

12/18/2003

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

RIGHT NUMBER: 25-13463

NAME AND ADDRESS: NINA CHRISTENSEN
1315 E 1165 N
SHELLEY ID 83274

RAY J CHRISTENSEN
1315 E 1165 N
SHELLEY ID 83274

SOURCE: SELLARS CREEK

TRIBUTARY: WILLOW CREEK

QUANTITY: 0.050 CFS

PRIORITY DATE: 06/01/1935

POINT OF DIVERSION:

T02S R40E S18 SWNWNE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/15 10/31	0.030 CFS
IRRIGATION	04/15 10/31	0.020 CFS

Stockwater use is for 60 range cattle.

PLACE OF USE:

IRRIGATION Within BINGHAM County

T02S R40E S17 NENW 1.0

STOCKWATER same as IRRIGATION

1 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.

EXPLANATORY MATERIAL: Beneficial Use

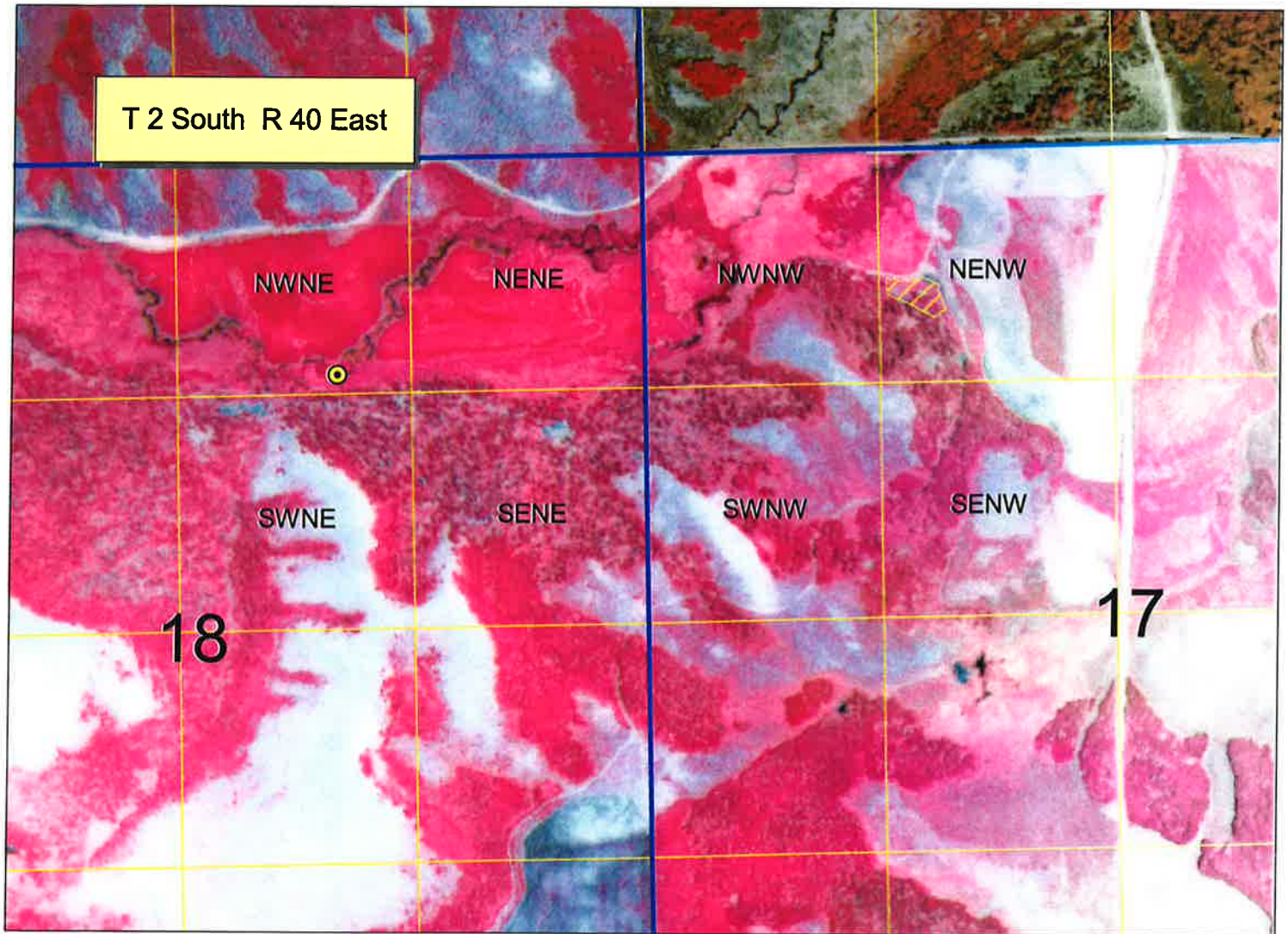


State of Idaho

Division of Water Resources

Eastern Region

Water Right(s): 25-13463



1320 0 1320 Feet

- Place of Use
- Point of Diversion
- Section
- Quarter Quarter

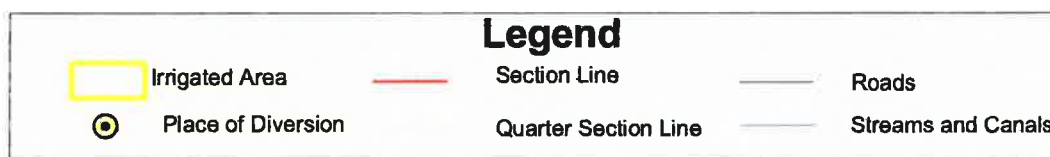
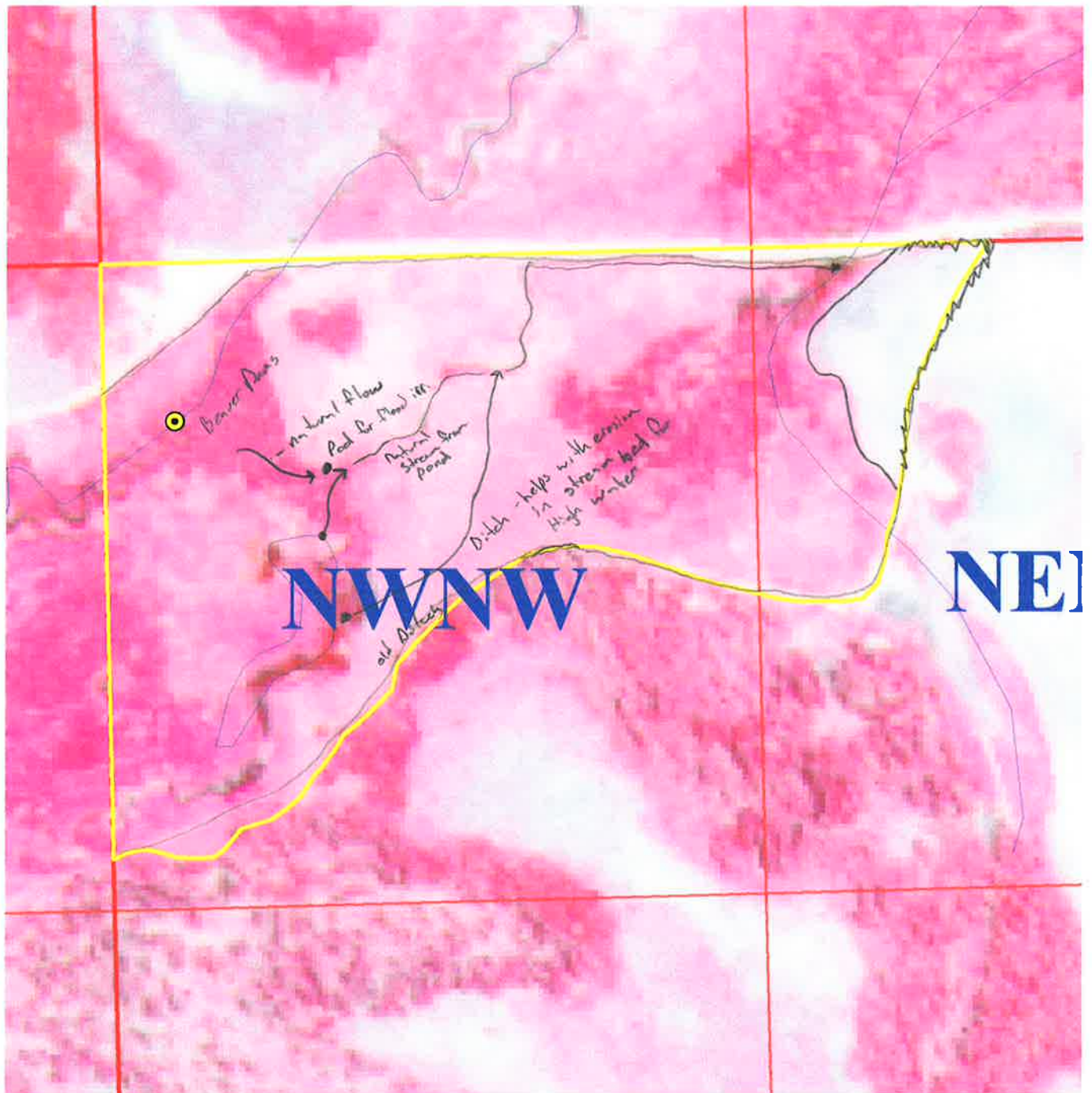


