

11/30/2006

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

RIGHT NUMBER: 22-4163

NAME AND ADDRESS: MARK E CHRISTENSEN
6118 N 25TH E
IDAHO FALLS ID 83401

PATRICIA B CHRISTENSEN
6118 N 25TH E
IDAHO FALLS ID 83401

SOURCE: SPRINGS

TRIBUTARY: DARBY CREEK

QUANTITY: 6.080 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1936

POINT OF DIVERSION:

T04N R45E S9 SESWSE Within TETON County
T04N R45E S15 NWSWNE Within TETON County
T04N R45E S15 NWSWNW Within TETON County
T04N R45E S16 SENESE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	6.080 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

IRRIGATION in TETON County

T04N R45E S16	NENE	40.00	T04N R45E S16	NWNE	40.00
T04N R45E S16	SWNE	40.00	T04N R45E S16	SENE	40.00
T04N R45E S16	NENW	36.00	T04N R45E S16	NWNW	28.00
T04N R45E S16	SWNW	40.00	T04N R45E S16	SENW	40.00

STOCKWATER same as IRRIGATION

304 ACRES TOTAL

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

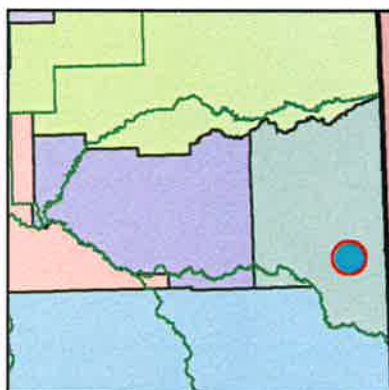
SRBA Recommendation:

22-4163

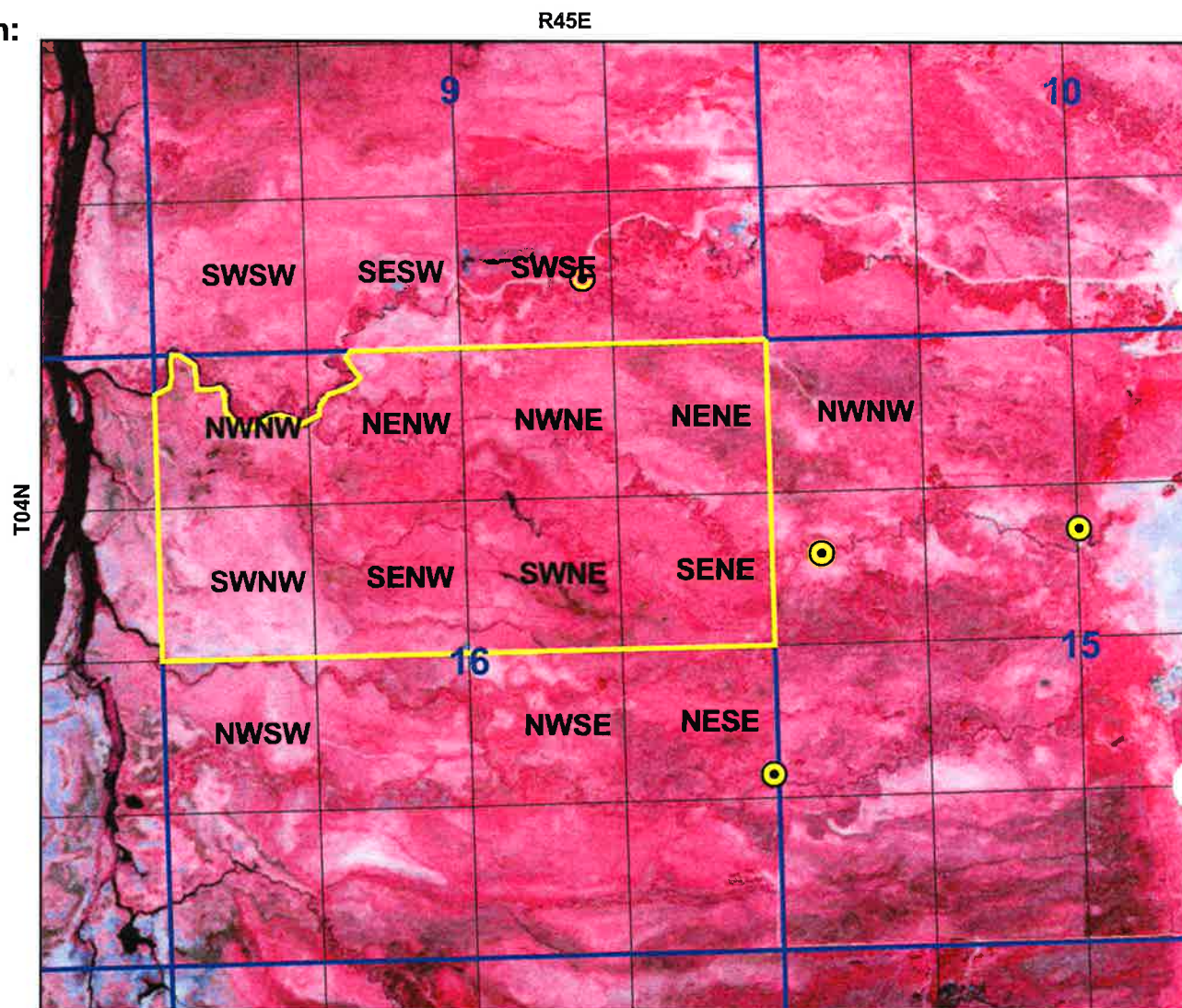
(Irrigation)

