

RIGHT NUMBER: 29-7006

NAME AND ADDRESS: MERLIN S BASTIAN  
RT 1  
MALAD ID 83252

685 N 5400 W

LYNN S BASTIAN  
1463 E ARIMO RD  
ARIMO ID 83214

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.53 CFS  
994.0 AFY

PRIORITY DATE: 01/10/1968

POINT OF DIVERSION:

T10S R36E S14 SWNE Within BANNOCK County

T10S R36E S14 NESE Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/15

2.530 CFS  
994.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS  
LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT  
EXCEEDED. THE USE OF WATER AFTER [OCTOBER 15] UNDER THIS REMARK IS  
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR  
LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL  
DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within BANNOCK County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T10S R36E S13 | NWSW | 15.0 | T10S R36E S13 | SWSW | 10.0 |
| T10S R36E S14 | SWNE | 40.0 | T10S R36E S14 | SENW | 40.0 |
| T10S R36E S14 | NESW | 40.0 | T10S R36E S14 | SESW | 40.0 |
| T10S R36E S14 | NESE | 40.0 | T10S R36E S14 | NWSE | 40.0 |
| T10S R36E S14 | SWSE | 40.0 | T10S R36E S14 | SESE | 40.0 |

345 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.

EXPLANATORY MATERIAL: License

Div Volume

$2.53 \text{ CFS} \times 1.9835 \times 198 \text{ DAY} = 994.$

02/08/2003

*Dave*

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: 29-7006

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

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

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:

2/25/03

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

PROFILED

SCANNED

APR 05 2003

RECEIVED

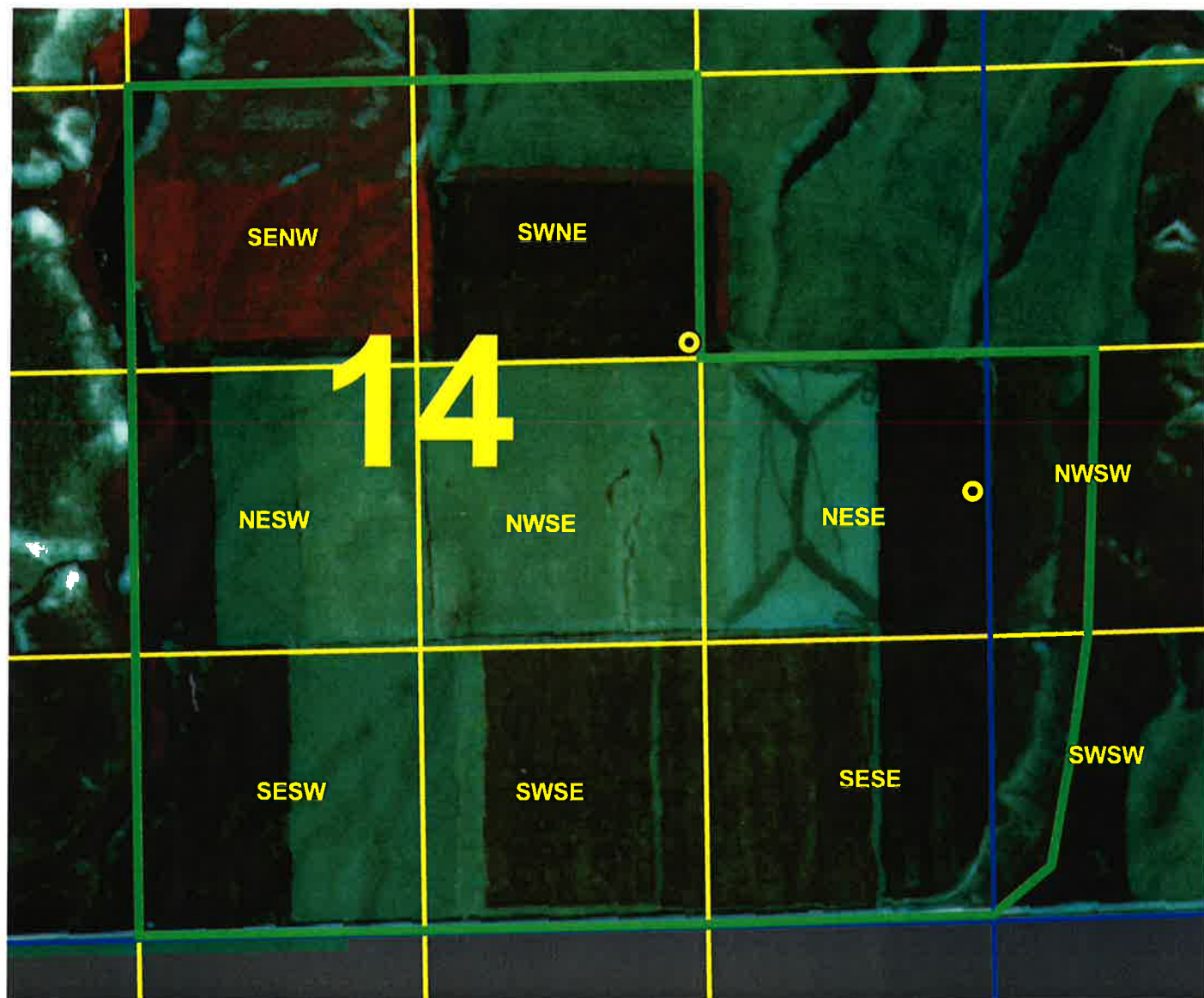
FEB 28 2003

Department of Water Resources  
Eastern Region

# IDAHO DEPARTMENT OF WATER RESOURCES

29-07006

T10S, R36E SEC 13, 14



**ACRES IRRIGATED- 345**



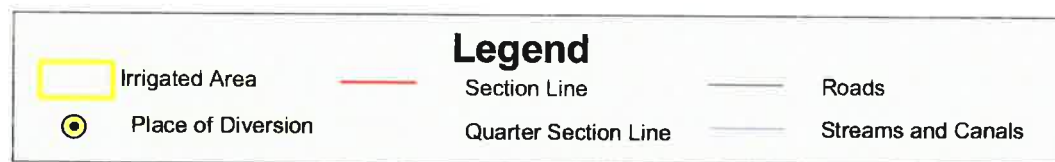
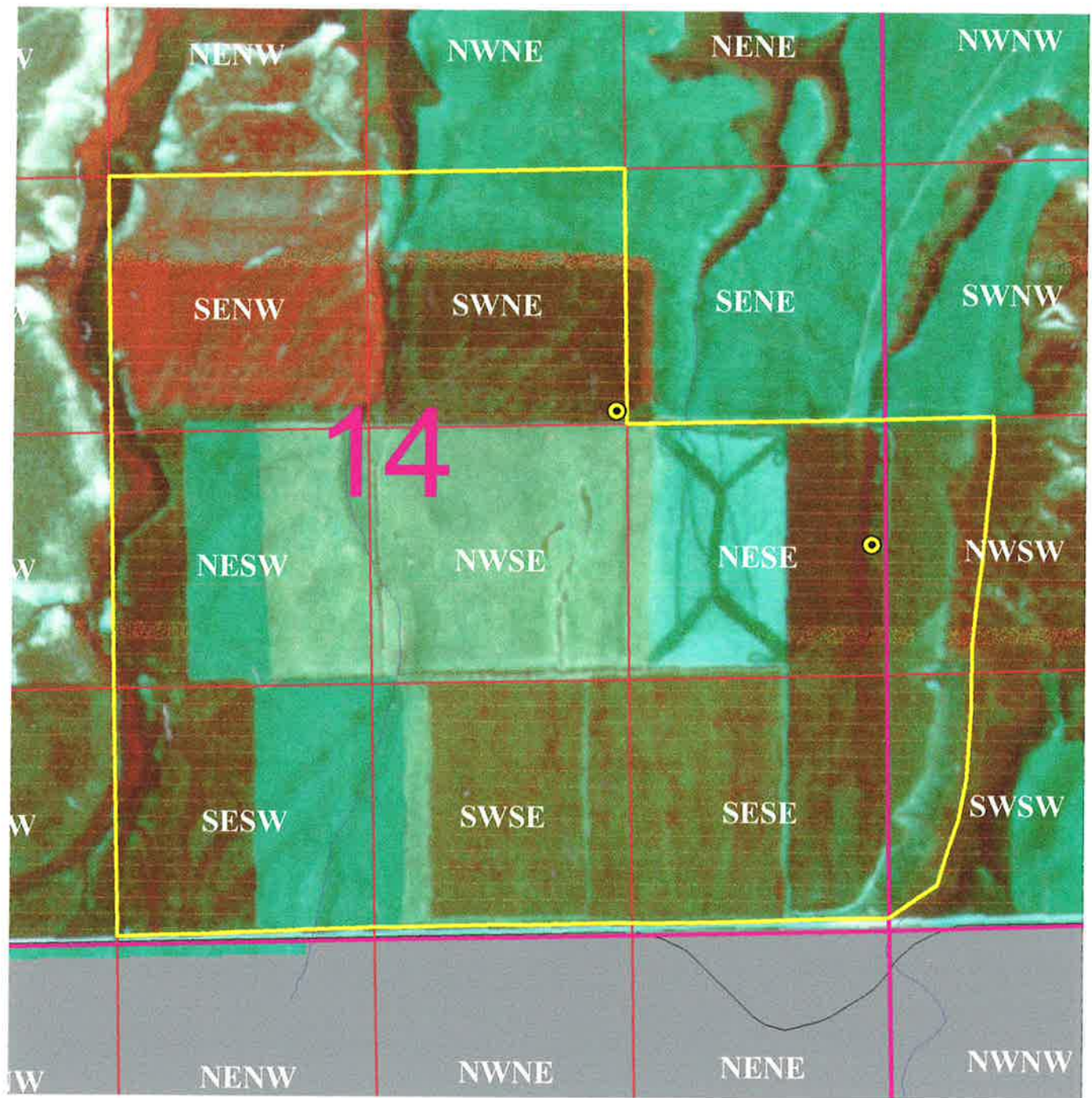
**POINT OF DIVERSION**



