

12/12/2006

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

RIGHT NUMBER: 22-11970

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

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.960 CFS

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION:

T05N R45E S36 SENENW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

1.960 CFS

PLACE OF USE:

IRRIGATION in TETON County

T05N R45E S35

NESE

30.00

T05N R45E S35

NWSE

19.00

49 ACRES TOTAL

Right Nos. 22-11969 and 22-11970 are limited to the irrigation of a combined total of 49 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



Idaho Department of Water Resources

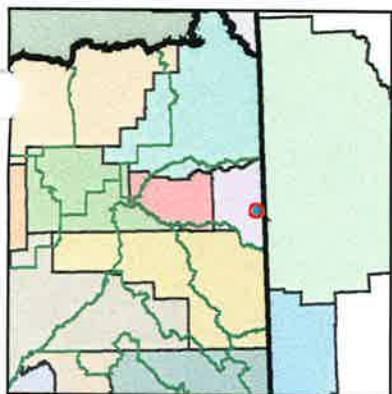
SRBA Recommendation:

22-11970

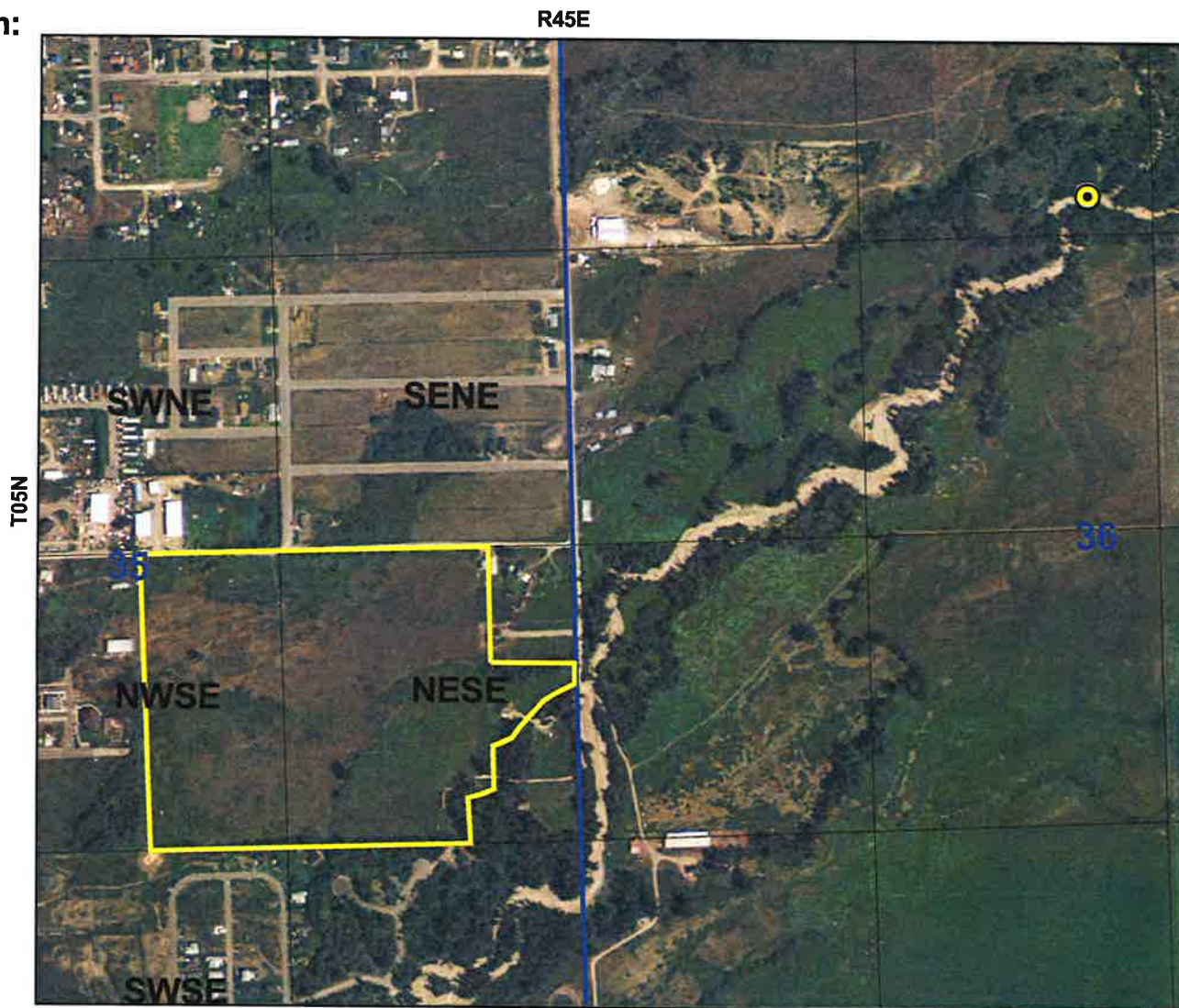
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by E. Carlsen
On Monday, November 27, 2006
2004 Aerial Photography

Owner: **Alvie C Christensen**

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

11/27/2006

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: December 11, 2006

Water right number: 22-11970

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):

The priority date should be 4-1-1938 not 4-1-1950

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

AN AFFIDAVIT From A sister that lives on the property and irrigated from waters diverted from yeton Creek in 1938 will be submitted before Dec. 11, 2006

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

A quantity of 3.000 cfs instead of 1.96 cfs is necessary to get the water to the land. Losses due to seepage - also this canal helps to charge the Springs used to irrigate this land - I do not agree with the priority date in this document?

