

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 Gordon or Iris Bernier  
(Name of Claimant)  
Box 9920, Inkom, Idaho 83245 Telephone No. 775-3712  
(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, 1949

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)  
Stream tributary to Rapid Creek

(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.) | (Mo., Day)                     | (Both dates inclusive)<br>(Mo., Day) |
|----------|-----------------|-------------------------------------|--------------------------------|--------------------------------------|
| Quantity | <u>0.01 cfs</u> | Use <u>Domestic</u>                 | Period of Use From <u>1-1</u>  | To <u>12-31</u>                      |
| Quantity | <u>0.01 cfs</u> | Use <u>Irrigation</u>               | Period of Use From <u>3-15</u> | To <u>11-14</u>                      |
| Quantity |                 | Use                                 | Period of Use From             | To                                   |
| Quantity |                 | Use                                 | Period of Use From             | To                                   |
| Quantity |                 | Use                                 | Period of Use From             | To                                   |

(4) 0.01 cfs TOTAL QUANTITY USED.  
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NW ¼ NE ¼, Sec. 23 Twp. 7S Rge. 36E B.M., County of Bannock  
Additional points of diversion:

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. Headbox to a 2" pipe 500' long reduces to 1" pipe to domestic home

(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 |       |
| 7S | 36E | 23   |     |     |     |     |     |     |     | 1   |     |     |     |     |     |     |     |     | 1     |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