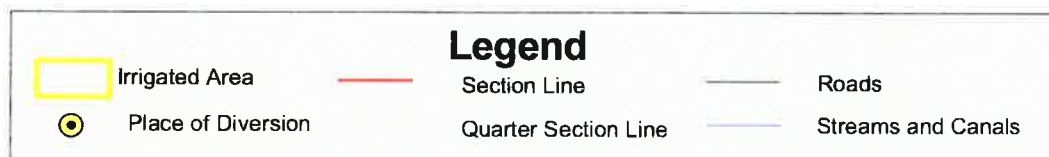
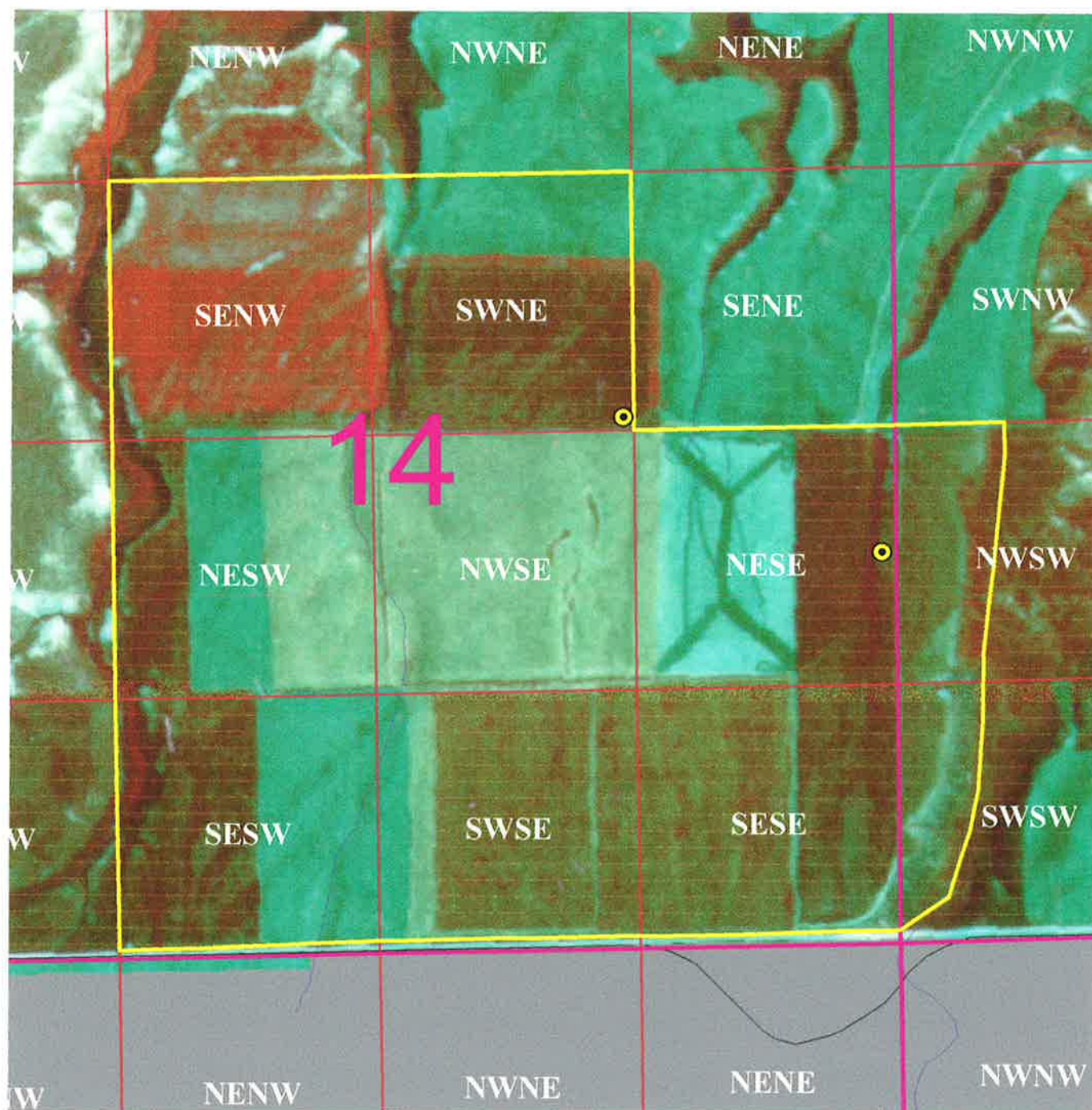
**PLACE OF USE**