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

DATE: 12-4-06 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

12/5/06. must send in affidavits.

RECEIVED

DEC 05 2006

Department of Water Resources
Eastern Region

Kurt
12/06

TETON COUNTY, IDAHO

Instrument 31295

WARRANTY DEED

THIS INDENTURE, Made the 4th day of October, in the year of Our Lord, One Thousand Nine Hundred and Thirty-seven, between Lulu R. Robertson, single, of the County of Minidoka, and State of Idaho, the party of the first part, and C. Elmer Christensen, married, of the County of Teton, and State of Idaho, the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One Thousand Sixty-five (\$1065.00)---DOLLARS, lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents Grant, Bargain, Sell and Convey and Conform unto the said party of the second part and to his heirs and assigns forever all that certain lot, piece or parcel of land situate, lying and being in the County of Teton, and the State of Idaho, and bounded and described as follows, to wit:

Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section Thirty-five (35), Township Five (5) North, Range Forty-five (45) E. B. M.,

Also, grantor agrees to furnish abstract of title to said property.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with all appurtenances and privileges thereunto incident, unto the said party of the second part to his heirs and assigns forever. And the said party of the first part and her heirs, the said premises in the quiet and peaceful possession of the said party of the second part his heirs and assigns, against the said party of the first part and her heirs, and against all and every person or persons whosoever, lawfully claiming or to claim the same, shall and will warrant any, and by these presents forever defend.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of

Lulu R. Robertson (SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO }
COUNTY OF TETON } SS.

On the 4th day of October, in the year of 1937, before me, the undersigned a Notary Public in and for said County and State, personally appeared Lulu R. Robertson known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notarial Seal)

Shelby H. Atchley
Notary Public for Idaho
Residing At Driggs, Idaho

Filed for record at the request of C. Elmer Christensen at 11 o'clock A.M., this 4th day of October, 1937

Fees, \$1.00

L. W. Hastings Recorder.
By Bertha Hansen Deputy.

Instrument 31297

DEED BY COUNTY OF PROPERTY ACQUIRED FOR TAXES

THIS INDENTURE, Made this 4th day of October, A. D. 1937, between the County of Teton, State of Idaho, party of the first part, and Wm. Earl Brower of Felt, Idaho, party of the second part, WITNESSETH:

WHEREAS, By an order duly made by the Board of County Commissioners of said County, in meeting assembled on the 12th. day of Sept., 1927, and entered in Book 53 of Commissioners' Minutes at page 179, it was found and determined that the certain tract or parcel of land belonging to said County and hereinafter particularly described, was not necessary for the use of said County, and that the same should therefore, pursuant to the provisions of Section 30-708, Idaho Codes, Annotated, be sold at public auction;

WHEREAS, Pursuant to said order and the statute in such case made and provided, due notice of said sale was published for a period of thirty (30) days previous to the date of said sale by publication in The Teton Valley News, a weekly newspaper published in said County, the first publication having been made on the 20th day of Oct., 1927, and the last publication on the 24th day of November, 1927, affidavit of the giving of which notice has been duly filed with the Clerk of the Board of County Commissioners of said County;

WHEREAS, Said notice set forth the 26th day of November, 1927, at 2 o'clock P. M., at the Courthouse door of Teton County, as the time and place of sale, and further set forth the terms of said sale;

WHEREAS, The premises hereinafter described having been acquired by tax deed based upon a delinquent tax certificate for the taxes of 1922, wherein said property was assessed

*A/ve Christenson
Teton clk.*

*Will send
affidavits
24*

TO

Cindy Bird

ph. 547-3993

From

Alvie Christensen

Total pages 8

please call me if you have any
questions.

208-745-6134.

Thanks

AFFIDAVIT concerning right number
22-11970

The undersigned certifies that he/she witnessed that the land described below was purchased by C. Elmer Christensen, herein Grantee from Lulu R. Robertson, herein Grantor, which was recorded on October 4, 1937 in the County of Teton, Idaho as Instrument 31295 and was being irrigated from Teton Creek and Buffalo Flats Springs from the date of purchase.

NOW THEREFORE, on the aforementioned instrument, the legal description is corrected to read as follows:

Northeast Quarter of the Southeast Quarter (NE 1/4, SE 1/4), Section 35, Township 5 North, Range 45 East of the Boise Meridian.

See attachment A:

Date: December 7, 2006

Florence E. Mathews
Florence Mathews



State of Idaho }
County of } ss.

On this 7 day of December, in the year 2006, before me, a Notary Public in and for said state, personally appeared Florence Mathews known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that _____ executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

Stefani Bennett
Notary Public for the State of Idaho
Residing at:
Commission Expires:

U.S. Bank
3/15/2012

December 7, 2006

Attachment A:

I Florence (Christensen) Mathews was born in Alta, Wyoming east of Driggs, Idaho June 19, 1927, to Elmer and Marguerite Christensen. I am an older sister to Alvin E. Christensen.

Our family moved onto this farm in 1937 so we could go to school in Driggs. We pumped water from a hand pump that winter but was over sized to have water from Teton Creek to water cattle and ~~farm~~ for irrigation the following year. I do not remember if my father made the canal from Teton Creek to our property or if it was in existence prior to 1938. I do know we irrigated this property in 1938.