Legend

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



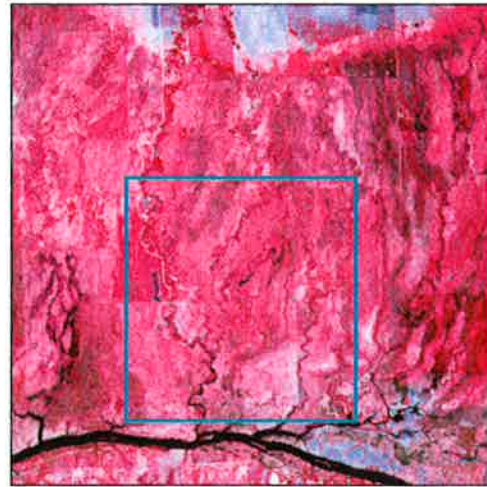
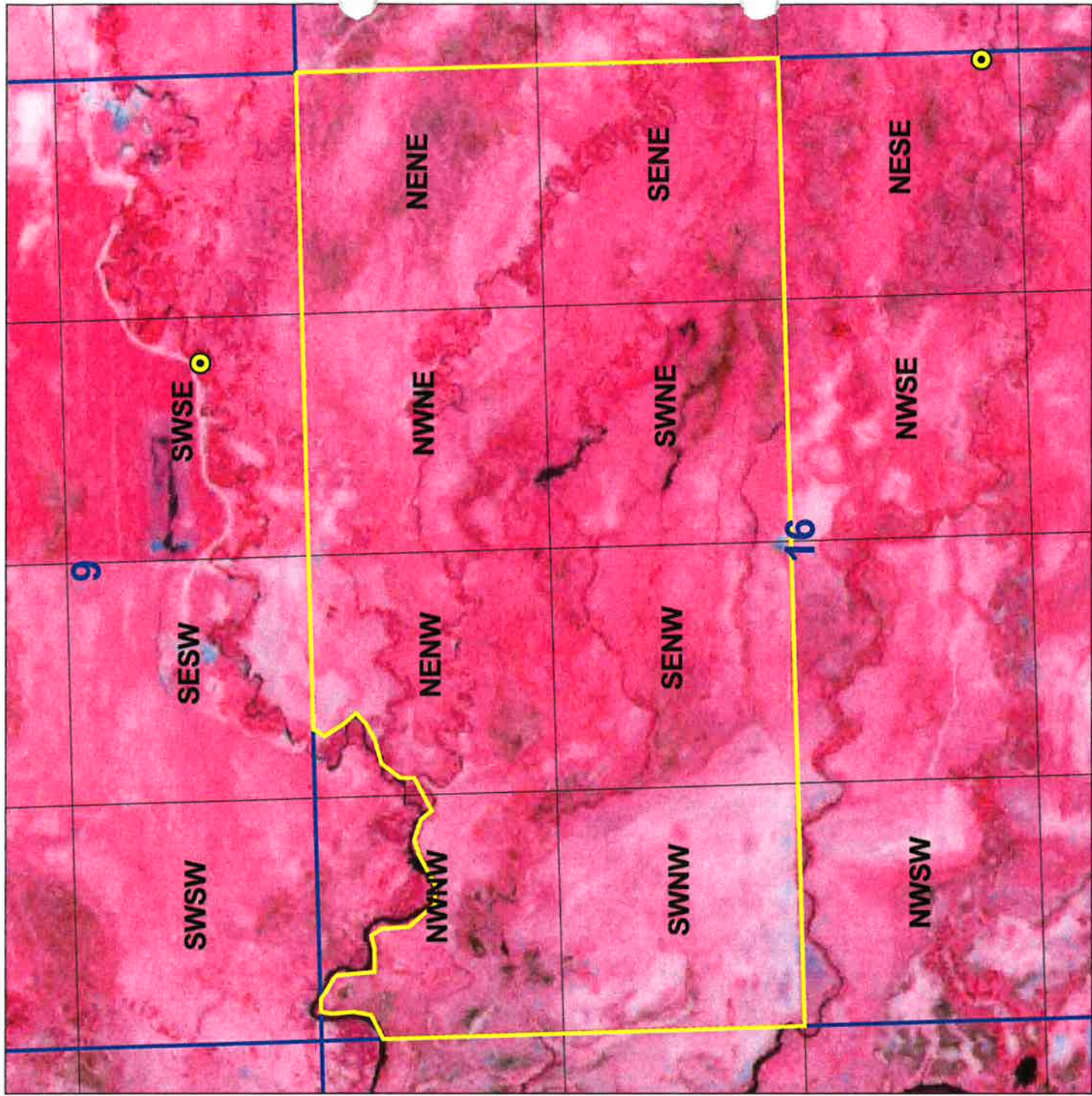
Teton County
IDWR Basin 22



