

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

01/05/2001

RIGHT NUMBER: 31-10221

NAME AND ADDRESS: PATRICIA M GASSER

2303 E 2300 N

HAMER, ID 83425

NICK R MICKELSEN

1814 1/2 E 1500 N

TERRETON, ID 83450

LE VAUN MICKELSEN

1814 E 1500 N

TERRETON, ID 83450

SOURCE: DITCH CREEK

TRIBUTARY: IDAHO CREEK

QUANTITY: 1 CFS

PRIORITY DATE: 10/21/1913

POINT OF DIVERSION: T13N R35E S1

NESW

Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
04-15 10-15

QUANTITY
1.00 CFS

PLACE OF USE:

STOCKWATER Within CLARK County
T13N R35E S1 SWNE

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

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 31-00196, 31-
00197.
STOCKWATER, 500 CATTLE

PRODUCED
IN FULL

SCANNED
MAR 11 2003

04/27/2001

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

RIGHT NUMBER: 31-10221
NAME AND ADDRESS: PATRICIA M GASSER
2303 E 2300 N
HAMER ID 83425

NICK R MICKELSEN
1812 E 1500 N
TERRETON ID 83450

LE VAUN MICKELSEN
1814 E 1500 N
TERRETON ID 83450

SOURCE: DITCH CREEK TRIBUTARY: IDAHO CREEK

QUANTITY: 1.000 CFS

PRIORITY DATE: 10/21/1913

POINT OF
DIVERSION: T13N R35E S1 NESW Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/15 10/15	1.000 CFS

PLACE OF USE: STOCKWATER Within CLARK County
T13N R35E S01 SWNE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SCANNED

MAR 14 2003

PROFIT

04/27/2001

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 31-00196, 31-00197.
STOCKWATER, 500 CATTLE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION
42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO
SECTION 42-1425, IDAHO CODE.

SCANNED

MAR 11 2003

500

FRONTIER

41-

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-10221

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PATRICIA M GASSER 2303 E 2300 N HAMER, ID 83425 (208)662-5429
Current Owner	NICK R MICKELSEN 1814 1/2 E 1500 N TERRETON, ID 83450 (208)663-4800
Current Owner	LE VAUN MICKELSEN 1814 E 1500 N TERRETON, ID 83450 (208)663-4941
Original Owner	REED MICKELSEN HAMER, ID 83425 (208)662-5441

Priority Date: 10/21/1913
Basis: Decreed
Status: Valid

<u>Source</u>	<u>Tributary to</u>
DITCH CREEK	IDAHO CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	04/15	10/15	1 CFS		
Total Diversion			1 CFS		

Location of Point(s) of Diversion:

DITCH CREEK NESW Sec. 01 Township 13N Range 35E CLARK County

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>
13N	35E	1		SWNE										

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C02 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 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.
4. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

PROFIT

MAINTAINED

Remarks:

1. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 31-00196, 31-00197.
2. Explanatory STOCKWATER, 500 CATTLE

Comments:

Author	Date	Subject	Comment
JCRABTRE	5/9/00	COPIED FROM REMARKS	THIS CLAIM IS BASED ON RIGHT NO. 31-0196 & 31-0197 *** CORRECTED THE RANGE IN PLACE OF USE FROM R38E TO R35E. THIS MATCHES THE POINT OF DIVERSION DESCRIPTION. PER REQUEST OF MRS. MICKELSEN 07/22/97, ABR. *** NOTICE OF CHANGE OF WATER RIGHT FILED 9/16/97,
DCarlson	1/5/01	POD	DITCH ON FOREST SERVICE LAND-TO POU SEE FIELD EXAM FOR 31-02103

Dates:

Licensed Date:
 Claim Received Date: 07/07/1988
 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:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
POD	1/5/01 2:22:27 PM	DCarlson			In Process
	1/5/01 2:20:34 PM	DCarlson			In Process
POU	1/5/01 2:22:59 PM	DCarlson			In Process
Priority Date	1/5/01 2:19:27 PM	DCarlson			In Process
Quantity	1/5/01 2:24:48 PM	DCarlson			In Process
Season	1/5/01 2:24:20 PM	DCarlson			In Process
Source	1/5/01 2:21:38 PM	DCarlson			In Process
Summary	1/5/01 11:13:30 AM	DCarlson			In Process
Use	1/5/01 2:23:35 PM	DCarlson			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 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:C
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
POD	1/5/01 2:22:25 PM	DCarlson	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file.

