

**APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO**

Application No. 21477
Permit No. 15097
District No. 5-I

1. Name of Applicant: John P. Lundquist.

Postoffice address: Weston County: Franklin State: Idaho.

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(c) Bonds to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: 0.24 cubic feet per second.

3. Source of water supply: Mickleson Creek which is a tributary of Weston Creek.

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and is in the Southwest quarter SE $\frac{1}{4}$
of Section 15 , T. 16 S., R. 38 E., B. M., County of Franklin.

5. Water is to be used for: Irrigation and domestic.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 200.00

8. Kind of works: two flumes, two ditches, Dam.

9. Height of dam 8 feet; length of dam at top 45 feet; length of dam at bottom 25
feet; material used in dam earth, rock and logs.

10. Size of headgate: width one feet; height one feet

11. Ditch: Width at bottom 1 $\frac{1}{2}$ feet; width at water line two feet; depth of water one
feet; dimensions of flume fourteen X fourteen inches.

Diameter of pipe inches; length of conduit sixty rods, one ditch, ~~and~~ 80 rods
the other
Average grade per mile 40 feet on one ditch and on
other 20 feet.

12. The time required for the completion of such work is six months ~~years~~

13. The time required for the complete application of the water to the proposed use is six additional ~~years~~ months.

14. The land to be irrigated is described in the following tabulation: See Remarks.

15. (a) Is reservoir to be used? **No.** If so, fill in (b) and (c) below.
 (b) Name of reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant;

BE IT KNOWN THAT the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John P. Lundquist. Applicant.

By

Agent.

Date of first receipt at Department of Reclamation. 9 A. M. March 18, 1921.

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 15097

Recorded in Book 53 Page 15097 Approved March 19, 1921.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before May 18, 1921 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before June 19, 1921.

The whole of said work to be completed on or before September 19, 1921.

Beneficial use of water appropriated in accordance herewith, to be made on or before September 19, 1921.

Witness my hand this 19th day of March, 1921.

W. G. SWENDSEN,
Commissioner of Reclamation.

Remarks:

14 Twp	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16 S.	38 E.	15	12																12
Proof of Completion of Works made September 19th, 1921. Certificate issued October 18, 1921.																			
CERTIFICATE OF COMPLETION OF WORKS																			
To All Whom It May Concern:																			
This is to certify that John P. Lundquist of Weston, County of Franklin, and State of Idaho, the holder of Permit No. 15097, issued upon Application No. 21477 bearing date of priority of March 18, 1921, authorizing the diversion of 0.24 second feet of the waters of Mickleson Creek, County of Franklin, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.24 second feet of the waters of Mickleson Creek; that the point of diversion of said waters is in the SW¼ of the SE¼ of Sec. 15, T. 16 S., R. 38 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE¼ SE¼ Sec. 15, T. 16 S., R. 38 E., B. M.																			
Witness my hand this 18th day of October, A. D. 1921.																			
W. G. SWENDBSEN, Commissioner of Reclamation																			
By Geo. B. Archibald, Assistant.																			
License issued for 0.24 second feet																			
Page 2874																			

March 18, 1921

Re Application 21477

Mr. John P. Lundquist,
Weston, Idaho.

Dear sir:-

Your application for waters of Mickleson Creek is at hand and will duly be passed to permit and returned to you. However, there is one correction we wish to call your attention to in granting a permit. We note that you have asked for 2 second feet of water, while the regulations of the state only permit of 1 inch to the acre or for the amount of land you have will be 12 inches or 0.24 sec. ft. Therefore we have been forced to reduce your application to that amount. Filing fees for any quantity below 1 second foot remains at \$1.00, so that the fees paid will not ^{exceed} /the amount due to this department from such reduction of amount.

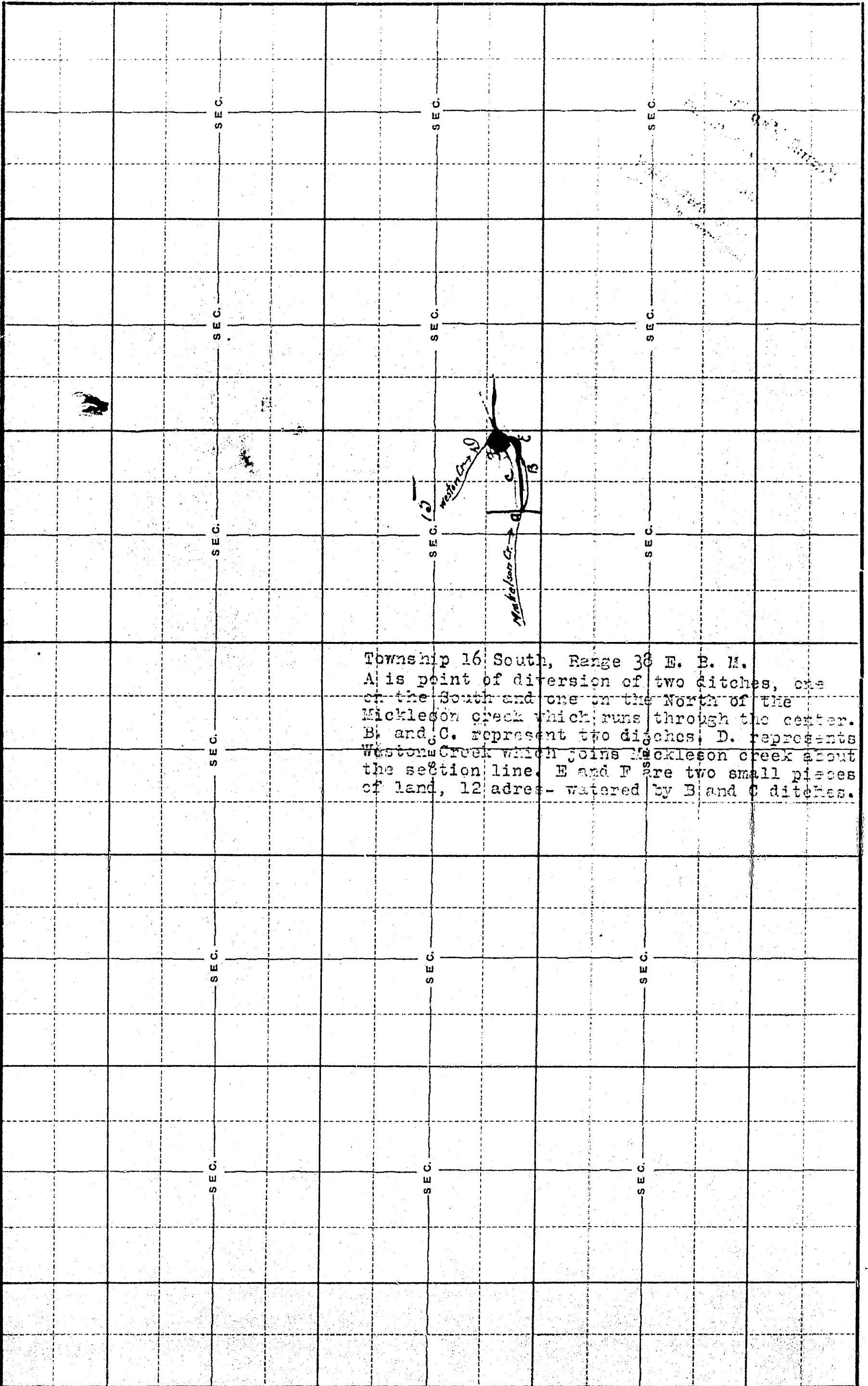
Very truly yours,

W. C. Swendsen,

Comm. of Reclamation

By

NAME OF APPLICANT John P. Lundquist



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

15097

Perma Map No. 15-97
As Approved
MAR 19 1921
W. G. SWENSON
Commissioner of Reclamation

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 15097
John P. Lundquist
Weston, Idaho.

Boise, Idaho,
March 31, 1921.

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of State Engineer on the third page.

W. G. Swendsen,

Commissioner of Reclamation.

15097

State of Idaho
DEPARTMENT OF RECLAMATION

BOISE July 6, 1921

Mr. John P. Lundquist,

Dear Sir: Weston, Idaho.

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 15097-----, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWENDSEN,

Commissioner of Reclamation.

15097

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. John P. Landquist,
Preston, Idaho.

Boise, Idaho,
July 5, 1921.

Dear Sir:—

Under the terms of your permit No. ~~15997~~ you are required to complete your diversion works on or before ~~Sept. 19, '21~~ I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

W. G. SWENDBSEN,

Commissioner of Reclamation.

15097

August 16, 1921.

Re: Permit 15097.

Mr. John P. Lundquist,
Weston, Idaho.

Dear Sir:

We are in receipt of notice for publication in connection with your proof of completion of works under the above numbered permit. We are this day mailing one copy of the notice to The News at Preston for the required four weeks publication. Deposition blanks will be forwarded to P. M. Condie in time for proofs to be made September 19th.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

HB

Chief Clerk.

15097

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

The News,
Preston, Idaho

Boise, Idaho, August 16, 1921.

