

08/26/2005

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

RIGHT NUMBER: 27-4008
NAME AND ADDRESS: RALPH O WHEATLEY
10053 S MARSH CREEK RD
MC CAMMON ID 83250

VAUNA WHEATLEY
10053 S MARSH CRK RD
MCCAMMON ID 83250

VOID

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.200 CFS

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

PRIORITY DATE: 05/25/1977

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

POINT OF DIVERSION:

T05S R40E S23 NWSWSE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE:

<u>IRRIGATION Within CARIBOU County</u>			
T05S R40E S23	SWNE	18.0	T05S R40E S23 SENE 17.0
T05S R40E S23	SWNW	19.0	T05S R40E S23 SENW 18.0
T05S R40E S23	NESW	39.0	T05S R40E S23 NWSW 40.0
T05S R40E S23	SWSW	40.0	T05S R40E S23 SESW 40.0
T05S R40E S23	NESE	40.0	T05S R40E S23 NWSE 40.0
T05S R40E S23	SWSE	40.0	T05S R40E S23 SESE 39.0

390 ACRES TOTAL

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

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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

04/18/2005

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

RIGHT NUMBER: 27-4008

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

VAUNA WHEATLEY
10053 S MARSH CRK RD
MCCAMMON ID 83250

DISALLOWED

SOURCE: GROUND WATER

QUANTITY: 3.200 CFS

PRIORITY DATE: 05/25/1977

POINT OF DIVERSION:

T05S R40E S23 NWSWSE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: IRRIGATION Within CARIBOU County

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

320 ACRES TOTAL

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

No lawful appropriation shown.

EXPLANATORY MATERIAL: Beneficial Use

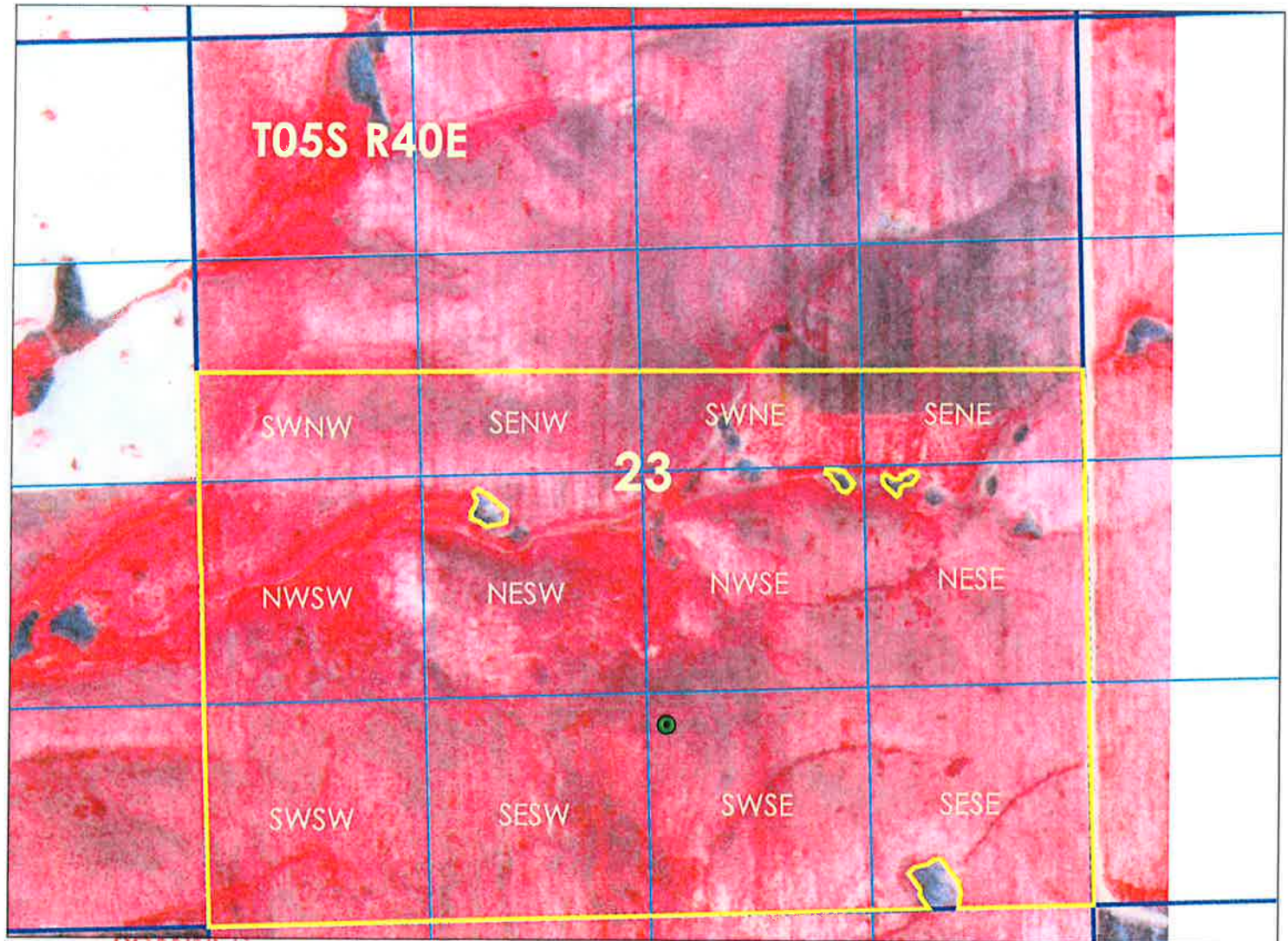
NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to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