Florence E. Mathews



Stefani Bennett
3/15/2012
U.S. Bank
Lemhi Salmon Id

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: A22-11970
Date Received: 9/27/1988
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALVIE C. CHRISTENSEN 208-356-9386
Address: 517 LINDEN
REXBURG, ID 83440

2. Date of Priority: APR 01, 1938

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	45E	36	SW	NW	NE		TETON

5. Description of diverting works:
CEMENT HDGATE DITCH SPRING AND POND FOR PUMPING.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.000		

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

8. Total consumptive use is 100.0 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	45E	35	NE	SE		IRR	29.0
			NW	SE		IRR	21.0

Section Acres 50.0

10. Place of Use: Continued

Total Acres 50.0

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:
A22-11969

14. Remarks:

THE DIVERSION RATE OF 3.0 CFS. IS NECESSARY TO GET THE
WATER TO THE LAND. LOSSES DUE TO SEPAGE.

15. Basis of Claim: BENEFICIAL USE

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): Harold C. Kristensen Date: 9-27-88

Date: _____

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 27 day
of Sept. 19 88

John J. Carlson
Notary Public

Seal

Residing at Boise Id

My Commission Expires 6/7/94

11/27/2006

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

RIGHT NUMBER: 22-11970

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

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.960 CFS

PRIORITY DATE: 04/01/1950

POINT OF DIVERSION:
T05N R45E S36 SENENW 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	1.960 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T05N R45E S35 NESE 30.00	T05N R45E S35 NWSE	19.00
	49 ACRES TOTAL		

Right Nos. 22-11969 and 22-11970 are limited to the irrigation of a combined total of 49 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



Idaho Department of Water Resources

SRBA Recommendation:

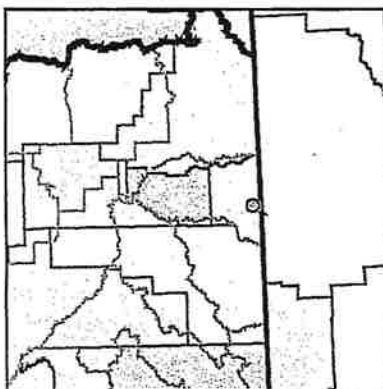
22-11970

(Irrigation)

Legend

⊙ Point of Diversion
Place of Use

▭ Townships
▭ PLS Sections
▭ Quarter Quarters



Teton County
IDWR Basin 22



0 0.3 0.6 Miles

Prepared by E. Carlsen
On Monday, November 27, 2006
2004 Aerial Photography

Owner: Alvie C Christensen

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

22-11970

6/29/2005

RESENT NOE WITH CHANGE OF ADDRESS TO:

ALVIE CHRISTENSEN
3979 E 460 N
RIGBY ID 83442

- 745-6134.

PER TETON COUNTY ASSESSOR'S OFFICE

KATY

-
- Alvie's dad was one of the original users of the ditch.
- "Charles Elmer Christensen". He moved on property
in 1938 and constructed a concrete diversion.
Teton Creek water is diverted into sump
 - Alvie is 65 year old. so his father parents already
owned the property when he was born. -

PROFILED

SCANNED
JUN 29 2005

1/21/05

Shops overlaps w/ 2211969
Request to withdraw this claim by claimant.

SCANNED

APR 19 2005

PROFILED



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 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 23, 2005

Alvie C. Christensen
517 Linden
Rexburg, ID 83440

RE: Withdrawal of Water Right Claim 22-11970

Dear Alvie C. Christensen,

In a letter dated September 30, 2004, you stated that you would like to withdraw water right 22-11970. Included with this letter is a form to withdraw the right. You do not have to worry about any fees. Please fill out, sign and send it back to me at your convenience. If you have any questions about this matter, please feel free to call me at (208) 525-7161.

Respectfully,

Sarah Porter
Idaho Dept. of Water Resources

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APR 19 2005

PROFILED

September 30, 2004

RECEIVED

OCT 01 2004

Department of Water Resources
Eastern Region

Allen B. Ruberry, Sr. Water Resource Agent
State of Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RE: Evidence of Priority for SRBA Water Right Claims 22-11969 and 22-11970

Dear Mr. Ruberry:

Please find enclosed a partial copy of Civil Court Case No. 1855 concerning a decree of water rights in Section 35, Township 5 North, Range 45 East, Boise Meridian, in Teton County, Idaho. The Water Right Claim 22-11969 priority date of April 1, 1938 is verified in enumerated items 18 and 19 on page 16 of the decree report.

At the time I filed this report, I was advised to file two separate claims: A22-11969 and A22-11970 because the house and its 3.0 acres were on the market to be sold.

I sold the house and acreage that was being watered in the late 80s. To my knowledge, no water has been used on that property since the sale. As the house and its acreage no longer belong to me, **I would ask that claim A22-11970 be voided.**

I appreciate your time and attention to this matter. If you have further questions or concerns, please do not hesitate to contact me at (208)745-6134.

Respectfully Yours,



Alvie C. Christensen

NOTE: The entire Civil Case No. 1855 has been filmed and indexed in Teton County Courthouse.

PROFILE

SCANNED

APR 19 2005

September 7, 2004

ALVIE C CHRISTENSEN
3979 E 460 N
RIGBY ID 83442

IMPORTANT NOTICE
PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIMS 22-11969 AND 22-11970

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.**

Both of your claims, as referenced above, claim a Priority Date of APRIL 1, 1938, from Teton Creek. Claim copies attached.

