11/12/2002

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-13166

NAME AND ADDRESS: W J CHRISTENSEN
4044 TECH FARM RD
POCATELLO ID 83204

DIXIE CHRISTENSEN
4044 TECH FARM RD
POCATELLO ID 83204

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.110 CFS

PRIORITY DATE: ~~04/01~~/1902

POINT OF DIVERSION: 5/3/1902

T07S R35E S7 NWSENW Within BANNOCK County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.110 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S07 Lot 1 NWNW 5.7

5.7 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

IDAHO DEPARTMENT OF WATER RESOURCES 12/19/2001

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: W J CHRISTENSEN
4044 TECH FARM RD
POCATELLO ID 83204

DIXIE CHRISTENSEN
4044 TECH FARM RD
POCATELLO ID 83204

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 04/01/1940

POINT OF DIVERSION:

T07S R35E S7 NWSENW Within BANNOCK County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.100 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S07 NWNW 5.0

5 ACRES TOTAL

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

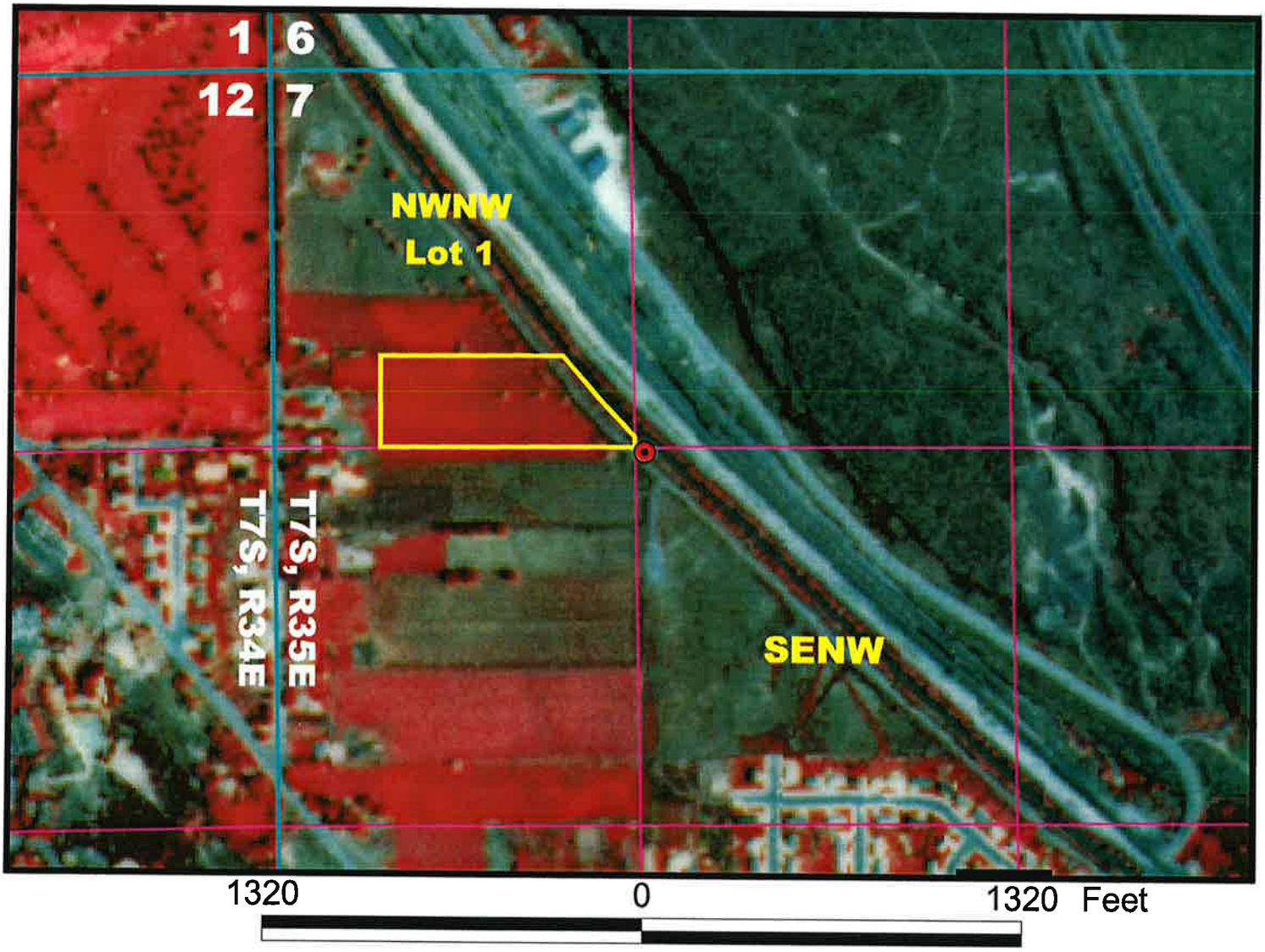
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-13166



Total Irrigated Acres: 5.7

N
W
E
S

Point(s) of Diversion

Place of Use

Quarter Quarter Lines

Section Lines

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: May 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13166 V1

WATER RIGHT NUMBER: 29-13166 V1

Owner Type	Name and Address
Current Owner	W J CHRISTENSEN 4044 TECH FARM RD POCATELLO, ID 83204 (208)232-8659
Current Owner	DIXIE CHRISTENSEN 4044 TECH FARM RD POCATELLO, ID 83204 (208)232-8659

Priority Date: ~~04/01/1902~~ 5/2/1902

Basis: Beneficial Use

Status: Active

Source	Tributary
PORTNEUF RIVER	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/01	10/31	0.110 CFS	
		Total Diversion:	0.110 CFS	

Location of Point(s) of Diversion

PORTNEUF RIVER NW1/4SE1/4NW1/4 Sec. 7, Twp 07S, Rge 35E, B.M.

BANNOCK County

Place of Use

IRRIGATION Within BANNOCK County

T07S R35E S07 Lot 1 NWNW 5.7

Total Acres: 5.7

Conditions of Approval:

1. C18 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.

Remarks:

Comments:

1. csaxton 12/19/2001 POD
Comment: Amended claim not requested for QQ change for POD per Claims investigation manual, chapter 5, Section I.B. Paragraph 3.

2. csaxton 11/12/2002 Priority Date
Comment: Priority date recommended as claimed per patent provided by claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13166 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	12/19/2001 11:25:08 AM	csaxton			Active
POD	12/19/2001 11:27:14 AM	csaxton			Active
Source	12/19/2001 1:48:58 PM	csaxton			Active
POU	12/19/2001 1:49:45 PM	csaxton			Active
Use	12/19/2001 1:52:52 PM	csaxton			Active
Season	12/19/2001 1:53:29 PM	csaxton			Active
Quantity	12/19/2001 2:02:52 PM	csaxton			Active
Summary			12/19/2001	csaxton	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POD	12/19/2001 2:02:53 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill claims for < 0.20 cfs do not require measurement.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13166 V1

Summary	12/19/2001 2:04:47 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Contacts	12/19/2001 11:13:29 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 5/15/01
POD	12/19/2001 11:29:25 AM	csaxton	Edited PLS
Priority Date	12/19/2001 11:25:08 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Statement from long time resident.
POD	12/19/2001 11:27:14 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	12/19/2001 11:29:04 AM	csaxton	Edited point location
POU	12/19/2001 1:51:39 PM	csaxton	Edited shape boundary
Source	12/19/2001 1:48:58 PM	csaxton	(No) 1. Is the basis of claim decree or license? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam 5/15/01

