

RECEIVED

NOV 11

NOTICE OF CLAIM TO A  
WATER RIGHT  
No. 67-4030

J.H.D.J.  
11-13-72

Notice is hereby given that W. L. BISH &/or DWANE ANDERSON, Box 182, Marsing Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from a groundwater source with the point of diversion in the NE $\frac{1}{4}$ -SW $\frac{1}{4}$ , Sec. 31, T. 19 N., R. 1 E., B.M., Adams County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of April 1, 1962 the place of use is within the NE $\frac{1}{4}$ -SW $\frac{1}{4}$ , Sec. 31, T. 19 N., R. 1 E., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the Adams County Leader, Council, Idaho on Nov. 2, 1972 and Nov. 9, 1972.

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Claim to A

Water Right " as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two ( 2 ) consecutive weeks, the first publication of the

same being made in the issue dated November 2, 1972

and the last in the issue dated November 9, 1972 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

*Bert J. Rogers*

Subscribed and sworn to before me this NOV 9 1972

day of , 19

*Darwin D. Kessler*

Notary Public for Idaho,  
Residing at Council, Idaho

67 4030

Identification No. \_\_\_\_\_

Claim No. 67-4030

Map No. \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**

**CLAIM TO A WATER RIGHT**

**Established by Diversion and Application to Beneficial Use**

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant W. L. Bish &/or Dwane Anderson  
post office address Box 182, Marsing, Idaho

2. The point of diversion is in NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  Section 31 Township 19 N.  
Range 1 E. B.M. located on Groundwater  
(name of source)  
tributary to \_\_\_\_\_ in Adams County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

April 1, 1962 amount: .04 c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
Total claimed \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of \_\_\_\_\_  
\_\_\_\_\_ ; length is \_\_\_\_\_ feet; height is \_\_\_\_\_ feet;  
width at bottom is \_\_\_\_\_ feet; with at top is \_\_\_\_\_ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Underground water diverting works: is well flowing or pumped (pumped) ; depth of well is 110 feet; diameter of well is 6' inches; type of pump is \_\_\_\_\_  
capacity of pump is 18 g.p.m.; name and address of well driller is \_\_\_\_\_  
\_\_\_\_\_ ;

4050 2

has there been any enlargement of the reservoir since it was first built \_\_\_\_\_, if so, give dates and describe \_\_\_\_\_

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known \_\_\_\_\_

\_\_\_\_\_. The other users and their respective interests in the ditch are (if known) \_\_\_\_\_

7. Where water is used for domestic or municipal purposes give number of families served one  
name of town supplied \_\_\_\_\_

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

Recit # 9969 For Department Use Only

|                                        |                            |                           |                                 |            |
|----------------------------------------|----------------------------|---------------------------|---------------------------------|------------|
| Received by <u>SEP</u>                 | Date <u>10/20/72</u>       | Exception filed by: _____ | Forwarded to claimant by: _____ | Date _____ |
| Prelim. check by <u>SEP</u>            | Date <u>10/20/72</u>       | _____                     | _____                           | _____      |
| Fee received by <u>ij</u>              | Date <u>10/20/72</u>       | Fee \$ <u>10.00</u>       | _____                           | _____      |
| Approved for publication by <u>SEP</u> | Date <u>10/20</u>          | _____                     | _____                           | _____      |
| Published in <u>Adams Co. Leader</u>   | Dates <u>11-28-9, 1972</u> | _____                     | _____                           | _____      |

67 4030

## INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

### Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

|                           |                     |                |                      |       |           |
|---------------------------|---------------------|----------------|----------------------|-------|-----------|
| Date of priority claimed: | <u>May 18, 1871</u> | amount:        | <u>0.8</u> c.f.s. or | _____ | acre feet |
|                           | <u>June 1, 1901</u> | amount:        | <u>0.4</u> c.f.s. or | _____ | acre feet |
|                           |                     | Total claimed: | <u>1.2</u> c.f.s. or | _____ | acre feet |

