

03/11/2002

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

RIGHT NUMBER: 29-2313

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
522.0 AFY

PRIORITY DATE: 04/14/1952

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 522.00 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	SWNW	40.0	T08S R39E S15	SESW	38.0
T08S R39E S15	NESW	39.0	T08S R39E S15	NWSW	37.0
T08S R39E S15	SWSW	2.9	T08S R39E S15	SESW	17.0

174 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. 29-580 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

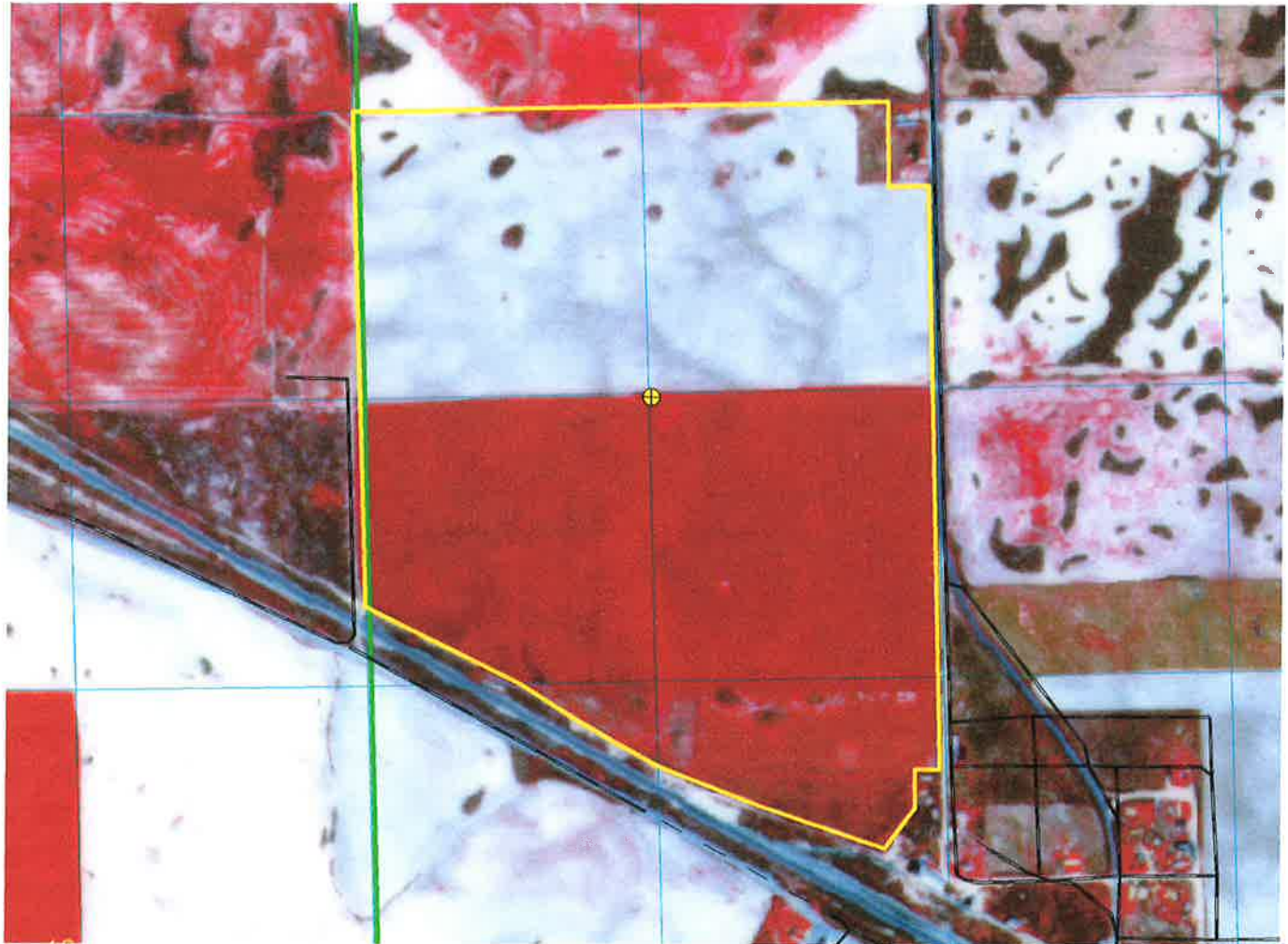


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s) 29-2313



500 0 500 1000 Feet

LEGEND

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

Place of Use: T8S, R39E
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

JAN 24 2006

PROTECTED

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: 29-2313

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: _____

SIGNATURE: _____

Please print your name: _____

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

PROFILED

SCANNED

JAN 24 2006

29-2313

3/11/02 10:51 Preston- Caribou County assessors
office

This was originally owned by Wayne
Rutkins and he sold it to a couple
different people. They lost it and farm
credit got it back and David, Karen
Modersitzki bought it.

3/11/02 3:44pm. Purchased from the fed. land bank
in 1988.

PROFILED

SCANNED

JAN 24 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 7, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WAYNE C PERKINS
13825 N 7TH ST STE M
PHOENIX AZ 85022-4342

RE: CHANGE OF ADDRESS FOR A29-00090A, A29-00091A,
A29-00092A, A29-00093A, A29-00094A, A29-00585,
A29-02313, A29-04016, *pd.* A29-07253, A29-10242, A29-10243,
