

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: A27-04009
Date Received: 1/24/1990
Receipt No: E 012016
Received By: Kew

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

A2704009



2. Date of Priority: MAY 01, 1959

3. Source: CORRAL CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	40E	26	NE	NW	SW		CARIBOU
			NW	SE	SW		CARIBOU
		27	NE	NW	NE		CARIBOU

5. Description of diverting works:
DIESEL MOTOR AND PUMP 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	1.820		

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

8. Total consumptive use is 1100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A27-04009

Page 1

Date: 01/24/90

MICROFILMED
NOV 12 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	40E	22	NE		SE		IRR	40.0
			NW		SE		IRR	20.0
			SW		SE		IRR	20.0
			SE		SE		IRR	40.0
			Section Acres					120.0
		26	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					320.0
			Total Acres					440.0

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

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 Carleton) SS.

Subscribed and sworn (or affirmed) before me this 24 day

of Jan 19 90

Seal

John Dale Carlson
Notary Public

Residing at Boise ID

My Commission Expires 6/3/94

47

Log for claim 27-04009

Spatial Dynamics LTD

12/4/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05s40e	22	NESE	40	38	
05s40e	22	NWSE	20	32	Indiscernible
05s40e	22	SWSE	20	34	Indiscernible
05s40e	22	SESE	40	40	
05s40e	26	NESW	40	36	
05s40e	26	NWSW	40	39	
05s40e	26	SWSW	40	40	
05s40e	26	SESW	40	37	
05s40e	26	NESE	40	38	
05s40e	26	NWSE	40	39	
05s40e	26	SWSE	40	40	
05s40e	26	SESE	40	40	
Totals:			440	453	

AJ5809NP
No. A27-04009

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/00
PAGE: 75

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	05/01/1959	IRRIGATION	04-01 11-01	1.820 CFS	
					TOTAL DIVERSION:	1.820 CFS
					CONSUMPTIVE USE:	1100.00 AFA

C DAVID M MODERSITZKI
RR 1 BOX 1560
BANCROFT ID 83217
(208) 648-7722

Water Source: CORRAL CREEK

Tributary to: BLACKFOOT RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:	T05S R40E S26	NENWSW	NWSESW	CARIBOU County
	S27	NENWNE		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	22	:																													
05S	40E	26	:																													
																												TOTAL ACRES	440.0			