0 0.6 1.2 Miles

Prepared by T. Galbraith
On Thursday, November 30, 2006
1987/88 Aerial Photography

22-4163



Water Right No(s). A 22-4163

POD 224163 - GPS data 273 0597
138 9916

POD 222106 - GPS data 2731277 - existing
1389983 tags

POD 22-4163-2 - GPS data 2730473
1389331

P.O.D. 22-4163-3 - GPS data 2729961 - existing
1390632 tags

GPS DATA:

Tag # See photos Location: _____

Diversion Data:

Source: Fish Creek
Darby Creek Trib to: Teton River

MOTOR

Make: NA Model: _____ Hp: _____
SN: _____

PUMP

Make: NA Model: _____ Disch: _____
SN: _____

NOTES:

+ met with claimant Maule Christensen & walked site with him.
* His mailing address is 6118 N. 25th East Idaho Falls, ID
83401. He irrigates all property except trees & ditch areas.
New phone # is 521-6695. No waste water says skip

11-30-06

Field Exam Date: 11-29-06 Agent: W. C. Jones



GPS
Tag

22-4163-3 pod
existing tag # A0014290

22-4163



GPS
Tag

Pod # 224163 - GPS Tag A0018295



GPS
Tag

Pod 22-4163-2; Fish Creek; GPS Tag A0018300

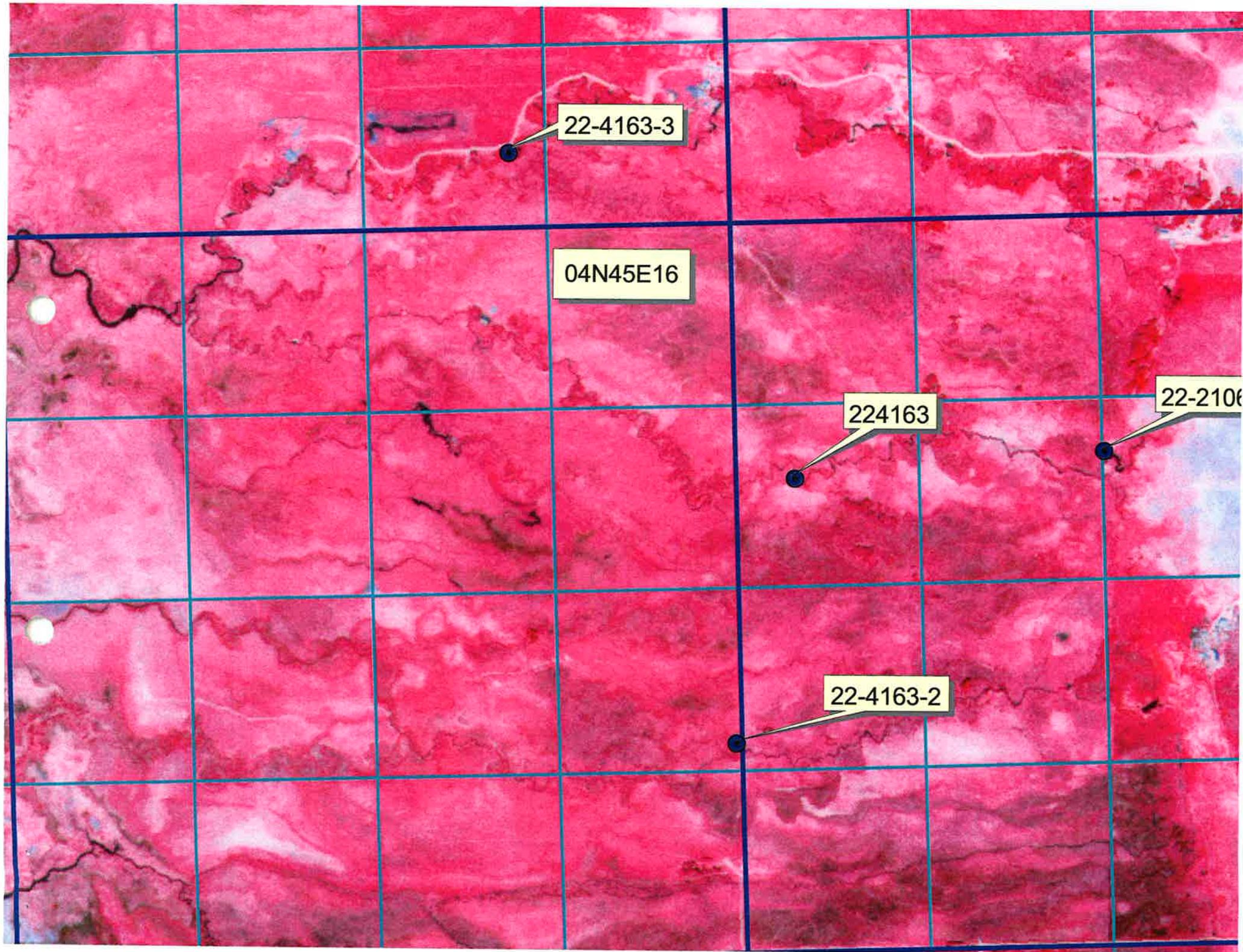
Structure. # A0016003 + # A0016347

Now 22-13633. Has 2 GPS tags on

A22-4163! Sawt PAD as 22-2106.

GPS tag





This aerial photograph shows a wetland area with a yellow rectangular boundary. The boundary is divided into sections labeled with cardinal and ordinal directions: NWNW, NENW, NWNE, NENE, SWNW, SENW, SWNE, SENE, NWSW, NESW, NWSE, NESE, SWSW, SESW, and SWSE. Handwritten labels 'Ditch' and 'Ditcher' are visible. A grid of blue lines is overlaid on the image, with numbers 15, 16, 21, and 22 at the corners.



