



Claim No. 11-7482  
# 69667 RECEIVED

MAR 28 2001

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Ruben F. Wistisen  
(Name of Claimant)  
1180 Old Hwy 70, Bancroft, Id. 83417 Telephone No. (208) 648-7835  
(Mailing Address) (Zip Code)

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

1. Date of Priority: (When the water was first applied to beneficial use) 4-15-1987  
*A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.*

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
Bear River tributary to Great Salt Lake

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:  
(cfs or af) (Irrigation, Domestic, Stock, Etc.) (Both dates inclusive) (MM/DD) (MM/DD)

| Quantity      | Use                | Period of Use From | to           |
|---------------|--------------------|--------------------|--------------|
| <u>12 cfs</u> | <u>stock water</u> | <u>9/30</u>        | <u>12/31</u> |
| Quantity      | Use                | Period of Use From | to           |
| Quantity      | Use                | Period of Use From | to           |
| Quantity      | Use                | Period of Use From | to           |

4. 12 cfs TOTAL QUANTITY USED.  
(cfs or af)

5. A) Location of point of diversion is \_\_\_\_\_ 1/4 of SW 1/4 of SW 1/4 Govt. Lot \_\_\_\_\_  
Sec. 29 Township 14S Range 46E B.M., Bear Lake County;  
additional points of diversion, if  
any: none

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

Miller Ditch is the means of delivery. The cattle will drink out of ditch as it flows through the property described on the plat record.

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6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.

D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

| Twp | Rge | Sec | NE¼ |    |    |    | NW¼ |    |    |    | SW¼ |    |    |    | SE¼ |    |    |    | TOTAL<br>ACRES |
|-----|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|----------------|
|     |     |     | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SE | SW |                |
| 14S | 46E | 31  | S   |    | S  | S  |     |    |    | S  | S   | S  | S  | S  | S   | S  |    |    | 400            |
| 14S | 46E | 32  |     |    |    |    |     | S  | S  |    |     | S  | S  |    |     |    |    |    | 160            |

TOTAL ACRES \_\_\_\_\_

B) If water is used for purposes other than irrigation, fully describe the use. Be specific. This claim is for watering range cattle up to 500 hd.

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

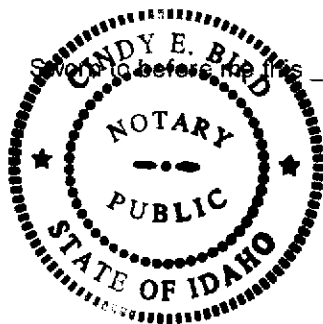
7. Remarks: This is an additional beneficial use claim for stock water to extend the non-irr. season stock water use for water right. #11-0948

8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of Idaho )  
County of Bannock ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Rulon Whistisen  
Claimant's Signature (and title if claim is for an organization)



