

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 31-11416
D- Received: 8/29/00
t No:
d By:

NOTICE OF CLAIM
ACQUIRED IN

*Original Claims
Sent to court
9-18-01*

1. Name of Claimant(s)

Name: MICKELSEN FARMS Phone:

Address: 1050 W RIVERVIEW DR
IDAHO FALLS ID 83401

2. Date of Priority: 06/09/1902

3. Source: RATTLESNAKE CREEK, EAST FORK Trib. to: RATTLESNAKE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
12N	37E	15	NE NE	CLARK
12N	37E	14	NE NW	CLARK
12N	37E	14	NW NW	CLARK
12N	37E	14	SW NW	CLARK
12N	37E	15	SE NE	CLARK
12N	37E	15	SE SE	CLARK
12N	37E	15	NE SE	CLARK
12N	37E	22	NE NE	CLARK
12N	37E	22	SE NE	CLARK
12N	37E	22	NE SE	CLARK

5. Description of diverting works:

INSTREAM STOCKWATER

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.
STOCKWATER	05/01 09/01	0.09	



7. Total Quantity Appropriated is:
0.09 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
12N	37E	14	NE	NE		STOCKWATER	
			NW	NE		STOCKWATER	
			SW	NW		STOCKWATER	
12N	37E	15	NE	NE		STOCKWATER	
			NW	NE		STOCKWATER	
			NE	SE		STOCKWATER	
			SE	SE		STOCKWATER	
12N	37E	22	NE	SE		STOCKWATER	
			NE	NE		STOCKWATER	
			SE	NE		STOCKWATER	

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:

14. Remarks:

FILED AS 31-00013A

15. Basis of Claim: Decreed

16. Signature(s)

RECEIVED

MAR 08 2001

01/16/2001

NOTICE OF ERROR
REPLY

Department of Water Resources
Eastern Region

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: ^{March} ~~February~~ 9, 2001

Water right number: 31-11416

MICKELSEN FARMS
1050 W RIVERVIEW DR
IDAHO FALLS, ID 83401

Daytime Telephone Number: (208)524-1295
Evening Telephone Number:

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

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

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

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

DATE: 76 Feb 2001 SIGNATURE: *Mark Mickelsen*
Please print your name: Mark Mickelsen

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, (208) 525-7161

RECEIVED

MAR 08 2001

Department of Water Resources
Eastern Region

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

12/01/2000

RIGHT NUMBER: 31-11416

NAME AND ADDRESS: MICKELSEN FARMS
1050 W RIVERVIEW DR
IDAHO FALLS, ID 83401

SOURCE: RATTLESNAKE CREEK, EAST FORK TRIBUTARY: RATTLESNAKE CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/09/1902

POINT OF DIVERSION:	T12N R37E S14	NENW	Beginning of Stream Flow	Within CLARK County
	T12N R37E S22	NESE	End of Stream Flow	Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05-01 09-01	0.02 CFS

PLACE OF USE:

<u>STOCKWATER Within CLARK County</u>			
T12N R37E S14	SWNW	T12N R37E S14	NENW
T12N R37E S14	NWNW	T12N R37E S15	SENE
T12N R37E S15	NESE	T12N R37E S15	SESE
T12N R37E S22	NESE	T12N R37E S22	NENE
T12N R37E S22	SENE		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 400 CATTLE

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-11416

Owner Type Name and Address
 Current Owner MICKELSEN FARMS
 1050 W RIVERVIEW DR
 IDAHO FALLS, ID 83401
 (208)524-1295

Original Owner FARREN MARTIN
 1310 S 45 W
 IDAHO FALLS, ID 83401
 (208)523-0539

Priority Date: 06/09/1902
 Basis: Beneficial Use
 Status: Valid

Source Tributary to
 RATTLESNAKE CREEK, EAST FORK RATTLESNAKE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	05/01	09/01	0.02 CFS		
Total Diversion			0.02 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
12N	37E	14	NE NW		CLARK
12N	37E	14	NE NW		CLARK
12N	37E	22	NE SE		CLARK

Place(s) of use:

Place of Use Legal Description: STOCKWATER CLARK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12N	37E	14		SWNW			NENW			NWNW				
		15		SENE										
				NESE			SESE							
		22		NESE										
				NENE			SENE							

Conditions of Approval:

- N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

- Explanatory STOCKWATER, 400 CATTLE

Dates:

Licensed Date:
 Claim Received Date: 08/29/2000

Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	9/19/00 2:20:21 PM	DCarlson			In Process

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Overall Max Diversion Rate: 0.02
Overall Max Diversion Volume:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
Summary	9/19/00 2:20:19 PM	DCarlson	1. (YES) The basis of the claim is beneficial use. 2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed.

