

REPRODUCED

POOR QUALITY ORIGINAL

① 1330 Ft. west of Springs  
Ft. East of 1403 ft. north 276  
sect. 12 of The Southeast Corner  
Culinary Township 14 Range 40  
Rights Document.

② location located 1330 Ft. west 1063  
Spring Ft. north 276 Ft. east of South  
east corner of Section 12 Township  
14 So. of Range 40 East of Base  
measuring in county of Franklin.  
dust Claims Dead Reference





# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

JUN 21 1983

Department of Water Resources  
Eastern District Office

### 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

Vance Christensen

(Name of Claimant)

Route 2 Box 507, Preston Idaho 83263

(Mailing Address)

(Zip Code)

Telephone No. 852-3353

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:

- X(1) Date of priority: (When was the water first applied to a beneficial use) Dec 10, 1912 or earlier

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:

(Both dates inclusive)

(Mo., Day)

(Mo., Day)

| Quantity   | (cfs, af)      | Use | (Domestic, Irrigation, Stock, Etc.) | Period of Use From            | To             |
|------------|----------------|-----|-------------------------------------|-------------------------------|----------------|
| X Quantity | <u>.78 cfs</u> | Use | <u>Irrigation</u>                   | Period of Use From <u>4/1</u> | To <u>11/1</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)

NE 1/4 SE 1/4, Sec. 12 Twp. 14S Rge. 40E 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. open ditch for flood irrigation.

- (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 |           |
| <u>14S</u> | <u>40E</u> | <u>12</u> |        |        |        |        |        |        |        |        |        |        |        |        |        | <u>31</u> |        |        | <u>31</u> |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |           |        |        |           |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |           |        |        |           |
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|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |           |        |        |           |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |           |        |        |           |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |           |        |        |           |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |           |        |        |           |

