

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: A29-02490
Date Received: 3/22/1990
Receipt No: E012498
Received By: DMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAUD CREEK RANCHES INC 208-232-0803
Address: 2470 MICHAUD CREEK ROAD
POCATELLO, ID 83204

2. Date of Priority: APR 20, 1964

3. Source: MICHAUD CREEK Trib. to: BANNOCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	33E	1	NW	SW			POWER
			SE	SW			POWER

5. Description of diverting works:
DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.180		
STOCKWATER	01/01	12/31	0.140		

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

8. Total consumptive use is 27.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 550 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	33E	1	NE	SW		IRR	1.0

A29-02490

Page 1

Date: 03/22/90

MICROFILMED

NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	33E	1	NW	SW		IRR	3.0
			SE	SW		IRR	5.0
					Section Acres		9.0
					Total Acres		9.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 31849

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 Organizations:

I do solemnly swear or affirm that I am R. W. Swanson (President)
Title
Michaud Creek Ranch Inc., that I have signed the foregoing
Organization
document in the space below as President of
Title
Michaud Creek Ranch Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

R. W. Swanson
Signature of Authorized Agent
President Michaud Creek Ranch
Title and Organization

3/22/90
Date

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of MARCH 19 90

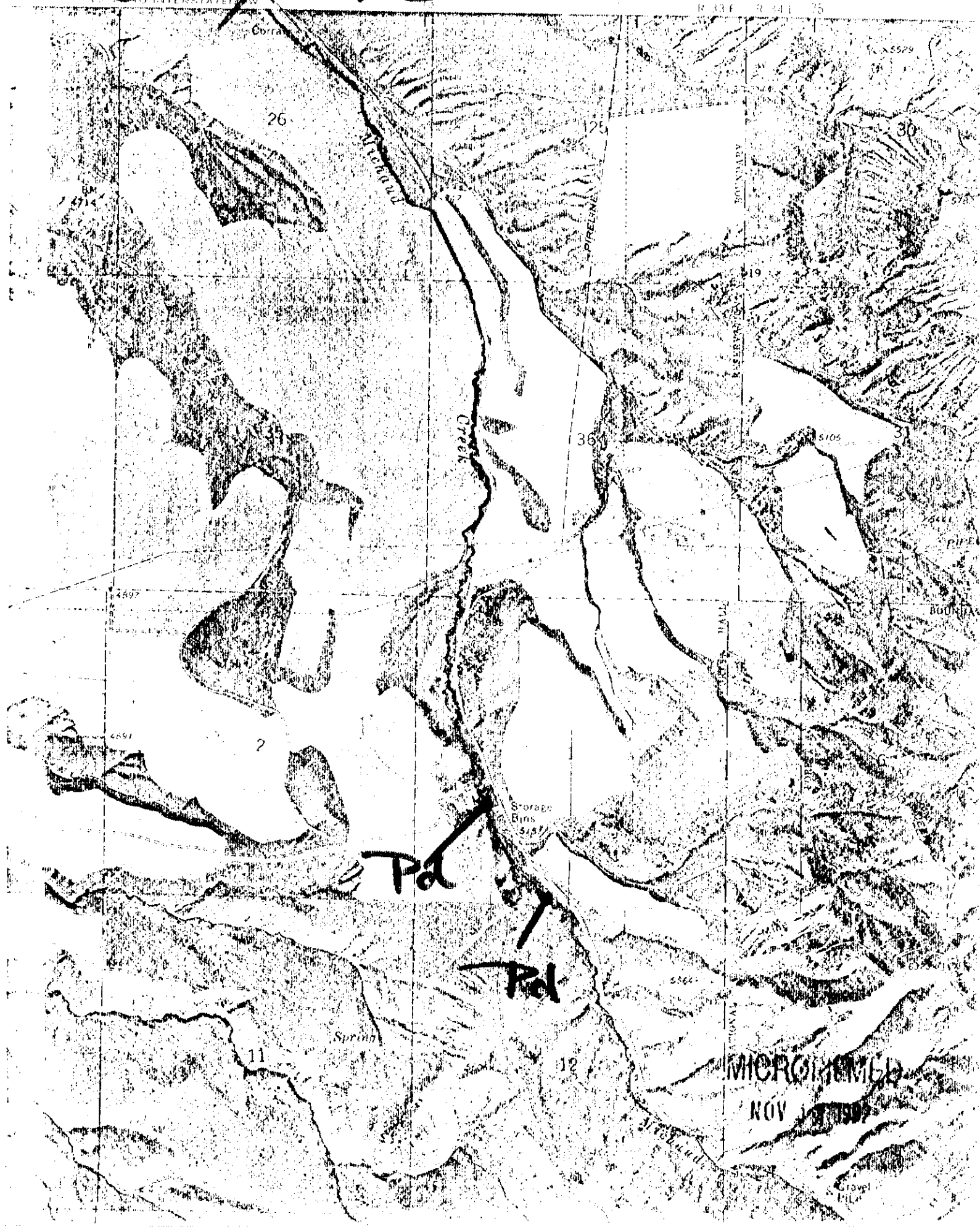
[Signature]
Notary Public

Seal

Residing at TONO FALLS
My Commission Expires 9-12-94

R33E R34E

2.5)



Log for claim A29-02490

Spatial Dynamics AMH

7/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s33e	1	NESW	1	2.2	
07s33e	1	NWSW	3	3.3	
07s33e	1	SESW	5	14	Indiscernible
Totals:			9	19.5	

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORTDATE: 05/23/00
PAGE: 25

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MICHAUD CREEK RANCHES INC 2470 MICHAUD CREEK RD POCATELLO ID 83204 (208) 232-0803	04/20/1964	IRRIGATION STOCKWATER	04-01 10-31 01-01 12-31	0.180 CFS 0.140 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	0.320 CFS 27.00 AFA

