

12/07/2006

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

RIGHT NUMBER: 22-4083

NAME AND ADDRESS: W KEITH WALKER
952 BARNEY DAIRY RD
REXBURG ID 83440

CHARLOTTE L WALKER
952 BARNEY DAIRY RD
REXBURG ID 83440

SOURCE: DICK CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 11/29/1942

POINT OF DIVERSION:

T04N R45E S9 SESENE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS
IRRIGATION	04/15 10/31	2.000 CFS

PLACE OF USE:

IRRIGATION in TETON County

T04N R45E S09	SWNE	32.00	T04N R45E S09	SWNW	37.00
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T04N R45E S09	SENE	31.00
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STOCKWATER same as IRRIGATION

100 ACRES TOTAL

This right is limited to the irrigation of 53 acres within the place of use described above in a single irrigation season.

Right Nos. 22-2124A and 22-4083 are limited to the irrigation of a combined total of 83 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 - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-4083

WATER RIGHT NUMBER: 22-4083

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	W KEITH WALKER RT 4 BOX 19 REXBURG, ID 83440
Current Owner	CHARLOTTE L WALKER 952 BARNEY DAIRY RD REXBURG, ID 83440 (208)356-5666

Priority Date: 08/01/1901

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
DICK CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15 <i>10/31</i>	1.000 CFS	
STOCKWATER	1/01 to 12/31	0.050 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

DICK CREEK	SW1/4NW1/4	Sec. 10, Twp 04N, Rge 45E, B.M.
TETON County		

Place of Use

IRRIGATION Within TETON County

T04N R45E S09	SWNE	30.0	T04N R45E S09	SENE	40.0
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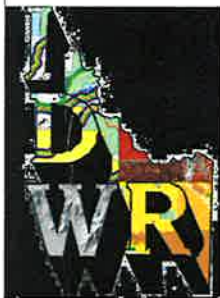
Total Acres: 70

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. SOURCE ALSO KNOWN LOCALLY AS NICKERSON CREEK.

Remarks:



Idaho Department of Water Resources

SRBA Recommendation:

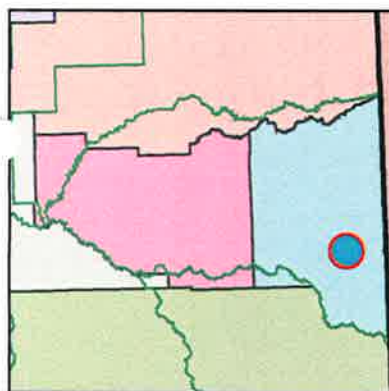
22-2124A

22-4083

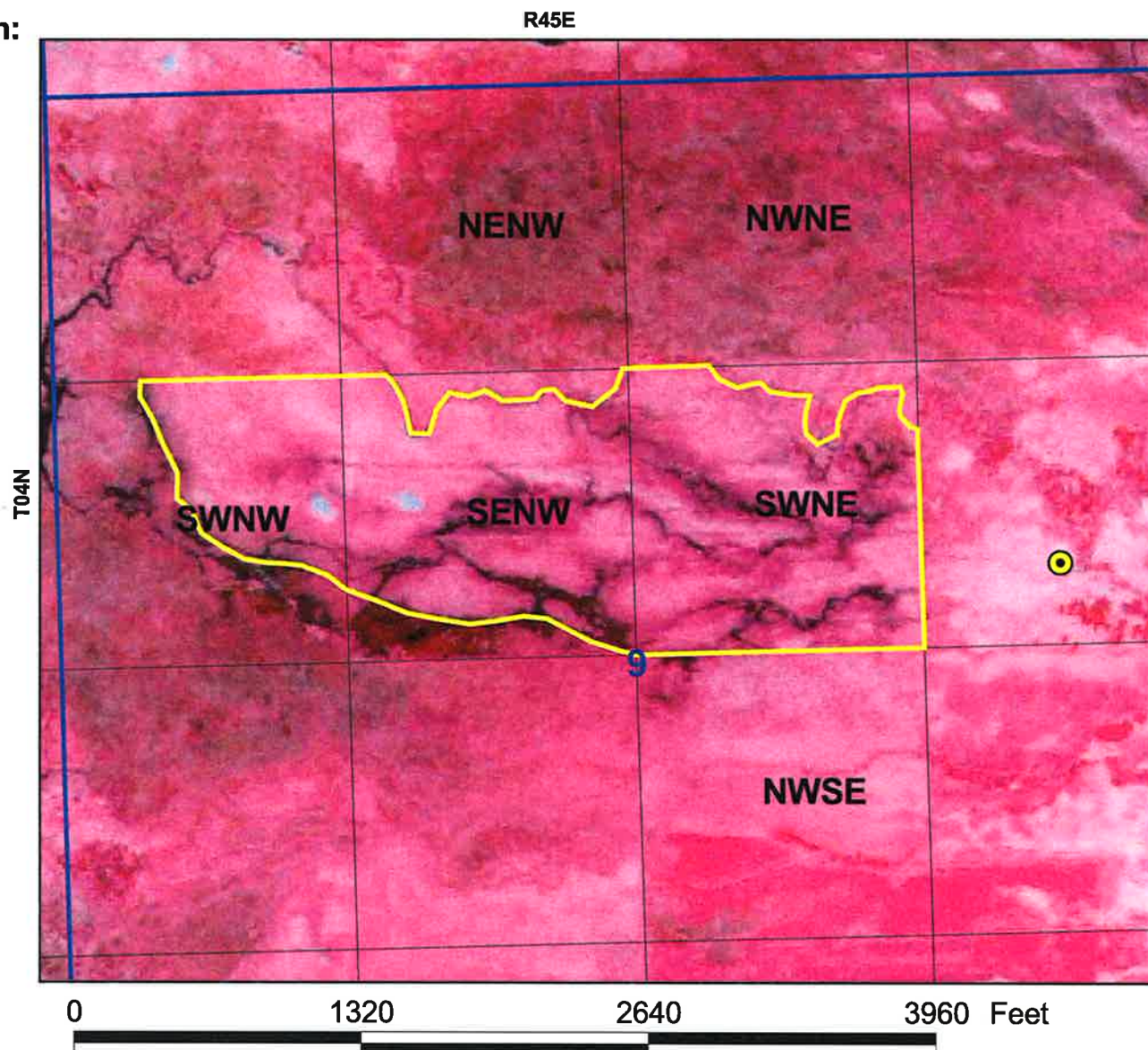
(Irrigation)