POD	1/5/01 2:20:32 PM	DCarlson	4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: NAPP PHOTO CLAIMANT AND LICENSE FILE 8. (YES) Point of Diversion remark was required. 1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. 6. (YES) The file contains all the necessary information to verify the POD. 8. (YES) Point of Diversion remark was required.
POU	1/5/01 2:22:58 PM	DCarlson	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (NO) The claimed POU can not be verified using the water right file. 5. (NO) There is no evidence that there has been a change in the POU. 9. (YES) The file contains all the necessary information to verify the POU. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
Priority Date	1/5/01 2:19:25 PM	DCarlson	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Quantity	1/5/01 2:24:45 PM	DCarlson	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.
Season	1/5/01 2:24:18 PM	DCarlson	1. (NO) The basis of claim is not beneficial use. 2. (NO) The parent right does not have a period of use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (NO) Irrigation is not the purposed use. Comment for 13: AS CLAIMED 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Source	1/5/01 2:21:36 PM	DCarlson	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (NO) The claimed source can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Source. 5. (YES) The change can be verified as an accomplished transfer. 7. (YES) The file contains all of the necessary information to verify the source. Comment for 7: USGS MAP 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (YES) Source remark was required.
Summary	1/5/01 11:13:23 AM	DCarlson	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of

Use

1/5/01 2:23:33 PM

DCarlson

continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.

1. (NO) The basis of claim is not beneficial use.

2. (YES) The parent right has a purpose of use.

3. (YES) The claimed purpose of Use can be verified using the water right file.

11. (YES) Purpose of Use remark was required.

12. (YES) Purpose of Use condition was required.

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PROFILED

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

09/16/97 15:10:00

Page 1

Water Right Number - A31-10221

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

MICKELSEN

LAVAUN

1 - 1814 E 1500 N

2 -

3 -

City- TERRETON

State- ID Zip- 83450

Phone - 208-663-4941

GASSER

PATRICIA M

1 -

2 -

3 -

City- HAMER

State- ID Zip- 83425

Phone - 208-662-5429

MICKELSEN

NICK R

1 - 1814 1/2 E 1500 N

2 -

3 -

City- TERRETON

State- ID Zip- 83450

Phone - 208-663-4800

*** O - ORIGINAL OWNER ***

MICKELSEN

REED

1 -

2 -

3 -

City- HAMER

State- ID Zip- 83425

Phone - 208-662-5441

+ - - Priority Date - - +

10/21/1913

+ - - Region - - - +

ERROR IN REGION

+ - - Stage - - - +

D - DECREED

+ - - Status - - - +

+ - - - - Source - - - - - +

UNNAMED STREAM

+ - - - - Tributary - - - - - +

IDAHO HOLLOW CREEK

+ - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

13N 35E 1 SW NE (33) CLARK

+ - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

04 - STOCKWATER 04/15 10/15 1.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +

1.000

0.0

+ - - - - Place of Use - - - - - +

Twn Rng Sec Tract Lot Acres Code Description County
13N 35E 1 SW NE 04 STOCKWATER (33) CLARK

Total Acres:

+ - - Diversion Means - DITCH FROM STREAM

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PROFILE

Water right number - A31-10221

Prefix Translation: ADJUDICATION CLAIM

+ - - Non-Irrigation Use - STOCKWATER - 100 HEAD CATTLE

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +

GEN THIS CLAIM IS BASED ON RIGHT NO. 31-0196 & 31-0197

CORRECTED THE RANGE IN PLACE OF USE FROM R38E TO R35E. THIS
MATCHES THE POINT OF DIVERSION DESCRIPTION. PER REQUEST OF MRS.
MICKELSEN 07/22/97, ABR.

NOTICE OF CHANGE OF WATER RIGHT FILED 9/16/97, ABR.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
09/16/97 ARUBERRY

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/07/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- M000107	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

SCANNED
MAR 11 2003
PROCESSED

Danni

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098



ADDRESS SERVICE
REQUESTED

RECEIVED

MAY 14 2001

Department of Water Resources

WAA
WTF

KATHLEEN MICKELSEN
2424 E 2600 W
HC 69 BOX 1870
HAMER, ID 83425

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STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right Number(s) _____
 Adjudication Claim Number(s) A31-10221

2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) REED NICKOLSON (DECEASED)
HAMOR ID 83425

4. New Owner/Claimant(s) LEVAUN NICKOLSON AND/OR
Name connector (Check one): [] AND, [] OR, ☒ AND/OR
 New Mailing Address 1814 E. 1500 N.
 City, State and ZIP Code TERRETON ID 83450
 New Telephone Number (208) 663-4941

SEE ATTACHMENT OF
ADDITIONAL OWNERS

5. Date you acquired the property _____

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

MAR 11 2003

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Levaun Nickelson Date 9-16-97
 _____ Date _____

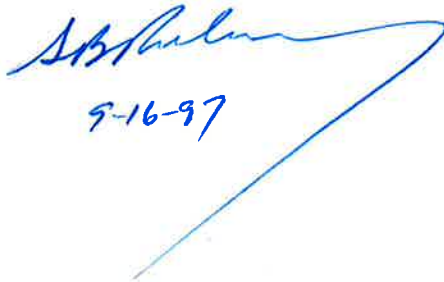
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
 For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

16 September 1997

Re: Attachment to Notice of Change of Water Right A31-10221

Add the following children of Mrs. Levaun Mickelsen to the above referenced Adjudication claim.