A
N

Law Offices

***RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered***

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Facsimile: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com*

February 17, 2006

Idaho Department of Water Resources
Adjudication Section
900 N. Skyline, Ste. A
Idaho Falls, ID 83420

**Re: Water Right #22-4163
Mark E. Christensen
6118 N. 25th E.
Idaho Falls, ID 83401**

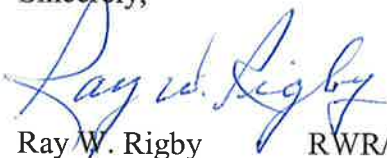
RECEIVED
FEB 24 2006
Department of Water Resources
Eastern Region

Gentlemen:

Mark E. Christensen told me by telephone today that you have requested that he furnish you proof of the priority date claimed in the above numbered water right claim. Pursuant to Section 42-225a of the Idaho Code, I prepared a "Claim to a Water Right," a copy of which I enclose, signed by Mark E. Christensen, attached to which is an "Affidavit of Use of Water," dated June 28, 1983, which I prepared, and which C. Elmer Christensen, father of Mark E. Christensen, signed, and which was filed in the repository of the Department of Water Resources in Boise preceding the adjudication proceedings. That affidavit is self-explanatory, and sets for the essential elements of the water right, and specifically states that "On approximately June 1, 1936, I constructed a system of irrigation ditches, headgates, laterals, and water distribution systems for the purpose of using Darby Creek Springs, both North and South forks," and said affidavit further states that C. Elmer Christensen used those waters on the North half of Section 16, Township 4 North, Range 45 E.B.M. and on the Southwest quarter of Section 9, same Township and Range as afforesaid.

I knew Mr. C. Elmer Christensen well, and did several items of legal work for him over the years, and found him to be very reliable and a person who kept good records and stated things as he truly believed. Consequently, I was convinced then and am now that June 1, 1936, is the correct priority date for this water right.

Sincerely,



Ray W. Rigby

RWR/sje

Enclosure

F:\WP6\DK\CHRISTEN.LT5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

FILE COPY

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Mark E. Christensen and Val E. Christensen (name of claimant)
of RT 2 Box 193C Idaho Falls Idaho (mailing address), claims a right to the diversion and beneficial use of
the public water of the State of Idaho.

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Fork of Darby Creek, tributary to, Spring A/Lay south & north Teton River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: Irrigation of crop and pasture land and for livestock
- | | | | | | | | | |
|--------|----------------|-----|-------------------------|----------------|------|---------------|----|---------------|
| Amount | <u>320 a/f</u> | Use | <u>Irrigation stock</u> | Period of Use: | From | <u>June 1</u> | To | <u>Nov. 1</u> |
| Amount | <u>40 a/f</u> | Use | <u>Stock water</u> | Period of Use: | From | <u>June 1</u> | To | <u>May 31</u> |
| Amount | | Use | | Period of Use: | From | | To | |
- (cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)
- (3) Total quantity of water claimed: _____ cubic feet per second, or 320 acre feet per annum, and/or _____ gallons per minute.

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
 1/4 NW 1/4, Sec. 15 Twp. 4N Rge. 4SEBB, M. County of Teton
 Additional points of diversion: Natural drains and springs in the NW 1/4 of S 16
 T 4N R 4SEBB
- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible.
 by earth levees - ditches and
 diverting water to ditch system - for distribution. Ditch system exceeds
 5 miles. Ditch system is ditch to place water on just fields
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

