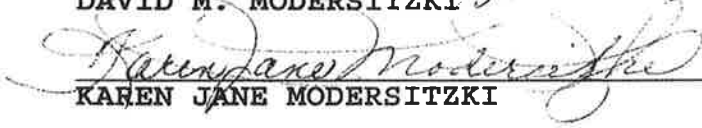
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances and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

Dated: September 4, 2001.


 PHILIP J. YOST

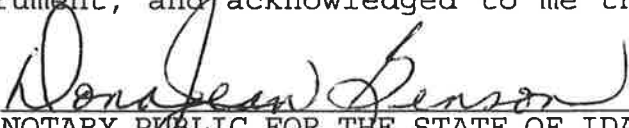

 LISA J. YOST

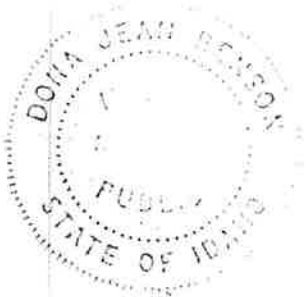

 DAVID M. MODERSITZKI


 KAREN JANE MODERSITZKI

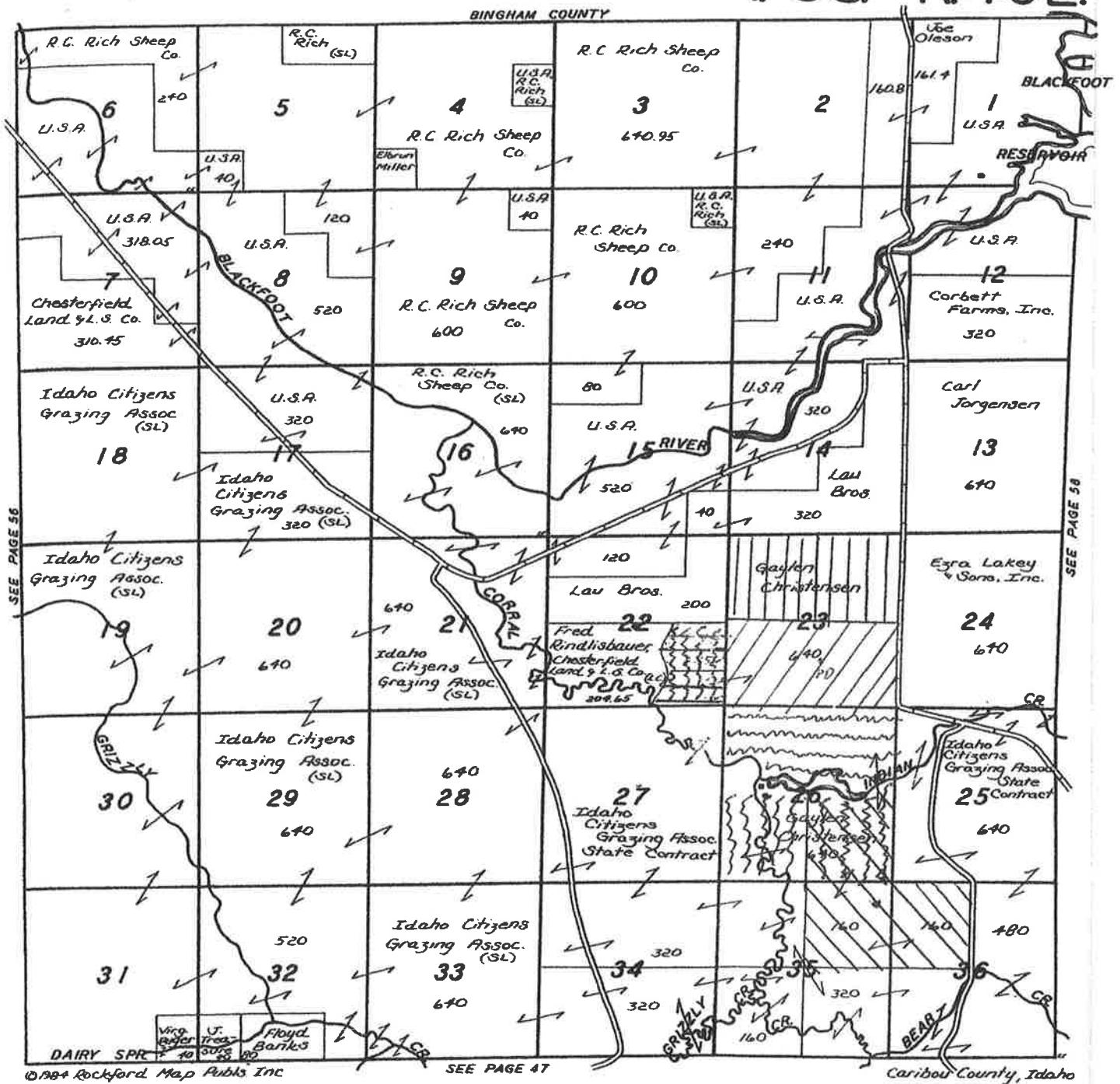
STATE OF IDAHO)
 : ss.
 County of Caribou)

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	2/18/1970	well
///						
///	27-4008	3.2 CFS	Claim	320 acres	4/01/1961	well
≡	27-1814	2.4 CFS	Beneficial use	120 acres	7/28/1961	well
	27-7495	49 AF	License - Reservoir	20	2/25/1990	Chicken Creek
~	27-4010	1.82 CFS	Claim	300 acres	5/01/1959	Chicken Creek

JUL 16 2001

Log for claim 27-04009

Spatial Dynamics LTD

12/4/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05s40e	22	NESE	40	38	
05s40e	22	NWSE	20	32	Indiscernible
05s40e	22	SWSE	20	34	Indiscernible
05s40e	22	SESE	40	40	
05s40e	26	NESW	40	36	
05s40e	26	NWSW	40	39	
05s40e	26	SWSW	40	40	
05s40e	26	SESW	40	37	
05s40e	26	NESE	40	38	
05s40e	26	NWSE	40	39	
05s40e	26	SWSE	40	40	
05s40e	26	SESE	40	40	
Totals:			440	453	

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 27-4009

WATER RIGHT NUMBER: 27-4009

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

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

<u>Source</u>	<u>Tributary</u>
CORRAL CREEK	BLACKFOOT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.820 CFS	
	<u>Total Diversion:</u>	1.820 CFS	

<u>Location of Point(s) of Diversion</u>			
CORRAL CREEK	SE1/4SW1/4	Sec. 26,	Twp 05S, Rge 40E, B.M.
CARIBOU County			
CORRAL CREEK	NW1/4NE1/4	Sec. 27,	Twp 05S, Rge 40E, B.M.
CARIBOU County			
CORRAL CREEK	NW1/4SW1/4	Sec. 26,	Twp 05S, Rge 40E, B.M.
CARIBOU 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	22													40.0	20.0	20.0	40.0	120.0
05S	40E	26									40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	320.0

Total Acres: 440

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 27-4009

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date:
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: 27
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

AJ5809NP
No. A27-04009

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/00
PAGE: 75

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PHIL J YOST 1760 RICH RD GRACE ID 83241 (208) 425-3875	05/01/1959	IRRIGATION	04-01 11-01	1.820 CFS	
					TOTAL DIVERSION:	1.820 CFS
					CONSUMPTIVE USE:	1100.00 AFA

C DAVID M MODERSITZKI
RR 1 BOX 1560
BANCROFT ID 83217
(208) 648-7722

Water Source: CORRAL CREEK

Tributary to: BLACKFOOT RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:	T05S R40E S26 S27	NENWSW NENWNE	NWSESW	CARIBOU County 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		
05S	40E	22	:					:					:					:	40	20	20	40	:	120.0
05S	40E	26	:					:					:	40	40	40	40	:	40	40	40	40	:	320.0
																					TOTAL ACRES		440.0	