**GIS: PLACE OF USE  
POINT OF DIVERSION  
1987/1988 NAPP PHOTOS  
DAVE CARLSON**

Township , 10S36E



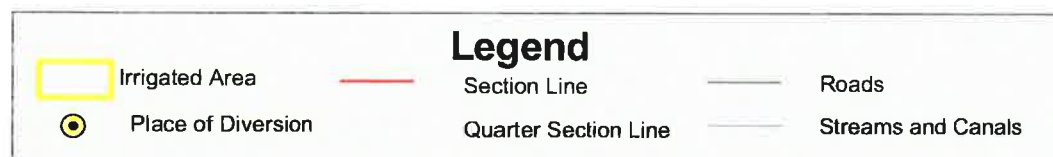
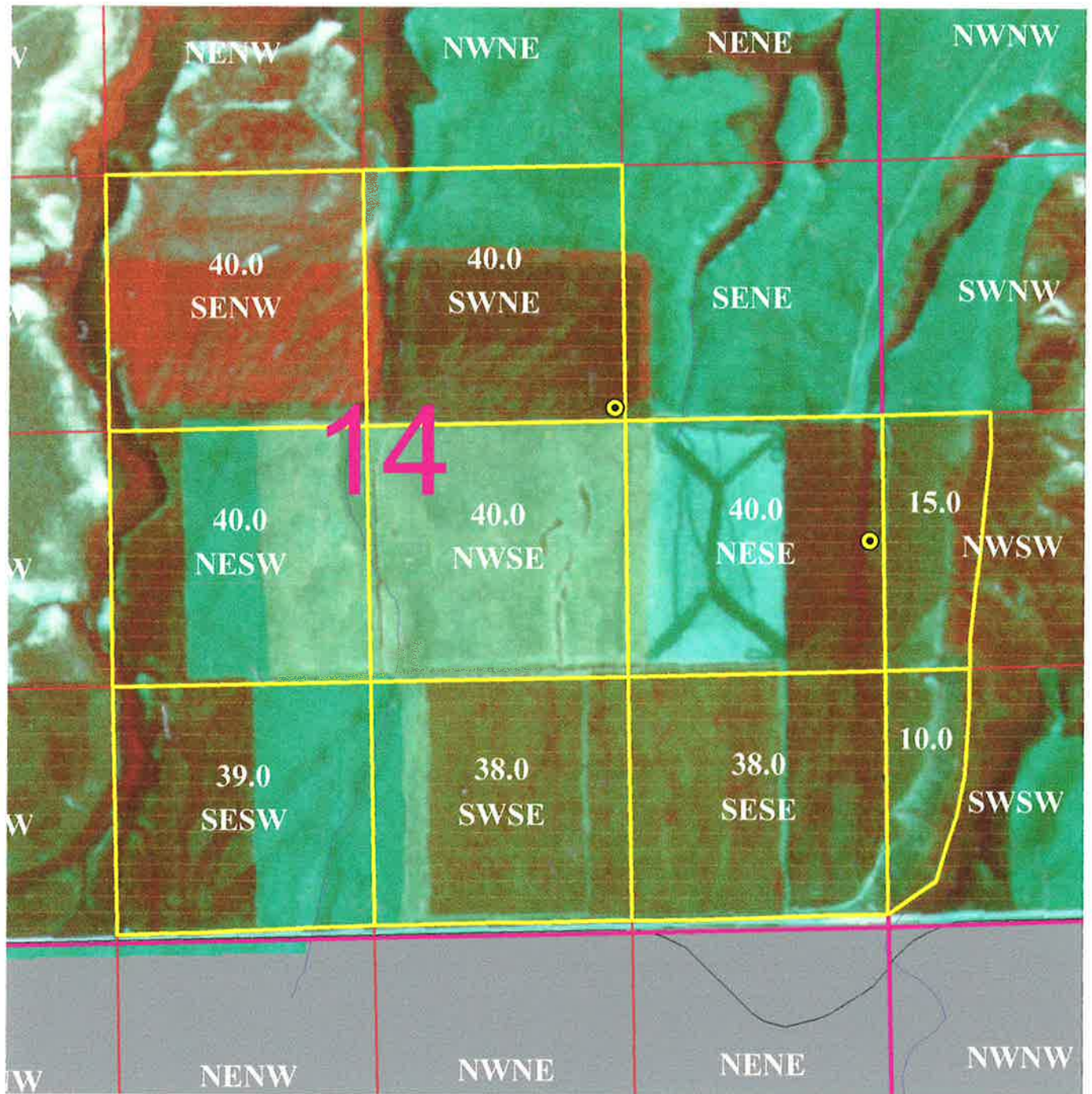
Township , 10S36E



300 0 300 600 Feet



Township , 10S36E



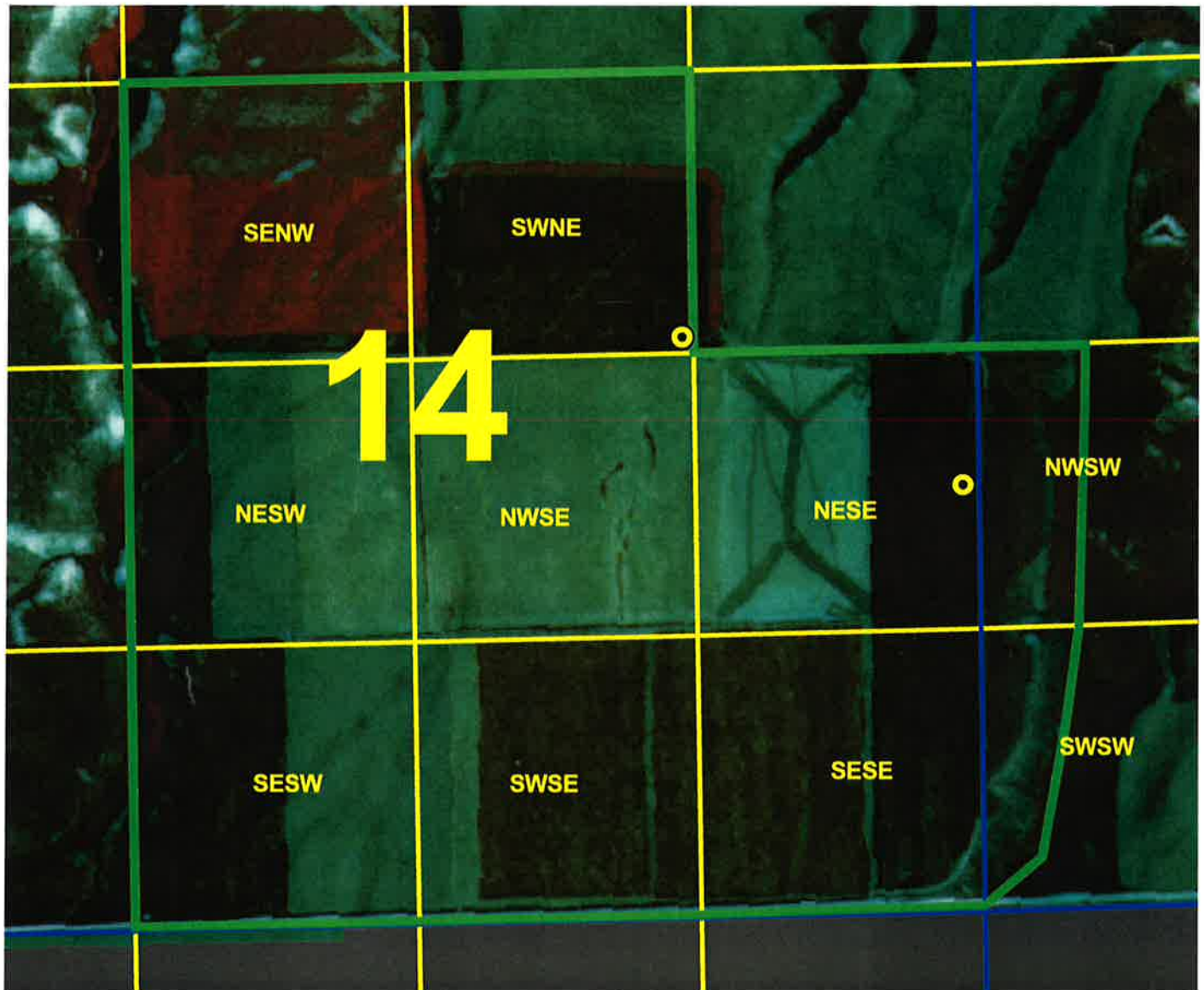
300 0 300 600 Feet



# IDAHO DEPARTMENT OF WATER RESOURCES

29-07006

T10S, R36E SEC 13, 14



**PROFILED**

**ACRES IRRIGATED- 345**



**POINT OF DIVERSION**



**PLACE OF USE**

**GIS: PLACE OF USE  
POINT OF DIVERSION  
1987/1988 NAPP PHOTOS  
DAVE CARLSON**

SECTION 14  
APR 2 1986

MAY 22 2001

Log for claim A29-07006

Spatial Dynamics LTD

7/5/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 10s36e         | 13  | NWSW | 15               | 15             |         |
| 10s36e         | 13  | SWSW | 10               | 10             |         |
| 10s36e         | 14  | SWNE | 40               | 40             |         |
| 10s36e         | 14  | SENE | 40               | 40             |         |
| 10s36e         | 14  | NESW | 40               | 40             |         |
| 10s36e         | 14  | SESW | 40               | 39             |         |
| 10s36e         | 14  | NESE | 40               | 40             |         |
| 10s36e         | 14  | NWSE | 40               | 40             |         |
| 10s36e         | 14  | SWSE | 40               | 38             |         |
| 10s36e         | 14  | SESE | 40               | 38             |         |
| <b>Totals:</b> |     |      | 345              | 340            |         |



State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7006 Priority January 10, 1968 Amount 2.53 cfs