Water Source: MICHAUD CREEK

Tributary to: BANNOCK CREEK

Stage: LICENSE

Point(s) of Diversion: T07S R33E S01 NWSW SESW POWER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	33E	1	:																	:	9.0
																				TOTAL ACRES	9.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: POWER

Non-Irrigation Uses: STOCKWATER, 550 CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-04386 A29-04386

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 03/22/90 DUNN 07/13/94 COX 03/29/95 POST-STD

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 31849/29-2490 Priority April 20, 1964 Amount 0.32 cfs

THIS IS TO CERTIFY, that RAY V. SWANSON & SON
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 31849/29-2490 issued pursuant to Application for Permit dated April 20, 1964,
and has submitted proof to the Department of Water Administration on April 30, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.63 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Michaud Crook
tributary of Bannock Creek, is hereby confirmed in the following amounts:
Amount 0.18 cfs for Irrigation from April 1 to Oct. 31 (both dates inclusive)
Amount 0.14 cfs for Stockwater from Jan. 1 to Dec. 31 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 0.32 cfs of water be diverted at
any one time, said waters to be diverted within the _____

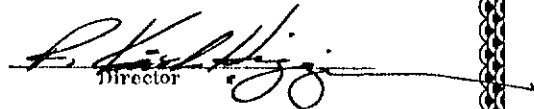
SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 1, Twp. 7 S, Rge. 33 E, B.M.
in the county of Power; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 31.5 acre feet per year or
3.5 acre feet per acre. for irrigation use and 8.1 acre feet per year for
stockwater use with the total amount not to exceed 39.6 acre feet per year.
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 S	33 E	1									1	3		5					9
		1							(stockwater)		X	X		X					

Total number of acres irrigated 9

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 9 day of
August, 19 73.


Director

29 2490

To Approve the Public Waters of the State of Idaho

APPLICATION No. 39964
 PERMIT No. 31849
 DISTRICT No.

1. Name of Applicant: Ray V. Swanson & Son

Postoffice address: Star Rt., Pocatello

County: Power

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 3 (Three) cubic feet per second.