POU County: CARIBOU

Non-Irrigation Uses: NONE

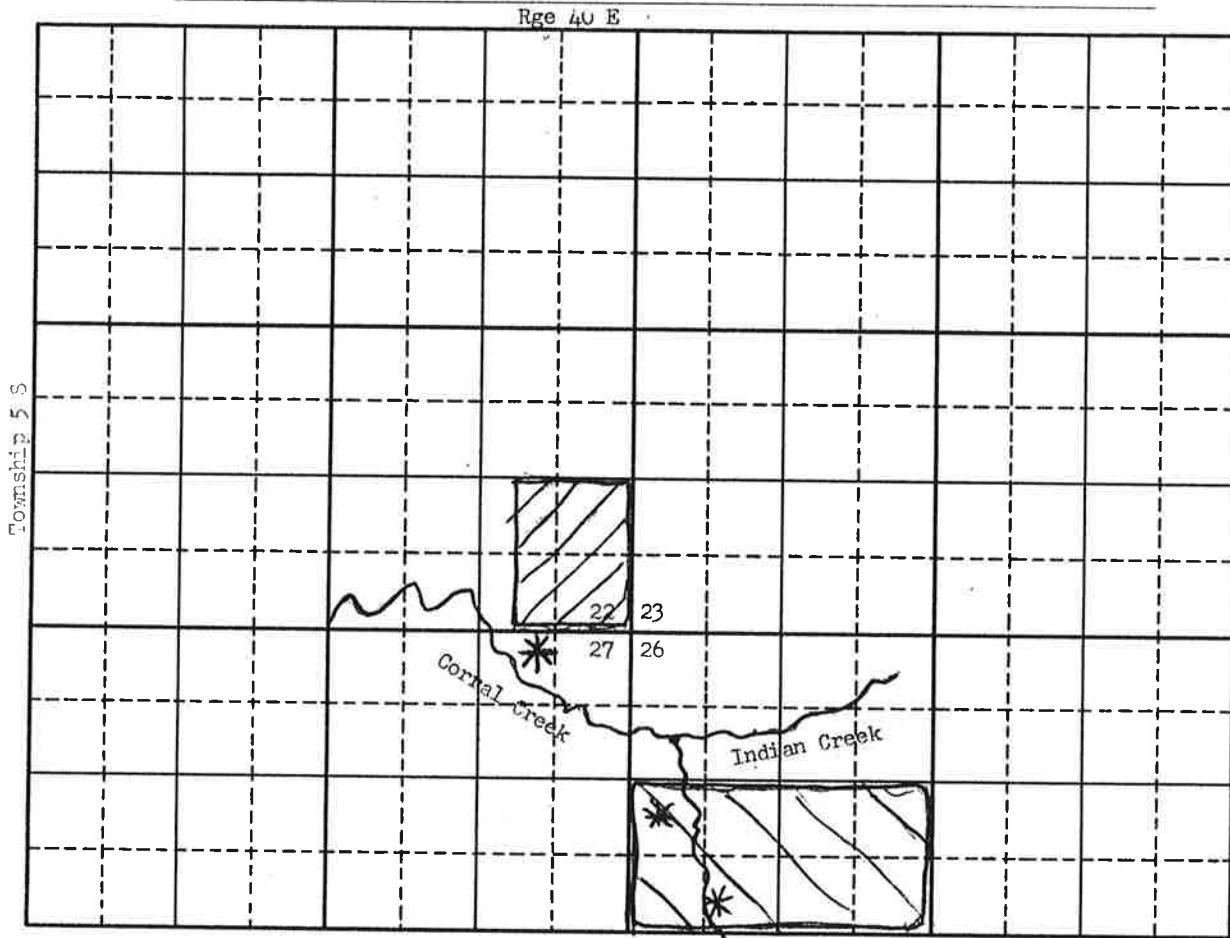
Other Rights: NONE

Remarks: GEN LAND IS IN C.R.P. WITH 7 YRS. LEFT AS OF DATE OF FILING.

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

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

(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 21st day of May, 1977.

Notary Public

Residing at Tremonton, Idaho

My commission expires 4-19-77

For Department Use Only

Received by <u>CA</u>	Date <u>5-25-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ARK</u>	Date <u>5-26-77</u>		claimant by:	
\$10.00 fee received by <u>CA</u>	Date <u>5-26-77</u>			
Approved for publication by <u>me</u>	Date <u>6-23-77</u>	<u>#2310</u>	<u>CA</u>	<u>6-14-77</u>
Published in <u>Caribou (County)</u>		<u>Robert A. Dwyer</u>		
Dates <u>June 24-1977</u>		<u>William M. Noel</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: Ada Springs, Idaho

NOV 13 1996

My Bond Expires: 5-13-97

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 1995

Presumption Flag:

I was born and raised in Carbon and
have farmed in valley for 40 years.
I certify that I have witnessed the section
of land under irrigation from 1959

HARRY DEAN OSBORN
OSBORN FARMS
2403 GOVT. DAM RD
SODA SPRINGS, IDAHO 83276

Phone 208-547-3868

IN THE MATTER OF:

Gaylen Christensen
Surface Water
State of Idaho
County of *Carleton*

AFFIDAVIT

RECEIVED

MAY 25 1972

Department of Water Resources
Eastern District Office

being first duly sworn,

deposes and says:

I, Elmo Christensen did
with my son Gaylen Christensen
divert water out of Coral Creek
in May & June in 1961
Elmo Christensen

I, Duane J. Sullivan did see Gaylen
Christensen diverting water out of Coral Creek
in May & June of 1961
Duane J. Sullivan

I, Lee Stiles did witness Gaylen Christensen
diverting water out of Coral Creek & sprinkling
his garden with the water in May & June
of 1961
Lee Stiles

I, Richard T. Mosher did witness Gaylen
Christensen diverting water out of Coral Creek
in May and June in 1961
Richard T. Mosher

(Signature)

Subscribed and sworn to before me this *21st* day of *May*, 1972

(Notary Public)

Residing at *Tremonton Utah*
My Commission Expires *4-19-78*

MICROFILMED
NOV 13 1980

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: A27-04009
Date Received: 1/24/1990
Receipt No: E 012016
Received By: Kew

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

A2704009



2. Date of Priority: MAY 01, 1959
3. Source: CORRAL CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

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

5. Description of diverting works:
DIESEL MOTOR AND 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		

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

8. Total consumptive use is 1100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A27-04009

Page 1

Date: 01/24/90

MICROFILMED

NOV 12 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	40E	22	NE		SE		IRR	40.0
			NW		SE		IRR	20.0
			SW		SE		IRR	20.0
			SE		SE		IRR	40.0
Section Acres								120.0
		26	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								320.0
Total Acres								440.0

not irrigated in 11/78 photo.

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:
LAND IS IN C.R.P. WITH 7 YRS. LEFT AS OF DATE OF FILING.

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 Modersitzhi 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 Carlon
Notary Public

Residing at Boise Id

My Commission Expires 6/2/94

MICROFILMED

NOV 12 1992

S S

