

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT-SRBA                   |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| MAY - 2 2002                          |              |
| By _____                              | Clerk        |
| _____                                 | Deputy Clerk |

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Rights 35-13347 and 35-13348

On November 16, 2001, a *Special Master's Report and Recommendation* was filed for water right 35-7595A. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired. Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

On December 3, 2001, the Idaho Department of Water Resources filed an *Amended Director's Report* recommending that water right 35-7595A be split and decreed as water rights 35-13347 and 13348. No objections were filed to this *Amended Director's Report* and the time period for filing objections has expired.

THEREFORE, IT IS ORDERED AND ADJUDGED that water right claims 35-13348 and 35-13348 be decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

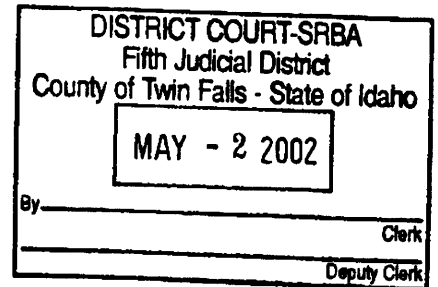
DATED May 2, 2002.

*Roger Burdick*

ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 19576 )  
 )  
 ) Water Right 35-13347



NAME AND ADDRESS: TOM CHRISTENSEN  
C/O BRENDA ANDERSON  
PO BOX 161  
MORELAND, ID 83256-0161

SOURCE: GROUNDWATER

QUANTITY: 0.39 CFS  
96.00 APY

USE OF THIS RIGHT WITH RIGHT NO. 35-13345 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 2.40 CFS AND TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 600 AF.

PRIORITY DATE: 03/24/1976

POINT OF DIVERSION: T03S R32E S09 SWSE Within Bingham County  
S10 NESW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|----------------------------|----------------|----------------|-----------|
|                            | Irrigation     | 04-01 TO 11-01 | 0.39 CFS  |
|                            |                |                | 96.00 APY |

PLACE OF USE: Irrigation Within Bingham County  
T03S R32E S10 NESW 40.0 NWSW 36.0  
SWSW 36.0 SESW 38.0  
150.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 35-13345 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 228 ACRES IN A SINGLE  
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 24 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

*Roger Burdick*

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

2002 MAY 02 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA                                 )  
                                                      )  
Case No. 39576                            )  
\_\_\_\_\_)\_\_\_\_\_

CERTIFICATE OF MAILING

Water Right(s): 35-13347

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-13347 was mailed  
on May 02, 2002, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

TOM CHRISTENSEN  
Represented by:  
JEFFREY C. FEREDAY  
PO BOX 2720  
BOISE, ID 83701-2720  
Phone: 208-388-1200

DIANA DELANEY  
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
05/02/02



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 30, 2002

**TOM CHRISTENSEN  
C/O BRENDA ANDERSON  
PO BOX 161  
MORELAND ID 83256-0161**

**RE: NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING FOR 35-13345  
AND 35-13347**

Dear Sir or Madam:

The Idaho Department of Water Resources has changed the above-mentioned water rights to reflect the quantity of water shown on the enclosed recommendations.

If you have any questions feel free to contact this office at 208-525-7161.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cheri Vandermeulen".

Cheri Vandermeulen  
Records Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                |   |                                                                    |
|----------------|---|--------------------------------------------------------------------|
| In Re SRBA     | ) | <b>Water Rights: 35-13345, 35-13346,<br/>35-13347 AND 35-13348</b> |
|                | ) |                                                                    |
| Case No. 39576 | ) | <b>NOTICE OF COMPLETED<br/>ADMINISTRATIVE<br/>PROCEEDING</b>       |

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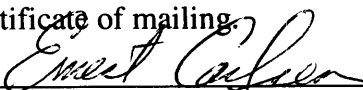
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ I.C. § 42-222 transfer
  - ☐ point of diversion      ☐ place of use
  - ☐ period of use              ☐ nature of use
  - ☐ split of water right      ☐ change in ownership
  - ☐ other
- ☒ Other: **QUANTITY**

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Jan 31, 2002

  
\_\_\_\_\_  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on Feb. 1, 2002, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:  
TOM CHRISTENSEN  
C/O BRENDA ANDERSON  
PO BOX 161  
MORELAND ID 83256-0161

FLOYD V CHRISTENSEN  
2134 W 200 S  
PINGREE ID 83262

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record  
JEFFREY C FEREDAY  
GIVENS PURSLEY LAW OFFICE  
PO BOX 2720  
BOISE ID 83701-2720