Legend

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



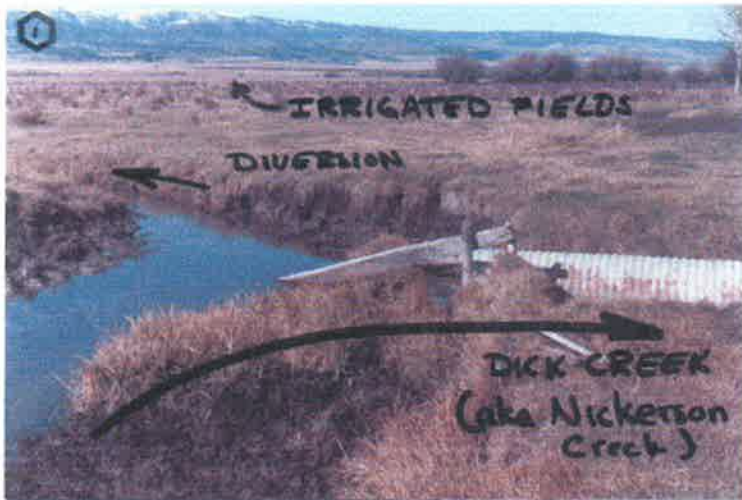
Teton County
IDWR Basin 22



Prepared by E. Carlsen
On Saturday, December 2, 2006
1987/88 Aerial Photography

Owner: W Keith Walker

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.



①

DIVERSION FROM DICK CREEK (aka Nickerson Creek) WITHIN SW $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 10, T4N, R45E.



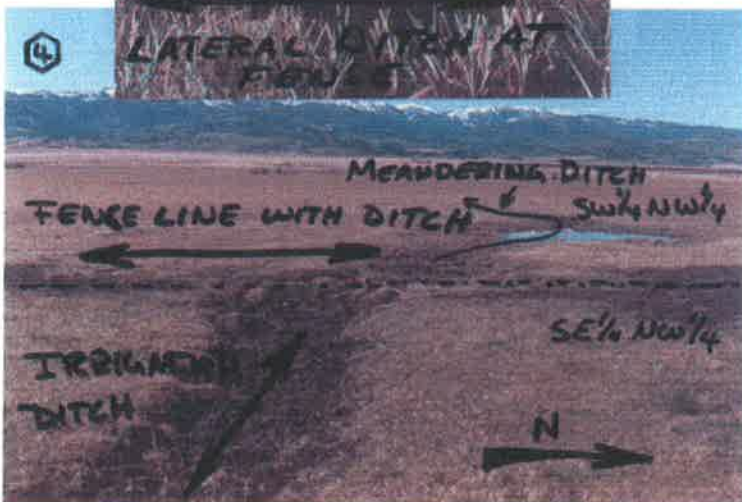
②

FROM DIVERSION DITCH TO NORTH-SOUTH LATERAL AT FENCE SEPARATING THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 9, T4N R45E.



③

NORTH-SOUTH LATERAL INTO ONE OF THE MANY PARALLEL IRRIGATION DITCHES (spaced approximately 100 ft apart) THAT RUNS IN A WESTERLY DIRECTION ACROSS BOTH THE SW $\frac{1}{4}$ NE $\frac{1}{4}$ AND SE $\frac{1}{4}$ NW $\frac{1}{4}$, SEC 9 T4N R45E



④

AN IRRIGATION DITCH AS IT LEAVES THE SE $\frac{1}{4}$ NW $\frac{1}{4}$ AND ENTERS THE NORTH-SOUTH DITCH AT AN OLD FENCE LINE SEPARATING THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ AND SE $\frac{1}{4}$ NW $\frac{1}{4}$ AND ENTERS ONE OF THE MANY MEANDERING DITCHES THAT IRRIGATE THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 9, T4N R45E.

DATE: 24 Oct. 1983
(of exam)

ACCOMPANIED BY: Keith Wilson

MEASURED: N/A

METHOD OF MEASUREMENT: N/A

APPLICANT CONTACTED YES: DATE 17 Oct. 83

NO: DATE _____ REASON: _____

REASON FOR EXAM: (1) Determine if land has been irrigated. (2) Determine source.

(3) Why transfer water right from SE1/4NW1/4 to SW1/4NW1/4 and then file a claim with an earlier priority on SE1/4NW1/4 Sec. 9, T. 4N, R. 45E.

ACCESS (location direction): By road to Teton Creek then by foot to applicants property.

LOCATION: Point of Diversion Confirmed ☒ Yes ☐ No (See sketch)
Place of Use Confirmed ☒ Yes ☐ No (See sketch)

GENERAL OBSERVATIONS: DATA FOR ADMINISTRATIVE DECISIONS

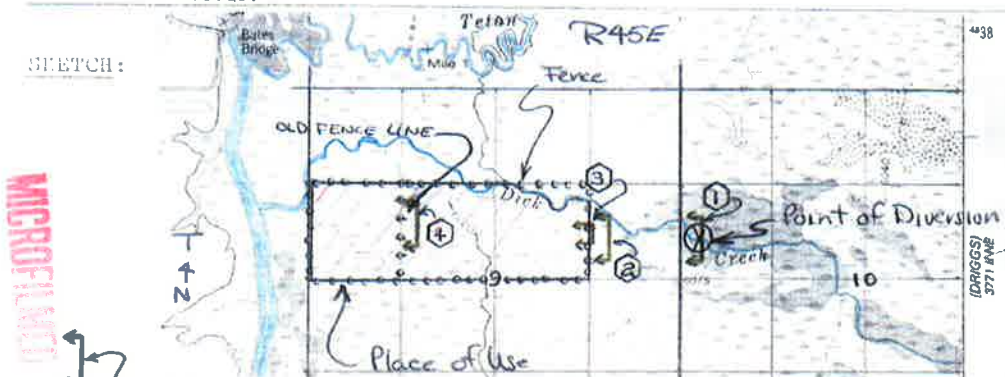
A: Source (Describe in detail i.e., flow, apparent confluence, etc)

Source is Dick Creek (aka Nickerson Creek)

B: OTHER USES OF SOURCE: Stock water directly from ditches and stream.

C: WORK IN AREA RELATED TO APPLICATION: Numerous ditches across irrigated fields.