A29-10244, A29-10245, *pd.* A29-10248, A29-10251, *pd.* A29-10252, *pd.*
A29-10254, *pd.* A29-10255, A29-12130

Dear Mr. Perkins:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Wayne C Perkins
850 Kelly Toponce Rd
Bancroft ID 83217

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

FILED

SCANNED
JAN 24 2006

SCANNED
JAN 24 2006

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

RETURN SERVICE REQUESTED

PERK 850
PERKINS, WAYNE C
850 KELLY TOPONCER RD
RANCHOART ID 83017
PERK850 832172005 1600 04 05/03/01
RETURN TO SENDER
PERKINS 7TH ST STE M
13825 N AZ 85022-4342
RETURN TO SENDER
832172005

WR5809NP
No. 29-02313

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/23/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LOUIS A SILVER	04/14/1952	IRRIGATION	04/15 10/15	2.340 CFS	522.00 AFA
TOTAL DIVERSION:					2.340 CFS	522.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T08S R39E S15 NESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
08S	39E	15	:					:			40	40	:	37	39	06	12	:					:	174.0
																							TOTAL ACRES	174.0

Handwritten: 40 38 39 37 2.8 18

Pou County: CARIBOU

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-00580

Dates:	App. Received:	Priority Date:	04/14/1952
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Audit: 03/26/85 05/22/88 CONVERT 03/12/96 PRODMGR

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-2313

WATER RIGHT NUMBER: 29-2313

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

Priority Date: 04/14/1952

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	522.00 AF
	<u>Total Diversion:</u>	2.340 CFS	522.00 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	SWNW	40.0	T08S R39E S15	SENW	40.0
T08S R39E S15	NESW	37.0	T08S R39E S15	NWSW	39.0
T08S R39E S15	SWSW	6.0	T08S R39E S15	SESW	12.0
Total Acres: 174					