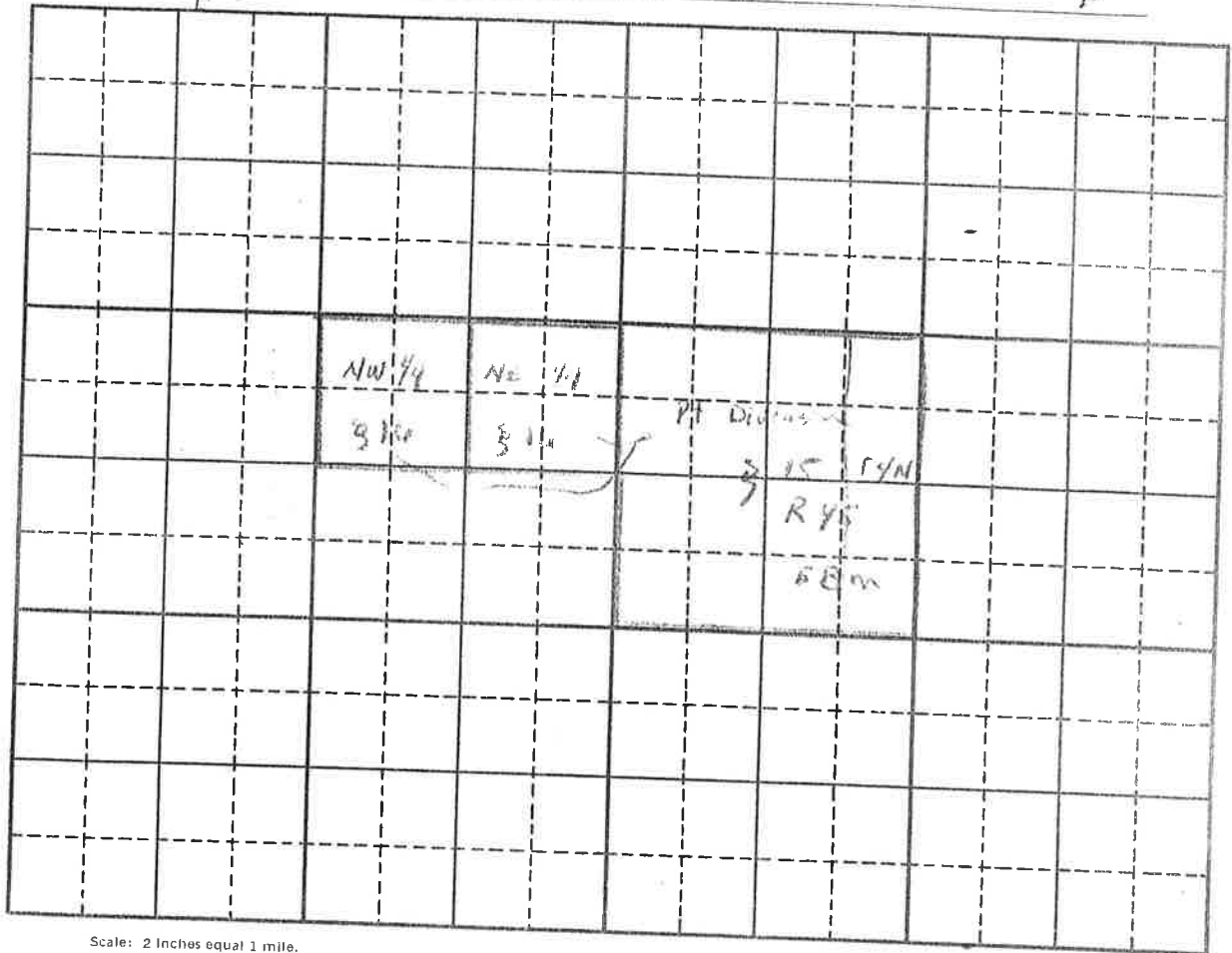
[illegible]

Total No. of acres 326

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: water is also used on a year round basis for watering in excess of 250 head of livestock from ditches, durns, springs and the abundant glens Ford of Sandy Creek
- (7) If you are claiming water as a member of an organization, list name of organization: _____

RECEIVED
FEB 24 2006
Department of Water Resources
Eastern Region

- (8) Remarks C. Palmer Christensen instructed the irrigation who on or about June 1, 1936
and applied water from the same to lands ss 9 & 14 of T 4 N R 45 W.
Survey of system originally done by State with Dept. Engineer. See affidavit
of C. Palmer Christensen attached hereto.



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 Blaine) 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 affiants knowledge.

Sworn to before me this 27 day of June

Mark C. Christensen
 (Claimant)

Byron J. Burt, 1983
 Notary Public
 Residing at Rexburg, Idaho

My commission expires Sept

RECEIVED
 FEB 24 2006
 Department of Water Resources
 Eastern Region

For Department Use Only

Received by _____	Date _____	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by _____	Date _____			
\$10.00 fee received by _____	Date _____			
Approved for publication by _____				
Published in _____				
Dates _____				

AFFIDAVIT OF USE OF WATER

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

C. ELMER CHRISTENSEN, being first duly sworn, deposes and says:

1. That he was the owner of approximately 500 acres of land in Teton County, State of Idaho, from 1933 to about June of 1966. Said land was located in Sections 9 and 16 of Township 4 North, Range 45 East, Boise Meridian.