SKETCH:



MICROFILMED

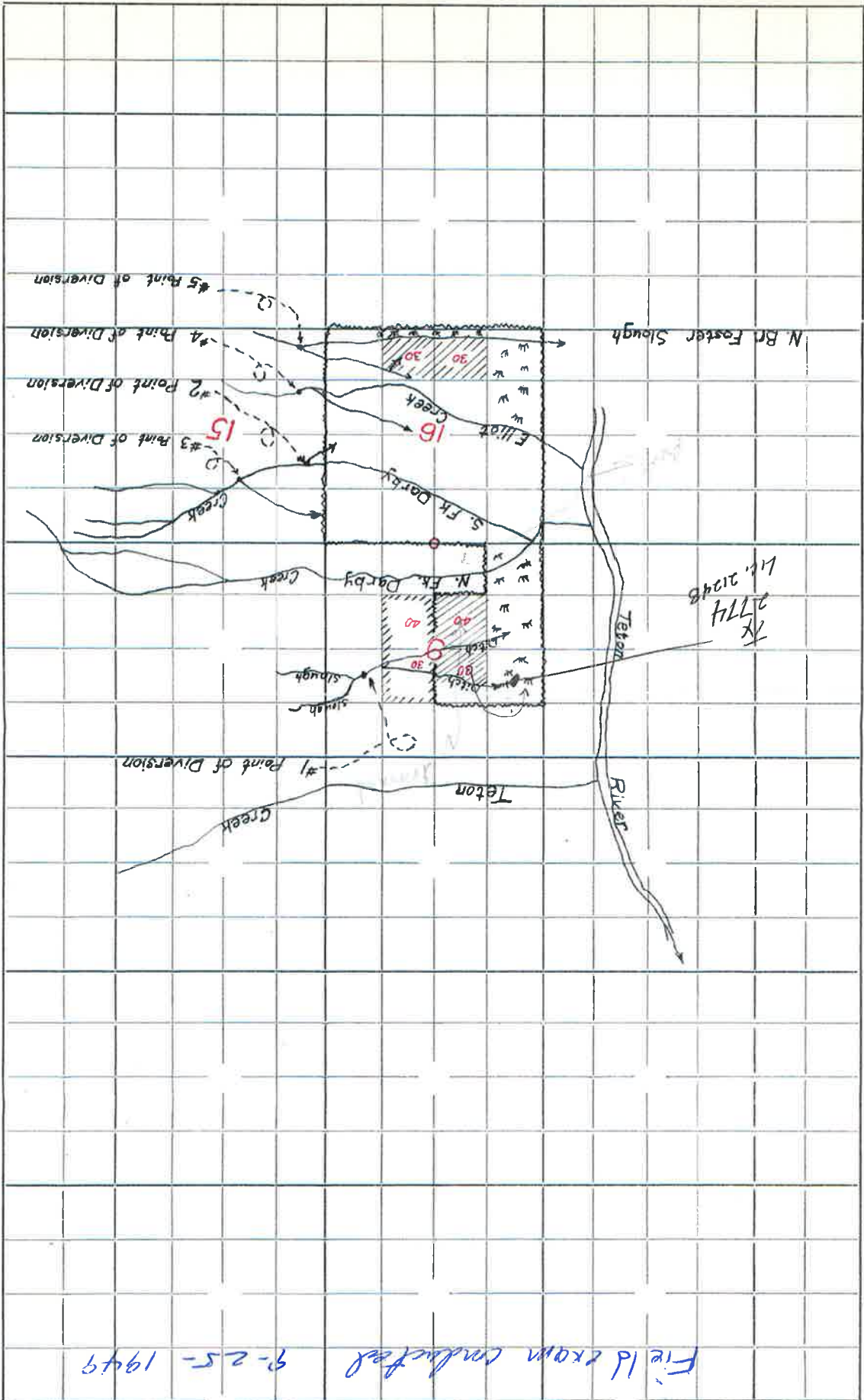


INDICATES PHOTO NUMBER AND DIRECTION OF VIEW

Keith Wilson
SIGNATURE

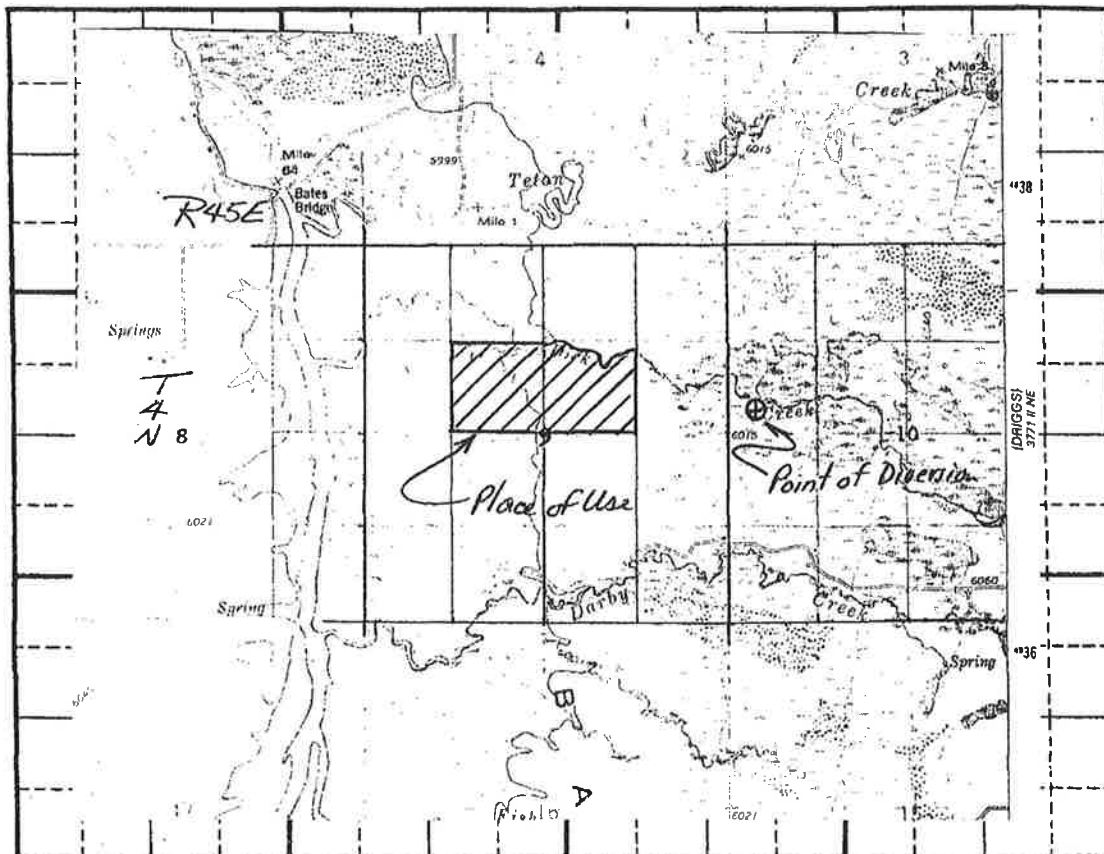
18556

Scale: 2 inches Equals 1 Mile. Draw Map in Ink.



Field exam conducted 9-25-1949

(8) Remarks Dick Creek called Nickerson Creek in Notice of Water right
transcribed from Book "B" of Water Rights Pg. 359 Fremont County
Records, & Book 58 of Water Rights pg. 116 Madison County Records.



