

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

1

03/07/2003

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

1

02/26/2003

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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.

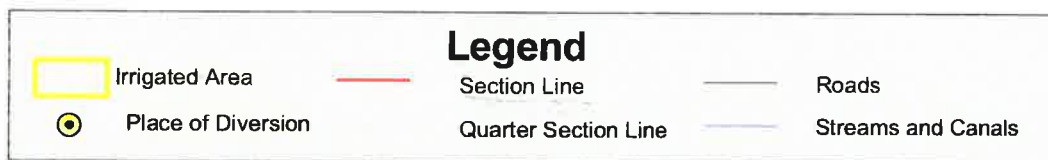
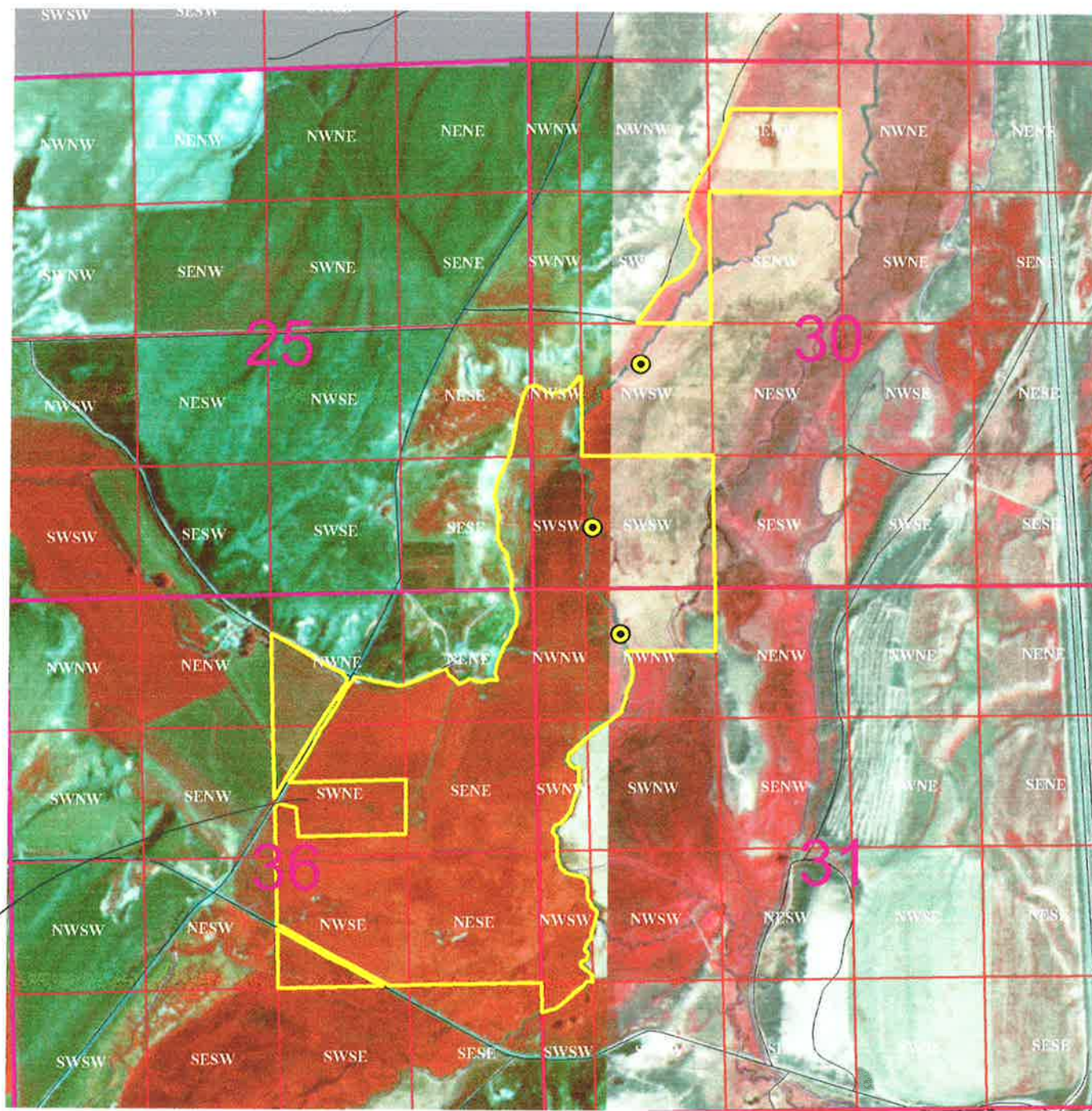
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

Water Right Claim Number A29-04302

06/30/2000

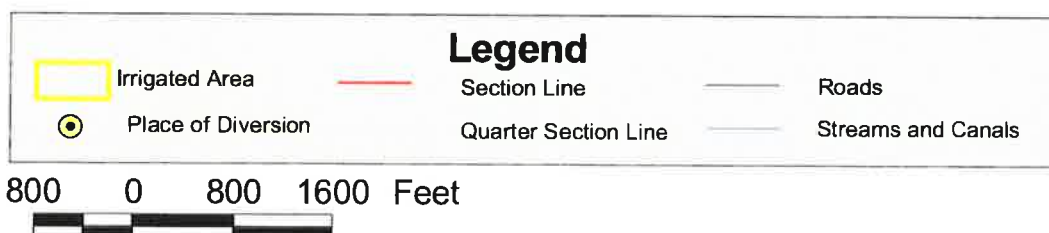
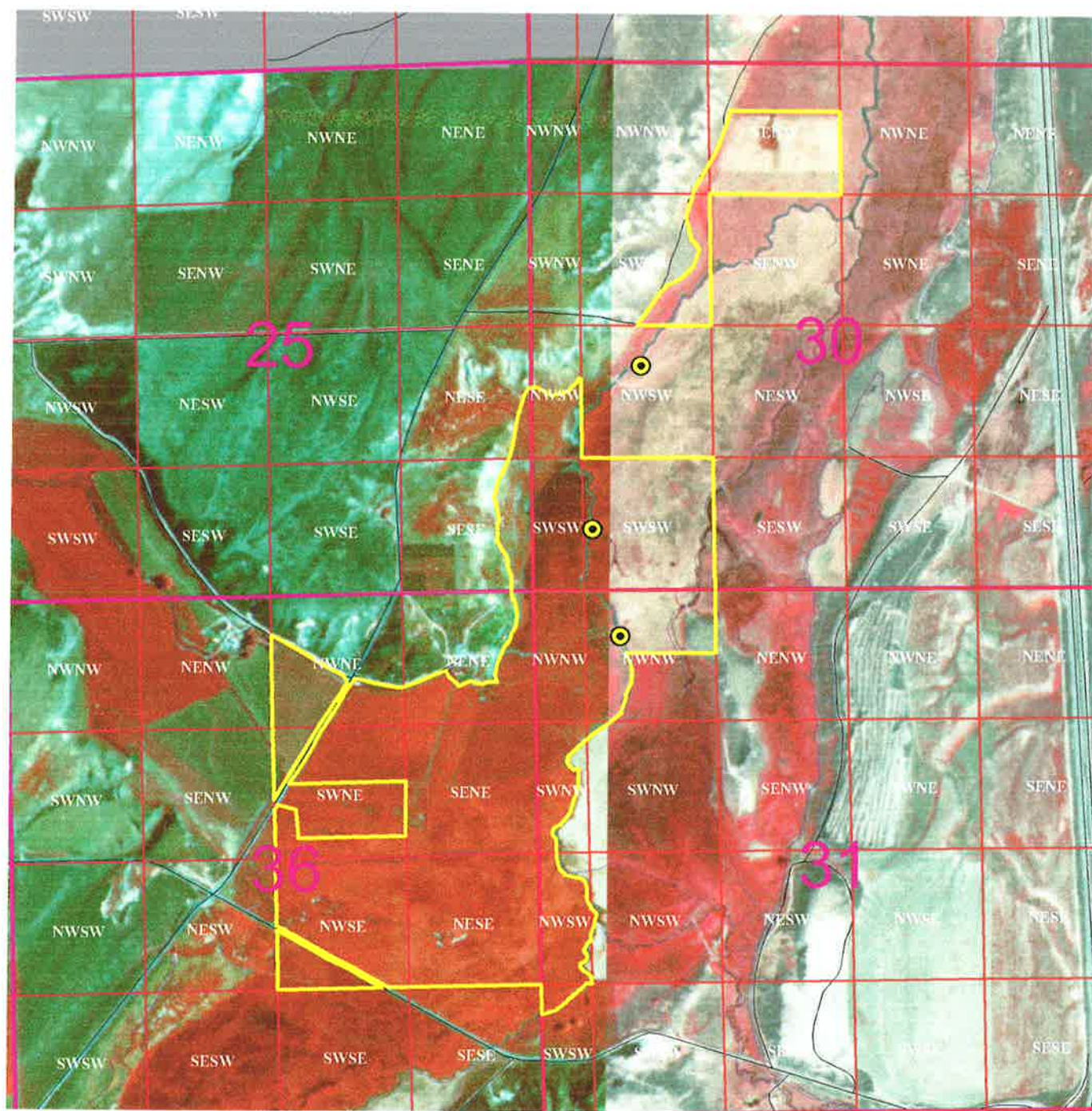
Townships , 10S37E, 10S36E



