

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that ARLA M. LISH
(name of claimant)
of Route #1, Box 117, Inkom, Idaho 83245, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Four Unnamed Springs
Spider Creek, tributary to,
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|---------------------|-----|----------------------------|---------------------|---------------|----|------------------------|
| Amount | <u>0.8</u> | Use | <u>Irrigation</u> | Period of Use: From | <u>Apr. 1</u> | To | <u>Nov. 1</u> |
| Amount | | Use | | Period of Use: From | | To | |
| Amount | | Use | | Period of Use: From | | To | |
| | (cfs, gpm, or #/hr) | | (dom., irri., stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 0.8 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) April, 1905

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
- (1 spg.) NW ¼ SW ¼, Sec. 31 Twp. 7S Rge. 37E B. M. County of Bannock
Additional points of diversion: (1 spg.) SE¼NE¼, (2 spgs.) NE¼SE¼, Sec. 36, T. 7S, R. 36E, B.M.

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. Open ditch from springs to irrigation ditch.

- (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	
8S	36E	1					40	9	20										69

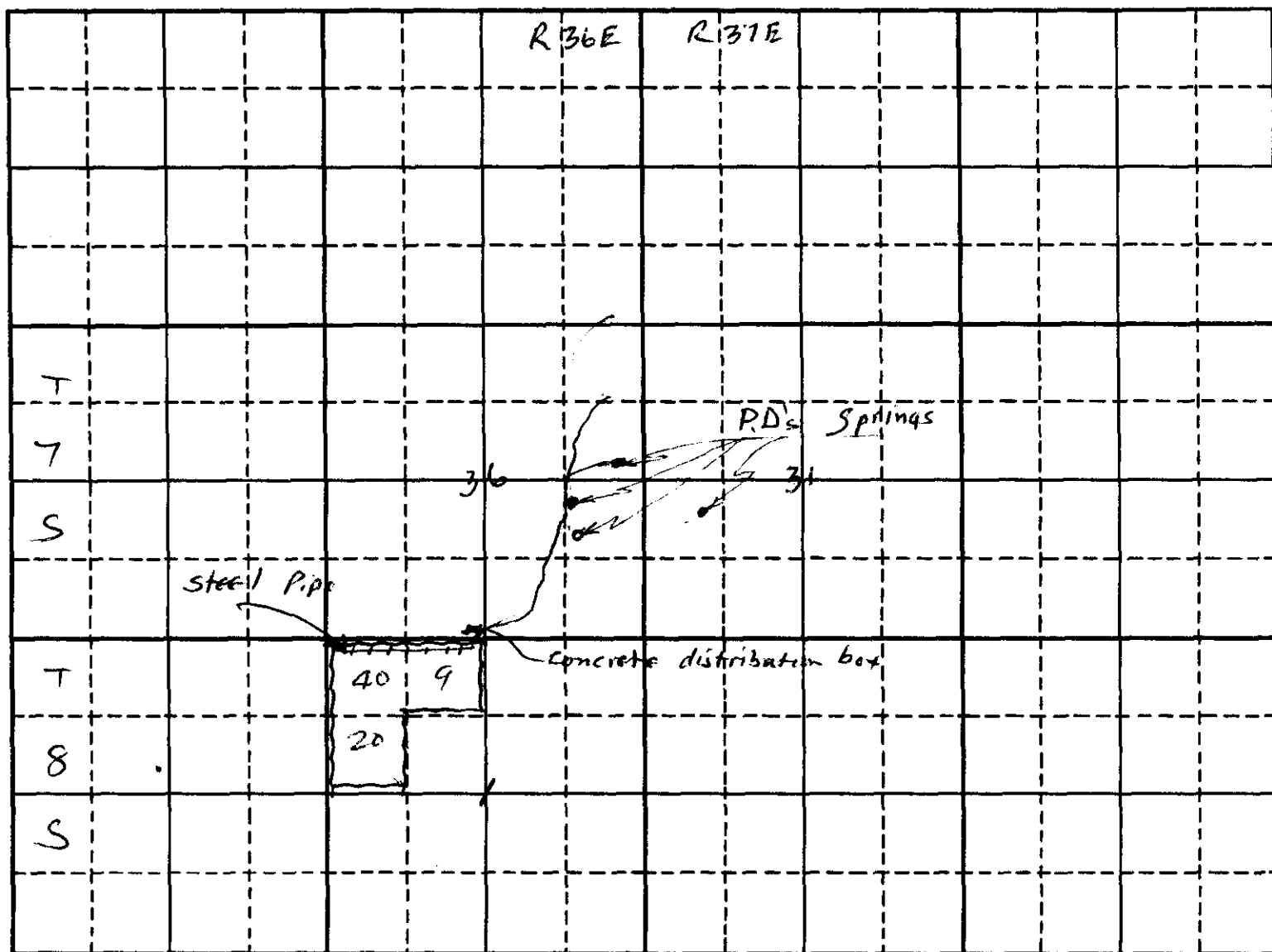
Total No. of acres 69

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
N.A.

- (7) If you are claiming water as a member of an organization, list name of organization:
N.A.

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)
) ss.
County of BONNEVILLE)

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 affiants knowledge.

Sworn to before me this 15 day of JULY

Arla M. Lusk
(Claimant)

Ronald Carlson 19 74
Notary Public
Residing at FIRTH, IDAHO

My commission expires 2/19/78

For Department Use Only

Received by <u>MB</u>	Date <u>7-15-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Jay</u>	Date <u>7/15/74</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>7-15-74</u>			
Approved for publication by <u>MB 8/15/74 #12964</u>				
Published in <u>Idaho State Journal</u>				
Dates <u>July 25, + August 1, 1974</u>				

RECEIVED
AUG 5 1964

SS.

Duplicate

AUG 5 1974

Department of Water Resources
Eastern District Office

Katherine Warner

Leek L. Leppard