POU County: CARIBOU

Non-Irrigation Uses: NONE

Other Rights: NONE

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

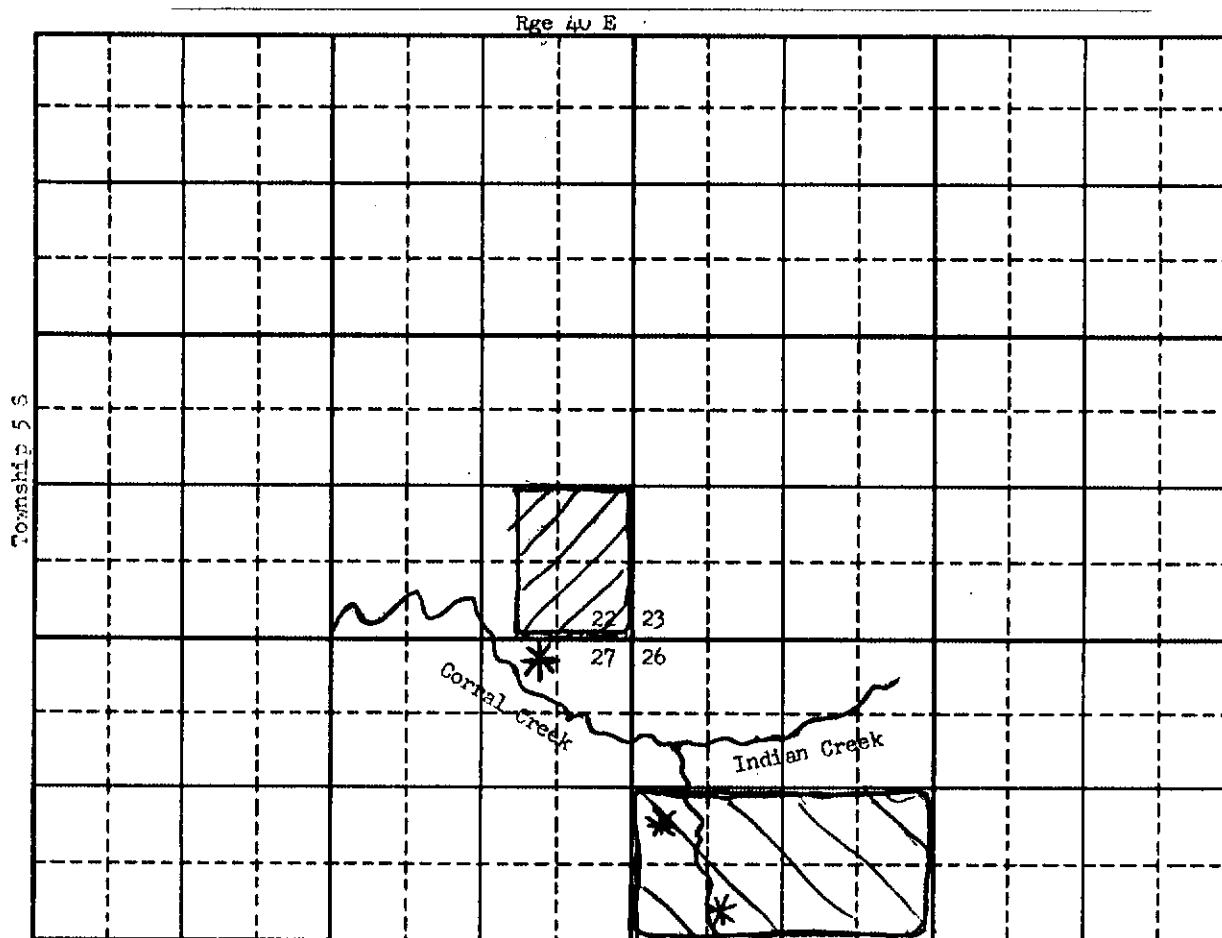
Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 27 Field Inspection Flag:
Presumption Flag:

CLAIM TO A WATER RIGHT

MICROFILMED

(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 affiant's knowledge.

Sworn to before me this 21st day of May, 1977.

Gayle R. Hirsch
(Claimant)
Notary Public

Residing at Fremont, Idaho

My commission expires 4-19-77

For Department Use Only

Received by <u>CW</u>	Date <u>5-25-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ARK</u>	Date <u>5-26-77</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>5-26-77</u>			
Approved for publication by <u>me</u>	Date <u>6-23-77</u>	<u>W. Wright</u>	<u>CW</u>	<u>6-14-77</u>
Published in <u>Caribou (County)</u>		<u>Robert A. Hirsch</u>		
Dates <u>June 2-9-1977</u>		<u>William M. Hirsch</u>		

ACKNOWLEDGMENT BY INDIVIDUAL

STATE OF IDAHO)

COUNTY OF)

SS:

On this 23rd day of January, in the year of 1995, before me,

JoAnn L. Rhodes, a Notary Public, personally appeared

H.D. Ozburn, known or identified to me

(or proved to me on the oath of _____), to be the

person(s) whose name(s) (is) (~~are~~) subscribed to the within instrument, and

acknowledged to me that (he) (~~she~~) (~~they~~) executed the same.

(SEAL)

JoAnn L. Rhodes
Notary Public in and for the State of Idaho
Residing at: Ada, Springdale

NOV 13 1995

My Bond Expires:

5-13-97

January 23, 1995

Mr. David Modersitzki
2526 Kelly Toponce Road
Bancroft, Idaho 83217

I am writing this letter in response to a request of Mr. Modersitzki. The purpose of this letter is to attempt ~~to~~ shed some light on the irrigation sources on the property formerly farmed by a Gaylen Christensen.

