

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 Telephone No. 766-2566  
(Mailing Address) (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:

| (cfs, af) |                 | (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)  
SW ¼ SW ¼, 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. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |
|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|     |     |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |
| 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

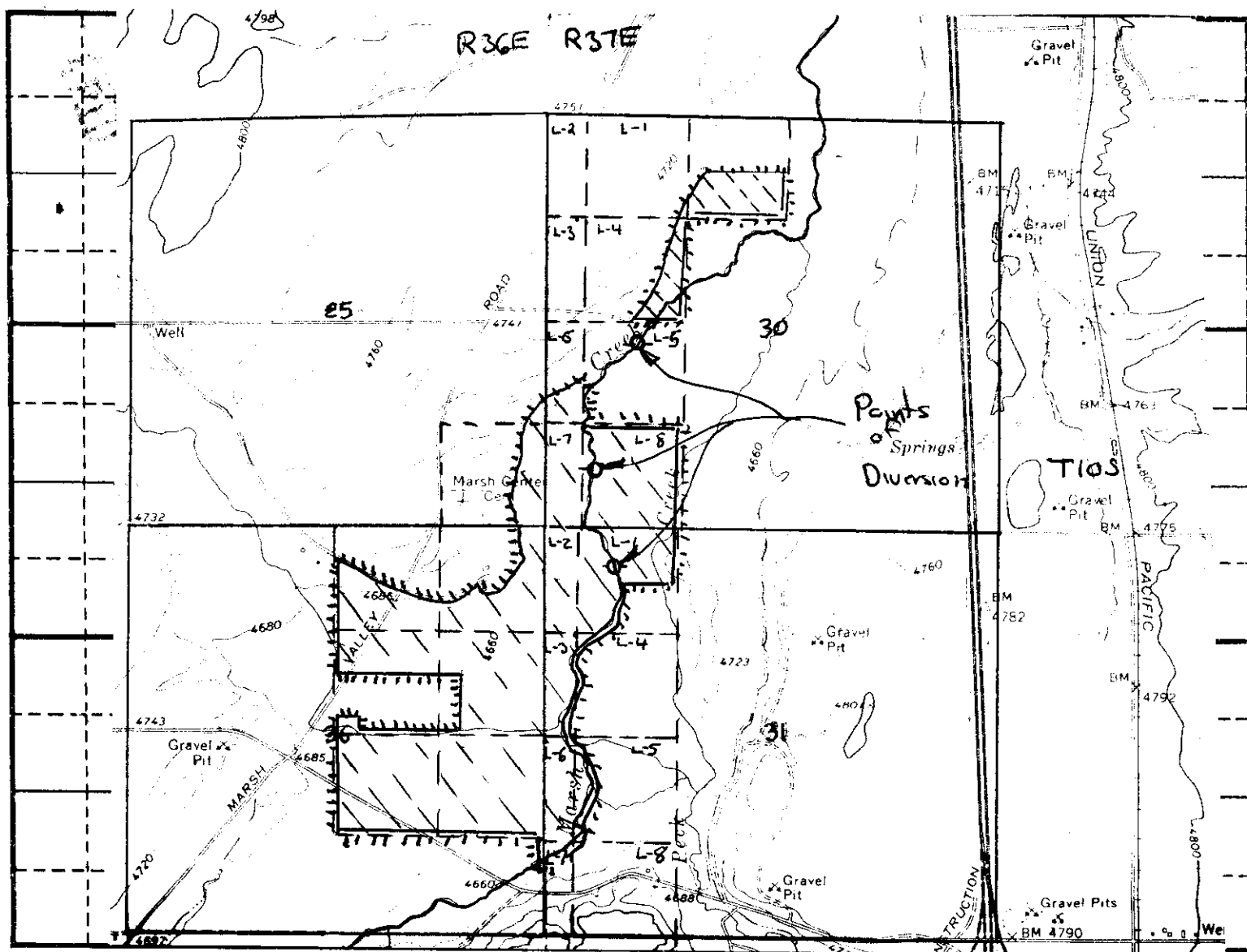
If water is used for other than irrigation, fully describe that use, being as specific as possible:

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:

MICROFILMED

(8) Remarks \_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Oncida ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing 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.