Department of Water Resources

Eastern Region



Claim No.: 27-2124 and 27-4008



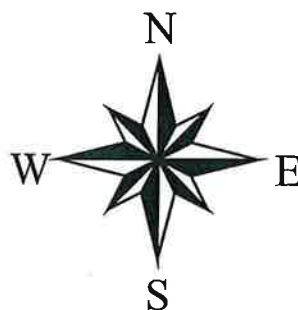
SCANNED

MAR 27 2006

0 660 1320 1980 2640 Feet



- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: August 2005

PROFILED



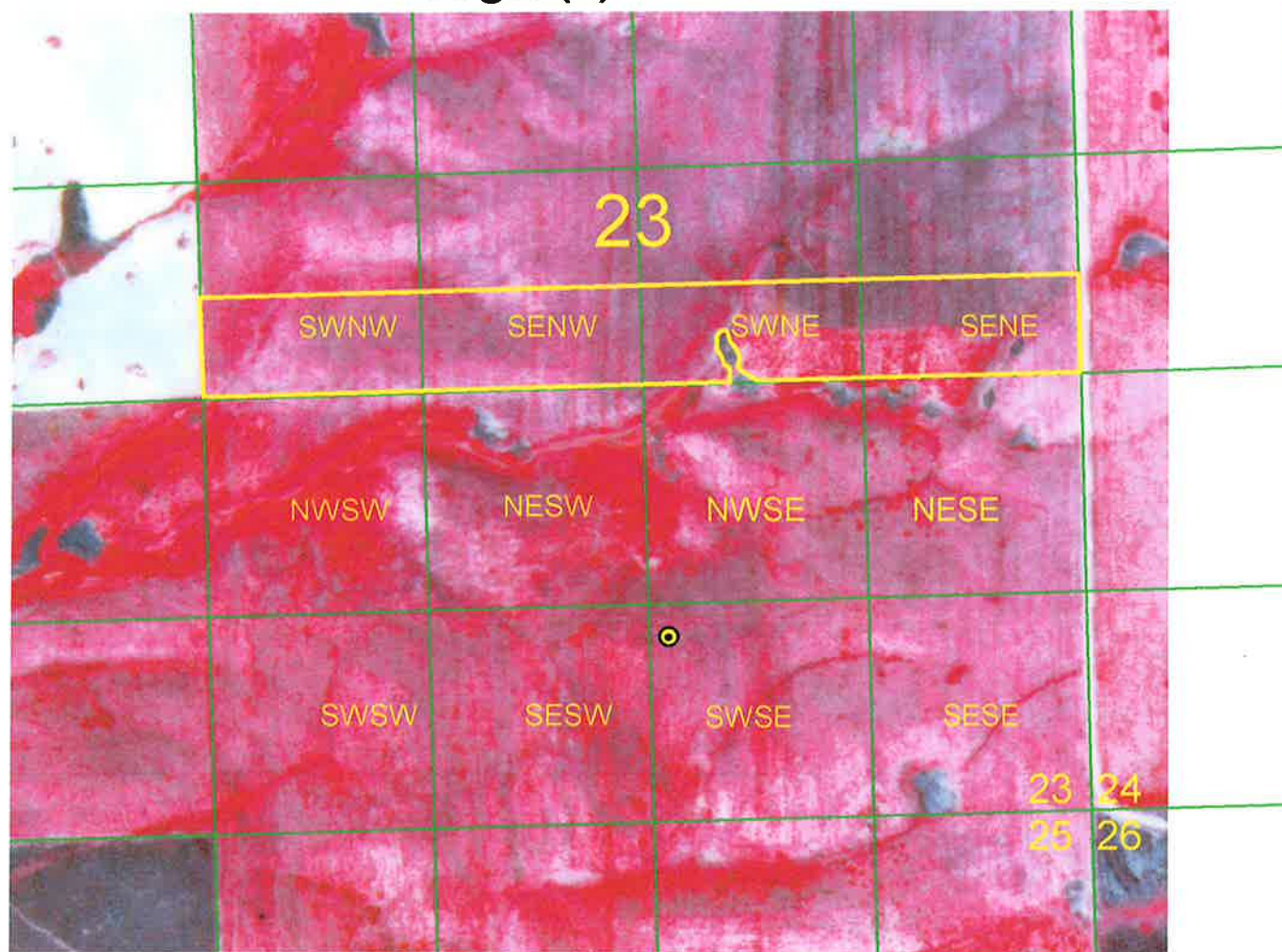
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-4008



IRRIGATED ACRES 72.0

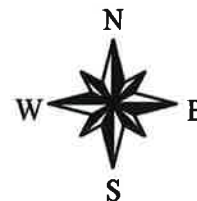


LEGEND

-  Point of Diversion
-  Place of Use
-  Townships
-  Sections
-  Quarter-Quarters

Place of Use: T5S, R40E:
(part of) Sec. 23, SWNW,
SENE, SWNE. SENE.

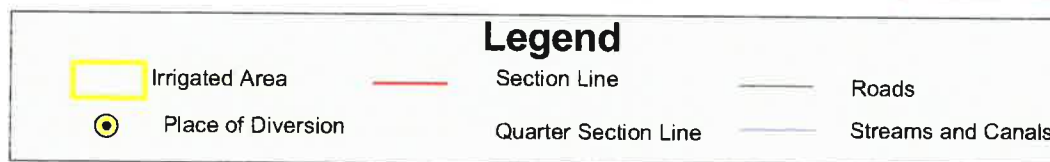
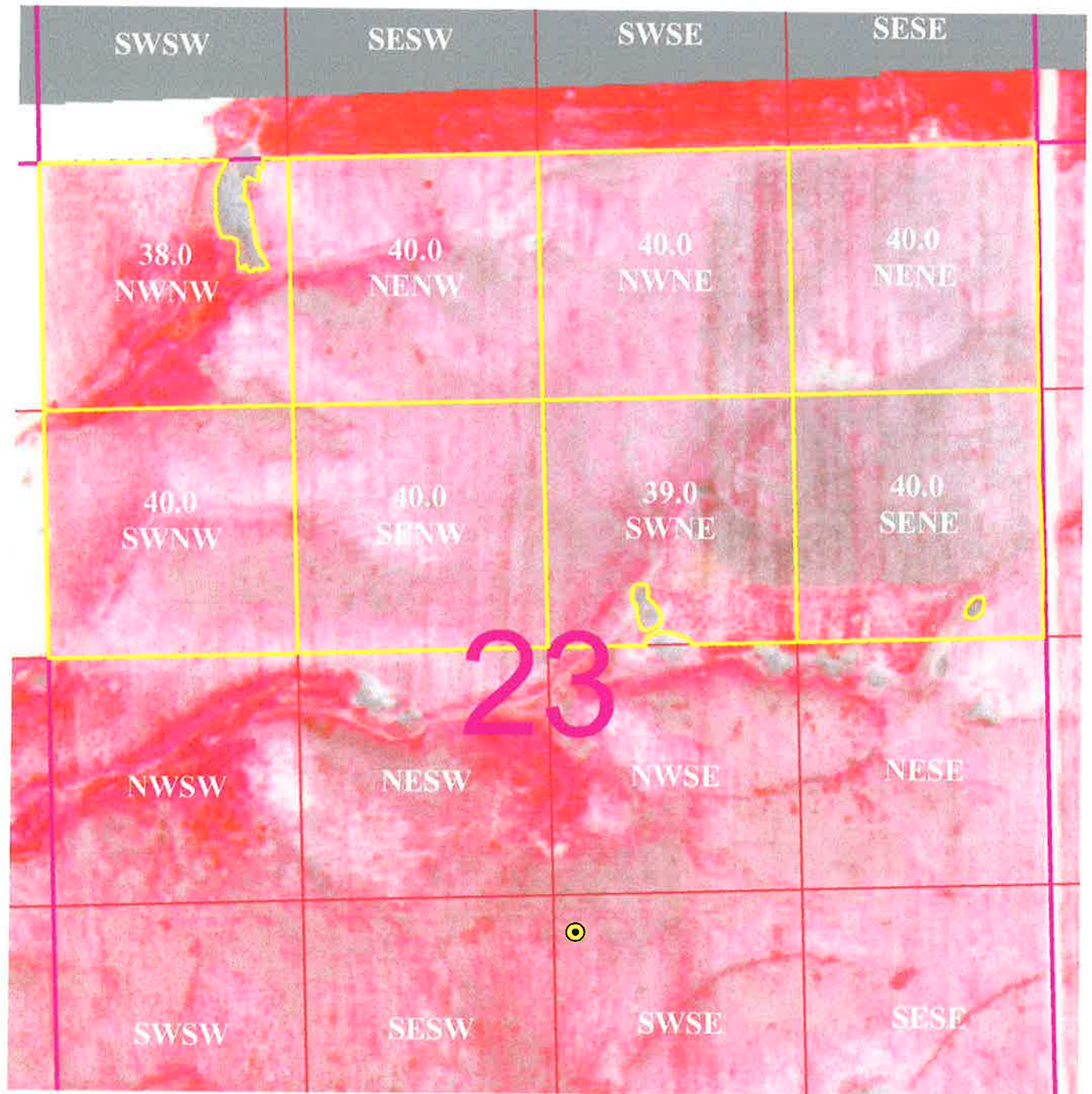
Point(s) of Diversion: T5S, R40E:
Sec. 23, NWSWSE



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: March 2005.

Water Right Claim Number 27-04008
Township , 5S40E

12/04/2000



600 0 600 1200 Feet



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

RIGHT NUMBER: 27-4008

NAME AND ADDRESS:

RALPH O WHEATLEY
10053 S MARSH CREEK RD
MC CAMMON ID 83250

VAUNA WHEATLEY
10053 S MARSH CRK RD
MCCAMMON ID 83250

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

1.000 CFS

~~3.200 CFS~~

252.000 AFY

~~0.000 AFY~~

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

PRIORITY DATE:

05/25/1977

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POINT OF DIVERSION:

T05S R40E S23 NWSWSE
Within CARIBOU County

**PURPOSE AND
PERIOD OF USE:**

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 11/01

1.000 CFS 252.00 AFY

~~3.200 CFS~~

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

PLACE OF USE: IRRIGATION within CARIBOU County

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

390 ACRES TOTAL

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

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 27-2124 is also diverted through point of diversion described above.
This right is for an enlargement of 72 acres within the place of use described for this right.

