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In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Carl H. Christensen
(Name of Claimant)

8384 E. Mink Creek Road, Preston, Idaho 83263 Telephone No. 852-0300
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 18 Jan 1917

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Spring tributary to Sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.02</u>	<u>CFS</u>	Use <u>Stock</u>		Period of Use From <u>04/01</u>	To <u>11-01</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

(4) TOTAL QUANTITY USED.

(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SW 1/4, Sec. 27 Twp. 13 S Rge. 40 E B.M., County of Franklin
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Pipeline & Ditch

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
13 S	40 E	27											S						

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No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
The water is used for stockwater from 04-01 to 11-01 during the year. Mr Christensen runs 100 cow/calves during the season.

NOTE: Include here the type and number of stock watered: 100 cow/calves

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks we have used this spring continuously since 1965 when we bought the place.

T 13S R 40E

Sec 27

Point of
diversion
Point of use

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

) ss.
)

County of

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this

14th day of

August

(Claimant)

Carl A. Christensen

Notary Public

Residing at

BETTY L. THOMPSON, NOTARY PUBLIC

MY COMMISSION EXPIRES: 6-30-94

My commission expires

FOR DEPARTMENT USE ONLY

Exception filed by:

Date 10/14/91

Received by DMD

Prelim. check by

Date 11/15/91

5016438

Date 11/15/91

Published in

9-5 & 12-91

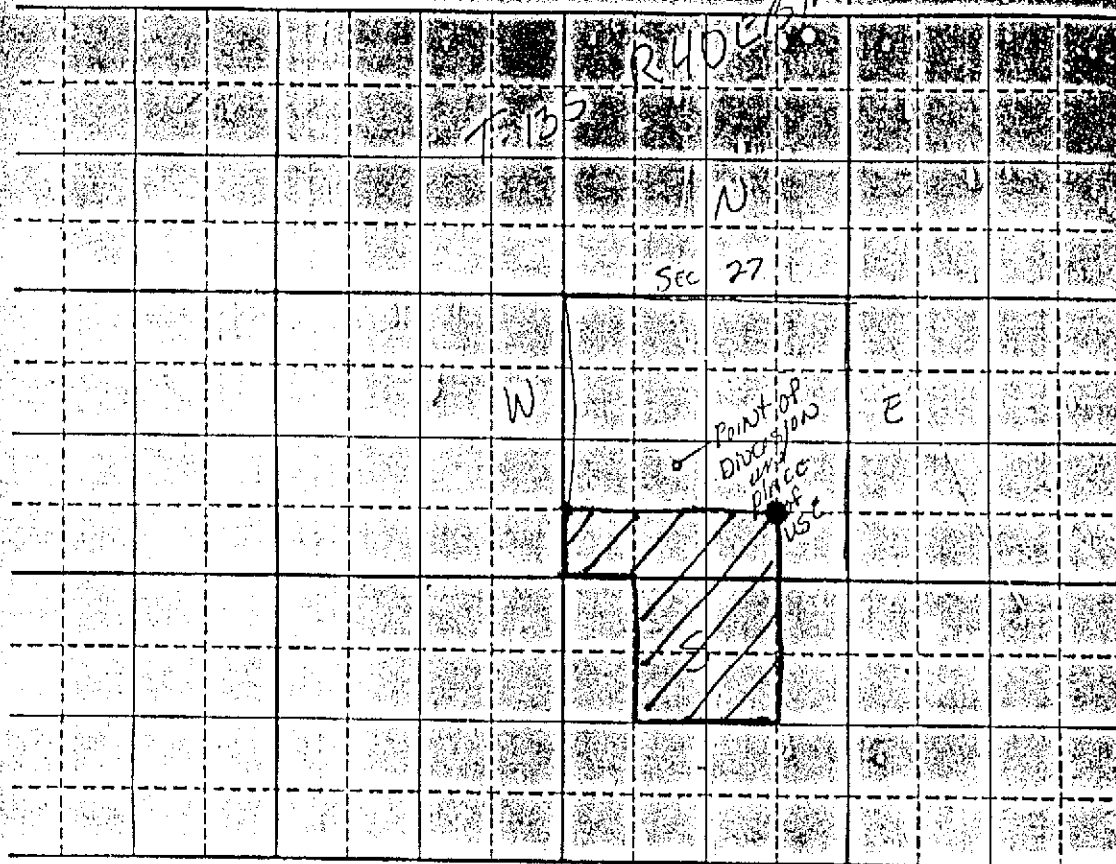
Dates

Date

Forwarded to

claimant by NOV 08 1991

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of

IDAHO

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 21st day of June

1983.

Don Vaffey Development Corp
by [Signature]
(Claimant)

Shirley Birkbeck
Notary Public
Residing at Barro, Utah

My commission expires

9-29-86

On this 25th day of August, in the year 1927, before me, a Notary Public in and for said County and State personally appeared John Kirk and his wife, Bely Kirk known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

My commission expires Oct. 14th, 1930. (SEAL)

F. W. Nielsen
Notary Public

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

I hereby certify that this instrument was filed for record at the recorder's office of L. C. Hatch, at 10-35 A.M. August 26th, 1927.

Fees \$1.20

Compared

John A. Stoford
Ex-Officio Recorder.

INST. NO. 29013

4--1003

Blackfoot 014441 and 020961