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.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim

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APR 19 2005

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

22-421D
22-11969
22-796
22-11970
22-686
22-11965
22-92



NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

ALVIE C CHRISTENSEN
517 LINDEN AVE
REXBURG ID 83440

1680 U.S. POSTAGE
8976 \$00.370 MAR 02 2004
1033 MAILED FROM ZIP CODE 83402
PITNEY BOWES
PB3523907

ROE

SCANNED
APR 19 2005

PROFILE

SCANNED
APR 19 2005

PROFILED

FILED

AT THE REQUEST OF

Ray Rigby, Attorney

AT 30 MINUTES PAST 11 a.m.

DATE December 19, 1986

E. Wayne Schiess

CLERK OF RECORDER

BY Nora Hill

DEPUTY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TETON

ALVIE C. CHRISTENSEN and GLORIA)
L. CHRISTENSEN, husband and)
wife,)

Plaintiffs,)

v.)

Civil No. 1855

DECREE

RONALD CARLSON, Watermaster of)
Water District No. 01 of the)
State of Idaho; ALL UNKNOWN)
CLAIMANTS OF 3.6 cfs OF THE)
WATER OF LOWER DARBY CREEK)
AND UNNAMED DRAINAGE; ALSO)
1.2 cfs OF THE WATERS OF TETON)
CREEK, ALL TRIBUTARY TO THE)
TETON RIVER, TRIBUTARY TO THE)
SNAKE RIVER, DIVERTED IN THE)
SOUTHWEST QUARTER SOUTHEAST)
QUARTER OF SECTION 9, TOWNSHIP)
4 NORTH, RANGE 45 EAST, BOISE)
MERIDIAN, AND NORTHEAST QUARTER)
SOUTHEAST QUARTER OF SECTION 35,)
TOWNSHIP 5 NORTH, RANGE 45 EAST,)
BOISE MERIDIAN, IN TETON COUNTY,)
IDAHO,)

Defendants.)

A Report in the Nature of Proposed Findings of Water Rights (hereinafter the report) was filed with this court by the director of the Idaho Department of Water Resources on August 4, 1986. The report contains findings of fact, conclusions of law, and

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APR 19 2005

recommendations to the court as to the rights of Alvie C. and Gloria L. Christensen to the use of water from Lower Darby Creek and Teton Creek, both tributary to the Teton River within Teton County. The report is hereby incorporated in this decree by this reference.

IDAHO CODE § 42-1405 (3)(f) and § 42-1411(4)(f) (Supp. 1986) provide for a period of 60 days from the filing of the report in which objections to the report may be filed. The objection period ended October 3, 1986, and no objections to the report were filed.

The findings of fact and conclusions of law set forth in the report are hereby adopted, and the recommendations to the court set forth in the report are hereby decreed.

DATED this 9th day of October, 1986.

15
GRANT YOUNG
District Judge

PROFILED

SCANNED

APR 19 2005

C E R T I F I C A T I O N

I certify that these are true and correct copy
of DECREE

DATED this 14th day of October 1986.



Bonnie Reese

SCANNED

APR 19 2005

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SCANNED

APR 19 2005

PROFILED

report pursuant to Idaho Code § 42-1405(1)(e)(Supp. 1985) on July 14, 1986.

General Description of the Plaintiffs' Property and Its Environment

16. The plaintiffs own the following property located in Teton County, Idaho:

a. Count 1

The E1/2 NE1/4 SE1/4 Section 8, and the SW1/4 Section 9, all in T. 4 N., R. 45 E, B.M., comprising 180 acres.

b. Count 2

Beginning at the Northwest corner of the Southeast Quarter of Section 35, Township 5 North, Range 45 East, Boise Meridian, and running thence South 25 rods, thence East 40 rods, thence South 55 rods, thence East 40 rods, thence North 80 rods, thence West 80 rods to the place of beginning, LESS the highway right of way.

ALSO: The Northeast Quarter Southeast Quarter of Section 35, Township 5 North, Range 45 East, Boise Meridian, LESS Beginning at a point that is 2640 feet South of the Northeast corner of Section 35, Township 5 North, Range 45 East, Boise Meridian, and running thence West 330 feet, thence South 200 feet, thence East 165 feet, thence South 130 feet, thence East 165 feet, thence North 330 feet to the place of beginning,

ALSO LESS: Beginning at a point that is 330 feet South of the East Quarter corner of Section 35, Township 5 North, Range 45 East, Boise Meridian, and running thence South 200 feet, thence West 330 feet, thence North 330 feet, thence East 165 feet, thence South 130 feet, thence East 165 feet to the place of beginning. ALSO: Beginning at a point 330 feet West of the East Quarter corner of Section 35, Township 5 North, Range 45 East, Boise Meridian, and running thence West 81 feet, thence South 530 feet, thence East 81 feet, thence North 530 feet to the place of beginning, LESS the highway right of way,

ALSO LESS: Beginning at the Southeast corner of the Northeast Quarter Southeast Quarter of Section 35, Township 5 North, Range 45 East, Boise Meridian, and running thence North 265 feet, thence West 490 feet, thence south 265 feet,

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SCANNED

APR 19 2005

The second ditch also collects wastewater from lands to the east, which is delivered to plaintiffs' lands through the four northern laterals.

29. The plaintiffs irrigate 39 acres in the NE1/4 SW1/4, 35 acres in the NW1/4 SW1/4, 40 acres in the SW1/4 SW1/4, and 37 acres in the SE1/4 SW1/4, all in Sec. 9, and 3 acres in the E1/2 NE1/4 SE1/4 Sec. 8, for a total of 154 acres. The plaintiffs also water approximately 200 head of range cattle in the SW 1/4 Sec. 9 and the E1/2 NE1/4 SE1/4 Sec. 8.