100-44264-2, 2000
 100-44264-2, 2000

29. 4037

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Katherine Wanner

Katherine Wanner

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:

July 25, 1974, 19
August 1, 1974, 19
, 19, 19
, 19, 19
, 19, 19

That said paper has been continuously and uninterruptedly pub-
lished 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.

Katherine Wanner

Subscribed and sworn to before me this 1st
day of August, 1974

Debra L. Lindgard

Notary Public, State of Idaho
Residence: Pocatello, Idaho

NOTICE OF CLAIM TO A WATER RIGHT NO. 29-4037

Notice is hereby given that Arla
M. Lish, Route No. 1, Box 117,
Inkom, Idaho has filed a claim to
a water right established by
diversion and application to
beneficial use of 0.8 cubic feet per
second of water from four un-
named springs tributary to Spider
Creek with points of diversion in
the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 7S, R.
37E; SE $\frac{1}{4}$ NE $\frac{1}{4}$, (2 spgs.)
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7S, R. 36E,
B.M., Bannock County.

The water is claimed to be used
from Apr. 1 to Nov. 1 for the
irrigation of 69 acres with a
priority of April, 1905 the place of
use is within the N $\frac{1}{2}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1, T. 8S, R. 36E,
B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water
Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401.
R. KEITH HIGGINSON
Director
July 25, August 1, 1974
No. 482

29-4037

RECEIVED

\$5.

AUG 5 1974

Department of Water Resources
That Eastern District Office

Katherine Warner.

day of August, 1974.

Leah L Leadford

Residence: Pocatello, Idaho

Commission Expires
March 5, 1977

29. 4037

PRC OF PUBLICA ION

STATE OF IDAHO }
County of Bannock } ss.

Katherine Wanner

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of
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Pocatello, Bannock County, Idaho, and having a general circulation
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That said paper has been continuously and uninterruptedly pub-
lished 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.

Katherine Wanner

Subscribed and sworn to before me this 1st
day of August, 1974.