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 Bonneville

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 13th day of January, 19 83.

W. F. Dickman
 (Claimant)
Carlson Wray
 Notary Public
 Residing at Idaho Falls

My commission expires 6-15-85

Received by assisted by Kew Date 1-13-83
 Prelim. check by HWS Date 1-14-83
 \$30.00 fee received by CWS Date 1-13-83
 Published in Teton Valley News #2300
 Dates 1/27 & 2/3/83

Exception filed by:

Forwarded to
 claimant by:

Date

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED

Permit No. 18556

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. G. E. Christensen, Read Christensen, Byron Christensen, and Mrs. Lorana Waddell.
Ranchers, farmers and reside at Driggs, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. no

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 18556 Nov 29, 1937

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. South Branch of Darby, Eliot and two unnamed creeks, which are tributaries of Teton River. SW $\frac{1}{4}$ NE $\frac{1}{4}$, sec 9, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, sec 15, NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec 19, all in twp 4, N. R. 45, E. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Lumber dams, 16.8 inches or more, water is conveyed by earth ditches, known as "The Christensen Ditches."

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For Irrigation. Both natural and cultivated meadows. These lands have been made to produce by the use of water.

Description: NE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$; SE $\frac{1}{4}$, Sec. 16;
SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 9- all in Twp. 5 N.,
Range 45 E. B. M., Teton county, Idaho.

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. none

18556

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 16.8 inches c.f.s.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. By Warranty Deeds.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Water has been used since 1938, for irrigation on the full premises above described.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Have used no other water than that covered in the permit.

(Sign)

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe ~~and~~ ^{that} to be the person ~~she~~ ^{he} represents himself to be, and that said testimony was

subscribed and sworn to before me, at my office in Boise, County of Blaine,

State of Idaho, on this 3 day of December, A. D. 1948.

David L. Stone
Clerk of The District Court

My commission expires.....



C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

April 10, 1950

Re: Permit No. 18556

RECEIVED
JUL 19 1951
Department of Reclamation

Mr. C. E. Christensen
Driggs, Idaho

Dear Mr. Christensen:

We now have on file the report of our Field Engineer on examination for Beneficial Use under Permit No. 18556 in the name of the heirs of Charles Christensen.

C. E. Christensen { This report shows that 60 acres have been irrigated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 4 North, Range 45 East, from an unnamed stream, with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, same Township and Range.

A License can therefore be issued for 60 inches or 1.2 second feet of water from that source.

Reed Christensen { The report also shows that you have irrigated 70 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9 from an unnamed stream with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section. A License can therefore be issued for 70 inches or 1.4 second feet from that source.

The statutory fee in connection with the above amount to \$8.00, being at the rate of \$2.00 for each 40 acre subdivision in which the land is located.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannie L. Anderson
Chief Clerk

A:bh

Dear Mr. Kulp:
Please issue the License for this water.
I misplaced this letter and just found it,
that is the reason for the delay.
18556 Thank You
Reed Christensen

12/07/2006

**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: 22-4083

W KEITH WALKER
952 BARNEY DAIRY RD
REXBURG ID 83440
Telephone Number: (208)356-5666

CHARLOTTE L WALKER
952 BARNEY DAIRY RD
REXBURG ID 83440
Telephone Number: (208)356-5666

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: DEC. 8, 2006

SIGNATURE: W. Keith Walker Charlotte Walker

Please print your name: W. KEITH WALKER CHARLOTTE WALKER

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

11/15/11



Idaho Department of Water Resources

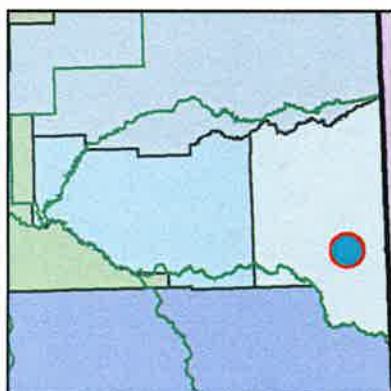
SRBA Recommendation:

22-4083

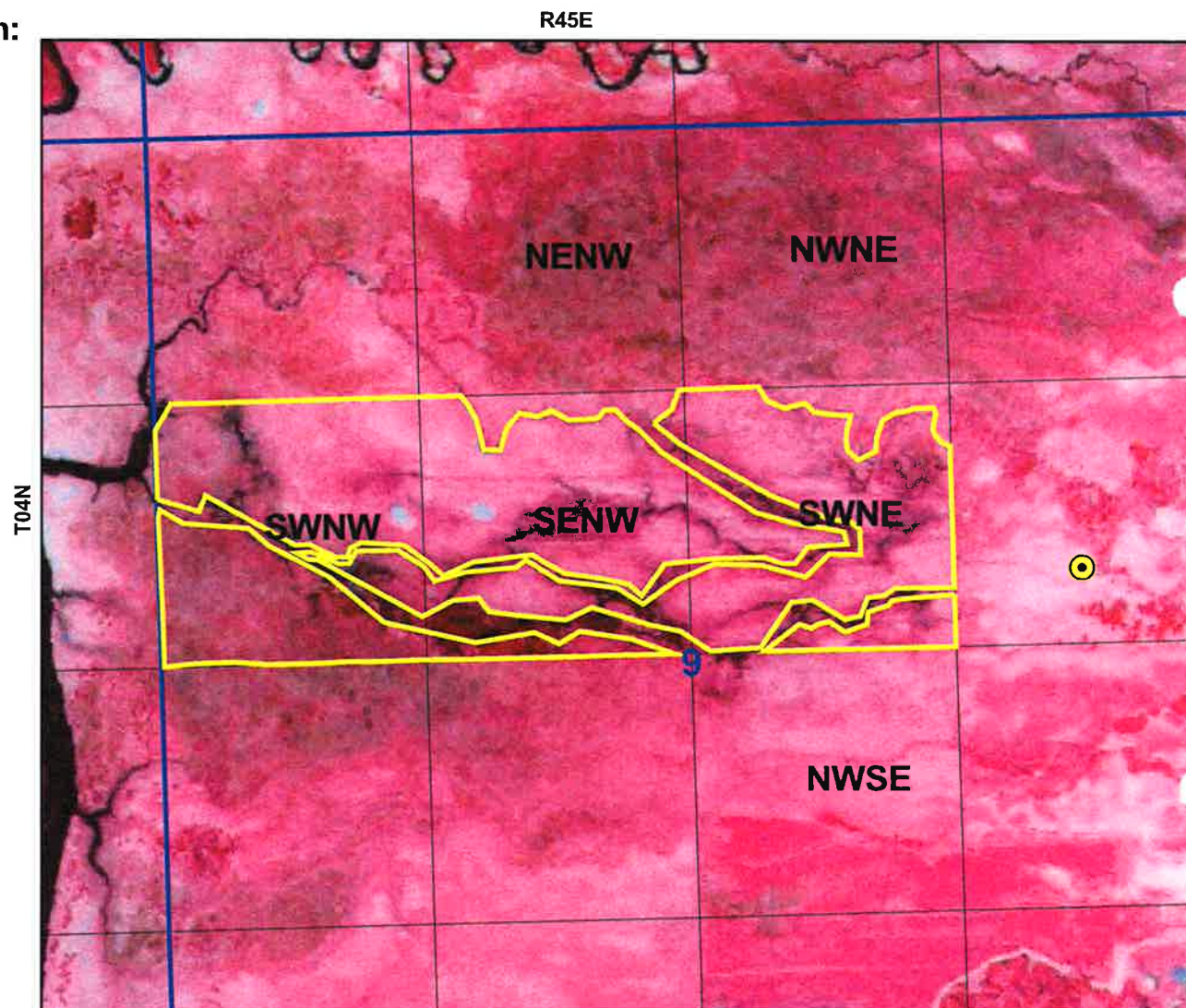
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.4 0.8 Miles