04/27/2005

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: 27-4008

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

VAUNA WHEATLEY
10053 S MARSH CRK RD
MCCAMMON ID 83250

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

Place of use

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

should be 390 ac.

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: 7-18-05

SIGNATURE: *Ralph Wheatley*

Please print your name: _____

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

SCANNED

MAR 27 2006

FILED

15 West Center
Soda Springs, ID 83276
Phone (208) 547-3993
FAX (208) 547-3939

Idaho Department of Water Resources

Fax

To: Katy Jackson

From: Barbara Payne

Fax: 525-7177

Pages: 6

Phone:

Date: 7/18/2005

Re: Basin 27 NOEs

CC:

Hi Katy,

This FAX contains a copy of the following NOEs:

27-11314	Ralph Wheatley	Agree
27-4008	Ralph Wheatley	Disagree POU
27-2124	Ralph Wheatley	Disagree POU
27-4010	Ralph Wheatley	Disagree Usage
27-4009	Ralph Wheatley	Disagree POU

Barbara

FAXED
7-18-05

Notes

4/18/05. Claimant has not responded to my request to amend the claim. Priority date verified is after the mandatory permit statute.

Claim disallowed and added Po/ Rem/ cond.

Claimant needs to return, amend claim because this is an enlargement claim to 27-2124.

Disallowed 4/18/05 CB.

Claim NEEDS Amendment, Claimant has not responded. CB.

7/18/05 Claimant amended claim. CB

Notes

When was this land first put into CRP?

3/3/05 27-2124 is the same well. The well was licensed for the max diversion rate for the well.

Disallow this claim since recommended as 27-2124.

This irrigates different land. According to the FSA office 290 acres of this is dry land.

3/8/05 amended both 27-2124 & 27-4008 to include land under 27-4008. an ^{enlargement} expansion claim.

Priority date 5/25/1977, after the mandatory permit statute. CB.

Sent to claimants for signature. CB

Quick Look	Contacts	Priority	ite	POD	Source	POU	Water Use	Period of Use	Quar
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Review/Verify Log

Status

Claim Number Version Number

[View Documents](#) [View Recommendation](#)

Check List
☐ Priority Date
☒ Contacts
☐ Point of Diversion
☐ Source
☐ Place of Use
☐ Purpose of Use
☐ Period of Use
☐ Quantity
☐ Summary [Yes to All](#)

Print Form

Contacts
3/3/05 Updated to Ralph Wheatley.

R

Comments

Author Text

Subj

Date - - [Add](#) [Edit](#) [Remove Selected](#)

S
Con

[illegible]

15 West Center Street
Soda Springs, Idaho 83276
(208) 547-3993
(208) 547-3939 FAX

Idaho Department of Water Resources

boxed
8-8-03
2:09p.

Fax

To: Jennifer or Ernie

From: Cindy Bird

Fax: 525 7177

Pages: 2

Phone:

Date: 8/8/03

Re: Claim # A27-04008

CC:

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

The attached letter dated 16 February 1990 and directed to Phil J. Yost from Keith C. Wilson refers to water rights for Claim Nos. 01-00087C and A01-00169F. We are unsure if these are still separate claims or if they have been combined into a new claim number. In any event, we do not have enough information to finalize the claim.

Please check your office for the above referenced claim file and forward it to Soda.

Thanks.

Cindy Bird

CB/bjp

8/11/03 Kristin replied by email and 01-87C doesn't exist and 01-169F doesn't have much to it.

Note: 7/23/03

27-4008, 27-~~4009~~, 27-4010 & 27-11314

Ordering early flight information.

7/23/03 Asked Pauline to get a hold of the USGS in Salt Lake City, UT to determine how many photos are used need to cover the B.U. Claims in Basin 27.

2:20pm Ralph stopped in the office to say he didn't have any other information except a letter from FSA stating that this was a replacement system.

He also brought in some photos for proof of b.u. on permit 27-7494. I referred him to Debbie Gibson.

5/14/03

by Cindy Bird

27-4008.

Ralph Wheatly came into the office 5/13/03, to discuss these rights. He is the new owner of the property. He went over to FSA and got copies of the attached documents.

License 27-2124 was licensed at 318 acres in the S $\frac{1}{2}$ of section 23, T5S, R 40E. The FSA 11/74 photo shows 390 acres irrigated, and 225 acres in the N $\frac{1}{2}$ Section 23, non irrigated. all the land is currently in CRP and has been since the late 80's.

Section 23 from the FSA Map shows, 390 acres irrigated and 225 ac. non-irrigated, totaling 615 ac. 318 were licensed under 27-2124 $(615 \text{ ac} - 318 \text{ ac}) = 297 \text{ ac}$. and 225 are not irrigated. $(297 - 225 = 72 \text{ ac})$ So, that leaves 72 acres irrigated with a 4/1/74 priority date as an enlargement claim NOT A STATUTORY claim.

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Ralpho Wheatley	10053 S. Marsh Crk Rd.				
Name connector: and	_____, or ☒ , and/or					
Current Owner	Vauna Wheatley	McCammon, ID 83250				
Current Owner		254-3186				

Representing Attorney: _____ Phone Number: _____

Accompanied By: Ralph Wheatley Phone Number: 254-3186

Relationship to Claimant: _____

Date of Field Exam: 7/30/03 Time: 8 Am.

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

met at the Soda Spring office

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.

Reviewer: CB

Date: 7/30/03

Priority Date Data Entry FormClaim Number: A27-4008

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: 5-25-1977 Recommended Basis: B.U.☐ 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:

Pipe trial.

Reviewer: CBDate: 3/3/05

Priority Date

Claim No. _____

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 (X) No ()
- 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 (X) 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 (X) No ()
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 ()
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 ()
15. Is the basis of claim coded correctly?
If Yes, go to 16
If No, Enter the appropriate basis of claim.
Yes (X) 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 (X) No ()

Priority Date

Purpose of Use

Claim No. _____

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes () No ()
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes () No ()
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13
Yes () No ()
4. Does the parent right have a Purpose of Use?
If Yes, go to 5
If No, go to 6
Yes () No ()
5. Can the claimed Purpose of Use be verified using the water right file?
If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13
If No, go to 6
Yes () No ()
6. Is there evidence that there has been a change in the Purpose of Use?
If Yes, go to 7
If No, go to 11
Yes () No ()
7. Can the change be verified as an accomplished transfer?
If Yes, add condition C04, go to 11
If No, go to 8
Yes () No ()
8. Does the change include an enlargement of the Purpose of Use?
If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9
If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12
Yes () No ()
9. Was an enlargement claim filed?
If Yes, go to 11
If No, Notify claimant that an enlargement claim is necessary. Go to 10
Yes () No ()
10. Did the claimant file an enlargement claim?
If Yes, go to 11
If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13
Yes () No ()
11. Does the file contain all of the necessary information to verify the Water Use?
If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
Yes () No ()
12. Did the claimant file a transfer?
If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13
If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13
Yes () No ()
13. Is a Purpose of Use remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.
Yes (X) No (X)

Purpose of Use

Place of Use

Claim No. _____

1. Is the basis of claim a Decree or License?

Yes () No (X)

If Yes, go to 2a

If No, go to 2b

2a. Is a POU required?

Yes () No ()

If Yes, go to 5

If No, go to 14

2b. Is a POU required?

