

06/27/2006

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

RIGHT NUMBER: 22-13369

NAME AND ADDRESS: WESLEY D CHRISTENSEN
909 W 14TH N
REXBURG ID 83440

SOURCE: NORTH LEIGH CREEK TRIBUTARY: SPRING CREEK
Water is delivered from Middle Leigh Creek.

QUANTITY: 1.360 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:
T06N R46E S30 SENE 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	1.360 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S27	SESE	29.00	T06N R45E S34	NENE	39.00
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68 ACRES TOTAL

68

The rights listed below are limited to the irrigation of a combined total of
acres in a single irrigation season. Combined Right Nos.: 22-13369,
22-13371.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 22-136.

Water is delivered through Ricks Canal.



Idaho Department of Water Resources

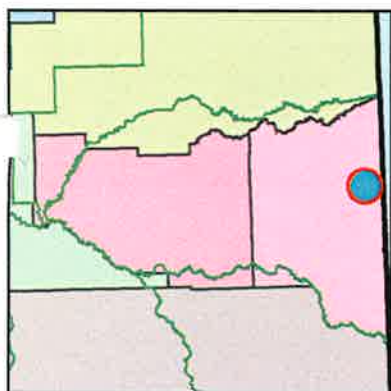
SRBA Recommendation:

22-13369

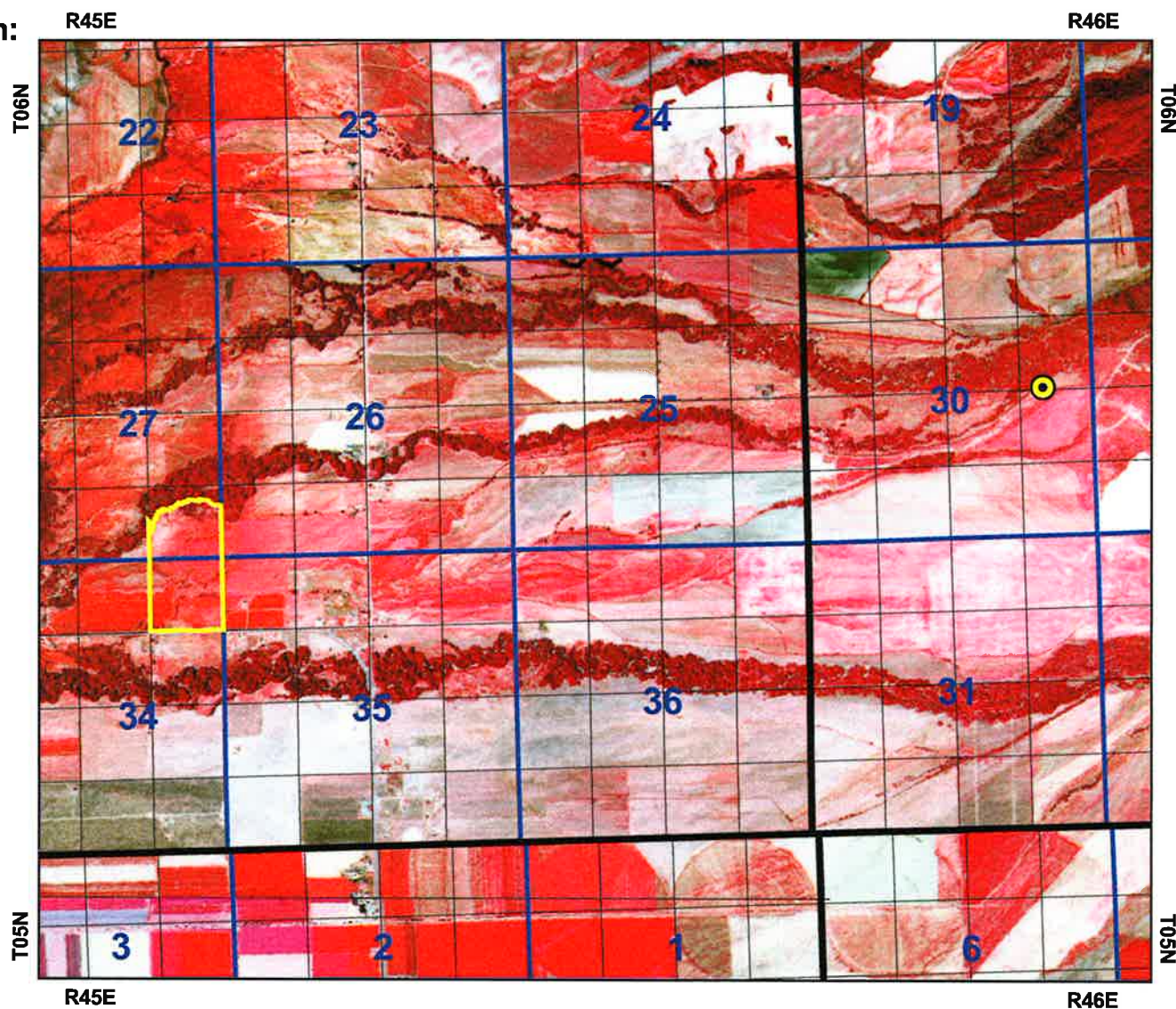
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 1 2 Miles

