

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: A29-07089  
Date Received: 3/22/1990  
Receipt No: E012498  
Received By: DM

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MICHAUD CREEK RANCH INC.  
Address: 2470 MICHAUD CREEK ROAD  
POCATELLO, ID

208-232-0803

83204

2. Date of Priority: JUN 09, 1972

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 06S      | 33E   | 22      | SW     | SW     | SW  |     | POWER  |

5. Description of diverting works:  
WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.080  |      |        |

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

A.F.A.

8. Total consumptive use is 162.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 06S           | 33E   | 27      | NW     | NE  |     | IRR | 27.0  |
|               |       |         | SW     | NE  |     | IRR | 27.0  |
| Section Acres |       |         |        |     |     |     | 54.0  |

A29-07089

Page 1

Date: 03/22/90

MICROFILMED  
NOV 13 1992



10. Place of Use: Continued

Total Acres 54.0

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:  
A29-2515

14. Remarks:

THIS RIGHT WHEN COMBINED WITH LICENSE 29-2515 SHALL PROVIDE NO  
MORE THAN A TOTAL CAPACITY OF 2.17 CFS.

15. Basis of Claim: LICENSE

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 Russ W. Swanson of                      Title                      of Michael Creek Ranch, Inc. Organization, that I have signed the foregoing document in the space below as President of                      Title                      of Michael Creek Ranch, Inc. Organization and that the statements contained in the foregoing document are true and correct.

Russ W. Swanson  
Signature of Authorized Agent  
President Michael Creek Ranch, Inc.  
Title and Organization

3/22/90  
Date

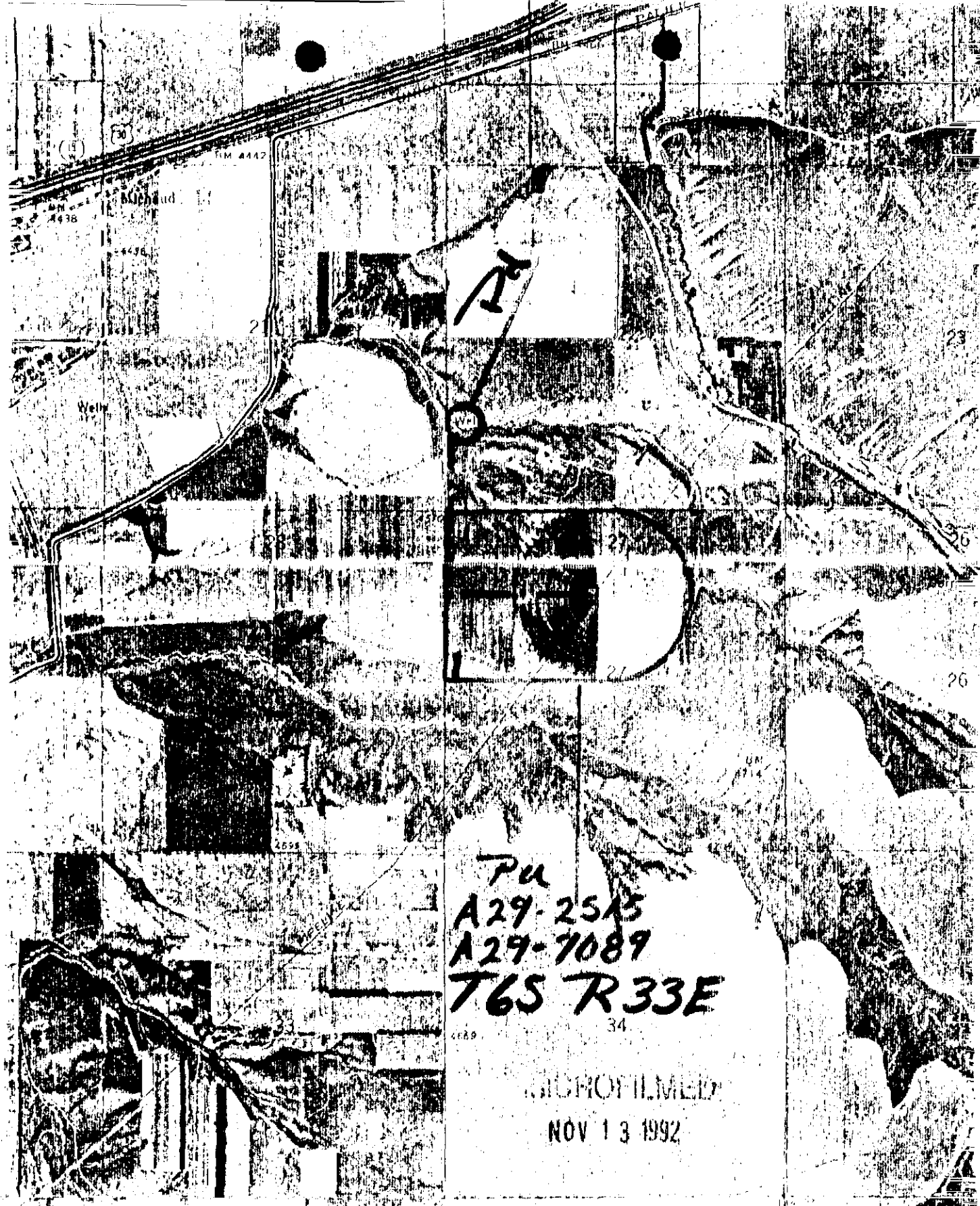
State of Idaho )  
County of BOISEVILLE ) SS.