1. Daughter, Patricia Gasser
Hamer, ID 83425
Ph: (208) 662-5429
2. Son, Nick R. Mickelsen
1814 1/2 E. 1500 N.
Terreton, ID 83450
Ph: (208) 663-4800


9-16-97

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William Patt

1898 - May 15

1.6 c.f.s.

Mack Bowler

Estate

1912 - October 30

0.8 c.f.s.

1913 - October 21

0.2 c.f.s.

Powell Black

Mickleson

*in Idaho
Mallow*

Roots

Source: Madock Creek, a tributary of Beaver Creek.

Point of Diversion: In the Northwest Quarter of Section 4, Township 13 North, Range 36 East, B. M.

For use on the following described land, to-wit: Lots 1 and 2, and the Southwest Quarter of the Northeast Quarter of Section 4, Township 13 North, Range 36 East, B.M.

Source: An unnamed stream which is a branch of Idaho Hollow Creek, a tributary of Beaver Creek.

Point of Diversion: In the Northeast Quarter of Section 1, Township 13 North, Range 35 East, B. M.

For use on the following described land, to-wit: Lots 3 and 4, and the Southeast Quarter of the Northwest Quarter of Section 4, Township 13 North, Range 36 East, B.M.

PROFILED

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William Patt

1898 - May 15

31 195
1.8 c.f.s.

Source: Madock Creek, a tributary of Beaver Creek.

Point of Diversion: In the Northwest Quarter of Section 4, Township 13 North, Range 36 East, B. M.

For use on the following described land, to-wit: Lots 1 and 2, and the Southwest Quarter of the Northeast Quarter of Section 4, Township 13 North, Range 36 East, B. M.

1912 - October 30

31 196
0.8 c.f.s.

1913 - October 21

31 197
0.2 c.f.s.

Source: An unnamed stream which is a branch of Idaho Hollow Creek, a tributary of Beaver Creek.

Point of Diversion: In the Northeast Quarter of Section 1, Township 13 North, Range 36 East, B. M.

For use on the following described land, to-wit: Lots 3 and 4, and the Southeast Quarter of the Northwest Quarter of Section 4, Township 13 North, Range 36 East, B. M.

No. 101

FILED

189

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SEP - 7 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: 31-10221
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 USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 331-5943

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

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

Name:	Nick R Mickelsen	Le Vaun Mickelsen	Patricia M Gasser
Address:	1812 E 1500 N Terreton, ID 83450	1814 E 1500 N Terreton, ID 83450	2303 E 2300 N Hamer, ID 83425

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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: See E below.
4. ☐ **Priority Date**
Should be:
5. ☒ **Point(s) of Diversion**
Should be: See E below.
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Places of Use**
Should be:

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):**

This water right recommendation is based on two old water rights and necessitates accomplished changes in the source, purpose of use, point of diversion and place of use pursuant to Section 42-1425, Idaho Code. These accomplished changes move the point of diversion onto National Forest System land. The claimants are not authorized to occupy and use the National Forest for this purpose. In addition, the recommended quantity appears to be excessive and 42-1425 does not provide for changes in source.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Michael Collette , 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.

Michael Collette
(Signature of person filing objections)

David E. Neys
(Attorney signing in representative capacity)

Subscribed and sworn before me on:

Sep 6, 2001

Gayla J. Gough
Gayla J. Gough



Notary Public for: Idaho
Residing at: Kuna, Idaho
Commission Expires: 11/17/2004

SCANNED
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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 Sep 6, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

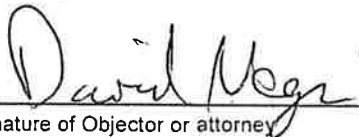
Name:	Nick R Mickelsen	Le Vaun Mickelsen	Patricia M Gasser
Address:	1812 E 1500 N Terreton, ID 83450	1814 E 1500 N Terreton, ID 83450	2303 E 2300 N Hamer, ID 83425

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource
Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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



Signature of Objector or attorney
mailing on Objector's behalf

SCANNED

MAR 11 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

FEBRUARY 9, 1993

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

POOR ORIGINAL

*

RE: EVIDENCE OF PRIORITY

Dear Claimant(s):

The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". 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. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed 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".

EVIDENCE OF PRIORITY
Page - 2 -

It is our goal to recommend 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.

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 MARCH 9, 1993, 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.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:jt

Enclosure: Brochure on "Evidence of Priority"
Proof Report

Other Water Right Numbers Needing Evidence of Priority

SCANNED

MAR 11 2003

MICROFILMED

APR 14 1994

PROFILED

INTER-DEPARTMENT MEMO — 1

FROM Ernest

DATE 18 July 1988

TO D 31-10221

SUBJECT 31-00196, 31-00197.

Don Shenton stated the above two rights have ~~be~~ been delivered to Reed Michelsen since prior to Don becoming Wm. He also stated that Prater-Rose owns the property listed by the decree but it is not possible for him to get this water to that property. Mr. Michelsen will resubmit his claim with verification.

MICROFILMED

NOV 17 1992

SIGNATURE

State of Idaho
Dept. of Water Resources

July. 22, 1988

Dear Sir:-

In answer to your letter concerning
the Claim A31-000196.