Prepared by C. Bird
On Thursday, December 7, 2006
1987/88 Aerial Photography

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 25872
Permit No. 18556
District No.

1. Name of Applicant: Charles Christensen
- Postoffice address Driggs County: Teton State: Idaho
- I. If applicant is a corporation, give:
- Date and place of incorporation:
 - Amount of capital stock:
 - Amount paid in:
 - Names and addresses of directors:
- II. The financial resources of the applicant are:
- Cash on hand:
 - Treasury stock:
 - Bonds to be issued:
 - Other resources:
2. Quantity of water claimed: 3.2 from unnamed creek Sec. 15 } Shown on Plat
4.0 " " " in Sec. 9 } cubic feet per second.
6.4 " South Branch Darby Creek }
3.2 " Eliot Creek } two unnamed creeks
3. Source of water supply: South branch of Darby, Eliot and which ~~is~~ tributary of Teton River
4. Location of point of diversion: are feet distant from the corner of Section, T. 4 N., R. 45 E., B. M., in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; and SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15; and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16 of Section 15, T. 4 N., R. 45 E., B. M., County of Teton.
5. Water is to be used for: irrigation and domestic purposes
6. If for mining, milling, power or manufacturing purposes, give:
- Point of use of water: TA feet distant from corner of Section, T. 4 N., R. 45 E., B. M., in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; and SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15; and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16 of Section 15, T. 4 N., R. 45 E., B. M., County of Teton.
 - Amount of power generated: H. P., under feet head.
 - Water is to be returned to at a point feet distant from the corner of Section, T. 4 N., R. 45 E., B. M., in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; and SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15; and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16 of Section 15, T. 4 N., R. 45 E., B. M., County of Teton.
7. Estimated cost of works: \$ 200.00
8. Kind of works: Lumber dams and earth ditches
9. Height of dam 4 feet; length of dam at top 10 feet; length of dam at bottom 10 feet; material used in dam: Lumber
10. Size of headgate: Width 4 feet; height 2 feet.
11. Ditch: Width at bottom 3 feet; width at water line 5 feet; depth of water 1 feet; dimensions of flume: Diameter of pipe inches; length of conduits from 0 to .21 miles. Average grade per mile 5 feet.
12. The time required for the completion of such work is 5 years.
13. The time required for the complete application of the water to the proposed use is 6 additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? **No** If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

CHARLES CHRISTENSEN *Applicant.*

By

Agent.

Date of first receipt at Department of Reclamation: 11:30 A. M., Oct. 11, 1937

Returned to applicant for correction: Oct. 30, 1937

Corrected application received: Nov. 16, 1937

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18556

Recorded in Book 67 Page 18556 Approved Nov. 29, 1937

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before January 28, 1938 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before May 29, 1940

The whole of said work to be completed on or before November 29, 1942

Beneficial use of water appropriated in accordance herewith, to be made on or before November 29, 1948

Witness my hand this 29th day of November, 1937.

R. W. FARIS
Commissioner of Reclamation.

Remarks: Location of land, ditches, etc., are shown on plats.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4 N	45 E	9						40	40		40	40	40						200
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
Total Number of Acres to be Irrigated-----																			840

In testimony whereof, we, BARZILLA W. CLARK, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have hereunto caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed this 29th day of November, 1937.

(SEAL)

STATE OF IDAHO

Countersigned:

By BARZILLA W. CLARK
 Governor

By IRA H. MASTERS
 Secretary of State

AFFIDAVIT FOR CHANGE OF POINT OF DIVERSION OF WATER RIGHT PERMIT NO. 18556

STATE OF IDAHO
 COUNTY OF TETON ss.

Charles Christensen, being first duly sworn, deposes and says: That his postoffice address is Griggs, Idaho. That he is the owner of and using a certain water right for 16.8 cubic feet per second of the waters of two unnamed streams, and Parby and Elliott Creeks, County of Teton, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 18556, issued by the Commissioner of Reclamation, dated November 29, 1937, bearing date of priority of October 11, 1937, for the purpose of irrigating the following described lands, situate, lying and being in water District No. 36, in the County of Teton, and State of Idaho, to-wit:

E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9;
 All of Section 16;
 Township 4 North, Range 45 East, B. M.

That said waters are described in the Permit as being diverted from the following points: SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9; SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16; Twp. 4 North, Range 45 East, B.M., and conducted to the above described lands as per map filed with said Permit No. 18556.

That affiant desires to change the points of diversion of said waters from the points above described to points located as follows: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9; SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15; and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15,, Twp. 4 North, Range 45 East, B.M.

That his reasons for desiring to make such changes are as follows: The points of diversion as shown in the original application and permit were in error.

That no one will be injured by such change, and that such change is made at affiant's own risk.

/s/ Charles Christensen

Subscribed and sworn to before me this 30th day of March, 1944.

(SEAL)

/s/ Shelby H. Atchley
Notary Public for Idaho
Residing at Driggs, Idaho

Received and filed for record in the Department of
Reclamation, at Boise, Idaho, at 9:00 A.M. April 3, 1944.

James Spofford
State Reclamation Engineer
A

PERMIT NO. 18556

Certificate of Completion of Works

To All Whom it May Concern:

This is to certify that CHARLES CHRISTENSEN, of Driggs, County of Teton, and State of Idaho, the holder of Permit No. 18556, issued upon Application No. 25872, bearing date of priority of October 11, 1937, authorizing the diversion of 16.8 second feet of the waters of Two unnamed creeks, Darby and Elliott Creeks, as follows: 3.2 c.f.s. from unnamed creek in Section 15; 4.00 c.f.s. from unnamed creek in Section 9; 6.4 c.f.s. from South branch Darby Creek; 3.2 c.f.s. from Elliott Creek - tributaries of Teton River, County of Teton, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use 16.8 second feet of the waters of said unnamed creeks, Darby and Elliott Creeks; that the points of diversion of said waters are located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9; SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15; and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15; Township 4 North, Range 45 East, B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9; all of Section 16; Township 4 North, Range 45 East, B.M.

Witness my hand this 4th day of April, A. D. 1944.

JAMES SPOFFORD
State Reclamation Engineer

Proof of completion of works made November 29, 1942
Certificate of completion of works issued April 4, 1944

RECORD OF TRANSFER OF PROPERTY RIGHTS BY CHARLES CHRISTENSEN, ET UX

NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, Twp. 4 N., Range 45 E. B.M.--Warranty Deed to Elmer C. Christensen recorded in Book 73, of Deeds Page 316, records of Teton County.

W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 9; E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, Twp. 4 N., Range 45 E. B.M.--Warranty Deed to C. Elmer Christensen recorded in Book 73 of Deeds, Page 490, Records of Teton County.

E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 9, Twp. 4 N., Range 45 E. B.M. and NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, Twp. 5 N., Range 46 E. B.M.--Warranty Deed to Reed O. Christensen, recorded in Book 78 of Deeds, Page 318, Records of Teton County.

S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20, S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 19, 10 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 30, Twp. 5 N., Range 46 E. B.M., S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 25, Twp. 5 N., Range 45 E. B.M.; S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 16, Twp. 4 N., Range 45 E. B.M.--Warranty Deed, to Byron W. Christensen, recorded in Book 78 of Deeds, at Page 320, Records of Teton County.

N $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 16, Twp. 4 N., Range 45 E. B.M.--Warranty Deed to La Rene Waddell, recorded in Book 78 of Deeds, Page 314, Records of Teton County.

N $\frac{1}{2}$ Sec. 16, Twp. 4 N., Range 45 E. and Tex No. 934, Sec. 35, Twp. 5 N., Range 45 E. B.M.--Warranty Deed to C. Elmer Christensen, recorded in Book 78 of Deeds, Page 319, records of Teton County.

Recorded in State Department of Reclamation, December 20, 1948.

LICENSE ISSUED FOR 2.6 SEC. FY.
Page 4804

Inspection file.

September 27, 1952

Mr. C. E. Christensen
Driggs
Idaho

Dear Mr. Christensen:

Upon his return to the office, from an inspection trip in the Teton Basin, Mr. Kulp requested me to make a check of your filings and write to you.

I find that you made application for Permit No. 18556, and that it was brought to license in 1951, for 130 inches of water. This gives you an inch to the acre, which is the maximum allowed by State Law on all the land being irrigated on which a filing had been made. However, I do find that you were irrigating 70 acres, apparently from the same source, on which you had not asked for a right.

If you desire additional water for your other land, all that will be necessary will be to make an additional filing covering it, unless, of course, it already has a water right, either by license or decree.

I will call on you the next time I am in your area, which probably will not be until next spring.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

Talked to C. E. Christensen on 9/29/53.

*He says C/W. was not finished on the lands
he had in mind. E. N. H.*

18556



C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

April 10, 1950

Re: Permit No. 18556

RECEIVED
JUL 19 1951
Department of Reclamation

Mr. C. E. Christensen
Driggs, Idaho

Dear Mr. Christensen:

We now have on file the report of our Field Engineer on examination for Beneficial Use under Permit No. 18556 in the name of the heirs of Charles Christensen.

C. E. Christensen { This report shows that 60 acres have been irrigated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 4 North, Range 45 East, from an unnamed stream, with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, same Township and Range.

A License can therefore be issued for 60 inches or 1.2 second feet of water from that source.

Reed Christensen { The report also shows that you have irrigated 70 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9 from an unnamed stream with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section. A License can therefore be issued for 70 inches or 1.4 second feet from that source.

The statutory fee in connection with the above amount to \$8.00, being at the rate of \$2.00 for each 40 acre subdivision in which the land is located.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By *Jeannie L. Anderson*
Chief Clerk

A:bh

Dear Mr. Kulp:
Please issue the License for this water.
I misplaced this letter and just found it,
that is the reason for the delay.
18556 Thank You
Reed Christensen

Claim # - 22-04083

May 2, 2005

We trust the enclosed documents are sufficient. If not, please contact us.
(Dick Creek was originally called
Nickerson Creek).

W. Keith Walker

NEW ADDRESS

952 BARNEY DAIRY RD
REXBURG, ID 83440

← C/A

EVIDENCE is a POSTED NOTICE - Does not support 1901 priority,
Re: Rexburg vs Teton, 1910

12/30/05 Dick Creek ORIGINATES IN SEC. 10 T.4N., R.45E., THEN FLOWS
NEARLY DUE WEST TO BE TRIBUTARY TO TETON RIVER IN SENE
OF SEC. 8. REXBURG vs TETON DECREE, 12-16-1910 ADDRESSES
"Snake River and its tributaries,..." THEREFORE, THE VERY
EARLIEST THIS priority date CAN BE IS ONE DAY AFTER THAT
ACTION: BARNEY 12-17-1910. So Recommended.

RECEIVED

MAY 06 2005

Department of Water Resources
Eastern Region

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: A22-04083
Date Received: 10/03/1988
Receipt No: E002822
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W. KEITH WALKER 208-356-5666
Address: 852 NORTH 2ND EAST
REXBURG, ID 83440
AND/OR
Name: CHARLOTTE WALKER 208-356-5666
Address: 852 NORTH 2ND EAST
REXBURG, ID 83440



2. Date of Priority: AUG 01, 1901

3. Source: DICK 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	10	SW	SW	NW		TETON

5. Description of diverting works:
HEADBOX & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		
STOCKWATER	01/01	12/31	0.050		

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

A.F.A.

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 150 CATTLE.