30th day of January, 2002

Cindy E Bird  
Notary Public

Residing at: Lava Hot Springs

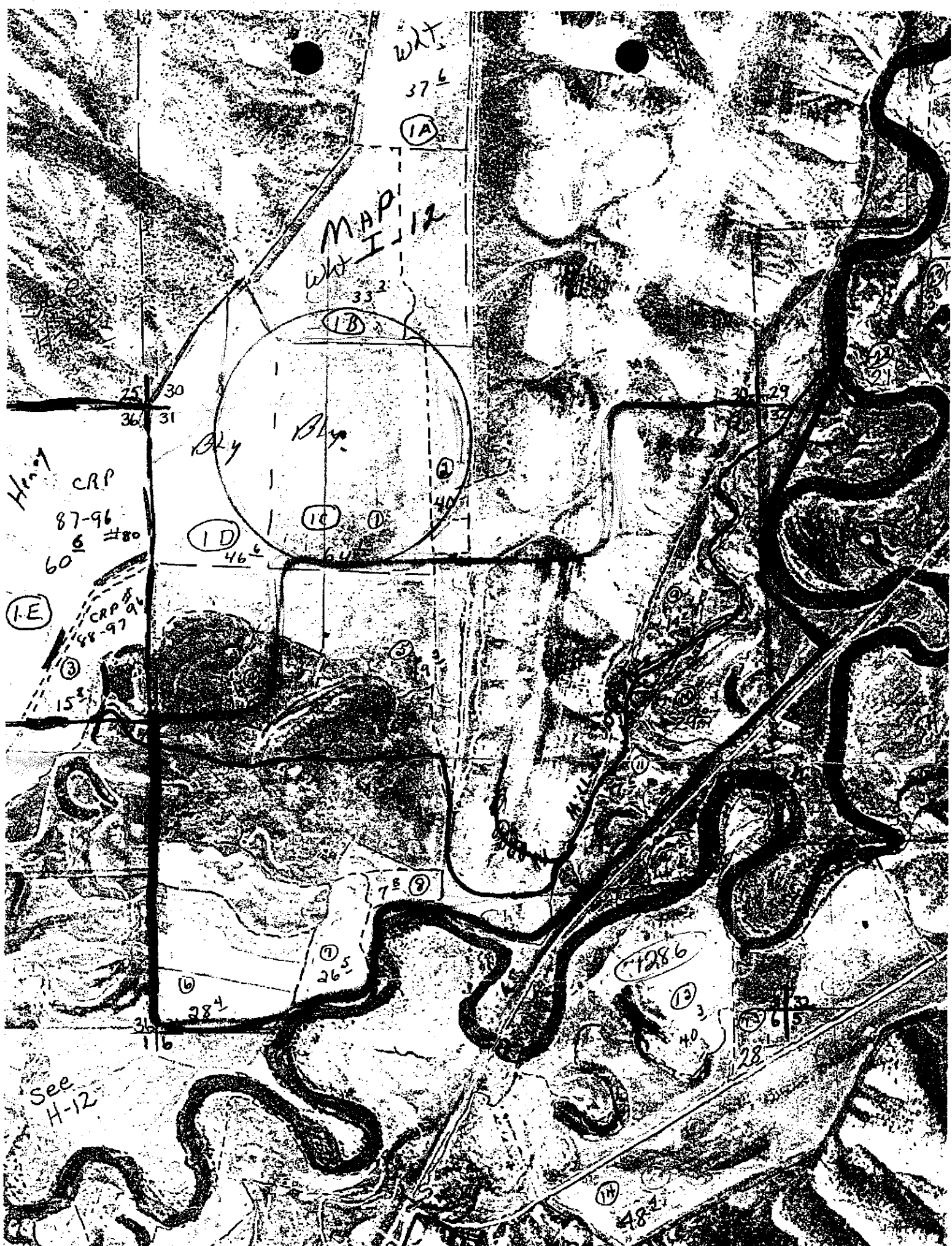
My commission expires: 5/1/2007

FOR DEPARTMENT USE ONLY

Received by HWS Date 2-1-02 Published News Examiner in \_\_\_\_\_  
Prelim. check by HWS Date 2-4-02 Publication dates Feb 13 & 20, 2002  
Fee 250.00 Receipt # E027413 Publication checked by SC Date 3/11/02  
Receipt prepared by HWS Date 2-1-02 Exceptions filed by \_\_\_\_\_

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APR 27 1979



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

November 5, 2001

Bear River Water Users above Bear Lake

Re: Non-Irrigation Season Stock Water Use

Dear Water User,

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director  
**RECEIVED**

**FEB 01 2002**

Department of Water Resources  
Eastern Region

The Idaho Department of Water Resources (IDWR) recognizes that a number of river diversions above Bear Lake have been used for stock watering purposes during the non-irrigation season. Unfortunately, there are no water rights on record that document this practice for most of the diversions in the area. There has been some concern this year regarding this practice given the severe drought and the low water levels in Bear Lake. This issue should be an on-going concern for IDWR and area water users since the water right decree above Bear Lake (*Preston-Montpelier Irrigation Co. vs Dingle Irrigation Co.*) includes no rights or provisions for non-irrigation season stock water use other than the West Fork Irrigation Co. The general irrigation season in the decree is from April 15 through September 30. A search of IDWR water rights records does not reveal any additional water rights for non-irrigation uses above the Bear Lake.

Given the above concern, IDWR requests that all owners or operators of any river diversion that is currently being used to divert water for stock or other non-irrigation purposes immediately file a beneficial use claim with the department. A claim should also be filed for any river diversion that is presently off but may be used later this winter for stock watering or other non-irrigation uses. IDWR will instruct the Bear River watermaster to shut off any diversion for which a claim is not filed or where a water right does not already exist for non-irrigation season uses. The department requests that the claims be filed pursuant to Section 42-243, Idaho Code. A beneficial use claim form and all applicable statutes are attached to this letter for your use and reference.