2. That on approximately June 1, 1936, I constructed a system of irrigation ditches, headgates, laterals and water distribution systems for the purpose of using Darby Creek Springs, both North and South Forks.

3. I used the Darby Creek Springs water, both North and South Forks, from 1936 to about 1966, when I retired.

4. To the best of my knowledge, said water has been continued to be used by my sons, and successors in interest to the real property.

5. I used the water on the north one-half of Section 16, Township 4 North, Range 45 East, Boise Meridian and on SW 1/4 on Section 9, Township 4 North, Range 45 East, Boise Meridian. The useage of the water was continuous over that period of time for irrigation and stock watering purposes.

DATED this 28th day of June, 1983.

RECEIVED

FEB 24 200

Department of Water Resources


C. ELMER CHRISTENSEN

SUBSCRIBED AND SWORN to before me this 28th day of
June, 1983.

Thomas S. Taylor
NOTARY PUBLIC

Residing at: Provo Utah

My Commission Expires:

9-26-83

RECEIVED
FEB 24 2006
Department of Water Resources
Boulder, Colorado

February 7, 2006

MARK E CHRISTENSEN
6118 N 25 E
IDAHO FALLS, ID 83401

**IMPORTANT
FINAL NOTICE
PLEASE READ**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4163

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 June 1, 1936, from SPRINGS AND WASTEWATER.

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.**

Claim No. 22-4163

Document Checklist

☐ Copy License/Decree

☐ Copy Transfer

☐ Copy Licensing Field Exam

☒ Check if Ownership/Address Change is Required

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

couldn't send 4/0

☒ Generate Arcview Map

NEW ADDRESS

*MARK E CHRISTENSEN
6118 N. 25 EAST
Dodge Falls, ID. 83401*

cell 521-6695

*Allan Barnes - Son-in-law at
Hospital in Dugss
354-2383*

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: A22-04163
Date Received: 6/27/1988
Receipt No: E000527
Received By: S.M.

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MARK E. CHRISTENSEN
Address: RT. 2, BOX 193C
IDAHO FALLS, ID

208-524-0739

83401

AND/OR

Name: PATRICIA B. CHRISTENSEN
Address: RT. 2, BOX 193C
IDAHO FALLS, ID

208-524-0739

83401

2. Date of Priority: JUN 01, 1936

3. Source: SPRINGS
SPRINGS
IRRIGATION WASTEWATER

Trib. to: DARBY CREEK
FISH CREEK
DARBY CREEK

4. Point of Diversion:

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

5. Description of diverting works:
BERMS, DITCH & DAMS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	6.400		
STOCKWATER	01/01	12/31	0.070		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

A22-04163

Page

1

Date: 08/02/88

MICROFILMED
OCT 29 1992

A2204163

9. Non-irrigation uses:
S/250 RANGE.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	45E	16	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0

Section Acres 320.0

Total Acres 320.0

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:

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: -/-

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): Mark E Christensen Date: August 2, 1988

Date: _____

State of Idaho)
County of Bonner) SS.

