

10/29/2002

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

RIGHT NUMBER: 29-4028

NAME AND ADDRESS: DAVID LISH
5030 S OLD HWY 91
MCCAMMON ID 83250

K RAINA LISH
5030 S OLD HWY 91
MCCAMMON ID 83250

SOURCE: QUINN CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.180 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1945

POINT OF DIVERSION:

T08S R36E S36 NENWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.180 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T08S R36E S36 NWNW 9.0

STOCKWATER same as IRRIGATION

9 ACRES TOTAL

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

02/13/2003

NOTICE OF ERROR
REPLY

Allen

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-4028

DAVID LISH
5030 S OLD HWY 91
MC CAMMON ID 83250
Telephone Number: (208) 254-3313

K RAINA LISH
5030 S OLD HWY 91
MC CAMMON ID 83250
Telephone Number: (208) 254-3313

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 2/21/03 SIGNATURE: K. Raina Lish
Please print your name: K. Raina Lish

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

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MAR 01 2003

RECEIVED

FEB 28 2003

Department of Water Resources
Eastern Region



MAR 01 2006

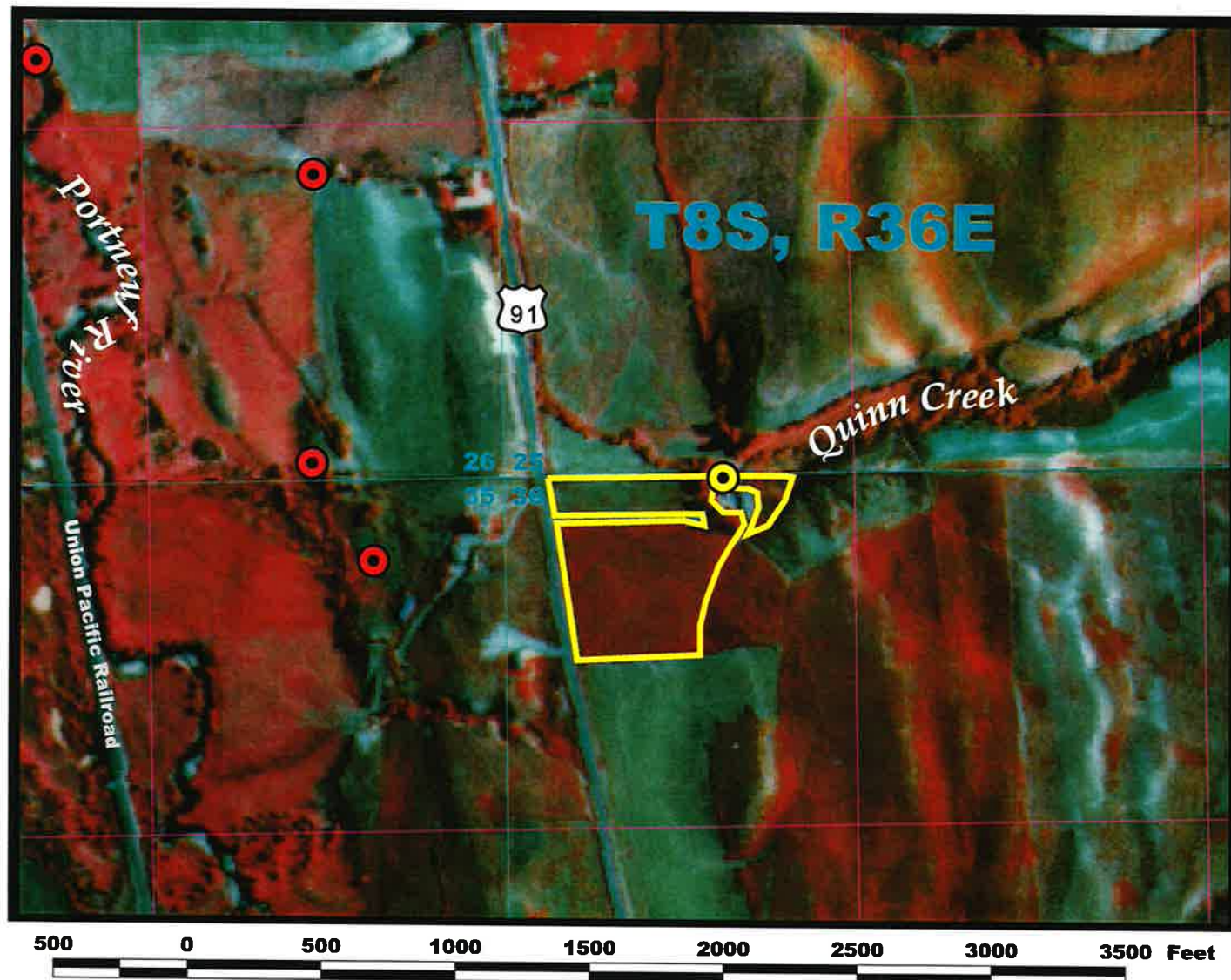
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State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-04028

