

Identification No. 11-649

Transfer No. 1671

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Whiskey Creek Water Users Association, Inc., an Idaho corporation.

Post office address Grace, Idaho 83241

2. Right obtained by:

a. Decree to See attached schedule, in Case of Utah Power & Light Company
(Name)
vs. Last Chance et al Dated July 14, 1920 in The District Court of the United
(Name of Court)
States for the District of Idaho, Eastern Division.

b. License No. _____ issued by the State of Idaho, Department of Reclamation.

3. Source of water Whiskey Creek tributary to Bear River
(Name of stream or source)

4. Date of Priority See attached schedule.

5. Amount of water a. 0.32 c.f.s. and/or
b. _____ acre feet/annum

6. Water is used for Culinary and household from January 1 to December 31
(Month, Day) (Month, Day)

7. Original location of point of diversion is See attached schedule. 1/4 of Section _____,

Township _____, Range _____, B.M., in _____ County;

Additional points of diversion, if any _____

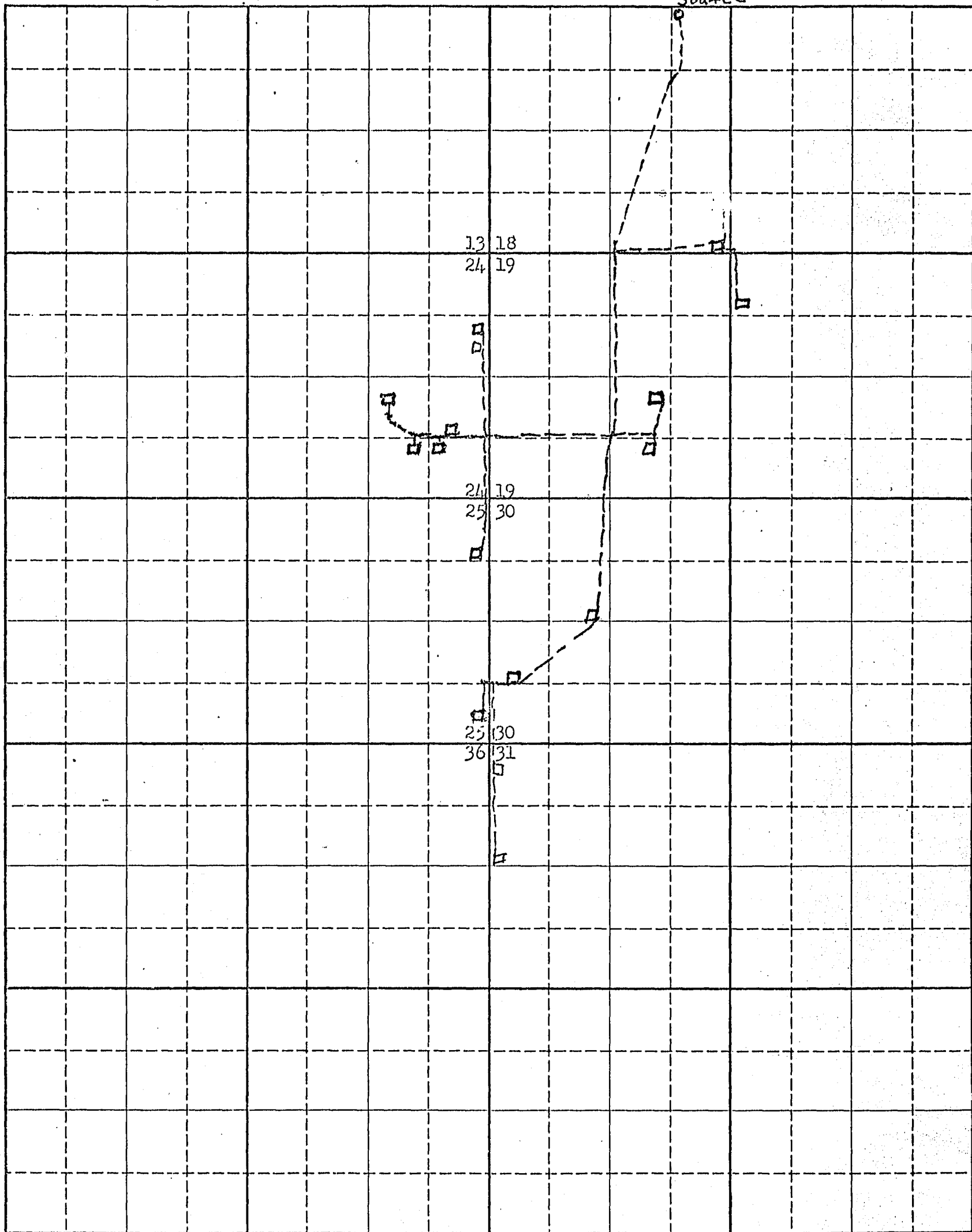
8. Lands presently irrigated or place of use:

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	
11S	40 E	24	x	x	x	x					x	x	x	x	x	x	x	x	
		25	x	x	x	x	x		x	x	x	x			x	x	x	x	
		36				x					x			x	x	x			
11S	41 E	18			x				x	x	x	x	x	x		x	x		
		19			x	x			x	x	x	x		x		x	x		
		30		x	x		x				x	x	x	x			x	x	
		31						x	x	x		x							

Total number of acres presently irrigated 1,492.

Township 11 South, Range 40 East, B.M.

Source Range 41 E.B.M.



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

10. CHANGE IN POINT OF DIVERSION

- ## 11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

[illegible]

Total number of acres to be irrigated _____

- b. Do you intend to make the transfer permanent? Yes.
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
No. As noted above, only the culinary water is to be diverted at the new
point, for the benefit of the association members. Said members will continue,
with all the remainder of their water, to irrigate the same lands as was previously
irrigated.
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this
right: No new ground.
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own
risk. The information contained in this application is true to the best of my knowledge.

WHISKEY CREEK WATER USERS ASSOCIATION, INC.

By: Daniel H. Mickelson Pres.
(signature of applicant)

Subscribed and sworn to before me this 19th day of April, 1971.

Rona Jean Begelow
(notary public)

My commission expires August 14, 1973.

APPROVED

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 11-627/1671,
and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

That an adequate measuring device of a type approved by this
Department be permanently installed and maintained.

2. Denial of said application is for the following reasons:

Witness my hand this _____ day of _____, 19____.

R. Kirk Higgins
State Reclamation Engineer
Director

FOR DEPARTMENT USE ONLY

Received by <u>[initials]</u>	Date <u>4-21-71</u>	Protest filed by:	Date
Prelim. check by <u>[initials]</u>	Date <u>4-21-71</u>		
Fee received by <u>[initials]</u>	Date <u>4/21/71</u> Fee \$ <u>10.⁰⁰</u>		
Approved for publication by <u>[initials]</u>			
Published in _____	Dates _____		
Hearing held _____			
Watermaster Recommendation sent _____			

SCHEDULE OF WATER TRANSFERS

Entry Number in Original Decree and Diversion point	Original Owner of Water	Priority Date of Water to be Transferred	Name of Present Transferor	Amount of Water to be Transferred
1-627 317 NW $\frac{1}{4}$ SE $\frac{1}{4}$, 18, 11-41	Nels L. Sorensen	5/1/77	Clark A. Mickelson	.02 c.f.s.
1-627 317 "	Nels L. Sorensen	5/1/77	Melvin T. Mickelson	.02 c.f.s.
1-632 319 "	Michael Mickelsen	5/1/83	Franklin M. Mickelson	.02 c.f.s.
1-633 321 NW $\frac{1}{4}$ NE $\frac{1}{4}$, 18, 11-41	Carston Bennett	5/1/05	Henry Jay Turner	.02 c.f.s.
1-634 322 "	Hyrum Swensen	5/1/81	Daniel H. Mickelson	.04 c.f.s.
1-636 323 "	James Swensen	5/1/77	LaVera S. Henderson	.02 c.f.s.
1-640 325 "	Lars Rasmussen	5/1/81	Adelia G. Rasmussen	.02 c.f.s.
1-642 326 "	Harold L. Bassett	5/1/81	Carl Bassett	.02 c.f.s.
1-644 327 SW $\frac{1}{4}$ SE $\frac{1}{4}$, 24, 11-40	Thomas Bennett	5/1/77	Roe F. Bennett	.02 c.f.s.
1-646 328 "	George C. Fowler	5/1/77	Elmer Bennett	.02 c.f.s.
1-649 329 "	J. W. Gibbs	5/1/78	Edwin D. Nelson	.02 c.f.s.
1-652 331 "	William H. Mendenhall	5/1/78	Dwayne Mendenhall	.02 c.f.s.
1-655 332 "	John R. Turner	5/1/80	Henry R. Turner	.02 c.f.s.
1-658 333 SW $\frac{1}{4}$ SE $\frac{1}{4}$, 24, 11-40	Melissa Collins	5/1/76	Harris A. Mickelson	.04 c.f.s.

