

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: A22-11900
Date Received: 9/27/1988
Receipt No: M001432
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: REED O. CHRISTENSEN 208-354-2298
Address: PO BOX 503
DRIGGS, ID 83422

2. Date of Priority: OCT 02, 1906

3. Source: TETON CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	46E	22	SE	NW	SW		TETON

5. Description of diverting works:
HEADGATE, DITCHES AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.430		

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

8. Total consumptive use is 234.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	46E	30	NE	SW		IRR	39.0
			NE	SE		IRR	39.0
			NW	SE		IRR	39.0

Section Acres 117.0

A22-11900

Page 1

Date: 09/27/88

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NOV 06 1992

A2211900



10. Place of Use: Continued

Total Acres 117.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
YES, WELL

14. Remarks:

THE POD FOR THIS CLAIM IS LOCATED IN WYOMING T05N; R118E;
SECTION 22. THE LEGALS GIVEN FOR THIS CLAIM ARE NOT CORRECT...
THIS CLAIM IS BASED ON DECREED RIGHT NUMBER 2447 ENTERED IN THE
DISTRICT COURT OF WYOMING ON THE 4th DAY OF FEB, 1941. THIS CLAIM
ALSO HAS PART OF PERMIT NUMBER 7420 DATED 10-02-1906, ISSUED IN
WYOMING...

15. Basis of Claim: DECREED

Case Number: 2447

Court :

Decree date: 2/04/1941

ROXANA CANAL CO.

Decree Plaintiff

vs

CHARLES CHRISTENSEN ET. AL.

Decree Defendant

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NOV 06 1988

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): X Reed O. Christman Date: X Sept. 27-88

Date: _____

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of Feb 19 88

M. L. E. Eubank
Notary Public

Seal

Residing at Boise, Id
My Commission Expires 9-2-1994

Section 30
R-46
T-5



← Pou

(30)

7-00
Joth

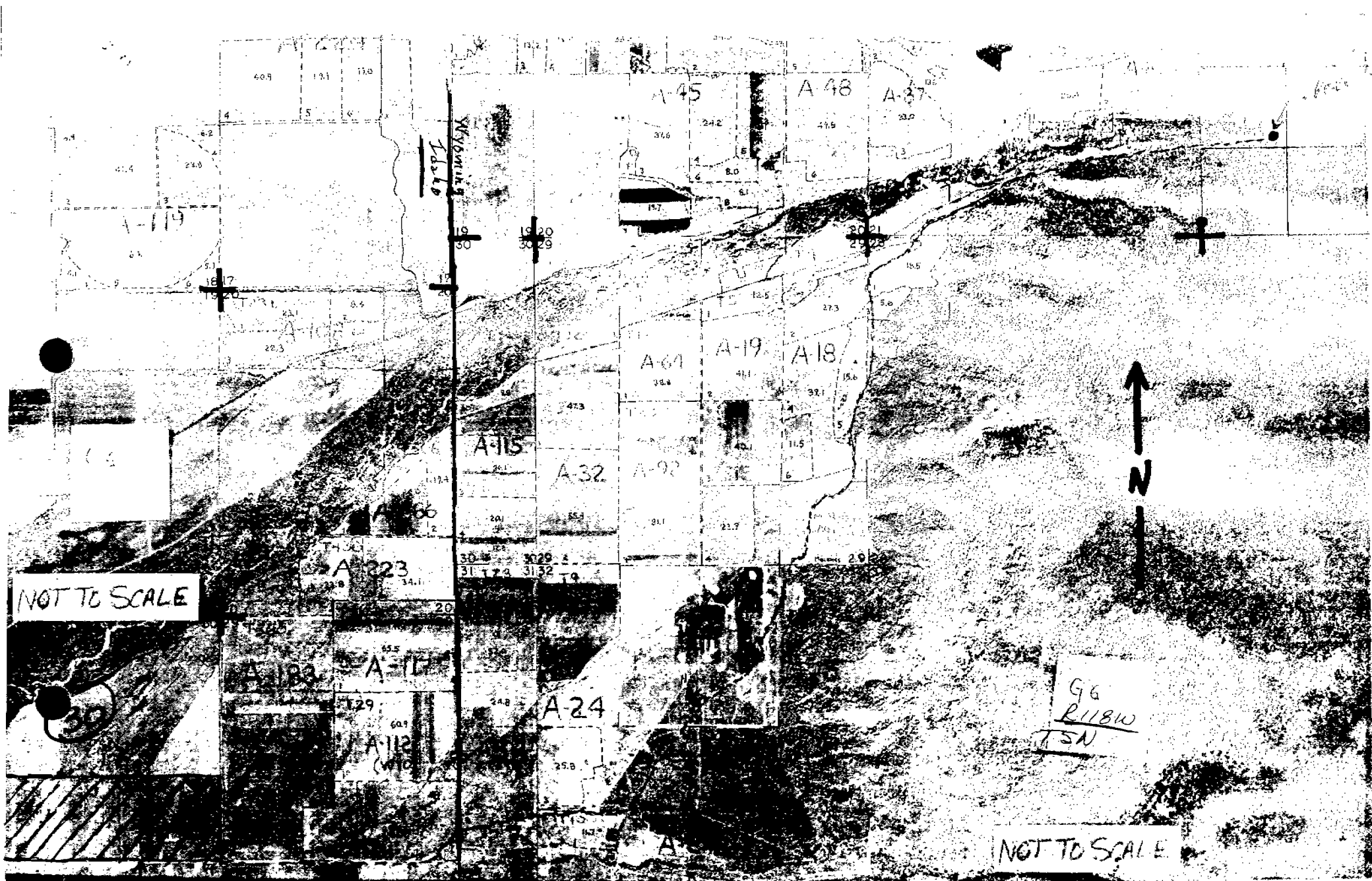
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NOT TO SCALE

5N
R 46E
SECTION 30
Pou

NOV

05



T5N R118W
SECTION 22
POD = SENWSW

POD = SENWSW



THE STATE

OF WYOMING

RECEIVED
OCT 17 2002
DEPT. OF WATER RESOURCES
SALT LAKE CITY

JIM GERINGER
GOVERNOR

PATRICK T. TYRRELL
STATE ENGINEER

RICHARD G. STOCKDALE
DEPUTY STATE ENGINEER

Board of Control

ALLAN CUNNINGHAM
ADJUDICATION OFFICER

Town Hall Rm 2, PO BOX 277
COKEVILLE, WY 83114
(307)279-3441
FAX (307)279-3217
jhende@allwest.net

RANDY TULLIS, SUPERINTENDENT
Water Division I
MICHAEL WHITAKER, SUPERINTENDENT
Water Division II
DON ENGLERT, ACTING SUPT
Water Division III
JADE HENDERSON, SUPERINTENDENT
Water Division IV

2 October 2002

Ernie Carlsen, Adjudication Supervisor
Eastern Region, Snake River Basin Adjudication
Idaho Department of Water Resources
980 N Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: SRBA claim A22-11900

Dear Ernie:

As a courtesy to your SRBA files & process, we are writing to share information on the Wyoming water rights associated with 120 acres of Reed O. Christensen (Trust) lands in Idaho under claim A22-11900.

Christensen opted to file in 1999 for a "high-flow" water right under permit 7308E through Wyoming's South Side Canal (POD: Township 44 North, Range 118 West, Section 22, NW $\frac{1}{4}$ SW $\frac{1}{4}$), thereby relinquishing any claim to the 1906 Wyoming permit 7420 relied upon in his Idaho claim A22-11900. His new Wyoming permit subjects this surface water right to Idaho's priority schedule, and he acknowledges turning to his Idaho groundwater well each year when interstate regulation of Teton Creek is triggered under the U.S. District Court "Roxanna" Decree (No. 2447 of February 4, 1941).

We believe this new Wyoming surface water permit reflects his historic operation, and anticipate advertising this Wyoming adjudication in January for his 120 acres located in Idaho, and trust there are no other Idaho surface water claims conflicting on these lands.

If we can provide copies of correspondence or permits for your files, please let me know.