Prepared by J. Crabtre
On Wednesday, November 22, 2006
1987/88 Aerial Photography



MAY 09 2005

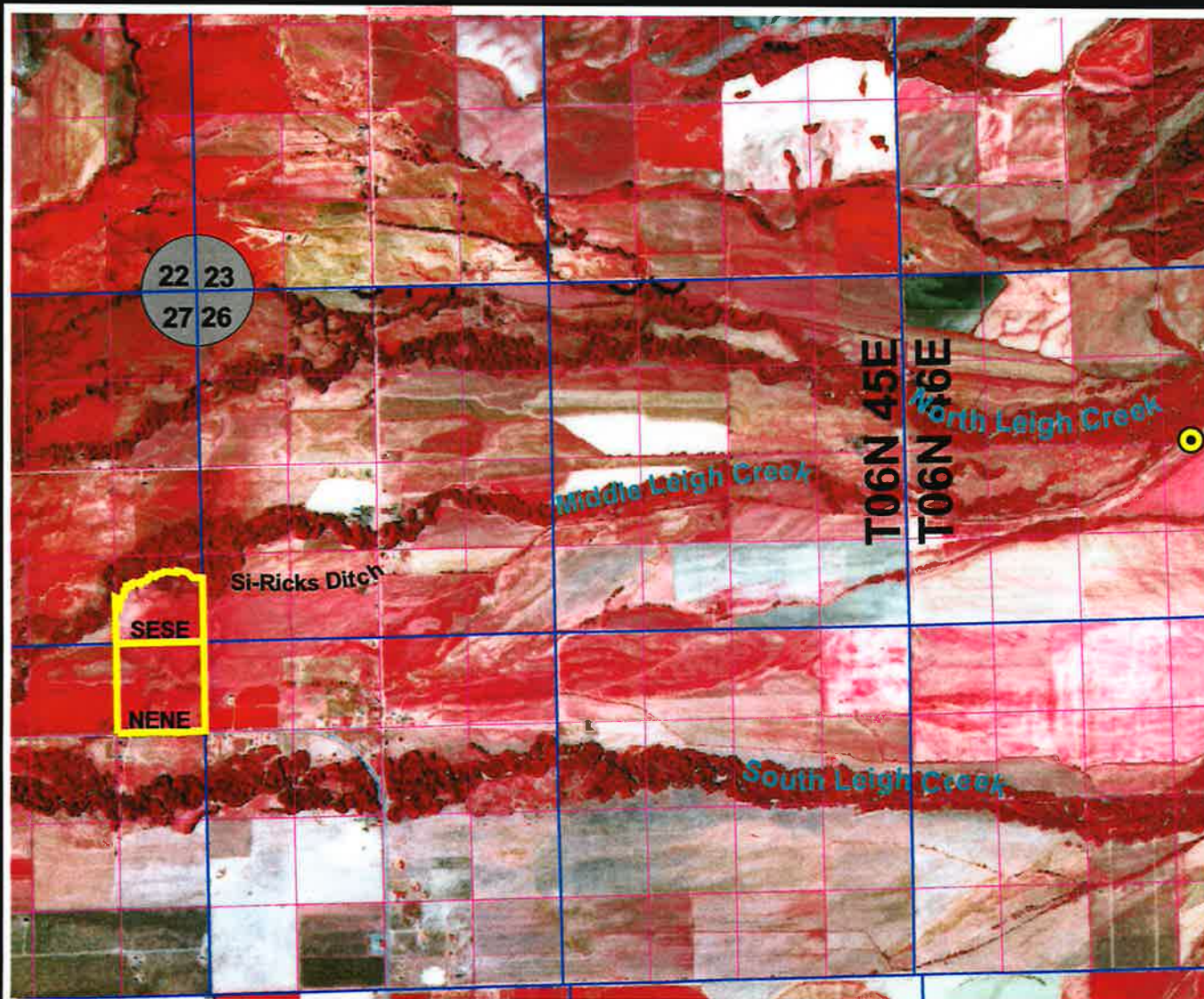
SCANNED

PROFIT

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

22-13369

22-13371

Point(s) of Diversion:

T06N R46E

Sec. 30 SWSENE

Place of Use (parts of):

T06N R45E

Sec. 27 SESE

Sec. 34 NENE

Delivered through Si-Ricks Canal.

LEGEND

⊙ Point of Diversion

□ Place of Use

□ Section

□ Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: S. Porter
Date: April 2005

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

RECEIVED

MAR 25 2004

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-00240	To Be SPLIT			
	22-136F	To Be SPLIT			

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

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

ALICE HANSON (DECEASED)

4. New Owner/Claimant(s)

WISLEY D CHRISTENSEN

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

New Mailing Address

909 W 14th No

City, State and ZIP Code

ROXBURGH ID 83440

New Telephone Number

() 356-3293

5. Date you acquired the property



104346

FILED

AT THE REQUEST OF

Gordon S. ThatcherAT 55 MINUTES PAST 9 a MDATE June 5, 1989

FILED ☒	BY <u>E. Wayne Schiess</u> CLERK OF RECORDER
INDEXED ☒	
PLATED ☒	

Nora Hill
DEPUTY

Gordon S. Thatcher
of RIGBY, THATCHER, ANDRUS,
RIGBY & KAM, Chartered
Attorneys at Law
25 North Second East
Rexburg, Idaho 83440
Telephone: 208 356-3633
Attorneys for Petitioner

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

IN THE MATTER OF THE ESTATE OF	)	Case No. CVP-3767
	)	
BARBARA H. CHRISTENSEN,	)	DECREE
	)	
Decedent.	)	
	)	

The above entitled matter came on regularly for hearing on the 30 day of May, 1989, pursuant to an order of the court fixing the time of hearing thereof, and proof being made to the satisfaction of the court that due and regular notice of the time and place of hearing said Petition has been given in the manner and for the time required by law and by order of the court, and the court having considered the Supplementary Petition for Summary Administration of Previously Omitted Intestate Estate pursuant to Idaho Code, Section 15-3-1205, and heard the proofs, both oral and documentary, now finds:

1. On the 21st day of December, 1955, at Idaho Falls, Idaho, the Decedent and Wesley D. Christensen were married, and thereafter continued to live together as husband and wife until the death of Decedent.