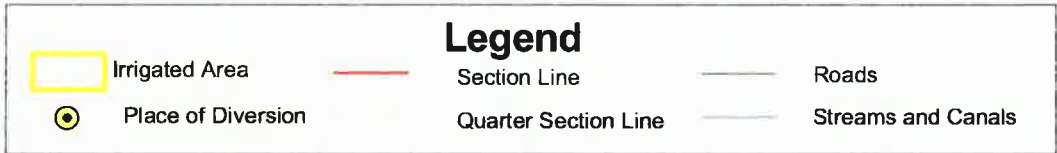
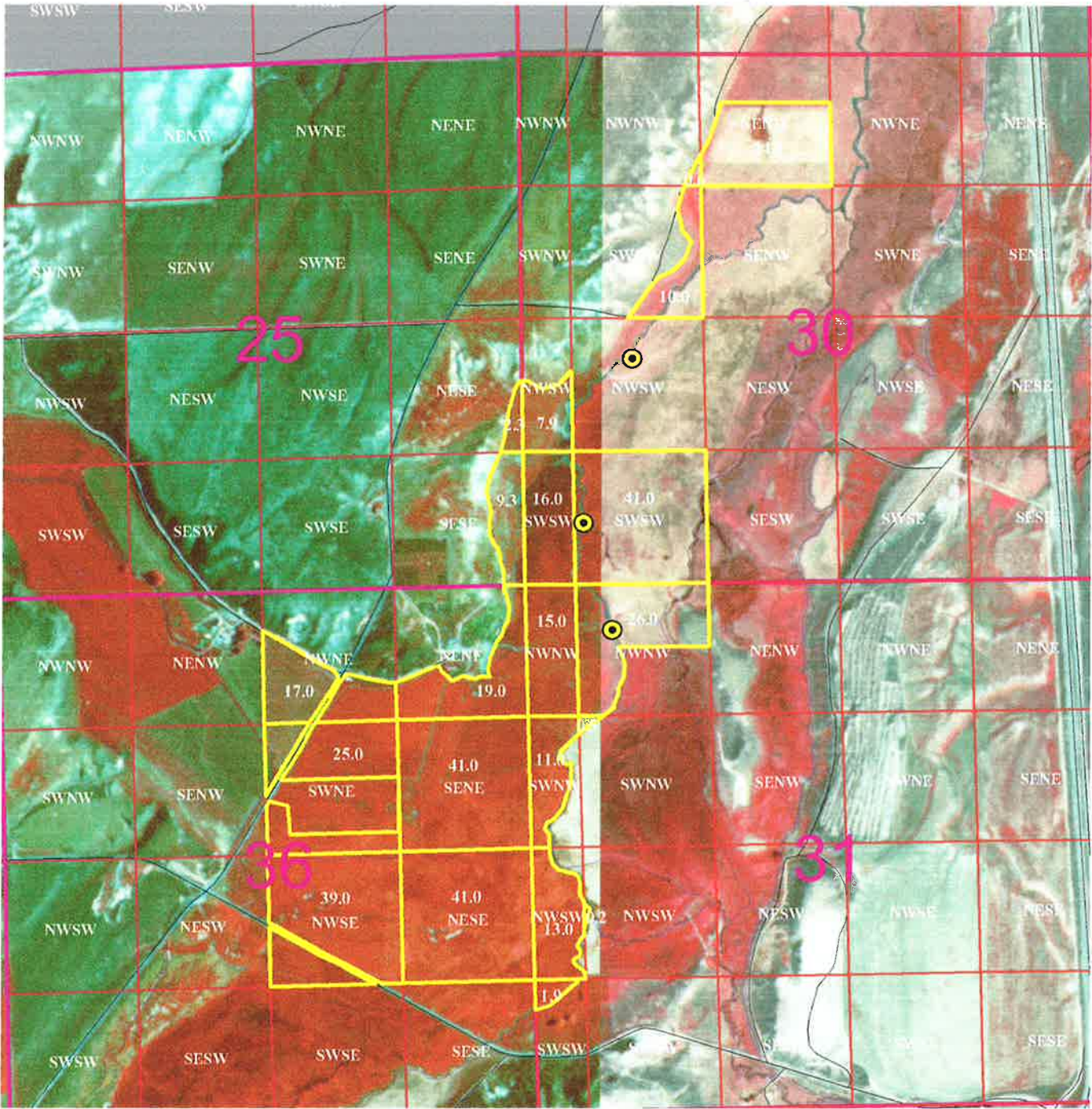
800 0 800 1600 Feet



Townships , 10S37E, 10S36E



Townships , 10S37E, 10S36E



03/07/03

Lynn Bastian
16580 South Marsh Valley
Arimo ID 83214

Re; Final recommendations; 29-04302, 29-11463, 29-11465

Dear Lynn;

This is the final cut on the recommendations and represents what I intend to forward on to the court.

I do need to point out a couple things; First, the acreage has been reduced from 323.2 to 313.0. This is because there were some areas included in the legal description that are not a part of your holdings. I have attached a copy of the page (29-11465) showing the Place of Use descriptions that are in error (circled) and deleted; annotated with ownership (hand-written). Then, because of the foregoing, the cfs was reduced accordingly on 29-04302 (only). And, while the CFS is reduced it still represents 0.02cfs/ac, maximum allowed by §42-202 and §42-220 IC.

I enclose copies of the original survey plats that illustrate the layout of the sections (30 and 31), within T10S, R37E. You can compare these to the GIS illustration while noting the discussion of the Lots with numbers vs the Quarter-Quarter/Lot number designations.

I apologize for the confusion and appreciate your understanding. I have enjoyed working with you to accurately represent your water right claims as final recommendations. If you have questions please contact me.

Respectfully submitted,

Allen Ruberry
Sr. Water Resource Agent
Adjudications Bureau

Cc: files

Enclosures: final recommendations; 29-04302, 29-11463, 29-11465
notations and original survey plat copies
GIS illustration

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MAR 24 2006

NOTICE OF ERROR
REPLY

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: 29-4302

MERLIN S BASTIAN
685 N 5400 W
MALAD CITY ID 83252
Telephone Number: (208) 766-2566

LYNN S BASTIAN
1463 E ARIMO RD
ARIMO ID 83214
Telephone Number: (208) 254-3193

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

*amend NO. 29 4302 priority date to 1926
as per evidence as submitted. add stock water
for 700 head.*

2. Describe the changes you wish to make in the proposed recommendation:

01-01 to 12-31

3. Give a brief explanation as to why you disagree with these portions:

evidence ~~sub~~ supports this request.

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

DATE:

2/25/03

SIGNATURE:

Lynn S. Bastian

Please print your name:

Lynn S. Bastian.

