

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 27 2016

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Don Mickelsen Phone 208-709-7117

2. MAILING ADDRESS 1260 Twin Butte Rd City Menan

State ID Zip 83434 Email spur@ida.net

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 73-172

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 9.0 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/26/2016

Water Right 73-172

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DON MICKELSEN 1260 TWIN BUTTE RD MENAN, ID 83434 (208)754-0009
Current Owner	CATHERINE MICKELSEN 1260 TWIN BUTTE RD MENAN, ID 84343 (208)709-7117

Priority Date: 7/8/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG CREEK	PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	9.000 CFS	
	<u>Total Diversion</u>		9.000 CFS	

Source and Point(s) of Diversion

BIG CREEK	SENE	Sec. 21, Twp 13N, Rge 24E, CUSTER County
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Place Of Use

IRRIGATION within CUSTER County

T13N R23E S25	NESW	34.0
T13N R23E S25	NWSW	40.0
T13N R23E S25	SWSW	38.0
T13N R23E S25	SESW	32.0
T13N R23E S25	NESE	40.0
T13N R23E S25	NWSE	29.0
T13N R23E S25	SWSE	35.0
T13N R23E S25	SESE	40.0
T13N R24E S30	NESW	20.0
T13N R24E S30 L3	NWSW	37.0
T13N R24E S30 L4	SWSW	39.0
T13N R24E S30	SESW	30.0
T13N R24E S31	NENW	6.2
T13N R24E S31 L1	NWNW	4.9
POU Total Acres:		425.1

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of

IDAHO DEPARTMENT OF WATER RESOURCES
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1/26/2016

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.

2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

80966

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Head gate from creek. The head gate will be measurable.

- b. Who owns the property at the point(s) of diversion? Common use head gate used by many users.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

This application is simply updating the POD to where it has been historically used by the applicant.

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

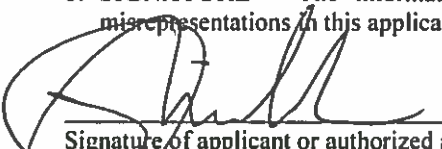
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

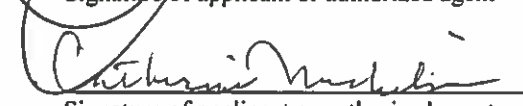
7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

DON MICKELSON
Print name and title if applicable

5/27/16
Date


Signature of applicant or authorized agent

CATHERINE MICKELSON
Print name and title if applicable

5/27/16
Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid \$200. Date May 27, 2016