2. All community property in the estate was decreed to Wesley D. Christensen by decree entered May 15, 1981, pursuant to Petition for Summary Administration of Intestate Estate filed herein on April 17, 1981. However, through inadvertence a separate property one-half remainder interest, after a life estate in Decedent's mother, Alice M. Hansen, in Teton County, Idaho, was omitted. The interest of Decedent in that property had a value of substantially less than \$30,000.

Decedent left no issue that are not also issue of Petitioner.

3. The court further finds that the Decedent did not leave a last will and testament, but died intestate on June 4, 1977, a resident of Sugar City, Idaho.

4. No proceedings have heretofore been had or taken with reference to Decedent's estate, except the previous petition and decree in this file above identified.

5. At the time of Decedent's death, the following named persons were Decedent's heirs at law under the laws of the State of Idaho, to-wit:

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>ADDRESS</u>
Wesley D. Christensen	Spouse	1601 W. 2000 N. Rexburg, ID 83440
Teresa Christensen	Daughter	116 N. Center #4 Rexburg, ID 83440

Ronda Winterton

Daughter

680 W. 200 N. 59-1
Roosevelt, UT 84066

Gaye Hogsett

Daughter

2025 N. 1250 E.
Logan, UT 84321

6. The court further finds and concludes as a matter of law that such omitted property hereinafter described and all interest of said Decedent therein at the time of death passed to Petitioner as the surviving spouse, by right of descent and succession, as provided in Idaho Code, Section 15-2-102(3), subject to any and all indebtedness, if any there be, that might be a claim against Decedent's estate.

7. The court further finds that in connection with the prior petition and decree herein that a Transfer and Inheritance Tax Return, which includes within it an inventory and appraisal of said estate, was filed with the State Tax Commission, Inheritance Tax Division, State of Idaho, with a copy thereof filed with the court, and a closing letter from said tax commission settling said state inheritance tax has been received and filed herein.

8. The court further finds that the value of the omitted property described herein, when added to the previous property, does not result in any state inheritance tax owing nor federal estate tax owing.

NOW THEREFORE, BY REASON OF THE LAW AND THE PREMISES, IT IS HEREBY DETERMINED, ADJUDGED OR DECREED:

1. That due and legal notice of the filing of the Petition in this matter, and of the time and place of hearing same, has been given, and

2. That the hereinafter described property and all of the Decedent's interest therein at the time of death passed to the said Wesley D. Christensen, surviving spouse, by right of descent and succession, and said surviving spouse became, and is hereby adjudged and decreed to be, the sole owner of such property in fee simple by right of such descent and succession, and record title is hereby decreed and established, subject to any and all indebtedness, if any there be, that might be a claim against Decedent's estate, in the said surviving spouse to that certain property described as follows:

All such property as may not now be known and is hereafter discovered, and an undivided one-half remainder interest after a life estate with Alice M. Hansen in and to the following real property located in Teton County, State of Idaho, to-wit:

SE1/4SE1/4, SE1/4SW1/4 of Sec. 27
N1/2NE1/4, NE1/4NW1/4 of Sec. 34

All in Twp. 6 N., Rge. 45 E., Boise Mer.

TOGETHER with improvements and appurtenances.

DATED This 30 day of May, 1989.

Brent J. Moss
Brent J. Moss
Magistrate

CERTIFICATE
I HEREBY CERTIFY THE
FOREGOING INSTRUMENT
TO BE A TRUE AND COR-
RECT COPY OF THE ORIG-
INAL ON FILE IN MY
OFFICE.
DATED JUL 2 1989
MARIE S. HOOPER
Marion County Clerk
Auditor and Recorder,
Clerk of the District Court
BY M. L. Bell
Deputy

