

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: A25-13463
Date Received: 6/26/1990
Receipt No: E014906
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RAY J. CHRISTENSEN 208-237-7285
Address: 1315 E. 1165 N.
SHELLEY, ID 83274

OR
Name: NINA CHRISTENSEN 208-237-7285
Address: 1315 E. 1165 N.
SHELLEY, ID 83274

2. Date of Priority: JUN 01, 1918

3. Source: SELLARS CREEK Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	40E	17	NW	NW			BINGHAM

5. Description of diverting works:
HEADGATE/ DITCHES TO FLOOD AND SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		
STOCKWATER	04/01	11/01	0.030		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 60 HEAD RANGE CATTLE



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	40E	17	NE	NW		IRR	10.0
			NW	NW		IRR	30.0
Section Acres							40.0
Total Acres							40.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: 1

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): Nina Christensen Date: 6/26/90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of June 19 90

Wm. Clark
Notary Public

Seal

Residing at Heiser, Id
My Commission Expires 2/26/96

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401

3
199

7248!!
401

50.0

8
453

4
34.6

18	17
19	20

PHOTO FILMED
NOV 1 1992

Log for claim 25-13463

Spatial Dynamics CAT

11/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s40e	17	NENW	10	5.4	
02s40e	17	NWNW	30	26	POD placement?
Totals:			40	31.4	

DATE: 10/18/00
PAGE: 80

Audit: 06/28/90 DCARLSON 07/27/92 JONES 03/29/95 POST-STD

August 28, 1992

To: Water Resource Board
State of Idaho

As executor of the James Vestal Christensen Irrevocable Trust, I do not know of any papers my father had with regards to a water right on Sellers Creek. At one time my father paid Holden and Kidwell to try and secure a water right.

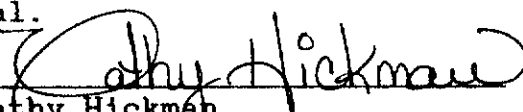
If such a water right exists, I request that it be shared equally with the six members of the Christensen family to irrigate 6.6 of their own property as this should have divided when the ranch divided in 1989.


HELEN KELLEY

State of Idaho, County of Bonneville

On this 28th day of August, 1992, before me, the undersigned, a Notary Public in and for said State personally appeared, Helen Kelley, known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS My hand and official seal.


Cathy Hickman
Notary Public residing at
Idaho Falls, Idaho
My Commission Expires 10-23-94

MICROFILMED

NOV 12 1992

August 28, 1992

To Whom It May Concern:

This will certify that I am the owner of a ranch upstream from Duane Jones. I rented the Christensen ranch from 1976 to 1988 and prior to that time I was intimately associated with the Christensen family, being married to Helen Christensen.

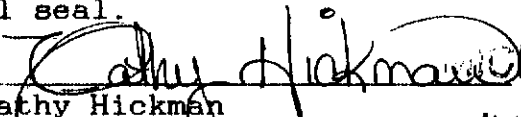
I have never irrigated any property from Sellers Creek and to my knowledge no water has ever been used for irrigation purposes on that ranch, prior to 1991 when Ray Christensen used straw bales to change the stream channel and then divert the water to irrigate 40 acres of hay, with the exception of a small ditch which ran down along the hillside for approximately one and half miles which was used to irrigate the lawn and garden at the house, However, this ditch was abandoned four years ago when the property was divided amongst family members.


GERALD KELLEY

State of Idaho, County of Bonneville

On this 28th day of August, 1992, before me, the undersigned, a Notary Public in and for said State personally appeared, Gerald Kelley, known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS My hand and and official seal.


Cathy Hickman

Notary Public residing at NOV 12 1992
Idaho Falls, Idaho
My Commission Expires 10-23-94

PROFILMED

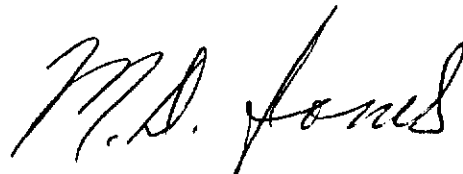
August 25, 1992

To Whom it may concern;

This will certify that I, Duane Jones, own and operate a ranch on Sellers Creek, in the Bone area. This ranch has used the water of Sellers Creek for irrigation purposes continuously since the early eighteen hundreds.

In the Summer of 1991 Ray Christensen placed straw bales in the creek, and diverted the water for irrigation of his property, interfering with my use of the water.

There has never, to my knowledge, been any water used from this stream for irrigation on his ranch prior to this time, and his claim to a water right with a priority date of 1918 is totally fictitious.


M.D. Jones

State of Idaho, County of Bonneville

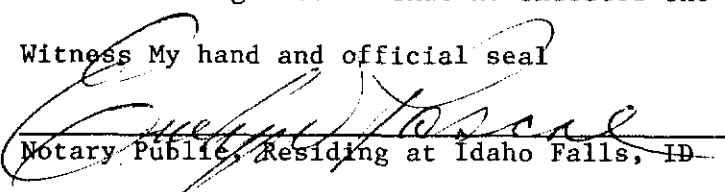
On this 27th day of August 1992

before, me, the undersigned, a Notary Public in and for said State,

Personally appeared M. D. Jones

Known to me to be the Person whose name is subscribed to the within instrument,
and acknowledged to me that he executed the same.

Witness My hand and official seal


Notary Public, Residing at Idaho Falls, ID

Exp. 12-17-92

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NOV 12 1992

May 2, 1991

Ray J. Christensen
1315 E. 1165 N.
Shelley, ID 83274

RE: Evidence of Priority

Dear Mr. Christensen:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". 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.

For your reference I have provided a printout of your Notice and 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 all of the 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 this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by **June 3, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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NOV 12 1992

Ray J. Christensen

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-13463
NINA CHRISTENSEN
RAY J. CHRISTENSEN
1315 E. 1165 N.
SHELLEY ID 83274

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NOV 12 1992

RECEIVED

MAY 14 1996

Department of Water Resources
Eastern District Office

May 13, 1996

Department of Water Resources
Eastern District Office
900 North Skyline Drive
Idaho Falls, ID 83402

ATTENTION: Mr. Ernest Carlson

RE: A25-13463

Dear Mr. Carlson:

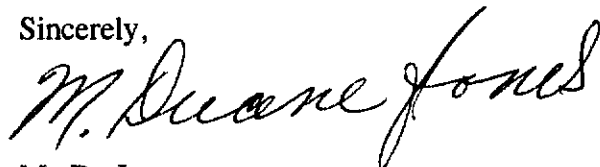
As per your instructions by telephone on April 25, 1996, I am taking this opportunity to file a formal protest to the claim of Mr. Ray Christensen of a water right with a priority date of 1918.

Neither Mr. Christensen nor any of his relatives have ever diverted any water from Sellers Creek for irrigation purposes. I have obtained affidavits from his sister and brother-in-law to this effect. They have owned and operated that ranch for the 12 years prior to Mr. Christensen's taking over. Mrs. Gerald Kelly (the sister), was raised on the ranch and has sworn that there was never any water diverted for irrigation at any time.

These affidavits, along with my own, are a part of my file with Water Resources, and should be removed and made a part of Mr. Christensen's file. I would greatly appreciate it if you would make that change for me.

Thank you for your consideration in this matter.

Sincerely,



M. D. Jones
1020 12th Street
Idaho Falls, ID 83404

A25-04026.

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NOV 13 1996