Leith L. Leadford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

Notary Public
July 25, 1974

MB NOTICE OF CLAIM
TO A WATER RIGHT
NO. 29-4037
Notice is hereby given that Arla
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Inkom, Idaho has filed a claim to
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named springs tributary to Spider
Creek with points of diversion in
the NW1/4SW1/4, Sec. 31, T. 7S, R.
37E; SE1/4NE1/4, (2 spgs.)
NE1/4SE1/4, Sec. 36, T. 7S, R. 36E,
B.M., Bannock County.
The water is claimed to be used
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priority of April, 1905 the place of
use is within the N1/2NW1/4,
SW1/4NW1/4, Sec. 1, T. 8S, R. 36E,
B.M.
Any exception to this claim of
water right may be filed with the
Idaho Department of Water
Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401.
R. KEITH HIGGINSON
Director
July 25, August 1, 1974
No. 482

29. 4037

RESOURCES

August 12, 1974

Re: Claim to a Water Right No. 29-4037 & 29-4038

Ms. Arla M. Lish
Route #1, Box 117,
Inkom, Idaho 83245

Dear Ms. Lish:

The Department of Water Resources 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 the claims do not, in themselves, guarantee you water rights; they only record and preserve 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, copies of your claims. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:MB

Enc: Copies of claims



July 19, 1974

Re: Notice of Claim to a Water Right No. 29-4037 Lish
" " " " No. 29-4038 "
Application for Permit No. 29-7212 Frazier

Idaho State Journal
Box 431
Pocatello, ID 83201

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 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.

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 8-5-74 by MB

NCY:MB

Enc: Legal Notices (3)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 29-4037

Notice is hereby given that Arla M. Lish,

Route #1, Box 117, Inkom, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.8 cubic feet per second ~~XXXXXX~~
of water from four unnamed springs tributary to Spider Creek
with points of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 7S, R. 37E; SE $\frac{1}{4}$ NE $\frac{1}{4}$,
(2 spgs.) NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7S, R. 36E, B.M., Bannock County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation
of 69 acres

with a priority of April, 1905;
the place of use is within the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1, T. 8S, R. 36E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho
on July 25 and August 1, 1974

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OB-2
06-A

~~XXXXXXXXXXXXXXXXXXXX~~ RESOURCES

July 12, 1974

C
Ms. Arla M. Lish
Route #1, Box 117
Inkom, Idaho 83245

Dear Ms. Lish:

The Claim to a Water Right form, map, supportive documents, affidavit and your check No. 92-284 in the amount of \$10.00 which you submitted to this office is being returned. Upon review of the claim form, we found several discrepancies which we feel need further clarification. We suggest that you plan to visit this office at your earliest convenience and have someone in our office assist you in filing the claim(s).

If you have any questions, please do not hesitate to contact us.

Very truly yours,

Y
LOY H. JOHNSON
Water Resource Supervisor

LHJ:mb

Enc: Check No. 92-284
Claim form and map
Affidavit
Documents

29-437

Record 7-11-74

OFFICE OF
PROSECUTING ATTORNEY
Bannock County
IDAHO
POCATELLO, IDAHO

MILTON E. ZENER
PROSECUTING ATTORNEY

May 21st, 1935.

Mrs. Con Peoples
Lava Hot Springs, Idaho

Dear Mrs. Peoples:--

A complaint has been lodged by Howard Lish against the tenant of your premises, that a flume was torn out across lower Rock Creek and the ditch cut at a point where it enters your land and at several other points across your land. This has been cut on at least three occasions by your tenant and he informs Mr. Lish that it was done at your request.

From an investigation, I find that this ditch was constructed prior to 1905 and across public lands and the point where the flume was torn out is not upon your premises at all. 2

The water decreed to your place is not the water in question, and under the provisions of 17-4121, Idaho Code Annotated, it is a misdemeanor, punishable by both fine and jail, or either, for a person to cut any ditch or obstruct any ditch while it is being used for irrigation purposes.

Mr. Lish has demanded the issuance of a warrant against your tenant and I have ask him to wait a few days until I could hear from you, and if no further interference is made with this ditch, the matter will be dropped, otherwise, we will have to consent to the issuance of a warrant and let the court pass upon the matter.

Yours truly,


C. H. JEFFERY,
Acting Prosecuting Attorney.

BC
CC: Mr. Howard Lish.

29-4037

NOTICE OF APPROVAL
BY

Received 7-11-74

FEDERAL LAND BANK ASSOCIATION OF Preston, Idaho OFFICE NO. 9-D

\$5,000

AMOUNT APPLIED FOR

128083

F. L. B. NO.

2647-B

ASS'N. APPL'N. NO.