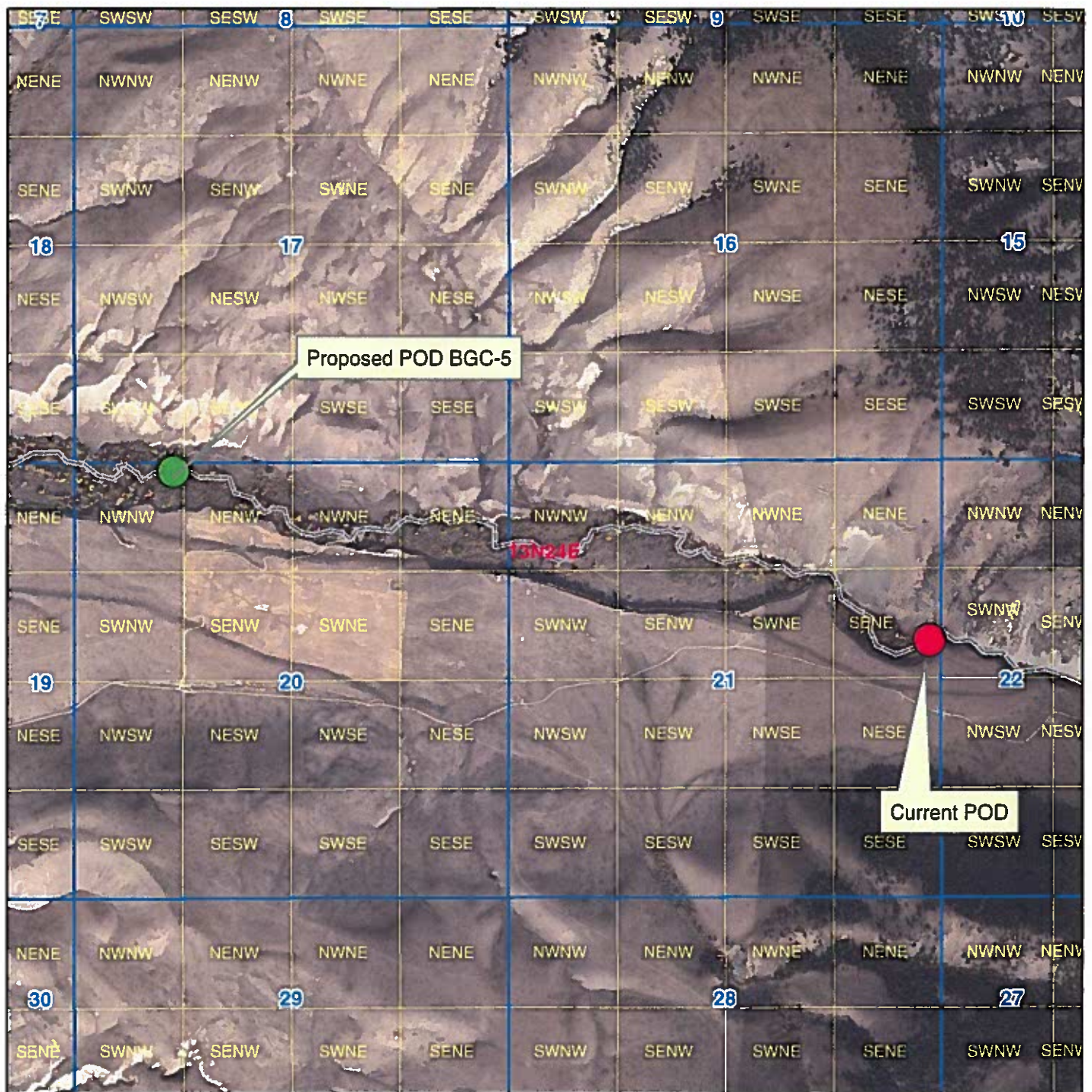
Received by JB Receipt # E042126

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Water Right Transfer POD 73-172



0 1,300 2,600 5,200 Feet

- Township/Range
- Sections
- QQ
- County line

80966





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 2, 2016

DON MICKELSON
1260 TWIN BUTTE RD
MENAN, ID 83434

RE: Transfer No. 80966
Water Right No(s). 73-172

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the CHALLIS MESSENGER on June 9 and 16, 2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**on June 27, 2016 at 5:00 pm**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sharla Cox', written over a circular blue ink stamp.

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 2, 2016

Ted L O'Neal
11 O Neal Ln
May ID 83253

RE: Application for Transfer 80966

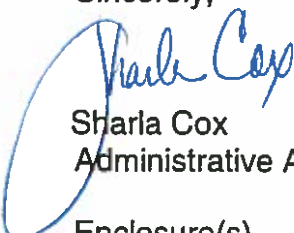
Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,



Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, June 02, 2016 11:10 AM
To: 'Challis Messenger (ameans@challismessenger.com) '
Subject: Legal Notice for your paper
Attachments: Challis Messenger E-Mail.doc

Contacts: Challis Messenger

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80966

DON MICKELSON, 1260 TWIN BUTTE RD, MENAN, ID 83434; has filed Application No. 80966 for changes to the following water rights within CUSTER County(s): Right No(s). 73-172; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Change the point of diversion. The point of diversion is in NWNW Sec 20 T13N R24E for 9 cfs from Big Creek. The place of use remains the same.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before June 27, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on June 9 and 16, 2016