3. Source of water supply: Michaud Creek which is a tributary of Bannock Creek

4. Location of point of diversion: 75 feet distant from the SE corner of Section 1, T. 7 S., R. 33 E., B.M., and is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 12, T. 7 S., R. 33 E., B.M., County of Power

5. Water is to be used for Domestic and irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section T., R., B.M., in the of Section of T., R., B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet distant from the corner of Section T., R., B.M., in the of Section T., R., B.M.

7. Estimated cost of works: \$ 400

8. Kind of works: Ditch, headgate

9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam: No dam but a headgate

10. Size of headgate: Width 24" Round feet; height feet.

11. Ditch: Width at bottom 0 fee; width at water line 3.0 feet; depth of water 1. feet; dimensions of flume:

Diameter of pipe inches; length of conduit Approx. 1 mile miles.

Average grade per mile feet.

12. The time required for the completion of such work is 1 years.

13. The time required for the complete application of the water to the proposed use is 1 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

s/ R. V. SWANSON & SON

Applicant.

By R. V. Swanson

Agent.

Date of first receipt at Department of Reclamation: 9:15 A.M. April 20, 1964

Returned to applicant for correction: April 20, 1964

Corrected application received: April 28, 1964

Approval of State Reclamation Engineer

The number of this permit is 31849

Recorded in Book 111 Page 31849 Approved April 30, 1964

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before June 30, 1964

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before October 30, 1964

The whole of said work to be completed on or before April 30, 1965

Beneficial use of water appropriated in accordance herewith, to be made on or before April 30, 1965

WITNESS My hand this 30th day of April, 1964

s/ CARL E. TAPPAN

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLJE, Governor of the State of Idaho,

and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 30th

day of April, 1964.

STATE OF IDAHO

Countersigned:

(SEAL)

s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLJE

Governor.

Secretary of State.

REMARKS: This creek does not flow into any stream but sinks in Sec. 15, T.6S., R. 33 E.B.M.
This farm has used the water from stream for domestic purposes since 1913 or 1914.

14.

Twp.	Range	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	
7 S	33 E	1									20	40	40	20					120
EXTENSION OF TIME																			
APPROVAL OF STATE RECLAMATION ENGINEER																			
I, RALPH W. THOMAS, Deputy, State Reclamation Engineer of the State of Idaho hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 31849 to April 30, 1969																			
Witness my hand this 26th day of March, 1965																			
s/ RALPH W. THOMAS Deputy State Reclamation Engineer																			
LICENSE ISSUED FOR 0.22 SEC. FT. LICENSE PAGE NO. _____																			

JUL 7 1970

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR AMENDMENT

Permit No. 31849

Comes now Ralph W. Swanson & Son of (address) 514 N. Pt.
Pocatello, Idaho, and represents to the State Reclamation
Engineer of the State of Idaho: '

No. 31849, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, T. 7S
R. 33 E, B.M. Other points of diversion _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

For Irrigation purposes from 4/1 to 10/31 (both dates incl.)
 For Stockwatering purposes from 1/1 to 12/31 (both dates incl.)
 For _____ purposes from _____ to _____ (both dates incl.)
 For _____ purposes from _____ to _____ (both dates incl.)