TO: Arla M. Lish
Rt 1, Box 117
Inkom, Idaho

WE ARE PLEASED TO ADVISE THAT THE LOAN COMMITTEE OF THE ABOVE FEDERAL LAND BANK ASSOCIATION HAS CONSIDERED YOUR APPLICATION AND HAS APPROVED A FEDERAL LAND BANK LOAN, TO BE SECURED BY A FIRST MORTGAGE, AS FOLLOWS:

AMOUNT	F.L.B.A.	TERM	RATE	REPAYMENT	ACRES	INSURANCE					
	STOCK			PLAN		HOUSE	BARN	GRANARY	OTHER		
\$5,000	\$250	20 Yrs	5½%	Standard	190		None				

Private Water Rights: 40 M.I., Evidenced by Use, Lower Rock Creek
40 M.I. " " Spider Creek *in springs*

Proceeds of the loan to be disbursed for the purposes listed in the application.

ALL SUBJECT TO APPROVAL AS TO AMOUNT AND TERMS BY THE FEDERAL LAND BANK OF SPOKANE AND CLOSING WITHIN 60 DAYS FROM DATE OF APPROVAL BY FLB.

5-18-66

DATE

Harry B. Smith
Asst. MANAGER

29-4037

Continuation of Abstract of title.

Received 7-11-24

Sheet No. 4

Miller & Vile, First Mortgage Loans, Salt Lake City, Utah.

Abstract No.

Heber K. Peirce and Inez C. Peirce, his wife.

Character of Instrument... Mortgage

Date of Instrument, July 12, 1913,

Date of Record, July 19, 1913, 10:35 A.M.

Book "17" of Mortgages, Page 247, Records of

Bannock County, State of Idaho.

Consideration, \$ 1200.00

TO

Union Central Life Insurance Company, a corporation.

Acknowledgment.

Date July 14, 1913, acknowledged before

Charles O. Benting, N. P.

in and for Bannock County, State of Idaho

Is official seal attached? Yes

Is the acknowledgment regular? Yes

Does wife duly acknowledge on examination without the hearing of her husband?

What is the date of maturity? July 12, 1923

* U. S. Internal Revenue Stamps attached and duly canceled.

When is the interest payable? Annually

Where principal and interest payable? Cincinnati, Ohio.

DESCRIPTION: Lands in Bannock County, State of Idaho.

Lots Three (3) and Four (4) and the South half of the Northwest quarter of Section One (1) Township Eight (8) South of Range Thirty-six (36) East of the Boise Meridian, in Idaho, containing 160 acres, more or less, according to the Official Plat of the survey of the said lands returned to the General Land Office by the Surveyor General.

Together with all the waters of certain springs arising Northeast of said land, also waters from Little Rock Creek for forty (40) acres.

If released on margin of record give VERBATIM COPY of RELEASE.

NOTE: Are there any irregularities or defects in instrument or release?

29-4037

Frank Ball

Lots 2-3-

Spring

Frank Ball
Ed E. Hedges -

NE $\frac{1}{4}$ SW $\frac{1}{4}$ - SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 125.60 acres

Sec - 31 - T 7 S - R 37 E

Map. 7203 - 35

Spider Creek

Omer
NE $\frac{1}{4}$ SE

Wester
SE $\frac{1}{4}$ NE $\frac{1}{4}$

Omer Wester
NE $\frac{1}{4}$ SE $\frac{1}{4}$

40 acres

Spring
ditch

Point of
div. out of
Spider
Creek

David H Lish
40 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$

Alam Lish 40A
NW $\frac{1}{4}$ - SE $\frac{1}{4}$

S 36 T 7 S. R 36 E S 36 - T 7 S. R 36 E

Lower Rock

Point of
div. out of
Lower
Rock
Creek

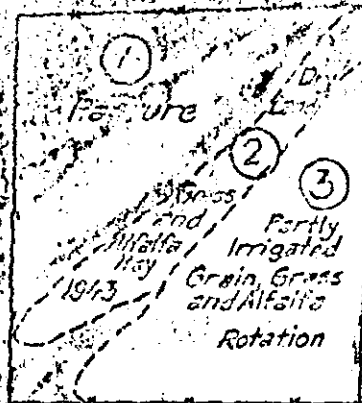
concrete

concrete Box

Point of division out of Lower
Rock Creek steel pipe 1960

29-4037

Received 7-11-76
MB



T.7S.