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

[Signature]  
Notary Public

Seal.

Residing at Two Falls  
My Commission Expires 9-12-94



PA  
A29-2515  
A29-7089  
T65 R33E

MICROFILMED

NOV 13 1992

Log for claim A29-07089

Spatial Dynamics AMH

7/17/00

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|---------|-----|------|------------------|----------------|---------|
| 06s33e  | 27  | NWNE | 27               | 27             |         |
| 06s33e  | 27  | SWNE | 27               | 25             |         |
| Totals: |     |      | 54               | 52             |         |

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORTDATE: 05/23/00  
PAGE: 49

| OWNER<br>CODE    | NAME & ADDRESS                                                                           | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | MICHAUD CREEK RANCH INC<br>2470 MICHAUD CREEK RD<br>POCATELLO ID 83204<br>(208) 232-0803 | 06/09/1972       | IRRIGATION | 03-15 11-15           | 1.080 CFS         |                     |
| TOTAL DIVERSION: |                                                                                          |                  |            |                       | 1.080 CFS         |                     |
| CONSUMPTIVE USE: |                                                                                          |                  |            |                       |                   | 162.00 AFA          |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06S R33E S22 SWSW

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  |
| 06S | 33E | 27 | : |    |    | 27 |    | 27 |    |    |    |    |    |    |    |    |    |    |    | :           | 54.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 54.0 |

POU County: POWER

Non-Irrigation Uses: NONE

Other Rights: A29-2515

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
A29-02515

Conditions of Approval:

016 - See remarks for additional conditions of approval.

Remarks: GEN THIS RIGHT WHEN COMBINED WITH LICENSE 29-2515 SHALL PROVIDE NO  
MORE THAN A TOTAL CAPACITY OF 2.17 CFS.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 03/22/90 DUNN 07/25/94 THOMPSON 03/29/95 POST-STD

## WATER RIGHT LICENSE

**Director**

29 7089

Identification No. \_\_\_\_\_

Application No. \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**

**APPLICATION FOR PERMIT**

**To Appropriation the Public Waters of the State of Idaho** **APPROVED**  
(TYPE OR PRINT IN INK)

1. Name of applicant MICHAUD CREEK RANCH, INC.  
post office address Star Route - Box 44, Pocatello, ID 83201 c/o Robert Swanson
2. Source of water supply Ground Water which is a tributary of ---
3. a. Location of point of diversion is SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 22 Township 6S  
Range 33E B.M. Power County; additional points of diversion if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 1.2 for irrigation purpose from Mar. 15 to Nov. 15 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
a. 1.2 cubic feet per second ~~XXXXX~~  
b. \_\_\_\_\_ acre feet per annum.
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. circular sprinkler system  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir  
capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_  
Period of year during which storage will occur \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 18 inches; proposed depth of well is 400 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use  
is 1 year.  
b. Estimated construction cost is \$ 20,000.
8. Description of proposed uses:  
a. If water is not for irrigation: N.A.  
(1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_ B.M. \_\_\_\_\_  
(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.  
(3) List number of each kind of livestock to be watered \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be  
supplied with domestic water \_\_\_\_\_.  
(5) If water is to be used for other purposes describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