3. Place of use or land to be irrigated:

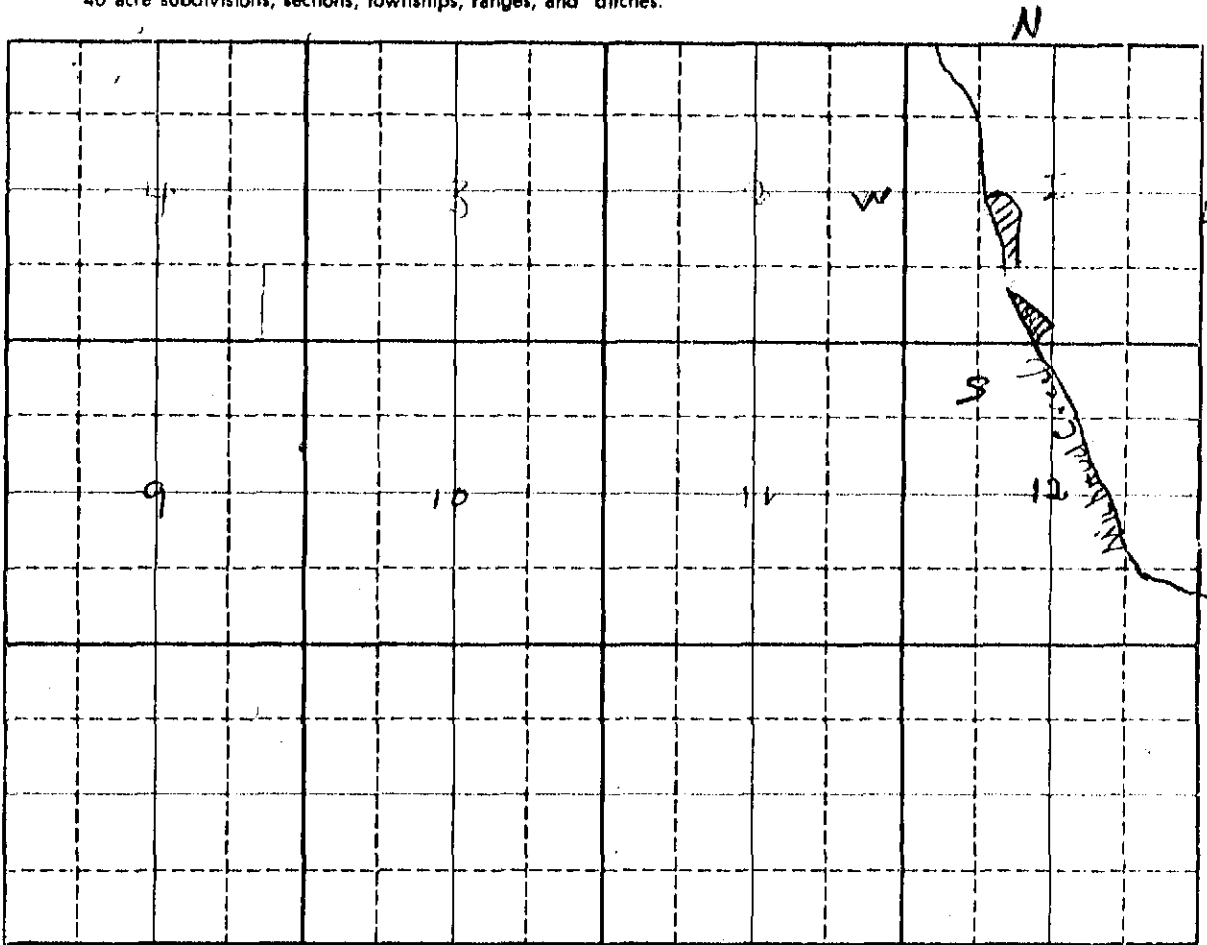
[illegible]

Total number of acres to be irrigated

18

29-2490
31849

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Pocatello, Idaho, this 6th day of July, 19 70.

Ray V. Swanson
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, C. STEPHEN ALLRED, Deputy Director, ~~State Reclamation Engineer~~ of the State of Idaho, Dept. of Water Administration

hereby _____
approve the above application for amendment for permit No. 31849/29-2490.

Witness my hand this 17th day of August, 19 70

C. Stephen Allred
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR AMENDMENT

REC-
AUG 6 1961
Department of Water Administration

Permit No. 31849/29-2490

Comes now Ray V. Swanson & Son of (address) _____
Star Route, Pocatello, Idaho, and represents to the Director of
the Idaho Department of Water Administration:

1. Point of diversion: SE 1/4 SW 1/4, Sec. 1, Twp. 7 S
Rge. 33 E, B. M., County of Power. Other points of diversion:
NW 1/4 SW 1/4, Sec. 1, Twp. 7 S, Rge. 33 E, B. M.