No. of acres 31

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

stock water from open ditch

NOTE: Include here the type and number of stock watered: 40 head Dairy Cows

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

RECEIVED

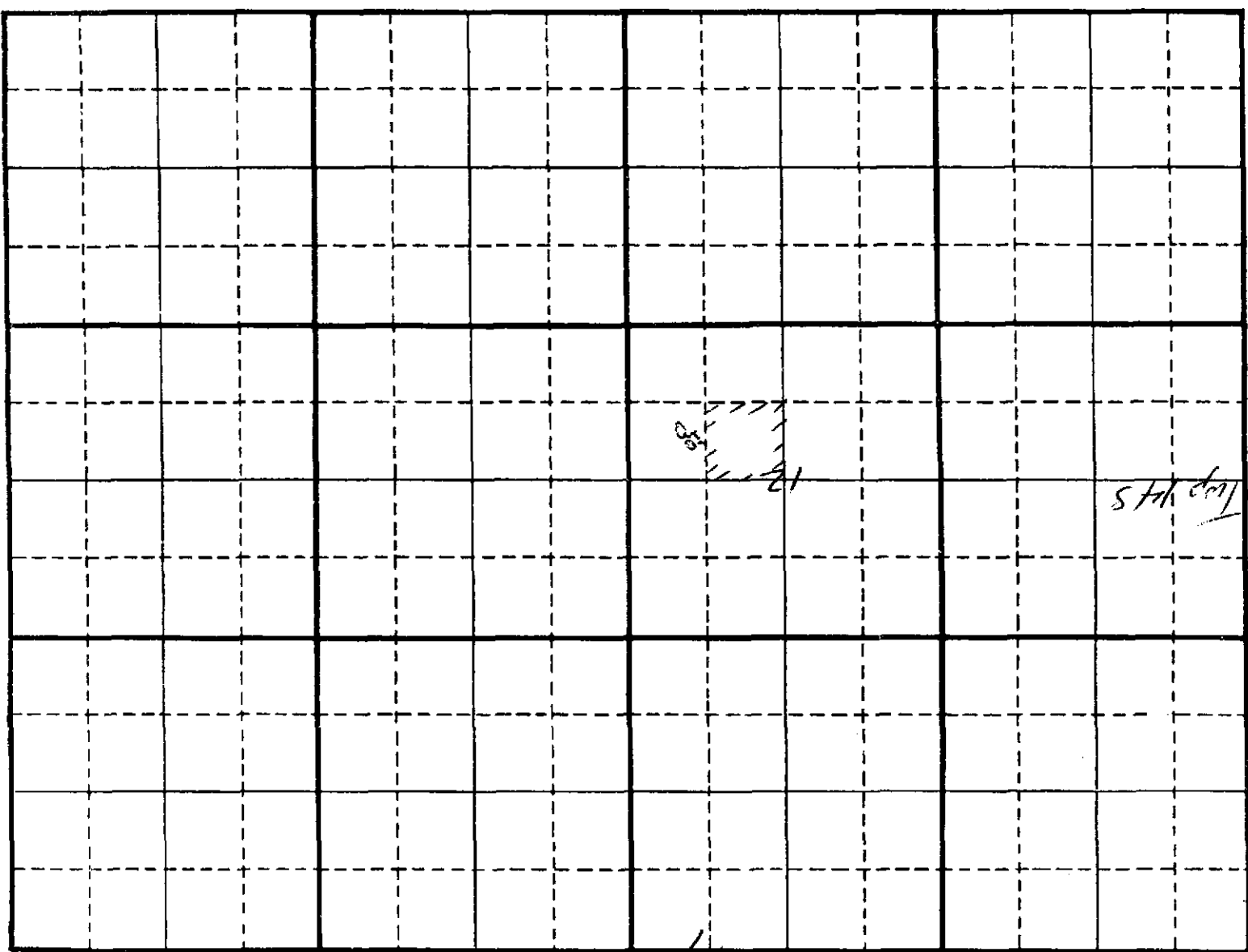
FOR DEPARTMENT USE ONLY

Received by: Alm Date: 6-20-83 Prelim. check by: Alm Date: 6-21-83 (\$30.00 fee received by Alm)  
Published in: Poston CH201 Dates: 7/14 & 7/21/83  
M. Glade Larsen CW 7-29-83  
Exception filed by: Forwarded to claimant by: Date

My commission expires July 1984  
Sworn to before me this 17th day of June  
Notary Public Residing at June  
(Claimant) X C. W. Larsen  
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.  
State of Idaho )  
County of June ) ss. )

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.

Scale: 2 inches equal 1 mile.



Remarks (8)

CERTIFIED

July 22, 1983

**RECEIVED**

JUL 25 1983

Department of Water Resources  
Eastern District Office

Mr. Ken Dunn  
Director of Department  
of Water Resources  
150 Shoup Avenue, Suite 15  
Idaho Falls, Idaho 83402

LEGAL #1892

Gentlemen:

I am filing an official exception to the Water Right Application filed by Vance C. Christensen in Section 12TWP. 14S RGE 40 East, located in Franklin County Idaho.

If it applies in any way to the water rights ownership changes that took place on May 12, 1930 between Ezra Larsen and Marinus W. Hansen of which I have attached a copy. There were two legal changes made in 1930 regarding two springs rising on the property that I currently own. One is a Quick Claim Deed where the spring was sold to Marinus W. Hansen from Ezra E. Larsen, and the other is an Agreement where Martinez Hansen was granted the use of the waters for culinary purposes. Ezra Larsen would have the balance for irrigation purposes.

I currently own the property that was owned by Marinus W. Hansen during the execution of this agreement and Vance or Carl Christensen own the property that was owned by Ezra Larsen. If the recent water rights filing by Mr. Christensen does not infringe on my rights of ownership indicated in these agreements I have no objection to the claim. If his application is an infringement on my rights I would like it officially recorded. In either case, I am requesting that these two documents be filed with the State of Idaho for future reference. I recognize your office does not confirm or deny water rights, but merely serves as an information center for the State of Idaho's water.

I have attached a copy of the County Map showing the location of the two springs listed to assist you in identifying the physical locations. I would appreciate a response advising me if claim 13-4240 involves these two springs. My intentions are to maintain the property and water rights spelled out in the attached legal documents.