I own the property in Section 1 which
is point of Diversion in Idaho Hollow.

This water was to be used on this
property. It water filed on before I
bought this Property in 1957.

There must be a mistake in the
typing of this decree. It should have
read Section I instead of Section 4.

There is no way it could be used
in Section 4.

Sincerely

Reed Mickelson

7-25-88

Margaret G Wood
Hammer, fd 83425

SCANNED

MAR 11 2003

PROFILED

RECEIVED
JUL 27 1988
MICROFILMED

NOV 17 1992
Department of Water Resources
Eastern District Office

William Patt

1898 - May 15

31 195
1.6 c.f.s.

Source: Sodeck Creek, a tributary of Beaver Creek.

Point of Diversion: In the Northwest Quarter of Section 4, Township 13 North, Range 36 East, B. M.

For use on the following described land, to-wit: Lots 1 and 2, and the Southwest Quarter of the Northeast Quarter of Section 4, Township 13 North, Range 36 East, B. M.

1912 - October 30

1913 - October 21

31 196
0.8 c.f.s.
31 197
0.2 c.f.s.

Source: An unnamed stream which is a branch of Idaho Hollow Creek, a tributary of Beaver Creek.

Point of Diversion: In the Northeast Quarter of Section 1, Township 13 North, Range 36 East, B. M.

For use on the following described land, to-wit: Lots 3 and 4, and the Southeast Quarter of the Northwest Quarter of Section 4, Township 13 North, Range 36 East, B. M.

No. 101

SCANNED

189

MAR 11 2003

PROFILED

MICROFILMED

NOV 17 1992

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
COOPERATIVE CENTER FOR HEALTH STATISTICS

CERTIFICATE OF DEATH

DATE FILED: AUGUST 28, 1995

STATE FILE NUMBER: 95-05103

DECEDENT: REED THEODORE MICKELSEN

DATE OF DEATH: AUG. 17, 1995 PLACE OF DEATH: IDAHO FALLS, IDAHO

DATE OF BIRTH: OCT. 12, 1915 PLACE OF BIRTH: IDAHO

AGE: 79 YEARS SEX: MALE VETERAN? NO

MARITAL STATUS: MARRIED SPOUSE (MAIDEN): LEVAUN COOMBS

SOCIAL SECURITY NUMBER: 519-42-9767 RESIDENCE: TERRETON, IDAHO

FATHER: THEODORE MICKELSEN
FATHERS BIRTHPLACE: DENMARK
MOTHER (MAIDEN): MILLIE EMMELINE HARRIS
MOTHERS BIRTHPLACE: IDAHO

MORTUARY: ECKERSELL MEMORIAL CHAPEL
MORTICIAN: LAINE A. ECKERSELL

RIGBY, IDAHO
DISPOSITION: BURIAL

CERTIFYING PHYSICIAN: GREG HODSON, MD

AUTOPSY: YES

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST:

INTERVAL

MULTIPLE SYSTEM FAILURE
RESPIRATORY INSUFFICIENCY

WEEKS
WEEKS

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

NONE LISTED

MANNER OF DEATH: NATURAL

SCANNED

MAR 11 2003

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I certify that this is a true and correct reproduction or abstract of an official record filed with the IDAHO COOPERATIVE CENTER FOR HEALTH STATISTICS.

SEPTEMBER 05, 1995

DATE ISSUED:

Jane S. Smith

JANE S. SMITH
State Registrar



Memo

8/1/97

Mrs. Mickelson -

~~that~~ tried calling but no answer.
I found these Deeded Water Rights.

What threw me is that they were under
the same heading as Modoc Creek.
under William Patt.

The source is as you thought, The Point
of Diversion is in section one But
the lands to be used on are Section 4
which you probably don't own.
Will call with a follow-up.

