

RECEIVED

MAY 15 1973

Department of Water Administration
Eastern District Office

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 13-4004**

BA
Notice is hereby given that Daniel H. Mickelson, Star Route No. 344, Grace, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1.6 cubic feet per second of water from Trout Creek, tributary to the Bear River with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, T. 11S, R. 41E, B.M., Caribou County.

The water is claimed to be used from May 1 to Oct. 1 for the irrigation of 80 acres, with a priority of May 1, 1971, the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 18, T. 11S, R. 41E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON,
Director

Published in the Caribou County Sun, Soda Springs, Idaho, on May 3 and May 10, 1973.

**Affidavit of
Publication**

County of Caribou } ss.
State of Idaho }

V. E. Lansberry

being first duly sworn on his oath, states:

That he is publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for two successive weekly issues thereof, the date of the first publication being the

3rd day of
May, 1973

The date of the last publication

being the 10th day of
May, 1973

V. E. Lansberry

Subscribed and sworn to before me this 14th day
of May, 1973

Elaine S. Johnson
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of November
1974.

13 4004

Identification No. 13 4004
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Daniel H. Mickelson
post office address Star Route #344 Grace, Idaho
2. The point of diversion is in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 18 Township 11 S
Range 41 E B.M. located on Trout Creek
(name of source)
tributary to Bear River in Caribou County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

May 1, 1971 amount: 80 inches or 1.6 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 1.6 c.f.s. or _____ acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from May 1, 1971 to October 1, (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of concrete
with plank checks; length is 12 feet; height is 4 feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is 3960 feet; diameter of pipe line is 12⁶ inches; type of pipe steel - tinned & wrapped; grade of pipe per 1000 feet is varies - lift is 186 ft. ^{maximum} Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

2-50 hpr motors are used to pump said water thru pipeline and sprinkler laterals onto land.

- d. If water is stored: name of reservoir _____; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe None

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTALS
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
<u>115</u>	<u>41 E 8m.</u>	<u>19</u>		<u>40</u>													<u>35</u>		<u>40</u>
		<u>18</u>															<u>40</u>	<u>5</u>	<u>40</u>

Total number of acres to be irrigated 80

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

Since we bought our present farm 10 years ago we have expanded and since to our sprinkler system to cover this additional 80 acres of land to more completely utilize our land for raising alfalfa hay and barley in compliance with Soil Conservation Service specifications. This system was designed and engineered by SCS. We are in cooperation with SCS on our entire farm.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

4-17-73
(Date)

Daniel H. Mickelson
(Signature of Claimant)

State of Idaho }
County of Franklin } ss.

On this 17 day of April 19 73, personally appeared before me the signer ~~of~~ of the above instrument, who duly acknowledged to me that he ~~(she)~~ (they) executed the same.

Cliff M. Fendall
Notary Public residing at Preston Idaho

My commission expires 4-16-74

For Department Use Only

Received by <u>SA</u>	Date <u>4-18-73</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>NCY</u>	Date <u>9/18/73</u>			
Fee received by <u>CW</u>	Date <u>4-23-73</u>	Fee \$ <u>10.00</u>	<u>R# 7164</u>	
Approved for publication by <u>NCY</u>				
Published in <u>Franklin City Sun</u>	Dates <u>5-3-10-73</u>			
<u>Publication App'd 5/15/73 NCY</u>				

13 4004

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8</u> c.f.s. or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or	<u> </u> acre feet
		Total claimed:	<u>1.2</u> c.f.s. or	<u> </u> acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	Claim	Application No.	Name
(1)			<u>Claim</u>	<u>13-4004</u>	<u>D. H. Mickelson</u>
(2)	<u>JF</u>	<u>4/26/73</u>	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works <u>N/A</u> ☐ Time required for C/W and application of water to B/V ☒ Place of Use <u>NA</u> ☐ Map ☒ Fee	<u>11-4036</u>	
(3)	<u>JF</u>	<u>4/26/73</u>	Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management		
(4)	<u>JF</u>	<u>4/26</u>	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.		
(5)	<u>JF</u>	<u>4/26</u>	In form for advertising <u>Yes</u>		
(6)	<u>JF</u>		Affidavit of Publication received		
(7)			Final date for protests Protests received: yes <u>no</u>		
(8)			Date and Place of hearing Decision reached at hearing		
(9)	<u>JF</u>	<u>4/26</u>	Located within Water District No. <u>13</u>		
(10)	<u>N/A</u>		Critical groundwater area: yes <u>no</u>		
(11)	<u>N/A</u>		Groundwater levels: ☐ Decline (comment) ☐ Stable (comment) ☐ Increasing (comment)		
(12)	<u>JF</u>	<u>4/26</u>	Comments: <u>Location is in Basin 13 rather than 11.</u>		
(13)			Action recommended: ☐ Approve ☐ Deny See attached sheet for conditions of approval No conditions for approval	Priority Reason for Reduction	
(14)			District Date	By Title	

MAY 17 1973

Department of Water Administration
13 4004

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MAY 15 1973

Department of Water Administration
Eastern District Office

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No. 13-4004**

BA
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Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON,
Director

Published in the Caribou County Sun, Soda Springs, Idaho, on May 3 and May 10, 1973.

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

V. E. Lansberry

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That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for two successive weekly issues thereof, the date of the first publication being the

3rd day of
May, 1973

The date of the last publication

being the 10th day of
May, 1973

V. E. Lansberry

Subscribed and sworn to be-

fore me this 14th day
of May, 1973

Elaine S. Johnson
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of November

19 74

13 4004

May 15, 1973

Re: Claim to a Water Right No. 13-4004

Mr. Daniel H. Mickelson
Star Route No. 344
Grace, ID 83241

Dear Mr. Mickelson:

The Department of Water Administration has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

Enc: Copy of claim

13 4004

April 27, 1973

Re: Claim No. 13-4004 - Daniel H. Mickelson

Caribou County Sun
Box 815
Soda Springs, ID 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 5-15-73 by BA

NCY:BA
Enc: Legal notice

13 4004

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4004

Notice is hereby given that Daniel H. Mickelson, Star Route #344,
Grace, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 1.6 cubic feet per second ~~acre feet per annum~~
of water from Trout Creek, tributary to the Bear River
with point of diversion in the SE~~1~~SE~~4~~, Sec. 18, T. 11S, R. 41E, B.M., Caribou
County

The water is claimed to be used from May 1 to Oct. 1 for the irriga-
tion of 80 acres
with a priority of May 1, 1971;
the place of use is within the NW~~1~~NE~~4~~, Sec. 19; S~~1~~SE~~4~~, Sec. 18, T. 11S, R.
41E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho,
83401.

R. KEITH HIGGINSON *mer*

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on May 3 and May 10, 1973

13 4004

April 24, 1973

Mr. Daniel H. Mickelson
Star Route #344
Grace, ID 83241

Dear Mr. Mickelson:

Attached herewith is departmental receipt No. 7164 in the amount of \$10 for your Claim to a Water Right which was received in this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

Attachment

April 18, 1973

Mr. Daniel H. Mickelson
Star Route #344
Grace, ID 83241

Dear Mr. Mickelson:

We are in receipt of your Claim to a Water Right and it appears to be in good order. However, there is a statutory filing fee of \$10 for claims which must be received before processing can begin.

We will hold your claim until such time as we receive the filing fee.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA