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Form 113
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Ident No. 63-7645

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SEP 15 2003
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks for the watering of livestock)

1. Name of Right Holder Eric E Bastian Phone 208-747-3288
   Mailing address 2559 W 3600 S Weston, Idaho 83286
2. Source of water supply Costley creek tributary to Clarkston creek (Sinks)*
3. Point of diversion is in Gov't. Lot ____, ____1/4 NW 1/4 NW 1/4, Section 22, Township 16 S Range 37E, B.M., Oneida County.
4. Description of diversion and delivery system:
   a) Describe the type of diversion: 2" pvc from stream to collection site
   b) Describe the delivery system: 1½ pump to 1½" pipe to 3 Tanks Aprox. 150' away.
   c) Describe the number, type and total capacity of troughs or tanks 3 150 gal Tank & 2 500 gal. Troughs
   d) Describe the automatic shutoff or flow control mechanism or means of Returning unused water to the source: float controls on troughs
   e) Describe how the system is designed to allow measurement of the rate of diversion: Will use a digital metering system in the pipe.
5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
16S	37E	15											X	X			X	X
16S	37E	14															X	

6. Priority date claimed or established: See Remarks - DNL
7. Rate of diversion: 0.01 cfs

1 Jan 1900 * Phone conversation with applicant @ 2:52 on 2 Sept 2003. The creeks are know as Costley Creek & Clarkston Creek. The drainage is know as Jenkins Hollow.

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8. Season of use: From 1 June to 30 oct

9. a) Who owns the property at the point of diversion? Eric Bastian

b) Who owns the property at the place of use? Eric Bastian

10. When will construction occur? Aug & sept 2003

11. Comments: My family has watered stock along this creek since 1941. Other Homesteaders used it before 1900.

I hereby assert the following:

a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.

b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.

c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.

d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.

e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.

f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permitee consents to the changes described in this notice.

g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this 21 day of July, 03

Eric E Bastian

Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by SC Date 7/28/03 Preliminary check by _____

Fee: $ 25.00 Receipted by E029042 Receipt No. SC Date 7/28/03

Water District No. _____ Entered into data base 9/2/03 By DD

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OCT 07 2003

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 19, 2003

ERIC E BASTIAN
2559 W 3600 S
WESTON ID 83286

RE: Instream Stock Diversion No 13-7645
Notice of Diversion for Instream Stockwater Use

Dear Water Right Holder(s):

The Department of Water Resources acknowledges receipt of the water right notice you submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced number in all future correspondence regarding this notice.

The filing and advertising of the notice does not confirm the validity of the water right. It will serve to record and preserve the information regarding the notice.

Please note that the diversion described in your notice may occur only if the following conditions are met.

- The water is diverted from a surface water source to a trough or tank through an enclosed water delivery system.
- The water delivery system is equipped with an automatic shutoff or flow control mechanism or includes a means for returning unused water to the surface water source through an enclosed delivery system, and the system is designed and constructed to allow the rate of diversion to be measured.
- The diversion is from a surface water source to which the livestock would otherwise have access and the watering tank or trough is located on land from which the livestock would have access to the surface water source from which the diversion is made.
- The diversion of water out of the stream in this manner does not injure other water rights.
- The use of the water diverted is for watering livestock.

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- The bed and banks of the source shall not be altered as that term is defined in section 42-3802, Idaho Code, except that an inlet conduit may be placed into the source in a manner that does not require excavation or obstruction of the stream channel, unless additional work is approved by the Director of the Department of Water Resources.
- The amount of water diverted for watering of livestock shall not exceed thirteen thousand (13,000) gallons per day.

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 notice for your records. Please feel free to contact this office if you have any questions.

Sincerely,

Shelley W. Keen

Shelley W. Keen
Water Rights Supervisor

Enclosure

RECD
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Department of Water Resources

STATE OF IDAHO

Department of Water Resources

Notice of Diversion for Instream Stockwater Use
Section 42-113, Idaho Code

Name of Right Holder: Eric F Bastian 13-7645
Initial Review By: Dennis Dunn Date: 2 September 2003
Based on prior recorded instream stockwater right? Yes_____ No ✓
If yes, right number:_____ Instream Stock Div. No._____
Also, if right was claimed in SRBA, this notice will amend claim.
If no, enter as statutory claim.

Check:

✓	Name & address
✓	Date of Priority
✓	Source
✓	Period of use
✓	Point of diversion (limited to 1 diversion)
✓	Location of use
✓	Signature
✓	$25.00 filing fee Receipt No. _____
NO	Water District _____
✓	Amount of Water
✓	Description of diversion / delivery system
✓	Add condition **107**.

Publish? Yes _____ No ✓ (Regional Determination*)

✓ Review Complete
By: Dennis Dunn
Date: 2 September 2003

*Generally not advertised unless determined to be necessary by Regional Manager.

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