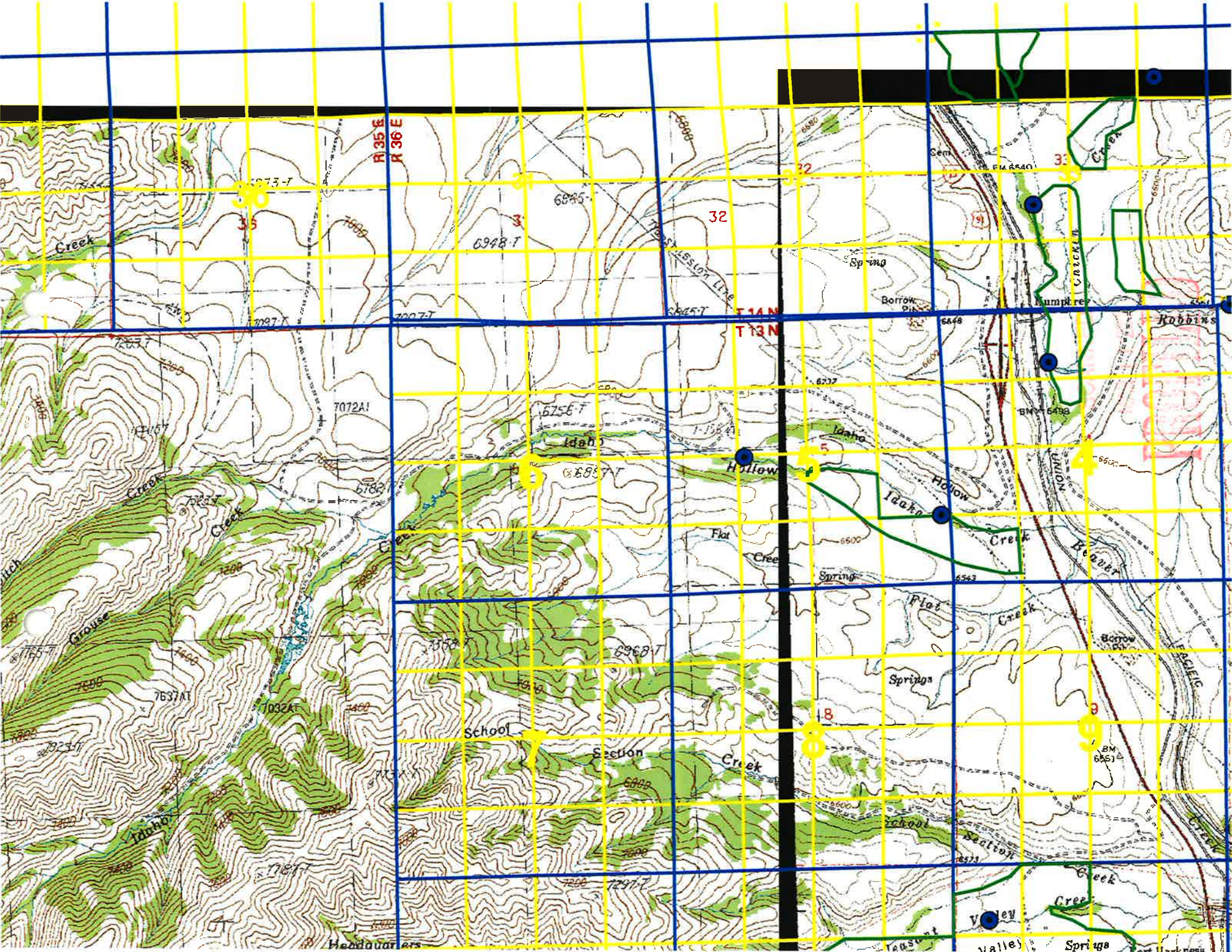
DWS

Apparently Reid may of got it from Parson
Black.

