

04/08/2003

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

RIGHT NUMBER: 29-13286
NAME AND ADDRESS: ELLEN CHRISTIANSEN
PO BOX 48
LAVA HOT SPRINGS ID 83246

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 1.000 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-00044 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.0 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-00044 SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE.

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

PRIORITY DATE: 07/06/1937

POINT OF DIVERSION:

T09S R38E S9 NWNWNE Lot 1 Within BANNOCK County Source: PORTNEUF RIVER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.000 CFS
STOCKWATER	04/01 10/31	0.020 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T09S R38E S09 Lot 2 SWNE 24.0 T09S R38E S09 Lot 3 SENE 20.0

STOCKWATER Within BANNOCK County

T09S R38E S09 Lot 2 SWNE T09S R38E S09 Lot 3 SENE

44 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-00044 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 44 ACRES IN A SINGLE IRRIGATION
SEASON.

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 FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT NO. 29-00044 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

02/25/2002

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

RIGHT NUMBER: 29-13286
NAME AND ADDRESS: ELLEN CHRISTIANSEN
PO BOX 48
LAVA HOT SPRINGS ID 83246
SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 0.88 CFS
USE OF THIS RIGHT WITH RIGHT NO. 29-00044 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.88 CFS.
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.
PRIORITY DATE: 07/06/1937
POINT OF DIVERSION:
T09S R38E S9 NWNNE Lot 1 Within BANNOCK County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.880 CFS
STOCKWATER	04/01 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T09S R38E S09 Lot 2 SWNE 24.0 T09S R38E S09 Lot 3 SENE 20.0
STOCKWATER Within BANNOCK County
T09S R38E S09 Lot 2 SWNE T09S R38E S09 Lot 3 SENE

44 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-00044 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 44 ACRES IN A SINGLE IRRIGATION SEASON.

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 FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT NO. 29-00044 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

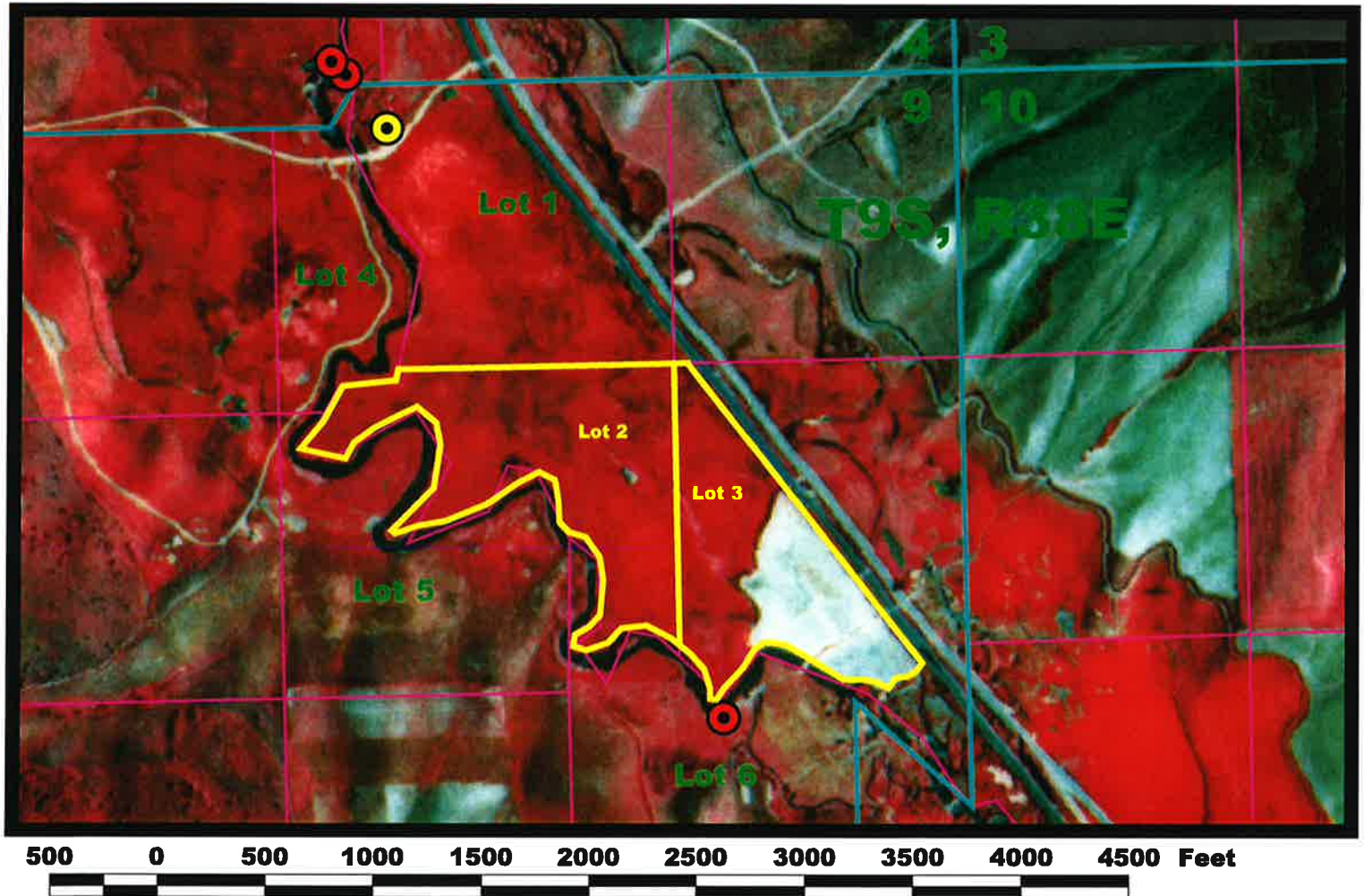
4/8/03 Charged due to Ref 29-44-505 Fms.