Place of Use: T8S, R36E
(part of) Sec. 36 NWNW

Point(s) of Diversion: T8S, R36E
Sec. 36 NENWNW



LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter

Contacts Data Entry Form

Owner Type Full Name Address City State Zip Phone

Current Owner David Lish 254-3313

Name connector: and _____, or _____, and/or _____

Current Owner Same

Current Owner _____

Representing Attorney: No Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: Owner

Date of Field Exam: 5/2/02 Time: _____

Directions to Property (if different from above) and/or update owner information:

Old Hwy 91 No. of McCannan

Field Exam - 5/2/02 w/ Mr. Lish

Measurements: Road: 0.20 or less => No measure

6/18/02 Called Mrs. Lish - Ask she mail
THE EVIDENCE OF PRIORITY SINCE I DON'T
NEED TO DO MEASUREMENTS

7/9/02 Called Mrs. Lish 125: EVIDENCE - SHE MAILED IT
IT DID NOT ARRIVE - SHE'LL HAVE DAVID CALL

7/17/02 DAVE FAXED CC OF DOCS FOR 29-7154 (A Lapsed
PERMIT) NO HURD IN THIS MATTER.

Reviewer: SPH

Date: 5/3/02

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Priority Date Data Entry Form

Claim Number: 29-428
Water Right Priority Date: _____ Water Right Basis: Statehood
Claimed Priority Date: 6/1/1925 Claimed Basis: _____
Recommended Priority Date: _____ Recommended Basis: BU

____ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

2 May 02: Met w/ David Lish. Visited POD and
POU.

ADVISOR Mr. Lish the evidence of priority submitted
DOES NOT SPECIFY A DATE. THEREFORE, I NEED
SOMETHING ELSE. He has copies of a judgment
ON THIS PART OF THE CROOK (Quinn) He'll send
copies

Other Senior Rights reside upstream to Quinn
CR RANUA 29-258, 259B & 2060.

Robert Lanson's Affidavit shows priority evidence to 1945. ^{So Use}

Reviewer: SBA

Date: 5/3/02

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Point of Diversion and Source Data Entry Form

Claim Number: 29-4028Water Right Point of Diversion: T 85, R 36E, Sec. 36, SW SW, County: BannockSource: Quinn Creek Tributary: Pontiac River

Claimed Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T 85, R 36E, Sec. 36, NE NW NN, County: BannSource: Quinn Ch Tributary: Pontocat River

Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>85</u>	<u>36E</u>	<u>36</u>		<u>NE NW NW</u>	<u>BANN</u>	<u>Quinn Ch</u>
GPS Coordinates: <u>NONE</u>						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? NONE

Document how the POD and Source were verified and/or Pump and Motor data:

FE - Uses a small portable pump on a lawn-mower frame when there is water in creek.Original POD (probably in SWSESW Sec. 25)
was not out prior to 1920 - Creek out too deep.
No GPS, No PhotoTransfers Changing POD NONEReviewer: MSRDate: 5/3/02

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Place Of Use Data Entry Form

Claim Number: 29-4028☐ Use Claimed POU as Recommended POU~~Claimed~~ Place of Use*Recommended*

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
85	36E	36	NNNN		BROWN		10	Irrig

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Uses Small Port. pump to irrig by Flood has Law and some hay fields. There is some water to do much irrig since about 1970[±] so use is very limited - Mr. Lish wants to keep some row in stream for fish.

Transfers Changing POU NOReviewer: [Signature]Date: 5/3/02

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Purpose of Use Data Entry Form

Claim Number: _____

_____ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
irrig				

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
irrig	—	NONE	≈10	CRP-5ac

Document how the Purpose of Use was verified:

TRIPS TO irrig 10 ac - some of which is in CRP (for about 13 yrs). IS NOT ENOUGH water now to do much irrig but used to irrig ≈10 ac prior to 1970.