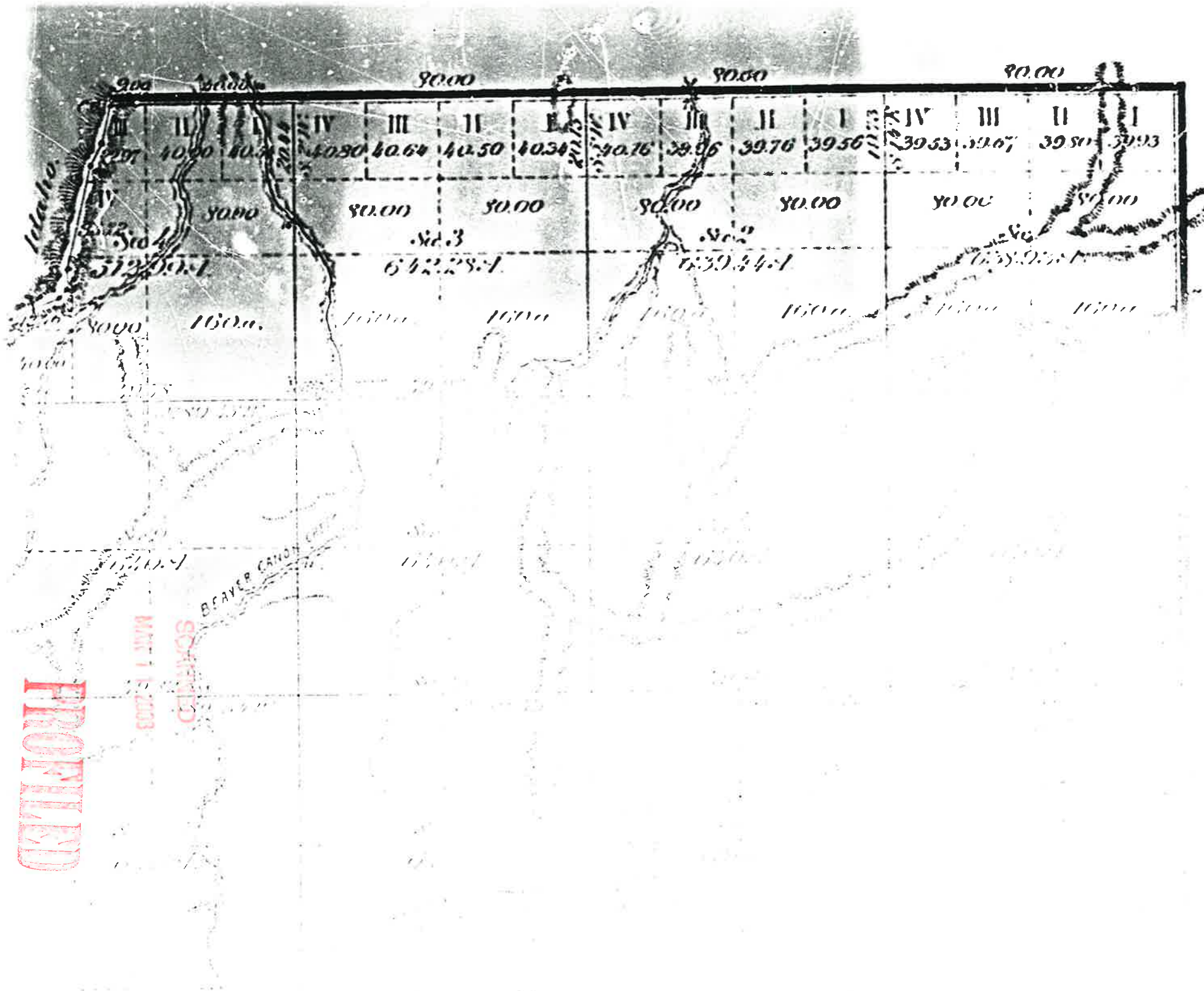
SCANNED

MAR 11 2008

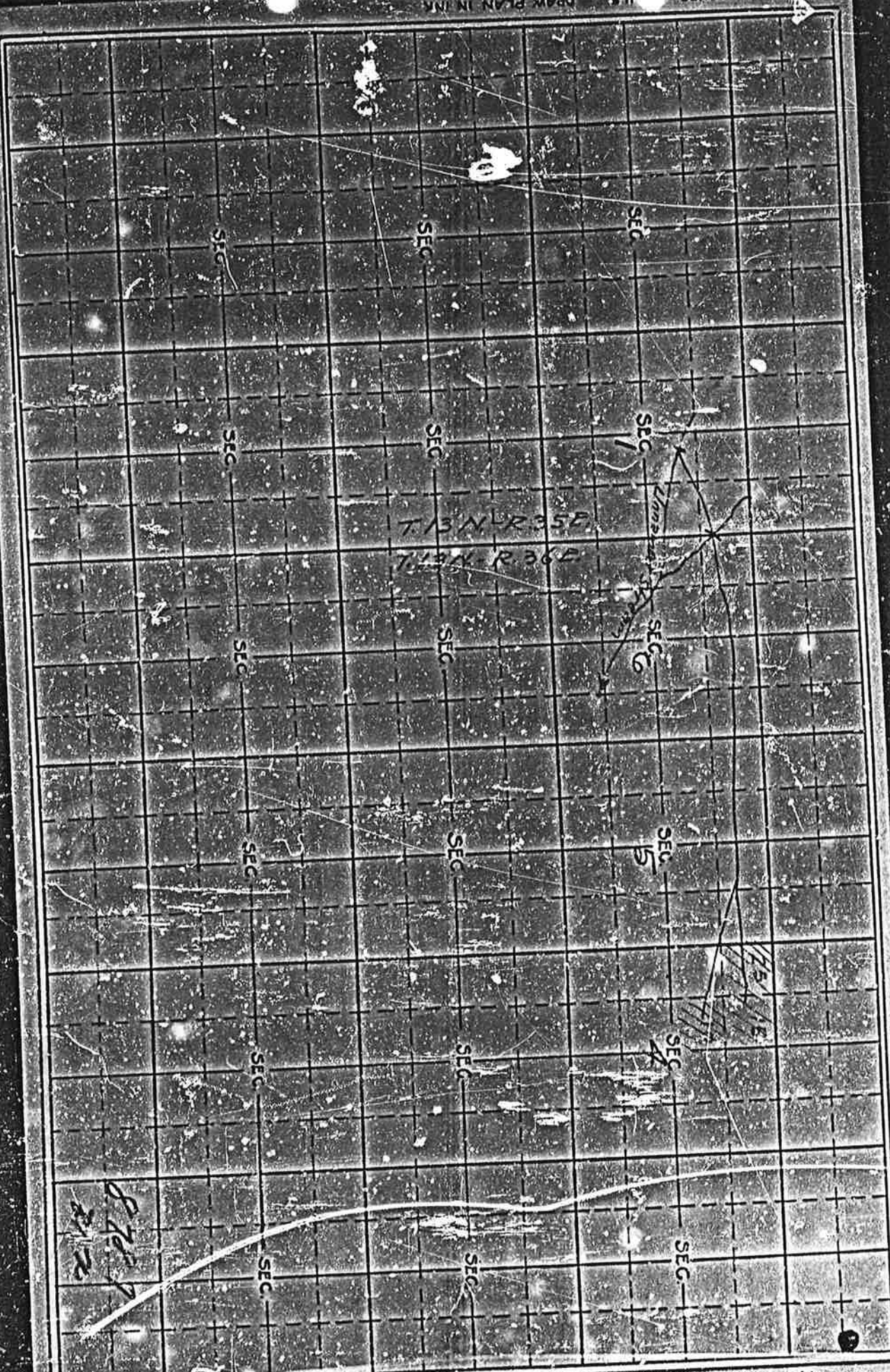
PROFILED







HEALTH



87000
212

REPORT OF ENGINEER

1. State name of applicant and number of permit: William A. Patti, Permit 8787
2. State source of water supply: Unnamed Stream
3. Location of point of diversion: ~~SW 1/4 Sec 35~~ T. 13 N., R. 36 E., S. 11

State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes

5. Describe works as they exist giving dimensions and capacities of same:

Ditch Bottom width - 11 ft
Top width - 7 ft
Depth - 8 inches
Grade - 18 ft per mile
Capacity - 3 sec. ft

6. State whether or not water has been turned into works of diversion: Yes

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

NE 1/4 NW 1/4 - 15 acres

NW 1/4 NW 1/4 - 25 acres (Cultivated)

SE 1/4 NW 1/4 - 10 acres

Above is total number acres in cultivation in these 3 subdivisions

8. Submit map on enclosed plat, showing location and details of above description.

Remarks: License has previously been issued for 15" NE 1/4 NW 1/4
15" NW 1/4 NW 1/4
10" SE 1/4 NW 1/4

This examination was made on the 20th day of August 1916

(Signed)

R. J. Hamilton

Examiner

8787

8/20



SEC

SEC

545

Town 13. N. R. 36 E. R. 21 N.

SEC-

SEC

