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MAR 31 2003

Form 42-1761
12/99

Department of Water Resources

Water Supply Bank No. _____

Water Right No. 27-4008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Ralph O. Wheatley Phone 208-254-3186

Post office address 10053 S. Marsh Creek Road, McCammon, Idaho 83250

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by: Statutory Claim/Beneficial Use

a. Decree No. _____ Decreed to _____
in case of _____ vs _____ (Name)
dated _____ in _____ county of _____
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. Source of water Ground water tributary to _____

3. Date of priority 04/01/1961

4. Water is used for the following purposes:

amount 3.2 cfs for Irrigation purposes from 4/01 to 11/01

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

5. Total amount of water under right: a. 3.2 cubic feet per second
&/or
b. _____ acre-feet per annum

NWSWSE

6. Location of point of diversion is _____ 3 of _____ 3 of Section 23 Township 5 S.

Range 40 E., B.M. in Caribou County

Additional points of diversion, if any _____

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7. Lands irrigated or place of use:

TWP	R&F	SFC	N F				N W				S W				S F				Totale
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	40E	23	40				40				40				40				160
				40				40				40				40			160

Total number of acres to be irrigated 320

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit part B.)

1. Amount of water under right: a. _____ cubic feet per second

&/or

b. _____ acre-feet per annum

2. Point of diversion _____ 3 of _____ 3 of Section _____ Township _____ Range _____, B.M., in
_____ County

Additional points _____

3. Place of use:

TWP	R&F	SFC	N F				N W				S W				S F				Totale
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated _____

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the seller /lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

Water Right purchased with land. Warranty Deed attached.

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture.

Land has been in CRP the past five years. Attached is a
copy of the CRP Contract.

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support the availability :

The water is believed to be fully available. Lessor's
predecessor fully utilized this right annually prior to
placing land in CRP Program.

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use continue to receive water from any source? If so, describe.

There will be no other water used at the place of use. The
land will be dry farmed once taken out of CRP.

5. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

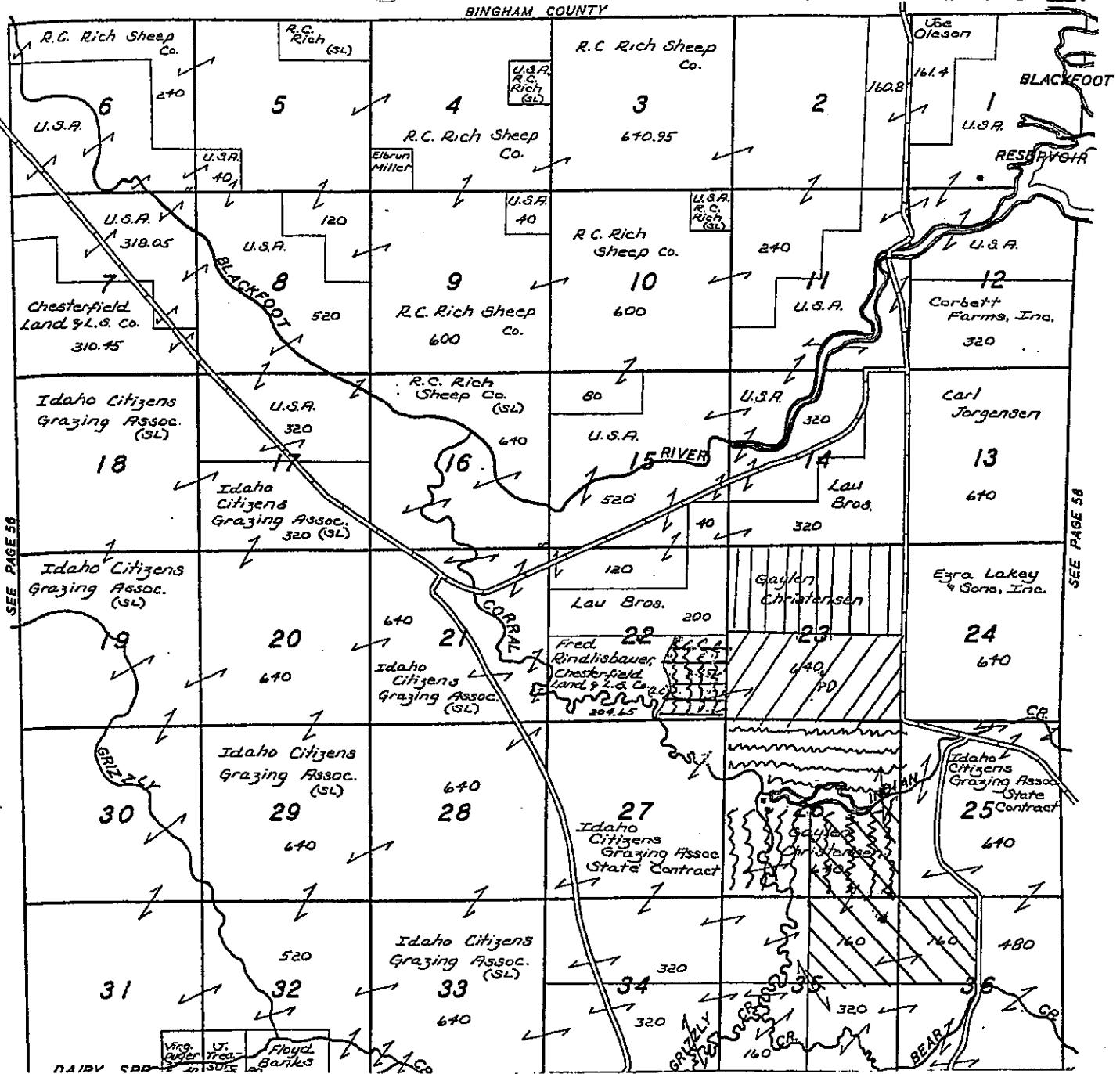
6. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

