

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: RR 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 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 Moderszki Date: 10-14-97

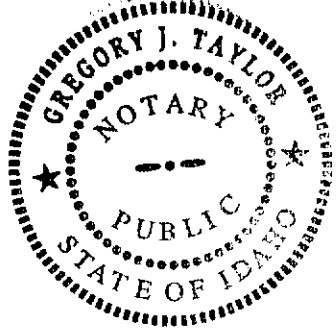
Date: _____

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
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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
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Section Acres 320.0

Total Acres 320.0

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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 M. Maden* Date: 03-30-90

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 IDAHO 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

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.

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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

A27-04008

Page 1

Date: 01/24/90

MICROFILMED
NOV 12 1992

A2704008

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
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Section Acres 320.0

Total Acres 320.0

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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 Peru) 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 4/3/94



MICROFILMED
NOV 12 1992

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	

 SPATIAL
DYNAMICS

AJ5809NP
No. A27-04008

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/00
PAGE: 74

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PHIL J YOST 1760 RICH RD GRACE ID 83241 (208) 425-3875	04/01/1961	IRRIGATION	04-01 11-01	3.200 CFS	
				TOTAL DIVERSION:	3.200 CFS	
				CONSUMPTIVE USE:		800.00 AFA

C DAVID M MODERSITZKI
RR 1 BOX 1560
BANCROFT ID 83241
(208) 648-7722

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

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	:	SUM
05S	40E	23	:	40		40		40		40		40		:											:	320.0
																							TOTAL ACRES		320.0	

POU County: CARIBOU

Non-Irrigation Uses: NONE

Other Rights: A2702124

Remarks: GEN 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.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

The extent and nature of said claim is as follows:

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(3) Total quantity of water claimed: 4.38 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

SW ¼ SE ¼, Sec. 23 Twp. 5S Rge. 40 B. M. County of Caribou

Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Well, pump, sprinkler
delivery system

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

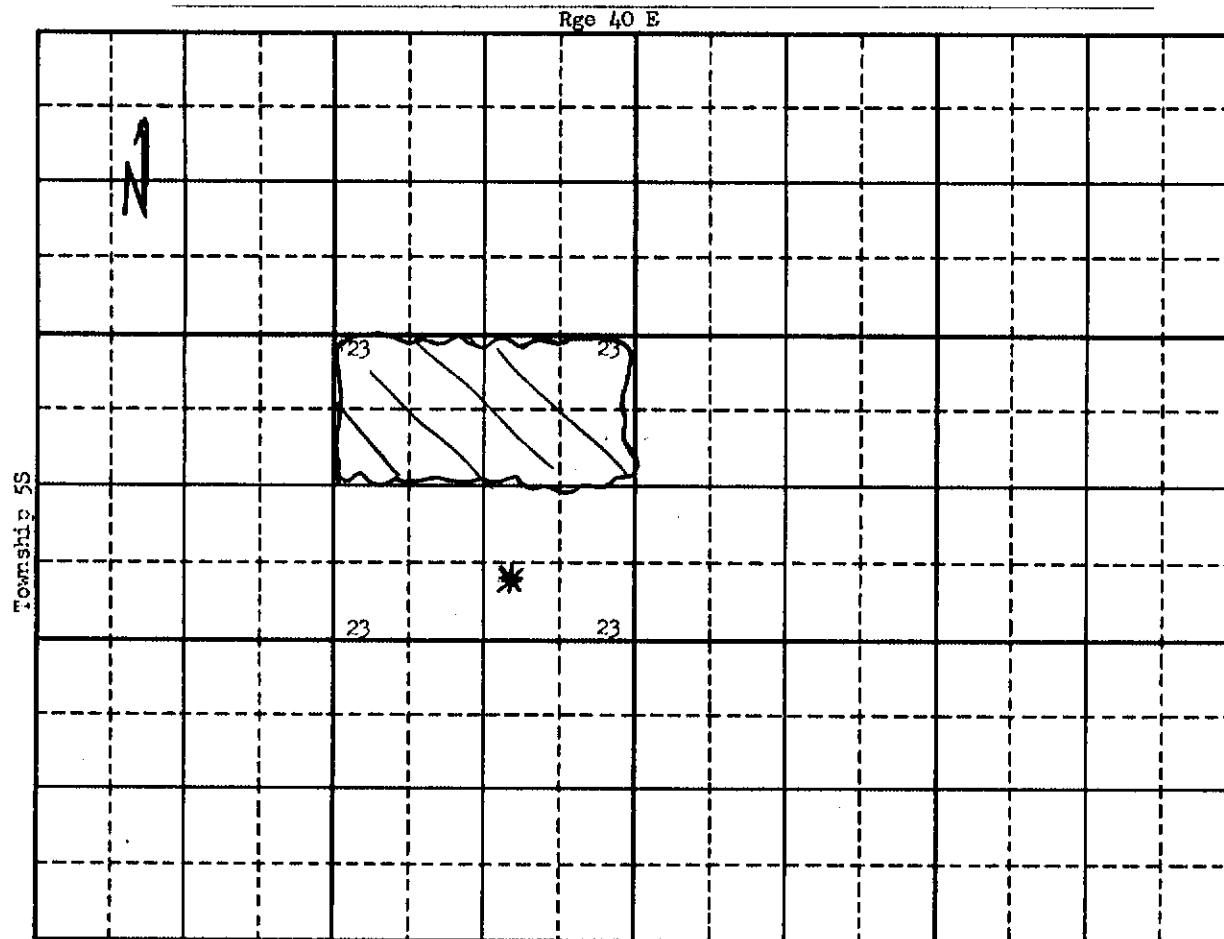
[illegible]

Total No. of acres 320

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:**

- (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.

Paul Christman
 (Claimant)
Ray P. Haasch
 Notary Public
 Residing at Tremonton, Utah

My commission expires 4-19-78

For Department Use Only

Received by <u>Cal ARK</u>	Date <u>5-25-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Cal</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 #2310</u>				
Published in <u>Caribou County News</u>				
Dates <u>June 8 & 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 Carleton

AFFIDAVIT

MAY 25 1977

Department of Water Resources
Eastern District Office

being first duly sworn,

deposes and says:

I Elena Christensen did witness Gayle Christensen sprinkling his farm from water but was pumping from his well in 1961.
Elena Christensen

I Glen J. Dutton did witness Gayle Christensen sprinkling his farm from water but was pumping from his well in 1961.
Glen J. Dutton

I Joe Stokes did witness Gayle Christensen sprinkling his farm with water pumped from well 1961 & running for water.
Joe Stokes

I Richard T. Mosler did witness Gayle Christensen sprinkling his farm from water but was pumping from his well in 1961.
Richard T. Mosler

(Signature)

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

(Notary Public)

Residing at Tremonton, Utah
My Commission Expires August

NOV 13 1996

I H.D. Ozburn, owner/operator of Ozburn Farms wish to add validity to water right claim [REDACTED] 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

RECORDED
NOV 13 1990