Township	13 th	R 25	E 8 th
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SEC.

SEC

350

SC

SEC.

SEC

SEC.

SEC.

SEC

SFC

SEC

SEC

8787

Done

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

REPORT OF ENGINEER

1. State name of applicant and number of permit: Will A. Patt, # 8787.
 2. State source of water supply: Unnamed Stream.
 3. Location of point of diversion: S. W. 1/4 NE 1/4, Sec. 1, Tp. 13 N., R. 9. 35 E.

(See Remarks)

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:

Yes.

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: 1.5 ft.
 (b) Width at water line: 2 ft.
 (c) Depth of water: 9 inches.
 (d) Grade per mile: 20 ft.
 (e) Capacity of ditch: 2.4 second feet.

6. State whether or not water has been turned into works of diversion and if so, to what extent:

Yes, and hay irrigated.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: NE 1/4 NW 1/4, 15 acres; NW 1/4 NW 1/4, 15 acres;

SE 1/4 NW 1/4, 10 acres, all in Sec. 4, Tp. 13 N., R. 9. 36 E., B. 4.

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: Pl. of Diversion originally given as SW 1/4 SW 1/4, Sec. 6,
Tp. 13 N., R. 9. 36 E. - Survey in 1914, gives above
location. Two dams as shown on enclosed
plat.

S. J. D. 1915July 7, 1915.

STATE OF IDAHO.