Sworn to before me this 22 day of February, 1983.

Notary Public  
Residing at Malad, Idaho

My commission expires life

Ass'd by HWT CW 3-04-83 FOR DEPARTMENT USE ONLY  
Received by CW Date 2-24-83 Exception filed by: \_\_\_\_\_  
Prelim. check by Kew Date 2-25-83/3-8-83  
\$30.00 fee received by CW Date 3-04-83 # 25472  
Published in Idaho State Journal  
Dates 3/17 & 3/24/83

Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
claimant by: \_\_\_\_\_

# PROOF OF PUBLICATION

RECEIVED

MAR 28 1983

Department of Water Resources  
Eastern District Office

STATE OF IDAHO  
County of Bannock

ss.

Jeri Larsen

## NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

29-4303  
REESE, CALVIN &/or DOROTHY  
SYMONS RD., P.O. BOX 251, LAVA  
HOT SPRINGS, ID 83244  
Source: GROUNDWATER  
Priority Date: 11-14-1942  
Diversion Pt: SESE Sec 32 T 08S R 38E  
Use: IRRIGATION (0.04 CFS)  
STOCKWATER (0.02 CFS)  
DOMESTIC (0.04 CFS)  
In: SESE Sec 32 T 08S R 38E FOR 2  
ACRES

29-4302  
BASTIAN, MERLIN G.  
RT. 1, MALAD, ID 83252  
Source: MARSH CREEK trib. to PORT-  
NEUF RIVER  
Priority Date: 04-01-1955  
Diversion Pt: LOT 08 (SWSW) LOT 05  
(NWSW) Sec 30 T 10S R 37E LOT 01  
(NWNW) Sec 31 T 10S R 37E  
Use: IRRIGATION (0.72 CFS)  
In: NESE SESE Sec 25 T 10S R 36E  
NENE NWNE SWNE SENE NESE  
NWSE Sec 34 T 10S R 36E NENW LOT  
01 (NWNW) LOT 04 (SWNW) LOT 06  
(NWSW) LOT 08 (SWSW) LOT 07  
(SWSW) Sec 30 T 10S R 37E LOT 01  
(NWNW) LOT 03 (SWNW) LOT 06  
(NWSW) LOT 07 (SWSW) LOT 02  
(NWNW) LOT 05 (NWSW) Sec 31 T 10S  
R 37E FOR 337 ACRES

29-4301  
BARRON, R.W.  
RT. 2, BOX 44, INKOM, ID 83245  
Source: GROUNDWATER  
Priority Date: 12-28-1956  
Diversion Pt: SWNE Sec 30 T 07S R 36E  
Use: IRRIGATION (0.20 CFS)  
In: SWNE SENE Sec 30 T 07S R 36E  
FOR 10 ACRES

29-4300  
BURROWS, MARY ANN  
SOUTH GRANT EXTENSION, RT. 3,  
POCATELLO, ID 83204  
Source: PORTNEUF RIVER trib. to  
SNAKE RIVER  
Priority Date: 04-01-1903  
Diversion Pt: SWSE Sec 35 T 04S R 34E  
Use: IRRIGATION (0.12 CFS)  
STOCKWATER (0.02 CFS)  
In: SWSE Sec 35 T 04S R 34E FOR 4  
ACRES

29-4297  
MILLER, DAVID C.  
P.O. BOX 4904, POCATELLO, ID 83201  
Source: ARKANSAS CREEK trib. to  
MARSH CREEK  
Priority Date: 01-01-1889  
Diversion Pt: NWSW Sec 20 T 10S R 37E  
Use: IRRIGATION (0.33 CFS)  
STOCKWATER (0.03 CFS)  
In: NWSW Sec 20 T 10S R 37E FOR 5  
ACRES