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13166 V1

POU	12/19/2001 1:49:46 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field Exam 5/15/01
Use	12/19/2001 1:52:53 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam 5/15/01
Season	12/19/2001 1:53:31 PM	csaxton	(No) 1. Is the basis of claim decree or license? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	5/17/2002 8:49:46 AM	csaxton	Edited shape boundary
POU	5/17/2002 8:49:59 AM	csaxton	Edited PLS

RECEIVED
FEB 27 2003
Department of Water Resources
Eastern Region

02/08/2003

Craig

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: 29-13166

W J CHRISTENSEN
4044 TECH FARM RD
POCATELLO ID 83204
Telephone Number: (208)232-8659

DIXIE CHRISTENSEN
4044 TECH FARM RD
POCATELLO ID 83204
Telephone Number: (208)232-8659

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:

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

DATE: 2-21-03 **SIGNATURE:** W.J. Christensen

Please print your name: W.J. Christensen

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

11-12-02: Per Conversation With Candice - Rec Priority of 5/3/1902 per Patent Provided By Claimant

: Claimant Provided Evidence that canal around the river is Irrigated. Due to the path of the Portment being altered, no Evidence to Indicate that area wasn't historically Irrigated.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

RECEIVED
AUG 30 2002
WATER RESOURCES
WESTERN REGION

August 29, 2002

Brad Christensen
4330 Bannock Highway
Pocatello, ID 83204

RE: Priority Date for Snake River Basin Adjudication (SRBA) claim 29-13166

Dear Mr. Christensen:

On April 24, 2002, I received a copy of patent # 525092 for Susie Gibson. You provided this information to support the priority date of 4/1/1902 for SRBA claim no. 29-13166 filed by W. J Christensen. In 1995 W. J. Christensen provided a title history showing the transfer of property from the time Susie Gibson acquired title to the time he bought the property. However the patent alone is not sufficient to support the 4/1/1902 priority; more information is still needed in order for the Department to recommend your claim with the 4/1/1902 priority date.

There are a couple ways to prove the 1902 priority date. One, you could provide evidence that Susie Gibson started using and continued using Portneuf River water for irrigation purposes. Then, show that the use of water on the property continued until today.

If you cannot show continuous use, then you may be able to preserve your priority date by showing that water use continued from the time the first non-Indian purchased the property until today. When an Indian allottee, such as Susie Gibson, was granted property, he/she was immune from traditional state law concepts of forfeiture. However, once that allotment property entered non-Indian ownership, traditional state law principles apply with regards to the water right. Thus, in order to preserve a 1902 priority date, the patent alone is not enough. You need to show that the first non-Indian purchaser put the water to beneficial use within a reasonable time period following the purchase of the property. Then, that this water use had to continue until today.

Enclosed is a pamphlet that may guide you on what you can provide for evidence of priority. One example is that you could provide affidavits from residents in the area that have first hand knowledge of the water use on the property. Other evidence could be receipts for irrigation equipment, historical aerial photos, or newspaper clippings.

Natural Resources Division - Water Resources Unit
1301 North Orchard St., Boise, Idaho 83706-2237
Telephone: (208) 327-7920; Legal FAX: (208) 327-7866
Adjudication FAX: (208) 327-5400

If you have additional questions concerning this matter please contact me at (208) 288-2445 or Craig Saxton at (208) 334-2190.

Sincerely,

Candice McHugh

Candice M. McHugh
Deputy Attorney General, IDWR

cc: Craig Saxton

RECEIVED
APR 24 2002
WATER RESOURCES
WESTERN REGION

Abstract No. [illegible]

aited States of America,

to

asie Gibson

PATENT

Dated: April 17, 1916
Filed: November 15, 1926
at 4:12 P.M.
Instrument No: 127387
Recorded: Book 55 Deed
Record Page 435

Recites:

That schedule of allotments approved by Secretary of Interior has een deposited in General Land Office, whereby it appears that Susie Gibson, ndian of Fort Hall Reservation, has been allotted following described land:

Lots one and two of Section Seven in Township Seven South of Range thirty-five East of Boise Meridian, Idaho, containing seventy-six and fifty-six hundredths acres, according to Official Plat of Survey of said land returned to General Land Office by Surveyor General.

In consideration of premises, and in accordance with provisions of .ct of Congress of February 23, 1889 (25 Stat., 688), does give and grant nto said Susie Gibson and to her heirs, lands above described.

With provision that title hereby acquired shall not be subject to alienation, lease or incumbrance, either by voluntary conveyance of Grantee or her heirs, or by judgment, order or decree of any Court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for period of twenty-five years, and until such time thereafter as President may see fit to remove restriction.

And there is reserved from lands hereby granted, right of way thereon for ditches or canals constructed by authority of United States.

This patent is issued in lieu of one dated May 3, 1902.

(United States General Land Office Seal)

By President Woodrow Wilson,
By M.P.LeRoy, Secretary

Recorded Patent Number 525090

L. Q. C. Lamar, Recorder of General Land Office.

[illegible] TITLE ABSTRACT COMPANY

August 8, 2002

BRAD CHRISTENSEN
4330 BANNOCK HWY
POCATELLO ID 83204

RE: Priority Date for Snake River Basin Adjudication (SRBA) claim 29-13166

Dear Mr. Christensen:

On April 24, 2002, I received a copy of patent # 525092 for Susie Gibson. This information was provided by yourself to support the priority dated 4/1/1902 for claim 29-13166 held by W. J Christensen.

In 1995 W. J. Christensen provided a deed trail from Susie Gibson to himself. I have consulted with our legal staff about this issue. In order to explain the issues IDWR has with the priority date claimed, some background information needs to be brought to your attention.

1) In order to develop a water right, water needs to be put to beneficial use. Documents such as claims and posted notice's show intent to use the water, but do not prove beneficial use.

2) Susie Gibson was issued a patent for the property in question on April 17, 1916. With this patent there was an implied water right weather water was used or not as long as the property is owned by an Indian person.

3) However, when the property was sold to a non-Indian person, the forfeiture statue comes into effect. This statute states 5 years of continuous non-use of a water right makes that right subject to forfeiture.

Thus, there are a couple ways to prove up on the 1902 priority date.

- Provide evidence that Susie Gibson started using and continued using Portneuf River water for irrigation purposes prior to her selling the property to W.F. Kasiska On September 18, 1926.
- If W.F. Kasiska is a non-Indian person, show that W.F. Kasiska started using Portneuf River water within 5 years after purchase of the property.

To review, as long as an Indian person owned the property or claimed place of use, there is an implied water right with that patent weather the Portneuf River water was used or not. Once sold to a non-Indian person, the water must have been put to beneficial use within 5 years in order to retain the 1902 priority date.

As stated before, probably the easiest evidence to gather would be affidavits from "old timers" in the area that have first hand knowledge of the water use. Other evidence could be receipts, historical aerial photos, or newspaper clippings.

If you have additional questions concerning how IDWR views the provided patent, I would encourage you to contact Deputy Attorney General, Candice McHugh at (208) 327-5404.

Respectfully submitted,

CRAIG L SAXTON
Sr. Water Resource Agent
Adjudication Bureau

1-06-1995

Dear Mr.Dave Carlson,

In answer to your letter dated Jan. 3, 1995. I have reserched the Abstract of Title to said property, and submit the following information.

I hope this will help you set a PRIORITY DATE.