DAVID B THOMAS  
BRIGHAM YOUNG UNIVERSITY  
A 350 ASB  
PROVO UT 84602

5. One copy each to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

Cheri Vandermaulen  
Signature of person or attorney mailing the form



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

November 30, 2001

FLOYD CHRISTENSEN  
2134 W 200 S  
PINGREE ID 83262

RE: Notice of Change of Water Right Ownership (NCO) for 35-2572, 35-2311E split into 35-13345 & 35-13346 and 35-7595A split into 35-13347 & 35-13348 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Christensen:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right records(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

for Jennifer Crabtree  
Technical Records Specialist

Enclosure

DaLon Esplin  
ESPLIN & PACKER  
186 East Judicial  
P.O. Box 1022  
Blackfoot, Idaho 83221  
Telephone: (208) 785-5600  
Fax: (208) 785-5400

STATE OF IDAHO  
COUNTY OF BINGHAM  
I hereby certify that the foregoing instrument is a true and correct copy of the original in the office of the undersigned, and is a true and correct copy of the original in the office of the undersigned, and is a true and correct copy of the original in the office of the undersigned.  
10/22/01  
JAMES L. MARTSCH

Counsel for Co-Personal Representatives

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM  
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF  
THOMAS CHRISTENSEN,  
DECEASED.

Case No. SP-01- 816

LETTERS TESTAMENTARY

1. Nancy May Caldwell and Brenda Anderson, were duly appointed by the court and qualified as the general Co-Personal Representatives of the estate of THOMAS CHRISTENSEN, also known as "Tom" Christensen, the decedent, on the 22 day of October, 2001.

2. Administration of the estate is unsupervised.

3. These letters are issued to evidence the appointment, qualification, and authority of Nancy May Caldwell and Brenda Anderson to act as Co-Personal Representatives.

Witness my signature and the seal of this court this 22 day of October, 2001.

JAMES L. MARTSCH  
JAMES L. MARTSCH, MAGISTRATE

LETTERS TESTAMENTARY

February 12, 2002

Department of Water Resource  
900 N Skyline Dr  
Idaho Falls, ID 83402

Dear Sir,

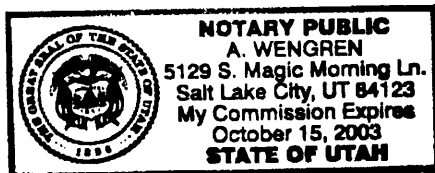
I am the Co-Executor of the Tom Christensen Estate, Tom was my father. And as such am writing this letter to request that a point of diversion be deleted for two water rights. The water rights are 35-13345 and 35-13347. The point of diversion I wish to have removed from these two water rights is in Twp 3S Range 32E Section 9 SWSE. This well was sold to my brother, Floyd Christensen, and does not service any of the place of use for rights 35-13345 and 35-13347.

Respectfully,

Brenda Anderson: Brenda Anderson

Nancy Caldwell: Nancy M Caldwell

---



A. Wengren

2/21/02

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

**RECEIVED**  
**NOV 28 2001**

Department of Water Resources  
 Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split    | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split    |
|-----------------------|------------------------------|----------|-----------------------|------------------------------|----------|
| _____                 | <u>35-2311E</u>              | <u>X</u> | _____                 | <u>35-7595A</u>              | <u>X</u> |
| _____                 | _____                        | _____    | _____                 | _____                        | _____    |
| _____                 | _____                        | _____    | _____                 | _____                        | _____    |
| _____                 | _____                        | _____    | _____                 | _____                        | _____    |

2. The following **REQUIRED** information must be submitted with this form:

(35-2572 is Tom's  
only)

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former  
Owner/Claimant(s)

TOM Christensen  
179 S. 2100 W Pingree, ID 83262

4. New Owner/Claimant(s)

Floyd Christensen

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2134 W. 200 S.

City, State and ZIP Code

Pingree, ID 83262

New Telephone Number

(208) 684-4513

5. Date you acquired the property

Nov. 7, 1997

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

### DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 35-2311E

| Water Use    | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
|--------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Irrigation   | <u>1.29 cfs</u>                                                            | <u>78 acres in W 1/2 SE 1/4 Sec 9</u>                        |
| Stock        | _____                                                                      | _____                                                        |
| Domestic     | _____                                                                      | _____                                                        |
| Other        | _____                                                                      | _____                                                        |
| <b>Total</b> | _____                                                                      | _____                                                        |

Total  
1.29 cfs

### DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 35-795A

| Water Use    | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
|--------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Irrigation   | <u>0.20 cfs</u>                                                            | <u>78 acres in W 1/2 SE 1/4 Sec 9</u>                        |
| Stock        | _____                                                                      | _____                                                        |
| Domestic     | _____                                                                      | _____                                                        |
| Other        | _____                                                                      | _____                                                        |
| <b>Total</b> | _____                                                                      | _____                                                        |

7.

Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

Edmond V Christman

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

#### For Office Use Only

|                       |            |                     |
|-----------------------|------------|---------------------|
| Received by _____     | Date _____ | Fee _____           |
| Received by _____     | Date _____ | Receipt No. _____   |
| Processed by _____ AJ | Date _____ | WR _____ Date _____ |