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

Done 2/26/03 ASR

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**NOTICE OF ERROR
REPLY**

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:

Water right number: 29-04302

Lynn S. Bastian
16580 S. Marsh Valley Rd.
Arimo, Idaho 83214

Done
3/7/03
[Signature]

Daytime Telephone Number:

Evening Telephone Number:

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: 3/4/03

SIGNATURE: *[Signature]*

Please print your name:

3/4/03

Ruberry, Allen

From: McHugh, Candice
Sent: Wednesday, November 06, 2002 8:20 AM
To: Ruberry, Allen
Cc: Music, Vicky
Subject: RE: AG letters

Disallow the claims. Short and sweet! :)

-----Original Message-----

From: Ruberry, Allen
Sent: Tuesday, November 05, 2002 3:47 PM
To: McHugh, Candice
Cc: Music, Vicky
Subject: AG letters

You recall the AG letters you sent out to encourage non-responders to contact me..... well, to date, no response... not one.

Mr. Lynn Bastian's letter was sent on Oct 16..... how long do I have to wait to get on with this process? I should think 2 weeks is long enough. If he will not respond to phone calls (by myself and Cindy) and now no response to letters I think its time to cut the cord and Disallow his claims.

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Monthly Focus:
Productivity—You reap
what you sow: Are your
efforts bringing forth the
desired results?

Far and away the best prize that life offers is
the chance to work hard at work worth doing.
— Theodore Roosevelt

30

Monday

September 2002

Daily Record of Events

273rd Day 92 Left Week 40

7:15 AM Good Morning
700 Called Kim Egan - Re: Apt to visit
to Ammono Pool Canyon - Meet
705 Called Michael Bastian - He has it
all turned to son Lynn - Call him
710 Called Rick Fulkerson - Made
apt for 10/1 @ 430pm his place
720 Called Lynn Bastian (wife) again
she gave him call for apt.
1000 Met w/ Bill Egan as apt'd. Discussed
his claims and 1000 ROR Amendment
on Marsh Ch claim. Also visited
MVCA claims @ Cabin Sp. & Yellow Dog.
1000 Went to Fuhlman Ranch to do
FB - Meet Rick tomorrow to finish.
12130 to do FB on N. Bastian
Prop. - Sources (Springs) aren't
there and Pool D's. Will await
his call -
Followed Cotton Ditch w/ ASGS
photomaps Assoc lands and
Leah Handcastles (also those
lands still held by Roger Johnson)
Files - notes/maps

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MAR 24 2006



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

October 16, 2002

Lynn S. Bastian
1463 E Arimo Road
Arimo, ID 83214

Re: SRBA Claim Nos. 29-4302, 29-11463, 29-11465

Dear Claimant:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in Basin 29 in the Snake River Basin Adjudication.

The Department of Water Resources has left three phone messages: two in August and one in September regarding the above listed SRBA claims. It is important that we receive information from you in order for us to positively recommend the above water rights. It appears that a field exam is necessary in order to verify the point of diversion, place of use and source of these water rights and perhaps amendments may be needed on your claims.

Therefore, please contact Allen Ruberry at IDWR's Eastern Region Office at 208-525-7161 or you can contact me directly at 208-327-5404. Your prompt attention to this is appreciated.