Page 3-April 17,1916 United States of America to Susie Gibson (Fort Hall Indian)

September 18, 1926 Susie Gibson sold to W.F.Kasiska

November 23, 1926 W.F.Kasiska sold toD.L.Pope

Page 21-July 14, 1930 D.L.Pope sold to Harmon F Raymond

Page 17- See Theo J. Turner's Affidavit

Page 23- January ~~30~~ 26 W.J.C., 1937 Harmon F Raymond sold to E.W.Christensen

In 1956 E.W. Christensen's widow sold to W.J. Christensen.

January 30, 1937 See letter= Harmond F. Raymond sold to ~~W.J.~~ E.W. W.J.C. Christensen half interest in pump, which I remember as an irragation pump in river.

Sincerely,

W.J. Christensen

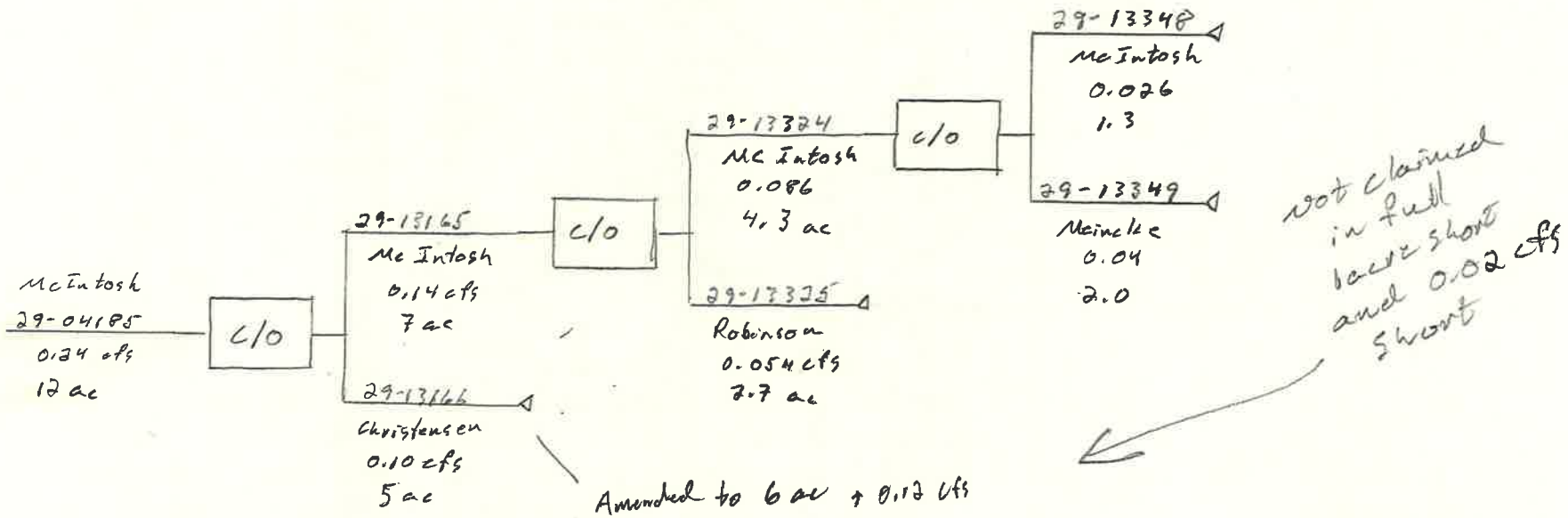
W.J.Christensen

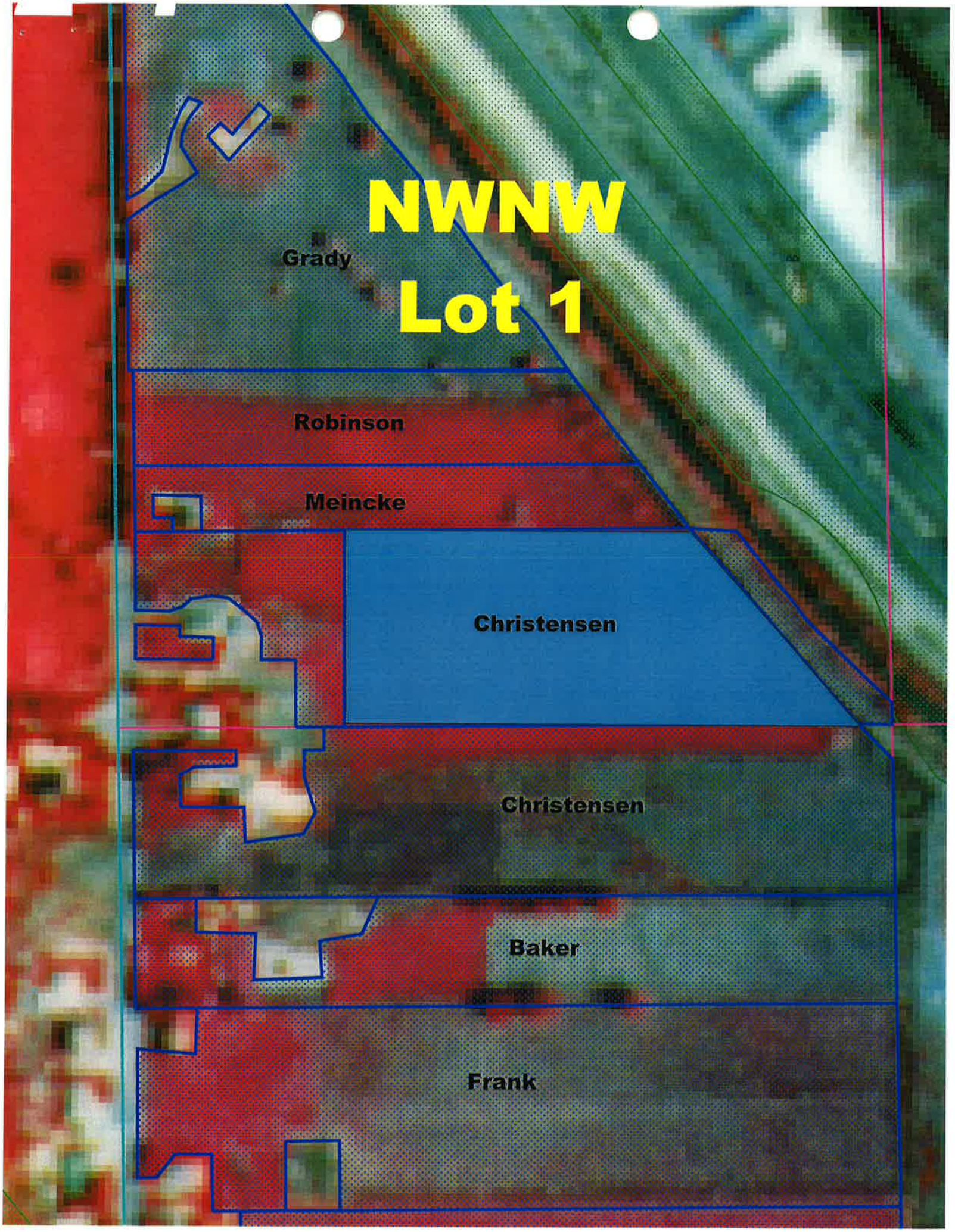
RECEIVED
JAN 09 1995
Department of Water Resources
Eastern District Office

