

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-07571
Date Received: 3/23/1990
Receipt No: none 343
Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALE T. BISSELL 208-775-4595
Address: P.O. BOX 324
INKOM, ID 83245

OR

Name: KATHLEEN M. BISSELL 208-775-4595
Address: P.O. BOX 324
INKOM, ID 83245

2. Date of Priority: DEC 10, 1980

3. Source: MARSH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	36E	34	NE	NE	SW		BANNOCK

5. Description of diverting works:
3" X 2" PUMP IN CREEK, HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 10.50 A.F.A.

8. Total consumptive use is 9.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-07571

Page 1

Date: 03/23/90

MICROFILMED
NOV 13 1992

A2907571



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	36E	34	NE SW		IRR	3.0
Section Acres						3.0
Total Acres						3.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

A29-10727 IS SUPPLEMENTAL TO THIS RIGHT

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): X Dale T. Bissell Date: 3-23-90

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of March 19 90

[Signature]
Notary Public

Seal

Residing at Amis Boulevard, Notary Public
Boise, Idaho 83725
My Commission Expires December 7, 1994

03/30/2001

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

RIGHT NUMBER: 29-7571

NAME AND ADDRESS: DALE T BISSELL
KATHLEEN M BISSELL
PO BOX 324
INKOM, ID 83245

SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.06 CFS
10.5 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.06 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 10.5 AF. COMBINED RIGHT
NOS.: 29-07571, 29-10727

PRIORITY DATE: 12/10/1980

POINT OF DIVERSION: T07S R36E S34 NESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	0.06 CFS 10.50 AFY

PLACE OF USE:

IRRIGATION Within BANNOCK County
T07S R36E S34 NESW 3

3 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-07571, 29-10727

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

A. ROOT WATER RIGHT NUMBERS: A29-07571

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	36E	34	NE	SW		BISSELL, KATHLEEN M	A29-07571 / 3.0	29-07571 / 3.0	7.0		
			NE	SW		STALEY, DAVID	A29-12002 /	- /			
			NE	SW		HAMMOND, GERALDINE	A29-11873 /	- /			
			NE	SW		HAMMOND, GERALDINE	A29-11872 /	- /			
			NE	SW		JENSEN, STANLEY	A29-10718 / 3.0	- /			
			NE	SW		BISSELL, KATHLEEN M	A29-10727 / 3.0	- /			
			NE	SW		STALEY, GRADYN D	A29-02016A / 2.0	- /			
			NE	SW		STALEY, ALICE K	A29-11620A / 2.0	- /			
			NE	SW		HAMMOND, GERALDINE	29-11872 /	- /			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-07571	3.00	3.00	7.00
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POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-07571	MARSH CREEK	BISSELL, KATHLEEN M	0.060	0.020	10.50	3.50
A29-02016A	MARSH CREEK	STALEY, GRADYN D	5.460	0.020		
A29-10718	MARSH CREEK	JENSEN, STANLEY	0.120	0.024		
A29-10727	GROUNDWATER	BISSELL, KATHLEEN M	0.100	0.033		
A29-11620A	MARSH CREEK	STALEY, ALICE K	10.920	0.040		
A29-11873	MARSH CREEK	HAMMOND, GERALDINE	0.060	0.030		

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-07571	07S	36E	34	NE	NE	SW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A29-10718	29-11872
A29-10727	
A29-11802	
A29-11803	
A29-11872	
A29-11873	
A29-12002	

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-07571	07S	36E	34		NE	SW			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

NONE

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A29-10718	29-11872
A29-10727	
A29-11802	
A29-11803	
A29-11872	
A29-11873	
A29-12002	