30. The points of diversion for the right claimed in Count 2 are located in the NE1/4 NW1/4 SE1/4 and the NW1/4 NW1/4 SE1/4 Sec. 35, T. 5 N., R 45 E., B.M.

31. A small pump diverts water in the NW1/4 NW1/4 SE1/4 Sec. 35 for the irrigation of land around the plaintiffs' home. A larger pump^{20 HP} diverts water in the NE1/4 NW 1/4 SE1/4 Sec. 35, which then flows through a quarter-mile mainline which follows the boundary between the east and west halves of the NW1/4 SE1/4, then through laterals which run east of the mainline.

32. The plaintiffs irrigate 29 acres in the NE1/4 SE1/4 and 21 acres in the NW1/4 SE1/4 Section 35. The plaintiffs also water approximately 300 head of range cattle and 50 head of dairy cattle in the N1/2 SE1/4 Section 35.

A 22-11970
This pump
supplies
water for
209 to
3 acres
of land

A22-#
11969

15. A flow of 2.02 cfs provides sufficient water for the irrigation of 101 acres, with a maximum annual volume of consumptive use of 187.9 af.

16. There are four points of diversion for the waste water right, three of which are located in the NE1/4 SW1/4 Sec. 9, one of which is located in the SE1/4 SW1/4 Sec. 9, all in T. 4 N., R. 45 E., B.M.

17. The plaintiffs use water pursuant to Water Right No. 22-0092 for the irrigation of 37 acres of land in the SE1/4 SW1/4 Sec. 9, T. 4 N., R. 45 E., B.M. The maximum annual volume of consumptive use for the irrigation of 37 acres is 68.8 af. The water in excess of .02 cfs per acre is used for the watering of 200 head of range cattle in the SW1/4 Section 9 and the E1/2 NE1/4 SE1/4 Section 8, T. 4 N., R. 45 E., B.M. The change in point of diversion from a point on Lower Darby Creek to a point further downstream on Lower Darby Creek will not cause injury to other water users, nor will the change in place of use of that portion of the water used for stockwatering.

X 18. It is concluded that the plaintiffs initiated a right to the use of water from the three unnamed springs with a priority of April 1, 1938.

19. The plaintiffs have beneficially used the waters of the unnamed springs for the watering of 300 head of range cattle and 50 head of dairy cattle, and for the irrigation of 50 acres in T. 5 N., R. 45 E., B.M., more particularly described as follows:

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:

a. source: Darby Creek, tributary to Teton River

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

NW1/4 SW1/4 (35 acres)

SW1/4 SW1/4 (15 acres)

SE1/4 SW1/4 (9 acres)

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

g. period of use: April 15 to October 15 each year

h. maximum annual volume of consumptive use: 187.9 af

i. basis of right: Beneficial use

4. The use of water pursuant to rights set forth in paragraphs 1-3 shall not exceed a combined diversion rate of .02 cfs of water diverted per acre of land irrigated nor 1.86 af of water consumed per acre of land irrigated. The total diversion rate for irrigation under all of these rights shall not exceed 3.08 cfs and the total annual consumptive use shall not exceed 286.4 af.

X 5. The plaintiffs' right to the use of water from the unnamed springs shall be as follows:

a. source: Unnamed Springs, tributary to Teton Creek
thence Teton River

b. date of priority: April 1, 1938

c. rate of diversion: 1 cfs (irrigation)

0.11 cfs (stockwater)

1.11 cfs total

d. nature of use: Irrigation

Stockwater

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e. points of diversion: NE1/4 NW1/4 SE1/4
NW1/4 NW1/4 SE1/4
All in Section 35, T. 5 N.,
R. 45 E., B.M.

f. place of use:

NW1/4 SE1/4 (21 acres)

NE1/4 SE1/4 (29 acres)

All in Sec. 35, T. 5 N., R. 45 E., B.M.

g. period of use:

irrigation: April 15 to October 15 each year

stockwater: January 1 to December 31 each year

h. maximum annual volume of consumptive use: 93 af

i. basis of right: beneficial use

6. The plaintiffs shall be required to install and maintain measuring devices and lockable headgates or other flow control devices acceptable to the Department in accordance with Idaho Code § 42-701 (1977).

Dated this 30TH day of July, 1986.

Respectfully submitted,

A. KENNETH DUNN, Director
Idaho Department of Water
Resources

By

Norman C. Young
NORMAN C. YOUNG
Administrator, Idaho
Department of Water
Resources