MICROFILMED
NOV 13 1995

Split History for 29-04185

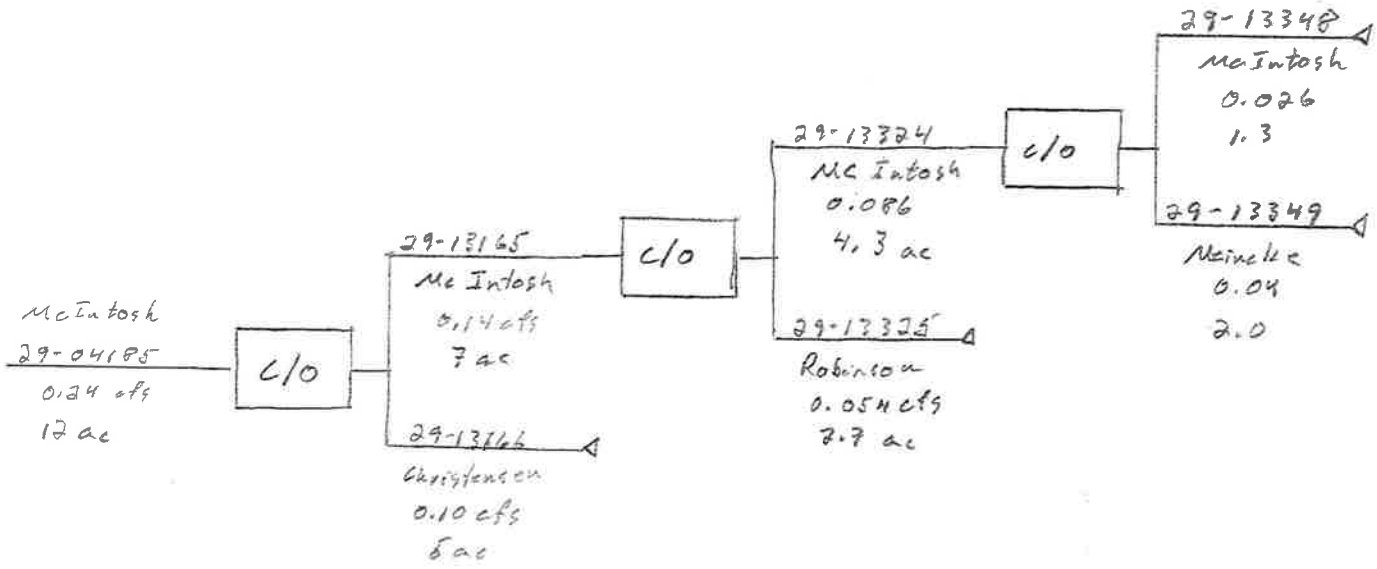
½ of Splits = Parent Claim




NWNW
Lot 1
Grady
Robinson
Meincke
Christensen
Christensen
Baker
Frank

Split History for 29-04185

# of Splits = Parent Claim



4/21/02

Dear Craig,

Please find the enclosed documentation for the support of a 1902 priority date on 29-04188. My argument is if 29-13166 has a 1902 priority date 29-04188 by virtue of the lots one and two being owned by Susie Gibson at the time through the chain of title should have a 1902 priority date as well.

Brad Christensen

RECEIVED
APR 24 2002
WATER RESOURCES
WESTERN REGION

RECEIVED
APR 24 2002
WATER RESOURCES
WESTERN REGION

Abstract No. [illegible]

nited States of America,

to

usie Gibson

PATENT

Dated: April 17, 1916
Filed: November 15, 1926
at 4:12 P.M.
Instrument No: 127387
Recorded: Book 55 Deed
Record Page 435

Recites:

That schedule of allotments approved by Secretary of Interior has een deposited in General Land Office, whereby it appears that Susie Gibson, ndian of Fort Hall Reservation, has been allotted following described land:

Lots one and two of Section Seven in Township Seven South of Range thirty-five East of Boise Meridian, Idaho, containing seventy-six and fifty-six hundredths acres, according to Official Plat of Survey of said land returned to General Land Office by Surveyor General.

In consideration of premises, and in accordance with provisions of .ct of Congress of February 23, 1889 (25 Stat., 688), does give and grant nto said Susie Gibson and to her heirs, lands above described.

With provision that title hereby acquired shall not be subject to lienation, lease or incumbrance, either by voluntary conveyance of Grantee or her heirs, or by judgment, order or decree of any Court, or subject to axation of any character, but shall be and remain inalienable and not ubject to taxation for period of twenty-five years, and until such time hereafter as President may see fit to remove restriction.

And there is reserved from lands hereby granted, right of way thereon for ditches or canals constructed by authority of United States.

This patent is issued in lieu of one dated May 3, 1902.

(United States General Land Office Seal)

By President Woodrow Wilson,
By M.P.LeRoy, Secretary

Recorded Patent Number 525090

L. Q. C. Lamar, Recorder of General Land Office.

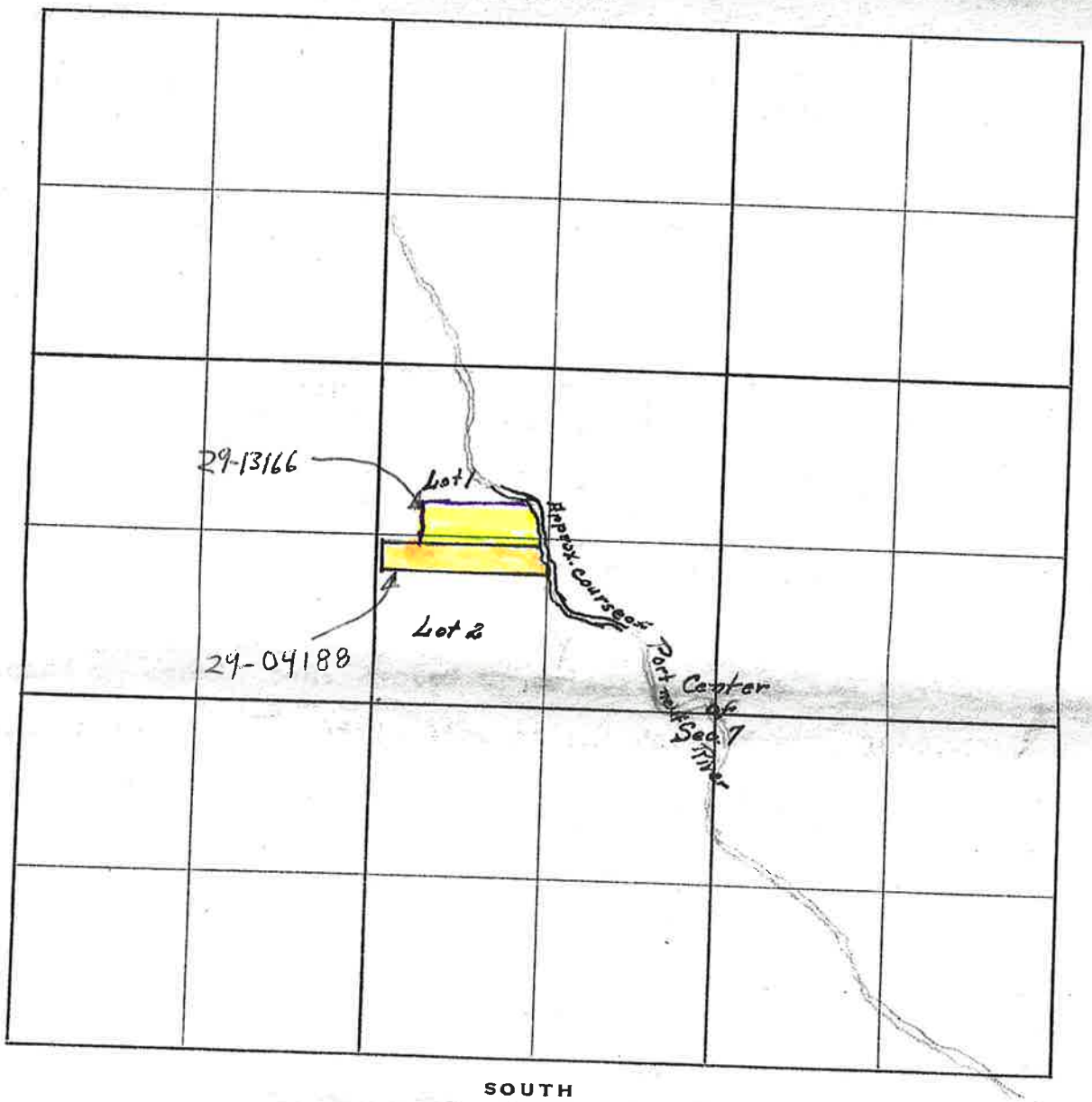
[illegible] ABSTRACT COMPANY

ABSTRACT NO. [illegible]