29 7089

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

| 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 $\frac{1}{4}$ |        |
| 6S   | 33E   | 27   |                  | 30               | 30               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 60     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

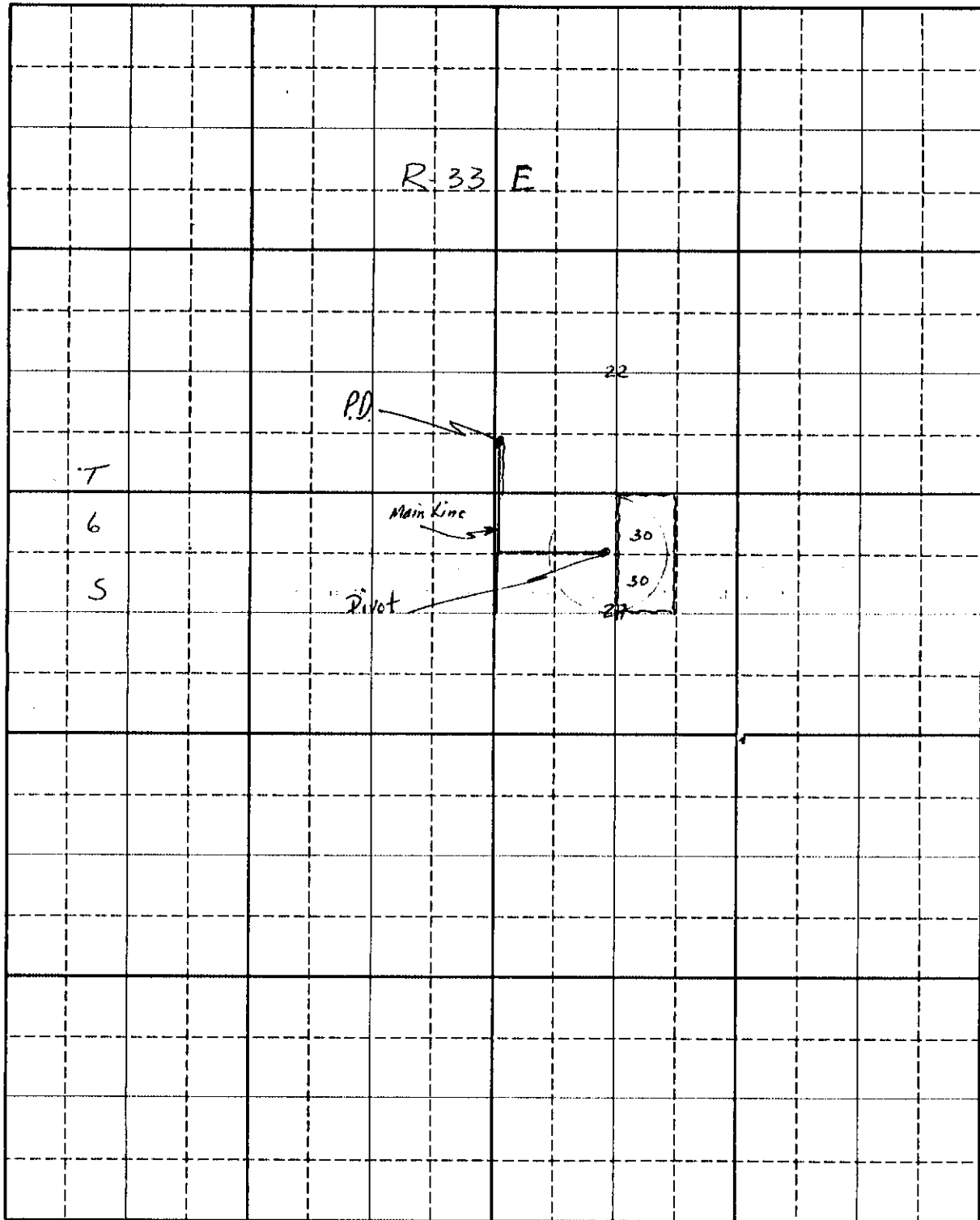
Total number of acres to be irrigated. 60

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion Applicant  
 b. Who owns the land to be irrigated or place of use Applicant  
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks I recently purchased the NW $\frac{1}{4}$  of Sec. 27, T. 6S, R. 33E, from Mack Bowler, American Falls, Idaho. He was irrigating this land from a well located in the SW $\frac{1}{4}$ , Sec. 22, T. 6S, R. 33E. I already owned the NE $\frac{1}{4}$  of Sec. 27, T. 6S, R. 33E. By adding a circular system, we are able to water the 60 acres in the NE $\frac{1}{4}$ , Sec. 27 from the same well.