Best regards,

Jade Henderson
WY Water Superintendent

copy: Loren Smith, Asst Supt

THE STATE



OF WYOMING

JIM GERINGER
GOVERNOR

GORDON W. FASSETT
STATE ENGINEER

Board of Control

CENTRAL ROUTE, P.O. BOX
COKEVILLE, WY 83114

(307) 279-3441

FAX (307) 279-3217

ALLAN CUNNINGHAM
ADJUDICATION OFFICER

7 February 1998

Reed Christensen
Christensen Family Trust
1331 N. Dixie Downs #132
Saint George, UT 84770

WILLIAM JONES, SUPERINTENDENT
WATER DIVISION NO. 1
MICHAEL WHITAKER, SUPERINTENDENT
WATER DIVISION NO. 2
CRAIG COOPER, SUPERINTENDENT
WATER DIVISION NO. 3
JADE HENDERSON, SUPERINTENDENT
WATER DIVISION NO. 4

Re: Irrigation near Driggs

Dear Mr. Christensen:

Thank you for responding to my letter of 21 January 1998. It was helpful for you to provide such detailed information about your use of Teton Creek water. We were particularly interested in the copy of your claim No. A22-11900 filed with Idaho Department of Water Resources in 1988.

As you have clarified, this claim is based upon a Wyoming diversion from Teton Creek called South Side Canal which headgates in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T44N R118W, and was authorized by Wyoming Permit 7420 dated 10/02/1906 for irrigation of specific acreages in both states. Unfortunately, that Wyoming water right has never included your 120 acres, as you will be able to verify from the enclosed copies of Permit 7420 and its map. (The lands permitted in Section 30 of T5N R46E are all north of your land.)

The references made to Case No. 2447 of 2/04/1941 actually relate to the interstate Roxanna Decree of the U.S. District Court which decreed no new water rights but instead divided the flow of Teton Creek between the 2 states. Each state's portion is to be distributed according to the water rights that already existed. (See yellow highlights on your returned copy of the Roxanna Decree.)

These facts lead us to conclude that your land does not have a water right to divert in Wyoming from Teton Creek.

However, my Water Commissioner informs me that, while your land has the ability of being irrigated from this pipeline lateral of Wyoming's South Side Canal, your lessee mainly irrigates from an Idaho well. (The copy of your Idaho claim additionally refers to a well being used.)

Unless an existing Teton Creek water right can be transferred onto your land under the

1694

80 A. E. NE¹,
 50 A. NW¹ NE¹,
 25 A. SW¹ NE¹,
 80 A. E. SE¹,
 25 A. NW¹ SE¹,
 20 A. SW¹ SE¹, Sec. 20,
 40 A. NW¹ SW¹,
 20 A. SW¹ SW¹, Sec. 21, T. 44 N., R. 118 W.

Permit No. 7168 -- Brown-Clement Ditch

Issued to Roland W. Brown, Lucy Brown, and Heber Clement with priority of January 15, 1906. Proposed irrigation of 480 acres of land described as follows:

SE¹ NE¹, Sec. 18,
 SW¹ NW¹,
 SE¹ NW¹,
 NW¹ NE¹,
 SW¹ NE¹,
 NE¹ SW¹,
 NW¹ SE¹,
 SW¹ SE¹,
 SE¹ SE¹, Sec. 17,
 NE¹ NE¹, Sec. 20, T. 44 N., R. 118 W.

And a tract of unsurveyed land.

All of this land except the NW¹ NE¹, Sec. 17, was described in Permit No. 6840. Notice of completion was received October 2, 1909 and the time for completion of the application of water to beneficial use expired December 31, 1910. Proof of appropriation was submitted and the right adjudicated for 75 acres of land under this permit.

C. R. 43, P. 637 -- Roland W. Brown

1.07 second feet -- 75 acres.