THIS IS TO CERTIFY, that Merlin S. Bastian  
of Malad, Idaho, has complied with the terms and conditions of Permit  
No. 29-7006 issued pursuant to Application for Permit dated January 10, 1968,  
and has submitted proof to the Department of Water Resources on February 6, 1978,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 2.53 cfs of water from a groundwater source,  
tributary to \_\_\_\_\_, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use | Period of Use                                                   | Rate of Diversion      | Annual Volume |
|----------------|-----------------------------------------------------------------|------------------------|---------------|
| Irrigation     | from <u>April 1</u> to <u>October 15</u> at <u>2.53</u> cfs and | <u>988.6</u> acre feet |               |
|                | from _____ to _____ at _____ cfs and                            |                        |               |
|                | from _____ to _____ at _____ cfs and                            |                        |               |

(both dates inclusive)

Subject, however, to the condition that no more than 2.53 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 is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
988.6 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section  
14, Twp. 10S, Rge. 36E in the County of Barnock

Description and location of 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 $\frac{1}{4}$ |        |
| 10S  | 36E   | 13   |                  |                  |                  |                  |                  |                  |                  |                  | 15               | 10               |                  |                  |                  |                  |                  |                  | 25     |
|      |       | 14   |                  |                  | 40               |                  |                  |                  | 40               | 40               |                  |                  | 40               | 40               | 40               | 40               | 40               | 40               | 320    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 345

NOTE: 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.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28<sup>TH</sup> day of  
September, 19 82.

Acting for the Director

*Norman C Young*

Identification No. 29-7006  
Application No. 42272

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant Merlin S. Bastian  
post office address RDP#1 Malad, Idaho
2. Source of water supply underground water which is a tributary of \_\_\_\_\_
3. a. Location of point of diversion is NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 14 Township 10S  
Range 36E B.M. Bernate County; additional points of diversion if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M.
4. Quantity to be appropriated:  
a. 6-c.f.s. cubic feet per second and/or this not known until well is drilled & tested  
b. \_\_\_\_\_ acre feet per annum will be stored.
5. Water will be used for the following purposes:  
irrigation purpose from April to Oct 15 (both dates inclusive)  
\_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
\_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. Deep well pump  
depending on amount of capital available  
(sprinkling system to be used)  
\_\_\_\_\_  
\_\_\_\_\_  
b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre feet; total reservoir  
capacity \_\_\_\_\_ acre feet; materials used in storage dam: \_\_\_\_\_  
\_\_\_\_\_  
c. Proposed well diameter is 20 inches; proposed depth of well is 300 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use  
is 5 years.  
b. Estimated construction cost is \$ 15,000.
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: \_\_\_\_\_ hp 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

29-7006

## STATE OF IDAHO

*Licensing*

RECEIVED

AUG 31 1982

APPLICATION FOR AMENDMENT OF A PERMIT Under the Idaho Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now Merlin S. Bastian Phone \_\_\_\_\_  
 of (address) Route #1 H, Malad, ID 83252, and represents to the  
 Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho  
 No. 29-7006, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW ¼ NE ¼, Section 14, Township 10S, Range 36E, B.M.,  
 County of Bannock. Other points of diversion: \_\_\_\_\_  
NE ¼ SE ¼, Sec. 14, Twp. 10S, Rge. 36E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 2.53 for irrigation purposes from 4/1 to 10/15 (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)

3. Place of use or land to be irrigated:

| TWP | RGE | SEC | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |     |     | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 10S | 36E | 13  |     |     |     |     |     |     |     |     |     | 15  | 10  |     |     |     |     |     | 25     |
|     |     | 14  |     |     | 40  |     |     |     | 40  | 40  |     |     | 40  | 40  | 40  | 40  | 40  | 40  | 320    |
|     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated = 345

4. a. Who owns the property at the point of diversion? Merlin & Lynn Bastian  
 b. Who owns the land to be irrigated or the place of use? " " "  
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing: The farm is altogether and  
water is used as needed and when needed  
for various crops.

1. Name of permit holder Mecklin J. Bastian  
Post office address RD #1, Anna, ID Phone \_\_\_\_\_  
Person to contact \_\_\_\_\_ Phone **800-855-8888**

3. Water will be used for the following purposes:

Period of Use: from 4/01 to 10/15  
(mo.-day) inclusive (mo.-day)

Period of Use: from \_\_\_\_\_ to \_\_\_\_\_  
(mo.-day) inclusive (mo.-day)

Period of Use: from \_\_\_\_\_ to \_\_\_\_\_  
(mo.-day) inclusive (mo.-day)

Other uses: \_\_\_\_\_

4. Total amount to be appropriated:

Max Rate of Diversion 6.0 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

5. Location of Point(s) of Diversion:

Township 10S N/S, Range 36E E/W, B.M., Section 14, Subdivision 1/4 S 1/4 Barren County

Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County

Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County

Other Points of Diversions: \_\_\_\_\_

Description of diverting works: 250hp mtr, 1750 gpm, vertical turbine pump, 20" casing, 465' deep, SWL 9'