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING: WHEREAS, a certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the GENERAL LAND OFFICE, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Torval Wilde has been established and duly consummated, in conformity to law, for the (south half of the southwest quarter and the southwest quarter of the Southeast quarter of Section twenty-seven) and the east half of the northwest quarter and the west half of the northeast quarter of Section thirty-four in Township thirteen south of Range forty east of the Boise Meridian, Idaho, containing two hundred eighty acres, according to the Official Plat of the Survey of the said land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Eighteenth day of January in the year of our Lord one thousand nine hundred and seventeen and of the Independence of the United States the one hundred and Forty-first.

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary

L. Q. C. Lamar

Recorded: Patent Number 562413 (SEAL)

Recorder of the General Land Office

STATE OF IDAHO

875-
No 3463

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. WALTER ROSS

being duly sworn,

deposes and says:

That he is the **CO-PUBLISHER** of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

9-4, 1991, and ending
with the issue of 9-11, 1991

Fee \$ 31.33

Subscribed and sworn to before me this 11 day
of Sept, 1991.

Jelly Mahler
Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1995

RECEIVED

OCT - 3 1991

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS TO WATER RIGHT

The following claim(s) have been
filed on water rights created by diver-
sion and beneficial use:

13-04310

CHRISTENSEN, CARL H.
8384 E. MINK CREEK RD.
PRESTON, ID 83263

Source: SPRING

Tributary: SINKS

Diversion Pt: NWSW Sec 27 T 13SR

40E

Use: STOCKWATER (.020 CFS)

Total Diversion: (.020 CFS)

Date Filed: 1/18/1917

In: T13S R40E S27 SWSW

Exceptions to a claim may be filed
with the Director, Dept. of Water Re-
sources, Eastern Region, 150 Shoup
Avenue, Suite 15, Idaho Falls, Idaho
83402.

R. KEITH HIGGINSON, Director
Legal No. 3463 — Publish Sept. 4,
11, 1991.

RECEIVED

OCT 08 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 11, 1991

RE: Claim to a Water Right No. 13-04310

Carl H. Christensen
8384 E Mink Creek Road
Preston, ID 83263

Dear Mr. Christensen:

Enclosed please find a copy of an exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.--

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

NOV 08 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

October 11, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: Claim to a Water Right No. 13-04310 CARL CHRISTENSEN

Earl P. Brasso, Jr.
High Desert Enterprise
12292 N Highway 34
Preston, ID 83263

Dear Mr. Brasso:

We have received the exception filed against the above referenced claims to water rights. The following is a quote from the provisions of the Idaho Code under which these claim have been filed:

42-225b. Recording of claims by department----Corrections.--

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

NOV 08 1991

RECEIVED

SEP 27 1991

TO: Dept. of Water Resources
Eastern Region
150 Shoup Ave. Suite 15
Idaho Falls, Idaho 83402

Department of Water Resources
Eastern District Office

FROM: High Desert Enterprises
12292 N. Hwy 34
Preston, Idaho 83263

RE: Claim # 13-04310
BY: Christensen, Carl H
8384 E. Mink Creek Rd.
Preston, Idaho 83263

This water is a spring - it is on our side of the fence, it does NOT run off the ranch.

prior to our ownership, Carl Christensen has been known to cut the fences and use the water and feed on this ranch.

We have checked with the following people on any water rights or prior water rights to Mr. Christensen.

Don Carter	487 E. 3200 N. Preston, Id.	208-852-1227
Wendell Smith	2913 E. hwy. 36 Preston, Id.	208-852-0686
Ron S. Keller	60 N. Main Clifton, Id.	208-747-3469
Jane Smith	4382 N. Hwy 91 Preston, Id.	208-852-1523

All of the above mentioned have been in this valley upward of 50 yrs. Don Carters family ran sheep on this ranch when Don was a boy. Wendell Smith owns property out back of the ranch and keeps really close tabs on everyone's water rights. Ron Kellers family owned the Carl Christensen ranch prior to his owning it 20 yrs. ago and claimed their had been no water rights to our ranch for the Christensen ranch ever. Jane Smith was the owner prior to Bo Valley Development of our ranch and has no idea what Carl is talking about this 1917 water right.

Upon purchase of this ranch from Bo Valley Devel. their was a full title search including the water and mineral rights. Bo Valley retained all mineral rights and relinquished all other rights water and other wise to High Desert Enterprises.

This water is absolutely vital for our ranch operation, it is the only water on this end of the ranch. It services at least 1500 acres. We run 1000 head of yearlings each year and would be completely out of business with out all of this water.

Carl is very hard to get along with for all of his neighbors he cuts fence, has uncontrolled burns in July, and for

NOV 08 1991

obvious reasons has much contempt for us (no more free pasture) Carl has 3 troffs one canyon over (1/4 mile) from these springs that run full for his 30 head- We can't imagine what he might be after this water for except to cause trouble. This water has belonged to this ranch for 100 yrs.

Carl claims diversion of water, false, our water runs into troffs it is pot hole springs on the ranch and the run into troffs.

Once again with out this water, the ranch would not be able to operate - it has been a cattle/sheep ranch for upward of 100 years. We do not want any problems we just want you to know we want to keep what is already ours.

Signed:


Owner/Earl P. Basso Jr.

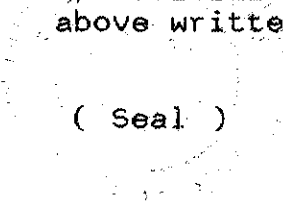
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Seal)


NOTARY PUBLIC FOR IDAHO

Residing in: *Provo*

Commission Expires: *8-94*


NOV 08 1991

State of Idaho
Department of Water Resources

	INITIAL	DATE
Distributed for Staffing	<u>RB</u>	<u>8-16-91</u>
Submitted for Advertising	<u>HWT</u>	<u>8-19-91</u>

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number _____ Applicant Carl H. Christensen

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

N-A. ☐ W.D. _____

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By [Signature] Date 10-7-91

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Brenda Miller Date 10-9-91

RECEIVED
OCT 09 1991

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 28, 1991

THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 23, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.

NOV 08 1991

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Use: STOCKWATER (.020 CFS)

Total Diversion: (.020 CFS)

Date Filed: 1/18/ 1917

In: T13S R40E S27 SWSW

NOV 08 1991

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402.

R. KEITH HIGGINSON, Director

Published 9/ 5/1991 & 9/12/1991



NOV 08 1991.