

03/08/2002

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

RIGHT NUMBER: 29-7233

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

DAVID M MODERSITZKI
2526 KELLY TOPONCE RD
BANCROFT ID 83217

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.01 CFS
1.4 AFY

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

PRIORITY DATE: 10/18/1974

POINT OF DIVERSION:

T08S R39E S20 SWSWSE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.010 CFS 1.40 AFY

PLACE OF USE: STOCKWATER Within CARIBOU County
T08S R39E S20 SWSE

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. RP27630 STOCKWATER, 200 RANGE CATTLE.

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: 29-7233

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

APR 22 2003
SCANNED

PROFILE

WR5809NP
No. 29-07233

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/27/01
PAGE: 8

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID M MODERSITZKI 2526 KELLY TOPONCE RD BANCROFT ID 83217	10/18/1974	STOCKWATER	01/01 12/31	0.010 CFS	1.40 AFA
TOTAL DIVERSION:					0.010 CFS	1.40 AFA

Water Source: SPRING

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion:

T08S R39E S20

SWSE

CARIBOU County

Place of use Legal Description for: STOCKWATER

	NE				NW				SW				SE			
T R S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
08S 39E 20	:				:				:				:			

Pou County: CARIBOU

Remarks: GEN STOCK, 200 RANGE

Dates:	App. Received:	Priority Date:	10/18/1974
	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 02/06/98 CLEARFLD

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7233

WATER RIGHT NUMBER: 29-7233

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID M MODERSITZKI 2526 KELLY TOPONCE RD BANCROFT, ID 83217

Priority Date: 10/18/1974

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.010 CFS	1.40 AF
	<u>Total Diversion:</u>	0.010 CFS	1.40 AF

Location of Point(s) of Diversion

SPRING	SW1/4SE1/4	Sec. 20, Twp 08S, Rge 39E, B.M.
CARIBOU County		

Place of UseSTOCKWATER Within CARIBOU County

T08S R39E S20 SWSE

Total Acres: 0

Conditions of Approval:Remarks:

1. General STOCK, 200 RANGE

Comments:Dates and Other Information:

WATER RIGHT LICENSE

License of Water Right No. 20-7235 Priority Oct. 10, 1974 Amount 0.01 cfs

tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

1

Twp. 9 S., R. 22 E., S. 2 E. N. In the County of Carbon

Description and location of place of use:

[illegible]

Total number of men indicted _____

...the

Director

MAY 7 2000

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: A29-07233

Date Received: 1/24/1990

Receipt No: MOSSBYReceived 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 83217

AND/OR

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

2. Date of Priority: OCT 18, 1974

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	39E	20	SW	SW	SE		CARIBOU

5. Description of diverting works:
BURIED PERFORATED PIPE WITH LINE TO TROUGHS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.010		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 200 HD. RANGE CATTLE.

A29-07233

Page 1

Date: 01/24/90

MICROFILMED

NOV 13 1992

A2907233



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	39E	20	SW SE		STOCK	

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: LICENSE

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 Modernetz Date: 1-24-90

Date: _____

State of Idaho)
County of Caribou) SS.