STATE OF IDAHO

Department of Water Resources
Eastern Region

**Water Right(s): 29-00044
29-13286**



LEGEND

-  Place of Use
-  Section
-  Quarter-Quarter
-  Point of Diversion

**Place of Use: T9S, R38E
(parts of) Sec. 9 S2NE
(Lots 2 & 3)**

**Point(s) of Diversion: T9S, R38E
Sec. 9 NWNWNE (L 1)**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: February 2002

allen

02/08/2003

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: 29-13286

ELLEN CHRISTIANSEN

PO BOX 48

LAVA HOT SPRINGS ID 83246

Telephone Number: (208) 776-5260

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The original decree is for 1.2 CFS. This has been changed to 0.88 CFS by IDWR.

2. Describe the changes you wish to make in the proposed recommendation:

We would like to keep the 1.2 CFS decree at the point of diversion

3. Give a brief explanation as to why you disagree with these portions:

Through consultation with irrigation specialists it is felt that the 1.2 CFS is necessary to force the water through the ditch to receive the 0.88 on the property. Note below

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

DATE: 4-11-03

SIGNATURE:

Ellen Christiansen

Please print your name: ELLEN Christiansen

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

The Ditch From point of Diversion Runs thru another individuals property, then to the property irrigated. The property irrigated is of the nature requiring a full head of water to push it across the property, to do a good job of irrigating. This releases the ponding of water on the property, and also decreases the time period to irrigate the property.

4/30/03 Q increased to 1.0 cfs from 0.88 on 4/08/03

PBR

In July of 1937 my wife and I acquired the land in Township 9S Range 38E Section 9 that includes Lots 2 and 3. At that time I personally diverted the water through the Durfee Ditch and flood irrigated Lots 2 and 3. I have continued this practice through the years using the water as early and as late in the year as was deemed necessary.

Water was used in Lot 2 for hay and in Lot 3 the water was used for hay and grain on rotation.

Depending on circumstance this would have been before April 15th and after September 15th.

Water was, and is, still used for livestock year round.

DATED: 2-15-02

Ellis Christiansen
Ellis Christiansen

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 2/15/02 day of February 2002.

(SEAL)

Cindy M. Lewis
NOTARY PUBLIC FOR IDAHO
Residing at Pocatello
My Commission Expires: 5/4/2002

RECEIVED
FEB 25 2002
Department of Water Resources
Eastern Region

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 _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Ellen christiansen Phone (208) 776-5260Mailing Address P.O. Box 48 Lava Hot Springs, ID Zip 832462. Date of Priority (Only one (1) per claim) 7-6-19373. Source of water supply (a) Portneuf River
which is tributary to (b) SNAKE RIVER4. a. Location of existing point of diversion is: Township 95 Range 38E Section 9,
NW 1/4 of NW 1/4 of NE 1/4, Govt. Lot, 1 B.M., County of Bannock

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

I moved with my family to the property adjacent to Ellis Christiansen's land in 1948. Ellis was irrigating his river bottom ground as needed at that time and Ellen is still following this practice. This would be before April 15th and after September 15th as required . Water is used for livestock year around.

2/4/02

DOES NOT SUPPORT CLAIMED PRIORITY DATE, 7/6/1937.