Yes (X) No ()

If Yes, go to 3

If No, go to 14

3. Is the basis of claim a Permit or Application?

Yes () No (X)

If Yes, go to 4

If No, go to 7

4. Has the License been issued?

Yes () No ()

If Yes, go to 6

If No, recommend the POU as shown on the Permit. Go to 14

5. Does the parent right have a POU?

Yes () No ()

If Yes, go to 6

If No, go to 7

6. Can the claimed POU be verified using the water right file?

Yes () No ()

If Yes, recommend the POU as shown in the water right file. Go to 14

If No, go to 7

7. Is there evidence that there has been a change in the POU?

Yes (X) No ()

If Yes, go to 8

If No, go to 13

8. Can the change be verified as an accomplished transfer?

Yes (•) No ()

If Yes, add condition C05, go to 13

If No, go to 9

9. Does the change include an enlargement of the POU?

Yes (X) No ()

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10

If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

10. Was an enlargement claim filed?

Yes (X) No ()

If Yes, go to 13

If No, notify claimant that an enlargement claim is necessary. Go to 11

11. Did the claimant file an enlargement claim?

Yes () No ()

If Yes, go to 13

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

12. Was a transfer filed?

Yes () No ()

If Yes, recommend the POU as shown on the approved transfer. Go to 14

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

13. Does the file contain all of the necessary information to verify the POU?

Yes () No ()

If Yes, go to 14

If No, collect the necessary information. Conduct field exam if necessary. Go to 14

14. Is a POU remark and/or condition required?

Yes (X) No ()

If Yes, enter the appropriate remark and/or condition. POU review is complete.

If No, POU review is complete.

Place of Use

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2 Yes () No ()
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6 Yes () No ()
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18 Yes () No ()
4. Does the parent right have a Period of Use?
If Yes, go to 5
If No, go to 6 Yes () No ()
5. Can the claimed Period of Use be verified using the water right file?
If Yes, go to 14
If No, go to 6 Yes () No ()
6. Is there evidence that there has been a change in the Period of Use?
If Yes, go to 7
If No, go to 12 Yes () No ()
7. Does the change include an enlargement in the Period of Use?
If Yes, go to 9
If No, go to 8 Yes () No ()
8. Can the change be recommended as an accomplished transfer?
If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11 Yes () No ()
9. Was an enlargement claim filed?
If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10 Yes () No ()
10. Did the claimant file an enlargement claim?
If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12 Yes () No ()
11. Was a transfer filed?
If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12 Yes () No ()
12. Does the file contain all of the necessary information to verify the Period of Use?
If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13 Yes () No ()
13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined?
If Yes, go to 14
If No, go to 15 Yes () No ()
14. Is irrigation claimed as a purpose of use?
If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18 Yes () No ()
15. Is irrigation claimed as a purpose of use?
If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18 Yes () No ()
16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18 Yes () No ()
17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use?
If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18 Yes () No ()
18. Is a Period of Use remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Period of Use review is complete. Yes () No (X)

Period of Use

Quantity

Claim No. _____

1. Is the basis of claim a Decree or License?

Yes () No ()

If Yes, go to 4

If No, go to 2

2. Is the basis of claim a Permit or Application?

Yes () No ()

If Yes, go to 3

If No, go to 6

3. Has the License been issued?

Yes () No ()

If Yes, go to 5

If No, recommend the Quantity shown on the Permit. Go to 11

4. Does the parent right have a diversion rate and/or volume?

Yes () No ()

If Yes, go to 5

If No, go to 7

5. Can the claimed diversion rate and/or volume be verified using the water right file?

Yes () No ()

If Yes, go to 8

If No, go to 7

6. Is the basis of claim a posted notice?

Yes () No ()

If Yes, consult the attorney assigned to the Basin. Go to 7

If No, go to 7

7. Is a flow measurement required?

Yes () No ()

If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9

If No, describe why a flow measurement is not required. Go to 9

8. Does the parent right have an annual diversion volume limit?

Yes () No ()

If Yes, go to 10

If No, go to 9

9. Is the source Ground Water and does the purpose of use require a diversion volume limit?

Yes () No ()

If Yes, go to 10

If No, go to 11

10. Is irrigation a purpose of use?

Yes () No ()

If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

11. Has a diversion volume limit for this water use been established by a decree, license or transfer?

Yes () No ()

If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

If No, go to 12

12. Is a Quantity remark and/or condition required?

Yes (X) No ()

If Yes, enter the appropriate remark and/or condition. Quantity review is complete.

If No, quantity review is complete.

Quantity

Summary Data Entry Form

Claim No.: _____

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

E25 Qty Rem. 27-2124, 4.38cfs, 1365

E11 Pou Rem 27-2124, 390 acres

K09 Exp. Rem. 72 ac.

F05 Exp Rem. 27-2124.

K02 Gen Rem 27-2124.

C11 Priority con.

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

Claim No.: _____

Reviewer _____

Date _____

Bird, Cindy

From: Clark, Cynthia (Bridge)
Sent: Thursday, May 01, 2003 12:44 PM
To: Bird, Cindy
Subject: RE: Checking on a claim

Hey there Cindy,

Ralph Wheatley has apparently purchased a number of the water rights previously owned by Yost and Modersitzki (I haven't checked for ownership change forms, but Wheatley's attorney says they have been filed). Mr. Wheatley is now applying to put the rights he owns into the water supply bank.

Though entering a right into the bank is fairly straight forward, we do like to have some indication that it is a valid water right. In this case, since no review has been done on the claim and it is based on beneficial use, I will probably recommend that it not be accepted into the bank.

Thanks for the help, and have a good weekend (I am looking ahead...),
Cynthia

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

From: Bird, Cindy
Sent: Thursday, May 01, 2003 11:20 AM
To: Clark, Cynthia (Bridge)
Subject: RE: Checking on a claim

hi Cynthia,

I'm just now getting basin 27 claims. This is a ground water right owned by Phil Yost or David Modersitzki. I haven't had a chance to verify anything yet. What are they requesting to put into the water bank?

Cindy

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

From: Clark, Cynthia (Bridge)
Sent: Wednesday, April 30, 2003 3:41 PM
To: Bird, Cindy
Subject: Checking on a claim

Hello Cindy,

I hope everything is going well out there in Soda Springs. I wanted to check on the status of Claim 27-11314. I have an application to rent the right to the Water Supply Bank, but it is based on Beneficial Use so we would like some verification that it is a valid right. We will consider accepting the right to the bank if the SRBA has done some review of it already that suggests it is valid, but if we have no information at this time, we will simply deny the application.

Thanks for your help,
Cynthia

*Cynthia Bridge Clark
Water Allocation Bureau
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237
(208) 327-7898
ccclark@idwr.state.id.us*



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

David Modersitzki
2526 Kelly Toponce Road
Bancroft, Idaho 83241

April 23, 2003

Re: Evidence of Priority

Claim No.(s) A27-04008

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.

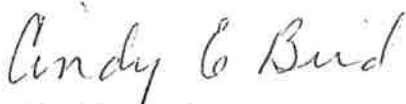
For your reference, I have enclosed the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What 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

VCLUB 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 Creek Ranch

Ralph or Danna Whentley

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

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
Sinda S. Godfrey 6.00 ct
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 $\frac{1}{2}$ 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.

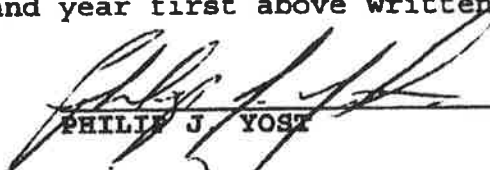
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances and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

Section 23: ALL. 640
 Section 26: ALL. 640
 Section 35: NEX. 1600
 Section 36: NWX. 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.

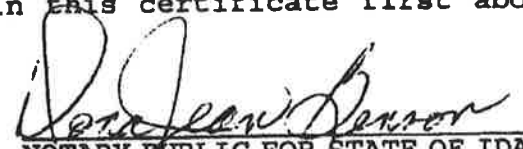
County of Caribou)

June, 2001.

On this 20th day of ~~April, 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 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.