Conditions of Approval:Remarks: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						
29-00562	JAY DELL JENKINS 1802 LUND RD. BANCROFT ID 83217	07/15/1951	DOMESTIC	01-01 12-31	.04 1.2	CFS AFY BENEFICIAL USE
	NON-IRRIGATION-USES: DOMESTIC, 1 HOME					
	POINT OF DIVERSION: T08S R39E S34					
	PLACE OF USE: DOMESTIC	SWSE			.04 1.2	CFS AFY
	T08S R39E S34	SWSE				
29-02313	LOUIS A. SILVER 7226 N. 16TH AVE. PHOENIX AZ	04/14/1952	IRRIGATION	04-15 10-15	2.34 522.0	CFS AFY LICENSE
	POINT OF DIVERSION: T08S R39E S15					
	PLACE OF USE: IRRIGATION	NESW			2.34 522.0	CFS AFY
	T08S R39E S15	SWNW 40.0 SWSW 6.0	SENW 40.0 SESW 12.0	NESW 37.0		NWSW 39.0
	174.0 ACRES TOTAL					
13-00449	VESTER A. OLSEN 979 RIVER RD. GRACE ID 83241	05/01/1952	DOMESTIC	01-01 12-31	.04 1.2	CFS AFY BENEFICIAL USE
	NON-IRRIGATION-USES: DOMESTIC, 1 HOME					
	POINT OF DIVERSION: T10S R40E S02	LOT 1 (NENE)				
	PLACE OF USE: DOMESTIC				.04 1.2	CFS AFY
	T10S R40E S02	Lot 1 (NENE)				

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that **WAYNE PERDONS**

Director

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 22686

This proof is for completion of works to beneficial use In Water District No.

1. Name of applicant: Call Bros. (J.H. & Newell Call), Bancroft, Idaho
2. Source of water supply: Subterranean from well
3. Location of point of diversion: Is in the NW corner of NE $\frac{1}{4}$ S $\frac{1}{2}$ of Section 15
T. 8 S. R. 39 E. County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same: Well is 174' deep by 18" diameter, cased 4" to rock, pump is down 115'. Column is 10" by 110'. 5 stage 12" bowls H=105'. Draw down 5'. Motor and pump house is 8' by 8' by 10', galvanized roof, concrete curb 30" by 30" under pump and motor. 75 hp Fairbanks Morse Pump No. P3136. Fairbanks Morse Motor No. PM 9461. Water to fields by sprinler system. There is a 10" line to North 1320' of 10" line. 1320' of 6" line, buried steel pipes. Laterals are 4".

5. Water is used for: Irrigation.6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$; Section 15;17 acres lying North and East of the railroad in N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15;18 acres " " " " " " " " S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 15;

Twp. 8 South, Range 39 East, B. M.

See the map

(Submit map on attached plat, showing location and details of above description)

8. What large stream would the water here appropriated finally reach?

Remarks: This well was not operating because the fields in which were ripe & ready to be harvested, but part of the sprinkler line had been laid & another part was being laid. This was done on a basis of 63 inches per acre & was very conservative. This well has been used to irrigate the 12 acres of land to the East, belonging to the head Mr. Call's & the remainder of the land is being used for other purposes.

This examination was made on the

2nd

day of September

1916

(Signed)