29-4296  
GEPFORD, JAY  
RFD, DOWNEY, ID 83234  
Source: PECK CREEK trib. to MARSH  
CREEK  
Priority Date: 04-01-1930  
Diversion Pt: NESE Sec 06 T 11S R 37E  
Use: STOCKWATER (0.03 CFS)  
In: SENE Sec 06 T 11S R 37E  
Exceptions to a claim may be filed with  
the Director, Dept. of Water Resources,  
150 Shoup Ave., Suite 15, Idaho Falls,  
Idaho 83402.  
March 17, 24, 1983  
No. 736

being first duly sworn on oath deposes and says: That she  
was at all times herein mentioned a citizen of the United States of Ameri-  
ca, more than 21 years of age, and the Principal Clerk of THE IDAHO  
STATE JOURNAL, a daily newspaper, printed and published at Pocatello,  
Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was  
published in the said IDAHO STATE JOURNAL, on the following dates,  
to-wit:

|          |       |    |
|----------|-------|----|
| March 17 | 19 83 | 19 |
| March 24 | 19 83 | 19 |
|          | 19    | 19 |
|          | 19    | 19 |
|          | 19    | 19 |

That said paper has been continuously and uninterruptedly published  
in said County for a period of seventy-eight weeks prior to the publication  
of said notice or advertisement and is a newspaper within the meaning  
of the laws of Idaho.

Jeri Larsen  
Subscribed and sworn to before me this 25th  
day of March, 19 83

[Signature]  
Notary Public, State of Idaho  
Residence: Pocatello, Idaho

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

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150 Shoup Ave., Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

APRIL 4, 1983

MERLIN S. BASTIAN  
RT. 1  
MALAD

ID 83252

RE: Claim No. 29-4302

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your 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 that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON  
Eastern Region Supervisor

Enclosure

**RECEIVED**

APR 14 1983

Department of Water Resources

March 10, 1983

RE: Claim to a Water Right No. 29-4302 BASTIAN  
29-4300 BURROWS

Thomas Bloxham, Watermaster  
Water District No. 29  
Downey, ID 83234

Dear Mr. Bloxham:

Enclosed, for your information only, is a copy of the above referenced claim to a water right filed within your district. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN  
Assistant Regional Supervisor

EC:cw

Enclosures (2)

CONFIDENTIAL

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

KC Carlson

Right Number

29 4302

Applicant

Merlin S. Bastian

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.  
~~6-15-82~~

FINAL REGIONAL PROCESSING REVIEW:

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

By

Ernest Carlson

Date

April 11, 1983.

April 4, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

Jim

Date

5-3-83

RECEIVED  
MAY 11 1983

February 28, 1983

Merlin S. Bastian  
Rt. 1  
Malad, ID 83252

Dear Mr. Bastian:

Enclosed is a claim to a water right that was received by this office.

The current filing fee is \$30.00 and must accompany the claim. Upon receipt of the filing fee and claim, processing will begin.

Sincerely,

KEITH C. WILSON  
Sr. Resource Agent

KCW:bp

Enclosure

RECEIVED  
FEB 28 1983

January 24, 1983

Merlin S. Bastian  
Rt. 1  
Malad, ID 83252

Dear Mr. Bastian:

Enclosed is your claim to a water right. Please review it and if everything is correct sign and have the claim notarized.

You can send the completed claim with a fee of \$30.00 to this office for processing.

Sincerely,

HAROLD W. JONES  
Sr. Resource Agent

HWJ:bp

Enclosure

29-4302-

BASTIAN, MERLIN S.

RT. 1, MALAD, ID 83252

Source: MARSH CREEK trib. to PORTNEUF RIVER

Priority Date: 06/01/1955

Diversion Pt: LOT 08 (SWSW) LOT 05 (NWSW) Sec 30 T 10S R 37E LOT 01 (NWNW)  
Sec 31 T 10S R 37E

Use: IRRIGATION (6.72 CFS)

In: NESE SESE Sec 25 T 10S R 36E NENE NWNE SWNE SENE NESE NWSE  
Sec 36 T 10S R 36E NENW LOT 01 (NWNW) LOT 04 (SWNW) LOT 06 (NWSW)  
LOT 08 (SWSW) LOT 07 (SWSW) Sec 30 T 10S R 37E LOT 01 (NWNW) LOT 03 (SWNW)  
LOT 06 (NWSW) LOT 07 (SWSW) LOT 02 (NWNW) LOT 05 (NWSW)  
Sec 31 T 10S R 37E FOR 337 ACRES

29-4302  
BASTIAN, MERLIN S.  
RT. 1, MALAD, ID 83252  
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NENE NWNE SWNE SENE NESE  
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R 37E FOR 337 ACRES