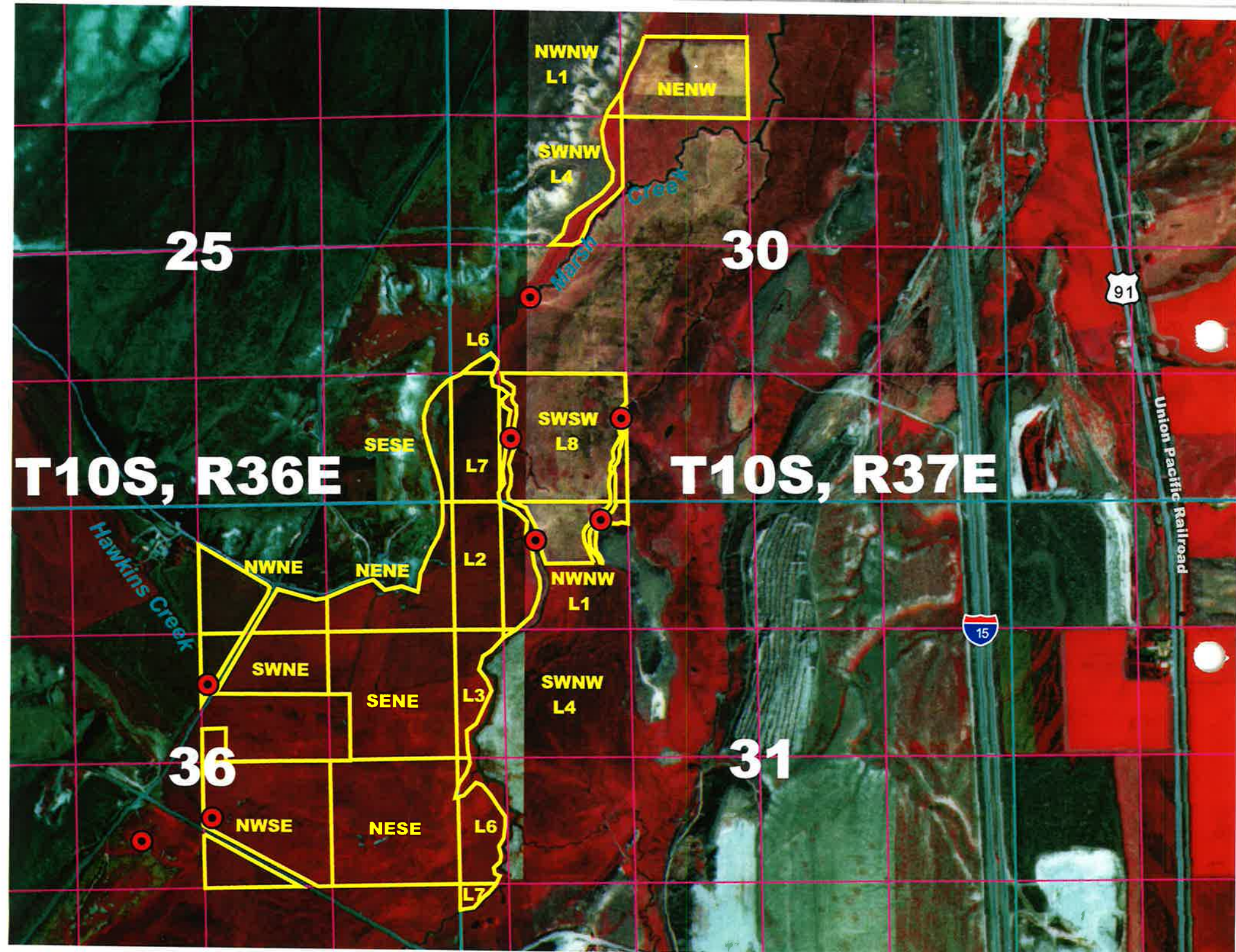
Very truly yours,

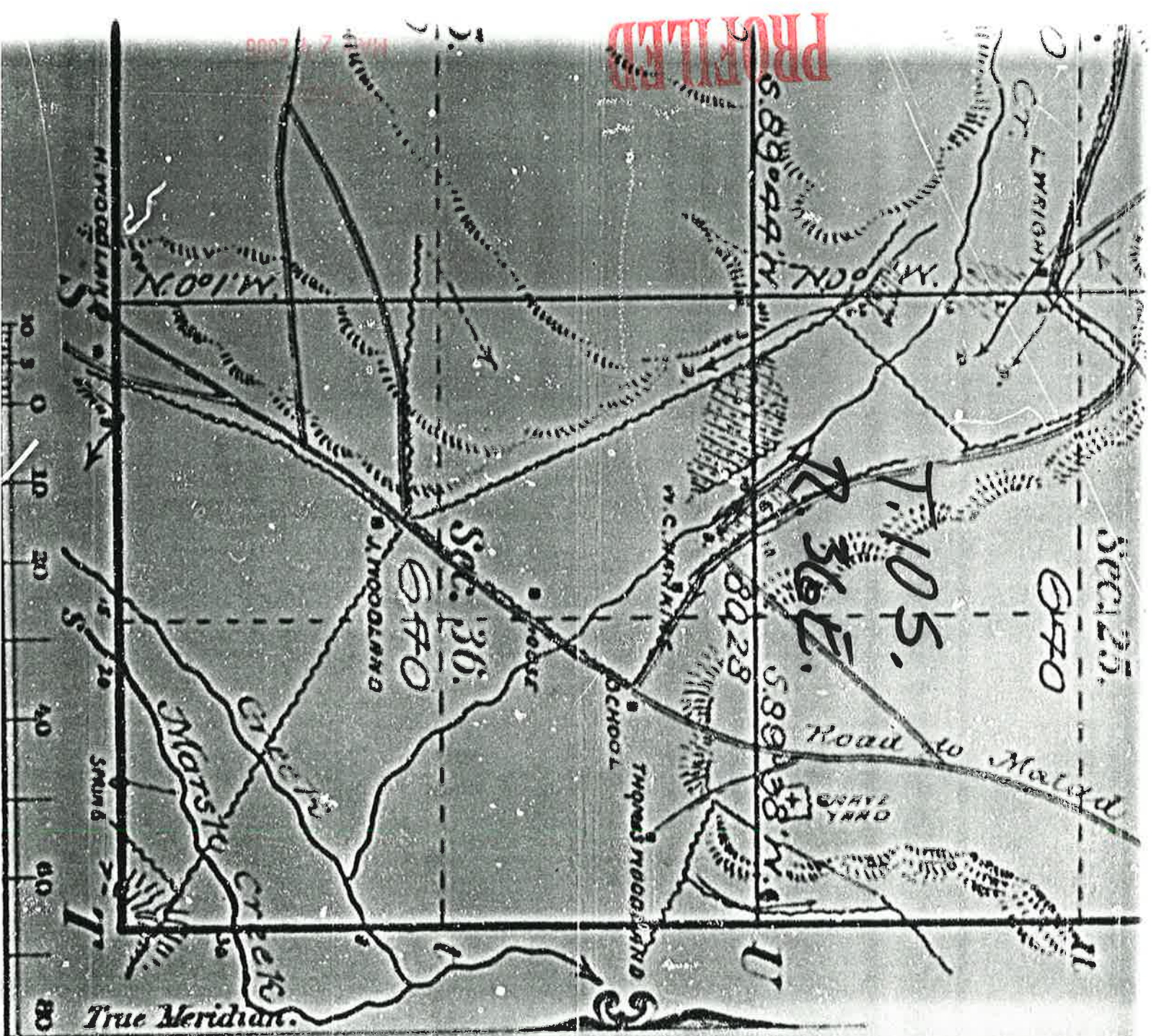
A handwritten signature in cursive script, reading "Candice McHugh", is positioned above the typed name.