MSR

Dated: 1-17-02

Larry Stoddard

Subscribed & Sworn to before me, a Notary Public, on this 1-17-02 of January, 2002

Cindy M. Lewis

Notary Public for Idaho

Residing at: Pocatello

My Commission Expires: 5/4/2002

I was raised on the Ellis and Pearl Christiansen farm that now belongs to Ellen Christiansen. I can remember the water being used to irrigate as early and as late in the year as conditions required. This would have been before April 15th and after September 15th if conditions warranted it. I was born in 1938 and left the farm in 1958. The river is used for livestock year around.

2/4/02

Does NOT support 7-6-1937 claim priority date.

MSR

Dated: 1-17-02

Larsen E Christiansen

Subscribed & Sworn to before me, a Notary Public, this 17th day of January, 2002.

Cindy M. Lewis

Notary Public for Idaho

Residing at: Pocatello

My Commission Expires: 5/4/2002

RECEIVED

DEC 4 2002

Department of Water Resources
Eastern Region

CONVERSATION MEMORANDUM

EMPLOYEE: Cindy Bird

FILE: A29-44

RE: POU additional Season of Use

DATE: January 31, 2002

NAME OF PARTY

Darwin and Ellen Christiansen

Office visit

Darwin and Ellen Christiansen came into the office to file an additional Beneficial Use claim for irrigation outside of the decreed season of use from 4/1 to 4/15 and 9/15 to 10/31 on irrigated lands in lots 2 & 3 in section 9, township 9 south, range 38 east of the Boise Meridian. In researching the right I determined that only a portion of the decree was being recommended under this claim and the diversion rate was reduced proportionally. The claimant and her brother stated that they have irrigated all of the property in lot 2 and the portion of lot 3 that is on the west side of the old Hwy 30. They also stated that they apply all the water that comes down the Durfee ditch by flood irrigating the property. I explained to them that the claim would be recommended by how the water has been historically put to beneficial use. I further explained that normally the diversion rate is based on an inch per acre unless it is determined that more water is needed to sustain a crop. Since this decree doesn't explicitly give the number of irrigated acres we could look at doing a Hubble Analysis to determine if additional water is needed. I also explained that we would look at the ditch's carrying capacity. That would also determine if the ditch will carry the 1.2 cfs decreed under 29-44. The worse case would be the recommendation would cut the decree back to 0.88 cfs for the 44 irrigated acres found under this claim. I also explained that Allen Ruberry in Idaho Falls is responsible for this area and they need to work with him. I gave Ellen Christiansen Allen's business card.

29-13286

*EVIDENCE submitted to support claimant
Priority date DOES NOT support 1937.
Recommend 4/1/1948 per 5/6/48 and 5/10/48.*

*2/4/02
AMM*

Idaho Department of Water Resources Receipt

Receipt ID E027416

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION FILING FEE	0337	43503	1155	



Signature Line (Dept. Representative)

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 29-13286
Date Received: 2/4/2002
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

ELLEN CHRISTIANSEN Phone: (208) 776-5260

PO BOX 48
LAVA HOT SPRINGS ID USA 83246

2. Date of Priority: 07/06/1937

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
09S	38E	9	NW NW NE 1	BANNOCK	

5. Description of diverting works:

GATED DIVERSION OFF RIVER. OPEN FLOW THROUGH DITCH (~1/4 MI) TO POU.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1.2	
STOCKWATER	04/01	10/31	0.02	

7. Total Quantity Appropriated is:

1.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 45

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
09S	38E	9	SW NE 2	IRRIGATION	26

SE	NE	3	IRRIGATION	22
SE	NE	3	STOCKWATER	
SW	NE	2	STOCKWATER	
			Section Acres	48
			Total Acres	48

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:

STOCKWATER; 40 CATLE, 5 HORSES

USE; EARLY AND LATE SEASON USE. USED WITH 29-44.

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: _____

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): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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 A29-13286

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

FEB 04 2002

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Ellen Christiansen Phone (208) 776-5260Mailing Address P.O. Box 48 Lava Hot Springs, ID Zip 832462. Date of Priority (Only one (1) per claim) 7-6-19373. Source of water supply (a) Portneuf River
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 9S Range 38E Section 9,
NW 1/4 of NW 1/4 of NE 1/4, Govt. Lot, 1 B.M., County of BannockAdditional points of diversion if any: NONE

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Water is Diverted from the
Portneuf River Through The Durfee Ditch. The Ditch passes
Through A Neighbors field (Lot 1) As it enters our property it is
Allowed To flood irrigate (Lot 2) & Lot 3)

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 4/15 amount 1.2 or _____

For irrigation purposes from 9/15 to 10/31 amount 1.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 150 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 40 head of range cows, some horses

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>9S</u>	<u>38E</u>	<u>9</u>			<u>2-2</u>	<u>2-3</u>													<u>48</u>

Total number of acres irrigated

48

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
13 shares from Dempsey Canal is used on part of or None ()

14. Remarks: B.u. claim is being filed to include irrigation
of lands earlier & later than the decreed season
of use under 29-44.