17.5 A. SW¹ NW¹,
 40.0 A. SE¹ NW¹, Sec. 17,
 17.5 A. SE¹ NE¹ (L.2), Sec. 18, T. 44 N., R. 118 W.

Permit 7420 -- South Side Canal

Issued to Robert Dalley, et al with priority of October 2, 1906 for irrigation purposes. The permit lists 1557 acres of land (1552.54 acres shown on map) in both Wyoming and Idaho, but permit bears limitation "Approved for lands to be irrigated in Wyoming only". Notice of completion was received December 17, 1910 and the time for completion of application of water to beneficial use expired December 31, 1912. The lands listed in permit are as follows:

WYOMING LANDS

RECORDED
 NOV 06 1934

SW, NE,
 SE, NE,
 11.0 A. NW, NE,
 35.0 A. SE, NW,
 17.0 A. SW, NW,
 NW, SW,
 NE, SW,
 NW, SE,
 NE, SE,
 SE, SE,
 SW, SE,
 SE, SW,
 SW, SW, Sec. 28,
 SE, SE, Sec. 30,
 NE, NE,
 NW, NE,
 NE, NW,
 SE, NW,
 SW, NE,
 SW, SW, Sec. 32,
 SE, SE, Sec. 31, T. 44 N., R. 118 W.
 NW, NW, Sec. 3,
 NE, NE, Sec. 6, T. 43 N., R. 118 W.

22
 20
 22
 16

IDAHO LANDS

30.0 A. SW, NE,
 NW, SE,
 SW, SW, Sec. 20,
 SE, SE,
 SW, SE, Sec. 19,
 NE, NE,
 NW, NE,
 SE, NE,
 SW, NE,
 SE, NW, Sec. 30,
 SE, SW,
 SW, SE, Sec. 32,
 NE, NE,
 NW, NE,
 SE, NE,
 SE, NW,
 NW, SW,
 NW, SE, Sec. 32, T. 5 N., R. 46 E.

Proof of appropriation has been submitted and rights adjudicated
 under this permit for 567.54 acres of land in Wyoming as shown
 by the following certificates of appropriation.

C. R. 32, P. 293 -- Robert E. Galley

0.57 second feet -- 40 acres.

40.0 A. Lot 4, Sec. 30, T. 44 N., R. 118 W.

REPROFILMED

NOV 06 1952

China ()

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF WYOMING

FILED

FEB 4 1941

IN EQUITY NO. 2447

Charles J. Okabana
Clerk

BOYANA CANAL COMPANY, a corporation; SIBBOWAY

IRRIGATING & MANUFACTURING COMPANY, A Corporation;

THE SALEM IRRIGATION CANAL COMPANY, LIMITED, a

Corporation; FRED IRRIGATING & MANUFACTURING COM-

PANY, a Corporation; ISLAND HARBOR CANAL COMPANY,

LIMITED, a Corporation; WILFORD IRRIGATION & MANU-

FACTURING COMPANY, a Corporation; THE THREE ISLAND

CANAL COMPANY, a Corporation; WOODMANSEL-JOHNSON-

REXBURG MILL BECH, INCORPORATED, a Corporation;

NORTH SALEM AGRICULTURAL & MILLING CANAL COMPANY,

a Corporation; CANYON CREEK IRRIGATION DISTRICT,

a Quasi-municipal Corporation; CHARLES SAWNEY,

NICHOLAS SOMMERS, KATHERINE BAKER, WHITEHURST,

FRANK PINCOCK, LAWRENCE GARNER, LYMAN GARNER, A. H.

MURDOCK, YERN PINCOCK, FRED PINCOCK, LASHANDE SMITH

and ELANORA HOW, Plaintiffs,

CHARLES DANIELS, ISLAND SCHENSTEN, D. L. WADDELL,

CHARLES CHRISTENSEN, E. A. RIGBY, T. ROSS WILSON,

WILLARD MORGAN, CARL CARLSON, MILTON DABNEY, FRED

MORGAN, MILTON SHERRIS, RUDOLPH KAUFMAN, KENT SHIPP,

ELMER CHRISTENSEN, RUSSELL CHRISTENSEN, WILLARD BROWN,

FRED BROWN, JOSIAH BROWN, CHARLES WADDELL, MALCOLM

WADDELL, FREDERICK MURDOCH, L. Y. MATTHEWS, JOSEPH

PEACOCK, JR., J. M. RIGBY, W. B. RIGBY, LAVINIA GORD,

ELANORA WADDELL and J. L. TENNANT, Defendants.

WHEREAS, the parties to said action now appearing herein, have made

and entered into, the following stipulations:

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