Several years ago we were in the wholesale petroleum business and Gaylen Christensen received petroleum products for farming purposes. We started operating our business in the early sixties and ceased business in 1987. We sold wholesale petroleum until approximately 1984. We may have started selling to Christensen in 1964 or 1965, and continued selling to him until the early 80's. Our recollection of dates is vague. We trust that the information in this letter will assist him in the matter of water rights in the vicinity of Township 5S - 40E, section 26.

We cannot attest to the legal CFS, or locations of any water rights in review. In 1964 or 65 we saw water being pumped from corral creek. Some time after 64 or 65, we seem to recall a well for pumping water south and east of the corral creek location. After that time it seems, G. Christensen built a water storage dam, tributary was Chicken Creek. This dam seemed to be used for pleasure and some irrigation.

It is impossible for us to give you information as to the amount of pumping and the amounts of petroleum used for irrigation at various locations. We recall delivering diesel to a well site and a location on corral creek for pumping water for irrigation. We recall delivering diesel for several uses. Christensen had many projects going from spring to late fall, planting grain, summerfallowing, irrigating grain, harvesting grain, fall plowing, and baling straw.

We regret that our recollections are vague, but trust the information will assist Mr. Modersitzki in the water right issue.

Do not hesitate to contact me again if you feel I may be able to give you some more information.

Yours very truly,

Marjorie Beins
Marjorie Beins

Information furnished by Marjorie Beins, secretary and part owner of Beins Oil & Supply Company.

RECORDED

NOV 13 1995

AJ5809NP
No. A27-04009

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/94
PAGE: 5

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	05/01/1959	IRRIGATION	04-01 11-01	1.82 CFS	
				TOTAL DIVERSION:	1.82 CFS	
				CONSUMPTIVE USE:		1100.00 AFA
C	DAVID M MODERSITZKI RR 1 BOX 1560 BANCROFT ID 83217 (208) 648-7722					

Water Source: CORRAL CREEK

Tributary to: BLACKFOOT RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T05S R40E S26 NENWSW NWSESW
S27 NENWNE

CARIBOU County
CARIBOU County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
05S	40E	22	:													40	20	20	40	120.0
05S	40E	26	:										40	40	40	40	40	40	40	320.0
TOTAL ACRES																			440.0	

POU County: CARIBOU

Non-Irrigation Uses: NONE

Other Rights: NONE

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

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 27 Field Inspection Flag:
Presumption Flag:

I own farm and raised in Caribou and
lived in valley for 40 years.
I certify that I have witnessed this section
of land under irrigation from 1959
Harry Lean Osborn
Osborn Farms
2403 Apple Valley Rd
Idaho 83221 Phone 208-547-3868

IN THE MATTER OF
Guyton Christensen
Surface Water
State of Idaho
County of Carleton

RECEIVED

MAY 25 1971

AFFIDAVIT

Department of Social Resources
Eastern District Office

being first duly sworn,

deposes and says: I, Guyton Christensen did
rent a farm in the area of Coral Creek
in May & June in 1961
Guyton Christensen

I, Guyton Christensen did see Guyton
Christensen sprinkle his farm with
water out of Coral Creek in May &
June of 1961
Guyton Christensen

I, Guyton Christensen did see Guyton Christensen
spraying water on his farm (which is sprinkling
his farm with the water from the creek)
in May & June 1961
Guyton Christensen

I, Richard T. Muehle did witness Guyton
Christensen sprinkle his farm with water out
of Coral Creek in May and June in 1961
Richard T. Muehle

(Signature)

Subscribed and sworn to before me this 21st day of May, 1971

Ray K. Smith
(Notary Public)

Residing at Truman Lake
My Commission Expires 4-19-76

NOV 13 1971