Dear Sirs:

Enclosed find Notice for Publication under Permit no. 15097 which please publish
once a week for four consecutive weeks in your paper. The expense of this publication will be paid by
John P. Lundquist, Preston, Idaho to whom you will please
furnish proof of publication of this notice on or before date of proof.

Please promptly acknowledge receipt of this notice, and kindly mail me your first issue contain-
ing its publication that I may compare it with my records.

Yours truly,

G. G. SWEDSEN,

Commissioner of Reclamation

(P. O.)

(Date)

Commissioner of Reclamation, Boise.

Dear Sir:

I have your letter of enclosing notice of proof under
Permit No. which will be published as you request, beginning with our issue of

15097

NOTICE FOR PUBLICATION

NOTICE OF PROOF OF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at ten a. m. on the 19 day of September, 1921,
at Preston, County of Franklin, State of Idaho,
before P. M. Condie, a notary public, proof will be submitted
of the application to beneficial use of 0.24 cubic feet per second of the
waters of Hickelson Creek in accordance with the terms and conditions of
Permit No. 15097 heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
John P. Lundquist Weston, Idaho

The use to which said water has been applied is irrigation and domestic.

The amount applied to beneficial use is 0.24 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Twelve acres situated in the Southeast quarter of the Southeast quarter of Section 15, T. 16 S., R. 38 E. B. H.

The name of the canal or ditch or other works by which said water is conducted to such place of use is -----

The right to take water from such works is based upon Permit No. 15097.

The source of supply from which such water is diverted is Hickelson Creek, a tributary of Weston Creek, Franklin County, Idaho.

The date of the priority which said user is prepared to establish is March 18th, 1921.

State Engineer.

15097

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5-3

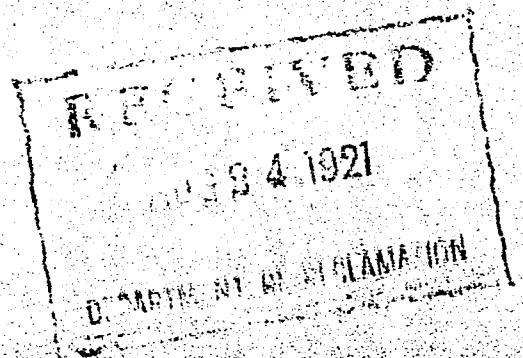
OK 12

(P. O.) Preston, Idaho
(Date) Aug. 17-21

Commissioner of Reclamation, Boise.

Dear Sir:

I have your letter of 16 inst enclosing notice of proof under
Permit No. 15097 which will be published as you request, beginning with our issue of.....



E. A. Strong, Preston News.

15097

CLASS OF SERVICE DESIRED	
Telegram	☒
Day Letter	☐
Night Message	☐
Night Letter	☐

Patrons should mark an X opposite the class of service desired; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

Receiver's No.
Check
Time Filed

Send the following message, subject to the terms
on back hereof, which are hereby agreed to

Boise, Idaho.
Aug. 24, 1921

E. A. Strong, Editor,
Preston News,
Preston, Idaho

STOP PUBLICATION OF PROOF NOTICES UNDER PERMITS ONE FIVE NAUGHT NINE SEVEN
AND ONE FOUR NINE ONE NINE

W. G. SWENDSEN,
Commissioner of Reclamation

Charge:
Department of Reclamation
Statehouse

15097

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10:00 a. m. on the 19th day of September, 1921, at Preston, County of Franklin, State of Idaho, before P. M. Condie, a notary public, proof will be submitted of the application to beneficial use of 0.24 cubic feet per second of the waters of Mickelson Creek in accordance with the terms and conditions of Permit No. 15097 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is John P. Lundquist, Weston, Idaho.

The use to which said water has been applied is irrigation and domestic.

The amount applied to beneficial use is 0.24 cubic feet per second.

The place where said water is used is twelve acres situated in the SE $\frac{1}{4}$ Sec. 15, T 16 S., R. 38 E. B. M.

The date of the priority which said user is prepared to establish is March 18th, 1921.

A19-S9

W. G. SWENDSEN,
Commissioner of Reclamation

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 10:00 a. m. on the 16th day of September, 1921, at Preston, County of Franklin, State of Idaho, before J. N. Larsen, Notary Public, proof will be submitted of the application to beneficial use of one cubic feet per second of the waters of Springs in accordance with the terms and conditions of Permit No. 14919 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Walter Hawkes and Westlie Hawkes, Clifton, Idaho.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is one second foot.

The place where said water is used is 30 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 20 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, T. 14 S. R. 38 E., B. M.

The date of the priority which said user is prepared to establish is August 2, 1920.

A19-S9

W. G. SWENDSEN,
Commissioner of Reclamation.

August 24, 1921.

Re: Permit 15097.

Mr. John P. Lundquist,
Weston, Idaho.

Dear Sir:

Since mailing the notice for publication in connection with proof of beneficial use of water under the above permit, to the Preston News, we find that this paper is not qualified to accept legal notices for publication. One issue has already been issued containing the notice, but we have wired them stopping any further publication.

It is necessary therefore to run this notice for four weeks in the Franklin County Citizen, setting the date for proof far enough ahead to allow for four weeks publication. Will you kindly advise us by return mail if September 26th will be convenient for you to make this proof instead of September 19th. Immediately upon receipt of a reply from you, we will forward notice to the Citizen for publication, but it will be necessary that we hear from you at once in order to have sufficient time for the four weeks publication before September 26th. You will lose no rights by reason of the fact that this proof is delayed one week.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

MB

Chief Clerk.

15097

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 26th day of September, 19 21,
at Preston, County of Franklin, State of Idaho,
before P. M. Condie, a, Notary Public, proof will be submitted
of the application to beneficial use of 0.24 cubic feet per second of the
waters of Mickelson Creek in accordance with the terms and conditions of
Permit No. 15097 heretofore issued by the Commissioner of Reclamation
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
John P. Lundquist, Weston, Idaho

The use to which said water has been applied is irrigation and domestic

The amount applied to beneficial use is 0.24 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) 12 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, T. 16 S., R. 38 E., B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use
is

The right to take water from such works is based upon Permit No.

The source of supply from which such water is diverted is

The date of the priority which said user is prepared to establish is March 18, 1921.

W. G. SWEDSEN,

Commissioner of Reclamation.

15097

August 24, 1921.

Re: Permits 15097 and 14919.

Mr. E. A. Strong, Editor,
Preston News,
Preston, Idaho.

Dear Sir:

Since mailing the notices for publication in connection with proof of beneficial use of water under the above numbered permits, we have been advised that your paper is not legally qualified to accept notices of this kind, hence our message to you of even date.

These notices stand in the name of John P. Lundquist under permit 15097 and Walter and Weslie Hawkes under permit 14919.

Very truly yours,

W. G. STENDSEN,
Commissioner of Reclamation

By

Chief Clerk.

MB
Encl

15097

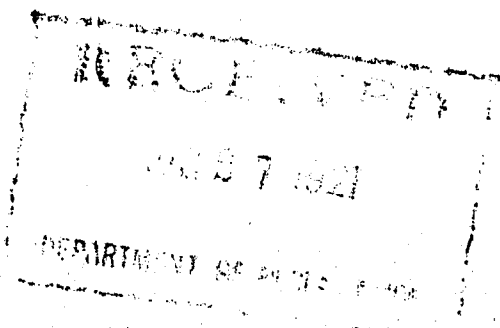
• Weston Aug 26 - 1921

W. S. Swendsen.

This will be
alwright with me as
it would make it
Law ful, I got this
letter to day as I am writing
in return now it will
be September 26 instead
of the 19th and Oblige
yours.

John P. Landquist
Box 13 Weston Idaho

15047



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Franklin County Citizen,
Preston, Idaho

Boise, Idaho, August 27, 1921.

Dear Sirs:

Enclosed find Notice for Publication under Permit no. 15097 which please publish
once a week for four consecutive weeks in your paper. The expense of this publication will be paid by
John P. Lundquist, Weston, Idaho to whom you will please
furnish proof of publication of this notice on or before date of proof.

Please promptly acknowledge receipt of this notice, and kindly mail me your first issue contain-
ing its publication that I may compare it with my records.

Yours truly,

W. G. SWENDSEN,

Commissioner of Reclamation

15097

August 27, 1921.

Re: Permit 15097

Mr. John P. Lundquist,
Weston, Idaho.

Dear Sir:

We acknowledge receipt of yours of the 26th and in accordance therewith, we are today mailing notice for publication to the Franklin County Citizen for the required four weeks publication, setting September 26th as the date for proof. The proper blanks will be mailed Mr. Condie in time for proof to be made on that date.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

Chief Clerk.

HE

15097

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

BOISE, IDAHO, Sept. 1, 1921.

John P. Lundquist,

c/o P. M. Condie,
Preston, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under Permit No. 15097.

DEPOSITION OF PERMIT HOLDER.

DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of the permit holder's rights:

1. On September 26, 1921 the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to at Preston, before P.M. Condie, notary public.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice. When these have been received, together with report of examining engineer, you will be further advised as to fees due before issuing license.

Yours truly,

W. G. SWENDSEN.

Commissioner of Reclamation.

15097

P. M. CONDIE
LAWYER
Prosecuting Attorney of Franklin County
PRESTON, IDAHO

Sept. 28, 1921.

Commissioner of Reclamation,
Boise, Idaho.

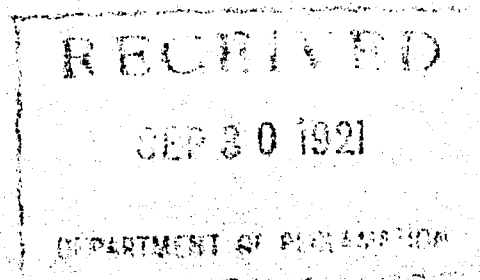
Dear Sir:

The hearing of the matter of John P. Lundquist making proof of application of water to beneficial use was set by notice for the 26th inst. but you evidently overlooked sending the necessary blanks for this proof so that we were unable to get them ready on the date mentioned. Kindly send these blanks at once. I suppose it will be all right to date them back to the 26th as the witnesses were ready on that date.

Very truly,

P. M. Condie

15097



Permit No. 15097.

STATE OF IDAHO
Department of Reclamation

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO, }
County of Franklin } ss.
John P. Lundquist,

being first duly sworn, upon his oath deposes and says:
First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 15097, and that his postoffice address is Weston, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Mickleson Creek, a tributary of Weston Creek.

Third: That the point of division of said water is in the Southwest quarter of Southeast quarter of Section 15, T. 16 S., R. 38 E. B. M., County of Franklin.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Sept. 19, 1921.

Fifth: That the use for which said water is intended is irrigation and domestic.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Dam, two flumes, two ditches
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 8 feet, length of dam at top 45 feet, length of dam at bottom 25 feet. Material used in construction earth, rock and logs.

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir 1.5 acre feet. Ditches: 1 1/2 x 2 feet, depth of water one foot.

(c) Size of headgate: Width one feet, height one feet.

(d) Conduit Flumes width at bottom fourteen in. by 14 inches
(State whether ditch, flume or pipe.)

er line feet, depth of water feet; diameter of pipe one inches, average grade per mile is 40 feet. Length of conduit is sixty rods
~~feet~~ one ditch, 80 rods the other.

Seventh: That said works are capable of conducting to the place of intended use 0.24 second feet of water.

Eighth: That water appropriated under said permit is available for twelve acres of land described as follows:
In Southeast quarter of Southeast quarter, Sec. 15, T. 16 S., R. 38 E. B. M.

Ninth: Remarks: That

Subscribed and sworn to before me this 19th day of September 1921

John P. Lundquist
(Sign here)

W. M. Candie

Notary Public.

My commission expires Oct. 16-1922

15097

September 30, 1921.

Re: Permit 15097-John P. Lundquist.

Mr. P. M. Condie,
Preston, Idaho.

Dear Sir:-

Your letter of the 28th inst. received, with affidavit of holder, and fee of \$5.00, for proof of completion of works under the above permit.

I enclose herewith deposition blanks for proof of use of water under this permit. These may be dated back to the 26th. Our files show that a set was mailed to you on September 1st.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____
Chief Clerk.

DBU

15097

October 10, 1921.

Re: Permit 15097.

Mr. John P. Lundquist,
Weston, Idaho.

Dear Sir:

We enclose herewith Certificate of Completion
of Works, issued under the above numbered Permit, to-
gether with receipt for fees.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By _____
Chief Clerk.

CB/E

15097

PERMIT NO. 15097**Proof of Application of Water to Beneficial Use****Deposition of Holder**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. John P. Lundquist, 44 years old, reside in Weston, Franklin Co., Idaho, occupation farmer, post office address, Weston, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 15097, dated March 19th, 1921, priority March 19, 1921.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Mickleson Creek, a tributary of Weston Creek; point of diversion : Southwest quarter of Southeast quarter of Section 15, T. 16 S., R. 38 E. B. M. in Franklin County, Idaho.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Works: Dam 8 ft. high, 45 ft. long at top, 25 ft. feet long at bottom, made of earth, rock and logs; two flume 14 x 14 inches, one ditch 80 rods and the other 60 rods in length, capable of conveying 0.24 cubic feet of water per second. Known as Lundquist ditches.

Ques. 6. State for what purport water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivate or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Irrigation and domestic purposes. Irrigate twelve acres in Southeast quarter of Southeast quarter, Section 15, T. 16 S., R. 38 E. B. M. Cultivated land. Raise crops on said land by irrigation.

Ques. 7. If for other than for irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the specified above?

Ans. 0.24 cubic feet per second of water.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

15097

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. ~~All of said water has been used during the past season and prior thereto.~~

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and right claimed thereunder.

Ans. ~~None.~~

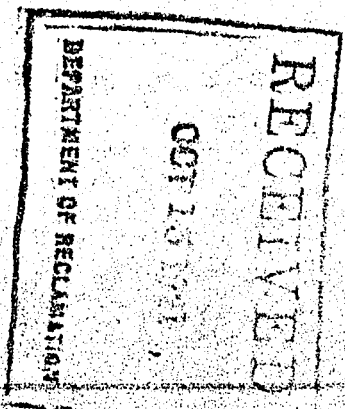
(Sign)

John P. Lundquist

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me at my office in Preston, County of Franklin State of Idaho, on this 26th day of Sept. A. D. 1921.

J. M. Condie
Notary Public, Preston, Idaho.

15097



Permit No. 15097.

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address,

Ans. James J. Nelson, age 42 years, reside at Weston, Idaho, occupation, farmer, and post office address at Weston, Idaho.

Ques. 2. Are you acquainted with John P. Lundquist, the holder of Permit No. 15097? How long have you known him and where does he reside?

Ans. Have known him for thirty years, he resides at Weston, Idaho.

Ques. 3. Have you read or heard read said Permit No. 15097, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Mickleson Creek, a tributary of Weston Creek; place of diversion: Southwest quarter of Southeast quarter of Section 15, T. 16 S., R. 38 E. B. M. in Franklin County, Idaho. Works: Dam 8 ft. high, 45 ft. long at top, 25 feet long at bottom, made of earth, rock and logs; two flumes 14x14 inches, one ditch 80 rods and the other 60 rods long.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 0.24 cubic feet per second and more.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic purposes. Twelve acres in Southeast quarter of Southeast quarter, Sec. 15, T. 16 S., R. 38 E. B. M. Cultivated land and crops raised on said land by irrigation thereof.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Twelve acres as described above, black gravel soil, requires at least 0.24 cubic feet per second for irrigation and cultivation.

15097

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have seen the land described watered from the source mentioned for several years past.

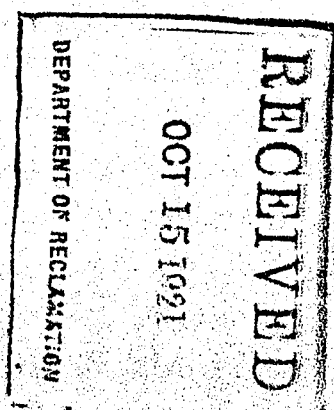
(Sign) James J. Nelson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Preston, County of Franklin, State of Idaho, on this 26th day of Sept. A. D. 19 21.

P. M. Bondie
Notary Public.

My commission expires Oct. 16, 1922.

15097



Permit No. 15097.

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address,

Ans. C. W. Lundquist, age 48 years, resides at Weston, Idaho, occupation merchant, resides at Weston, Idaho.

Ques. 2. Are you acquainted with John P. Lundquist, the holder of Permit No. 15097? How long have you known him and where does he reside?

Ans. Have known him for forty years past.

Ques. 3. Have you read or heard read said Permit No. 15097, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Mickleson Creek, a tributary of Weston Creek; place of diversion: Southwest quarter of Southeast quarter of Section 15, T. 16 S., R. 38 E., B. M. in Franklin County, Idaho, Works: Dam 8 ft. high, 45 ft. long at top, 25 feet long at bottom, made of earth, rock and logs; two flumes 14x14 inches, one ditch 80 rods and the other 60 rods long.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 0.24 cubic feet per second and more.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic purposes. Twelve acres in Southeast quarter of Southeast quarter, Sec. 15, T. 16 S., R. 38 E., B. M. Cultivated land and crops raised on said land by irrigation thereof.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Twelve acres as described above, black gravel soil, requires at least 0.24 cubic feet per second for irrigation and cultivation.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have seen the land described in watered from the source mentioned for several years past.

(Sign)

C. H. Lundquist

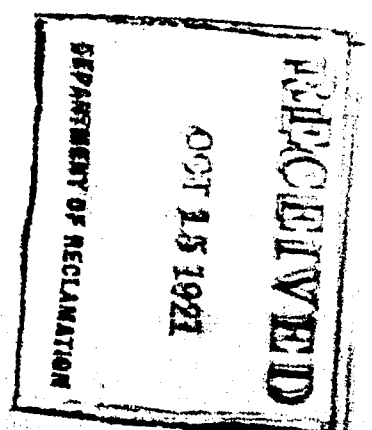
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Preston, County of Franklin, State of Idaho, on this 26th day of Sept. A. D. 19 21.

J. H. Cordie

Notary Public.

My commission expires Oct. 16, 1922.

15097



Affidavit of Publication

NOTICE FOR PUBLICATION..

Notice of Proof Application of Water to Beneficial Use.

Notice is hereby given that a 10 a. m. on the 28th day of September, 1921, at Preston, County of Franklin, State of Idaho, before P. M. Condie, a notary public, proof will be submitted of the application to beneficial use of 0.24 cubic feet per second of the waters of Mickelson Creek in accordance with the terms and conditions of Permit No. 15097 heretofore issued by the commissioner of reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: John P. Lundquist, Weston, Idaho.

The use to which said water has been applied is irrigation and domestic.

The amount applied to beneficial use is 0.24 cubic feet per second.

The place where said water is used is 12 acres in SE 1/4 SE 1/4 Sec. 15, T. 16 S, R 23 E. B. M.

The date of the priority which said user is prepared to establish is March 18, 1921.

W. G. SWENDSEN,
Commissioner of Reclamation.

STATE OF IDAHO

COUNTY OF FRANKLIN—ss

I Walter H. Roe do solemnly swear that I am one of the publishers of the

FRANKLIN COUNTY CITIZEN, a weekly newspaper of general circulation published each week

at Preston, Idaho; that the notice attached hereto

and which is a part of this affidavit, and a part

of the proof of publication, was published for

four consecutive weeks, the first publication

having been made on the 31st day of August 1921 and the last on the 21st day of September 1921. that said notice was published in the regular

issue of every number of the paper during

the periods and times of publication, and that the

said notice was published in the newspaper and

not in a supplement.

Subscribed and sworn to before me this

22 day of Sept. 1921

P. M. Condie

Notary Public
Preston, Idaho

I, _____ register, do hereby certify

that a notice, a printed copy of which is hereto

unto attached, was by me pasted in a conspicuous

place in my office for a period of thirty days, I

having pasted said notice on the _____ day

of _____, 191 _____

15097

October 15, 1921.

Re: Permit 15097.

Mr. John P. Lundquist
Weston, Idaho.

Dear Sir:-

We are today in receipt of depositions and affidavit
of publication for proof of use of water under the above permit.
These will be placed on file pending the examination by our
engineer. The fees due this office will be \$2.00, being part
of only one forty acre tract.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____
Chief Clerk.

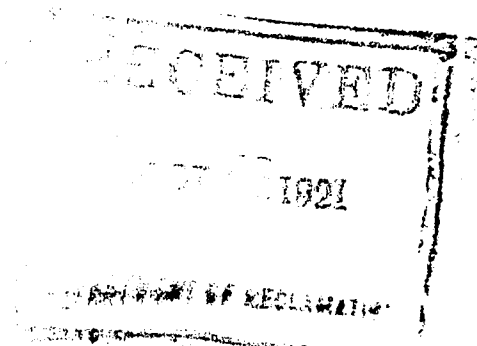
15097

• Weston Oct 26 - 1921
M. W. L. Swendsen

Dear Sir
I am sending you \$2.00
for fees which is due
your Office for my
Permit 5097 and Oblige
Yours Truly

John P. Lundquist
Western Idaho Box 3

15097



REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 5-I1. State name of applicant and number of permit: John P. Lundquist - 150972. State source of water supply: Mickelson Creek -3. Location of point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15-163-38E

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

Diversion dam 42 feet long - 6 feet high - 20 ft at bottom - 6 ft on topTwo main ditches on either side Mickelson Creek. Length of ditchon North side 1800 feet, 2 feet at bottom, 2 $\frac{1}{2}$ at water line, 12 in deep.This ditch has board flume, 60 feet, constructed of 12 inch plank. Length of ditch on south side 1200 feet, 2 feet at water line, 1 $\frac{1}{2}$ feet on bottom 10 inches deep. Is tapped at various places to irrigate small areas.Ditch on north side at 1800 feet, is subdivided into two ditches, one going west and circling a hill so as to cover 10 acres in the north west corner of the land, the other lateral covers two acres of irrigable land and is 300 feet in length.5. State whether or not water has been turned into works of diversion: Yes6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): 12 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15-163-38E17 acres divided in tracts of 10, 3, 2, and 2 acres.

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

8. How many parties conduct water in this system? Applicant

9. Give names and amount of each right:

10. What large stream would the water here appropriated finally reach? Bear River.

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:

Remarks: The permit calls for .24 sec feet, but it will be noted the applicant has 17 acres irrigated. The applicant has used water on this tract for 30 years, and intends establishing his right at this priority. The exact date of beneficial use as not known.

This examination was made on the 23 day of October 19 21

(Signed)

H. J. F. F. F.

Examiner.

15097

OVER

15097

MICKELSON
CROOK

TP165A38E

5

10 durs 340 res

NAME OF APPLICANT John P. Lundquist

November 16, 1921.

Re: Permit No. 15097.

Mr. John P. Lundquist,
Weston, Idaho.

Dear Sir:

We enclose herewith Water License, issued
under the above numbered Permit, together with re-
ceipt for fees.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

OB/E

By
Chief Clerk.

15097

WESTON CREEK IRRIGATION CO.

WESTON, IDAHO

May 27th 1931

~~192~~

Department of Reclamation

Boise Idaho,

Mr Geo Carter,

Dear Sir:- I am writing for information for and in behalf of the Weston Creek Irrigation Co, we understand that a certian spring situated in the S E 1/4 of Section 15 Township 16 South Range 38 East has been or was filed on by one John P Lundquist, I am unable to give you the date or year but think it would be about 1915 , perhaps sooner, This as I understand it was on eather a spring or the water coming from what is known as the Mickelsen Creek, or perhaps called the Black Canyon Creek,

We would like to get information as to the true statis of this filing, and just what it consists of, when filed and if proved up on , when?

Sorrey that I can not give you more information as to date, but hope you can find your record from what I have given you.

Thanking you in advance for the information,

I am Respectfully Yours,

Thomas Preston

15097

May 28, 1931.

Re: Permit No. 15097.

Mr. Thomas Preston,
Weston, Idaho.

Dear Sir:-

Referring to your letter of the 27th inst. would say that Permit No. 15097 was issued to J. P. Lundquist for the diversion of 0.24 sec.ft. of the waters of Mickelsen Creek, upon an application filed March 18, 1921. Both proof of completion of works and beneficial use of water have been made and license issued for the amount claimed- 0.24 sec.ft. Point of diversion is in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 15, T. 16 S., R. 38 E., B.M.

Very truly yours,
R. W. PARIS
Commissioner of Reclamation
By
Chief Clerk.

15097

PETER A. McDERMOTT
ATTORNEY AT LAW
HUB BUILDING
PHONE 1042
POCATELLO, IDAHO

January 3, 1952

RECEIVED
JAN 4 1952
Department of Reclamation

Department of Reclamation
State Capitol
Boise, Idaho

Gentlemen:

Re: License No. 15097

A client, who is now the owner of the land to which the above license was issued, would like to receive some information relative to the same. The license was issued November 7, 1921, and is recorded in volume 5 of licenses Page 2874 on November 7, 1921, and was issued to John P. Lundquist. He would like to know the priority and extent of other filings on this creek. He has in mind installing a sprinkler system and would like to know if his right would warrant the expense. It appears to me that he can change the point of diversion if he does not interfere with the rights of others.

Is it necessary to file any papers in your office showing the change of ownership?

I will appreciate receiving this information at your earliest convenience.

Very truly yours,

P. A. McDermott

FM/hb

0.247 Michelson Cr.

3-25-21

12 a. m. 3358 15-16 238E

15097

January 4, 1952

RE: Permit No. 15097

Mr. Peter A. McDermott
Hub Building
Pocatello, Idaho

Dear Mr. McDermott:

In reply to your letter of January 3, 1952, in regard to License No. 15097 issued to John P. Lundquist.

The records in this department show that this license was for 0.24 (or 12 inches) of water from Mickleson Creek with priority of March 25, 1921, for use on 12 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, Township 16 South, Range 37 East, B.M.

It will not be necessary to have a change of ownership recorded in this department since licensed water rights may be deceded the same as real estate and recorded in the county.

If the present owner wishes to change the point of diversion, that can be done as provided in Section 42-222, Idaho Code and we enclose herewith a form of application for such change.

Our records do not show any other filing on Mickleson Creek although there is a possibility that other rights may have been acquired by continuous use of which we have no record and which may be established through the district court.

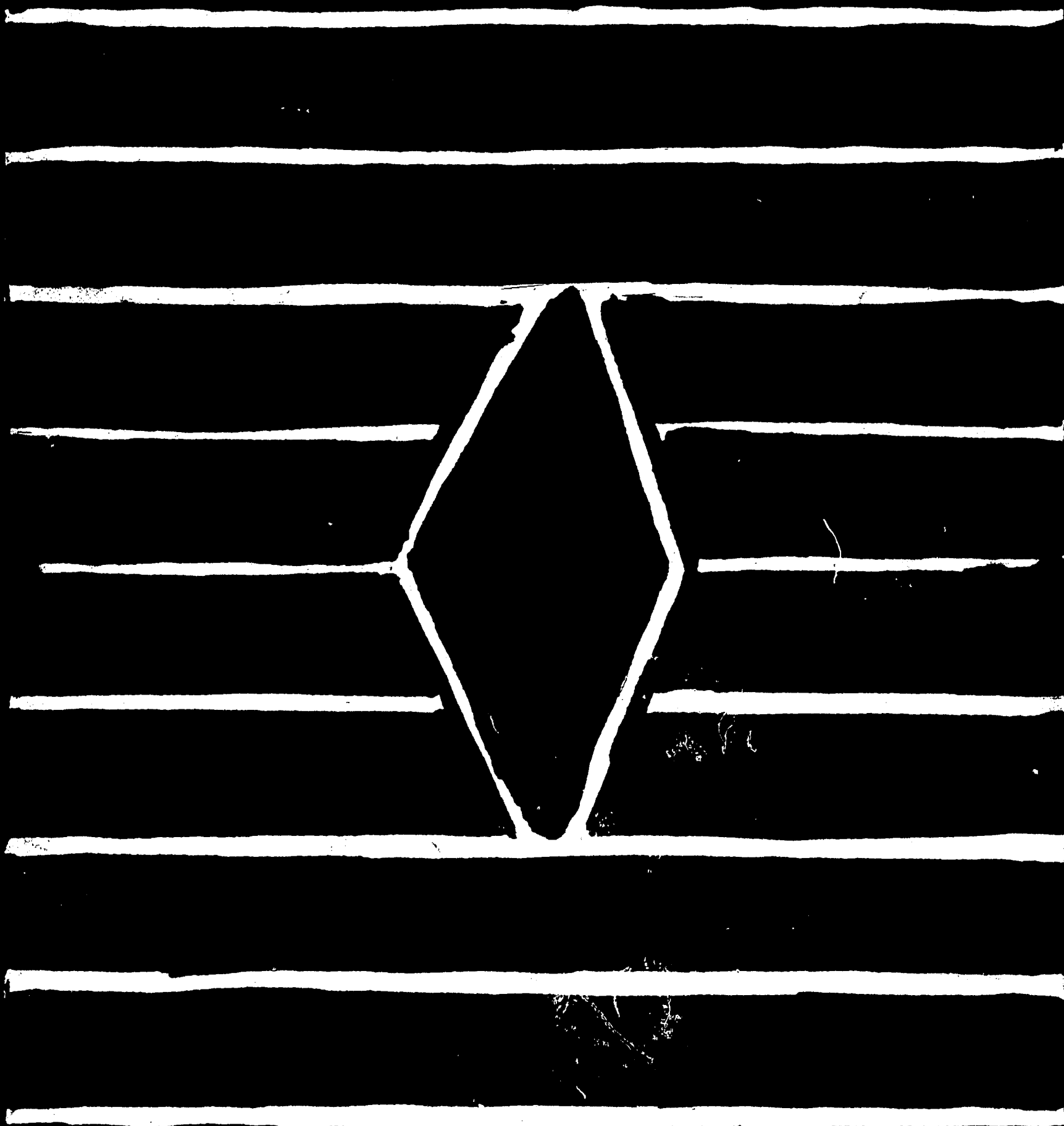
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

15097



State of Idaho
License and Certificate of Water Right

Water License No. 15097
Water District No. 5-I

Amount 0.24 sec. ft.
Priority 3-25-21

THIS IS TO CERTIFY that JOHN P. LUNDQUIST of Weston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 18, 19 21; that Permit No. 15097 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.24 second feet, was issued thereunder on October 18, 19 21, showing that said works were completed on the 19th day of September, 19 21; and that on the 26th day of September, 19 21,

JOHN P. LUNDQUIST of WESTON, Idaho, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Mickleson Creek, a tributary of Weston Creek, for the purpose of irrigation & domestic, under Use Permit No. 15097 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2874, on the 7th day of November, 19 21;

The right hereby confirmed dates from March 25, 19 21;

The Point of Diversion is located in the SE 1/4 SE 1/4, Sec. 15, Tp. 16 S., R. 38 E., B. M. County of Franklin. That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.24 cubic feet per second.

Description and location of use:

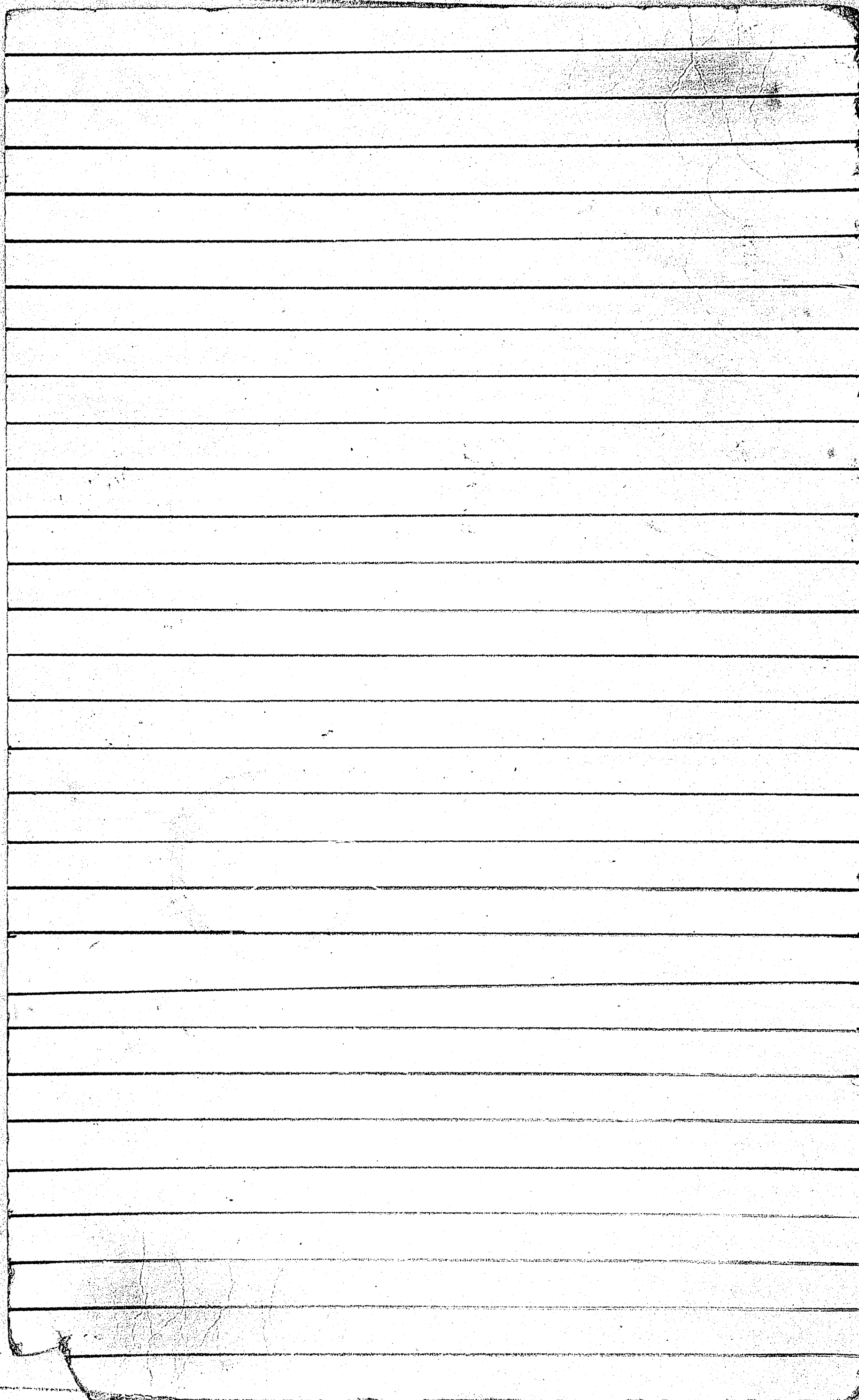
Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 S.	38 E.	15	SE 1/4 SE 1/4	12	12

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 7th day of November, 19 21.

W. G. SWENDSEN.
Commissioner of Reclamation.

(SEAL)



Transfer No. 2819

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPROVED****APPLICATION FOR TRANSFER OF WATER RIGHT****To Change the Point of Diversion and/or the Place of Use**Name of applicant E. Keith Buttars Phone 747-3527Post Office address Box 106, Weston, Idaho 83286**A. DESCRIPTION OF RIGHT AS RECORDED****i. Right evidenced by:**

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ VS _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 15097/13-2097 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant acquired right through purchase of real property.

3. Source of water Mickelson Creek tributary to Weston Creek

4. Date of priority 3/25/1921

5. Water is used for the following purposes:

amount 0.24 cfs for Irrigation purposes from 4-1* to 11-1* *Not stated in License
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 0.24 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15
Township 16S Range 38E, B.M., in Franklin County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	38E	15																12	12

Total number of acres to be irrigated 12

9. Describe any other water rights used for the same purpose as described above None

For knowledge, has any portion of this water right undergone a period of five or more consecutive years
use? No If yes, describe in item D, REMARKS.

DESCRIPTION OF PORTION OF RIGHT OWNED BY THE APPLICANT (If the entire right is owned by the applicant, omit part B).

- Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
- Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
- Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- Amount of water to be diverted 0.24 c.f.s. &/or _____ acre feet
- Description of diverting works Collection pipe and drain to pond with pump, handlines with sprinklers
- Describe the reasons for the proposed changes Change in point of diversion for utilization of water on applicants property.

2. Change in point of diversion

Point of diversion NE ¼ SW ¼, Section 14 Township 16S
Range 38E, B.M., Franklin County
Additional points _____

3. Change in place of use

- Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

c. Describe the lands _____ place of use to which the right will be transferred:

*No MORE THAN 12 ACRES WILL BE IRRIGATED AT ANY ONE TIME

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

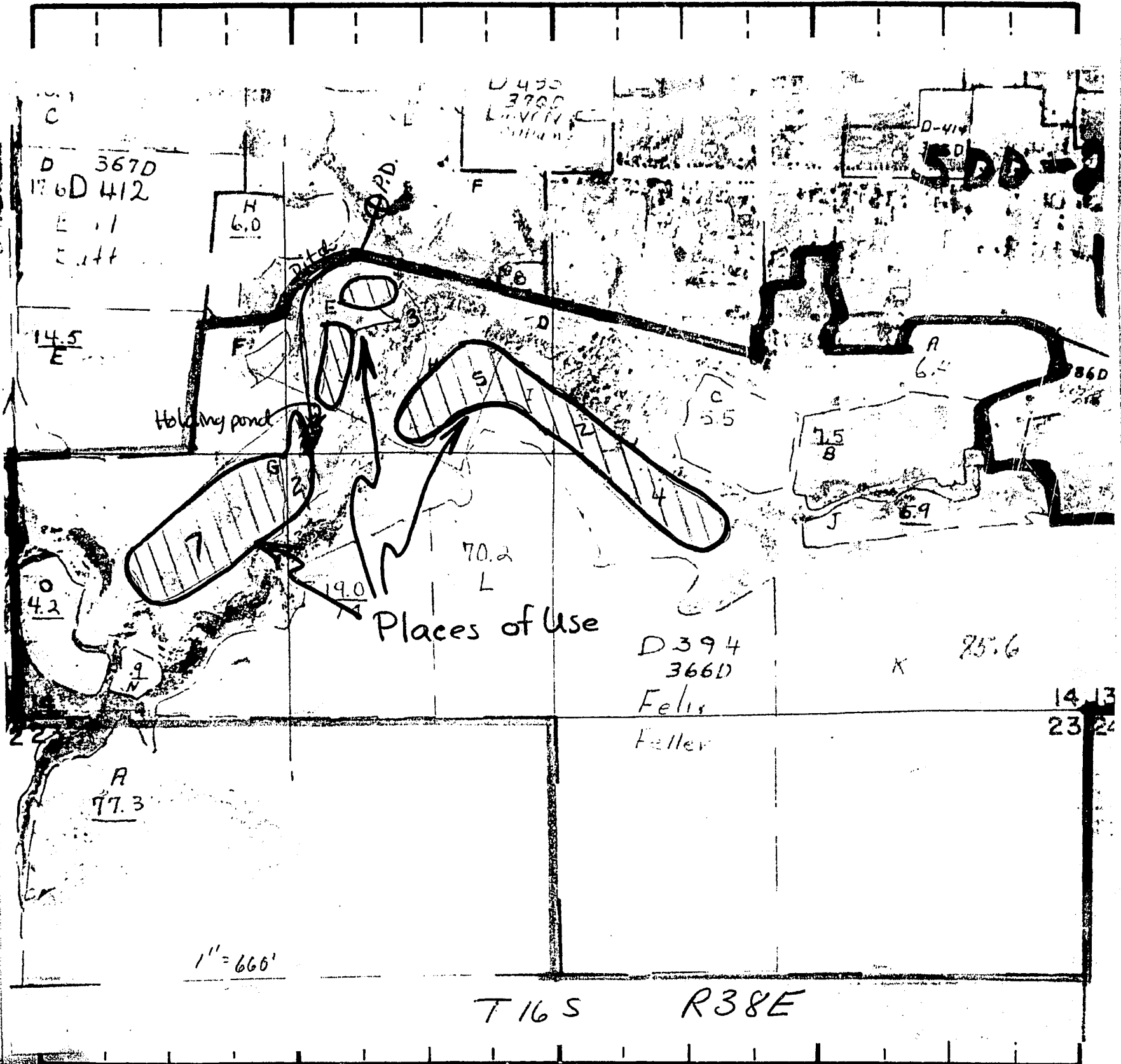
c. Describe the lands place of use to which the right will be transferred:

*No MORE THAN 12 ACRES WILL BE IRRIGATED AT ANY ONE TIME

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	38E	14									3		7	2					12*
		14									5				2	4			11*

Total number of acres to be irrigated 12*

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

Change in point of diversion to unnamed spring known as
Therral Campbell Spring which is tributary to Weston Creek.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

E. H. Butts
(Signature of Applicant)

Subscribed and sworn to before me this 12th day of March, 19 83

Calvin Gray
(Notary Public)

My commission expires 6-15-85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 13-2097
and said application is hereby Approved, subject to the following limitations and conditions:

A measuring device and lockable controlling works of a type acceptable to the
Department shall be permanently installed and maintained as part of the diverting
works.

Use of water under this right is subject to control by the watermaster of State
Water District No. 11, Bear River.

Water diverted under this right, shall not exceed 0.02 cfs/acre, shall not exceed
more than 36.0 acre feet/annum nor be used to irrigate more than 12 acres/annum.

Witness my hand this 15th day of June, 19 83

L. Glen Saxton

L. GLEN SAXTON, Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Assisted by Kew

3-14-83

Received by _____

Date _____

Protest filed by _____

Prelim. check by SM

Fee 50.00

Receipted by BP

Date 3/14/83

#25493

Published in Preston Citizen

Copies of protest forwarded by _____

Pub. dates 3/31 & 4/7/83

Hearing held by _____ Date _____

Watermaster recommendation requested on 3-29-83

Recommended for approval denial

WD #11

rec'd. 4-18-83

by EMC. J. Jr.

#875

APR 28 1983

No 1811

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

MAY 9 1983

Department of Water Resources
Eastern District Office

J. Walter Ross

being duly sworn,

deposes and says:

That he is the Co-Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once

for 2 consecutive weeks in the regular and normal issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

March 31, 1983, and ending with the issue of April 7, 1983.

Fee \$ 22.50

Subscribed and sworn to before me this 30th day of April, 1983.

Kevin D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 13-2097

Notice is hereby given that E. Keith Butters, Weston, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Mickelson Creek tributary to Weston Creek. The right sought to be changed is evidenced by License No. 15097/13-2097 and is recorded as follows:

AMOUNT: 0.24 cfs

PRIORITY: 3/25/1921

POINT OF DIVERSION: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 16S, R. 38E, B.M. Franklin County

The water is used for the irrigation of 12 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 16S, R. 38E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 16S, R. 38E, B.M. Franklin County, and used to irrigate lands within the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14, T. 16S, R. 38E, B.M. No more than 12 acres will be irrigated at any one time.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho,

83401, on or before April 18, 1983.

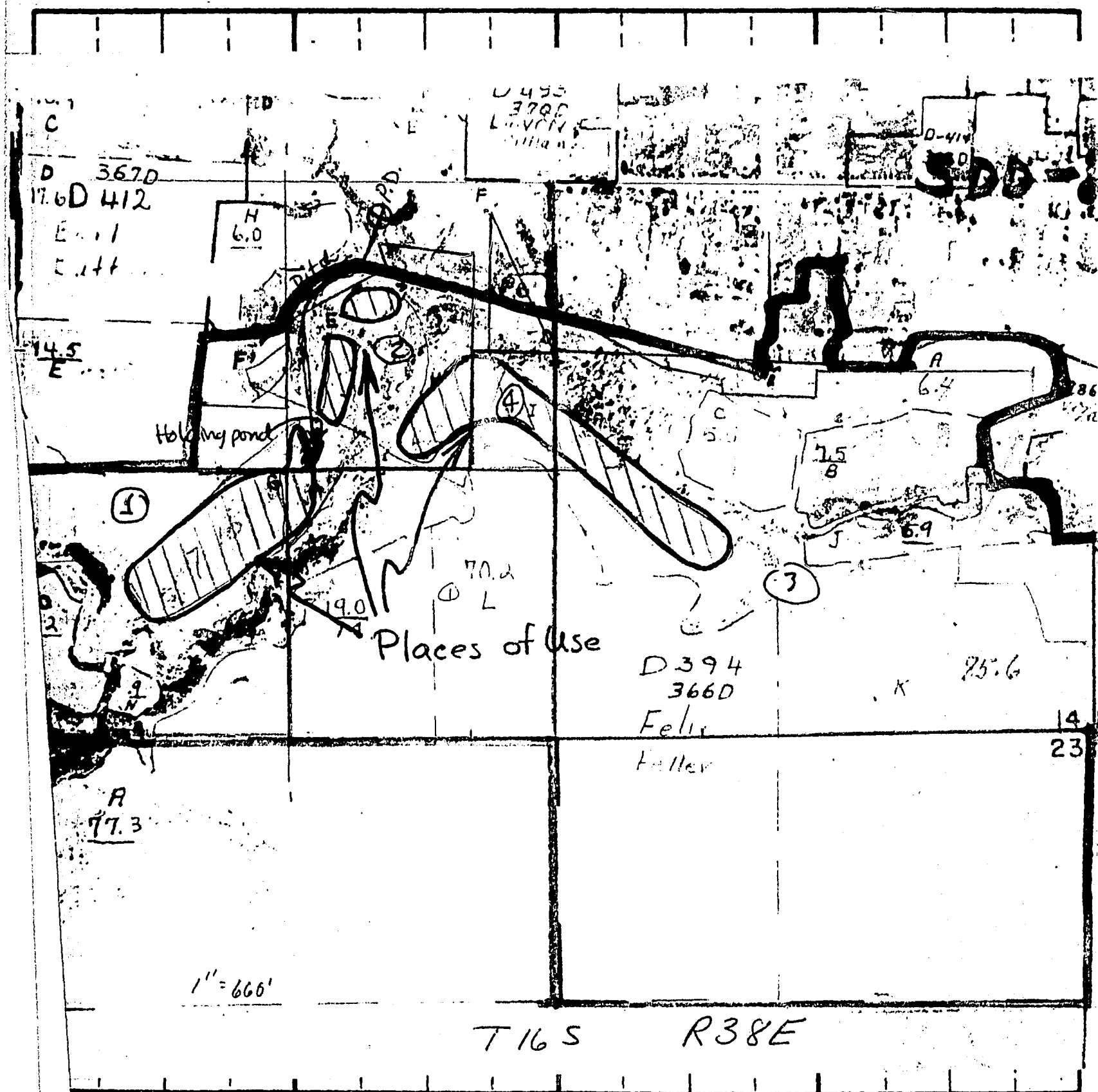
A. KENNETH DUNN
Director

Published in the Preston Citizen on 3/31 and 4/7/83.

Legal No. 1811 -36L- Published March 31, April 7, 1983.

Total number of acres to be irrigated 12*

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



E: 2 inches equal 1 mile. Draw plan in ink.

158778 1-3

161943 1-3

THIS INDENTURE, made this 1st day of April
 in the year of our Lord one thousand nine hundred and Sixty-seven between
 FELIX FELLER and MINNIE H. FELLER, husband and wife

.....
 of Weston County of Franklin
 State of Idaho the part ies of the first part, and
 E. KEITH BUTTARS and GEORGIA L. BUTTARS, husband and wife

.....
 of Weston County of Franklin
 State of Idaho the part ies of the second part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of
 \$1.00 and other good and valuable considerations
 lawful money of the United States of America, to ... them in hand paid by the said part ies ... of the second
 part, the receipt whereof is hereby acknowledged, ha...ve granted, bargained and sold, and by these presents do
 grant, bargain, sell, convey and confirm unto the said part ies of the second part, and their heirs and
 assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any-
 wise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and
 all estate, right, title and interest in and to said property, as well in law as in equity, of the said part ies
 of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the
 appurtenances, unto the part ies of the second part, and to their heirs and assigns forever. And the
 said part ies of the first part, and their heirs, the said premises in the quiet and peaceable possession of
 the said part ies of the second part their heirs and assigns, against the said part ies of the first
 part, and ... their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim
 the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part ies of the first part have hereunto set their hands and
 seal S. the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

..... Felix Feller (SEAL)

..... Minnie H. Feller (SEAL)

..... (SEAL)

..... (SEAL)

..... (SEAL)

158778 2-3

No.

WARRANTY DEED

Felix Teller
.....

-TO-

E. Keith Butters
.....

Dated *16 April*, 19*82*

STATE OF IDAHO,
COUNTY OF FRANKLIN—ss.

I hereby certify that this instrument was
filed for record at request of

Georgia Butters

at *35* minutes past *10:00*...

o'clock *A. M.*, this *16th* day

of *April*, A. D. 19*82*

In my office, and duly recorded in Book

of at page

Michael D. Kunz
Ex-Officio Recorder

By *Dawn Jernigan*

Fee, \$ *6.00* Deputy

Mall to

Recorded at the request of:

E. Keith Butters

FEB 28 1983 2:40 p.m.

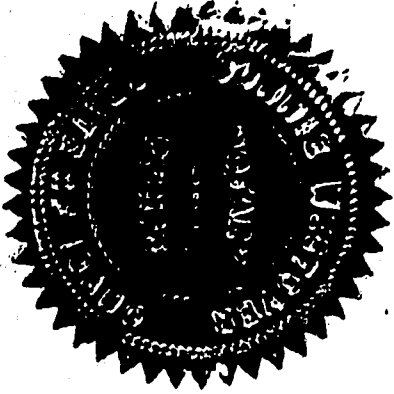
MICHAEL D. KUNZ, RECORDER
By *Dawn Jernigan* Deputy
FRANKLIN COUNTY, IDAHO

161943 &

STATE OF IDAHO,
County of Franklin—ss.

On this 16th day of June, 1967, before me
...Connie Westover... a Notary Public in and for said State, personally appeared
Felix Feller and Minnie H. Feller, husband and wife
known to me to be the person s whose name s are subscribed to the within instrument,
and acknowledged to me that t he y executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Connie Westover
Notary Public, Residing at Preston, Idaho

No. 158778 2-3

WARRANTY DEED

Felix Feller ad ux

TO—

E. Keith Butters ad ux
Dated 16 April 1967

STATE OF IDAHO,
COUNTY OF FRANKLIN—ss.

I hereby certify that this instrument was

filed for record at request of

Georgia Butters

at 35 minutes past 10:00

o'clock A. M. this 16th day

of April, A. D. 1967

in my office and duly recorded in Book

of at page

Michael D. Kunz
Ex-Officio Recorder

By *Deanna J. Jundt*

Fee, \$ 6.00 Deputy

Mall to

Recorded at the request of
E. Keith Butters

FEB 28 1983 2:40

MICHAEL D. KUNZ, RECORDER
By *La Har E. Johnson*
FRANKLIN COUNTY, IDAHO

Commencing at 12 rods East of the NW corner of SE1/4SW1/4 Section 14, Township 16 South, Range 38 East, Boise Meridian, running thence East 63 rods 4.5 feet, thence South 80 rods, thence West 80 rods, thence North 60 rods 12.5 feet, thence NE 11 rods 6.5 feet to a point 17 rods 12 feet SE of NW corner SE1/4SW1/4 Section 14, thence 16 rods 7 feet in a direct line to the place of beginning.

Beginning at a point 598.58 feet South 0°15' East of the center of Section 14, Township 16 South, Range 38 East, Boise Meridian, and running thence South 74°48' East 625.74 feet, thence South 81°49' East 218.5 feet thence South 2°3' West 66 feet, thence South 88°56' East 460.8 feet, thence North 2°3' West 148.6 feet, thence South 88°56' East 1067 feet, thence South 64°35' East 146.3 feet, thence South 20°15' West 240 feet, thence South 83°40' West 224 feet, thence South 32°20' West 309 feet, thence South 130 feet, thence East 336 feet, thence South 19°4' East 317 feet, thence East 168 feet, thence South 868 feet along the East boundary line of said Section 14, thence North 89°45' West along South boundary line of said Section 14, 2639.34 feet to the SW corner SE quarter of said Section 14, thence North 15' West along the West line of SE1/4 said Section 14, 2042 feet, more or less to the place of beginning. Except commencing at a point which is South 0°15' East 598.58 feet, South 74°48' East 625.74 feet and South 81°49' East 218.5 feet, thence South 2°3' West 66 feet, thence South 88°56' East 460.8 feet, and North 2°3' West 148.6 feet and South 88°56' East 90 feet from center of said Section 14, thence South 115 feet, thence South 88°56' East 179 feet, thence North 115 feet, thence North 88°56' West 179 feet to the point of beginning.

Beginning at SW corner Section 13, Township 16 South, Range 38 East Boise Meridian, running thence North 901 feet, thence East 462 feet, thence South 901 feet, thence West 462 feet to the place of beginning.