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



Scale: 2 inches equal 1 mile

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

*Richard P. Gresham, Jr.*  
*Robert W. Gresham, Jr.*  
 (Applicant)

IDAHO DEPARTMENT OF WATER ADMINISTRATION  
 EASTERN DISTRICT OFFICE  
 100 N. MOORE  
 BOISE, IDAHO 83401

29 7089

Received by ba Date 6/9/72 Time 3:30 pm 29 7089  
Preliminary check by NY Fee \$ 3500 received \$2 with app. - returned  
Receipt # 7321  
Received by ba Date 6/9/72  
Publication prepared by ba Date 6/12/72  
Published in Power City, Palen, American Falls, Ida.  
Publication dates 6-22-29-72  
Publication approved NY Date 7/6/72  
Priority reduced to 6-7-72 Reason Sec 42-202  
inadequate for revenue in Idaho.  
Protests filed by: \_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by NY, DTD

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7089, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 73.
- c. Other: Measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: \_\_\_\_\_

Witness my hand this 25 day of July, 19 72.

R. Keith Higin  
Director

Received  
July 19, 1973

66

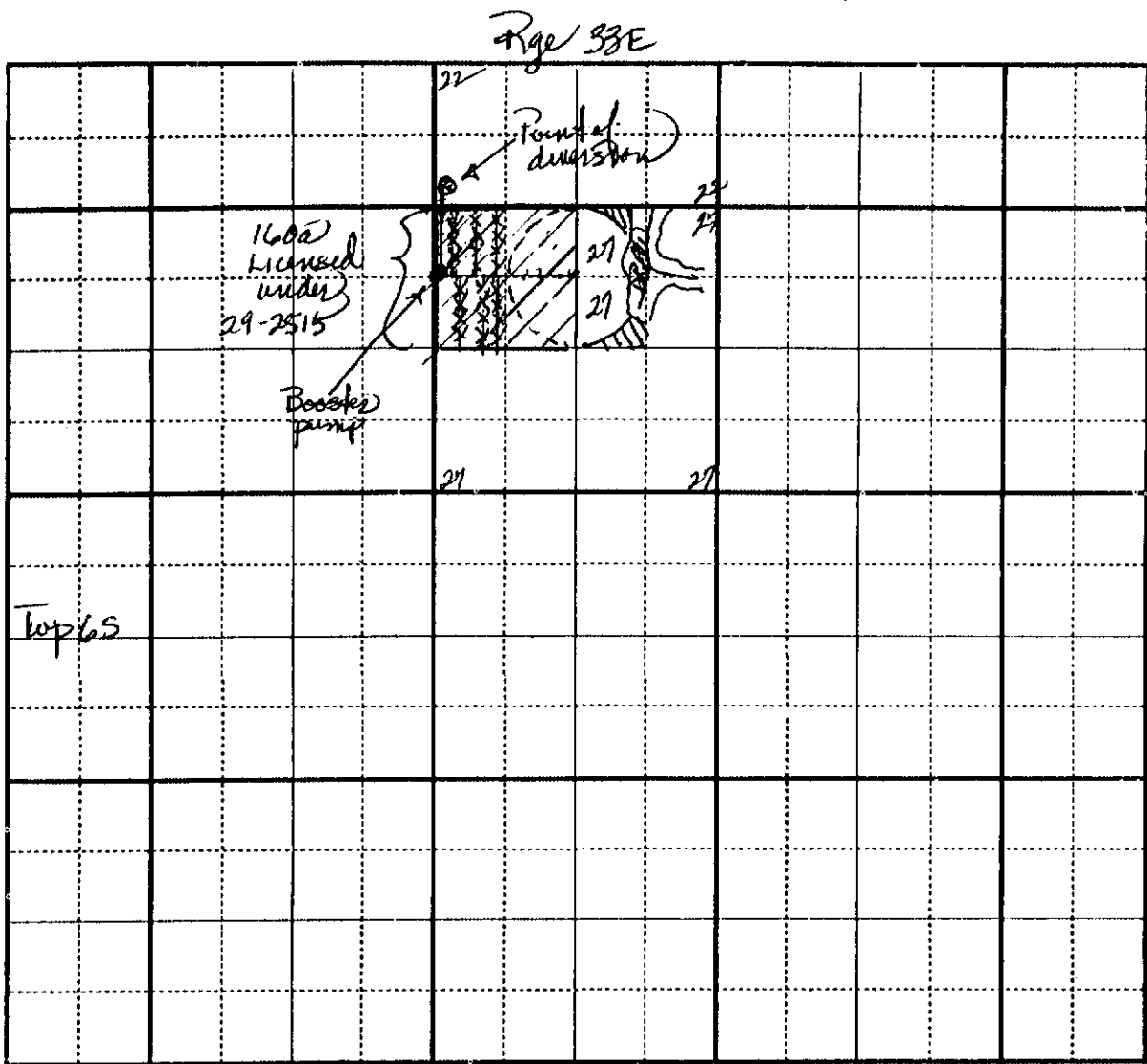
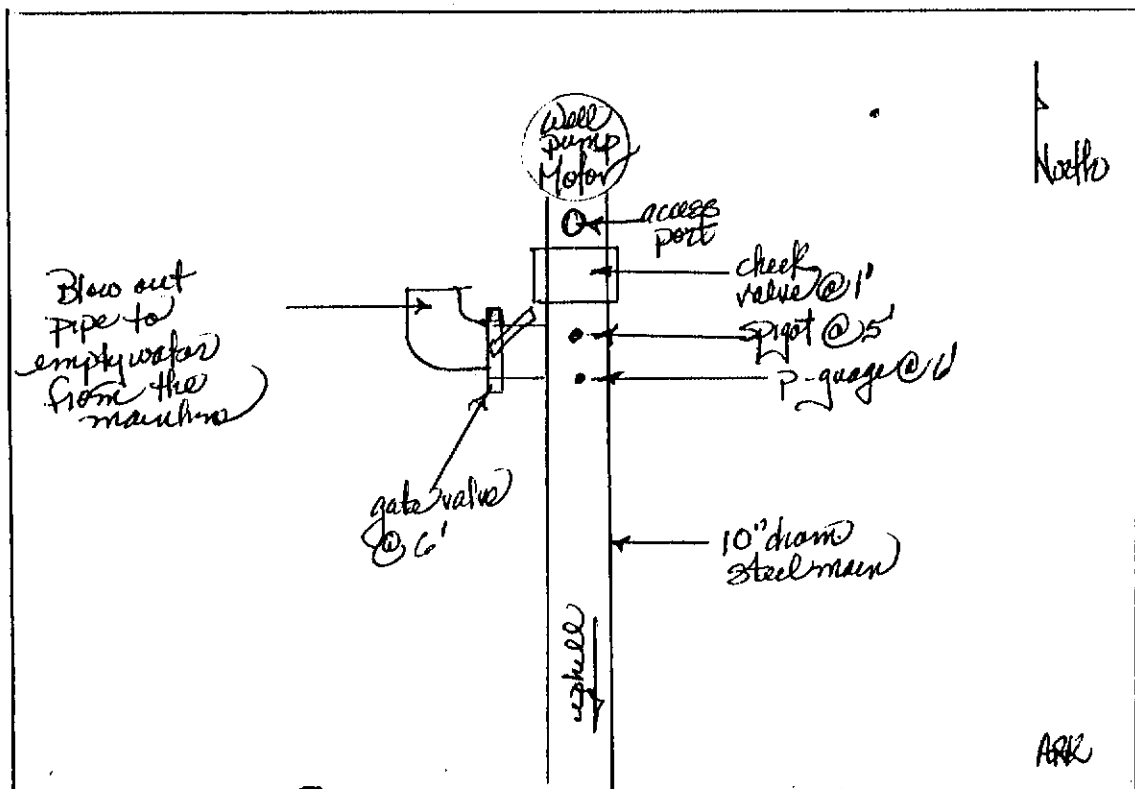


Diagram of System



DATE OF EXAM 24<sup>th</sup> day of July 1979 160 ac in NW 1/4 sec 27  
ACREAGE Found 214 11 licensed for 2.0 cfs  
Recommended 57 under license  
Irrigation Requirement 3.5 Ac Ft/Ac 29-2515  
from same well

USE Irrigation Q = 1.08 c.f.s. V = 189 AF/Ann. from March 15 to Nov 15  
Domestic Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_  
Livestock Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_