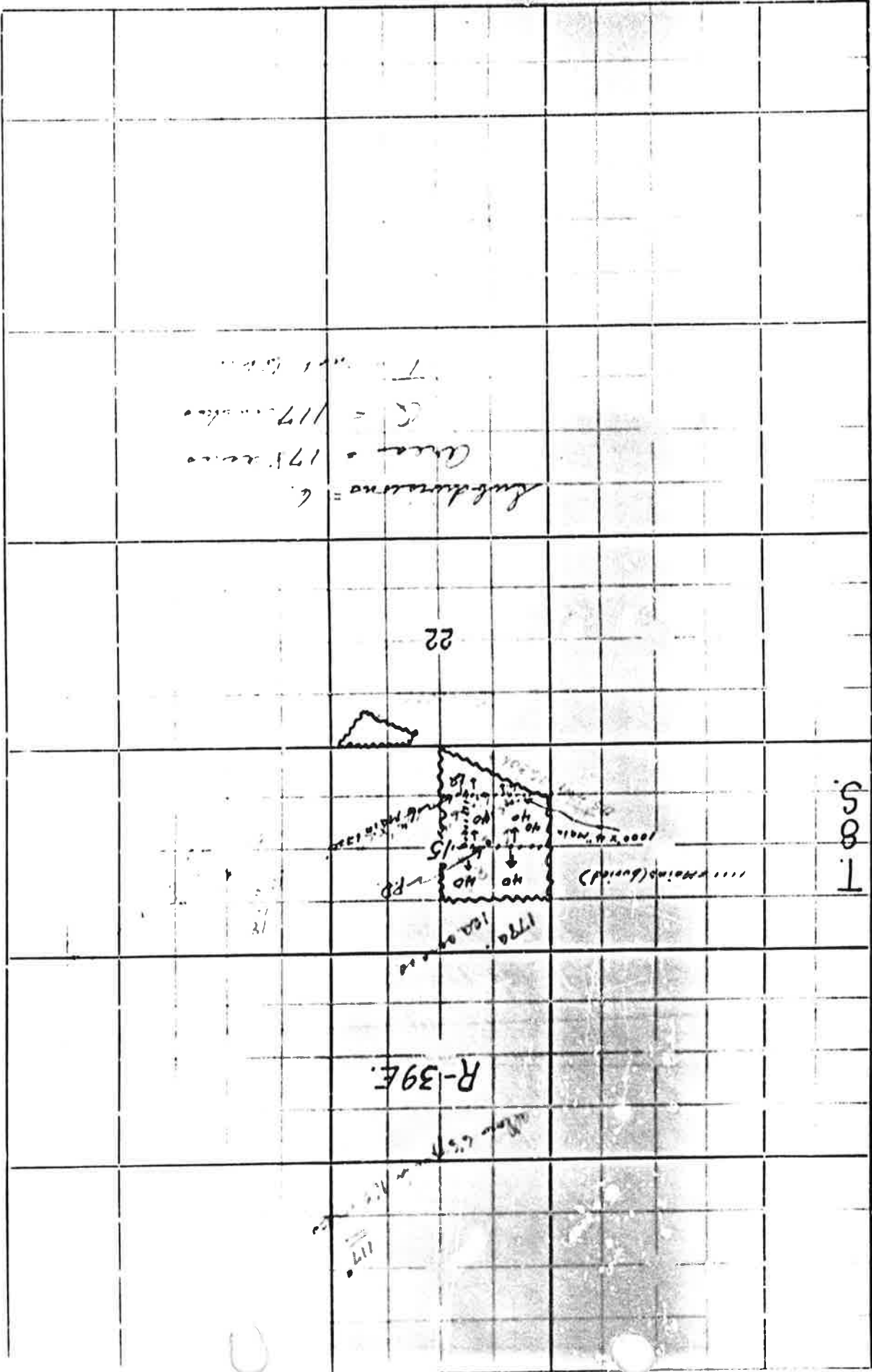
J. H. Call

Examiner

22686

22684

Scale: 2 inches equals 1 mile. Draw Map in Ink.



Area = 178 acres
C = 117 acres
R-39E

22

581

R-39E

1170

SCANNED

MAY 4 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: A29-02313
Date Received: 1/24/1990
Receipt No: MO05584
Received By: gpc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WAYNE PERKINS
Address:

BANCROFT, ID 83217

AND/OR

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, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

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

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 445.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-02313

Page 1

Date: 01/24/90

MICROFILMED

NOV 13 1992

A2902313



10. Place of Use:

Township	Range	Section	1/4	of	1/4	lot	Use	Acres
08S	39E	15	SW		NW		IRR	40.0 ✓
			SE		NW		IRR	40.0 ✓
			NE		SW		IRR	40.0 37
			NW		SW		IRR	40.0 39
			SW		SW		IRR	6.0
			SE		SW		IRR	12.0

Section Acres 178.0

Total Acres 178.0

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:
A2900580

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 22686

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 X 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): Daniel Moshersitzki 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

Seal

John Dale Carlson
Notary Public

Residing at Boise ID

My Commission Expires 4/2/94

MICROFILMED
NOV 13 1992