CANDICE M. McHUGH
Deputy Attorney General
Idaho Department of Water Resources

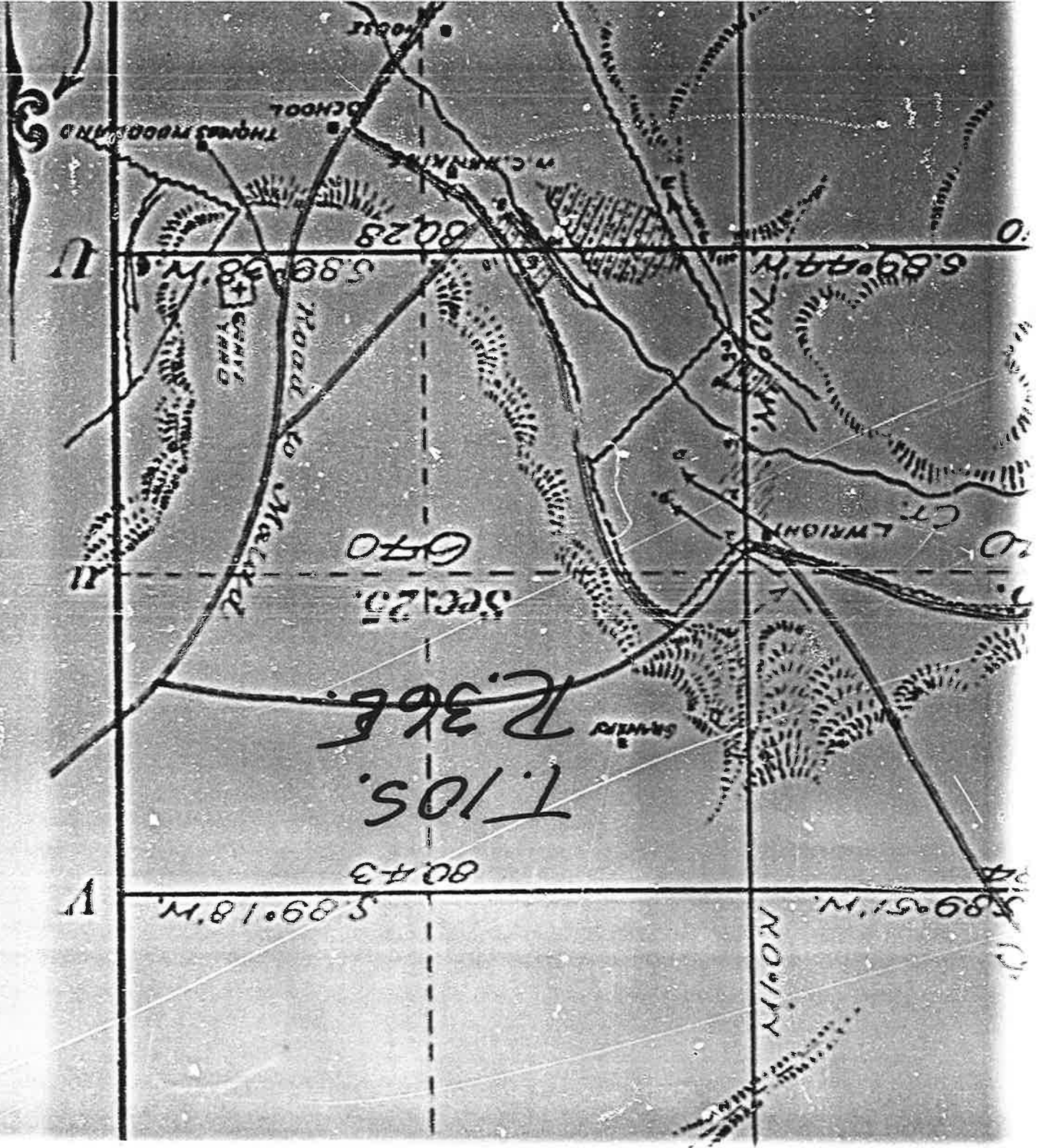
CMM/pm

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MAR 24 2006



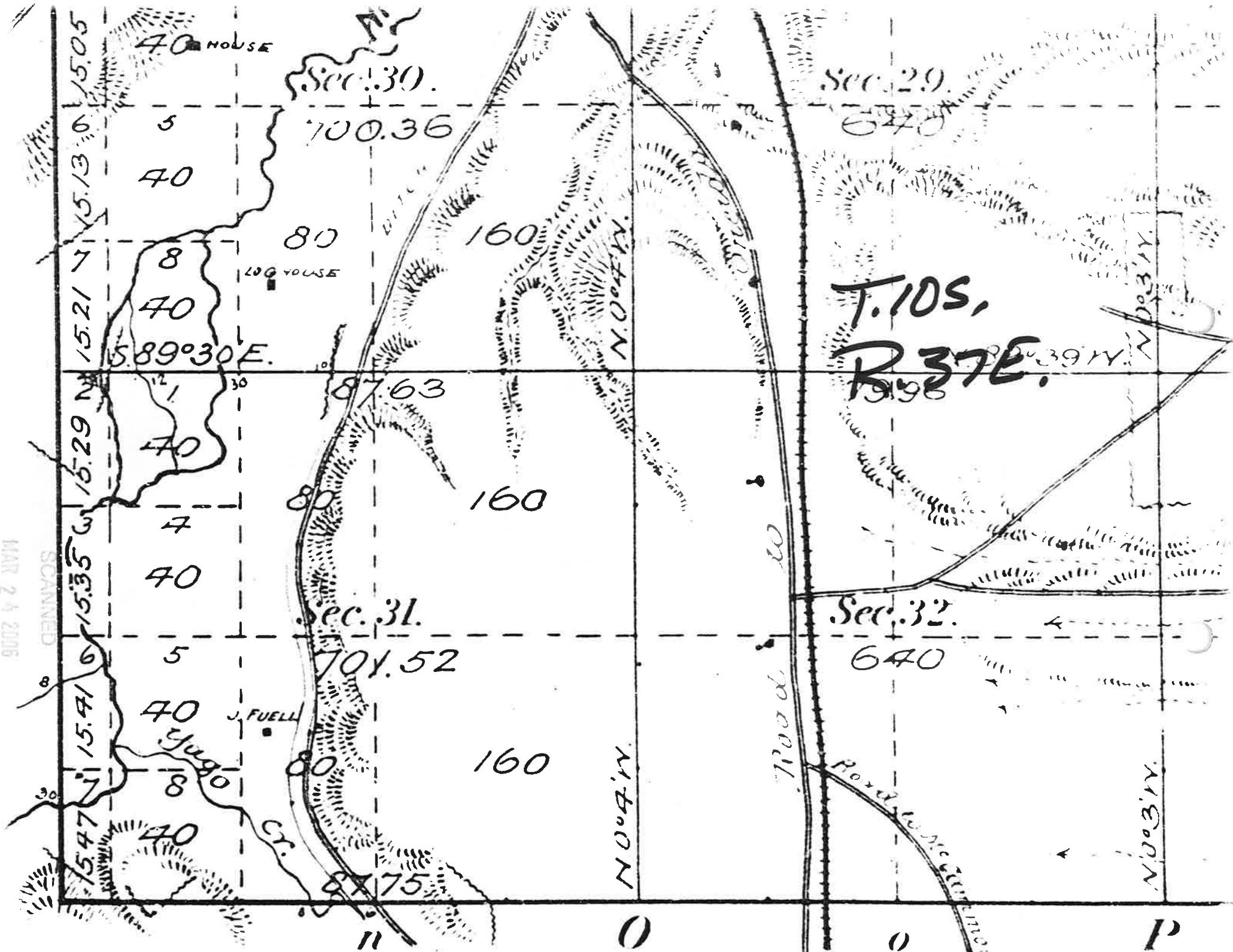


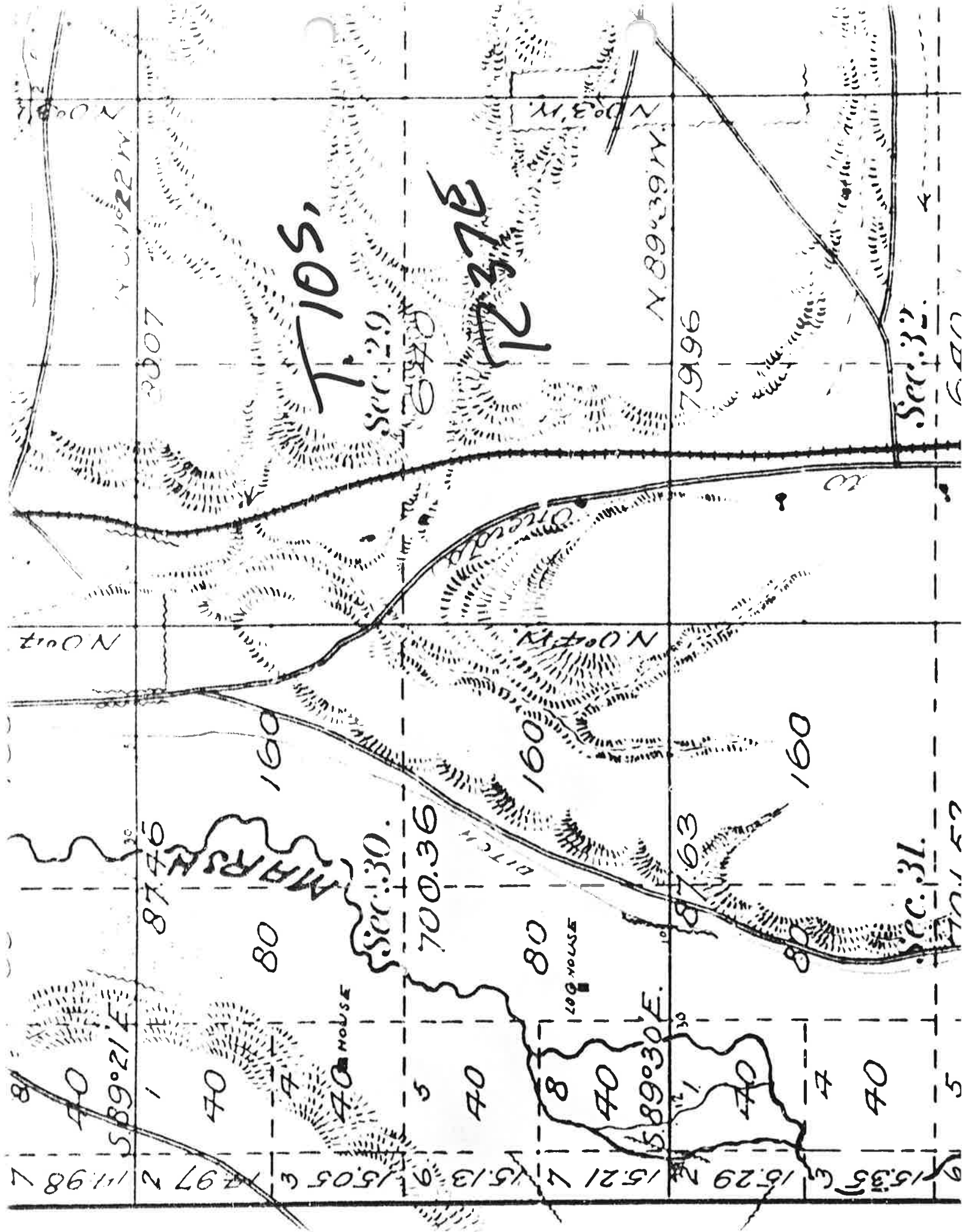
J. P. MALL



MAK 24 2005

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Contacts Data Entry Form

29-4302 Bu

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner MERLIN BASTIAN

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

Current Owner LYNN BASTIAN

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

AFTER SEVERAL ATTEMPTS TO CONTACT BASTIAN'S
BY TELEPHONE BY BOTH C. BIRD & A. RIBERRY WITH
NO RESPONSE AND AN AG LETTER BY C. McHugh
ALSO NOTTING NO RESPONSE. THIS CLAIM IS RECOMMENDED
FOR DISALLOW.

FB INDICATOR: POD'S, POU'S (SERVICED BY THIS R#)

Reviewer: _____

Date: _____

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MAR 24 2006

Priority Date Data Entry Form

Claim Number: 29-4302

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/1/1955 Claimed Basis: BU stat. 243Recommended Priority Date: 6/1/1955 Recommended Basis: "☐ 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:

Priority supported by J.R. Cole Affidavit, 1995.Evidence supports 1926 - Recommended AmendmentEntrusted measure attached: 5.8 cts (problem HERE)FE INDICATED: POD's (3), POH,

Reviewer: _____

Date: _____

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MAR 26 2006



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 4302
POD ID 193828
Quad Arimo
Claim Type L
Easting 648866
Northing 159322
GPSID A0012578

Diversion Description

DIVERSION DAMS PUMPS TO MAINLINE FOR SPRINKLER & FLOOD IRRIGATION. Pump to mainline for irrigation. Using flow meter 90.815 MG, and hour meter = 576.5 hrs, Q=5.8 cfs.

Assumptions

HP = 100, pressure head, and elevation head.