1240
2 11715

STATE OF IDAHO }
County of Caribou }

163807

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 Izatt

Signature

Toni Rigby 6-00
Deputy

Order No. 11306

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

WARRANTY DEED

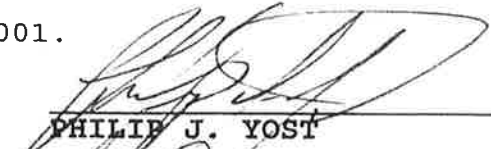
THIS INDENTURE, made this 5th day of March, 1998, between
PHILIP J. YOST and LISA J. YOST, husband and wife, of Grace,
Caribou County, Idaho 83241 hereinafter called First Party, and
PHILIP J. YOST and LISA J. YOST, husband and wife; DAVID M.
MODERSITZKI and KAREN JANE MODERSITZKI, husband and wife,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

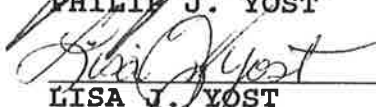
WITNESSETH: that the said First Party, for and in
consideration of the sum of TEN DOLLARS, lawful money of the United
States of America, to said First Party in hand paid by the said
Second Party, the receipt of which is hereby acknowledged, does by
these presents, Grant, Bargain, Sell and Convey and 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:

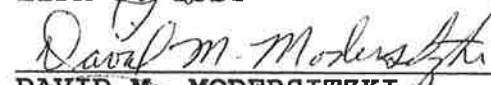
Township 5 South, Range 40 East of the Boise Meridian:

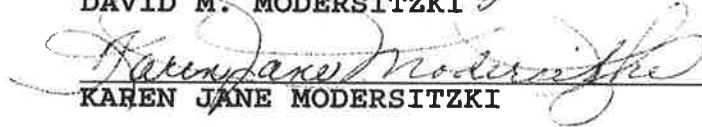
Section 22: ~~EXSEX~~, ALSO, Beginning at a point 880 feet East of the
~~SWSEX~~ of said Section 22, and running
thence North 7°58' West 44 feet;
thence North 1°23' East 1002 feet;
thence North 38°22' West 454 feet;
thence North 16°29' West 541 feet;
thence North 62°48' East 252 feet;
thence South 86°58'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

Dated: September 4, 2001.


PHILIP J. YOST

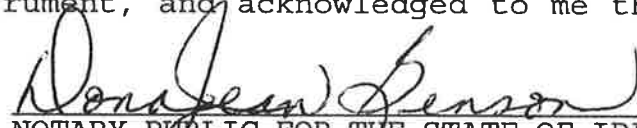

LISA J. YOST

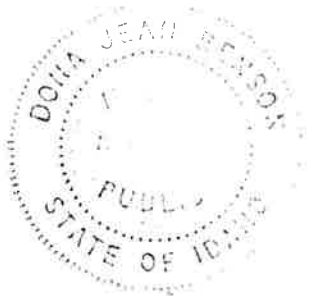

DAVID M. MODERSITZKI


KAREN JANE MODERSITZKI

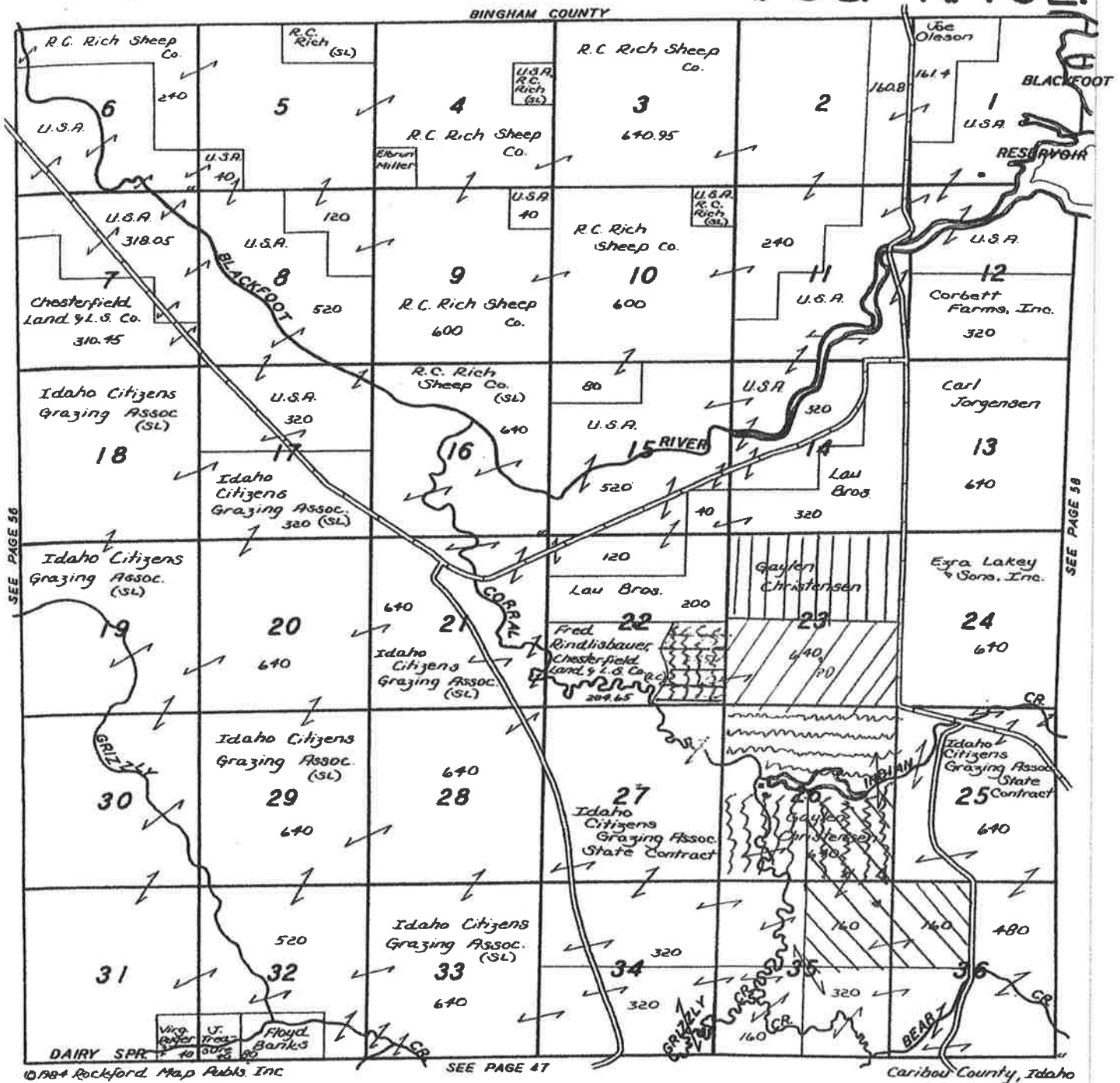
STATE OF IDAHO)
 : ss.
County of Caribou)

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



©1984 Rockford Map Publs. Inc.

SEE PAGE 47

Caribou County, Idaho

///	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	7/01/1961	well
///	27-11314	2.4 CFS	Beneficial Use	120 acres	7/28/1961	well
///	27-7495	49 AF	License - Reservoir	-0-	2/25/1990	Chicken Creek
///	27-4010	1.82 CFS	Claim	300 acres	5/01/1959	Chicken Creek



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

March 8, 2005

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

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

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

RESPONSE DATE: MARCH 22, 2005

Dear Claimants;