PLAT OF THE PROPERTY DESCRIBED IN THE FOREGOING CAPTION

Township Seven *South, Range* Thirty-five *East Boise Meridian*

NORTH



SOUTH

BANNOCK TITLE-ABSTRACT COMPANY

SCALE FEET TO THE INCH

PAGE NUMBER

SHURTLIFF ENGINEERING

426 W. Lewis · P.O. Box 11 · Pocatello, Idaho 83204-0011 · (208) 233-1963

Schedule A.

DESCRIPTION FOR MAGARET MC INTOSH

A tract of land in the west half of the northwest quarter of Section 7, Township 7 South, Range 35 East, Boise Meridian, described as follows:

Commencing at the west quarter corner of Section 7, Township 7 South, Range 35 East, Boise Meridian; thence North along the west line of Section 7 for a distance of 1371.00 feet; thence South 89°27'26" East parallel with the latitudinal centerline of Section 7 for a distance of 33.00 feet to the southwest corner of the land described in instrument 413822 of the records of Bannock County; thence Continuing South 89°27'26" East along the south boundary line of the said land for a distance of 275.00 feet; thence South along the west boundary line of the said land for a distance of 108.00 feet; thence South 89°27'26" East along the south boundary line of the said land for a distance of 60.00 feet to the TRUE POINT OF BEGINNING; thence Continuing South 89°27'26" East along the said south line for a distance of 834.02 feet to a point in an existing fence line; thence North 40°58'52" West along an existing fence line (the approximate west line of the Portneuf River Flood Control Levee) for a distance of 418.99 feet; thence North 89°27'26" West parallel with the latitudinal centerline of Section 7 for a distance of 559.27 feet; thence South for a distance of 313.70 feet to the point of beginning.

The easterly boundary of the afore described tract of land is to extend east to coincide with the east bank of the Portneuf River as it existed prior to the construction of the Flood Control Levee, the east boundary of the land described in instrument 425556.

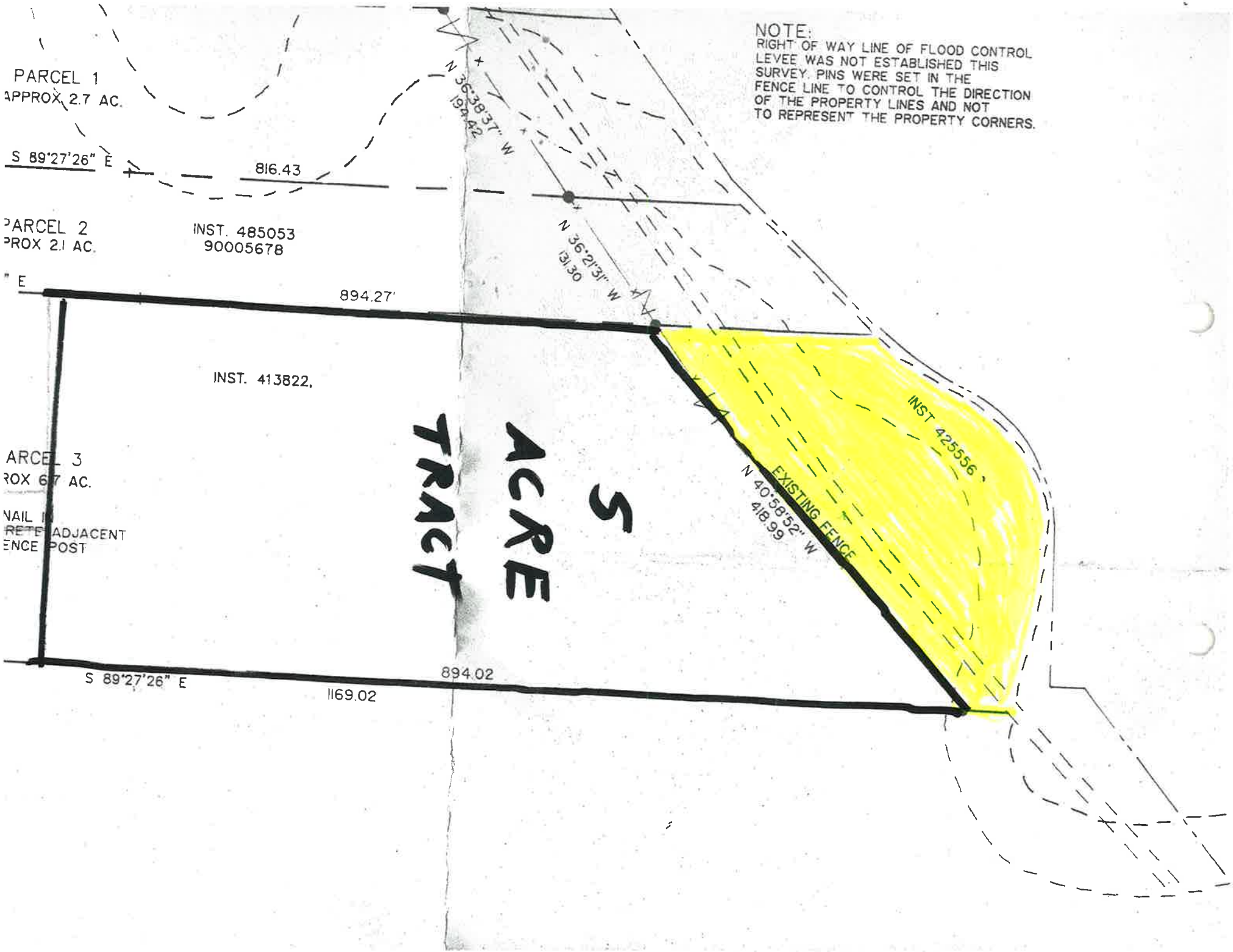
Comprising 5.0 acres. More or less.

TOGETHER WITH:
A fifty (50.0) foot wide utility and access easement, said easement being 25.0 feet on each side of the following described centerline:

Commencing at the west quarter corner of Section 7, Township 7 South, Range 35 East, Boise Meridian; thence North along the west line of Section 7 for a distance of 1371.00 feet; thence South 89°27'26" East parallel with the latitudinal centerline of Section 7 for a distance of 33.00 feet to the southwest corner of the land described in instrument 413822 of the records of Bannock County; thence North along the east right of way line of Tech Farm Road for a distance of 25.00 feet to the TRUE POINT OF BEGINNING: thence South 89°27'26" East on a line parallel with and 25.00 feet north of the south boundary line of the said land and the easterly extension thereof for a distance of 335.0. feet to point on the west boundary line of the afore described tract, the terminus of the land being described.