Beginning at point 822.3 feet East of point 789.7 feet South of center of Section 14, Township 16 South, Range 38 East Boise Meridian, running thence South 2°3' West 66 feet, thence South 88°56' East 460.8 feet, thence North 2°3' East 148.6 feet, thence North 88°56' West 264 feet, thence South 2°3' West 107 feet, thence North 81°49' West 198 feet to place of beginning.

EXCEPT, the following: Commencing at a point which is South 0°15' East 598.58 feet and South 74°48' East 625.74 feet and South 81°49' East 218.5 feet and South 2°3' West 66 feet and South 88°56' East 460.8 feet, and North 2°3' West 148.6 feet, and South 88°56' East 90 feet, and South 88°56' East 179 feet, from the center of Section 14, Township 16 South, Range 38 East Boise Meridian, thence South 115 feet, thence South 88°56' East 87 feet, thence North 115 feet, thence North 88°56' West 87 feet to the place of beginning.

Beginning at a point 50 rods South of the Northeast corner of the Southwest quarter of Section 14, Township 16 South, Range 38 East of Boise Meridian, thence running South 30 rods, thence West 25 rods 8 feet, thence North 36 rods, thence running in a Southeasterly direction to the place of beginning.

1 The SW1/4 SW1/4 Section 14, Township 16 South, Range 38 East Boise Meridian.

2 Also, commencing at a point 420.5 feet West of the NE corner of S1/4 SW1/4 said Section 14, running thence West 1352.4 feet, thence North 6°02' East 351.3 feet, thence East 425 feet, thence North 434 feet, thence North 58°45' East 515 feet, thence North 16°45' West 115 feet, thence Southeasterly 480 feet, more or less, to a point 1080 feet North of the place of beginning, thence South 1080 feet to the place of beginning.

Also commencing at a point 28 rods East from the SW corner of SW1/4, Section 13, Township 16 South, Range 38 East Boise Meridian, thence East 33 rods thence Northwesterly along county road 59 rods, thence West to a point due North of the place of beginning, thence South to the point of beginning, less land taken for public road.

The N1/4NE1/4 Section 23, Township 16 South, Range 38 East of Boise Meridian.

Lot 10 in Block 2 of Jespersen Addition to the Townsite of Weston, same being 10 rods wide from East to West and 20 rods long from North to South, and being bounded on East by Lots 12 and 13, and North by part of Lots 8 and 9, and on West by Lot 11, of said Block 2, and on South by Street, said lot being situated in SE1/4, Section 14, Township 16 South, Range 38 East, Boise Meridian.

15.16 shares Weston Creek Irrigation Company, and private right in Mickelsen Creek priority 3-25-21 evidenced by State License No. 15097.

WESTON CREEK IRRIGATION COM ANY 1977

Minutes of the meeting of the Board of Directors of the Weston Creek Irrigation Co. held in the Weston City Bldg. at 7 PM on June 29, 1977
Present were Grant Benson, Pres., Reed Griffiths, Norman Fannesbeck, Vereen Bingham, Wesley Nash, ElRay Ball and Lyle R Porter, Sec.

The purpose of the meeting was to decide something on the question of whether or not Keith Buttars has the right to take water out of the Therrall Campbell Spring instead of the spring, former owner, Felix Feller had been given the right to.

Reed Griffiths made a motion that Keith Buttars be given the right to take his decreed .24 second feet of water out of the Therrall Campbell Spring instead of the Mickelson Spring as per original decree. That he will supply a device for measuring it, and that any such device be paid for by Keith. Further, that if the Therrall Campbell Spring goes dry or for some reason does not yield said water, then Keith will have to take his water out of the main channell and supply a measuring device here also. Further, if the water in Mickelson Spring dries up or loses its flow then Keith Buttars will have no further right to Weston Creek water in that area.

Norman Fannesbeck seconded the above motion and it passed unanimously.

Vereen Bingham or Grant Benson will explain the motion above to Keith.

The Secretary was directed to call a lawyer and check on the legality of this resolution.

Vereen Bingham moved we adjourn 2nd by Norman Fannesbeck Passed.

Adjourned at 7:55 PM.

Lyle R Porter, Sec.

Note: Lawyer Dennis Williams of Preston was called on the resolution and he agreed that it was legal and that the Board was within its rights to exchange the water from the Campbell Spring for the water from the Mickelson Spring.

He further said that by Keith Buttars using the water from the Campbell Spring did not give Keith any permanent right to that water regardless of the number of years it was used by Keith. He also said that should the Mickelson Spring go dry, that Keith had no further right to any water in that area.

Inst. No.

79754

State of Idaho
License and Certificate of Water Right

Water License No. 15097
Water District No. 5-I

Amount 0.24 sec. ft.
Priority 3-25-21

This is to certify that John P. Lundquist of Weston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 18, 1921; that Permit No. 15097 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.24 second feet, was issued thereunder on October 18, 1921, showing that said works were completed on the 19th day of September, 1921, and that on the 26th day of September, 1921, John P. Lundquist of Weston, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Mickleson Creek a tributary of Weston Creek, for the purpose of irrigation and domestic use, under Use Permit No. 15097 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2874, on the 7th day of November 1921.

The right hereby confirmed dates from March 25, 1921;

The Point of Diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 15, Tp 16 S., R. 38 E.B.M. County of Franklin.

That amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.24 cubic feet per second.

Description and location of use: Twp. 16 S., Range 38 E. Sec 15 Forty acre Tract SE $\frac{1}{4}$ SE $\frac{1}{4}$, No. Acres Described in permit - 12, No acres Actually Irrigated - 12.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

1. Right number _____ Applicant Keth Butters
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other Change in Source -
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use ^{N/A}
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ^{N/A} ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments Condition shall be no more than 12 cfs in any one IRRIGATION SEASON. AND 102 cfs / one condition. See conditions
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to. Recommended
Right number(s) No other rights found. found using Thermal Campbell Spring - not where any wtr rights found on new place of use
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 11- Bear River

FINAL PROCESSING REVIEW BY: _____

1. ☒ Watermaster recommendation requested on 3-29-83 Received on 4-18-83
2. Is transfer published correctly? ☒ Yes ☐ No
3. ☒ Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve Under OLE, 05 (W.D. #11).
2. ☐ Deny
3. Conditions* The maximum number of acres to be irrigated under this transfer shall not exceed 12 acres per owner.
4. By Ernest Carlson Date May 18, 1983.

June 6-10-83 See attached sheet for conditions
* All uses within Watermaster Districts require special conditions.

CONDITIONS OF Approval for transfer
No. 2819.

1. O1E

2. OS (11 Bear River)

3. Water diverted under this right,
shall not exceed 0.02 cfs/acre, ~~nor~~ shall
not exceed more than 36.0 acre feet/annum nor
be used to irrigate more than 12
acres/annum.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 13-2097

Notice is hereby given that E. Keith Buttars, Weston, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Mickelson Creek tributary to Weston Creek. The right sought to be changed is evidenced by License No. 15097/13-2097 and is recorded as follows:

AMOUNT: 0.24 cfs

PRIORITY: 3/25/1921

POINT OF DIVERSION: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 16S, R. 38E, B.M.
Franklin County;

The water is used for the irrigation of 12 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 16S, R. 38E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 16S, R. 38E, B.M. Franklin County, and used to irrigate *lands* within the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14, T. 16S, R. 38E, B.M. No more than 12 acres will be irrigated at any one time.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before April 18, 1983.

A. KENNETH DUNN

Director

Published in the Preston Citizen on 3/31 & 4/7/83.

*Proofed by
Phone
3/28/83 BP*

March 29, 1983

RE: Application for Transfer No. 13-2097. BUTTARS

Russell Stoker, Watermaster
Water District No. 11
379 E. 3rd N.
Soda Springs, ID 83276

Dear Mr. Stoker:

Please find enclosed a copy of the above referenced application and watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before April 18, 1983.

Thank you for your cooperation in this matter.

Sincerely,

BARBARA L. POWERS
Secretary

BP:b

Enclosures

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 13-2097 Buttarz

RECOMMENDATION OF WATERMASTER

RECEIVED

APR 18 1983

Department of Water Resources
Eastern District Office

I, Russell D. Stoker, watermaster of Bear River,
of Water District No. 11, County of Caribou-Bear Lake & Franklin, State of Idaho,
whose address is 279 E 3rd N, Soda Springs, Idaho 83276
have read the attached copy of the application for transfer of water right for E. Keith
Buttarz, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: None

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons:

Dated at Soda Springs, Idaho, this 15th day of April 1983.

Russell D. Stoker
(signature)

Please use reverse side if needed.

April 19, 1983

RE: Application for Transfer No. 13-2097 BUTTARS

Preston Citizen
P.O. Box 472
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on March 31 and April 7, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 23, 1983

RE: Transfer of Water Right No. 13-2097

E. Keith Buttars
Box 106
Weston, ID 83286

Dear Mr. Buttars

Enclosed is a copy of your approved application for Transfer of the above referenced water right (Transfer No. 2819). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:jvv
Enclosure