AUG 10 2004

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: December 2003

Water Right Claim Number 25-13463
Township , 2S40E

11/13/2000



SPATIAL
DYNAMICS



Ditch - Now abandoned due to Family Pond. Was in use in 1987 for domestic and irrigation use. no longer used and he has no desire to restore water right for this ditch.





pod in sellers creek only uses during high water - uses for flood control to prevent erosion in ditches (stream bed washing away)
 ground uses lots of sub-irrigation due to pond (springfed) and beaver.
 Site investigation on 10/15 - no active irrigation and the ground was still saturated w/ standing water.



Pond - 2 outlets - hand gates - used for flood control. Pond is used for recreation and stockwater.
 is about 4 feet deep.
 Pond had filled in but in about 1993-95 it was cleaned to current depth. previously had
 been about 7 feet deep.
 drains to Sellers Creek. is one of the sources of Sellers Creek.

2nd photo of pond



SCANNED

AUG 03 2001

Log for claim 25-13463

Spatial Dynamics CAT

11/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s40e	17	NENW	10 5	5.4	
02s40e	17	NWNW	30 26	26	POD placement?
Totals:			40	31.4	

AJ5809NP
No. A25-13463

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 80

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NINA CHRISTENSEN	06/01/1918	IRRIGATION	04-01 11-01	0.800 CFS	
C	RAY J CHRISTENSEN		STOCKWATER	04-01 11-01	0.030 CFS	
	1315 E 1165 N					
	SHELLEY ID 83274					
	(208) 357-7285					
				TOTAL DIVERSION:	0.830 CFS	
				CONSUMPTIVE USE:		100.00 AFA

Water Source: SELLARS CREEK

Tributary to: WILLOW CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T02S R40E S17

NWNW

BINGHAM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																									
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM																				
02S	40E	17-	:																	:	40.0																				
																				:	10	30	:																	:	40.0
																				:																			:	TOTAL ACRES	40.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BINGHAM

Non-Irrigation Uses: STOCKWATER, 60 HEAD RANGE CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A25-13710

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 06/28/90 DCARLSON 07/27/92 JONES 03/29/95 POST-STD

To Whom It May Concern:

I was born in 1942 and one of my earliest memories about the family ranch at Sellar's Creek was the irrigation ditch that came along the south sided of the canyon.

One of the priorities, after the crops were planted, was to clean the ditch and get the water started down it. The water from the ditch not only provided water to the garden and hay crops, but also was the main source of water for the milk cow pasture.

Some of the latter memories of my father, a prominent one, is of him riding the horse along the ditch to clean out the beaver dams at it's head . He did this essential yearly chore until his death, as the ditch was used every summer.