LEONARD O. KINGSFORD,

ATTORNEY AT LAW

Box 915

Soda Springs, Idaho 83276

April 20, 1971

RECEIVED

APR 21 1971

Department of Water Administration

Department of Water Administration
State House
Boise, Idaho 83700

Gentlemen:

Enclosed herewith is an Application for Transfer of Water Right executed by Whiskey Creek Water Users Association, Inc., an Idaho corporation, of Grace, Idaho.

Also enclosed herewith is my check left in blank. Please fill in the amount of the filing fee and advise me as to the amount by return mail.

Very truly yours,

Leonard O. Kingsford
LEONARD O. KINGSFORD

LOK/dhb

encl.

April 21, 1971

Leonard O. Kingsford
Attorney at Law
P. O. Box 915
Soda Springs, Idaho 83276

Dear Mr. Kingsford:

Returned herewith is your receipt No. 5919 in the amount of \$10.00
for the application for transfer of water right in the name of Whiskey Creek
Water Users, Assoc.,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 1671

Notice is hereby given that the Whiskey Creek Water Users Association, Inc., an Idaho Corporation, of Grace, Idaho, has applied to the Department of Water Administration for a change of Point of diversion of the waters of Whiskey Creek, tributary to Bear River. The right sought to be changed is evidenced by Decree in the case of Utah Power & Light Company v.s. Last Chance et. al. and is recorded as follows:

NO:	AMOUNT:	PRIORITY:	POINT OF DIVERSION:
11-627	0.02 c.f.s.	5/1/77	NWSE
11-627	0.02	5/1/77	NWSE
11-632	0.02	5/1/83	NWSE
11-633	0.02	5/1/05	NWNE
11-634	0.04	5/1/81	NWNE
11-636	0.02	5/1/77	NWNE
11-640	0.02	5/1/81	NWNE
11-642	0.02	5/1/81	NWNE

All of the above referenced are in Sec. 18, T. 11S, R. 41E, Boise Meridian.

11-644	0.02	5/1/77	SWSE
11-646	0.02	5/1/77	SWSE
11-649	0.02	5/1/78	SWSE
11-652	0.02	5/1/78	SWSE
11-655	0.02	5/1/80	SWSE
11-658	0.04	5/1/76	SWSE

All of the above referenced are in Sec. 24, T. 11S, R. 40E, Boise Meridian.

Nature of use: culinary and household purposes

Place of use: T. 11S, R. 40E, Sec. 24 - NE $\frac{1}{4}$, S $\frac{1}{2}$
 25 - NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$
 36 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$
 T. 11S, R. 41E, Sec. 18 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
 19 - S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
 30 - W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$
 31 - W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

TO BE CHANGED AS FOLLOWS:

Amount: 0.32 c.f.s.

Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 11S, R. 41E, Boise Meridian

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration on or before June 14, 1971.

R. KEITH HIGGINSON
 Director

Published in the Grace Citizen, Grace, Idaho, on May 27, 1971 and June 3, 1971.

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

May 21, 1971

Re: Transfer No. 1671

Grace Citizen
Grace,
Idaho 83241

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 date. 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,

Donald W. McElDowney
Appropriation Supervisor

DW:M:CM

Enclosure

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

June 15, 1971

Re: Transfer No. 1671

The Grace Citizen
Grace,
Idaho 83241

Gentlemen:

Would you please submit to this Department an affidavit of publication and certified bill in connection with the above referenced transfer application.

The legal notices for this transfer were to have been published in your paper on May 27, 1971 and June 3, 1971.

Again, we wish to advise you that 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."

Your cooperation in this matter will be greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

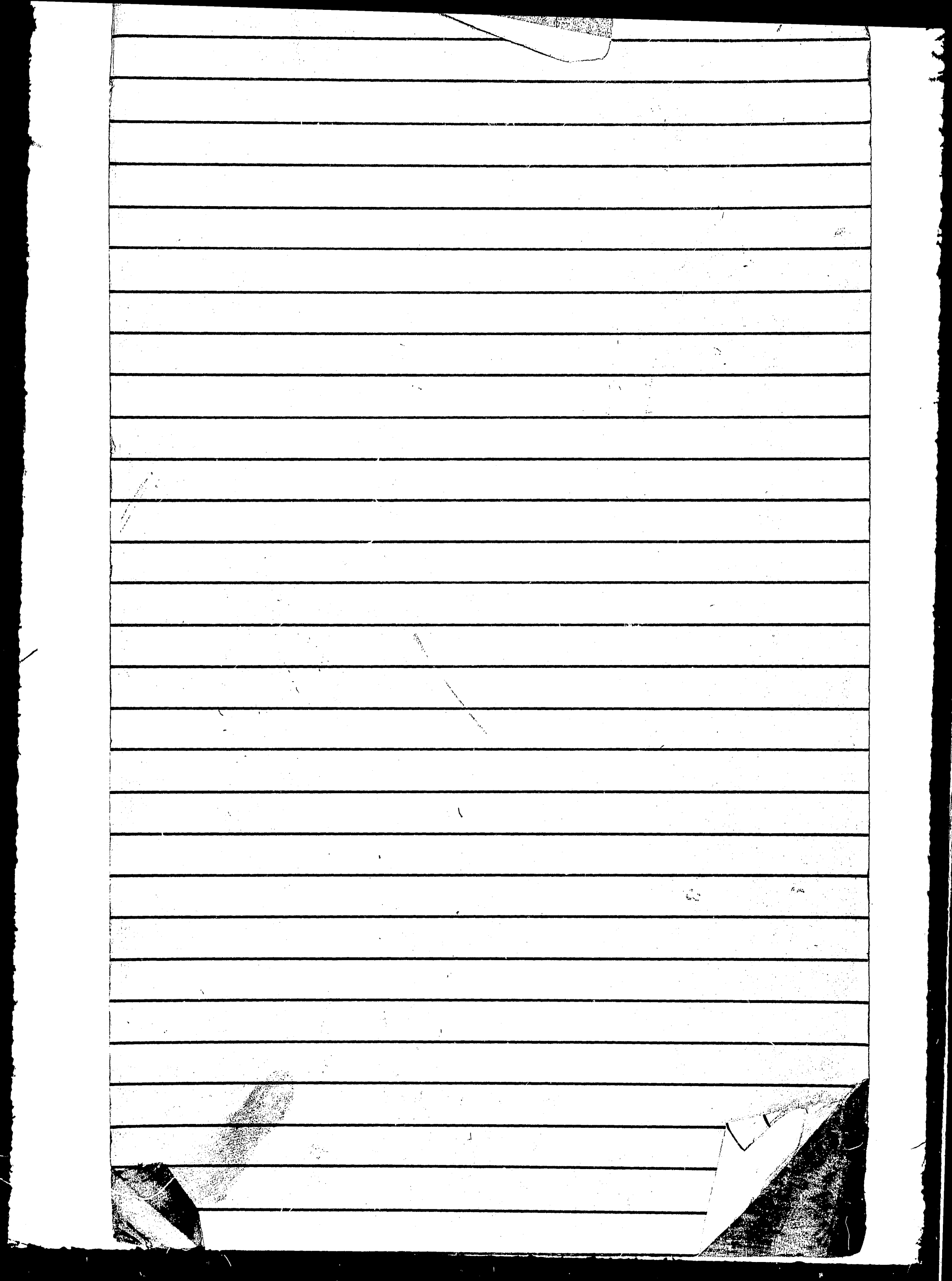
DWM:CM

J. W. GIBBS

0.6

11-0649

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
1671	Whiskey Creek Water Users Assn.	0.02	0.58	11-0649A



This is a duplicate copy
made of the original because
of the poor quality of orig. from wear & tear.

11-2

~~original can be found in this same file.~~

In the District Court of the United States for the
District of Idaho, Eastern Division.

UTAH POWER & LIGHT COMPANY,

Plaintiff

vs.

THE LAST CHANCE CANAL COMPANY,
Limited, et. al.

Defendants.

In Equity

No. 203.

FINAL DECREE

Before HON. F. S. DIETRICH,
District Judge.

Filed July 14, 1920.

W. D. McREYNOLDS,
Clerk.

By PEARL ZANGER,
Deputy.