Please note that pursuant to Section 42-221, the filing fee for all beneficial use claims filed after June 30, 1998 is \$250.00. This fee will increase to \$500 for any claim filed after June 30, 2005.

Please contact me directly at 327-7864 if you have specific questions regarding this notice. You may also contact this office or the IDWR regional office in Idaho Falls for assistance in completing or filing any beneficial use claims.

Sincerely,

Tim Luke  
Manager, Water Distribution Section

Encl: Form I-243  
Cert. of Service  
Statutes

Cc: Eastern Region  
Pete Peterson, Watermaster  
Claudia Conder, Pacificorp

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State of Idaho  
Department of Water Resources

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Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

Right Number 11-7482 Applicant Wistisen

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

\*Send copy to Jody Williams

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By [Signature] Date 3-22-02

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By \_\_\_\_\_ Date \_\_\_\_\_

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,  
County of Bear Lake

ss.

Rosa J. Moosman

being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

February 13, 2002, 49, and ending

with the issue of February 20, 2002

Rosa J. Moosman  
Fees, \$51.80

Subscribed and sworn to before me this

February 20, 2002

Sherry W. Brown  
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 2003

The following claim(s) have been filed based on diversion and beneficial use of water:

11-7482

RULON WISTISEN  
1180 OLD HWY 30  
BANCROFT ID 83217

Point(s) of Diversion: SWSW  
S29 T14S R46E, BEAR LAKE  
County, Source: BEAR RIVER,  
Tributary to GREAT SALT LAKE  
Use: STOCKWATER 09/01 To:  
12/31 0.12 CFS, Total Diversion:  
0.12 CFS, Priority Date:  
04/15/1887, Place Of Use:  
STOCKWATER, T14S R46E S31  
NENE SWNE SENE SENW  
NESW NWSW SWSW SESW  
NESE NWSE, T14S R46E S32  
NWNW SWNW NWSW SWSW.

Exceptions to a claim may be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with an exception fee of \$25.00.

KARL J DREHER, Director

Publish Feb. 13 & 20, 2002 —  
Legal No. 6321.

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3/11/02



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

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 6, 2002

Jody Williams  
Kruse Landa & Maycock  
50 W Broadway 8<sup>th</sup> Floor  
Salt Lake City UT 84101

**RE: Claim to a Water Right #11-07482**

**Dear Jody:**

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is March 4, 2002, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones  
Water Right Supervisor

HWJ: sc

Enc.

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APR 22 2002



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

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 06, 2002

**Legal Notice Department**  
NEWS-EXAMINER  
PO BOX 278  
MONTPELIER ID 83254

RE: Statutory Claim No. 11-7482

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before March 4, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox  
Administrative Assistant

*Mailed  
2/6/2002  
SC*

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APR 22 2002



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

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 06, 2002

Rulon F Wistisen  
1180 Old Hwy 30  
Bancroft ID 83217

RE: Water Right Claim No 11-7482

Dear Claimant(s):

The Department of Water Resources acknowledges receipt of your water right claim. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the claim has been prepared and is scheduled for publication in the News Examiner on February 13 and 20, 2002. If exceptions to the claim are filed you will be sent a copy of the exceptions(s).

The filing and advertising of the claim does not confirm the water right claimed. It will serve to record and preserve the information and the evidence, including any exceptions, regarding the claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Corrections to the claim may be made by filing an amended claim; no additional filing fees are required to amend a claim.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the claim for your records. Please feel free to contact this office if you have any questions.

Sincerely,

  
Harold W Jones  
Water Right Supervisor

HWJ:sc

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The following claim(s) have been filed based on diversion and beneficial use of water:

11-7482

RULON WISTISEN  
1180 OLD HWY 30  
BANCROFT ID 83217

Point(s) of Diversion: SWSW S29 T14S R46E, BEAR LAKE County

Source BEAR RIVER

Tributary To GREAT SALT LAKE

Use: STOCKWATER                      09/01 To 12/31                      0.12 CFS

Total Diversion:                                              0.12 CFS

Priority Date: 04/15/1887

Place Of Use: STOCKWATER

T14S R46E S31            NENE SWNE SENE SENW NESW NWSW SWSW SESW NESE NWSE

T14S R46E S32            NWNW SWNW NWSW SWSW

Exceptions to a claim may be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with an exception fee of \$25.00.

KARL J DREHER, Director

Published on February 13 and 20, 2002

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