SOURCE: MARSH CREEK

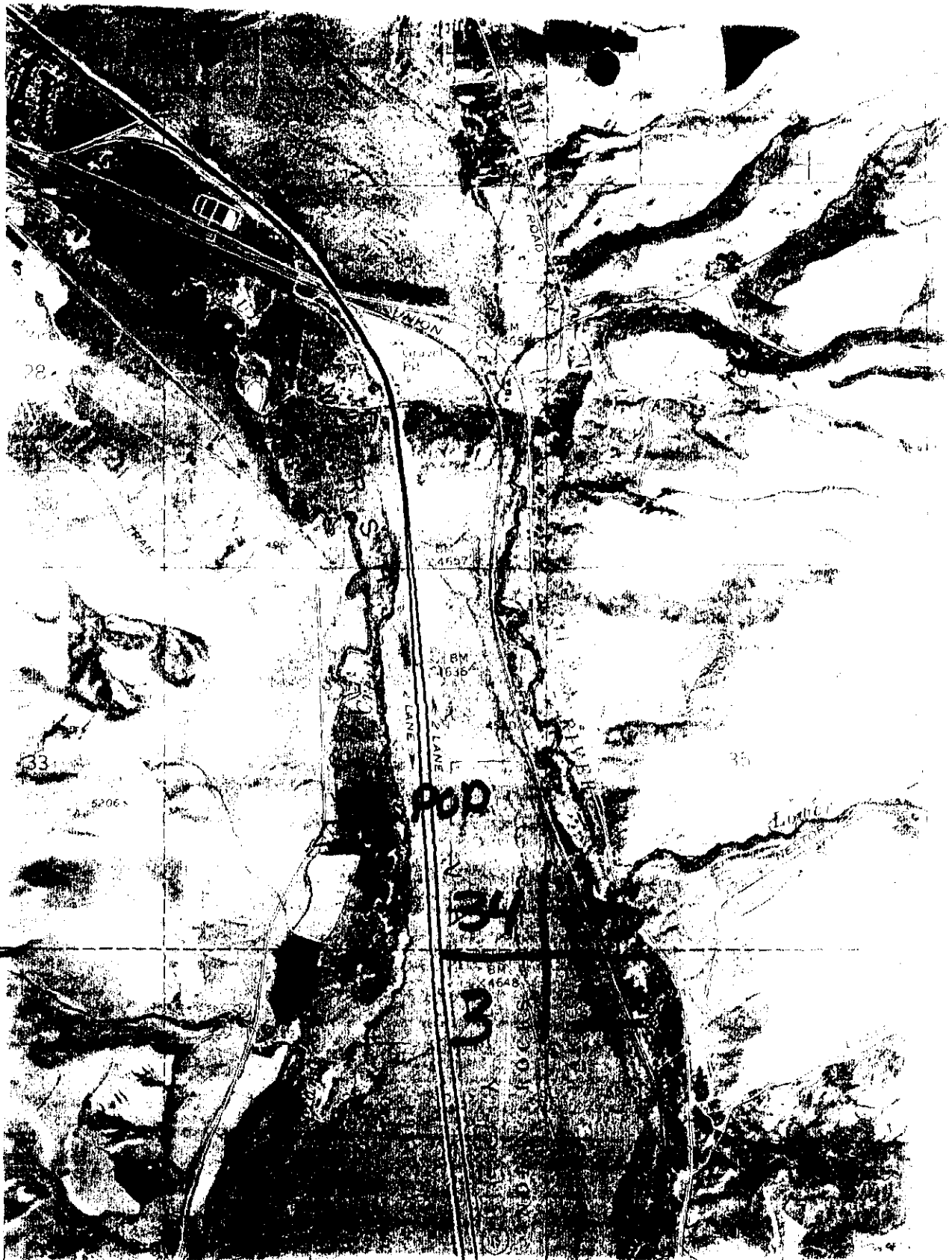
TRIB: PORTNEUF RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()



75

POD

34

3

36E

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Log for claim A29-07571

Spatial Dynamics BTD

7/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	34	NESW	3	2.9	
Totals:			3	2.9	

AJ5809NP
No. A29-07571

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 192

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KATHLEEN M BISSELL	12/10/1980	IRRIGATION	03-15 11-15	0.060 CFS	
C	DALE T BISSELL					
	PO BOX 324					
	INKOM ID 83245			TOTAL DIVERSION:	0.060 CFS	10.50 AFA
	(208) 775-4595			CONSUMPTIVE USE:		9.00 AFA

Water Source: MARSH CREEK

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion: T07S R36E S34 NENESW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
07S	36E	34	:					:					:	03				:					:	3.0
																							TOTAL ACRES	3.0

POU County: BANNOCK

Other Rights: A29-10727 IS SUPPLEMENTAL TO THIS RIGHT

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-10718 A29-10727 A29-11802 A29-11803 A29-12002

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02016 A29-02016A A29-10718 A29-10727 A29-11620 A29-11620A A29-11873

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 29H.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29H

Field Inspection Flag:

Presumption Flag:

Audit: 03/23/90 BAUMHOFF 07/28/94 THOMPSON 03/29/95 POST-STD

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that Dale T. Bissell

Subject, however, to the condition that no more than 0.06 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 10.5 acre feet per year, said waters to be diverted within the NE 1/4 SW 1/4 Section 34,
Twp 7S, Rge 36E in the County of Bannock

[illegible]

Total number of acres irrigated 3

CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Use of water under this license is subject to control by the watermaster of State Water District No. 29H, Marsh Creek.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 15TH day of July, 19 86.

