

368⁰²

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: A27-02124
Date Received: 1/24/1990
Receipt No: E612016
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 83217

2. Date of Priority: JUL 28, 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 SYTEM

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 795.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A27-02124

Page 1

Date: 01/24/90

A2702124

NOV 12 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	40E	23	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	39.0

Section Acres 318.0

Total Acres 318.0

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:
NONE

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

15. Basis of Claim: LICENSE
Water Right Number: 30033

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 Modersitzky 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 Dale Larson
Notary Public

Residing at Boise Id

My Commission Expires 6/2/94



NOV 12 1952

Log for claim 27-02124

Spatial Dynamics LTD

12/1/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05s40e	23	NESW	40	39	
05s40e	23	NWSW	40	40	
05s40e	23	SWSW	40	40	
05s40e	23	SESW	40	40	
05s40e	23	NESE	39	38	
05s40e	23	NWSE	40	39	
05s40e	23	SWSE	40	40	
05s40e	23	SESE	39	38	
Totals:			318	314	

AJ5809NP
No. A27-02124

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/00
PAGE: 65

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID M MODERSITZKI RR 1 BOX 1560 BANCROFT ID 83217 (208) 648-7722	07/28/1961	IRRIGATION	04-01 11-01	4.380 CFS	
				TOTAL DIVERSION:	4.380 CFS	
				CONSUMPTIVE USE:		795.00 AFA

C PHIL J YOST
1760 RICH RD
GRACE ID 83241
(208) 425-3875

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T05S R40E S23

NWSWE

CARIBOU County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: SUM	
05S	40E	23	:														:	40	40	40	40	:	39	40	40	39	:	318.0				
																												TOTAL ACRES	318.0			

POU County: CARIBOU

Non-Irrigation Uses: NONE

Other Rights: NONE

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

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. Priority July 28, 1961 Amount 4.38 cfs

THIS IS TO CERTIFY, that Gaylen Christensen
of Tremonton, Utah, has complied with the terms and conditions of Permit
No. 27-2124 issued pursuant to Application for Permit dated July 28, 1961,
and has submitted proof to the Department of Water Resources on September 8, 1966,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 4.38 cfs of water from a groundwater source,
tributary to , and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from April 1 to November 1	at 4.38 cfs	and 954 acre feet
	from <u> </u> to <u> </u>	at <u> </u> cfs	and <u> </u>
	from <u> </u> to <u> </u>	at <u> </u> cfs	and <u> </u>

(both dates inclusive)

Subject, however, to the condition that no more than 4.38 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
954 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, Twp. 5S,
Rge. 40E, B.M., in the County of Caribou

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	40E	23									40	40	40	40	39	40	40	39	318

Total number of acres irrigated 318

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24 day of
July, 1979

Director

27-2124

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36060
Permit No. G- 30033
District No.

1. Name of Applicant: Gaylen Christensen
Postoffice address: Soda Springs
Tremonton County: Caribou
64 307 State: Idaho
2111
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 6.4 or Idaho
Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Well
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23
Twp. 5 So. , Rge. 40 E. , B.M., County of Caribou
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Well & pump
8. Estimated cost of works: \$ 6,000.
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5
years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 6.4 (cubic feet per second, inches or gallons per minute) is for new lands.

[illegible]

LICENSING AMENDMENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

RECEIVED

To change the point of diversion and/or the place of use.

MAY 14 1979

Department of Water Resources

Comes now Gaylen Christensenof (address) Box 307, Tremonton, Utah, and represents to the
Director of the Idaho Department of Water Resources:That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 27-2124, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 5S, Range 40E, B.M.,
County of Caribou. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 4.38 for Irrigation purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	40E	23									40	40	40	40	39	40	40	39	318

Total number of acres to be irrigated = 318

4. a. Who owns the property at the point of diversion? _____
b. Who owns the land to be irrigated or the place of use? _____
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

RECEIVED

			RGE	.40E					
TWP.	5S		23						
		40ac	40ac	40ac	39ac				
		40ac	40ac	40ac	39ac				
				Pt. of diversion					

Signed at Remondan, Utah, this 9 day of May 1978
Stephen Kristensen
 (Signature)

19 79
Stephen Allen
Director

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-30033 /27-2124

This proof is for Completion of Works & Beneficial Use In Water District No. n/a

1. Name of applicant Gaylen Christensen

2. Source of water supply: Well

3. Location of point of diversion: Is in the SW 1/4 NE 1/4 of Section 23

T. 5 S R. 40 E, B.M. County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same: Water is diverted from a 180' deep well by a 250 H.P. International Harvester diesel motor, specification number 25647-271996-R91 and by a Layne & Bowler vertical pump # 44057-P. Acreage is irrigated by 6-1/4" long wheel lines, 33 nozzles per line (all diam 13/64")

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE 1/4, NW 1/4, S. 23, T. 5 S, R. 40 E, B.M.

Township 5S, Range 40E, section 23

NE 1/4 SW 1/4 - 40 ac.