RECEIVED

MAY 06 2005

Department of Water Resources
Eastern Region

A22-04083

Page 1

Date: 10/03/88

MICROFILMED

OCT 29 1992

April 22, 2005

**W KEITH WALKER
852 N 2ND EAST
REXBURG ID 83440**

IMPORTANT NOTICE

PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-04083

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of AUGUST 1, 1901, from DICK CREEK.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date". **PLEASE READ THE ENCLOSED PAMPHLET.**

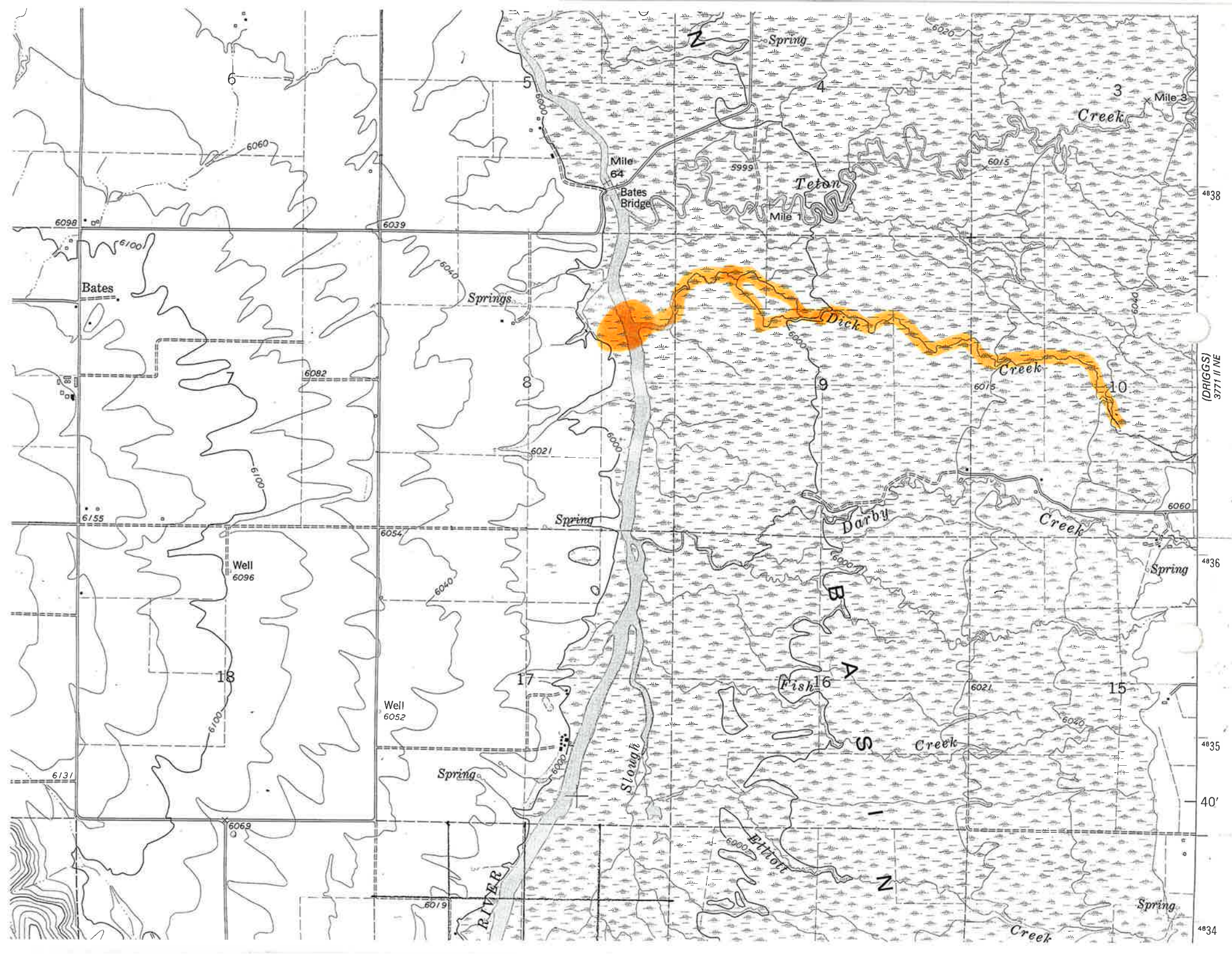


10/1/05 Photo shows culvert dam that is used to
 DD divert water into ditch that carries water
 to POU. POU is located in SE NE of Sec. 9.