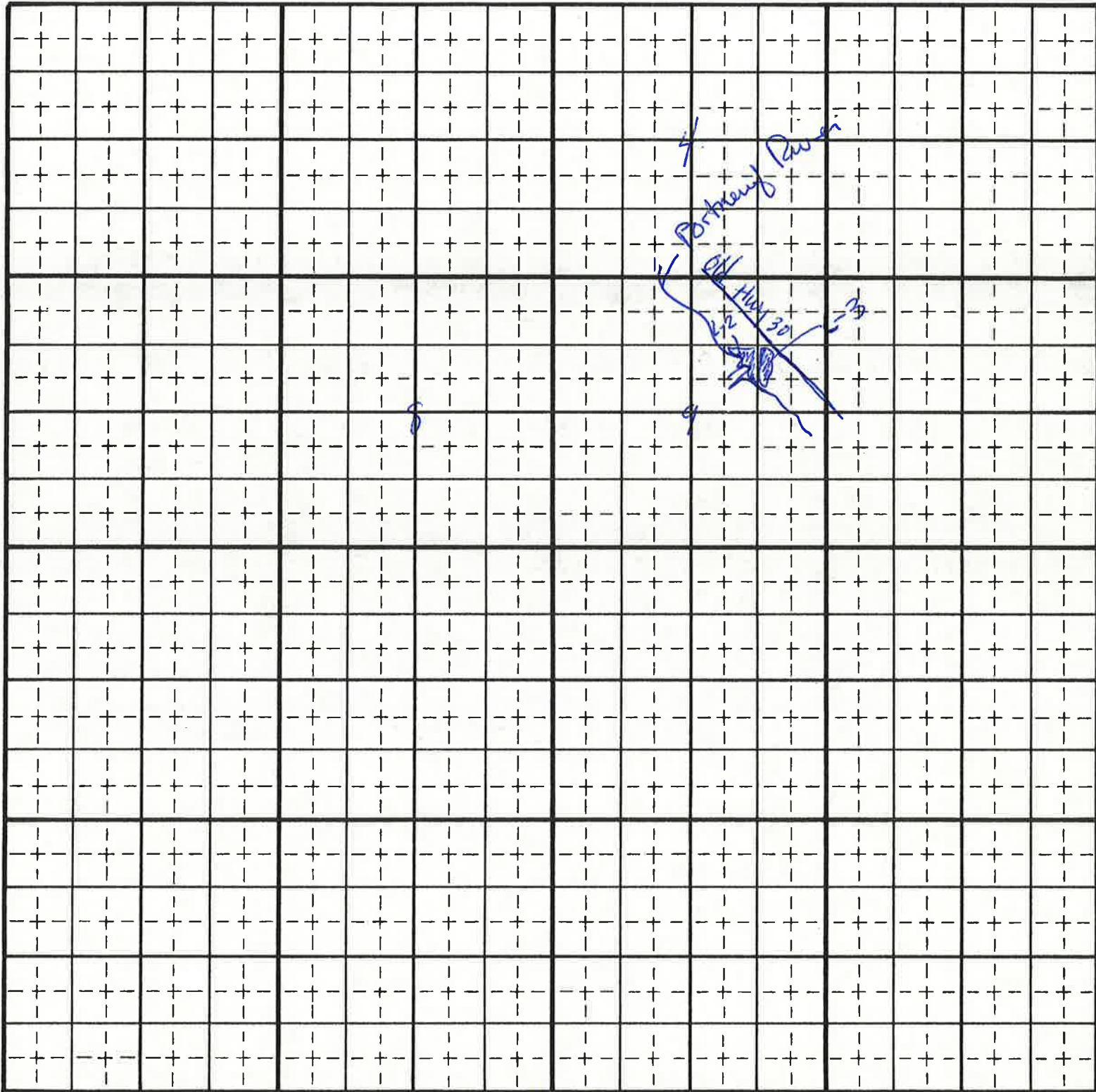
Last Name Christiansen Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T9S, R38E



Last Name Christiansen Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Ellen Christiansen Date 1-31-02

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 31st day of January 2002



Notary Public Cindy E. Bird

Residing at Lava Hot Springs

My Commission Expires May 1, 2007

Please Print Name Cindy E. Bird

17. Notice of Appearance

Notice is hereby given that, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Christiansen Ident. Number _____