Acting for the

Director

Norman C. Young

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

all changes below
as per tel/con
12/12/80 HWS

To appropriate the public waters of the State of Idaho

1. Name of applicant Bissell Dale T. Phone 775-4595
Post office address P.O. Box 324 Inkom Idaho
2. Source of water supply Marsh Creek which is a tributary of Porcupine River
3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34 Township 7 South
Range 36 E B.M. Bunnock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.06 cfs for Irrigation purposes from May 1st to Nov 1st (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.06 cfs. _____ cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. Pump from Creek
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)
- c. Proposed well diameter is 8 inches; proposed depth of well is 100 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated 3.33

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion ~~Mussett~~ Dale Bissell

b. Who owns the land to be irrigated or place of use Dale Bissell

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Township 7 Range 36 E.B.m.

Sec 34
PD.

Scale: 2 inches equal 1 mile.

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.

Date T. B. insell
(Applicant)

(Applicant)

100-443887-100

Proposed Priority 12/10/80

Received by kw Date 12/10/80 Time 10:20
kw Date 11/28/80 Time 3:50

Preliminary check by HWT Fee \$ 30.

Received by kw Date 12/11/80 # 16116

Publication prepared by kw Date 12/11/1980

Published in Idaho State Journal

Publication dates 12/26 & 1/02/1981

Publication approved kw Date 1/12/81

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC. RA

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7571, and said application is hereby approved.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Use of water under this permit is subject to control by the watermaster of State Water District # 29 H, Marsh Creek.

Witness my hand this 22 day of January, 19 81.

David R. Tuttle
Acting Chief of Division

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

NOV 16 1984

Department of Water Resources
29-7571
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 7-29-83 Accompanied by Dale Russell Total Q measured 0.25 cfs ✓
Source Marsh Creek Tributary to _____ Supp. annubar measurement sheet used? _____
If source is surface water, estimate total flow of source _____
Methods of measurement Phot gauge Meets permit requirements? _____

Measurement calculations:
gpm values extrapolated from chart (Ranbury R&F)
*1-15 psi, 5 birds, $\frac{1}{4}" N = 7.35 \text{ gpm} \times 5b = 36.75 \text{ gpm}$
*2-16 psi, 2 birds, $\frac{1}{4}" N = 7.55 \text{ gpm} \times 2b = 15.10 \text{ gpm}$
*3-14 psi, 4 birds, $\frac{1}{4}" N = 7.15 \text{ gpm} \times 4b = 28.60 \text{ gpm}$
*4-20 psi, 4 birds, $\frac{1}{4}" N = 8.35 \text{ gpm} \times 4b = 33.40 \text{ gpm}$
 $U = 2 \text{ acres} \times 25 \text{ gpm} = 10.5 \text{ cfs}$ ✓
 $113.85 \text{ gpm} \approx 0.25 \text{ cfs}$ ✓

WELL/DEV. NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	5	Brushless	NA	Homelite				

System Description Gasoline motor/pump with intake in Marsh Creek to sprinkler lines.