N/A

7. If the right is included in an ongoing adjudication, a copy of the claim must be provide with this application.

Included in SRBA. Copy of claim attached.

BINGHAM COUNTY



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9. Remarks _____

D. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale

 X For lease for period from 2003 to until sold
(Year) (Year)

_____ As a gift to the State of Idaho.

2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment)

3. Payment contingent on subsequent sale or leasing of this right, or portion thereof, is:

_____ Acceptable _____ Not Acceptable

I hereby assert that the information contained in this application is true to the best of my knowledge, and I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

 3-26-03
(Date)

 Ralph W. Hestley
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by VH Date 03-31-03 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

03/19/2003

WATER RIGHT NO. 27-4008

Owner Type	Name and Address
Current Owner	DAVID MODERSITZKI 2526 KELLY TOPONCE RD BANCROFT, ID 83217 (208)648-7722
Current Owner	PHIL J YOST 1780 RICH RD GRACE, ID 83241 (208)425-3875
Original Owner	GAYLEN CHRISTENSEN PO BOX 307 TREMONTON, UT 84337

Priority Date: 04/01/1961

Basis: Statutory Claim

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	3.2 CFS	
Total Diversion			3.2 CFS	

Location of Point(s) of Diversion:

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GROUND WATER	NWSWSE	Sec. 23	Township 05S	Range 40E	CARIBOU County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	A
05S	40E	23		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENW	40

Total Acres: 320

Remarks:

1.	General	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.
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Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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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
Edie J. 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 $\frac{1}{4}$.

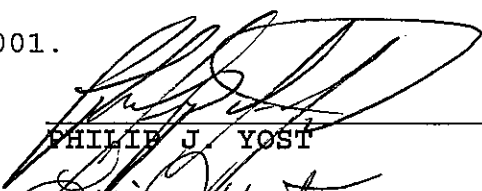
TOGETHER with the all of the 2001 CRP payment and all subsequent years under the present contract.

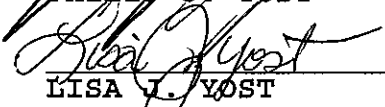
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances and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

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Dated: September 4, 2001.


PHILIP J. YOST

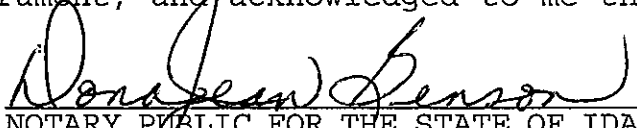

LISA J. YOST

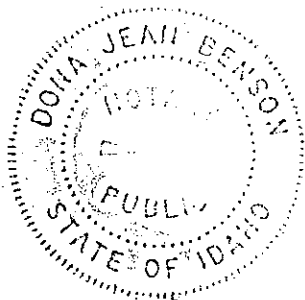

DAVID M. MODERSITZKI


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.



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