

03/08/2002

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

RIGHT NUMBER: 29-553

NAME AND ADDRESS: KAREN J MODERSITZKI
2526 KELLY TOPONCE RD
BANCROFT ID 83217

DAVID M MODERSITZKI
2526 KELLY TOPONCE RD
BANCROFT ID 83217

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.04 CFS
1.2 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1970

POINT OF DIVERSION:

T08S R39E S15 NESENW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS 1.20 AFY

PLACE OF USE: DOMESTIC Within CARIBOU County

T08S R39E S15 SENW

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

PARCEL NO. 000000027500

02/13/2003

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: April 21, 2003

Water right number: 29-553

KAREN J MODERSITZKI
2526 KELLY TOPONCE RD
BANCROFT ID 83217
Telephone Number: (208) 648-7722

DAVID MODERSITZKI
2526 KELLY TOPONCE RD
BANCROFT ID 83217
Telephone Number: (208) 648-7722

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:

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

DATE: 2-22-03

SIGNATURE:

David Modersitzki

Please print your name:

David Modersitzki

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

SCANNED
DEC 08 2005

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

rec'd
2/5/02
Soda

Claim Number(s): A29-00553, A29-00580, A29-02313, A29-07233

Previous Mailing Address: David M. Modersitzki
Karen J. Modersitzki
R.R. 1560
Bancroft, Idaho 83217

New Mailing Address: David M. Modersitzki
Karen J. Modersitzki
2526 Kelly Toponce Road
Bancroft, Idaho 83217

Telephone Number: (208) 648-7722

Signature of Claimant(s):

David Modersitzki
Karen Modersitzki

Please return this completed form to:

**Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177**

SS
ADDRESS FM
Revised 12/13/1999

IDWR Use Only:
Data Entry: _____

Date: _____

SCANNED

DEC 08 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 24, 2001

A29-553, A29-580, A29-2313, A29-7233

David Modersitzki
2526 Kelly Toponce Road
Bancroft, ID 83217

REF: Snake River Basin Adjudication (SRBA)

SUBJECT: CRP Contract

Dear Claimant(s);

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label has been filed in the Snake River Basin Adjudication (SRBA).

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. A field examination to verify items in the Notice will be conducted by Department personnel as soon as the weather permits. I was able to visit some of you this year before the snow arrived. While waiting for the weather to cooperate again I would like to collect some of the necessary documentation needed to recommend your claim to the SRBA court. The statute (42-104) requires the water be put to beneficial use to have a valid water right. One exception to the statute is if the land has been put into CRP. But evidence must be submitted to the Department of Water Resources to retain the water right otherwise the water right will not be recommended to the SRBA court.

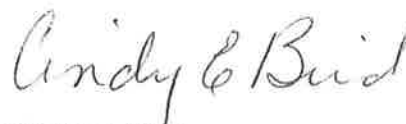
If you have previously irrigated land that has been put into CRP, I would appreciate it if you could send me a copy of the contract when the land was put into CRP for my records, **by March 1, 2002. If you do not have any land in CRP please disregard this notice.** With no response from you, we will assume that you do not have any land in CRP. You may contact either the Farm Service Agency (FSA) or Natural Resource Conservation Service (NRCS) in Soda Springs at 547-4396 for a copy of the contract.

SCANNED

DEC 08 2005

Please feel free to contact me in Soda at (208) 547-3993 if you have any additional questions. Have a safe and happy holiday.

Sincerely;

A handwritten signature in cursive script that reads "Cindy E. Bird".

Cindy E. Bird
Adjudication Bureau

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-553

WATER RIGHT NUMBER: 29-553

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOUIS A SILVER 7226 N 16TH AVE PHOENIX, AZ

Priority Date: 01/01/1970

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	1.20 AF
	<u>Total Diversion:</u>	0.040 CFS	1.20 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4	Sec. 15, Twp 08S, Rge 39E, B.M.
CARIBOU County		

Place of UseDOMESTIC Within CARIBOU County

T08S R39E S15 SENW

Total Acres: 0

Conditions of Approval:Remarks:

1. General DOMESTIC, 1 HOME

Comments:Dates and Other Information:

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
29-07041	RAOUL WISTISEN P.O. BOX 157 BANCROFT ID 83217	11/20/1969	IRRIGATION	04-15 10-15	4.68 CFS	LICENSE
			STOCKWATER	09-01 12-31	1431.0 AFY	
					.04 CFS	
					1.4 AFY	
			TOTAL QUANTITY:		4.68 CFS	
			CONSUMPTIVE USE:		1432.4 AFY	
					1192.5 AFY	
	NON-IRRIGATION-USES: STOCK, 300 RANGE POINT OF DIVERSION: T08S R39E S04	SWSW SWSE				
	PLACE OF USE: IRRIGATION					
	T08S R39E S09	NENE 40.0 NENW 40.0 NESE 40.0	NWNE 39.0 NWNW 39.0 NWSE 40.0	SWNE 40.0 SWNW 39.0 SWSE 40.0	SENE 40.0 SENW 40.0 SESE 40.0	
	477.0 ACRES TOTAL					
	PLACE OF USE: STOCKWATER					
	T08S R39E S04	SWSW				
29-00553	LOUIS A. SILVER 7226 N. 16TH AVE. PHOENIX AZ	01/01/1970	DOMESTIC	01-01 12-31	.04 CFS	BENEFICIAL USE
					1.2 AFY	
			TOTAL QUANTITY:		.04 CFS	
					1.2 AFY	
	NON-IRRIGATION-USES: DOMESTIC, 1 HOME POINT OF DIVERSION: T08S R39E S15	SENW				
	PLACE OF USE: DOMESTIC					
	T08S R39E S15	SENW				

MAY 4 20

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: A29-00553
Date Received: 1/24/1990
Receipt No: MO055P4
Received By: gpc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID M. MODERSITZKI 208-648-7722
Address: R.R. BOX 1560
BANCROFT, ID 832 7

AND/OR

Name: KAREN J. MODERSITZKI 208-648-7722
Address: R.R. BOX 1560
BANCROFT, ID 832 7

2. Date of Priority: JAN 01, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
08S	39E	15	NE		SE		NW		CARIBOU

5. Description of diverting works:
WELL WITH PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acres Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME.

A29-00553

Page 1

Date: 01/24/90

A2900553



MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	39E	15	SE NW /		DOMEST	

11. Place of use in counties: CARIBOU

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~~ Deeds

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): David Modersitz Date: 1-24-90

Date: _____

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 24 day
of Jan 19 90

John Dal. Carson
Notary Public

Seal

Residing at Pois. Id

My Commission Expires 2/2/94

MICROFILMED
NOV 13 1992

NOV-14-1997
0005

1

RIGHT NUMBER: 29-00553

NAME AND ADDRESS: DAVID M MODERSITZKI
KAREN J MODERSITZKI
RR BOX 1560
BANCROFT ID 83217

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
1.2 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1970

POINT OF DIVERSION: T08S R39E S15 NESENW Within CARIBOU County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS
			1.2 AFY

PLACE OF USE: DOMESTIC Within CARIBOU County
T08S R39E S15 SENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
PARCEL NO. 000000027500

DC A

WATER RIGHT NUMBER - A29-0055
PREFIX TRANSLATION: ADJUDICATION CLAIM
OLD (O) NUMBER -

*** C - CURRENT OWNER ***
MODERATISTKI
DAVID M.

MODERATISTKI
KAREN J.
CITY- BANCROFT
PHONE - 208-648-7722
1 - P.O. BOX 1560
2 -
3 -

MODERATISTKI
KAREN J.
CITY- BANCROFT
PHONE - 208-648-7722
1 - R.R. BOX 1560
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KAREN J.
CITY- BANCROFT
PHONE - 208-648-7722
1 - R.R. BOX 1560
2 -
3 -

MICROFILMED
APR 12 1994

NO REMARKS FOUND.

WATER RIGHT NUMBER = 424-00395

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - - - +
+ - - - - DECREE DEFENDANT - - - - - +
+ - - - - DECREE DATE - - - - - +
00/00/0000

+ - - - - AUDIT FILED 01/24/90 CARLSON

+ - - - - COMMENTS - - - - - +
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING	= 00/00/0000	FIELD INSPECTION MAP	= 00/00/0000	CIVIL CASE NUMBER	= 39576
OBJECTION FILED DATE	= 00/00/0000	FIELD INSPECTION FLAG	=	OLD CASE NUMBER	=
RESPONSE FILED DATE	= 00/00/0000	VERIFIED DATE	= 00/00/0000	OLD JUDICIAL DISTRICT	=
CLAIM RECEIVED DATE	= 01/24/1990	LAST AMENDED DATE	= 00/00/0000	TEMPORARY RIGHT	= P
PROOF DUE DATE	= 00/00/0000	PROOF MADE DATE	= 00/00/0000	WATER DISTRICT	=
LICENSED DATE	= 00/00/0000	RECEIPT NUMBER	= 0005334	FEDERAL/STATE INDICATOR	= S
CLAIMS TAPE ERROR FLAG	=	PDU OWNERSHIP FLAG	= Y	PRESUMPTION FLAG	=
FEI EXEMPT FLAG	=	NAME CONNECTOR	= AND/OR	NOTICE OF ERROR FLAG	=

000000027500

DATA ENTRY

ENTERED

CHECKED

9-10-92 DM

10/24/92 DM

Verified By
Tono Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED

OCT 16 1991

CERTIFIED

OCT 16 1991

WATER EXAMINER