Transfers Changing Purpose of Use NoReviewer: DMDate: 5/3/04

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Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
irrig	04/01	10/31	0.20	

 Overall Diversion Rate 0.20 Overall Diversion Volume

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
irrig	04/01	10/31	0.20	
Stock	01/01	12/31	0.02	

 Overall Diversion Rate 0.20 Overall Diversion Volume _____

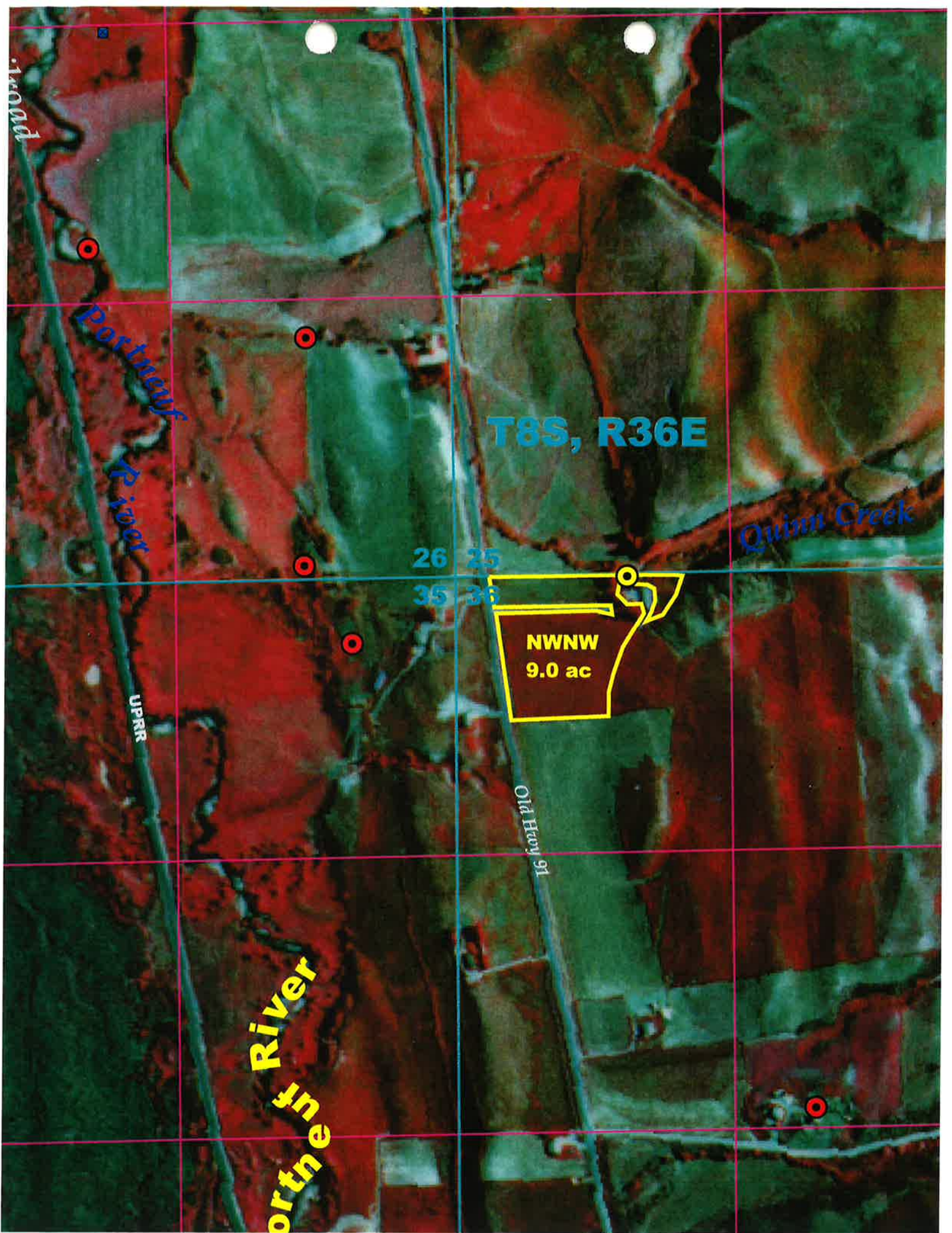
Document how the Period of Use and/or Diversion Rate were verified:

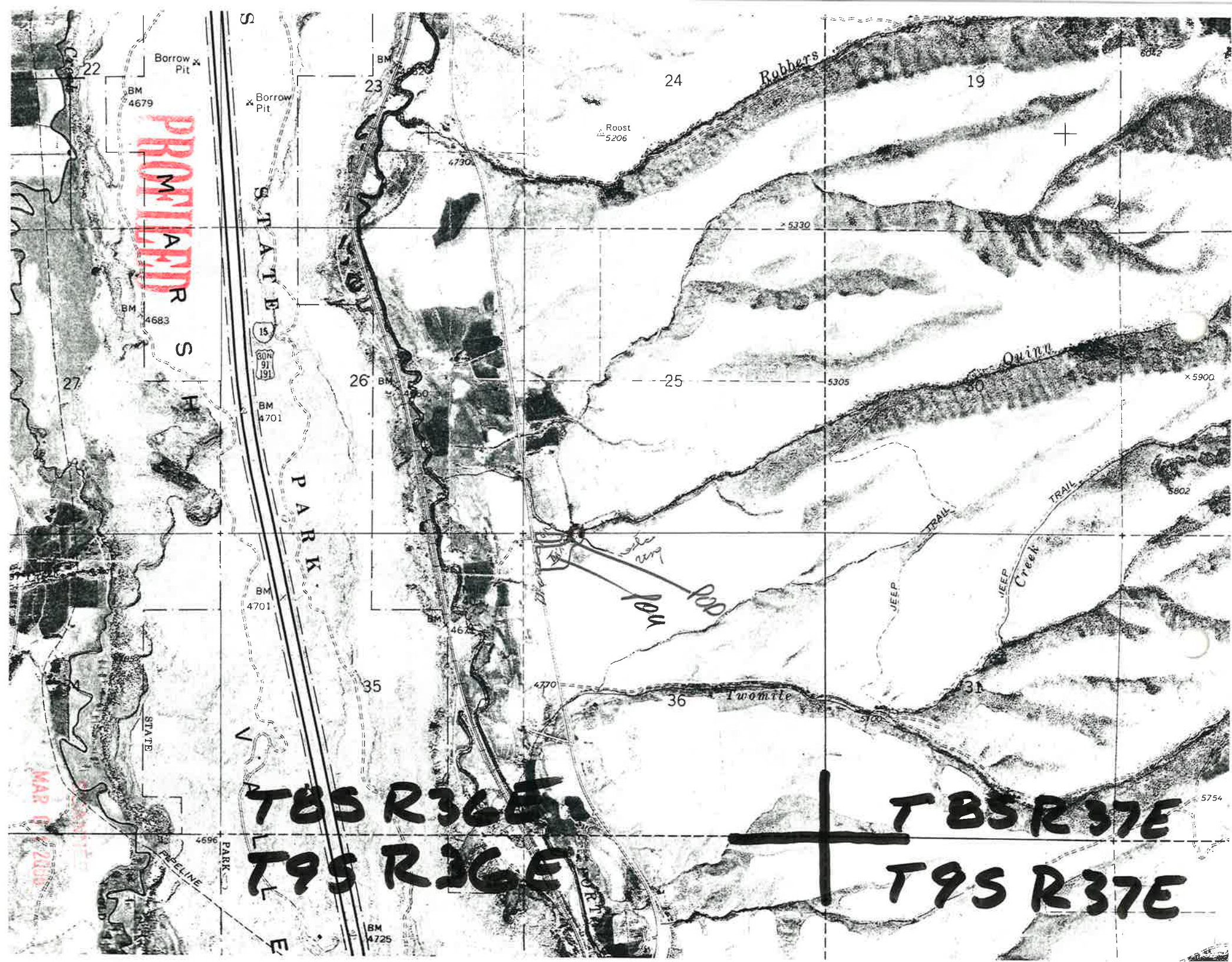
IDWR STD FOR SOU. DIV. RATE BASED ON HISTORIC
USE @ 0.02 cfs. GPS shows ~ 9 ac.

Claim references Stockwater for 25 Horses - added
to Recomm.

Reviewer: _____

Date: 5/3/02





31 January 2002

David Lish
5030 S Old Hwy 91
McCammon ID 83250

Re; Evidence of claimed Priority Date, 29-04028

Dear Mr. Lish;

I am in receipt of the claim to a water right, referenced above, which you filed 16 January 2002, from Quinn Creek for the purpose of irrigation. As with such claims the claimed Priority Date (in this case, 01 June, 1925) must be verified by documentation of some type. I am enclosing a pamphlet to aid you in obtaining such evidence; you will note several documents types, which are acceptable as evidence, supporting the claimed date.

As a claimant to a water right in the Snake River Basin Adjudication (SRBA) it is your responsibility to provide the requested information such that the claim might receive a favorable recommendation to the SRBA court.

Please provide this requested information within 30 days of the date of this letter. Should you have questions or concerns regarding this request please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc: file

Enclosure; Evidence of Priority pamphlet

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JOHN K. LOOZE
 Attorney at Law
 P.O. Box 504
 Pocatello, Idaho 83201
 Telephone: 233-0132

Post-it® Fax Note	7671	Date	1/14/01	# of pages	2
To	CNDY BIRD	From	Sing Healey		
Co./Dept.	Hi J	Co.			
Phone #		Phone #			
Fax #	776-5197	Fax #			

IN THE IDAHO DEPARTMENT OF WATER ADMINISTRATION

-----X
 IN THE MATTER OF THE CLAIM x
 OF DAVID R. LISH

EXCEPTION TO CLAIMS OF
 WATER RIGHT NOS. 29-4028
 & 29-4029
 -----X

TO: David R. Lish and the Idaho Department of Water
 Administration.