REGISTERED LAND SURVEYOR 977 10/28/99 STATE OF IDAHO TIM M. SHURTLIFF

October 28 1999
Job No. 93033-99
TS


NOTE:
RIGHT OF WAY LINE OF FLOOD CONTROL LEVEE WAS NOT ESTABLISHED THIS SURVEY. PINS WERE SET IN THE FENCE LINE TO CONTROL THE DIRECTION OF THE PROPERTY LINES AND NOT TO REPRESENT THE PROPERTY CORNERS.
PARCEL 1
APPROX. 2.7 AC.
N 36°38'37" W
194.42
S 89°27'26" E
816.43
PARCEL 2
PROX 2.1 AC.
INST. 485053
90005678
N 36°21'31" W
(31.30
E
894.27'
INST. 413822,
INST 425556
EXISTING FENCE
N 40°58'52" W
418.99
ARCEL 3
ROX 6.7 AC.
NAIL IN
RETE ADJACENT
ENCE POST
5
ACRE
TRACT
894.02
S 89°27'26" E
1169.02

IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID: 29 | 13166 |
POD ID: 537522
Quad:
Claim Type: S
Easting: 0
Northing: 0
GPSID:

Diversion Description:

Assumptions:

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked:
Photos:

Invoice #:

EPE (ft): | Date (M/D/Y): | Time: | Flow Rate (CFS): 0

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ **Circular Channel**
- ☐ Less than half full
- ☐ Half full
- ☐ More than half ful
- ☐ Full

Diameter: 0
Depth:

☐ **Rectangular Channel**
Width:
Depth:

Flow Calculation

☐ **Continuity** Velocity: 0

☐ **Orifice**
(Use only for head over a pipe flowing full with free discharge)
Depth of Water above orifice centerline:

☐ **Weir**
(Use only for water flowing freely over weir)
Height of water above nappe:
Width of weir:

☐ **Manning** (If used, include photo of representative channel section

Channel Slope:

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☐

HP:
Pressure Head (psi):
Elevation Head (ft):
Motor Mfg:
Motor Serial #:
Pump Type:
Pump Mfg:
Pump Serial#:

New Contact Information ☐

New Contact Comments:

This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Servic, Inc.

INTREPID Engineering Services, Inc. (IES) Enabling People and Solutions

SCANNED

JUN 19 2001

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 24, 2001

WJ & DIXIE CHRISTENSEN
4044 TECH FARM RD
POCATELLO ID 83204

RE: CHANGE IN OWNERSHIP FOR 29-4185

Dear Mr. & Mrs. Christensen:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

29-4185:
29-13165, 0.14 cfs, 7 acres, McIntosh
29-13166, 0.10 cfs, 5 acres, Christensen

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree

Jennifer Crabtree
Technical Records Specialist

Enclosure

Left off at POD

5-22-01

Mr. Craig L. Saxton,

My family and I have lived at 4044 Tech Farm Rd., Pocatello, Idaho 83204 since 1940.

To my knowledge the 29-04185 HL Mcintosh, Margret Mcintoch Property has been in continuous use of pumping irrigation water from the Portneuf River for the purpose irrigation since that time, and possibly before.

The Mcintoch property then belonged to a family named Marley.

I bought five acres from Mcintosh on November 2, 1999.

Sincerely,

W. Christensen

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number McIntosh

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	0.14 cfs	~~60~~ 7 ac
Stock		
Domestic		
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number Christensen

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	0.10 cfs	5 ac
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) (include title if applicable)

W. Christensen

Duke Christensen

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____

Receipted by _____ Date _____ Receipt No. _____

Processed by _____ AJ Date _____ WR _____ Date _____

SHURTLIFF ENGINEERING

426 W. Lewis · P.O. Box 11 · Pocatello, Idaho 83204-0011 · (208) 233-1963

Schedule A.

DESCRIPTION FOR MAGARET MC INTOSH

A tract of land in the west half of the northwest quarter of Section 7, Township 7 South, Range 35 East, Boise Meridian, described as follows:

Commencing at the west quarter corner of Section 7, Township 7 South, Range 35 East, Boise Meridian; thence North along the west line of Section 7 for a distance of 1371.00 feet; thence South 89°27'26" East parallel with the latitudinal centerline of Section 7 for a distance of 33.00 feet to the southwest corner of the land described in instrument 413822 of the records of Bannock County; thence Continuing South 89°27'26" East along the south boundary line of the said land for a distance of 275.00 feet; thence South along the west boundary line of the said land for a distance of 108.00 feet; thence South 89°27'26" East along the south boundary line of the said land for a distance of 60.00 feet to the TRUE POINT OF BEGINNING; thence Continuing South 89°27'26" East along the said south line for a distance of 834.02 feet to a point in an existing fence line; thence North 40°58'52" West along an existing fence line (the approximate west line of the Portneuf River Flood Control Levee) for a distance of 418.99 feet; thence North 89°27'26" West parallel with the latitudinal centerline of Section 7 for a distance of 559.27 feet; thence South for a distance of 313.70 feet to the point of beginning.

The easterly boundary of the afore described tract of land is to extend east to coincide with the east bank of the Portneuf River as it existed prior to the construction of the Flood Control Levee, the east boundary of the land described in instrument 425556.

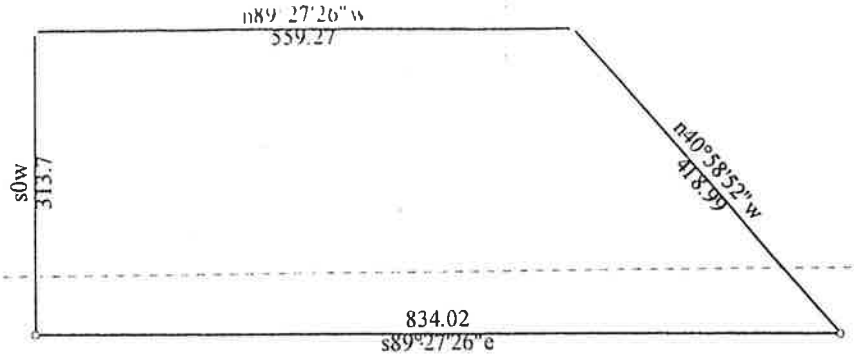
Comprising 5.0 acres. More or less.

TOGETHER WITH:
A fifty (50.0) foot wide utility and access easement, said easement being 25.0 feet on each side of the following described centerline:

Commencing at the west quarter corner of Section 7, Township 7 South, Range 35 East, Boise Meridian; thence North along the west line of Section 7 for a distance of 1371.00 feet; thence South 89°27'26" East parallel with the latitudinal centerline of Section 7 for a distance of 33.00 feet to the southwest corner of the land described in instrument 413822 of the records of Bannock County; thence North along the east right of way line of Tech Farm Road for a distance of 25.00 feet to the TRUE POINT OF BEGINNING: thence South 89°27'26" East on a line parallel with and 25.00 feet north of the south boundary line of the said land and the easterly extension thereof for a distance of 335.0. feet to point on the west boundary line of the afore described tract, the terminus of the land being described.

