

03/11/2002

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

RIGHT NUMBER: 29-580

NAME AND ADDRESS: DAVID M MODERSITZKI
2526 KELLY TOPONCE RD
BANCROFT ID 83217

KAREN J MODERSITZKI
2526 KELLY TOPONCE RD
BANCROFT ID 83217

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.34 CFS
480.0 AFY

PRIORITY DATE: 04/14/1953

POINT OF DIVERSION:

T08S R39E S15 NESW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 10/15	2.340 CFS 480.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within CARIBOU County

T08S R39E S15	SWNE	40.0	T08S R39E S15	SENE	40.0
T08S R39E S15	NESE	40.0	T08S R39E S15	NWSE	40.0

160 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: Decreed

RIGHT NO. 29-2313 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.



STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s) 29-0580



900 0 900 1800 Feet

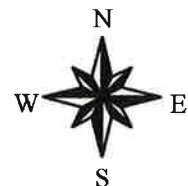


LEGEND

-  Point of Diversion
-  Place of Use
-  STREETS
-  SECTIONS
-  QUATER-QUATERS
-  STREAMS

Place of Use: T8S, R39E
(part of) Section 15

Point of Diversion: T8S, R39E
Sec. 15 NESW



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: March 2002

SCANNED

DEC 09 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-580

WATER RIGHT NUMBER: 29-580

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOUIS A SILVER 7226 N 16TH AVE PHOENIX, AZ 85021

Priority Date: 04/14/1953

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>
IRRIGATION	4/15 to 10/15	2.340 CFS	480.00 AF
	<u>Total Diversion:</u>	2.340 CFS	480.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4	Sec. 15, Twp 08S, Rge 39E, B.M.
CARIBOU County		

Place of UseIRRIGATION Within CARIBOU County

T08S R39E S15	SWNE 40.0	T08S R39E S15	SENE 40.0
T08S R39E S15	NESE 40.0	T08S R39E S15	NWSE 40.0
Total Acres: 160			

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
 RECOMMENDED WATER RIGHTS ALLOCATED UNDER STATE LAW

DATE: NOV-12-1991

PAGE: A-36

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
29-02315	CLIFFORD WELCH 1624 CENTRAL RD. BANCROFT ID 83217	07/17/1952	IRRIGATION	04-15 10-15	2.14 840.0	CFS AFY LICENSE
					TOTAL QUANTITY:	2.14 840.0
					CONSUMPTIVE USE:	700.0 AFY
POINT OF DIVERSION: T09S R39E S02						
PLACE OF USE: IRRIGATION						
T09S R39E S02 NESE 40.0 NWSE 40.0 SWSE 40.0 SESE 40.0						
S11 NENE 40.0 NENE 40.0 NENE 40.0						
280.0 ACRES TOTAL						
REMARKS: THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0 AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE.						
29-00580	LOUIS A. SILVER 7226 N. 16TH AVE. PHOENIX AZ 85021	04/14/1953	IRRIGATION	04-15 10-15	2.34 480.0	CFS AFY BENEFICIAL USE
					TOTAL QUANTITY:	2.34 480.0
					CONSUMPTIVE USE:	400.0 AFY
POINT OF DIVERSION: T08S R39E S15						
PLACE OF USE: IRRIGATION						
T08S R39E S15 NESW						
SWNE 40.0 SENE 40.0 NESE 40.0 NWSE 40.0						
160.0 ACRES TOTAL						

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: 29-580

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

PROFILED

SCANNED
DEC 09 2005

CRP-1
(01-30-97)U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

Form Approved - OMB No. 0560-0125

CONSERVATION RESERVE PROGRAM CONTRACT

7. COUNTY OFFICE ADDRESS AND PHONE NO. (area code)

Caribou County FSA
159 E 2 S, #1
Soda Springs ID 83276

1. ST. & CO. CODE & C/D

16 029

2. SIGN-UP NUMBER

15

3. CONTRACT NUMBER

560 0000

4. ACRES FOR ENROLLMENT

105.4

5. FARM NUMBER

1062

6. TRACT NUMBER(S)

1799

8. OFFER (Select one)

STANDARD

ENVIRONMENTAL PRIORITY

9. CONTRACT PERIOD

FROM (M/D/Y)

10-01-97

TO (M/D/Y)

09-30-07

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "Owner", "Operator", and "Tenant", respectively) on the farm identified above. The undersigned person or persons may hereafter collectively be referred to as "the Participant." The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") for the stipulated contract period from the date the Contract is executed by the CCC or other use set by CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract including the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection. The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2; and if applicable, CRP-15 and CRP-1 Continuation.