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

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

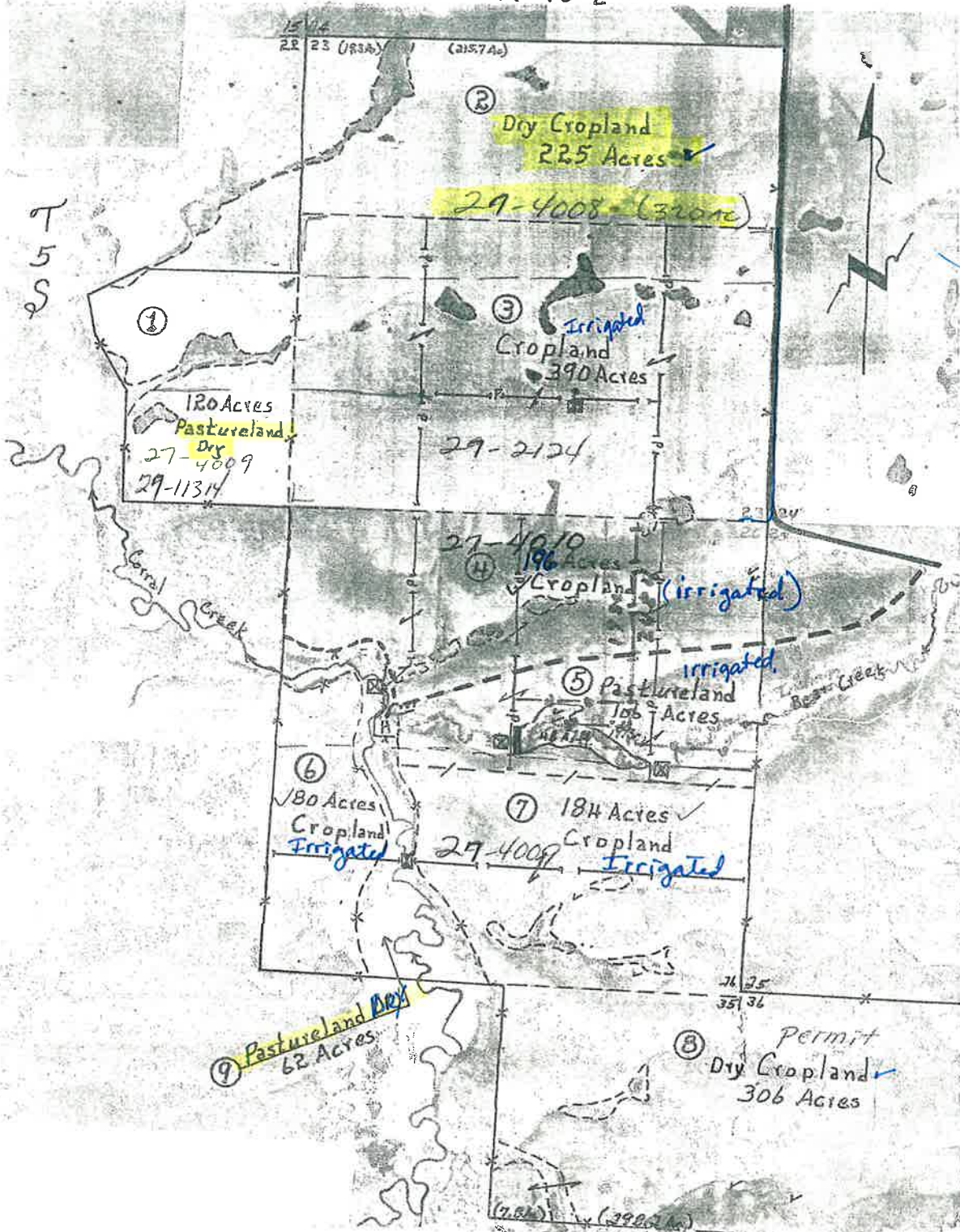
Respectfully,

Cindy E. Bird

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

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

R 40 E



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

Dec. 1974
1800 Acres

LOCATION:

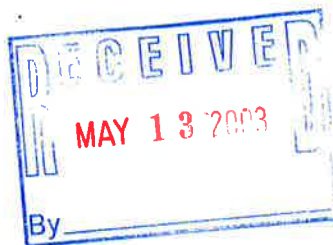
This farm is located about 25 miles North of Soda Springs and near the Blackfoot dam. Corral Creek runs through the property, South to North West. Bear Creek runs from the East into Corral Creek.

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.----	<u>131 Acres</u>
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.



Continuation of Item 12 - Identification of CRP Land[illegible]

Original - County Office Copy

Owner's Copy



Operator's Copy

1

NRCS Copy

OFFICE COPY

Purchasing Agent

Please Send

Copies Of Your Invoice With Original Bill Of Lading

INVOICES PASSED FOR PAYMENT

QUANTITY		ORDERED	RECEIVED	INVOICES PASSED FOR PAYMENT	
2	1640'	8" P.V.C. 100 PSI			
3	1640'	6" P.V.C. 100 PSI			
4	11'	8" Green-Tee & Manhole			
5	11'	6" Tee			
6	1130'	Installation 6.5' 8" Tee			
7		Total: \$3408.00			
8	800'	10" P.V.C. 100 PSI			
9	800'	8" P.V.C. 100 PSI			
10	800'	8" P.V.C. 100 PSI			
11	800'	6" P.V.C. 100 PSI			
12	13	14" Green Tee & Manhole			
13	14	8" Tee			
14	13	6" Tee			
15		Installation 6.5' 8" Tee			
16		Total: \$5400.00			
17					
18					
19					
20					
21					
22					

PLEASE SUPPLY ITEMS LISTED BELOW

QUANTITY	ORDERED	RECEIVED
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9
10	10	10
11	11	11
12	12	12
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59	59	59
60	60	60
61	61	61
62	62	62
63	63	63
64	64	64
65	65	65
66	66	66
67	67	67
68	68	68
69	69	69
70	70	70
71	71	71
72	72	72
73	73	73
74	74	74
75	75	75
76	76	76
77	77	77
78	78	78
79	79	79
80	80	80
81	81	81
82	82	82
83	83	83
84	84	84
85	85	85
86	86	86
87	87	87
88	88	88
89	89	89
90	90	90
91	91	91
92	92	92
93	93	93
94	94	94
95	95	95
96	96	96
97	97	97
98	98	98
99	99	99
100	100	100

Address

Ship To:

Address

10

Reg. No.

Date _____

For

Date Required

How Ship

Terms:

No. 5094

PURCHASE ORDER

5092

Reg. No.

Washington

Date

19

For

Date Required

How Ship

Terms

QUANTITY

ORDERED RECEIVED

PLEASE SUPPLY ITEMS LISTED BELOW

PRICE

UNIT

13	8" PVC 100 PSI	1440.00	
15	4" PVC 100 PSI	882.00	
15	3" Riser Tee & Valve	630.00	
15	6" Riser Tee & Valve	520.00	
	<i>Installation 154 Per Foot</i>	1170.00	
		4692.00	
30	12" PVC 100 PSI	3273.00	
80	8" PVC 100 PSI	1680.00	
30	10" Riser Tee & Valve	1210.00	
80	8" Riser Tee & Valve	3360.00	
	<i>Installation 654 Per Foot</i>	3945.00	
		19488.00	

INVOICES PASSED FOR PAYMENT

Please Send

Copies Of Your Invoice With Original Bill Of Lading

Purchasing Agent

OFFICE COPY

147 Redupm

IRRIGATION PIPELINE
High Pressure Underground Plastic

CERTIFICATION AND GUARANTEE

I, the undersigned contractor, completed the installation of 4440
feet of high pressure underground plastic irrigation pipe on the
Don & Son Christensen farm 25 mile NW Soda Spring on 5-25-77
(farmer's name) (farm address) (date)

and do certify that the materials and installation comply with requirements
of Soil Conservation Service Engineering Standard, dated 430- DD-,
Engineering Specifications for Materials dated 3-1977, and Construc-
tion Specifications, dated March 1977 for Irrigation Pipelines, High
Pressure Underground Plastic.

The pipe used in the installation was manufactured by Certain Tech
Glacyville, Calif.
(name and address of pipe manufacturer)

and marked as follows:

Manufacturer's Identification: _____ Nominal Size 8" 10"
(inches)

PVC, Type 100 PSI, Grade _____
(PE, ABS or PVC)

Working Head _____ ft. SDR No. _____

I guarantee the above installation against defective materials and workman-
ship for a period of 1 year years from above date.

Signed: John James - James

Address: Chenoweth

Date: 5-25-77



CA-20-PO
6-72

SOIL and CAPABILITY MAP

Prepared by SOIL CONSERVATION SERVICE ★ UNITED STATES DEPARTMENT of AGRICULTURE
cooperating with

Caribou

S.C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER Gaylen Christensen

FARM NO.

DATE 6-18-80

OPERATOR

SCALE 1" = 660'

ACRES

COUNTY Caribou

STATE Idaho

PHOTO NO.