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

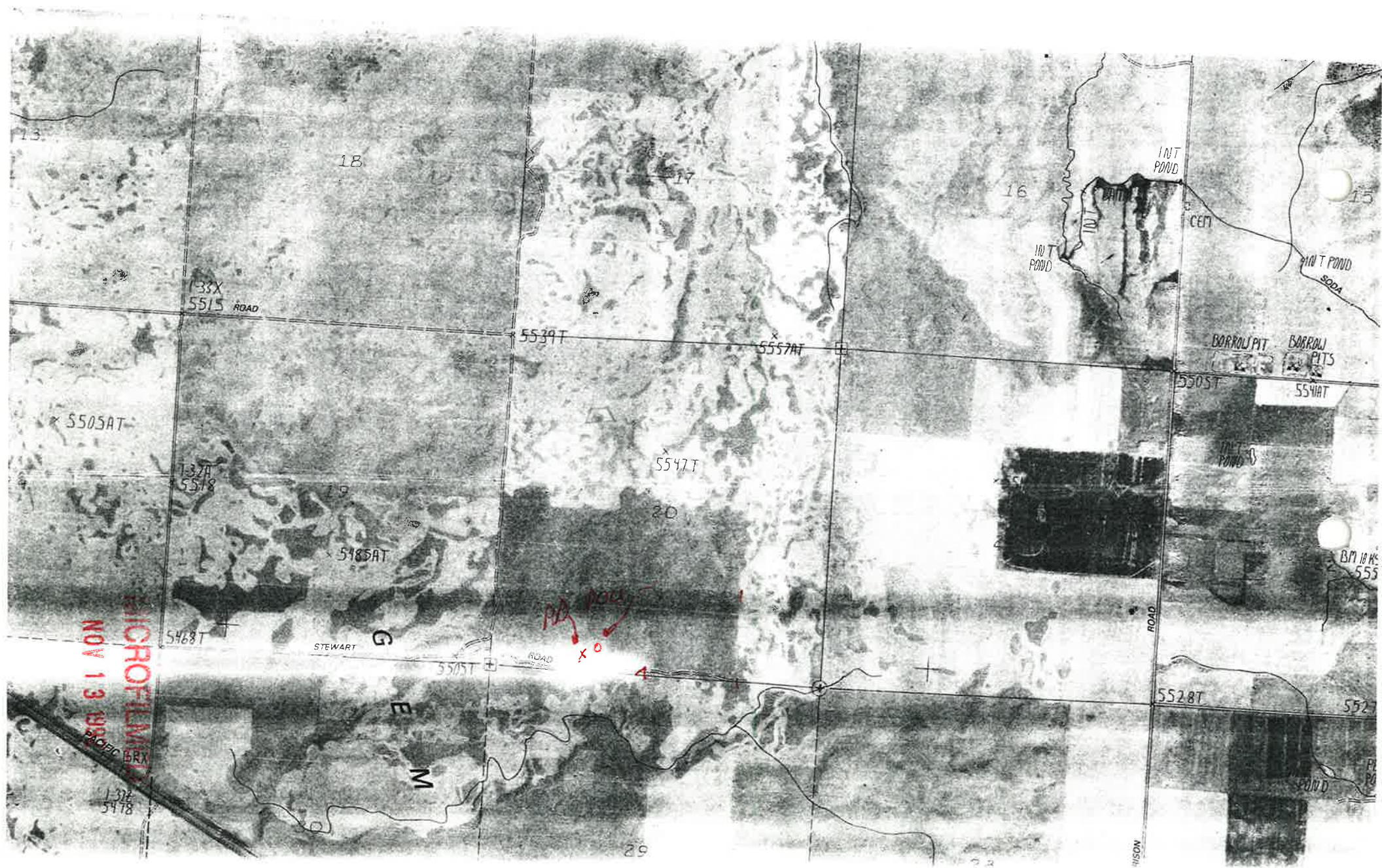
of Jan 19 90

Seal

John Del Carver
Notary Public

Residing at Boise ID

My Commission Expires 5/2/94



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: A29-07234
Date Received: 1/24/1990
Receipt No: MO05584
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: OCT 18, 1974
3. Source: SPRING Trib. to: SINKS
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
08S 39E 20 NW SE SE CARIBOU
5. Description of diverting works:
BURRIED PERFORATED PIPE WITH LINE TO STOCK TROUGH AND FLOOD IRR.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.020		
STOCKWATER	01/01	12/31	0.040		
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 4.90 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
S/ 200 HD. RANGE CATTLE.

A29-07234

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	20	SE	SE		STOCK	
		21	NW	SW		IRR	1.0
						Section Acres	1.0
						Total Acres	1.0

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

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): David Modersitzh 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



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS POND READING REPORT

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

405806NP
(40-26)

LOAHU DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

09/24/91 03:00:53
PAGE 2

WATER RIGHT NUMBER = A29-07233

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS = 01/24/90 CARLSON

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

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

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 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	- 09/26/1989	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 01/24/1990	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
ARLUP DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- 1005584	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLAG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
SEE EXEMPT FLAG	-	NAME CONNECTOR	- AND/OR	NOTICE OF ERROR FLAG	-

RP 27630

DATA ENTRY

ENTERED

CHECKED

9.11.92
10/26/92

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

VERIFIED

OCT 10 1991

CERTIFIED

OCT 1991

WATER EXAMINER

MICROFILMED

APR 12 1994

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRING		TRIBUTARY: SINKS				
29-07233	DAVID M. MODERSITZKI 2526 KELLY TOPONCE RD. BANCROFT ID 83217	10/18/1974	STOCKWATER	01-01 12-31	.01 1.4	CFS AFY LICENSE
TOTAL QUANTITY:					.01 1.4	CFS AFY
NON-IRRIGATION-USES:						
STOCK, 200 RANGE						
POINT OF DIVERSION:						
T08S R39E S20						
PLACE OF USE: STOCKWATER						
T08S R39E S20						
SWSE						
29-07234	DAVID M. MODERSITZKI 2526 KELLY TOPONCE RD. BANCROFT ID 83217	10/18/1974	IRRIGATION	04-15 10-15	.02 3.5	CFS AFY LICENSE
STOCKWATER					.04 1.4	CFS AFY
TOTAL QUANTITY:					.04 4.9	CFS AFY
CONSUMPTIVE USE:					2.5	AFY
NON-IRRIGATION-USES:						
STOCK, 200 RANGE						
POINT OF DIVERSION:						
T08S R39E S20						
PLACE OF USE: IRRIGATION						
T08S R39E S21						
1.0 ACRES TOTAL						
PLACE OF USE: STOCKWATER						
T08S R39E S20						
SESE						
NWSW 1.0						