The ranch was divided up among the siblings in 1988. Upon that division, the irrigation ditch was no longer used for the same purposes but it can still easily be seen along the south side of the Sellars Creek Canyon.

Sincerely

Phil Christensen



Kelly Christensen
4/2006
Bancroft, ID
11/27/03

October 29, 2003

To whom it may concern:

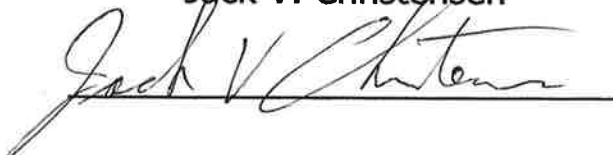
Subject is the ditch on the Christensen Ranch.

My name is Jack V. Christensen and I am the son of J. Vestal and Edith Christensen. I was born in 1927 and I was about 8 years old when the ditch was dug by my grandfather and father.

That makes it about 1935 when it was dug. It diverted water from Sellars Creek. The water was diverted about a quarter of a mile west of where Helen Kelley lives now. Water was run in the ditch until my father died in the late 1970's, and the ranch was rented to Gerald Kelley.

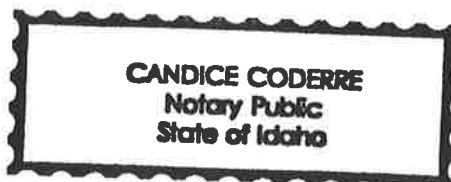
These are the facts to the best of my knowledge.

Jack V. Christensen



County: Jefferson
State: Idaho

Notary *Candice Coderre*
Comm. Ex. 11/16/06



October 22, 2003

My name is Mary Christensen Charlton. Ever since I was born in 1928, I have spent time at the family ranch on Sellers Creek in Bingham County. Some of my earliest memories are having to "tromp" the ditch that ran from the upper ponds on the property, which were fed by mountain springs, to the homesite. We children would have to go up and down the ditch to close the worm and gopher holes so the water would not seep through the holes. My father would bring the water down the ditch each June to irrigate the pastures and yard as well as to recharge the spring that was at the house.

It was a ritual for my father to start each day by going up the ditch to see if the beavers had dammed the outlet to the ditch. He did this every morning even when he was 80 years old. The ditch not only watered the garden, yard, and meadows, but the water also "subbed" so that the large meadow below the ditch always raised an outstanding crop of hay or grain during even the driest years.

I would be happy to talk to whoever needs verification concerning the usage of water on the J. Vestal Christensen Ranch. My phone number is 736-0759.

Mary Christensen Charlton

Mary Christensen Charlton
3655 N. 3300 E.
Kimberly, ID 83341

State of Idaho
County of Twin Falls
Subscribed and sworn to before me this 22 day of October, 192003, by
Mary Charlton
L.S. Kurt Hulcomb
Notary Public
My commission expires 2/28/07



November 3, 2003

To Whom it may Concern,

My name is Dan Christensen, youngest son of the late J. Vestal Christensen. My father had a large ranch on Sellars Creek , which is split up among myself and my brothers and sister.

I am writing this to testify to the fact that there has been a ditch on the property since I was born in 1945 and was in use until my fathers death.

If you have any questions, feel free to call me at my home, 208-782-0067 or at my place of work, 208-782-3595.

Thank you,

Dan Christensen

Dan Christensen



State of Idaho)
County of Bingham) S.S.

On this 4th day of November, 19 2003,
personally appeared before me, Dan Christensen
presented to me on the basis of satisfactory evidence to
be the person(s) whose name(s) is (are) subscribed to
this instrument, and acknowledged that he (she) (they)
executed the same.

S
E
A
L

Julie Pulley
Notary Public

My Commission Expires 3-17-2009

Residing in Blackfoot

November 17, 2003

I, Ray J. Christensen, born in 1930, son of James Vestal Christensen, having lived and/or owned the property here in and attached to this document all my life, do so testify that there is now and was a ditch running along the south side of the canyon wall on the said property above Sellars Creek. My father had dug the ditch to collect water from the mountain springs and from Sellars Creek. My father would bring the water down the existing ditch to irrigate the pasture, yard, as well as to recharge the springs that fed the house.