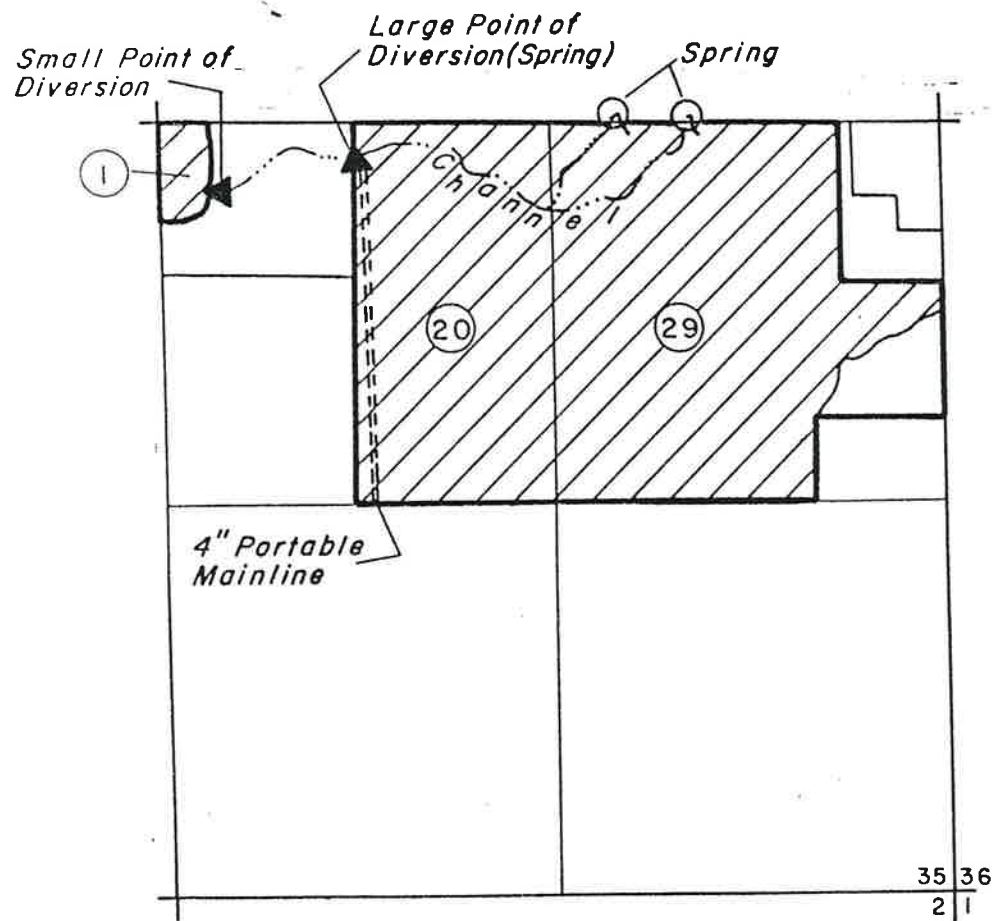
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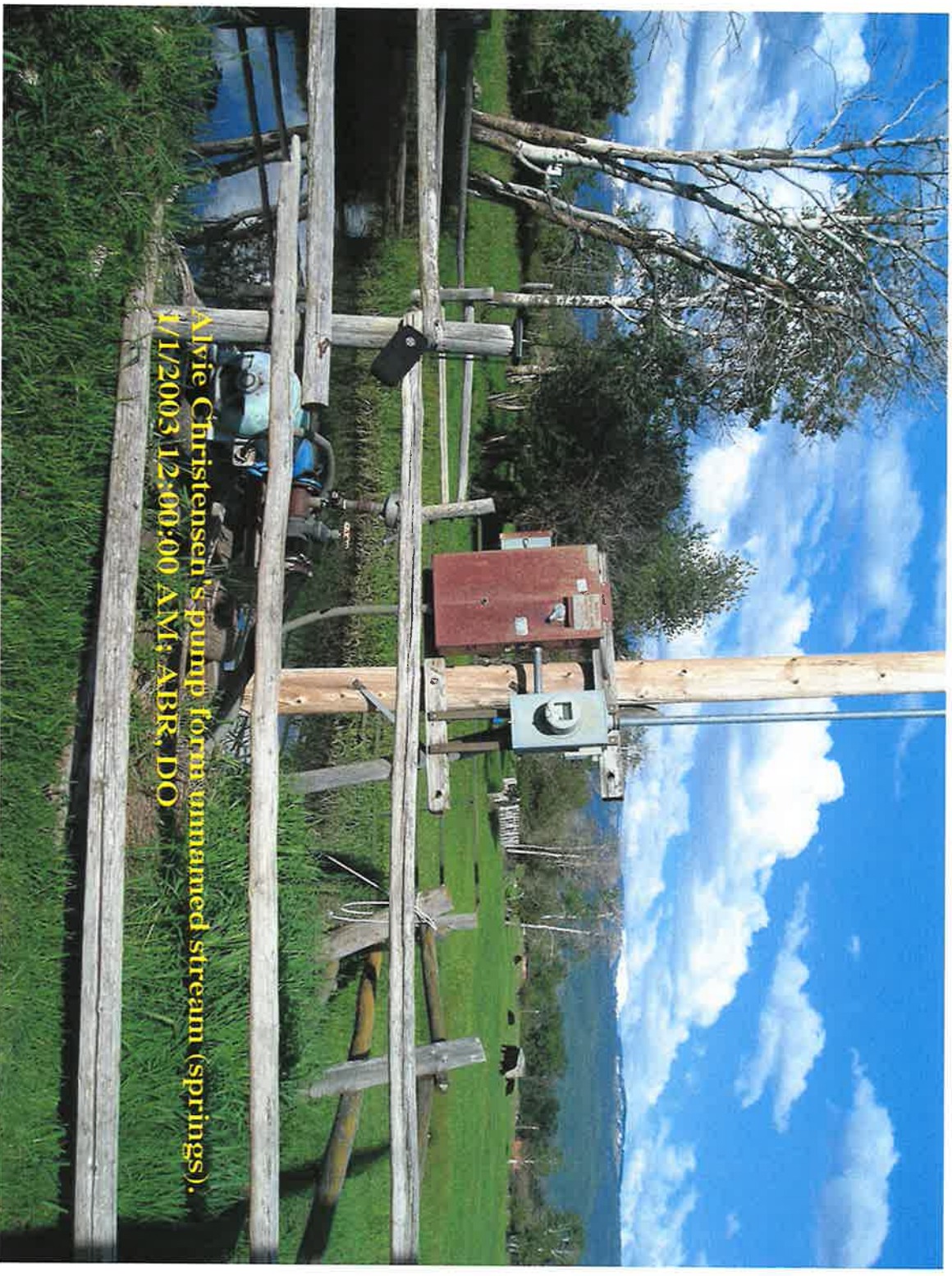
CHRISTENSEN Vs CARLSON EXHIBIT B

T.5N.,R.45E.



