

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

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.

Water Right 25-12694

SCANNED

AUG 1 2001

X

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: A25-12694

Date Received: 8/18/1989

Receipt No: M003955

Received By: XB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT E. MIKESELL
Address: 3480 EAST 1ST STREET
IDAHO FALLS, ID

208-523-3772

83406

2. Date of Priority: SEP 29, 1920

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
02N	38E	22	NE		NE		NE		BONNEVILLE

5. Description of diverting works:
WELL 120' DEEP, 6" CASING, PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

C/ DOMESTIC WATER FOR COUNTRY CORNER STORE.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	38E	22	NE		NE		COMMER	

11. Place of use in counties: BONNEVILLE

A25-12694

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Date: 08/18/89

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

13. Other Water Rights Used:
FALLS WATER.

14. Remarks:

THIS RIGHT WAS ESTABLISHED AS DOMESTIC AND IN 1967 THE STORE BEGAN USING THE WATER FROM THE WELL AS BACK UP TO FALLS WATER.

15. Basis of Claim: BENEFICIAL USE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Robert E. Malsed Date: 08-18-89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of August 1989

Anna Beumle
Notary Public

Seal

Residing at Boise, Idaho, Notary Public
My Commission Expires December 7, 1994

A25-12694 Summary 8/23/03

1) Ownership: claim is correct

2) POD, POA, etc:

Well is no longer in use. Owner will
mail letter to Michael Holliday
withdrawing claim.

Deane A. Conter

SCANNED

AUG 20 2004

A25-12694 Contract Log

Mark Mikesell left a message on my machine
8/21/03 - He has conveyed his WR back to
progressive I.D. - is confused about my letter.

Please call 523-3772

8/22/03 - Now hooked up to Falls Water -
well is filled in - will mail letter
to Michael Holliday -

Letter will include street address of
store to verify this is the same
location.

August 18, 2003

Robert E. Mikesell
3480 E 1st Street
Idaho Falls, ID 83406

Re: Water Right Adjudication Claim(s) A25-12694

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

This is the water right for a "country store" in Idaho Falls. To enable Idaho Department of Water Resources to make a favorable recommendation, I will want to gather evidence of the claimed priority date.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

Water Resources
Field Services
208 663 4667

May 2, 1991

Robert E. Mikesell
3480 E. 1st St.
Idaho Falls, ID 83406

RE: **Evidence of Priority**

Dear Mr. Mikesell:

The Notice of Claim identified with the numbes shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

Please submit the required evidence supporting the priority date by **June 3, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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Robert E. Mikesell

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All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-12694
ROBERT E. MIKESELL
3480 EAST 1ST STREET

IDAHO FALLS

ID 83406

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