My father died in April of 1978, after which Gerald Kelley rented the ranch from the family. He only ran the ditch for yard watering. In 1988, the ranch was divided, at that time, I could not obtain permission from Gerald Kelley to run the water through his property. So at that time we began obtaining the water from a lower elevation.

Ray J. Christensen
RAY J CHRISTENSEN
DATED 12/3/03

State of Idaho)
County of) ss
)

On this 3rd day of December, 20 03, personally appeared before me
RAY J CHRISTENSEN, personally known to me or identified
by his Idaho DRIVERS LICENSE to be the signer(s) of the above instrument, who
duly acknowledged to me that he executed the same.



Debra A. Reynolds
NOTARY Public
My Commission Exp: 12-08-06
Residing at: Idaho Falls, Id.

The Northwest Quarter of Section 17 Township 2 South Range 40 East of the Boise Baseline and Meridian. All of the Northwest Quarter of the Northeast Quarter of Section 17 Township 2 South Range 40 East of the Boise Baseline and Meridian except the following: Beginning at the Northeast Corner of the Northwest Quarter of the Northeast Quarter of Section 17 Township 2 South Range 40 East of the Boise Baseline and Meridian; thence South 1320 feet; thence West 1170 feet; thence North 11 35'00" East 1348 feet; thence East 900 feet to the point of beginning, containing 168.64 acres.

August 28, 1992

To: Water Resource Board
State of Idaho

As executor of the James Vestal Christensen Irrevocable Trust, I do not know of any papers my father had with regards to a water right on Sellers Creek. At one time my father paid Holden and Kidwell to try and secure a water right.

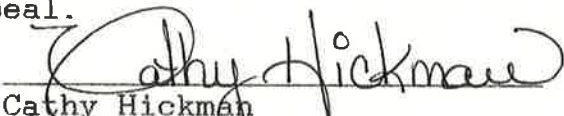
If such a water right exists, I request that it be shared equally with the six members of the Christensen family to irrigate 6.6 of their own property as this should have divided when the ranch divided in 1989.


HELEN KELLEY

State of Idaho, County of Bonneville

On this 28th day of August, 1992, before me, the undersigned, a Notary Public in and for said State personally appeared, Helen Kelley, known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS My hand and official seal.


Cathy Hickman
Notary Public residing at
Idaho Falls, Idaho
My Commission Expires 10-23-94

MICROFILMED

NOV 12 1992

August 28, 1992

To Whom It May Concern:

This will certify that I am the owner of a ranch upstream from Duane Jones. I rented the Christensen ranch from 1976 to 1988 and prior to that time I was intimately associated with the Christensen family, being married to Helen Christensen.

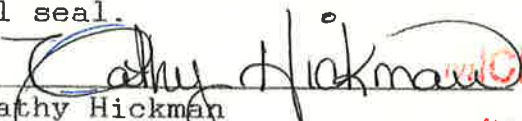
I have never irrigated any property from Sellers Creek and to my knowledge no water has ever been used for irrigation purposes on that ranch, prior to 1991 when Ray Christensen used straw bales to change the stream channel and then divert the water to irrigate 40 acres of hay, with the exception of a small ditch which ran down along the hillside for approximately one and half miles which was used to irrigate the lawn and garden at the house, However, this ditch was abandoned four years ago when the property was divided amongst family members.


GERALD KELLEY

State of Idaho, County of Bonneville

On this 28th day of August, 1992, before me, the undersigned, a Notary Public in and for said State personally appeared, Gerald Kelley, known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS My hand and and official seal.


Cathy Hickman
Notary Public residing at
Idaho Falls, Idaho
My Commission Expires 10-23-94

NOV 12 1992

August 25, 1992

To Whom it may concern;

This will certify that I, Duane Jones, own and operate a ranch on Sellers Creek, in the Bone area. This ranch has used the water of Sellers Creek for irrigation purposes continuously since the early eighteen hundreds.

In the Summer of 1991 Ray Christensen placed straw bales in the creek, and diverted the water for irrigation of his property, interfering with my use of the water.