MAY 14 1996

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JUL 15 2003

	DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
13-0699	323. James Swensen:		
0700	~~11-06-77~~ 1877-May 1	1.2 c.f.s.	
	~~11-06-83~~ 1883-May 1	0.8 c.f.s.	
	~~11-06-95~~ 1905-May 1	1.4 c.f.s.	For the irrigation of 170 acres in Lot 3, the North half of Lot 4, the West half of the Southeast quarter of Section 18; the Northeast quarter of the Northwest quarter, and Lots 2 and 3 of Section 19, said Township and Range. Said water may also be diverted through the Mickelsen-Swensen Ditch, hereinbefore described, or by means of a ditch having its intake on the west side of Whisky Creek, opposite the point of said Mickelsen-Swensen ditch.
13-0701			
	324. Mary Swensen:		
	~~11-06-95~~ 1905-May 1	1.2 c.f.s.	For the irrigation of 60 acres in the South half of Lot 4 of Section 18, and Lot 1 of Section 19, said Township and Range. Said water may also be diverted through the Mickelsen-Swensen Ditch, hereinbefore described.
13-0702			
13-0703	325. Lars Rasmussen:		
0704	~~11-06-81~~ 1881-May 1	0.4 c.f.s.	
	~~11-06-95~~ 1905-May 1	0.5 c.f.s.	For the irrigation of 45 acres in the North half of the Southeast quarter of Section 24, Township 11 South, Range 40 East.
	326. Harold L. Bassett:		
0705	~~11-06-81~~ 1881-May 1	0.6 c.f.s.	
0706	~~11-06-95~~ 1905-May 1	0.64 c.f.s.	For the irrigation of 62 acres in the East half of the Northeast quarter of Section 24, Township 11 South, Range 40 East.
	Mendenhall Ditch, diverts on the East side of said Whiskey Creek, at a point North 37 degrees 20 minutes West 1815 feet from the Southeast corner of Section 24, Township 11 South, Range 40 East, B.M. The following parties are entitled to divert through said ditch, with priority and in the amount hereinbelow set forth:		
	327. Thomas Bennett:		
0707	~~11-06-77~~ 1877-May 1	0.4 c.f.s.	
0708	~~11-06-95~~ 1905-May 1	0.9 c.f.s.	For the irrigation of 65 acres in the South half of the Southwest quarter of Section 30, Township 11 South, Range 41 East.
	328. George C. Fowler:		
0709	~~11-06-77~~ 1877-May 1	0.8 c.f.s.	
0710	~~11-06-95~~ 1905-May 1	0.9 c.f.s.	
0711	~~11-06-95~~ 1905-June 1	0.5 c.f.s.	For the irrigation of 110 acres in the North half of the Southwest quarter, the Southwest quarter of the Southwest quarter of Section 30, Township 11 South, Range 41 East, B.M., and the South half of the North half of the South half of the Southeast quarter of Section 25, Township 11 South, Range 40 East.
	329. J. W. Gibbs:		
0712	~~11-06-78~~ 1878-May 1	0.6 c.f.s.	
0713	~~11-06-95~~ 1905-May 1	0.9 c.f.s.	For the irrigation of 75 acres in Lot 1, and the Southeast quarter of the Northwest quarter of Section 31, Township 11 South, Range 41 East.
	330. Michael Mickelsen:		
0714	~~11-06-95~~ 1905-May 1	0.5 c.f.s.	For the irrigation of 50 acres in the South half of the Northeast quarter; Northwest

See Supplemental Decree dated 3-23-22

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All the foregoing reservations of jurisdiction shall extend after the term at which this decree is entered, and during any subsequent term prior to January 1, 1924, at which time, or at such earlier time as the court may determine these matters, this decree shall be closed. In all other respects this decree shall be final.

The court further retains jurisdiction, however, at all times, and from time to time, to make all reasonable rules touching the manner of diverting, measuring and distributing the waters, and the devices to be installed and used for such purposes where it may be impracticable to fully comply with the terms of this decree, and to direct that the parties keep accurate and detailed records of the amounts of water diverted, and to require reports to be filed from time to time of the amount so diverted, and generally to make such orders as may be found reasonably necessary to give effect to the decree, and to appoint commissioners or water masters to make distribution in accordance with its terms, and to punish the parties hereto, their officers, agents and employes, and their grantees and successors in interest, for any violation of the provisions thereof.

Done in open court this 14th day of July, 1920.

FRANK S. DIETRICH,
Judge.

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Transfers with the #1671

11-0627

11-0632

11-0633

11-0634

11-0636

11-0640

11-0642

11-0644

11-0646

11-0649

11-0652

11-0655

11-0658