County of _____

}

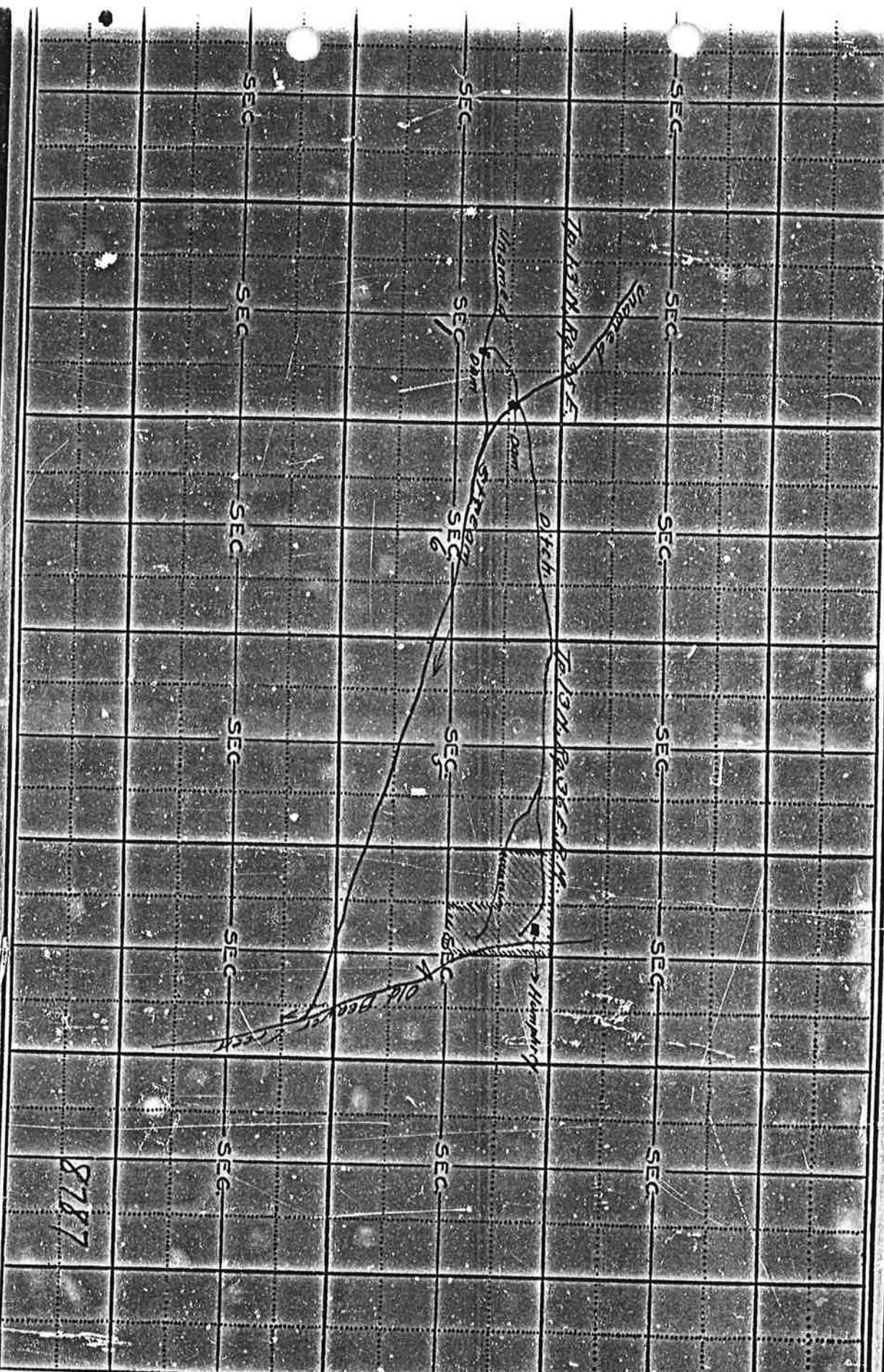
being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 1915.

My Commission Expires _____

Notary Public.

8787



SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

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: A31-10221
Date Received: 7/07/1988
Receipt No: M000107
Received By: _____

JUL 27 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: REED MICHELSEN 208-662-5441
Address: HAMER, ID 83425

2. Date of Priority: OCT 21, 1913

3. Source: UNNAMED STREAM Trib. to: IDAHO HOLLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	35E	1	SW	NE			CLARK

5. Description of diverting works:
DITCH FROM STREAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	04/15	10/15	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 100 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	38E	1	SW	NE		STOCK	

11. Place of use in counties: CLARK

A31-10221

Page 1

Date: 07/07/88

PROFILED

SCANNED
MAY 11 2003

MICROFILMED

NOV 17 1992

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

13. Other Water Rights Used:

NONE

14. Remarks:

THIS CLAIM IS BASED ON RIGHT NO. 31-0196 & 31-0197

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

Number of attachments: _____

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): Reed Mickelson Date: 7/25/1988
_____ Date: _____

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 25 day

of July 19 88

Seal

Margaret G. Wood
Notary Public

Residing at Harmer, Id

My Commission Expires June 28, 1991

PROFILED

SCANNED

MAR 11 2003

MICROFILMED

NOV 17 1992

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

Remembered to A31-10221
Ident. Number: ~~A31-00196~~
Date Received: 6/15/1988
Receipt No: M000107
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: REED MICKELSEN 208-662-5441
Address: HAMER, ID 83425

2. Date of Priority: OCT 21, 1913

3. Source: UNNAMED STREAM Trib. to: IDAHO HOLLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	35E	1	SW	NE			CLARK

5. Description of diverting works:
DITCH FROM STREAM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	04/15	10/15	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 100 HEAD CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	38E	1	SW	NE		STOCK	

11. Place of use in counties: CLARK

A31-00196

Page 1

Date: 06/15/88

PROFILED

SCANNED
MAR 11 2003

MICROFILMED
NOV 17 1992

A310221



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

13. Other Water Rights Used:
NONE.

14. Remarks:
THIS CLAIM COMBINES RIGHT NOS. 31-0196 & 31-0197.

15. Basis of Claim: DECREED
Water Right Number:
Case Number:
Court :
Decree date: 2/25/1931

ERNEST SAUVE

Decree Plaintiff

vs

W. H. ABBOTT

Decree Defendant

PROFILED

SCANNED
MAR 11 2009

MICROFILMED
NOV 17 1992

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 Individuals:

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

Signature of Claimant(s): Reed Mickelson Date: 6/15/88

Date: _____

State of Idaho)
County of Clark) ss.

Subscribed and sworn (or affirmed) before me this 15th day
of June 19 88

Carter Fritschle
Notary Public

Seal

Residing at Boyle
My Commission Expires 3-21-94

PROFILED

SCANNED
MAR 11 1989

MICROFILMED
NOV 17 1992