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum) NO CHANGE

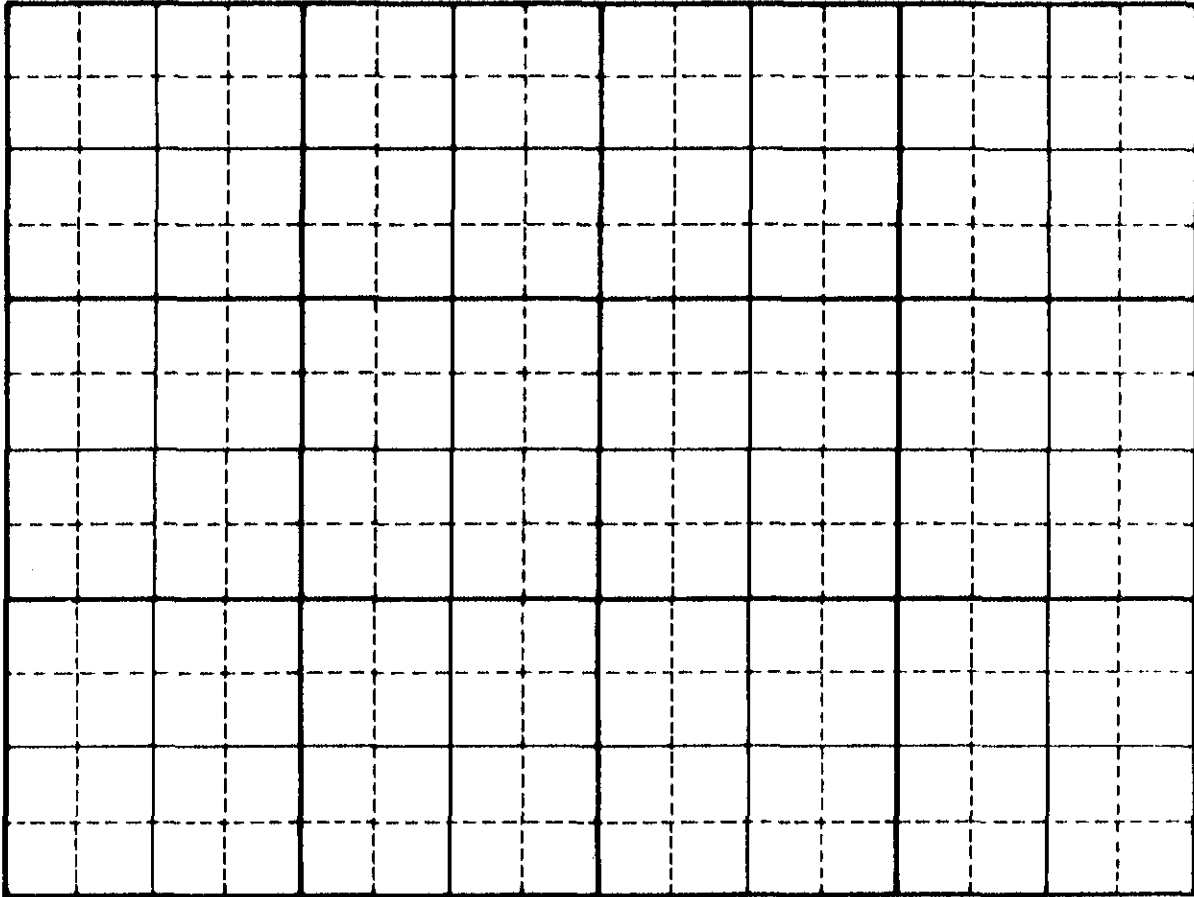
3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated	Nine
---------------------------------------	------

2490

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at _____, this 1 day of August, 19 73.
Robert W. Lewandowski
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration,
hereby approve the above application for amendment for Permit No. 31849/29-2490.

Witness my hand this 9 day of August, 19 73.