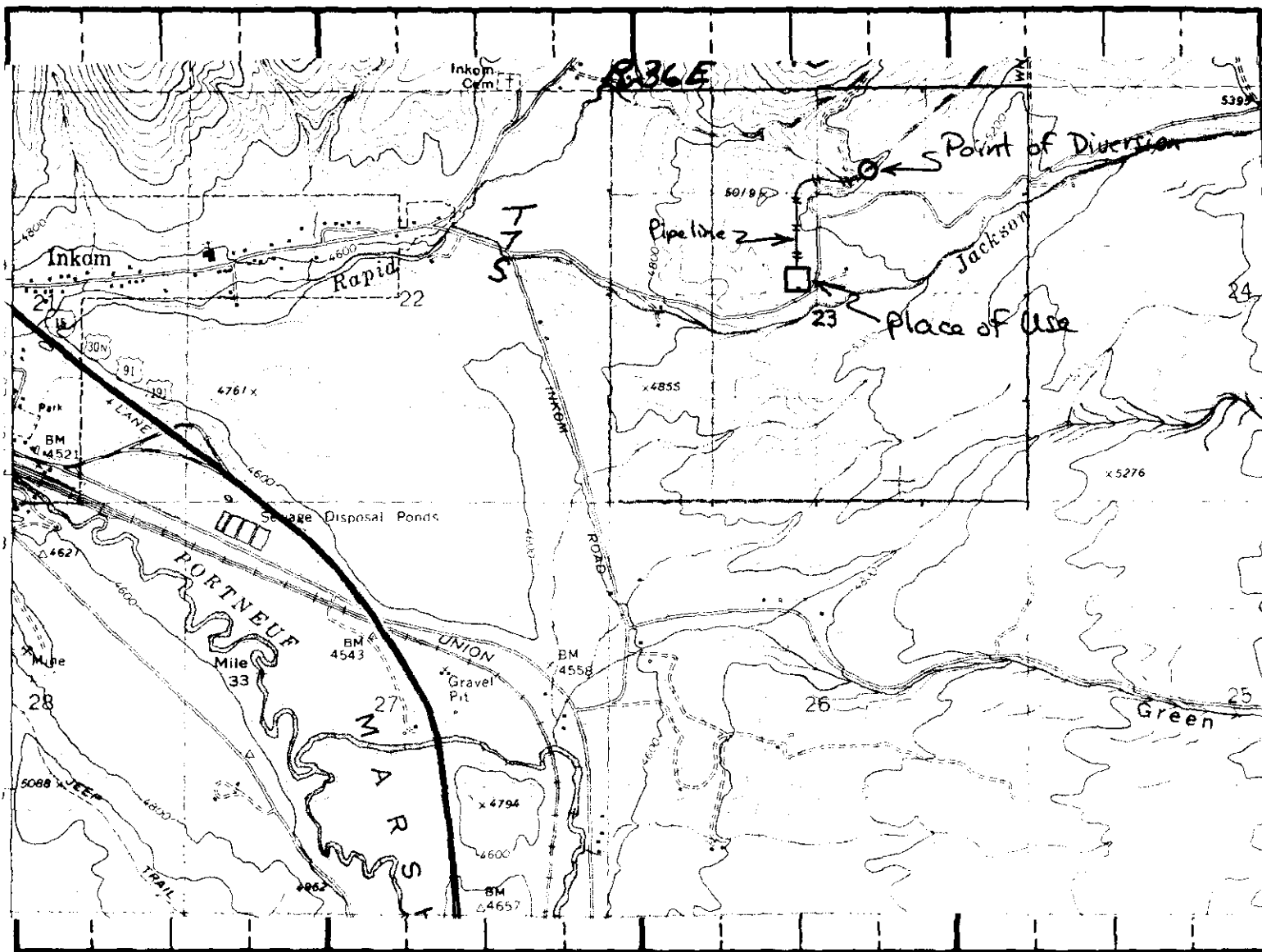
No. of acres 1

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Single domestic home

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:

(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 Sonneville ) 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 5<sup>th</sup> day of Nov., 1982.

Jason Bernier  
(Claimant)

Colleen Wray  
Notary Public  
Residing at Idaho Falls, Id

My commission expires 6/15/85

Assigned by Kew 11-5-82 FOR DEPARTMENT USE ONLY

|                                         |                            |                           |                                 |            |
|-----------------------------------------|----------------------------|---------------------------|---------------------------------|------------|
| Received by _____                       | Date <u>11-5-82</u>        | Exception filed by: _____ | Forwarded to claimant by: _____ | Date _____ |
| Prelim. check by <u>HWS</u>             | Date <u>11-5-82</u>        |                           |                                 |            |
| \$30.00 fee received by <u>BP</u>       | Date <u>11-5-82 #22573</u> |                           |                                 |            |
| Published in <u>Idaho State Journal</u> |                            |                           |                                 |            |
| Dates <u>11/18</u> & <u>11/25/82</u>    |                            |                           |                                 |            |

# PROOF OF PUBLICATION

RECEIVED

STATE OF IDAHO  
County of Bannock

SS.

NOV 29 1982

Department of Water Resources  
Eastern District Office

Sheryl Gardiol

being first duly sworn on oath deposes and says: That she  
was at all times herein mentioned a citizen of the United States of America, 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:

|                    |        |        |
|--------------------|--------|--------|
| November 18, 19 82 | _____  | 19____ |
| November 25, 19 82 | _____  | 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.

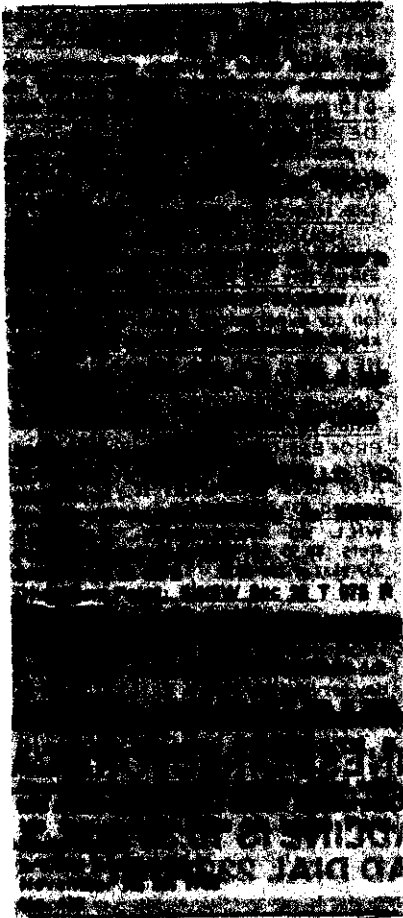
*Sheryl Gardiol*

Subscribed and sworn to before me this 26th

day of November, 19 82

*[Signature]*

Notary Public, State of Idaho  
Residence: Pocatello, Idaho



# PROOF OF PUBLICATION

STATE OF IDAHO  
County of Bannock

SS.