12/01/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 31-11416

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICKELSEN FARMS 1050 W RIVERVIEW DR IDAHO FALLS, ID 83401 (208)524-1295
Original Owner	FARREN MARTIN 1310 S 45 W IDAHO FALLS, ID 83401 (208)523-0539

Priority Date: 06/09/1902
Basis: Decreed
Status: Valid

<u>Source</u>	<u>Tributary to</u>
RATTLESNAKE CREEK, EAST FORK	RATTLESNAKE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	05/01	09/01	0.09 CFS		
Total Diversion			0.09 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
12N	37E	15	NE NE		CLARK
12N	37E	14	NE NW		CLARK
12N	37E	14	NW NW		CLARK
12N	37E	14	SW NW		CLARK
12N	37E	15	SE NE		CLARK
12N	37E	15	SE SE		CLARK
12N	37E	15	NE SE		CLARK
12N	37E	22	NE NE		CLARK
12N	37E	22	SE NE		CLARK
12N	37E	22	NE SE		CLARK

Place(s) of use:

Place of Use Legal Description: STOCKWATER	CLARK County
--	--------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12N	37E	14		NENE			NWNE							
		15		SWNW			NWNE							
				NENE			SESE							
		22		NESE			SENE							
				NENE										

Remarks:

1. FILED AS 31-00013A

Dates:

Licensed Date:

Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Overall Max Diversion Rate: 0.09
Overall Max Diversion Volume:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

RECEIVED

SEP 10 2001

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 31-11416

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Mickelsen Properties, LLC

Address: 1050 W. Riverview Dr., Idaho Falls, Idaho 83401

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☒ **Priority Date**

Should be: See attached

5. ☒ **Point(s) of Diversion**

Should be: See attached

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant does not have a valid water right with the elements claimed.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

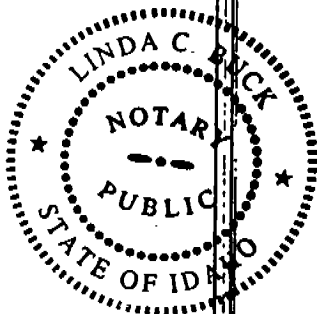
Fredric W. Price
(Signature of person filing objection)

Larry C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

September 7, 2001

Linda C. Buck
Linda C. Buck

Notary Public for State of IdahoResiding at: Mountain Home, ID.My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on September 7, 2001, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Mickelsen Properties, LLC
Address: 1050 W. Riverview Dr.; Idaho Falls, Idaho 83401

Name:

Address: ;

Name:

Address: ;

Name:

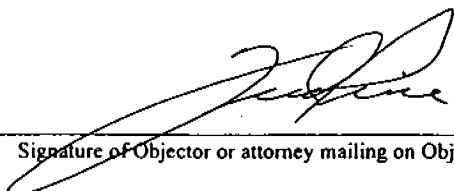
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney mailing on Objector's behalf

05/04/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-11416

NAME AND ADDRESS: MICKELSEN PROPERTIES LLC
1050 W RIVERVIEW DR
IDAHO FALLS ID 83401

*POU ON BLM
- STOCKWATER / IN STREAM*

SOURCE: RATTLESNAKE CREEK, EAST FORK

TRIBUTARY: RATTLESNAKE CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 06/09/1902

POINT OF
DIVERSION:

T12N R37E S14 NENW Begin of Stream Flow Within CLARK County
T12N R37E S22 NESE End of Stream Flow Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
05/01 09/01

QUANTITY
0.020 CFS

PLACE OF USE:

STOCKWATER Within CLARK County

T12N R37E S14 SWNW
T12N R37E S14 NWNW BLM
T12N R37E S15 NESE
T12N R37E S22 NESE
T12N R37E S22 SENE

T12N R37E S14 NENW
T12N R37E S15 SENE
T12N R37E S15 SESE
T12N R37E S22 NENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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.

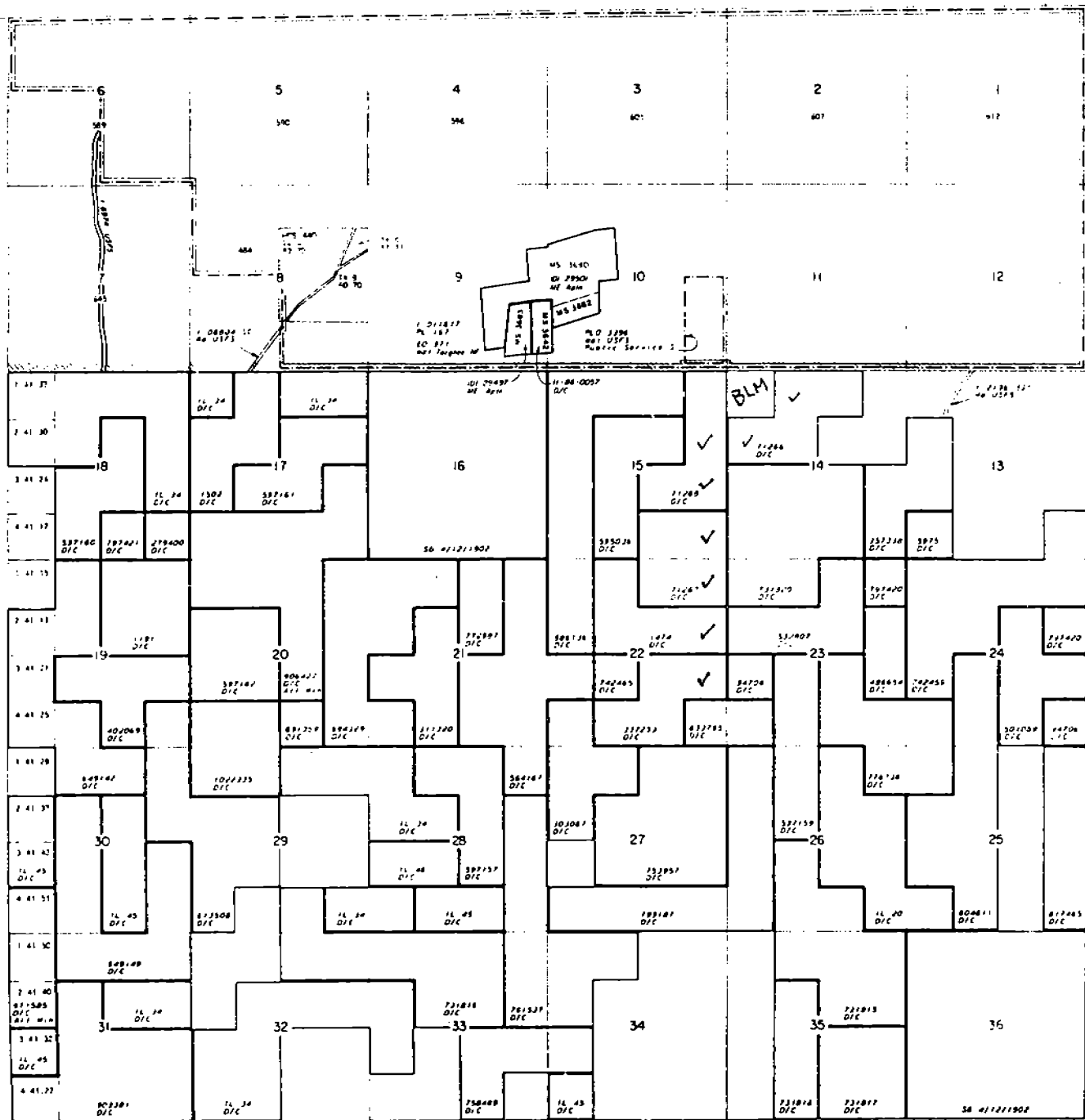
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
STOCKWATER, 400 CATTLE

Issue:

*Circled place of use
is on public land*

Revised Production Division NO DE Approved 12/21/1971

CLARK COUNTY 033
CAND FALLS DISTRICT SEC 3



SCALE in Chains
0 10 20 30 40

WARNING STATEMENT
This plan is the Bureau's Record of Title and should be used only as a graphic display of the township survey data. No

THE NOTATION SHOWN ON WITHDRAWALS
ACTION TAKEN BUT MAY NOT BE THE E

T12N
R37E
S14

s D

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