R.36E.

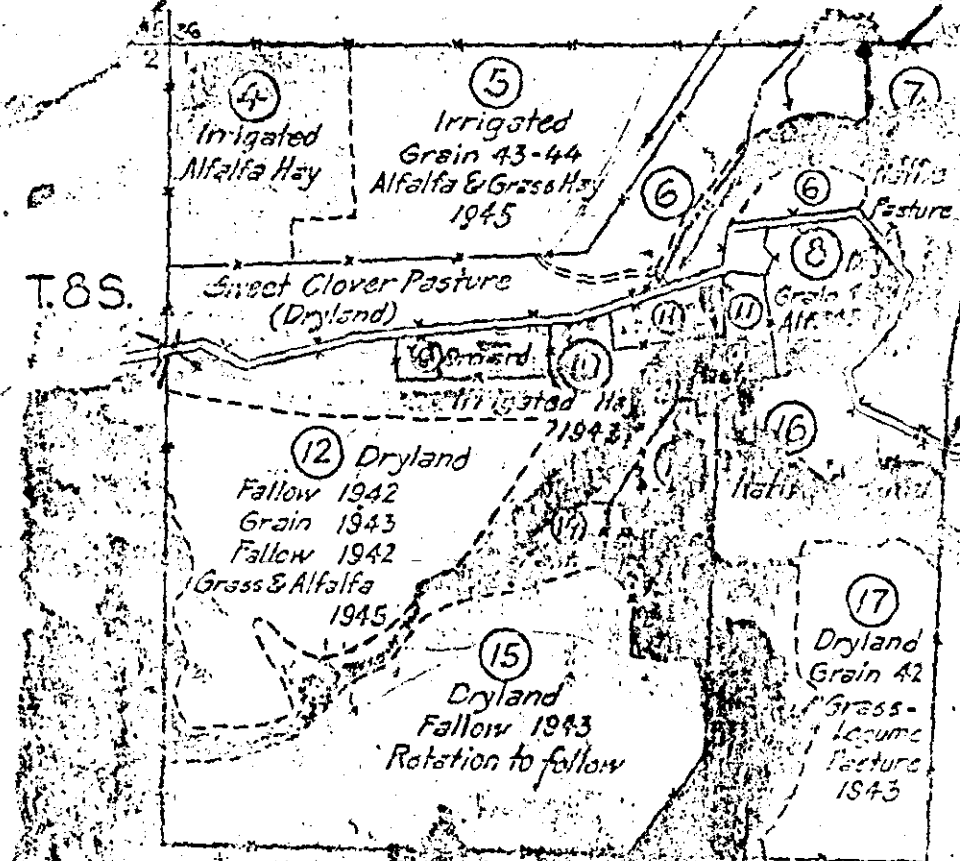
S.28.0

FIELD	ACRES
1	15
2	5
3	15
4	10
5	17
6	15
7	10
8	4
9	2
10	11
11	2
12	20
13	5
14	5
15	25
16	16
17	11

Farmstead (H) roads and unfenced lands 11

Total -- 200-Acres

T.8S.



29-4037

IN THE MATTER OF:

Arla M. Lish

State of Idaho

County of Bannock

AFFIDAVIT

being first duly sworn,

deposes and says:

I have lived at my present location for the past 43 years and have used the water from Lower Rock creek and springs arising no 4 East of Lower Rock creek to Spider Creek. Also the water from Spider Creek arising below Bert Pidcock ditch on land waters of Spider Creek.

The water right was filed prior to 1905. and ditches made and were in use at the time we purchased the property in Oct 1931.

Arla M. Lish
(signature)

Subscribed and sworn to before me this 9th day of July 19 74.

Grace Ashton
(notary public)

Residing at Trkorn, Idaho
My commission expires 7-20-77

29-4037



28-4187



South