There has never, to my knowledge, been any water used from this stream for irrigation on his ranch prior to this time, and his claim to a water right with a priority date of 1918 is totally fictitious.


M.D. Jones

State of Idaho, County of Bonneville

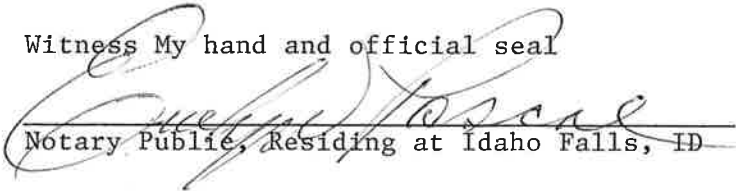
On this 27th day of August 1992

before, me, the undersigned, a Notary Public in and for said State,

Personally appeared M. D. Jones

Known to me to be the Person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Witness My hand and official seal


Notary Public, Residing at Idaho Falls, ID

Exp. 12-17-92

MICROFILMED

NOV 12 1992

May 2, 1991

Ray J. Christensen
1315 E. 1165 N.
Shelley, ID 83274

RE: **Evidence of Priority**

Dear Mr. Christensen:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". 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 Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the 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"**.

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

Please submit the required evidence supporting the priority date by **June 3, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

MICROFILMED

NOV 12 1992

Ray J. Christensen

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-13463
NINA CHRISTENSEN
RAY J. CHRISTENSEN
1315 E. 1165 N.
SHELLEY 10 83274

MICROFILMED
NOV 12 1992

RECEIVED

MAY 14 1996

Department of Water Resources
Eastern District Office

May 13, 1996

Department of Water Resources
Eastern District Office
900 North Skyline Drive
Idaho Falls, ID 83402

ATTENTION: Mr. Ernest Carlson

RE: A25-13463

Dear Mr. Carlson:

As per your instructions by telephone on April 25, 1996, I am taking this opportunity to file a formal protest to the claim of Mr. Ray Christensen of a water right with a priority date of 1918.

Neither Mr. Christensen nor any of his relatives have ever diverted any water from Sellers Creek for irrigation purposes. I have obtained affidavits from his sister and brother-in-law to this effect. They have owned and operated that ranch for the 12 years prior to Mr. Christensen's taking over. Mrs. Gerald Kelly (the sister), was raised on the ranch and has sworn that there was never any water diverted for irrigation at any time.

These affidavits, along with my own, are a part of my file with Water Resources, and should be removed and made a part of Mr. Christensen's file. I would greatly appreciate it if you would make that change for me.

Thank you for your consideration in this matter.

Sincerely,

M. Duane Jones

M. D. Jones
1020 12th Street
Idaho Falls, ID 83404

A25-04026.

MICROFILMED

NOV 13 1996

SCANNED

AUG 03 2001

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: A25-13463
Date Received: 6/26/1990
Receipt No: E014906
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RAY J. CHRISTENSEN 208-237-7285
Address: 1315 E. 1165 N.
SHELLEY, ID 83274

OR

Name: NINA CHRISTENSEN 208-237-7285
Address: 1315 E. 1165 N.
SHELLEY, ID 83274

2. Date of Priority: JUN 01, 1918

3. Source: SELLARS CREEK Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	40E	17	NW	NW			BINGHAM

5. Description of diverting works:
HEADGATE/ DITCHES TO FLOOD ~~AND SPRINKLER~~ IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		
STOCKWATER	04/01	11/01	0.030		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 60 HEAD RANGE CATTLE

A25-13463

Page 1

Date: 06/26/90

MICROFILMED
NOV 12 1992

A2513463



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	40E	17	NE	NW		IRR	10.0
			NW	NW		IRR	30.0

Section Acres 40.0

Total Acres 40.0

11. Place of use in counties: BINGHAM

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: 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: 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):

Nina Christensen

Date:

6/26/90

Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of June 19 90

Dave Cook
Notary Public

Seal

Residing at Heidi, Id
My Commission Expires 2/26/96

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UNCLASSIFIED
NOV 13 1997