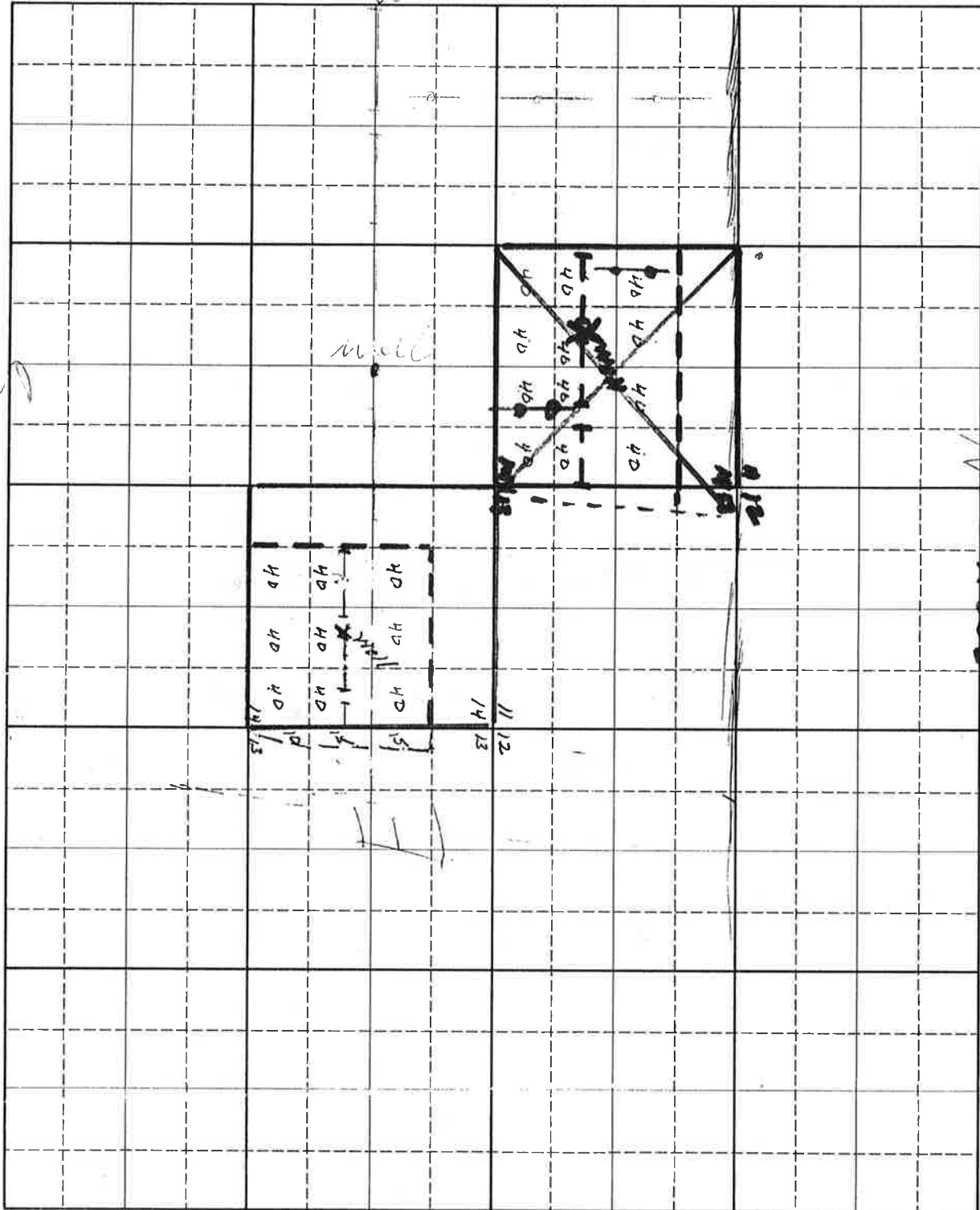
Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

**TOTAL ACREAGE** 400

11. Map of proposed project:



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.

*Mortimer Barton*  
(Applicant)

29-7006

Needs more - There are currently 2  
molls & pumps

needs measuring device  
and Teller - 30 days

ARK 6/23/78

SCANNED  
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: A29-07006  
Date Received: 1/16/1990  
Receipt No: E011744  
Received By: KAW

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MERLIN S. BASTIAN 208-766-2566  
Address: RT. 1  
MALAD, ID 83252  
OR  
Name: LYNN S. BASTIAN 208-254-3193  
Address: 1463 EAST ARIMO ROAD  
ARIMO, ID 83214

A2907006



2. Date of Priority: JAN 10, 1968

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 10S      | 36E   | 14      | SW     | NE     | NE     |     | BANNOCK |
|          |       |         | NE     | SE     | SE     |     | BANNOCK |

5. Description of diverting works:  
TWO WELLS PUMPS MAINLINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 10/15 | 2.530 |      |        |