APPROXIMATE

APPROXIMATE

Summary -

R-40-E

1820 ft 100 PSI IPS PVC - 8"

660 ft 100 PSI PIP PVC - 6"

2480 ft Total

Reducers 8" to 6"

Anchor blocks - one - at reducer

Thrust blocks - 2 - 90° elbow & End of line

Tees - one

Risers - 40

Pressure Relief valves - 2

Air Vacuum Release valves

(pump, end of line and
high points along line)
Approx. 4

5
5

Pressure Release
Air Vacuum
valves

Thrust Block

23

26

24

25

6" PIP PVC

8" IPS PVC

Pump

Pressure Release
Air Vacuum
Valves

Thrust block

JUL 16 2001

Log for claim 27-04008

Spatial Dynamics LTD

12/4/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05s40e	23	NENE	40	40	
05s40e	23	NWNE	40	40	
05s40e	23	SWNE	40	39	
05s40e	23	SENE	40	40	
05s40e	23	NENW	40	40	
05s40e	23	NWNW	40	38	
05s40e	23	SWNW	40	40	
05s40e	23	SENW	40	40	
Totals:			320	317	

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 27-4008

WATER RIGHT NUMBER: 27-4008

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

Priority Date: 04/01/1961

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	4.380 CFS	
	<u>Total Diversion:</u>	4.380 CFS	

Location of Point(s) of Diversion

GROUND WATER

SW1/4SE1/4

Sec. 23, Twp 05S, Rge 40E, B.M.

CARIBOU County

Place of Use

IRRIGATION

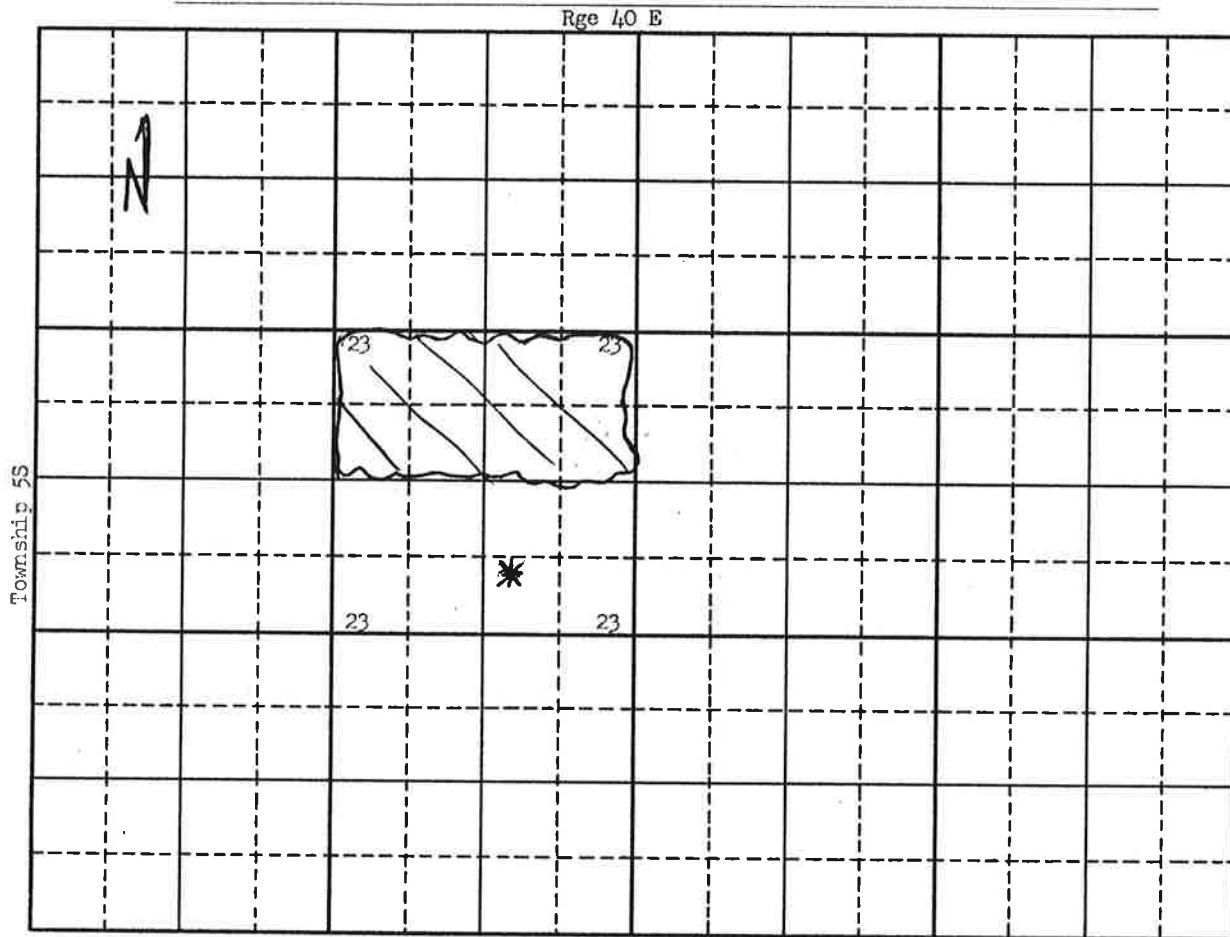
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	40E	23	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0									320.0

Total Acres: 320

Conditions of Approval:Remarks:Comments:Dates and Other Information:

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

Gayle Christiansen
(Claimant)
Jay R. Hirsch
Notary Public

Residing at Tremonton Utah

My commission expires 4-19-78

For Department Use Only

Received by <u>Cal</u>	Date <u>5-25-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ARIC</u>	Date <u>5-26-77</u>		claimant by:	
\$10.00 fee received by <u>Cal</u>	Date <u>5-26-77</u>			
Approved for publication by <u>the 6-23-77 #2311</u>				
Published in <u>Caribou County News</u>				
Dates <u>June 2 & 9-1977</u>				

16 February 1990

Phil J. Yost
1760 Rich Road
Grace, Idaho 83241

RE: Adjudication Claim A27-04008 Correction & additional
right 01-00087C that needs to be filed on

Dear Mr. Yost:

Since your visit to our office I have found that adjudication claim # A27-04008 that was filed needs to be corrected. The place of use is incorrectly indicated as the N 1/2 of Sec 20. The map indicates the N 1/2 of Sec 23.

Also water right 01-00087C for 0.28 cfs needs to be filed on since it is also on the same place of use as the adjudication claim # A01-00169F. Water right 01-00087C could be combined with A01-00169F and given a new number.

Please contact this office to make an appointment so that these changes can be made.

Sincerely,

Keith C. Wilson

MICROFILMED
NOV 12 1992

IN THE MATTER OF

State of Idaho

County of Carbon

AFFIDAVIT

MAY 25 1977

Department of Water Resources
Eastern District Office

being first duly sworn,

deposes and says:

I Elma Christensen did witness Gaylen Christensen sprinkling his farm from water he was pumping from his well in 1961
Elma Christensen

Orvin J. Dutton did witness Gaylen Christensen sprinkling his farm from water he was pumping from his well in 1961
Orvin J. Dutton

I Lee Stokes did witness Gaylen Christensen sprinkling his farm with water pumped from well 1961 & every year since.
Lee Stokes

I Richard T. Mesler did witness Gaylen Christensen sprinkling his farm from water he was pumping from his well in 1961
Richard T. Mesler

(Signature)

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

(Notary Public)

Residing at Fremont, Idaho
My Commission Expires 4-19-78

MICROFILMED

NOV 13 1996

I H.D. Ozburn, owner/operator of Ozburn Farms wish to add validity to water right claim A27-04008, ground water source in township 5S, range 40E, section 23 in Caribou County. The property was formerly owned by Gaylan Christensen now belonging to David Modersitzki and Phil J. Yost.

I wish to make statement that this ground water source was used by well and sprinkling system on this section of land from 1961.