GPS TAG A0014283 ON CULVERT GATE

Duck CR TRUB. TO Teton River

10/01/05 DD



Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

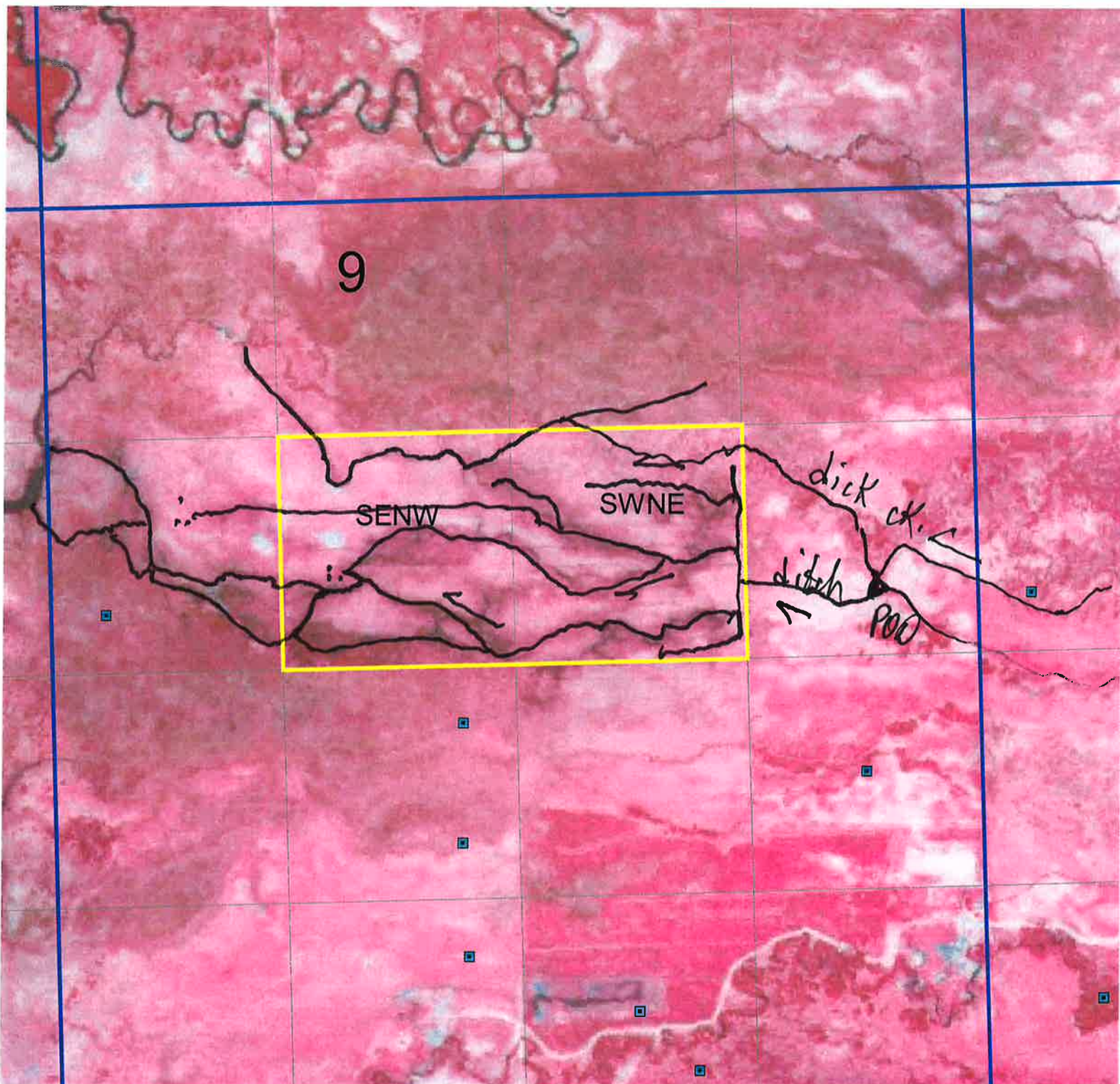
10/1/05
DO

Field exam showed Duck Creek as the source. There is a culvert that can be dammed off to divert the creek into a diversion ditch. There is not a regulating device in the ditch side. On the day of field exam there was a dam in the ditch to keep the water in the creek. POD is in SENE of Sec 9

Reviewer: _____ Date: _____

22-4083

10/1/05
DD



Place Of Use Data Entry Form

Claim Number: _____

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

Total acres _____

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

10/1/05
DO
Field exam showed POU is irrigated w/ series of ditches and plastic dams. Acreage claimed as irrigated seems to be accurate. This land is used as pasture.

Reviewer: _____ Date: _____

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
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REXBURG, ID 83440

A2204083



2. Date of Priority: AUG 01, 1901

3. Source: DICK 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	10	SW	SW	NW		TETON

5. Description of diverting works:
HEADBOX & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 150 CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	9	SW	NE		IRR	30.0
			SW	NE		STOCK	
			SE	NW		IRR	40.0
			SE	NW		STOCK	
						Section Acres	70.0
						Total Acres	70.0

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:
NONE.

14. Remarks:
SOURCE ALSO KNOWN LOCALLY AS NICKERSON CREEK.

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: - 1 -

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): Charlotte Walker Date: 10-3-88

Date: _____

State of Idaho)
County of Bonner) SS.

Subscribed and sworn (or affirmed) before me this 3rd day

of October 19 88

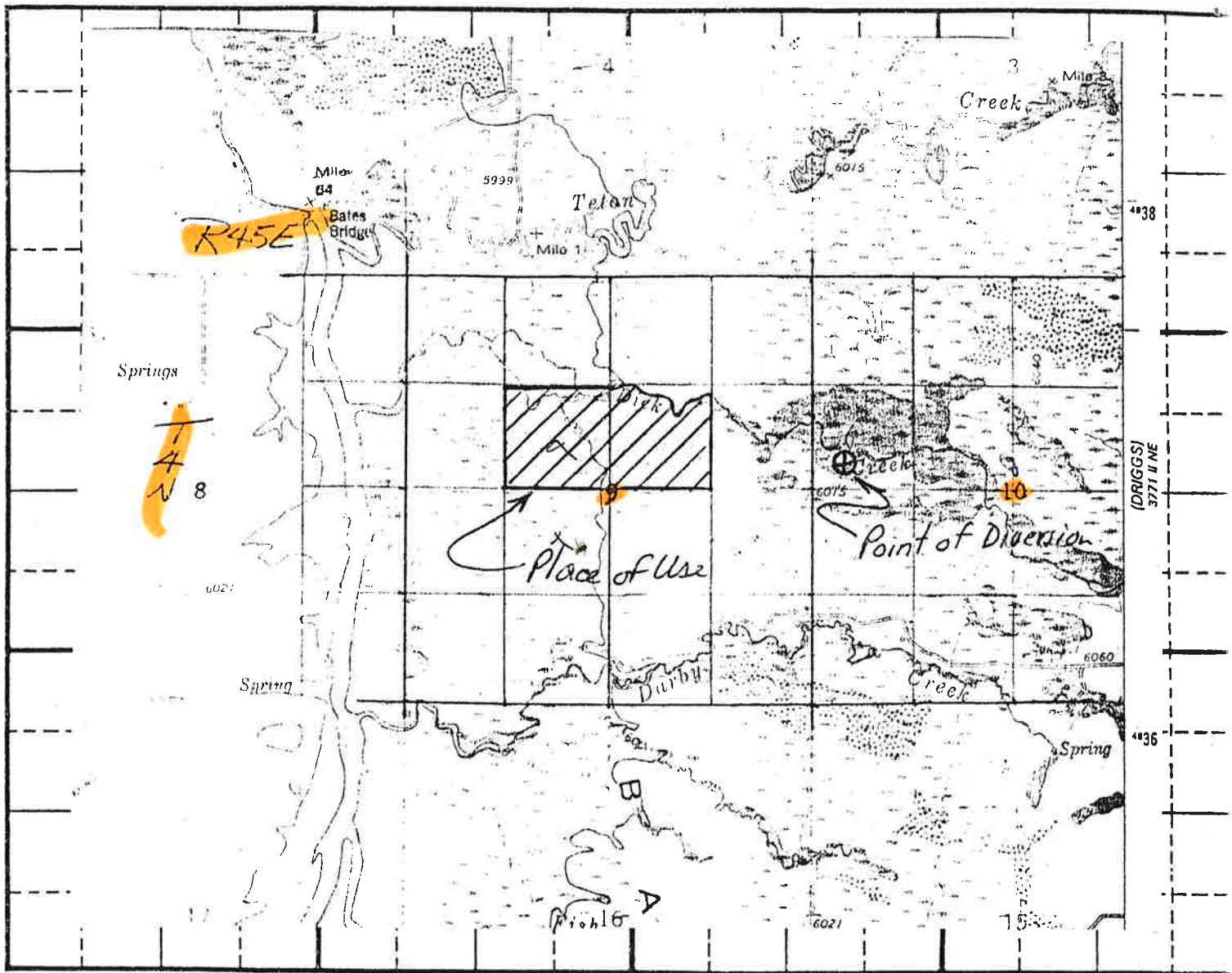
Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6/94

(8) Remarks Dick Creek called Nickerson Creek in Notice of Water right
transcribed from Book "B" of Water Right Pg. 359 Fremont County
Records, & Book 58 of Water Rights pg. 116 Madison County Records.



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 Carleton) ss.

MICROFILMED

OCT 29 1992

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 13th day of January, 19 83.

W. Fred Dickson
(Claimant)
Carleton Gray
Notary Public
Residing at Gleno Falls

A22-04083