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin)
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

POD ID 193828 01.JPG POD ID 193828 03.JPG POD ID 193828 05.JPG
POD ID 193828 02.JPG POD ID 193828 04.JPG POD ID 193828 06.JPG

EPE (ft)	Date (M/D/Y)	Time	Flow Rate (CFS)
22	10/17/01	15.35	4.54922509225092

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth

☐ Rectangular Channel

Width

Depth

POD in Sec. 30
Lot 8 (SW SW)

Flow Calculation

☐ Continuity Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water
above orifice
centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water
above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System



HP 100

Pressure Head (psi) 50

Elevation Head (ft) 20

Motor Mfg

Motor Serial # XDZZXL106

Pump Type Centrifugal

Pump Mfg Peerless

Pump Serial#

New Contact Information



New Contact Comments

On 10/18/01 - MEASURED ON
Wm Egan Ranch @ 17.24 ds
This POD (MEASUREMENT) IS
ABOUT 1 1/2 mi upstream -
DON'T UNDERSTAND THE LOSS
OF FLOW IN MARSH CK

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MAR 24 2006



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 4302
POD ID 193830
Quad Arimo
Claim Type L
Easting 648957
Northing 159027 ~~195027~~
GPSID A0012602

Diversion Description

DIVERSION DAMS PUMPS TO MAINLINE FOR SPRINKLER & FLOOD IRRIGATION. Large diversion dam across Marsh Creek with checks to divert to flood irrigation.

Assumptions

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

OD ID 193830 01.JPG OD ID 193830 03.JPG

Photos

OD ID 193830 02.JPG OD ID 193830 04.JPG

EPE (ft)

7

Date (M/D/Y)

10/17/01

Time

14.32

Flow Rate (CFS)

7.19999980926514

7.2

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth 2

☒ Rectangular Channel

Width 2

Depth 2

Flow Calculation

☐ Continuity

Velocity

1.8

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope 0

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

POD in Sec.31 Lot 1
(NWNW)

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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID 29 4302
POD ID 193829
Quad Arimo
Claim Type L
Easting 648939
Northing 159778
GPSID A0012577

Diversion Description

DIVERSION DAMS PUMPS TO MAINLINE FOR SPRINKLER & FLOOD IRRIGATION. Diversion is shared with PODID 203368. When dam is used, claimant pumps from POD ID 193828. Flow measurement calculatino based upon diversion works capacity (pump) at POD ID 193828.

Assumptions

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

OD ID 193829 01.JPG OD ID 193829 03.JPG OD ID 193829 05.JPG

OD ID 193829 02.JPG OD ID 193829 04.JPG

EPE (ft) 6 Date (M/D/Y) 10/17/01 Time 15.56 Flow Rate (CFS) 4.54922509225092

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half ful
☐ Full

Diameter 0

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☒

HP 100

Pressure Head (psi) 50

Elevation Head (ft) 20

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

POD in Sec 30 Lots (NW1/4)

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Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
105	378	30	5	NWSW	Bann	MANSA CK
GPS Coordinates:				648939		159778
		30	8	SWSW		MANSA CK
GPS Coordinates:				648866		159322
		31	1	NWNW		MANSA CK
GPS Coordinates:				648957	(195027) SNOR	159027
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						

Other rights from this POD? _____

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

CLAIMS THREE POD'S SUPPORTED BY J.R. COLLS AFFIDAVIT.
SEE INTRABOD PHOTOS OF POD'S AND GPS POINTS

ONE PUMP (DIESEL) AT CENTER POD WHICH TAKES
WATER UPHILL TO SEEB SEC. 25 105/360 FOR EITHER
SPRINKLER OR FLOOD IRRIG TO LOWER LANDS IN MEADOW.

Transfers Changing POD _____

Reviewer: _____

Date: _____

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Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Claims 368 AC TOTAL 588 CLAIM

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
105	36E	25					13	
		36					176	
105	37E	30					107	
		31					72	

Total Acres 368

Recommended Place of Use

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

Total Acres 311²

Document how the POU was verified:

INTERVIEW ENG. INDICATES Pump, MAINLINE. Sprinkler System -
How is system Laid out?

Amount to ADD stockwater from in-stream @ 0.02 cfs

Transfers Changing POU _____

Reviewer: _____

Date: _____

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MAR 24 2003

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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Perdig</i>	<i>3/1</i>	<i>11/30</i>	<i>6.72</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate *6.72* Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Perdig</i>	<i>4/1</i>	<i>10/31</i>	_____	_____
_____	_____	<i>DEPT STO.</i>	_____	_____
<i>Stock</i>	<i>11/01</i>	<i>12/31</i>	<i>0.02</i>	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

How many Ac's in POU - Estadio Agric. @ 5.8 cfs
By pump system -

Reviewer: _____

Date: _____

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29-04302 29-11463 AND 29-11465

I. PLACE OR USE: REFER TO COPIES OF ORIGINAL PLAT.

THERE EXISTS POTENTIAL FOR CONSIDERABLE CONFUSION WHEN DEFINING PLACE OR USE DESCRIPTIONS. SECTIONS 30 AND 31 OF T.10S. R37E. ARE SOMEWHAT UNIQUE IN THAT THERE EXISTS AN EXTRA AREA ALONG THE WEST (NORTH TO SOUTH) EDGE OF THIS TOWNSHIP. THIS EXTRA AREA IN EACH SECTION IS DERIVED BY LOT NUMBERS W/O ASSOCIATED QQ REFERENCES. THEN THAT AREA DEFINED (AS W²W²) ALL 40AC TRACTS ALSO HAVE LOT NUMBERS BUT ALSO HAVE ASSOCIATED QQ REFERENCES.

CARE MUST BE TAKEN WHEN DEFINING PLACE OR USE TO CORRELATE THE CORRECT POU DESCRIPTION TO THE ASSOCIATED ACRES, EITHER LOTS ONLY OR LOTS WITH QQ DESIGNATIONS.

REFER TO GIS POU BY QQ/LOT# MAP ATTACHED.

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MAY 22 2001

Log for claim A29-04302

Spatial Dynamics BTD

6/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	25	NESE	2	2.3	
10s36e	25	SESE	11	9.3	
10s36e	36	NENE	26	19	
10s36e	36	NWNE	21	17	
10s36e	36	SWNE	19	25	
10s36e	36	SENE	35	41	
10s36e	36	NESE	38	41	
10s36e	36	NWSE	37	39	
10s37e	30	NENW	30	24	
10s37e	30	NWNW	2	0.6	
10s37e	30	SWNW	16	10	
10s37e	30	NESW	0	0	
10s37e	30	NWSW	6	7.9	
10s37e	30	SWSW	38	41	
10s37e	30	SWSW	15	16	
10s37e	30	SESW	0	0	
10s37e	31	SWSW	2	0	
10s37e	31	NWNW	26	26	
10s37e	31	NWNW	15	15	
10s37e	31	SWNW	1	0.5	
10s37e	31	SWNW	10	11	
10s37e	31	NWSW	4	0.2	
10s37e	31	NWSW	14	13	
Totals:			368	358.8	

WEST SIDE

MARSH CLK

4739

N42 31. 26.7

W112 11 15.6

Ditch

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Merlin S. Bastian (Name of Claimant)
Rt. 1, Malad, ID 83252 (Mailing Address) Telephone No. 766-2566 (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1955

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Marsh Creek tributary to Portneuf River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>6.72 cfs</u>		Use <u>Irrigation</u>		Period of Use From <u>3-1</u>	To <u>11-30</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) 6.72 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot 8 SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30 Twp. 10S Rge. 37E B.M., County of Bannock
Additional points of diversion: (Lot 5) NWSW, Sec. 30 and (Lot 1) NWNW, Sec. 31, T. 10S R. 37E.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Dams, pump and pipeline

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			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 $\frac{1}{4}$	
10S	36E	25													2			11	13
		36	26	21	19	35									38	37			176
10S	37E	30					19	2	16		6	38							81
							L1	L4			L6	L8							
		30										10							10
												L7							
		31					26	8			9	2							45
							L1	L3			L6	L7							
10S	37E	31					10				2								12
							L2				L5								

No. of acres 337

If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

March 30, 1995

To Whom It May Concern

This Statement is To Tell you That in 1959, I Khalil Scott of Scott Service - Malad Idaho did weld on a pipe line for Merlin Bastion. This pipe was for pumping the water from Marsh Creek up the Hill for irrigation.