PROFILE

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APR 19 2005



Alvie Christensen's pump form unnamed stream (springs).
1/1/2003 12:00:00 AM; ABR, DO

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APR 19 2005

Contacts Data Entry Form

Claim Number: 2211970

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: ALVIE C. CHRISTENSEN Phone No.: 208-356-9386

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.B.U.9/08/04 Request for Evidence of Priority Surr.Other water Rights usedTE pod/pou conveyance system

Reviewer: _____ Date: _____

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Water Right No(s). 2211970

GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Diversion works are below the diversion works
at the Y on Teton Creek East of D. Riggs

Field Exam Date: _____ Agent: _____

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APR 19 2005

Claim Number: 2211970

[illegible]

Total acres 50

[illegible]

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Reviewer: _____ Date: _____

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PRINTED

Season of Use and Quantity Data Entry Form

Claim Number: 2011970Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/15		

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

I.D.W.R. STD 504 4/15 - 10/31

Reviewer: _____

Date: _____

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APR 19 2005

Claim no. 2211970

Claimant Contact Log

Date Remarks Agent initials

6/24/04 attempted to call Alice^A

new address Alice Christensen ~~228-356-9386~~
3979 East 460 North 245-6134
Rigby, ID 83442

Talked to Alice 6/24/04

Please send correspondence.

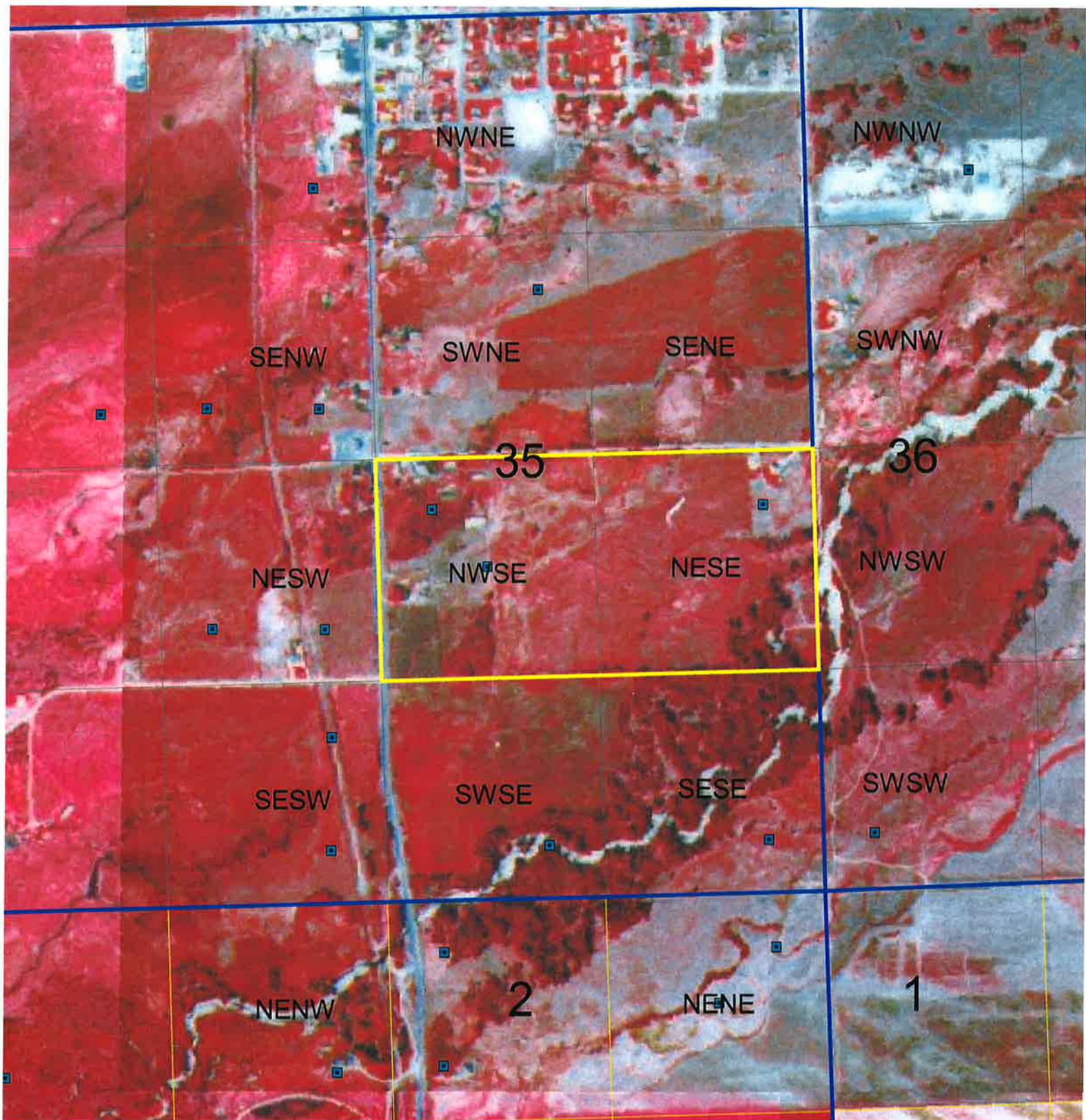
02/23/04 Request for withdrawal of claim
form and letter sent to claimant
as requested to withdraw claim 2211970.