STATE OF IDAHO)
 : ss
 County of Bannock)

I, Herman D. Larsen, being first duly sworn on oath,
 depose and state:

That I take exception to the above claims of Water
Right by reason that the said water claimed thereunder has
 been appropriated to beneficial use by the Affiant prior to
 the year 1925 upon the following described real property and
 property appurtenant thereto, all of the same being located
 in the County of Bannock, State of Idaho:

The Southwest quarter, Section 25, township 8
 South, Range 36, East Boise Meridian, excepting
 therefrom the following described property, to-wit:

Beginning at the Southwest corner of Section 25,
 township 8 South, Range 36, East Boise Meridian,
 thence East 174 feet, more or less, thence North
 934.8 feet, more or less, thence West 174 feet,
 more or less, thence South 934.8 feet; more or less,
 to "Point of Beginning," all lying and situated
 in Section 25, township 8 South, Range 36 East,
 Boise Meridian, and containing 3.73 acres, more
 or less.

566 cc Jurisdiction

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Together with all and singular the tenements,
hereditaments, and appurtenances thereunto
belonging or in anywise appertaining, including
water, water rights, ditches, and canals used
in connection with the above described land or
conveying the same to or upon the said land.

DATED: This 6 day of June, 1974.

Herman D. Larsen

/s/ Herman D. Larsen
HERMAN D. LARSEN

SUBSCRIBED AND SWORN to before me this 6 day of
June, 1974.

John K. Looze
/s/ John K. Looze
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, Idaho

(SEAL)

29 4028

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Bannock
County

4/17/02

Marilyn Brown

February 19, 2002

Robert Brown

2/19/02

In regard to David John
Dunn, the writer and of
Dunn, with having owned
the property which
was my Aunt's the house
was sold on the
property in 1945

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 29-4028
Date Received: 1/16/2002
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DAVID LISH Phone: (208) 254-3313

5030 S OLD HWY 91
MCCAMMON ID USA 83250

K RAINA LISH Phone: (208) 254-3313

5030 S OLD HWY 91
MCCAMMON ID USA 83250

2. Date of Priority: 06/01/1925

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	36E	36	SW SW	BANNOCK	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	09/01	0.2	

7. Total Quantity Appropriated is:
0.2 C.F.S. and/or 25 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses: *Have written claims stockwater for 25 horses.*

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------



08S	36E	36	NW	NW	IRRIGATION	10
					Section Acres	10
					Total Acres	10

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:

14. Remarks:

TEMPORARY DAM IN CREEK, GAS PUMP FLOOD IRRIGATES.

15. Basis of Claim: Beneficial Use

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 29-04028Date Received 1-16-02Receipt Number E027387

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 16 2002

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) David R & K. Raina Lish Phone (208) 254-3313Mailing Address 5030 S. Old Hwy 91 Zip 832502. Date of Priority (Only one (1) per claim) 6-1-19253. Source of water supply (a) Quinn Creek
which is tributary to (b) Portneuf Rider4. a. Location of existing point of diversion is: Township 8S Range 36E Section 36,
_____ 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Bannock

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. temporary dam in creek,
gas pump flood irrigates.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation. purposes from 4/1 to 9/1 amount 0.20 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 25 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater, 25 head of horses.

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>8S</u>	<u>36E</u>	<u>36</u>						<u>10</u>											<u>10</u>

Total number of acres irrigated 10

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

Last Name Lish Ident No. 29-4028

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Copies: White -State, Yellow-Claimant
MAR 6 1 2006

Scale: 2 inches equals 1 mile

TBS, R36E.

25

POD.
House.

BS, 36E.

36

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MAR 01 2006

Last Name

Lish

Ident No.

29-4028

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 29-4028
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) David R Lish Date 1-14-02
H. Baena Lish Date 1-14-02

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 14 day of January 19 2002



Notary Public Cindy E Bird

Residing at Lava Hot Springs

My Commission Expires 5-1-2007

Please Print Name

17. Notice of Appearance

Notice is hereby given that _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature David R Lish

Address 5030 S. Old Hwy 91 McCannon Lda. 83250

Date 1-14-02

Last Name Lish Ident. Number 29-4028