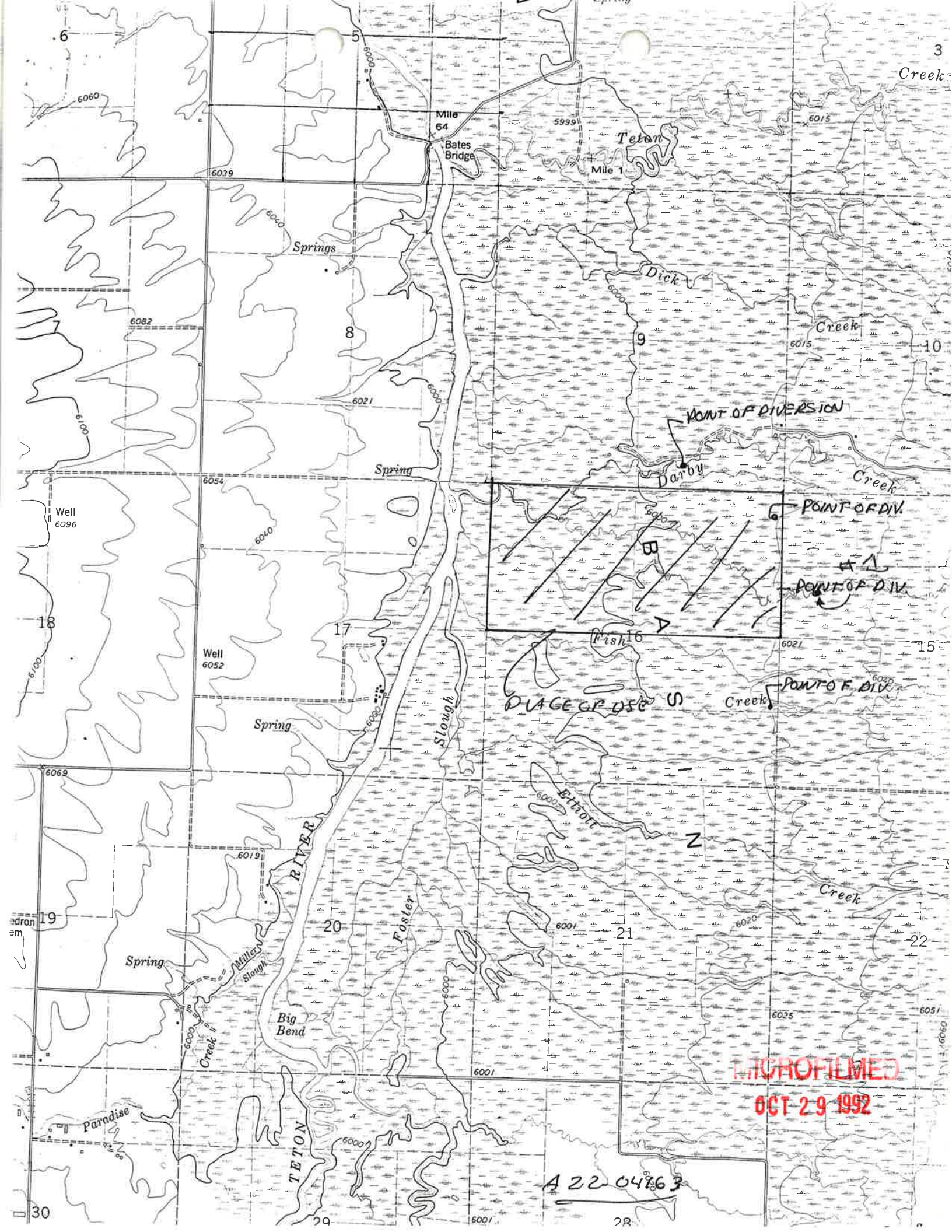
Subscribed and sworn (or affirmed) before me this 2 day
of August 19 88

Betty J Thompson
Notary Public

Seal

Residing at Idaho Falls.

My Commission Expires 6/2/94



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: A22-04163

Date Received: 4/14/1988

Receipt No: E000527

SM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARK E. CHRISTENSEN 208-524-0739
Address: RT. 2, BOX 193C
IDAHO FALLS, ID 83401

AND/OR

Name: PATRICIA B. CHRISTENSEN 208-524-0739
Address: RT. 2, BOX 193C
IDAHO FALLS, ID 83401

2. Date of Priority: JUN 01, 1936

3. Source: SPRINGS Trib. to: DARBY CREEK
SPRINGS FISH CREEK

4. Point of Diversion:

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

5. Description of diverting works:
BERMS, DITCH & DAMS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	6.400		
STOCKWATER	01/01	12/31	0.070		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/250 RANGE.

A22-04163

Page 1

Date: 04/14/88

MICROFILMED

OCT 29 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	45E	16	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
							Section Acres	320.0
							Total Acres	320.0

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:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

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: _____

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 Mark E. Christensen Date: x 6/27/88

Date: _____

State of Idaho)
County of Bonnerville) ss.

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

Deena Green
Notary Public

Seal

Residing at Rigby
My Commission Expires 4-22-1994