NE 1/4 SE 1/4 - 39 ac

NW 1/4 SW 1/4 - 40 ac

NW 1/4 SE 1/4 - 40 ac

SW 1/4 SW 1/4 - 40 ac

SW 1/4 SE 1/4 - 40 ac

SE 1/4 SW 1/4 - 40 ac

SE 1/4 SE 1/4 - 39 ac

(Map on Next Page).

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? none

Remarks: System shown and described by Gaylen Christensen. A 60 ft. right of way border's acreage on east side occupying a total of 2 ac.

Measurement - Pitot Tube determination

All Nozzles 13/64" - with pressure of 65 psi.

Each nozzle produces 9.92 gpm X 33 nozzles X 6 lines

= 1964.16 gpm, 1 cfs = 448.8 gpm.

Therefore 1964.16 gpm = 4.38 cfs.

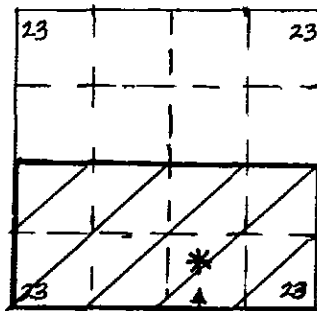
This examination was made on the 19th day of May, 1977

(Signed) Anthony R. Kozlowski
Examiner.

Checked by Ernest Carlson 3/5/78

Range 40E

Township
5S



Point of Diversion

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Gaylen Christensen
Tremonton, Utah

Permit No. G-30033 / 27-2124

Examination for Completion of Works & Beneficial Use

County Caribou

Sec. 23 T. 5 S. R. 40 E. B.M.

Quantity: 6.4 c.f.s.

Source: Well

P.D.: SW 1/4, S. 23, T. 5 S, R. 40 E, B.M.

Use: Irrigation

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: July 28, 1961

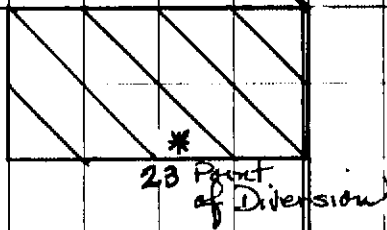
Due: August 7, 1966

Made September 7, 1966

Range 40E

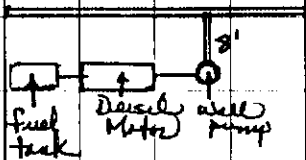


Township 5S



GRAVEL ROAD To Soda Springs

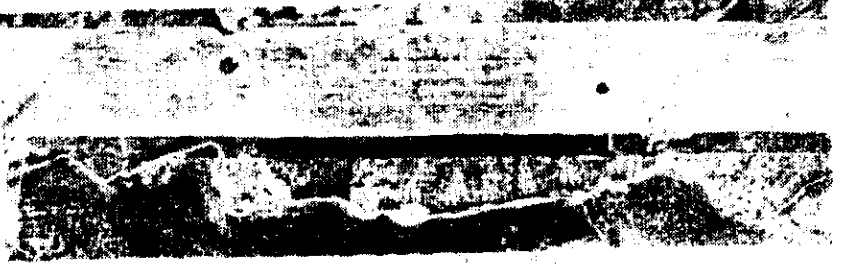
Diagram of System



Q measured 4.38 c.f.s
 Q recommended 4.38 c.f.s
 Volume 954 AF/ANN
 Acreage -
 Found 318
 recommended 318
 Subdv. n/a
 Ammendments yes
☐ None
☒ P.D.
☒ Place of use
☐ _____



259.4



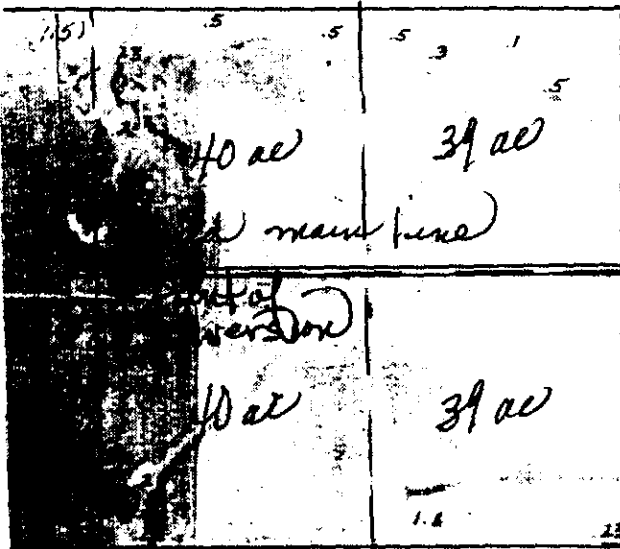
14 13
23 24

A
784.2

B-104

B2-1-3

Road



40 ac

39 ac

main line

total
version

40 ac

39 ac



Gaylen Christensen

27-2124

268.5

B
193

784

B74-1-2

93.6

D414-1-4

MICROFILMED

21/22
28/27