I appreciate your assistance in this matter, and please advise if any additional information is required.

Very truly yours,

*M. Glade Larsen*

M. Glade Larsen

*Joanne Sueoka*  
\_\_\_\_\_  
NOTARY

*4-1-85*  
\_\_\_\_\_  
My Commission Expires

*Salt Lake City, Utah*  
\_\_\_\_\_  
Residing at

## QUIT CLAIM DEED

THIS INDENTURE made this 12th day of May in the year A. D., one thousand nine hundred thirty, between Ezra E. Larsen and his wife, Beatrice Larsen

of the county of Franklin, State of Idaho, part 100 of the first part, and Marinus W. Hansen

of the County of Franklin, State of Idaho, part Y of the second part.

WITNESSETH:—That the said part 100 of the first part, for and in consideration of the sum of One Hundred Twenty Five and no/100 DOLLARS lawful money of the United States of America, to them in hand paid, by the said part Y of the second part, the receipt whereof is hereby acknowledged, do by these presents demise, release, and forever Quitclaim unto the said part Y of the second part, and to his heirs and assigns forever, all that certain lot or piece of land, situated, lying and being in Franklin County, State of Idaho, and bounded and particularly described as follows, to-wit:

All their right, title, and interest in and to all of the waters arising from certain springs located at a point Thirteen Hundred thirty (1330) feet West and Ten Hundred Sixty three (1063) feet North and Two hundred seventy six (276) feet East of the Southeast corner of Section Twelve (12), Township Fourteen (14) South of Range Forty (40) East of the Boise Meridian, and located in the County of Franklin, State of Idaho.

theretunto belonging, or in anywise appertaining, and the reversion, reversions, remainder, and remainders, rents, the issues, and the profits thereof,

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said part Y of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said part 100 of the first part ha ve hereunto set their hand s and seal s the day and year first above written.

Signed in the presence of

Taylor Nelson  
J. Lynn Paul

Ezra E. Larsen  
Beatrice Larsen

STATE OF IDAHO,

County of Franklin ss.

On this 12th day of May in the year 1930  
before me, J.N. Larsen a Notary Public in and for said County, personally appeared  
Ezra E. Larsen and his wife, Beatrice Larsen

known to me to be the person s whose name s are subscribed to the within instrument,  
and acknowledged to me that t he y executed the same.

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

My Commission Expires:

J.N. Larsen  
Notary Public.

Apr. 30, 1933

Address Preston Idaho

No. 34904

QUIT CLAIM DEED

Ezra E. Larsen & wife

Margaret W. Larsen

Dated ..... 192..

STATE OF IDAHO  
County of Franklin ss.

I hereby certify that this instrument

was filed for record at the request of  
Margaret W. Larsen

at 7:30 minutes past 7 o'clock P.

M. this 17th day of May A. D. 1930

Joseph M. H. H. H.  
Ex Officio Recorder.

28 of Books at page 24

By Wm. A. H. H. Deputy

in my office, and duly recorded in Book  
Fees, \$ 1.10 116 116

116  
116  
116

AGREEMENT

THIS AGREEMENT, Made and entered into this 12th day of May, 1930 by and between Marinus W. Hansen of Mink Creek, County of Franklin, State of Idaho, the party of the first part, and Ezra E. Larsen of Mink Creek, County of Franklin, State of Idaho, the party of the second part, WITNESSETH:

Whereas, certain springs of water arise at a point Thirteen Hundred thirty (1330) feet West and Fourteen Hundred three (1403) feet North and Two hundred seventy six (276) feet East of the Southeast corner of Section Twelve (12), Township Fourteen (14) South of Range Forty (40) East of the Boise Meridian, and located in the County of Franklin, State of Idaho.

The parties to this Agreement do hereby mutually agree with each other as follows: The party of the first part shall at all times have the free and uninterrupted use to the waters of the above described springs for culinary purposes and the watering of his life-stock at any and all times; and that the party of the second part shall have the free and uninterrupted use of all of the waters flowing from said springs for irrigation purposes that have not been made use of by the party of the first part as above described.

IN WITNESS WHEREOF, we have hereunto set our hands the day and year first above written.

Witnessed by:

W. E. Crane  
Taylor Nelson  
J. Thrum Bell  
William Nelson

Marinus W. Hansen  
The party of the first part.

Ezra E. Larsen  
The party of the second part.

1330 Ft. East Sect. 12  
Cullinary  
a Springs  
West. 1403 Ft. North 276  
of The Southeast Corner  
Township 14 Range 40  
Rights Document.

POOR QUALITY COPY

Dep 56  
Hgt 100  
T-1



Dolbert Seaborn  
10-A  
10-A  
SPH

Marshak M.  
Frances K. Blakes  
Eller, J. H.  
SPH

Elias K. Hansen  
Frances R.

Raylo B. Larson  
11-A

Elias K. Hansen  
9-A

DA Pipe in  
no water  
T. H. Hansen  
depression

#875  
No 1892

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }  
County of Franklin } ss.

J. Warren 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

7-14, 1983, and ending  
with the issue of 7-21, 1983.

Fee \$ 1375

Subscribed and sworn to before me this 31st day  
of July, 1983.

Ken D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

RECEIVED

AUG 3 1983

Department of Water Resources  
Eastern District Office

## NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been  
filed on water right(s) created by di-  
version and beneficial use:

13-4240

CHRISTENSEN, C. VANCE

Rt. 2, Box 507, Preston, ID 83263

Source: SPRINGS trib. to SINKS

Priority Date: 12-10-1912

Diversion Pt: NESE Sec. 12 T 14S R  
40E

Use: IRRIGATION (0.78 CFS)

In: NWSE Sec. 12 T 14S R 40E for 31  
ACRES

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

KEN DUNN, Dir.

Legal No. 1892 -22L- Published  
July 14, 21, 1983.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

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

AUGUST 1, 1983

MICROFILMED

C. VANCE CHRISTENSEN  
RT. 2, BOX 507  
PRESTON

ID 83263

RE: Claim No. 13-4240

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON  
Eastern Region Supervisor

Enclosure

RECEIVED

AUG 26 1983

Department of Water Resources

August 2, 1983

RE: Claim to a Water Right No. 18-4240 CHRISTENSEN

Preston Citizen  
Box 472  
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on July 14 and 21, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY  
Adm. Secretary

MICROFILMED

July 29, 1983

RE: Claim to a Water Right No. 13-4240

C. Vance Christensen  
Rt. #2, Box 507  
Preston, ID 83263

Dear Mr. Christensen:

Enclosed please find a copy of the 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.

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw

Enclosure

July 29, 1983

RE: Claim to a Water Right No. 13-4240 CHRISTENSEN

M. Glade Larsen  
3132 Morningside Circle  
Salt Lake City, UT 84417

Dear Mr. Larsen:

We have received the exception dated July 22, 1983, filed against the above referenced claim to a water right. 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.

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JCM

Right Number

13 4240

Applicant

Vance 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.

FINAL REGIONAL PROCESSING REVIEW:

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

By

aw  
ENC

Date

7-29-83

Aug 16, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

kw

Date

8/30/83

Aug 1, 1983

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

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

JULY 6, 1983

The Preston Citizen  
P. O. Box 472  
Preston, Idaho 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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 billings to this office before AUGUST 1, 1983.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

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

KEN DUNN, Dir.

Published 7/14 & 7/21/83.

13-4240

CHRISTENSEN, C. VANCE

RT. 2, BOX 507, PRESTON, ID 83263

Source: SPRINGS trib. to SINKS

Priority Date: 12/10/1912

Diversion Pt: NESE Sec 12 T 14S R 40E

Use: IRRIGATION (0.78 CFS)

In: NWSE Sec 12 T 14S R 40E FOR 31 ACRES

*Proved  
By Phone  
7/8/83 BP*