Is water co-mingled? yes \_\_\_\_\_ no X  
Name source: n/a  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec \_\_\_\_\_, Sub \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Exchange? yes \_\_\_\_\_ no X  
Name source exchanged with: n/a  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec \_\_\_\_\_, Sub \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Point of injection: n/a  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec \_\_\_\_\_, Sub \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Point of exchange: n/a  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec \_\_\_\_\_, Sub \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Total Q measured 2.17 cfs Method of measurement Potot tube  
Total Q recommended 1.08 cfs Meter No. MR-111 Type Marsh Condition std  
Total V recommended 189 AF/yr

Recommended Amendments:  
P.D. \_\_\_\_\_  
Place of Use \_\_\_\_\_  
Other \_\_\_\_\_  
None

MEASUREMENT, CALCULATION: Avg psi = 52  
33 - 3/4" diam jets @ 4.112 gpm/jet = 135.7 gpm Q total = 460 gpm  
122 - 5/32" diam jets @ 5.076 gpm/jet = 619.3 gpm = 448.8 gpm  
36 - 1/4" diam jets @ 6.126 gpm/jet = 220.5 gpm = 217.1 gpm capacity  
V = 54 ac x 3.5 af/ac = 189 AF/yr < 1.9835 AF/yr x 245 d/yr x 1.08 cfs = 524.8 AF/yr  
ALLOW .02 cfs/Ac (1600 x .02 = 3.2 cfs)

SYSTEM DESCRIPTION:  
Groundwater is diverted by a 2004 R. U.S. Motors "Holtzclaff" pump motor  
# 441417972 and by a Berkeley Vertical turbine pump no. J.D. #5  
and by a 504 P. Marathon Electric booster pump motor # 041206  
and by a Berkeley booster pump # 7382-567. Headage is regulated  
by 1/2 of a 10' tower Lindsay Timatic center pivot sprinkler.

REMARKS:  
Note: The NW 1/4 of sec 27 is irrigated by 6-1/4" main handlines  
and the E 1/2 NW 1/4 by 1/2 of the center pivot described above  
under L-29-2515. Measurement was made of handlines  
only as the handlines & pivot are operated separately there  
is not enough water or pressure to operate them simultaneously  
therefore this license will be conditioned to L-29-2515

Examiner's Signature Anthony R. Kozlowski Date 1-29-80  
Checked by John J. Carlson Date 4/9/80  
Approved by [Signature] Date 4/15/81  
Overlap Spview  
attached

## Overlap Review for 29-7089

License 29-2515

P/D SWSW Sec 22 T65 R33E

P/U see attached copy

$$\frac{2.0 \text{ cfs}}{160 \text{ ac}} = .0125 \text{ cfs/ac}$$

This right 29-7089

P/D SWSW Sec 22

P/U see field Exam

$$\frac{1.08 \text{ cfs}}{54 \text{ ac}} = .02 \text{ cfs/ac}$$

Both rights are on the same well, the first exam on 29-2515 found a system capacity of 2.0, this exam 29-7089 found a system capacity of 2.17 cfs and that handlines & pivots must be operated at different times due to not enough pressure. Although these rights do not overlap on P/U they do on P/D, and we must limit the capacity of the system, ~~also use P/D condition.~~  
<sup>not needed</sup>  
because of no overlap in P/U.

4/15/81

State of Idaho  
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32679/29-2515 Priority Jan. 5, 1966 Amount 2.0 cfs

THIS IS TO CERTIFY, that ROBERT SWANSON  
of Pocatello, Idaho, has complied with the terms and conditions of Permit  
No. 32679/29-2515 issued pursuant to Application for Permit dated January 5, 1966  
and has submitted proof to the Department of Water Administration on November 5, 1970  
that he has applied water to a beneficial use; an examination by the Department indicates that the  
works have a capacity of 2.0 cfs, and that the water has in fact been applied to a  
beneficial use; a right to the use of water from a ground water source  
tributary of \_\_\_\_\_, is hereby confirmed in the following amounts:  
Amount 2.0 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
Subject, however, to the condition that no more than 2.0 cfs of water be diverted at  
any one time, said waters to be diverted within the \_\_\_\_\_

SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 22, Twp. 6 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 560 acre feet per year or  
3.5 acre feet per acre.