R. Keith Higgins
Director

29 2490

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 31849/29-2490

REPORT ON PROOF OF B/U Ray V. Swanson & Son ; _____

29 2490

232-0803
Ray deceased son, Bob, running 10/2000
STATE OF IDAHO

DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 31849/29-2490

This proof is for B/U Louis F. Racine (lawyer) In Water District No. 29

- Name of applicant: Ray V. Swanson & Son, Star Route, Pocatello, Idaho
- Source of water supply: Michaud Creek
- Location of point of diversion: Is in the NE 1/4 NW 1/4 of Section 12
T. 7S R. 33E County of Power

4. Describe works as they exist, giving dimensions and capacities of same: ditch & headgate

Two points of diversion ① Michaud CK at the pt. of diversion (T7S R33E Sec 1 NW SW) is dammed with a culvert and gate. Water is diverted through a 14" culvert into a 12x1 ditch (wat 0.8 deep) - irrigates three ac.
② Water for sprinklers is diverted from Michaud CK at T7S R33E Sec 1 SE SW. A 4" hose with a screen over it is placed in a pool in the

- Water is used for: domestic use & irrigation
- State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

T. 7S, R. 33E, Sec. 1 NW 1/4 120 acres
120 TOTAL
T7S R33E, Sec 1 SE SW 5 ac
NW SW 12 c
NW SW 3 ac

* From Item 4. Pts. of diversion ① T7S R33E, Sec 1 NW SW
② Pt. of div. mobile but found at T7S R33E, Sec 1 SE SW

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River

Remarks: Bob Swanson accompanied examiner.

(A) ② creek and diverts the water - Pump run by tractor - irrigates five acres.

Measurements made by pygmy meter and pressure readings at nozzles
37 1/2" nozzles; @ avg. psi 22" = 3.98 gpm (3713.98 x 0.33 cfs)
See attached meter measurement sheet 748.8 1.63
1.96 cfs total

* Amendment needed for points of diversion

This examination was made on the 9 day of May, 1972

(Signed) Clayton H. Ramsey
and Bill Dwyer
Examiner.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
 6. Give general characteristics of soils, topography, and crops raised.
-

29 2490

ASCS: American Falls

SCS: American Falls

Permit No. 31849/29-2490

Examination for B/U Ray V. Swanson & Son

County Power

Sec. 12 T. 7S R. 33E

Quantity:

(permit) 3cfs (proof) .87cfs

Source: Michaud Creek

P.D.: ~~NE~~NW

Use: domestic use & irrigation

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: April 20, 1964

Made: April 30, 1970

Due: April 30, 1970

Priority: April 20, 1964

LJ-200
1-63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date 7/9 1972 DISCHARGE MEASUREMENT NOTES

River at

Angle Cor. to the point	Dist. from initial point	Width	Depth	Observed from depth	Revo- lutions	Time in sec- onds	VELOCITY		Adjust- ed for hor. angle or	Area	Discharge
							At point	Mean in ver- tical			
	2.0	EW									
	2.25	.47	80	42							
	2.5	.60	80	44							
	2.75	.70	80	48							
	3.0	.80	60	40							
	3.25	.80	60	40							
	3.5	.75	80	50							
	3.7	EW									
	2.0	.128	0								
	2.25	.128	80	12	187					0.1175	0.2127
	2.5	.128	80	14	171					0.15	0.2655
	2.75	.128	80	15	163					0.175	0.287
	3.0	.128	80	16	158					0.20	0.296
	3.25	.128	80	17	154					0.20	0.296
	3.5	.128	80	18	150					0.20	0.296
	3.7	.128	80	19	147					0.1657	0.2665
	4.0	.128	0								
	1.2	1.2								16.007	
										163	
										22.2400	