Khalil Scott

Khalil Scott appeared before me and is the above signed person on this document.



Lela Blaudell of Malad City, Idaho

This day 30th March 1995
commission expires 1-17-99

Does NOT confirm 1955 date
claimed.

MICROFILMED
NOV 13 1990

I, J. Royal Cole of Arimo, Idaho, remember in 1926 when I was a young man of 16 years of age, that George Morrison, running the ranch of Tom Woodland, was diverting water from the Marsh Creek to water his meadows. The point of diversion being:

T10S R37E S30 Lot05(NWSW) Lot 08(SWSW)
S31 Lot01(NWNW)

I have been a life long neighbor to this ranch which is now owned by Merlin S. Bastian and Lynn S. Bastian.

I attest to the fact that this is a true statement.

Royal Cole
signed

3-21-95
dated

UTAH
STATE OF ~~IDAHO~~
COUNTY OF WASHINGTON

On this 27th day of March, 1995, personally appeared before me, a Notary Public, Royal Cole who acknowledged that he executed the foregoing statement.



Christopher Weidman
NOTARY PUBLIC for: UTAH
Residing at: St George
My commission expires: 12/9/97

MICROFILMED
NOV 13 1996

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 29-4302
Date Received: 1/16/1990
Receipt No: E011744
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MERLIN S BASTIAN Phone: (208)766-2566

685 N 5400 W
MALAD CITY ID USA 83252

LYNN S BASTIAN Phone: (208)254-3193

1463 E ARIMO RD
ARIMO ID USA 83214

2. Date of Priority: 06/01/1926

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	37E	31	NW NW NW 1	BANNOCK	
10S	37E	30	NW SW SW 8	BANNOCK	
10S	37E	30	NW NW SW 5	BANNOCK	

5. Description of diverting works:

DIVERSION DAMS PUMPS TO MAINLINE FOR SPRINKLER & FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/30	6.72	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
6.72 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
 Number of other uses: 700

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
10S	36E	25	NE	SE		IRRIGATION	2
			SE	SE		IRRIGATION	11
						Section Acres	13
10S	36E	36	NE	NE		IRRIGATION	26
			NW	NE		IRRIGATION	21
			SW	NE		IRRIGATION	19
			SE	NE		IRRIGATION	35
			NE	SE		IRRIGATION	38
			NW	SE		IRRIGATION	37
						Section Acres	176
10S	37E	30	NE	NW		IRRIGATION	30
			NW	NW	1	IRRIGATION	2
			SW	NW	4	IRRIGATION	16
			NW	SW	6	IRRIGATION	6
			SW	SW	7	IRRIGATION	15
			SW	SW	8	IRRIGATION	38
						Section Acres	107
10S	37E	31	NW	NW	1	IRRIGATION	26
			NW	NW	2	IRRIGATION	15
			SW	NW	3	IRRIGATION	10
			NW	SW	5	IRRIGATION	4
			NW	SW	6	IRRIGATION	14
			SW	SW	7	IRRIGATION	2
			SW	NW	4	IRRIGATION	1
						Section Acres	72
						Total Acres	368

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:

AMENDED TO CORRECT PRIORITY DATE AND ADD STOCKWATER

15. Basis of Claim: Beneficial Use

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

Signature of Claimant(s):

[Signature]

Date: 3/4/03

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 4th
of March 2003

[Signature]

Notary Public

Residing at 2040 Paul Stano

My commission Expires 9/23/03

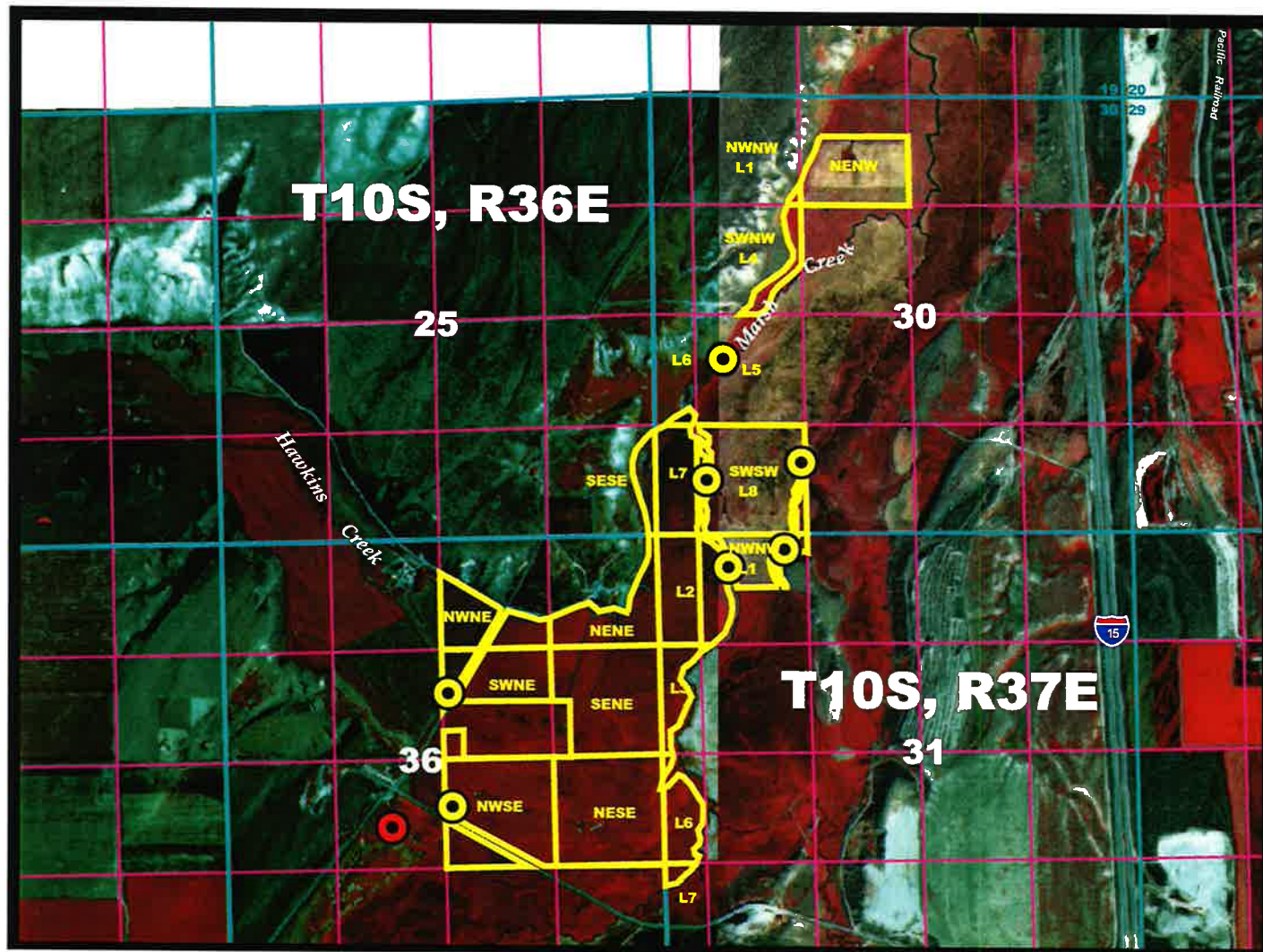




State of Idaho

Department of Water Resources

Eastern Region

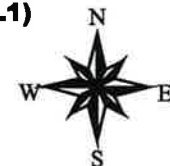


Water Right(s):

29-04302,
29-11463,
29-11465

Place of Use: (parts of): T11S, R36E
Sec. 25 S2, Sec. 35 NE, Sec.36 N2

Point(s) of Diversion: Hawkins Ck
T10S, R36E Sec. 36 NWSWNE
NWNWSE (Rediv)
Marsh Creek:
T10S, R37E Sec. 30 NWNWSW (L5),
NWSWSW (L8), Sec. 31 NWNWNW (L1)
Unnamed Stream: NESWSW (L8),
NENWNW (L1)



