

11/22/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-686

NAME AND ADDRESS: ALVIE C CHRISTENSEN
3979 E 460 N
RIGBY ID 83442

SOURCE: DARBY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 2.340 CFS

Right Nos. 22-686, 22-92 and 22-11965 are limited to a total combined diversion rate of 3.08 cfs.

PRIORITY DATE: 04/01/1936

POINT OF DIVERSION:

T04N R45E S9 SESWSE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	2.340 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S08	NESE	3.00	T04N R45E S09	NESW	39.00
T04N R45E S09	NWSW	35.00	T04N R45E S09	SWSW	40.00

117 ACRES TOTAL

Right Nos. 22-92, 22-686 and 22-11965 are limited to the irrigation of a combined total of 154 acres 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

11/26/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-686

ALVIE C CHRISTENSEN

3979 E 460 N

RIGBY ID 83442

Telephone Number: (208)745-6134

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-04-06

SIGNATURE: Alvie C Christensen

Please print your name: ALVIE C. CHRISTENSEN

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

DEC 05 2006

Department of Water Resources
Eastern Region

KMT
12/10/06



Idaho Department of Water Resources

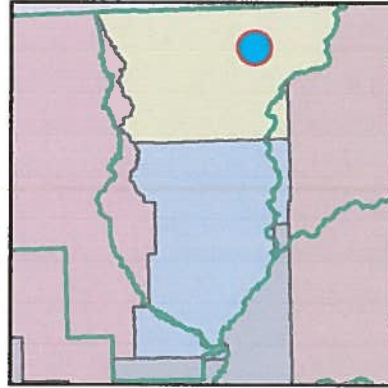
SRBA Recommendation:

22-686

(Irrigation)

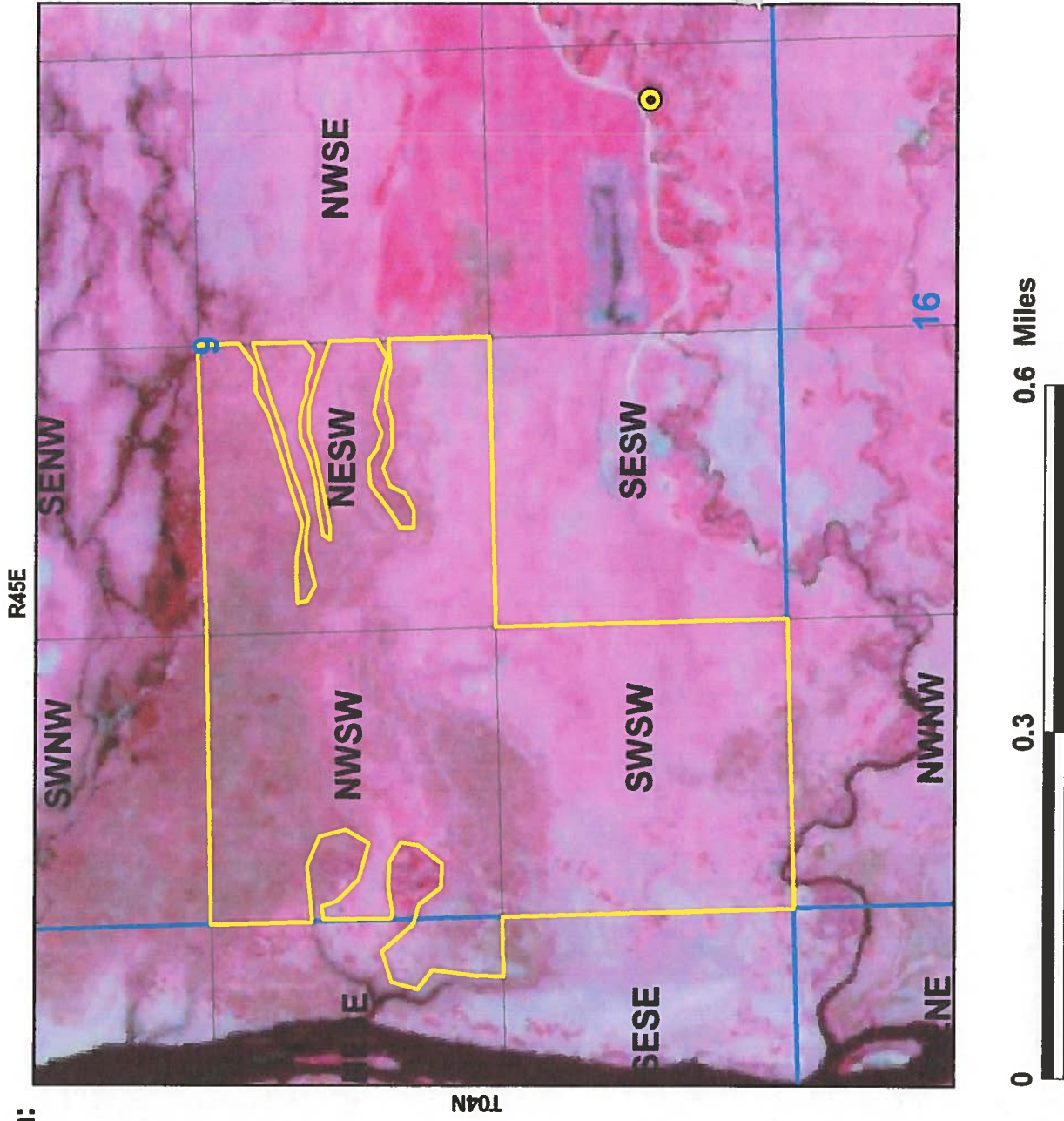
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basln 22

Prepared by C. Bird
On Wednesday, November 22, 2006
1987/88 Aerial Photography

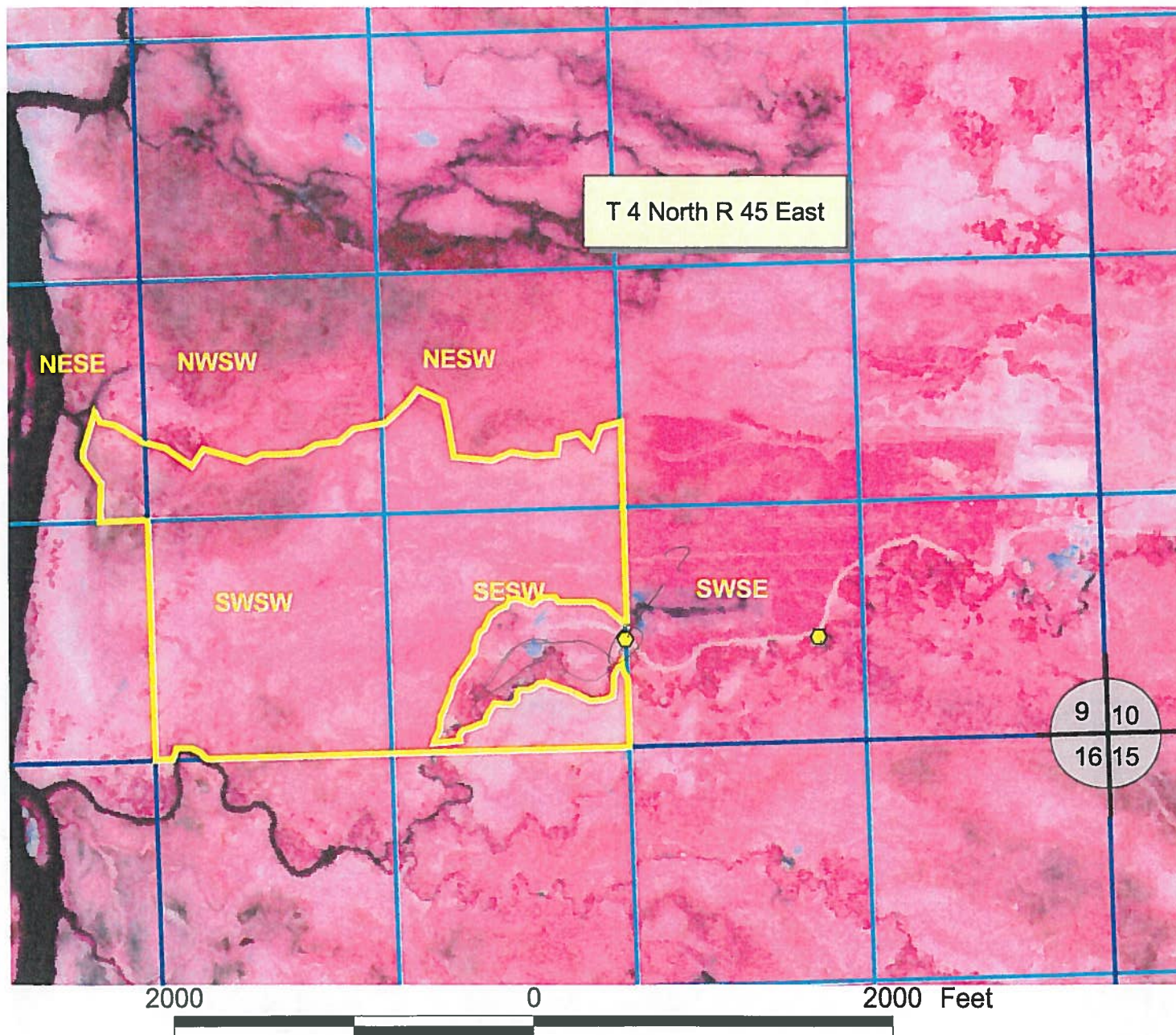




State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 22-92, 22-686



- Place of Use
- Points Of Diversion
- Sections
- Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: March 2006



Section 35: NW1/4 SE1/4 (21 acres)
NE1/4 SE1/4 (29 acres)

20. A flow of 1 cfs provides sufficient water for the irrigation of 50 acres, a flow of .04 cfs provides sufficient water for 50 head of dairy cattle, and a flow of .07 cfs provides sufficient water for 300 head of range cattle. The maximum annual volume of consumptive use is 93 af.

21. The points of diversion (2) are located in the NE1/4 NW1/4 SE1/4 and the NW1/4 NW1/4 SE1/4, Section 35, T. 5 N., R. 45 E., B.M.

22. The period of use for irrigation is April 15 to October 15 of each year; the period of use for stockwater is January 1 to December 31 of each year.

23. The plaintiffs have not installed measuring devices and lockable headgates or other flow control devices in accordance with Idaho Code § 42-701 (1977).

24. Matter herein expressed as a conclusion of law which is later deemed to be a finding of fact is hereby made a finding of fact.

RECOMMENDATIONS TO THE COURT

Based on the foregoing findings of fact and conclusions of law, the Director makes the following recommendations:

1. The plaintiffs' right to the use of water from Darby Creek shall be as follows:

22-0686 a. source: Darby Creek, tributary to Teton River

MAY 15 1996

- b. date of priority: April 1, 1936
c. rate of diversion: 2.34 cfs
d. nature of use: Irrigation
e. point of diversion: SW1/4 SE1/4 Sec. 9, T. 4 N.,
R. 45 E., B.M.

f. place of use:

Sec. 8: E1/2 NE1/4 SE1/4 (3 acres)

Sec. 9: NE1/4 SW1/4 (39 acres)

NW1/4 SW1/4 (35 acres)

SW1/4 SW1/4 (40 acres)

All in T. 4 N., R. 45 E., B.M.

1.8598 af/ac.

- g. period of use: April 15 to October 15 each year
h. maximum annual volume of consumptive use: 217.6 af
i. basis of right: Beneficial use

22-0092 2. The plaintiffs right to the use of water pursuant to
Water Right No. 22-0092 shall be as follows:

- a. source: Darby Creek, tributary to Teton River
b. date of priority: January 22, 1916
c. rate of diversion: .74 cfs (irrigation)
.06 cfs (stockwater)
0.8 cfs total
d. nature of use: Irrigation
Stockwater
e. point of diversion: SW1/4 SE1/4 Sec. 9, T. 4 N.,
R. 45 E., B.M.

MAY 15 1996

Claim No. 22-686

Document Checklist

☐ Copy License/Decree

Christens v Carlson
could not find decree

☐ Copy Transfer

☐ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

DO
7/25/05 Please refer to Claim A2200092 for field
exam map and POD & POU notes.

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

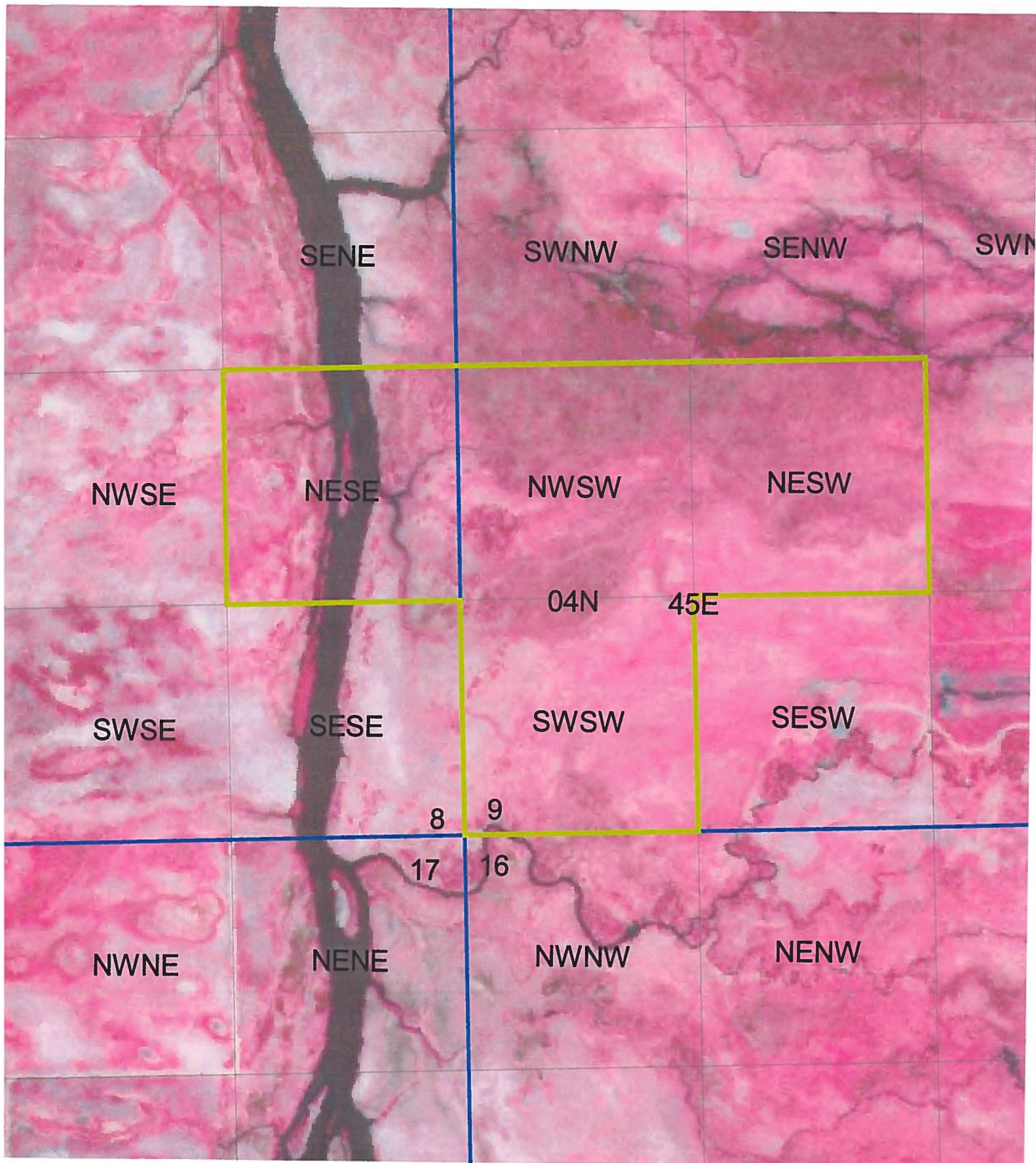
1/25/05
DO

Most of this claim is a meadow pasture. The day I walked this ground most of it was wet, from subsatiation from the ground to the east or from the ditch along the east edge of the property.

The acreage claimed seems pretty accurate

Reviewer: _____ Date: _____

22-686



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: A22-00686
Date Received: 9/27/1988
Receipt No: M001454
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ALVIE C CHRISTENSEN
Address: 517 LINDEN
REXBURG ID

208-356-9386

83440

2. Date of Priority: APR 1, 1936

3. Source: DARBY CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	45E	9	SE	SW	SE		TETON

5. Description of diverting works:
CONCRETE HDGATE DITCH IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.340		

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

A.F.A.

8. Total consumptive use is 217.6 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	45E	8	NE	SE		IRR	3.0

MICROFILMED
NOV 06 1990

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
		9	NE	SW	IRR	39.0
			NW	SW	IRR	35.0
			SW	SW	IRR	40.0
					Section Acres	114.0
					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:
A2200092, A220011965

14. Remarks:

THE ABOVE MENTIONED RIGHTS SHALL NOT EXCEED A COMBINED DIVERSION
RATE OF .02 CFS. NOR 1.86 AF PER ACRE.

TOTAL RATE OF DIVERSION 3.08, AND 286 AF. PER ANUM.

*THIS RIGHT ORIGINALLY CLAIMED AS A22-11964. RENUMBERED 5-7-96 GT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/ 9/1986

ALVIE C. CHRISTENSEN

Decree Plaintiff

RONALD CARLSON

vs Decree Defendant

MICROFILME

NOV 06 1996