I was born in Caribou County and have farmed in the area of the Gaylan Christensen farm now owned by Mr. Modersitzki and Mr. Yost in section 23 for 40 years, thus am well aware of irrigation of this property in question. Mr. Christensen watered with pivot, wheelines with draglines, and handlines.... and etc,

If I can be of further help in this matter, please contact me.



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

MICROFILMED
NOV 13 1990

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

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

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

~~1780 RICH RD~~
~~GRACE ID USA 83241~~

10053 S. MARSH CRK RD
MCCAMMON, ID 83250

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

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

10053 S. MARSH CRK RD
MCCAMMON, ID 83250

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

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

WELL WITH SPRINKLER SYTEM

6. Water is used for the following purposes:

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

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

Section Acres 390

Total Acres 390

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
27-2124

14. Remarks:

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

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

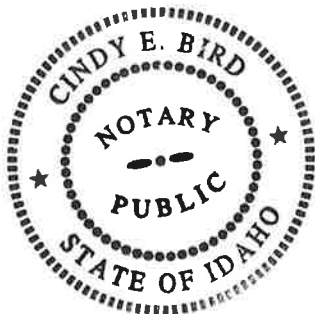
Signature of Claimant(s): Ralph Wheatley Date: 7-18-05

Date: _____

State of Idaho

County of Bannock) SS.

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



Cindy E Bird
Notary Public

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

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: **A27-04008**
Date Received: 2/12/1990
Receipt No: E012016
Received By: _____

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

AMENDED

1. Name: DAVID M MODERSITZKI
Address: RR 1 BOX 1560 2526 Kelly Toponce Road
BANCROFT ID 83241 208-648-7722

AND/OR

Name: PHIL J YOST
Address: 1760 RICH RD
GRACE ID 83241 208-425-3875

2. Date of Priority: APR 1, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL 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	3.200		

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

A.F.A.

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	40E	23	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

Section Acres 320.0

Total Acres 320.0

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:
A2702124

14. Remarks:~

THIS LAND IS IN C.R.P. AND WILL BE 7 YRS. LEFT.

THIS 3.20 CFS IS AN ADDITIVE QUANTITY TO CLAIM 27-02124.

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 Modersitzki Date: 10-14-97

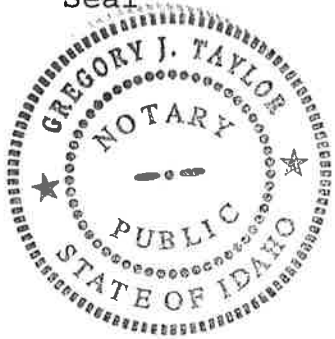
Date: _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of October 19 97

Gregory J. Taylor
Notary Public

Seal



Residing at Idaho Falls Id

My Commission Expires 3/3/98

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: A27-04008
Date Received: 2/12/1990
Receipt No: E012016
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DAVID M. MODERSITZKI 208-648-7722
Address: R.R. 1 BOX 1560
BANCROFT, ID 83241

AND/OR

Name: PHIL J. YOST 208-425-3875
Address: 1760 RICH RD.
GRACE, ID 83241

2. Date of Priority: APR 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL 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	4.380		

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

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	40E	23	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0

Section Acres 320.0

Total Acres 320.0

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:
A2702124

14. Remarks:
THIS LAND IS IN C.R.P. AND WILL BE 7 YRS. LEFT.

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 Modera Jr. Date: 3-30-90

Date: _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 30 day
of MARCH 19 90
[Signature]
Notary Public

Seal

Residing at 1040 Falls
My Commission Expires 9-12-94

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: A27-04008
Date Received: 1/24/1990
Receipt No: E012016
Received By: KW

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 83241

A2704008



2. Date of Priority: APR 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL 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	4.380		

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

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED
NOV 12 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	40E	20	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0

Section Acres 320.0

Total Acres 320.0

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:

A2702124

14. Remarks:

THIS LAND IS IN C.R.P. AND WILL BE 7 YRS. LEFT.

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 Modersitzki Date: 1-24-90

Date: _____

State of Idaho)
County of Caribou) SS.

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

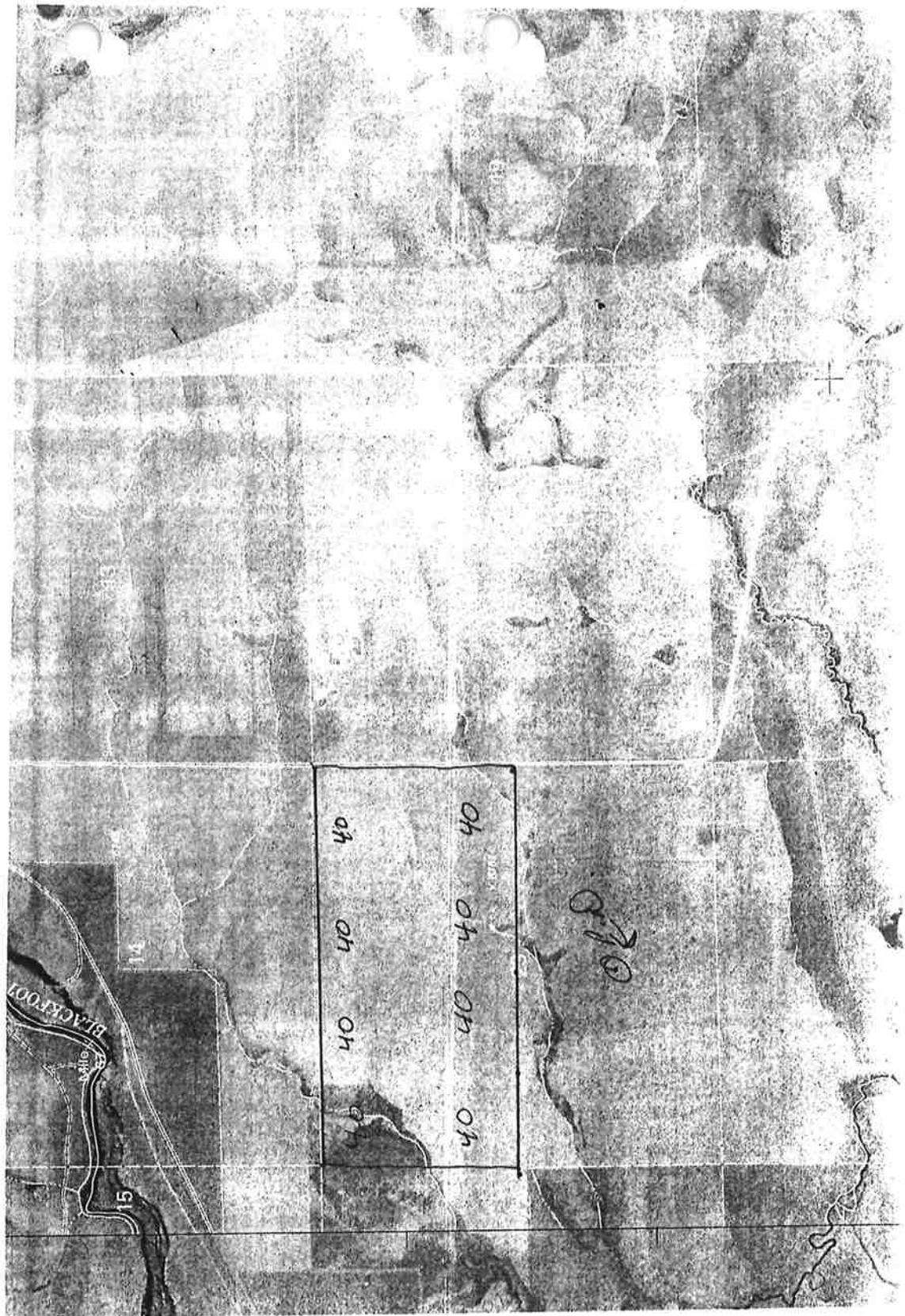
of Jan 19 90

Seal

John Dal Corno
Notary Public

Residing at Boise Id

My Commission Expires 4/7/94



MICROFILMED
NOV 12 1992