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

DEPARTMENT OF WATER ADMINISTRATION  
- STAFF ANALYSIS -

| Item | Initial    | Date            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------|------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)  | <u>LEB</u> | <u>25 Oct</u>   | Application No. <u>67-4030</u> Name <u>WL Bish &amp; Anderson</u>                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| (2)  | <u>LEB</u> | <u>26 Oct</u>   | Check:<br><input checked="" type="checkbox"/> Signature<br><input checked="" type="checkbox"/> Point of Diversion<br><input checked="" type="checkbox"/> Quantity of Water and Period of Use<br><input checked="" type="checkbox"/> Description of Diverting Works<br><input checked="" type="checkbox"/> Time required for C/W and application of water to B/U<br><input checked="" type="checkbox"/> Place of Use<br><input checked="" type="checkbox"/> Map<br><input checked="" type="checkbox"/> Fee |
| (3)  | <u>LEB</u> | <u>25 Oct</u>   | Send copies to:<br><input type="checkbox"/> Idaho State Health Department<br><input type="checkbox"/> Idaho Fish and Game Department<br><input type="checkbox"/> Bureau of Land Management                                                                                                                                                                                                                                                                                                                |
| (4)  | <u>LEB</u> | <u>25 Oct</u>   | <input type="checkbox"/> Request Special Use Permit from U.S.F.S.<br><input type="checkbox"/> Request Easement from B.L.M.                                                                                                                                                                                                                                                                                                                                                                                |
| (5)  | <u>LEB</u> | <u>25 Oct</u>   | In form for advertising <u>Yes</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| (6)  | <u>OT</u>  | <u>11-13-72</u> | Affidavit of Publication received <u>Yes</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| (7)  |            |                 | Final date for protests _____<br>Protests received: yes _____ no _____                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| (8)  |            |                 | Date and Place of hearing _____<br>Decision reached at hearing _____                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| (9)  |            |                 | Located within Water District No. _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| (10) |            |                 | Critical groundwater area: yes _____ no _____                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| (11) |            |                 | Groundwater levels:<br><input type="checkbox"/> Decline (comment) _____<br><input type="checkbox"/> Stable (comment) _____<br><input type="checkbox"/> Increasing (comment) _____                                                                                                                                                                                                                                                                                                                         |
| (12) |            |                 | Comments: _____<br>_____<br>_____                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| (13) |            |                 | Action recommended:<br><input type="checkbox"/> Approve Priority _____<br><input type="checkbox"/> Deny Reason for Reduction _____<br>_____<br>See attached sheet for conditions of approval<br>_____<br>No conditions for approval                                                                                                                                                                                                                                                                       |
| (14) |            |                 | District _____ By _____<br>Date _____ Title _____                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

67 4030

RECOMMENDED

CONDITIONS OF APPROVAL

- ☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed \_\_\_\_\_ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of \_\_\_\_\_ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. \_\_\_\_\_, \_\_\_\_\_ River.
- ☐ The proposed well shall not be drilled within \_\_\_\_\_ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REC'D

NOV 20

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NOTICE OF CLAIM TO A  
WATER RIGHT  
No. 67-4030

OK. O.J.  
11-13-72

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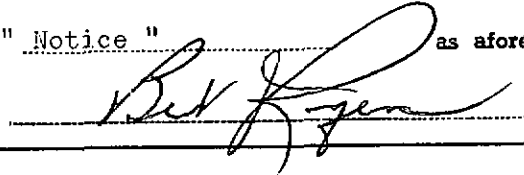
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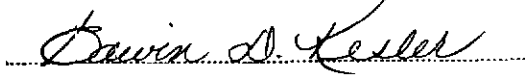
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said "Notice" as aforesaid.



Subscribed and sworn to before me this NOV 9 1972

day of , 19



Notary Public for Idaho,  
Residing at Council, Idaho

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The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of April 1, 1962 the place of use is within the NE 1/4 SW 1/4, Sec. 31, T. 19 N., R. 1 E., B.M.

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R. KEITH HIGGINSON  
Director

Published in the Adams County Leader, Council, Idaho on Nov. 2, 1972 and Nov. 9, 1972.

WATER RIGHT NUMBER 67-4030

WATER RIGHTS EDIT REPORT

12/14/79

PAGE 130

ACT  
ION

N OWNER LAST NAME - BISH

FIRST NAME - W. L.

N OWNER LAST NAME - ANDERSON

FIRST NAME - JWANE

N ADDRESS LINE 1 - P.O. BOX 182

CITY - MARSING

STATE - ID

N SOURCE - GROUNDWATER

N STAGE - STATRY CLM

PRIORITY - 04-01-1962 COUNTY - ADAMS

TOTAL DIV. RATE - .0400CFS

N DIVERSION POINT - NESW 31 19N 01E

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0400CFS

N USE - DOMESTIC

PLACE OF USE - TWN 19N RNG 01E SEC 31 TRACT NESW

IDENT. NO. 67.4030

WATER RIGHT  
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

- Present Owner: \_\_\_\_\_

- J. Right Basis (for adjudication claims A,B,C only):

from to for purposes. Amount

8. Use Code: D

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.  
B.  
C.  
D.  
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

Western District Office

November 20, 1972

Re: Claim to a Water Right No. 67-4030  
Claim to a Water Right No. 67-4031

Mr. W. L. Bish  
Box 182  
Marsing, Idaho 83639

Dear Mr. Bish:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, a copy of your claims. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Sincerely,

KENNETH H. FOIT, P. E.  
Western District Engineer

KHF:def

Enclosure

67 4030

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

**October 26, 1972**

Statehouse — Annex 2  
Boise, Idaho 83707  
(208) 384-2215  
Western District Office



Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection

RE: CLAIM TO A WATER RIGHT NOS. 67-4030 W. L. Bish &/or Duane Anderson  
67-4031 W. L. Bish  
APPLICATION FOR PERMIT NO. 67-7113 W. L. Bish

Adams County Leader  
Council  
Idaho 83612

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

-----  
(signature of claimant)

Sincerely,

67 4030

NOTICE OF CLAIM TO A WATER RIGHT

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has filed a claim to a water right established by diversion and application  
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The water is claimed to be used from Jan. 1 to Dec. 31 for  
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