Sheryl Gardiol

NOV 21 1982

Eastern Idaho, Idaho

## NOTICE OF CLAIMS TO WATER RIGHTS

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

29-4267

BERNIER, GORDON & IRIS  
BOX 9920, INKOM, ID 83245  
Source: STREAM tributary to RAPID  
CREEK

Priority Date: 06-01-1949

Amount: 0.01 CFS

Diversion Point: NWNE Sec 23 T 07S R  
36E, BANNOCK Co.

Use: IRRIGATION (0.01 CFS) from  
03-15 to 11-14

DOMESTIC (0.01 CFS) from 01-01 to  
12-31

Place of Use: SENW Sec 23 T 07S R 36E  
FOR 1 ACRES

Diversion Means: HEADBOX & PIPES  
29-4268

SHAW, JAMES FREEMAN  
427 MINK CREEK, POCATELLO, ID  
83201

Source: SPRING tributary to MINK  
CREEK

Priority Date: 04-01-1957

Amount: 0.16 CFS

Diversion Point: SWSW Sec 20 T 07S R  
35E, BANNOCK Co.

Use: IRRIGATION (0.12 CFS) from  
04-01 to 11-01

DOMESTIC (0.04 CFS) from 01-01 to  
12-31

Place of Use: SWSW Sec 20 T 07S R 35E  
FOR 6 ACRES

Diversion Means: HEADGATE &  
PUMPS

Exceptions to a claim may be filed with  
the Director, Dept. of Water Resources,  
150 Shoup Ave., Suite 15, Idaho Falls,  
Idaho 83402.

S/KEN DUNN, Dir.  
November 18, 25, 1982  
No. 419

being first duly sworn on oath deposes and says: That she  
was at all times herein mentioned a citizen of the United States of America,  
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:

|                    |    |
|--------------------|----|
| November 18, 19 82 | 19 |
| November 25, 19 82 | 19 |
|                    | 19 |
|                    | 19 |
|                    | 19 |

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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.

*Sheryl Gardiol*

Subscribed and sworn to before me this

26th

day of November, 19 82

Notary Public, State of Idaho

Residence: Pocatello, Idaho

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

DECEMBER 6, 1982

GORDON BERNIER  
IRIS BERNIER  
BOX 9920  
INKOM

ID 83245

RE: Claim No. 29-4267

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  
JAN 03 1983

Department of Water Resources

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWS

Right Number 29 4267 Applicant Bernier

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.

*Dec. 6, 1982*

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Dec 27, 1982

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 1/4/83



29-4267

BERNIER, GORDON &/or IRIS

BOX 9920, INKOM, ID 83245

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DOMESTIC (0.01 CFS) from 01/01 to 12/31

Place of Use: SENW Sec 23 T 07S R 36E FOR 1 ACRES

Diversion Means: HEADBOX & PIPES

7 29-4267  
8 BERNIER, GORDON &/or IRIS  
9 BOX 9920, INKOM, ID 83245  
10 Source: STREAM tributary to RAPID  
11 CREEK  
12 Priority Date: 06-01-1949  
13 Amount: 0.01 CFS  
14 Diversion Point: NWNE Sec 23 T 07S R  
15 36E, BANNOCK Co.  
16 Use: IRRIGATION (0.01 CFS) from  
17 03-15 to 11-14  
18 DOMESTIC (0.01 CFS) from 01-01 to  
19 12-31  
20 Place of Use: SENW Sec 23 T 07S R 36E  
21 FOR 1 ACRES  
22 Diversion Means: HEADBOX & PIPES

RECEIVED  
JUN 11 1949