REGISTERED LAND SURVEYOR 977 10/28/99 STATE OF IDAHO TIM M. SHURTLIFF

October 28 1999
Job No. 93033-99
TS



Title: Mc Intosh		Date: 10-25-1999
Scale: 1 inch = 200 feet	File: 3019910343	

Tract 1: 5.017 Acres: 218530 Sq Feet: Closure = s84.5032e 0.04 Feet: Precision =1/52621: Perimeter = 2126 Feet

001=/nw,nw,sw,7,7s,35e
002=/n0w 1371.00
003=/s89.2726e 33
004=/s89.2726e 275
005=/s0w 108
006=/s89.2726e 60
007=s89.2726e 834.02
008=n40.5852w 418.99
009=n89.2726w 559.27
010=s0w 313.7

COPY

BILL OF SALE

Schedule B

KNOW ALL MEN BY THESE PRESENTS: Date: November 2, 1999

That in consideration of One Thousand Dollars, ($1,000.00), the receipt which is hereby acknowledged, the undersigned, (seller), does hereby sell, transfer and deliver unto W. J. Christensen and Dixie Christensen, (buyers), all of her right and interest in and to the following used irrigation equipment:

7 ½ H.P. Pump
1 Suction Pump
1 Flexible Intake Pipe, 20 feet in length
1 Flexible Outake, 5 feet in length
7 sections of 4 inch Main Line-each 40 foot in length
3 sections of 4 inch Main Line-each 20 foot in length
1 section of 4 inch Main Line-6 foot in length with adapter
68 sections of 3 inch Main line -each 40 foot in length
3 sections of 3 inch Main Line-each 20 feet in length
together with risers and seals

The said seller hereby warrants that she is the lawful owner of said equipment; that it is free from all liens and encumbrances; that she has the right to sell the same as aforesaid and that she will warrant and defend the title of same against any claims and demands of all person whomsoever.

Margaret G McIntosh
MARGARET G. MCINTOSH

SUBSCRIBED to before me this 2 day of November, 1999.

RALPH H. JONES JR.
NOTARY PUBLIC
STATE OF IDAHO

NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, Idaho
Commission expires: 1-16-05

REAL ESTATE PURCHASE AND SALE AGREEMENT
(with Earnest Money Provision)

THIS CONTRACT CONTROLS THE TERMS OF SALE OF THE PROPERTY. READ CAREFULLY BEFORE SIGNING: IF ANY QUESTIONS, CONSULT YOUR ATTORNEY.

Pocatello, Idaho 11-2 1999

W. Christensen and Dixie Christensen husband and wife (hereinafter called "Buyer") agrees to purchase, and the undersigned agrees to sell the following described real estate hereinafter referred to as "premises" located in Pocatello County of Bannock State of Idaho, commonly known as

legally described as: See Schedule A Forebay Tank and Pipeline made a part hereof the canal at Pebble Creek together with the used irrigation equipment & fixtures on Schedule B attached

A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED, ATTACHED OR WRITTEN ON THE REVERSE HEREOF PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over his signature the correct legal description of the premises if unavailable at the time of signing, or to correct the legal description previously entered if erroneous or incomplete).

1. TOTAL PURCHASE PRICE IS Fifty One Thousand Dollars DOLLARS ($ 51,000.00) payable as follows:

A. Earnest Money.

(a) Buyer hereby deposits and a receipt is hereby acknowledged of One Hundred Dollars ($ One Hundred) evidenced by: ☐ Cash, ☒ Personal Check, ☐ Cashiers Check, ☐ Note Due or paid or delivered as earnest money in part payment of the purchase price for the premises.

~~(b) Earnest Money to be deposited in trust account upon acceptance by all parties.~~

~~(c) All Earnest Money shall be held by for the benefit of the parties hereto, and (Broker) shall hold the completely executed broker's copy of this agreement.~~

B. Balance of purchase price to be paid as follows:

$50,000.00 Cash on Closing at Alliance Title Company of Pocatello, Idaho

2. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of 11-2-99. If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.

3. Title of Seller is to be conveyed by warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by Seller may be paid out of purchase money at date of closing. Any liens, encumbrances or defects which are to be discharged or assumed by Buyer or to which title is taken subject to (not otherwise set forth above) are: None.

4. The Seller shall, within a reasonable time after closing, furnish to the Buyer a title insurance policy in the amount of the purchase price of the premises from a title insurance company showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a preliminary report or commitment made by a title insurance company showing the condition of the title to said premises. The parties agree that Alliance Title Company shall provide said title policy and preliminary report or commitment. It is agreed that if the title to said premises is not marketable, or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered or mailed to the Seller, or if the Seller, having approved said sale fails to consummate the same as herein agreed, such failure shall constitute a default and the Earnest Money shall be returned to the Buyer and Seller shall pay for the cost of title insurance, escrow and legal fees, if any. Buyer's acceptance of the Earnest Money does not constitute a waiver of other remedies available.

5. It is hereby agreed that the "closing agent" for this agreement shall be Alliance Title Company is the broker responsible for the closing. Where not otherwise provided by law, the parties shall each pay one-half of said closing agent's fees. The closing date shall be on 11-2-99.

6. On or before the closing date, Buyer and Seller shall deposit with the closing agent all funds and instruments necessary to complete the sale.

7. Seller shall deliver possession to Buyer on or before 11-2-1999, and taxes and water assessments (using the last available assessment as a basis), rents, insurance premiums, interest and reserves on liens, loans or obligations assumed or taken subject to, and utilities shall be prorated as of

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 29-13166
Date Received: 5/23/2001
Receipt No:
Received By:

AMENDED **AMENDE**

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
APR 2 2 2002
WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

W J CHRISTENSEN Phone: (208)232-8659

4044 TECH FARM RD
POCATELLO ID USA 83204

DIXIE CHRISTENSEN Phone: (208)232-8659

4044 TECH FARM RD
POCATELLO ID USA 83204

2. Date of Priority: 04/01/1902

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County	Type
07S	35E	7		NW	NW	1	BANNOCK	

5. Description of diverting works:

PUMP & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.12	

7. Total Quantity Appropriated is:
0.12 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	35E	7	NW	NW		IRRIGATION	6
						Section Acres	6
						Total Acres	6

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS THE RESULT OF SPLITTING 29-04185 PER C/O REQUEST (CSAXTON 5/23/01)
29-13165: 0.14 CFS, 7 AC, MCINTOSH
29-13166: 0.10 CFS, 5 AC, CHRISTENSEN

29-04185: 0.24 CFS, 12 AC, MCINTOSH

29-13165: 0.12 CFS, 6 AC, Mcintosh
29-13166: 0.12 CFS, 6 AC, Christensen
Change to

AMENDED CLAIM SENT TO CLAIMANT TO INCREASE ACREAGE AND DIVERSION RATE (CSAXTON).