3/22/04

P 1.00 - PARCEL MASTER INQUIRY

14:41:13

PARCEL: RP 06N45E340012 A

F9=MS

F12=RC

F19=SP

F23=AG

LEGAL DESCRIPTION

CHRISTENSEN, WESLEY D

NE4NE4

SEC 34 T6N R45E

909 W 14TH N

REXBURG ID 83440

175 W 600 N

CODE AREA 6-0000 OWNER CD

PARC TYPE LOC CODE

EFFDATE 9122001 EXPDATE

PREV PARCEL

X for parcel comments

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2003	12500	AC	3100				
4	2003	25500	AC	3315				
10	2003	1000	AC	10350				
19	2003	1000	AC					
TOTALS		40000		101891				

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

3/22/04

P100 - PARCEL MASTER INQUIRY

14:38:39

PARCEL: RP 06N45E279001 A

F19=SP F23=AG

LEGAL DESCRIPTION

CHRISTENSEN, WESLEY D

SE4SE4; TAX #3161

SEC 27 T6N R45E

909 W 14TH N

REXBURG

ID 83440

CODE AREA 6-0000 OWNER CD

PARC TYPE LOC CODE

EFFDATE 2091993 EXPDATE

PREV PARCEL RP06N45E279000T

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
4	2003	45000	AC	6570				

TOTALS

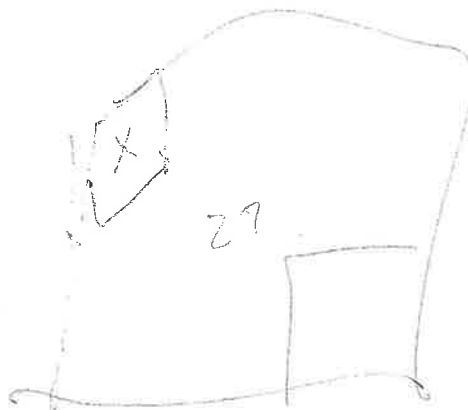
45000

6570

ENTER NEXT PARCEL NUMBER RP

A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU



Water Right Split History Analysis

DECREED UNDER:
HANSEN, et al vs L. CRANDALL
1938. PP XIV.

22-136B D. ROTH
0.80 cfs on 40° ac.

22-136A

22-136C B. SMITH
1.60 cfs on 80° ac

22-136D J. BUSH
0.80 cfs on 40° ac.

22-136

10⁴ cfs on 520° ac
22 JANUARY 1916
NORTH LEIGH CREEK

$\frac{10^4 \text{ cfs}}{520^\circ \text{ ac}} = 0.02 \text{ cfs/ac}$

22-136E G. HANSEN
1.60 cfs on 80° ac.
MIDDLE LEIGH CREEK - ? $\frac{10^4}{3}$?

22-136F A. HANSEN
2.32 cfs on 116° ac

22-1336B M. B. Han
.94 cfs 48 ac

22-13369 W. Christensen
236 cfs 68 ac

22-136G M. HANSEN
0.50 cfs on 18° ac. Q OVERCLAIMED / ac UNDERCLAIMED?

22-136H R. BEARD
0.30 cfs on 11° ac. Q OVERCLAIMED / ac UNDERCLAIMED?

Reviewer: _____

Date: _____

UNCLAIMED

± 2.48 cfs AND 135° ac

SCANNED

MAY 06 2005

PROTECTED

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 22-13369
Date Received: 4/15/2005
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

WESLEY D CHRISTENSEN Phone: (208)356-3293

909 W 14TH N
REXBURG ID USA 83440

2. Date of Priority: 01/22/1916

3. Source: NORTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	46E	30	SW SE NE	TETON	

5. Description of diverting works:

DITCH TO P/U FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1.36	

7. Total Quantity Appropriated is:
2.32 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06N	45E	27	SE SE	IRRIGATION	28

SCANNED

MAY 09 2005

Section Acres 28
PROFILED

06N

45E 34

NE

NE

IRRIGATION

40

Section Acres

40

Total Acres

68

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:

14. Remarks:

This right is a split from original right 22-136.

15. Basis of Claim: Decreed

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

PROFILED

SCANNED
MAY 09 2005