SCANNED

APR 19 2005

PROCESSED

22-11970



APR 19 2005

PROFILED

APR 19 2005

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: A22-11970
Date Received: 9/27/1988
Receipt No: MD01454
Received By: jpe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALVIE C. CHRISTENSEN 208-356-9386
Address: 517 LINDEN
REXBURG, ID 83440

2. Date of Priority: APR 01, 1938

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	45E	36	SW	NW	NE		TETON

5. Description of diverting works:
CEMENT HDGATE DITCH SPRING AND POND FOR PUMPING.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.000		

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

8. Total consumptive use is 100.0 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	45E	35	NE	SE		IRR	29.0
			NW	SE		IRR	21.0
Section Acres							50.0

A22-11970

Page 1

Date: 09/27/88

PROFILE

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APR 19 2005

RECORDED
NOV 10 1988



10. Place of Use: Continued

Total Acres 50.0

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:
A22-11969

14. Remarks:

THE DIVERSION RATE OF 3.0 CFS. IS NECESSARY TO GET THE
WATER TO THE LAND. LOSSES DUE TO SEPAGE.

15. Basis of Claim: BENEFICIAL USE

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SCANNED
APR 19 2005

MICROFILMED
NOV 26 1992

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): Alvin C. Christensen Date: 9-27-88

Date: _____

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 27 day

of Sept. 19 88

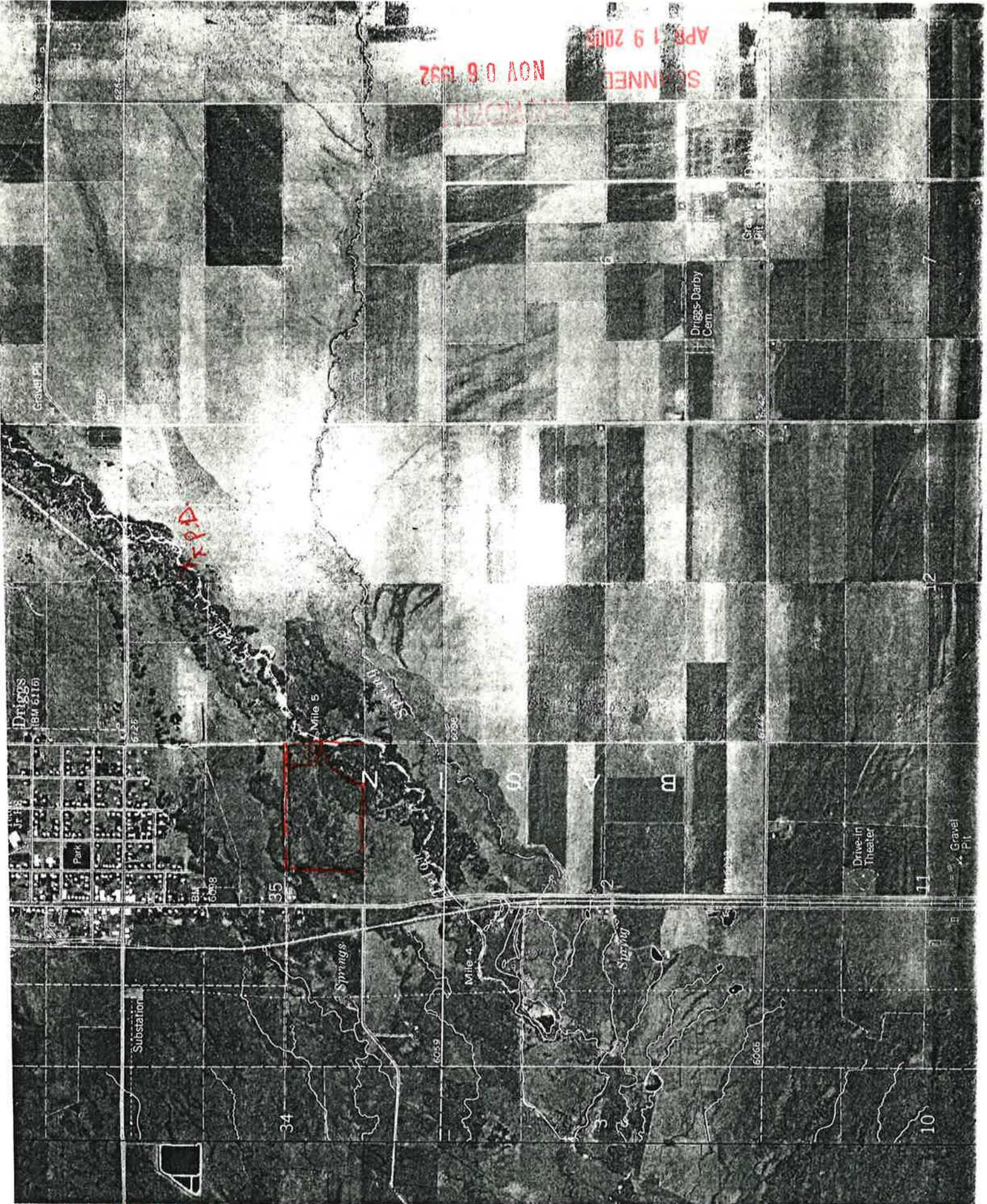
John Dale Carlson
Notary Public

Seal

Residing at Boise Id

My Commission Expires 6/2/94

NOV 08 1992
SCANNED
APR 19 2005



PROFIT