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): Myra Christensen Date: 4/17/02

W J Christensen Date: 4/17/02

State of Idaho)
) SS.
County of Bannock)

Subscribed and sworn (or affirmed) before me this 17th

of April 2002 Lois Roberts

Notary Public

Residing at 713 Hutchinson Ave Idaho Falls ID

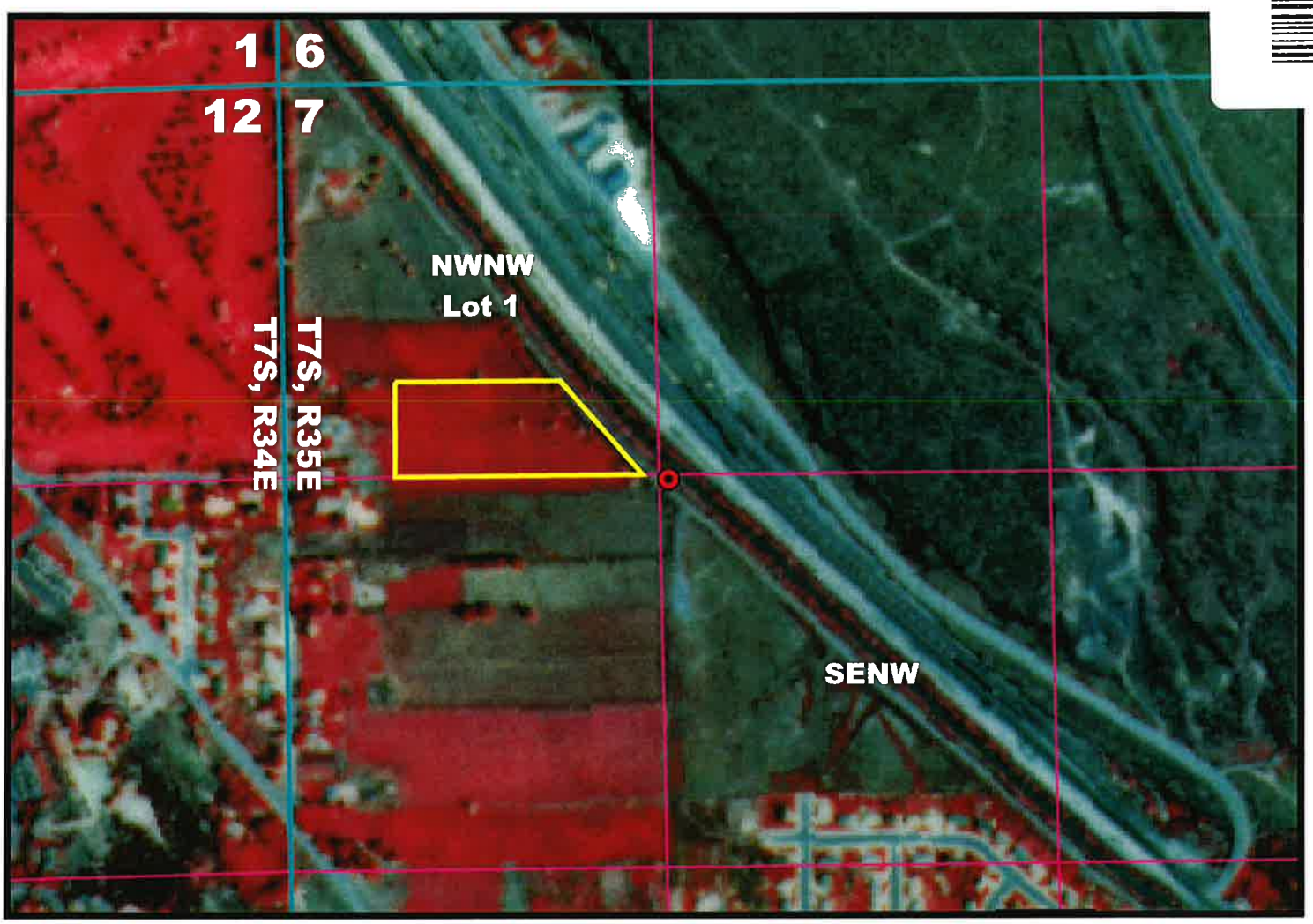
My commission Expires 07/05/06

STATE OF IDAHO

Department of Water Resources
Eastern Region

A2913166

Water Right(s): 29-13166



1320 0 1320 Feet

Total Irrigated Acres: 5.0

N
W E
S

- Point(s) of Diversion
- Place of Use
- Quarter Quarter Lines
- Section Lines

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: December 2001

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13166 V1

WATER RIGHT NUMBER: 29-13166 V1

Owner Type	Name and Address
Current Owner	W J CHRISTENSEN 4044 TECH FARM RD POCATELLO, ID 83204 (208)232-8659
Current Owner	DIXIE CHRISTENSEN 4044 TECH FARM RD POCATELLO, ID 83204 (208)232-8659

Priority Date: 04/01/1940

Basis: Beneficial Use

Status: Active

Source	Tributary
PORTNEUF RIVER	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	0.100 CFS	
	Total Diversion:	0.100 CFS	

Location of Point(s) of Diversion

PORTNEUF RIVER NW1/4SE1/4NW1/4 Sec. 7, Twp 07S, Rge 35E, B.M.

BANNOCK County

Place of Use

IRRIGATION Within BANNOCK County

T07S R35E S07 NWNW 5.0

Total Acres: 5

Conditions of Approval:

1. C18 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.

Remarks:

Comments:

1. csaxton 12/19/2001 POD
Comment: Amended claim not requested for QQ change for POD per Claims investigation manual, chapter 5, Section I.B. Paragraph 3.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13166 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	12/19/2001 11:25:08 AM	csaxton			Active
POD	12/19/2001 11:27:14 AM	csaxton			Active
Source	12/19/2001 1:48:58 PM	csaxton			Active
POU	12/19/2001 1:49:45 PM	csaxton			Active
Use	12/19/2001 1:52:52 PM	csaxton			Active
Season	12/19/2001 1:53:29 PM	csaxton			Active
Quantity	12/19/2001 2:02:52 PM	csaxton			Active
Summary	12/19/2001 2:04:46 PM	csaxton	12/19/2001 2:04:46 PM	csaxton	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POD	12/19/2001 2:02:53 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill claims for < 0.20 cfs do not require measurement.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13166 V1

Summary	12/19/2001 2:04:47 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Contacts	12/19/2001 11:13:29 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 5/15/01
POD	12/19/2001 11:29:25 AM	csaxton	Edited PLS
Priority Date	12/19/2001 11:25:08 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Statement from long time resident.
POD	12/19/2001 11:27:14 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	12/19/2001 11:29:04 AM	csaxton	Edited point location
POU	12/19/2001 1:51:39 PM	csaxton	Edited shape boundary
Source	12/19/2001 1:48:58 PM	csaxton	(No) 1. Is the basis of claim decree or license? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam 5/15/01

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13166 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	12/19/2001 11:25:08 AM	csaxton			Active
POD	12/19/2001 11:27:14 AM	csaxton			Active
Source	12/19/2001 1:48:58 PM	csaxton			Active
POU	12/19/2001 1:49:45 PM	csaxton			Active
Use	12/19/2001 1:52:52 PM	csaxton			Active
Season	12/19/2001 1:53:29 PM	csaxton			Active
Quantity	12/19/2001 2:02:52 PM	csaxton			Active
Summary	12/19/2001 2:04:46 PM	csaxton	12/19/2001 2:04:46 PM	csaxton	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POD	12/19/2001 2:02:53 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill claims for < 0.20 cfs do not require measurement.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13166 V1

Summary	12/19/2001 2:04:47 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Contacts	12/19/2001 11:13:29 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 5/15/01
POD	12/19/2001 11:29:25 AM	csaxton	Edited PLS
Priority Date	12/19/2001 11:25:08 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Statement from long time resident.
POD	12/19/2001 11:27:14 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	12/19/2001 11:29:04 AM	csaxton	Edited point location
POU	12/19/2001 1:51:39 PM	csaxton	Edited shape boundary
Source	12/19/2001 1:48:58 PM	csaxton	(No) 1. Is the basis of claim decree or license? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam 5/15/01

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POU	12/19/2001 1:49:46 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field Exam 5/15/01
Use	12/19/2001 1:52:53 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam 5/15/01
Season	12/19/2001 1:53:31 PM	csaxton	(No) 1. Is the basis of claim decree or license? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?