

**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 BEAR RIVER BASIN WATER SYSTEM**

**RECEIVED**

**MAR 27 2024**

**IDWR/Preston**

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

**CIVIL CASE NUMBER: 79576**

Claim ID: 13-7793

Date Received: 3/27/24

Receipt No: P000773

Claim Fee: \$107 By: MB

**Please type or print clearly**

1. Name of claimant(s) Wheatley Properties LLC Phone ( 208 ) 540-2187  
Mailing address 1598 East 3200 South Preston Idaho Zip 83263  
Street or Box City State  
Email address (optional) basw87@gmail.com
2. Date of priority: (Only one per claim) 8-31-1903 (Explain priority date selected in Remarks)  
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water ( ) or Other ( ☒ ) (a) Spring Creek  
which is tributary to (b) Worm Creek
4. a. Location of point of diversion is: Township 16S, Range 40E, Section 06,  
NW 1/4 of NW 1/4, Govt. Lot 4, BM, County of Franklin  
Parcel no. RP02783.00  
Additional points of diversion, if any: \_\_\_\_\_  
If available, GPS Coordinates \_\_\_\_\_  
b. If instream flow, beginning point of claimed instream flow is:  
Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_, BM, County of \_\_\_\_\_  
Ending point is: Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_, BM, County of \_\_\_\_\_
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.  
Water comes under highway by railroad near Rodney Cole's place and goes to the corner near the road into  
our ditch. The ditch carries the water to our place where we irrigate with a straight pivot on our field. This water  
right does not cover the full 80 acres, so we also use share water with Cub River Canal Company to cover the  
extra ground.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 4/1 to 11/1 amount 0.9 or 182

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.9 (cfs) and/or (b) 182 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) None

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 16S | 39E | 12  |    |    |    |    |    |    |    |    |    |    |    |    | 33 |    |    | 24 | 57     |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Parcel no(s) RP02679.01 Total number of acres irrigated 57

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

11. Do you own the property listed above as place of use? Yes ( ☒ ) No ( ☐ )

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

Shares with Cub River Irrigation Company or None ( ☐ )

13. Remarks (Include an explanation of the priority date selected):

This is the date given with the decree. The ditch that delivers this water right is a community ditch. No one owns it, we just all share the use of the ditch. We use to always have water for this right, however most of the water came from waste water from other irrigators. Over the years they have piped and converted to sprinkler systems. Because of this practice we now experience years of very limited water or sometimes no water reaches us.

Name of claimant(s) \_\_\_\_\_ Claim ID \_\_\_\_\_

Scale: 2 inches equals 1 mile

[illegible]

Name of claimant(s) \_\_\_\_\_ Claim ID \_\_\_\_\_

14. Basis of claim (Check one) Beneficial Use ( ) Posted Notice ( ) License ( ) Permit ( ) Decree (✓)

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number 13-7793

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b.) I/We do ( ) do not (✓) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

**For Individuals:** I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Manager \_\_\_\_\_ of Wheatley Properties LLC  
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent Seth Wheatley Date 3/27/2024

Printed Name of Authorized Agent Seth Wheatley

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) \_\_\_\_\_, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Name of claimant(s) \_\_\_\_\_ Claim ID \_\_\_\_\_

Claim 13-7793