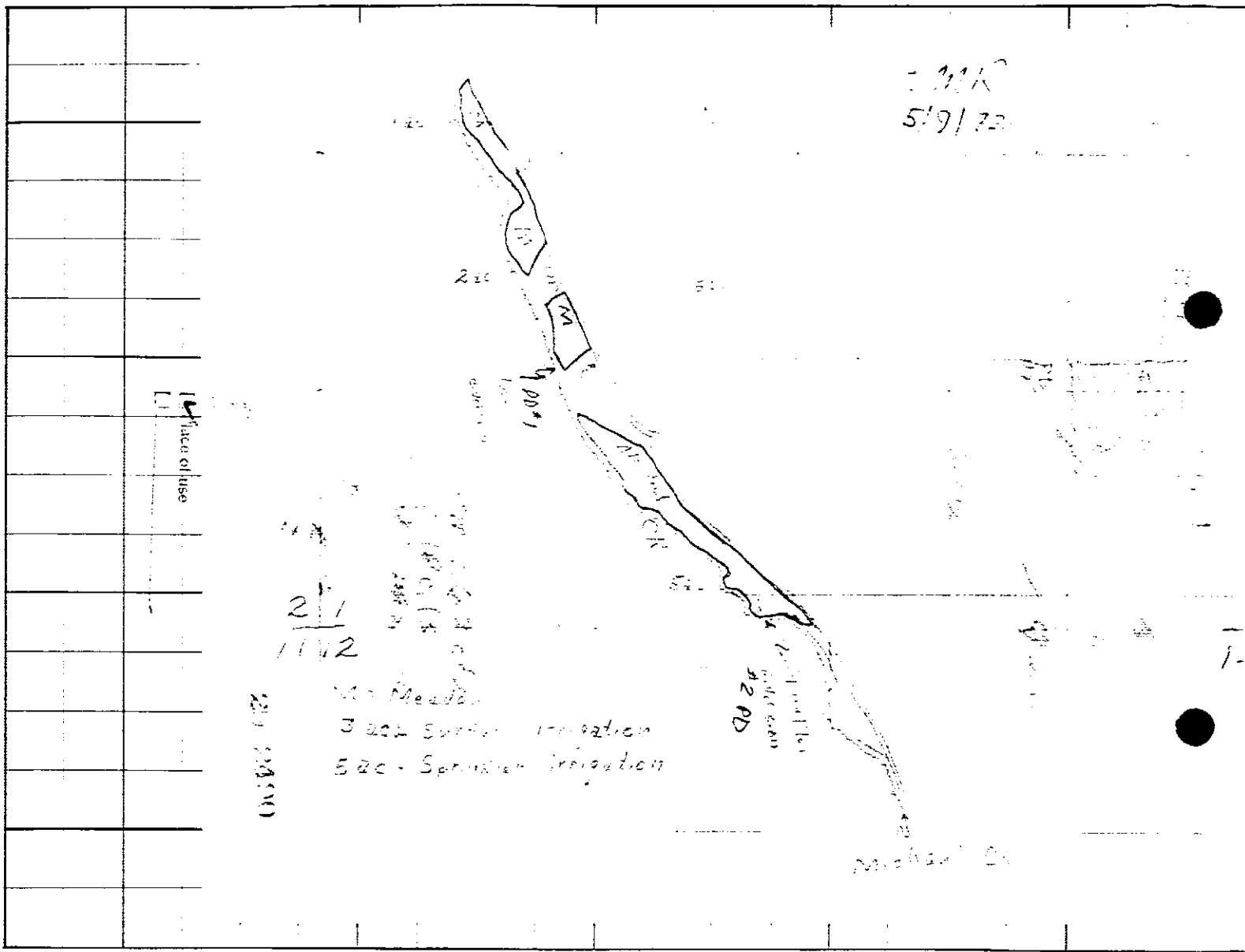
No. 1 of 1 Sheets. Comp. by Kumley Chk. by



☒ Face of use
☐ Back of use

S 7 T

11K
5/9/72



Scale: 2 inches Equals 1 Mile. Draw Map In Ink.

200 2000

21
1142

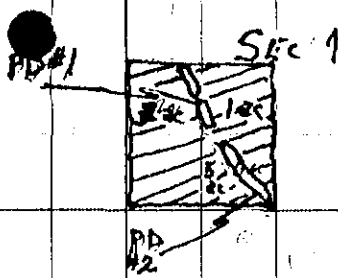
100 Meade
3000 Surface Irrigation
5000 Sprinkler Irrigation

200 2000

100 200
100 200

Meade Co

T
7
S



4
5
9 acres

SEC 12

Q measured ~~2.25~~ 1.63 cfs
 Q recommended 0.10 cfs
 Volume (3.5)(9) = 31.5 ac. ft. 30.5
 Acreage 120
 Found ~~8~~
 recommended 8 9
 Subst. 5
 Amendments
☒ None
☒ P.D.
☒ Place of use
☐

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

20 2300