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

8. Total consumptive use is 862.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A29-07006

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   | 13      | NW     | SW  |               | IRR | 15.0  |
|          |       |         | SW     | SW  |               | IRR | 10.0  |
|          |       |         |        |     | Section Acres |     | 25.0  |
|          |       | 14      | SW     | NE  |               | IRR | 40.0  |
|          |       |         | SE     | NW  |               | IRR | 40.0  |
|          |       |         | NE     | SW  |               | IRR | 40.0  |
|          |       |         | SE     | SW  |               | IRR | 40.0  |
|          |       |         | NE     | SE  |               | IRR | 40.0  |
|          |       |         | NW     | SE  |               | IRR | 40.0  |
|          |       |         | SW     | SE  |               | IRR | 40.0  |
|          |       |         | SE     | SE  |               | IRR | 40.0  |
|          |       |         |        |     | Section Acres |     | 320.0 |
|          |       |         |        |     | Total Acres   |     | 345.0 |

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: 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 ☒ 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 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 19 90

Betty J. Thompson  
Notary Public

Seal

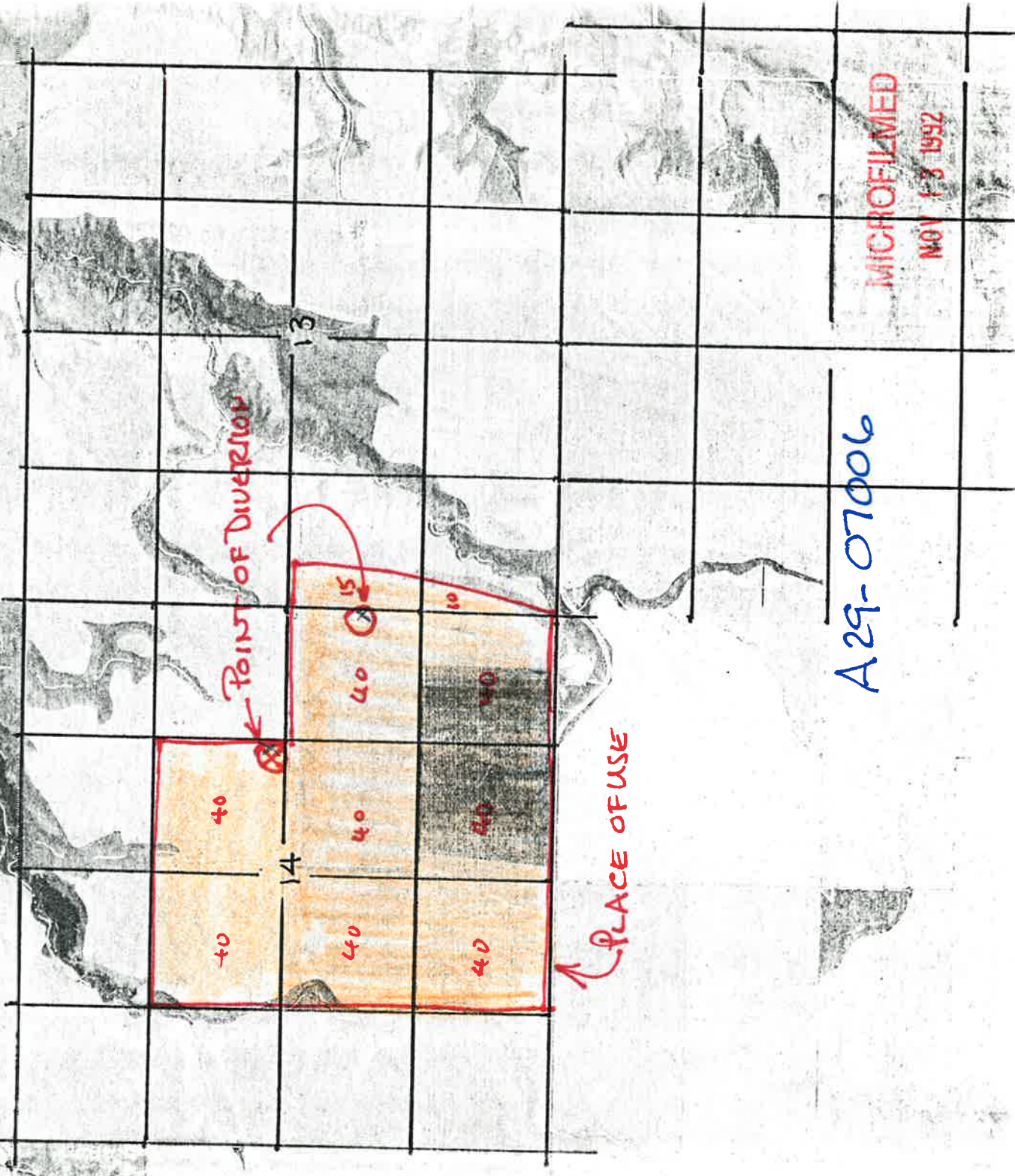
Residing at BETTY J. THOMPSON, NOTARY PUBLIC  
RESIDING AT IDAHO FALLS, IDAHO  
My Commission ~~Expires~~ EXPIRES: 6-30-94

11

12

R36E

T10S



A29-07006

MICROFILMED

NOV 13 1992