10. OFFER FOR PERMISSION TO ALLEY CROP

In order to participate in CRP under CP19, Alley Cropping, I/we submit an offer of \$ _____ per acre reduction, from the amount specified in item 11A, in the annual rental payments for permission to produce agricultural commodities on eligible acres in accordance with the provisions for alley cropping set out in the applicable regulations. I/we understand that for each year of the CRP contract the annual rental payment will be reduced by the amount agreed to above, which reduction must be a reduction of at least 50 percent in the annual rental payment.

11A. Rental Rate Per Acre

\$ 39.50

12. Identification of CRP Land

B. Annual Contract Payment

\$ 4,163.30

A. Tract No.

B. Field No.

C. Practice

D. Acres

E. Total C/S

C. First Year Payment

\$ n/a

1799

1

CP 10

105.4

0

(Item 11C applicable only to continuous signup when the first year payment is prorated.)

13. OWNERS, OPERATORS, AND TENANTS

A. OPERATOR NAME AND ADDRESS

David Modersitzki
2526 Kelly Toponce Rd.
Bancroft ID 83217

50%

SOCIAL SECURITY NUMBER

519 48 2826

SIGNATURE

David Modersitzki

DATE

3-28-97

B. OWNER NAME AND ADDRESS

Karen Modersitzki
2526 Kelly Toponce Rd.
Bancroft ID 83217

50%

SOCIAL SECURITY NUMBER

518 52 3246

SIGNATURE

Karen Modersitzki

DATE

3/28/97

C. NAME AND ADDRESS

SOCIAL SECURITY NUMBER

SIGNATURE

DATE

14. CCC USE ONLY - Payments according to the shares are approved.

SIGNATURE OF CCC REPRESENTATIVE

Chad Blee

DATE

9/9/97

NOTE:

The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended, and regulations promulgated at 7 CFR PART 1410 and the Internal Revenue Code (26 USC 9109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.

Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, (OMB No. 0560-0125), STOP 7630, Washington, D.C. 20250-7630. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.

☐ Original - County Office Copy☐ Owner's Copy☐ Operator's Copy☐ NRCS Copy

C11B
P396
T85
Sec 15

1603

62.4
T463



HEL
1054
1991

92.6
2

7.1798
71.9

14.1
1991
1991

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T401

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MAY - 4 2001

X

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: A29-00580
Date Received: 1/24/1990
Receipt No: 4005584
Received By: JPE

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 83217
AND/OR
Name: KAREN J. MODERSITZKI 208-648-7722
Address: R.R. BOX 1560
BANCROFT, ID 83217



2. Date of Priority: APR 14, 1953

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	NW	SW		CARIBOU

5. Description of diverting works:
8" CASING 175' DEEP WITH 100 HP. MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.340		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-00580

Page 1

Date: 01/24/90

MICROFILMED
NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08S	39E	15	SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	160.0
							Total Acres	160.0

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:
A2902313

14. Remarks:
THIS LAND IS IN C.R.P. WITH 7 YRS. FROM DATE OF FILING LEFT.

15. Basis of Claim: STATUTORY CLAIM Bancroft-Lund Dever

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 Mordensky Date: 1-24-90

Date: _____

State of Idaho)
County of Carleton) SS.