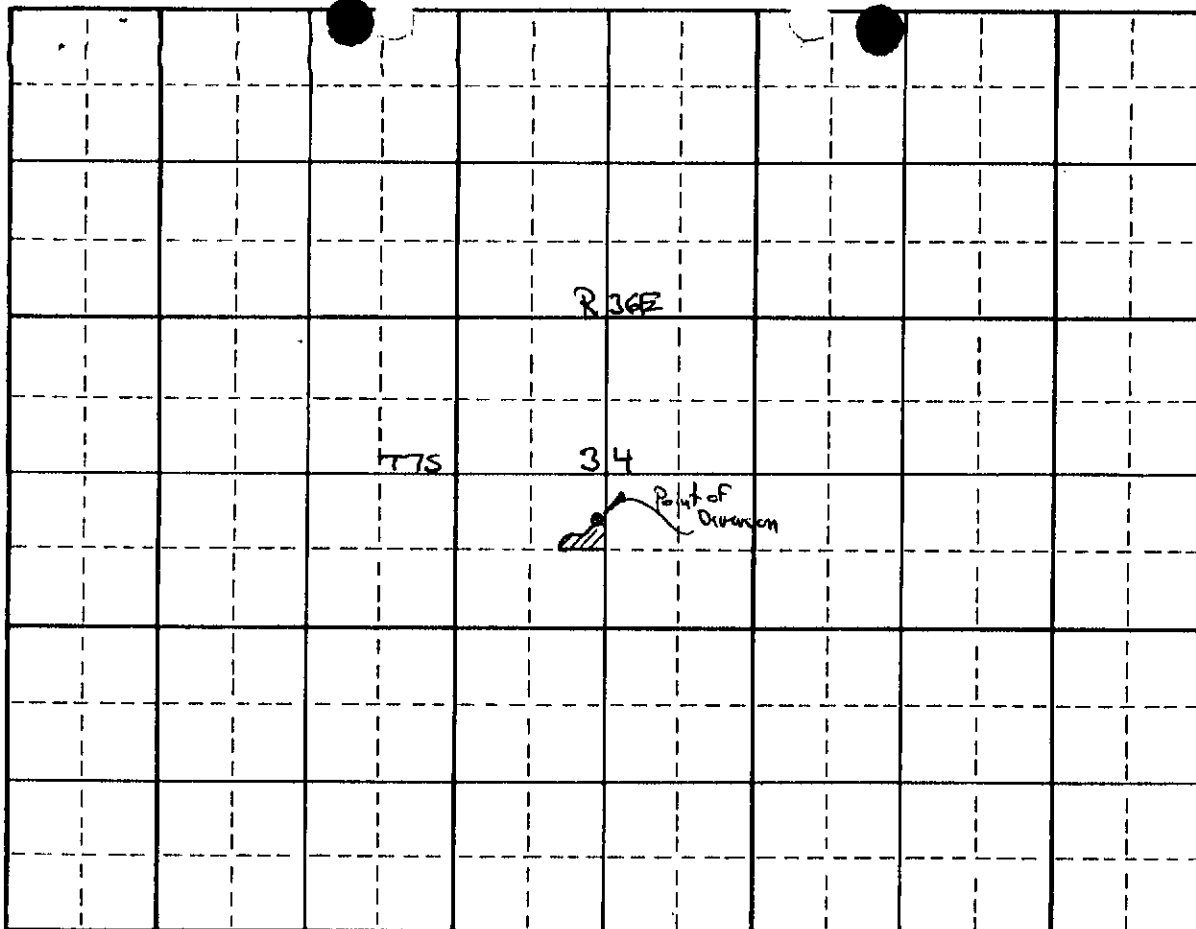
*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement =	Q (cfs)	V (afa)	FROM	TO
<u>Irrigation</u> ✓	<u>3.5</u> ✓	<u>0.06</u> ✓	<u>10.5</u> ✓	<u>ST</u>	<u>11</u>
				<u>3/15</u>	<u>11/15</u>
				<u>per rules</u>	
				<u>& regs.</u>	
Total		<u>0.06</u> ✓	<u>10.5</u> ✓		

Remarks No overlapping rights ✓

MICROFILMED



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: ☒ NE 1/4 SW 1/4 Sect. 34 T7S R36E

Place(s) of Use ☒

TWP.	RGE.	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	
7S	36E	34									3								3

Recommended Amendments:

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature

Checked by

Approved by

John Jones
Keith C. Wilson
Kay Walker

Date 5-25-84

Date 18 Nov 1984

Date 7-7-86

FILED

230E

A 555
(10024)

175

A 180.0

A 50
(10075)

A 400
(10000)



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

March 16, 1990

Dale T. Bissell
P.O. Box 324
Inkom, ID 83245

Dear Mr. Bissell:

The Idaho Department of Water Resources (IDWR) is returning your Notice of Claim to a Water Right because of insufficient information and/or fees. All items on the forms must be completed and fees submitted before the IDWR can process the notice.

Please correct the item identified below and return the notice and filing fee to the IDWR by May 1, 1990. If the corrected notice is not returned by then, the notice will be subject to an additional late fee.

The Notary Public must sign the notice in Item #16. Note: You may not notarize your own signature.

If you wish to make an appointment to discuss the corrections, please call the IDWR at (208) 525-7161.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

DALE T. OR KATHY M. BISSELL		6777
518 72 5129 518 74 5958		
P O BOX 324 775-4595		
INKOM, ID 83245		
3-13 19 90		92-1/1241
PAY TO THE ORDER OF	Idaho Dept. Water Resource	\$ 53.00
fifty three and no/100		DOLLARS
Idaho first		
IDAHO FIRST NATIONAL BANK UNIVERSITY OFFICE 52 P.O. Box 4908 Pocatello, Idaho 83205		
FOR Water Rights		NOV 13 1992
1:124100014: 110052098963 7770		