Description and location of place of use:

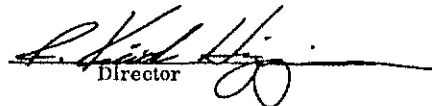
| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | 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 $\frac{1}{4}$ |        |
| 6S   | 33E   | 27   |                  |                  |                  |                  | 40               | 40               | 40               | 40               |                  |                  |                  |                  |                  |                  |                  |                  | 160    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 160

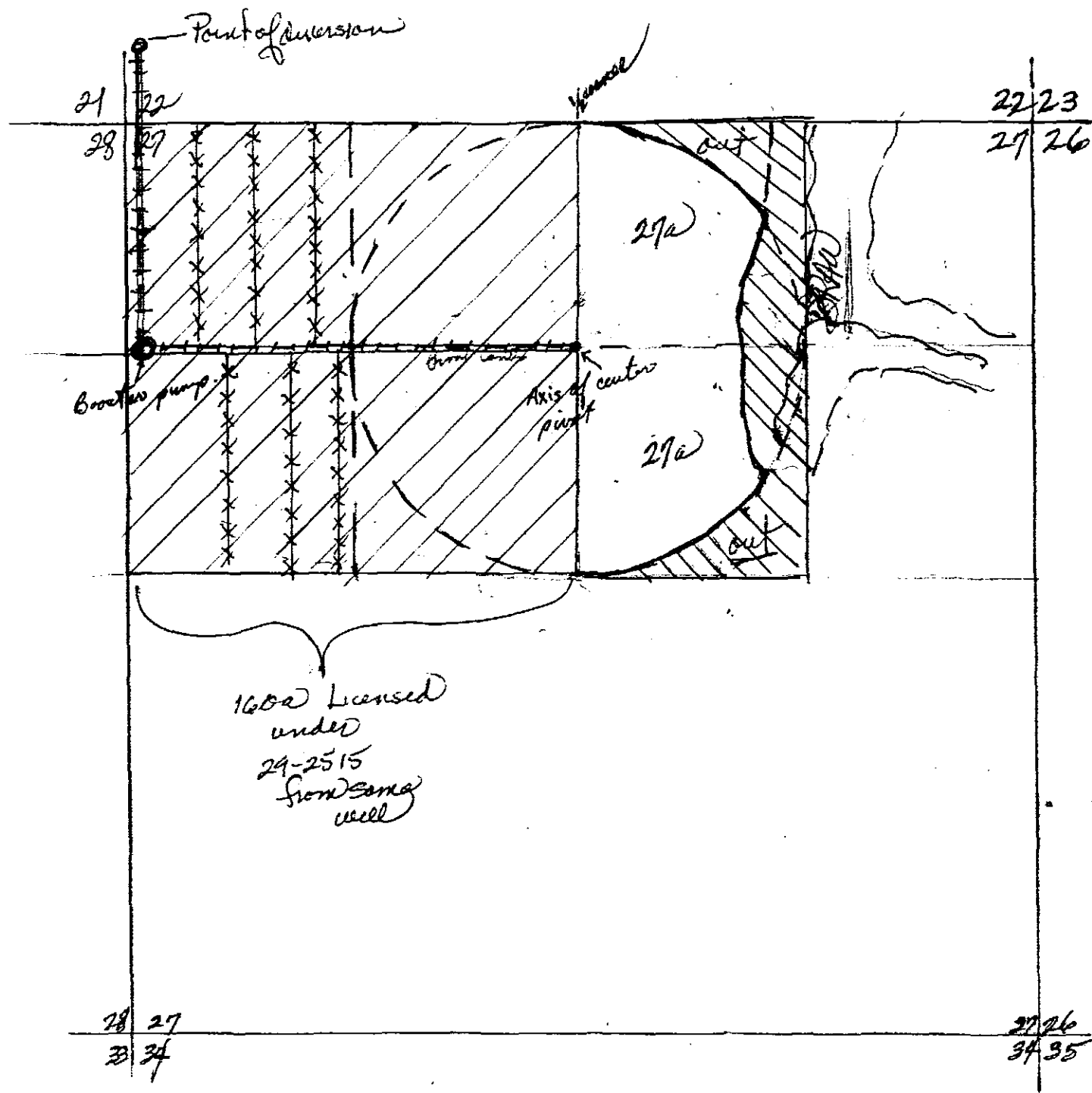
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands  
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of

June, 19 73.

  
Director

29 2515



29-7089  
 tracing from  
 ASIS Aerial  
 photo  
 ARK 7-24-29