Subscribed and sworn (or affirmed) before me this 24 day

of Jan 19 90

Seal

John D. Carlson
Notary Public

Residing at Boise Id

My Commission Expires 4/3/94

BB43

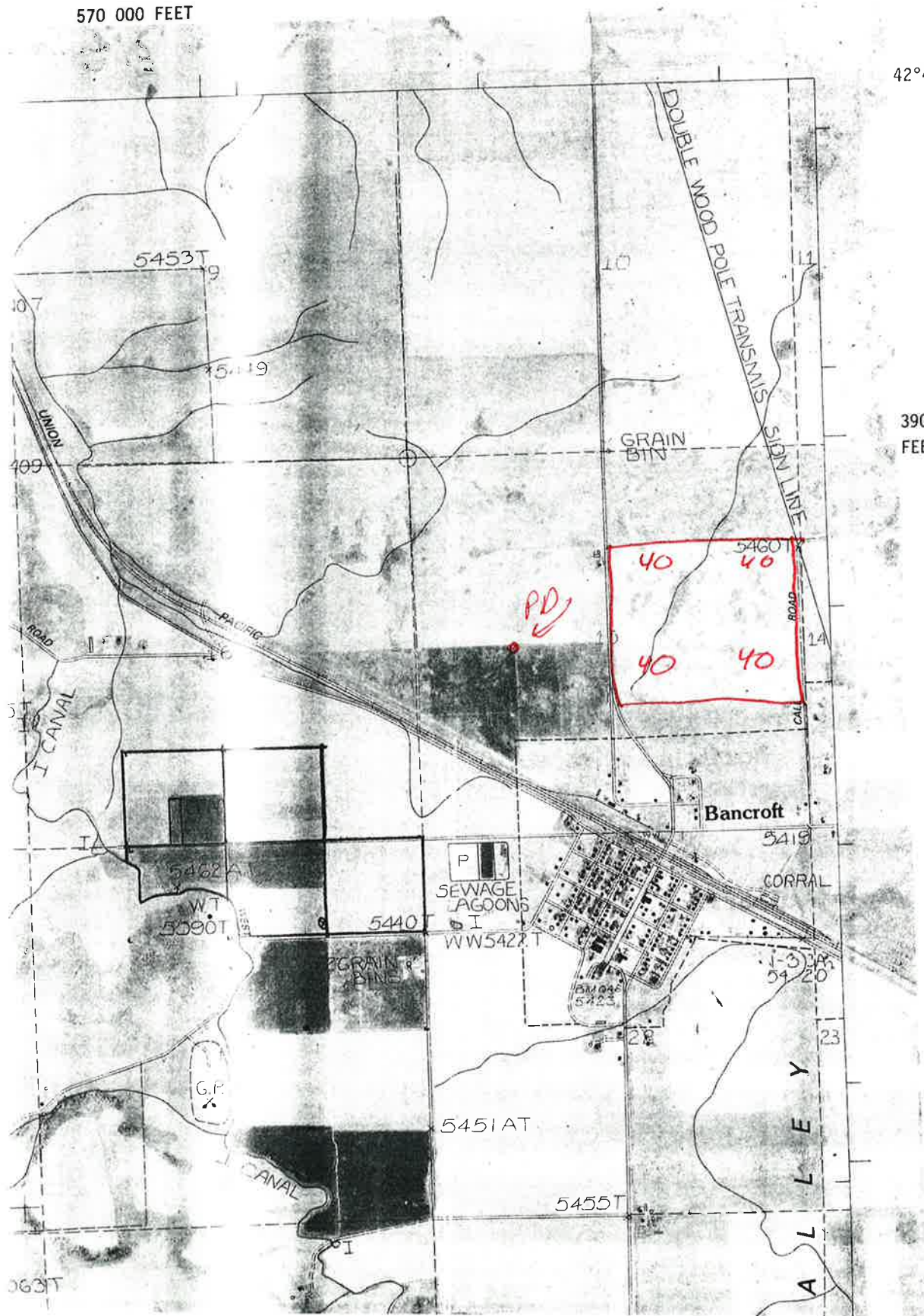
BANCROFT NW ORTHOPHOTOQUAD
IDAHO

111°52'30"

570 000 FEET

42°45'

390 000
FEET



MICROFILMED
NOV 13 1992