LEGEND



Point of Diversion

SESE

Place of Use



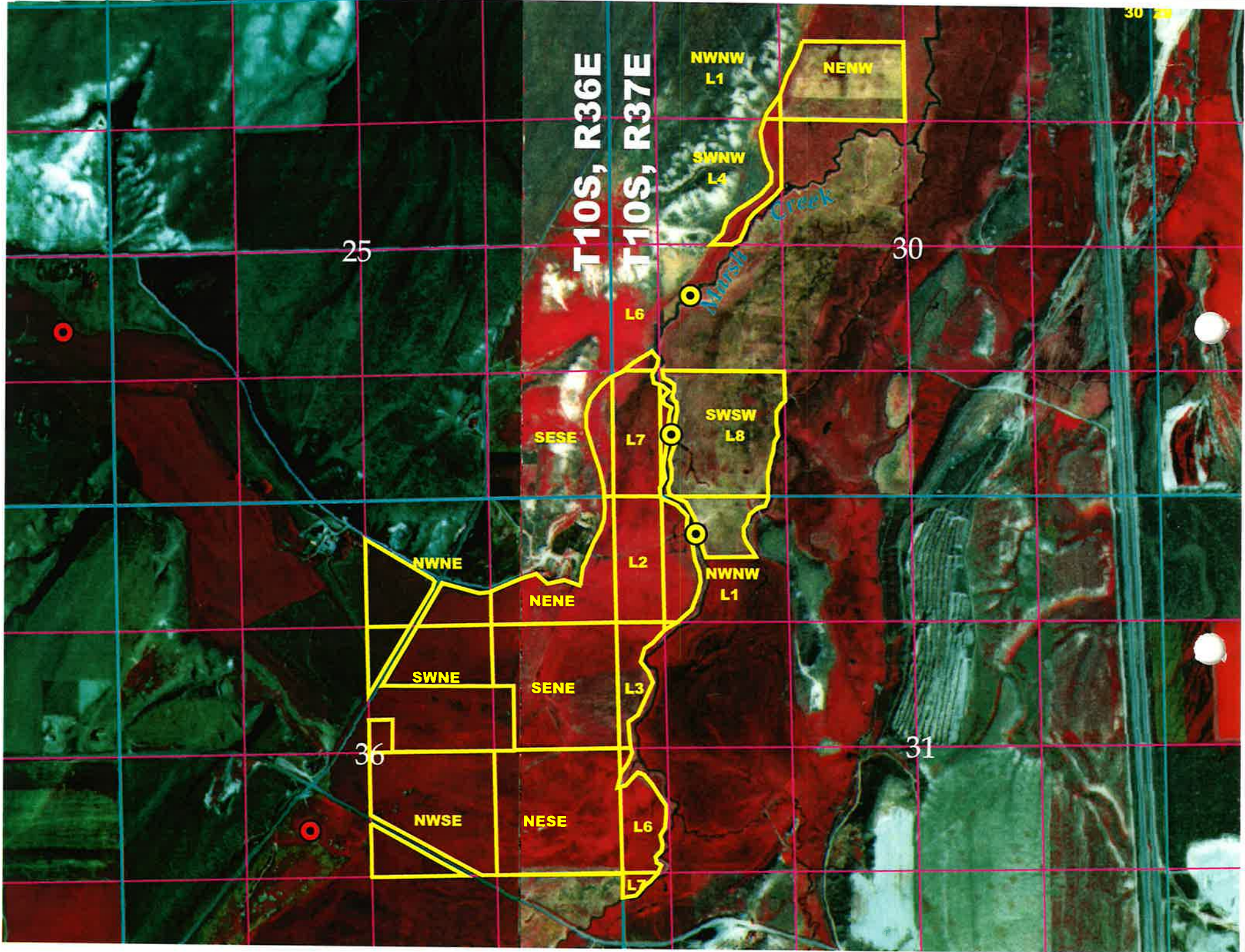
Section



Quarter-Quarter

750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 7500 8250 9000 9750 10500 11250 12000 12750 Feet

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: February 2003





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW
EASTERN REGION

DIRK KEMPTHORNE
Governor

RIGHT NUMBER: 29-4302
NAME AND ADDRESS: MERLIN S BASTIAN
685 N 5400 W
MALAD CITY ID 83252
LYNN S BASTIAN
1463 E ARIMO RD
ARIMO ID 83214

DISALLOWED

KARL J. DREHER
Director

SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.000 CFS
PRIORITY DATE: 06/01/1955
POINT OF DIVERSION:

T10S R37E S30 NWSW Lot 5 Within BANNOCK County
T10S R37E S30 SWSW Lot 8 Within BANNOCK County
T10S R37E S31 NWNW Lot 1 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/30	

PLACE OF USE: IRRIGATION Within BANNOCK County

T10S R36E S25	NESE	T10S R36E S25	SESE
T10S R36E S36	NENE	T10S R36E S36	NWNE
T10S R36E S36	SWNE	T10S R36E S36	SENE
T10S R36E S36	NESE	T10S R36E S36	NWSE
T10S R37E S30	NENW	T10S R37E S30 Lot 1	NWNW
T10S R37E S30 Lot 4	SWNW	T10S R37E S30 Lot 6	NWSW
T10S R37E S30 Lot 7	SWSW	T10S R37E S30 Lot 8	SWSW
T10S R37E S31 Lot 1	NWNW	T10S R37E S31 Lot 2	NWNW
T10S R37E S31 Lot 3	SWNW	T10S R37E S31 Lot 4	SWNW
T10S R37E S31 Lot 5	NWSW	T10S R37E S31 Lot 6	NWSW
T10S R37E S31 Lot 7	SWSW		

0.0 ACRES TOTAL

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

NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

NO BENEFICIAL USE FOUND.

EXPLANATORY MATERIAL: Beneficial Use

MAY 22 2001

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: A29-04302
Date Received: 1/16/1990
Receipt No: E011744
Received By: Kay

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERLIN S. BASTIAN
Address: RT. 1
MALAD, ID
OR
Name: LYNN S. BASTIAN
Address: 1463 EAST ARIMO ROAD
ARIMO, ID

83252

83214

208-766-2566

H 897-5066
208-254-3193

C 251-3193

A2904302



2. Date of Priority: JUN 01, 1955

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
10S	37E	30	NW	SW		5	BANNOCK
			SW	SW		8	BANNOCK
		31	NW	NW		1	BANNOCK

5. Description of diverting works:

DIVERSION DAMS PUMPS TO MAINLINE FOR SPRINKLER & FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/30	6.720		

7. Total Quantity Appropriated is:

6.720 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 368.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

A29-04302

Page 1

Date: 01/16/90

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	36E	25	NE		SE		IRR	2.0
			SE		SE		IRR	11.0
							Section Acres	13.0
		36	NE		NE		IRR	26.0
			NW		NE		IRR	21.0
			SW		NE		IRR	19.0
			SE		NE		IRR	35.0
			NE		SE		IRR	38.0
			NW		SE		IRR	37.0
							Section Acres	176.0
	37E	30	NE		NW		IRR	30.0
			NW		NW	1	IRR	2.0
			SW		NW	4	IRR	16.0
			NW		SW	6	IRR	6.0
			SW		SW	7	IRR	15.0
			SW		SW	8	IRR	38.0
							Section Acres	107.0
		31	NW		NW	1	IRR	26.0
			NW		NW	2	IRR	15.0
			SW		NW	3	IRR	10.0
			SW		NW	4	IRR	1.0
			NW		SW	5	IRR	4.0
			NW		SW	6	IRR	14.0
			SW		SW	7	IRR	2.0
							Section Acres	72.0
							Total Acres	368.0

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:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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

Signature of Claimant(s): *Martin J. Bastian* Date: Jan 16 - 90
Date: _____

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 16 day
of Jan 1990

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires 6-30-94

es equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by

A29-G4302

NOV 13 1992

MICROFILMED

