

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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 David H. Lish (name of claimant)
of Route #1, Box 116, Inkom, Idaho 83245, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Portneuf River;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Lower Rock Creek
- (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>0.12</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, x cubic ft.)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 0.12 cubic feet per second, or 21 acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) APRIL 1952

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)
NE ¼ SE ¼, Sec. 35 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. Rock dam in creek into metal pipe then to open 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.

[illegible]

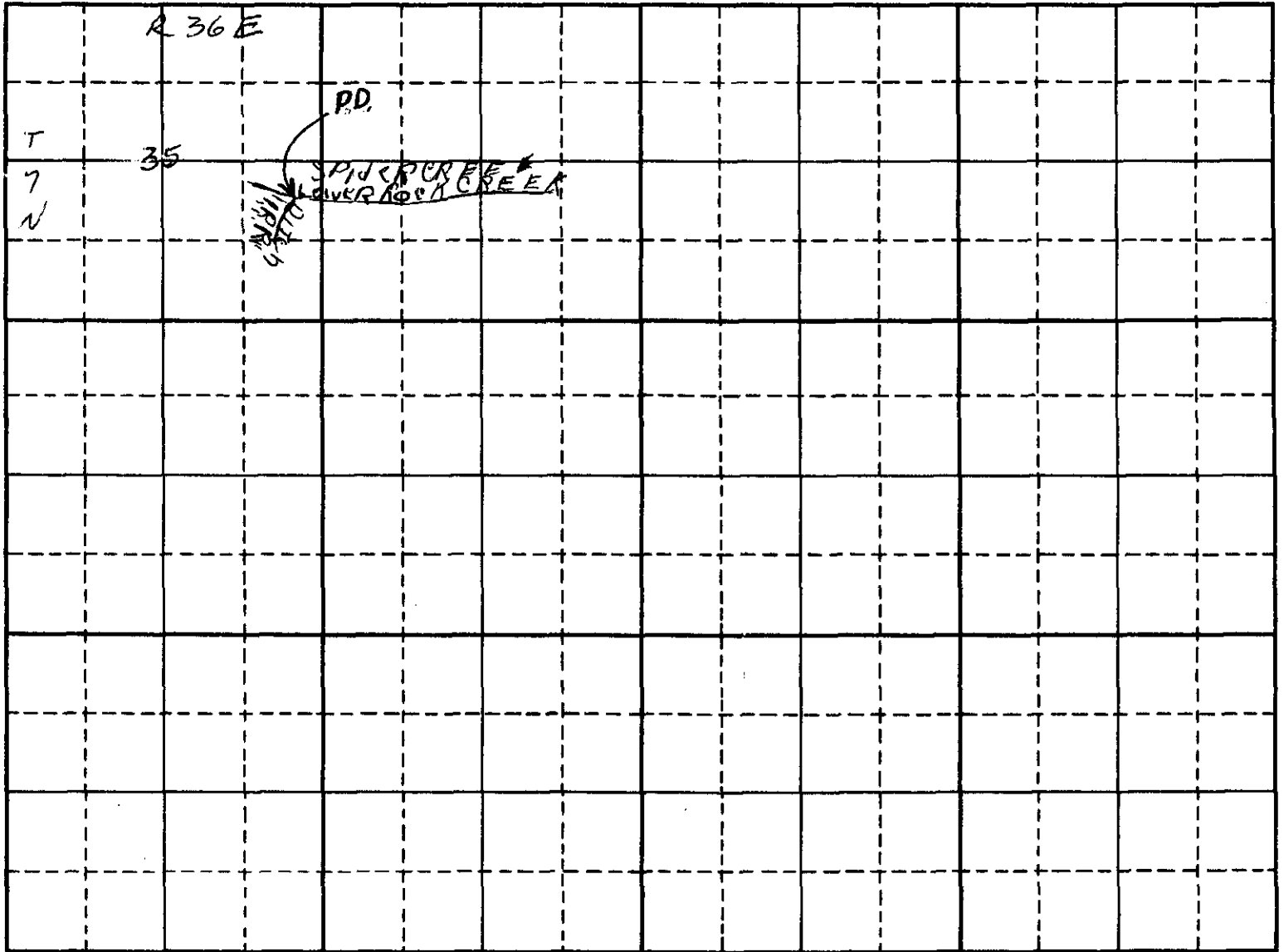
Total No. of acres 6

- 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.

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(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 Bannock 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 affiants knowledge.

David H. Lisk
(Claimant)

Sworn to before me this 25 day of June, 1974.

Glenn Ashton
Notary Public
Residing at Idaho, Idaho

My commission expires 7-20-77

For Department Use Only

Received by	<u>MB</u>	Date	<u>6-26-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by	<u>MB</u>	Date	<u>6/26/74</u>		claimant by:	
\$10.00 fee received by	<u>MB</u>	Date	<u>6-26-74</u>			
Approved for publication by	<u>MB</u>	Date	<u>6/26/74</u>	<u>Keith C. Christensen</u>	<u>MB</u>	<u>7-23-74</u>
Published in	<u>Idaho State Journal</u>					
Dates	<u>July 4 & 11, 1974</u>					

PROOF OF PUBLICATION **RECEIVED**

STATE OF IDAHO
County of Bannock

ss.

Duplicate

Katherine Wanner

JUL 15 1974

Department of Water Resources
Eastern District Office

She

being first duly sworn on oath deposes and says: That.....
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 4, 1974

July 11, 1974

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 11th

day of July, 1974

Della L. Leeper

Notary Public, State of Idaho

Residence: Pocatello, Idaho

Commission Expires
March 5, 1977

29-4633

PRC OF OF PUBLICA.ION

STATE OF IDAHO
County of Bannock

ss.

Duplicate

**NOTICE OF CLAIM
TO A WATER RIGHT**
No. 29-4033

Notice is hereby given that David H. Lish, Route No. 1, Box 116, Inkorn, Idaho has filed a claim, to a water right established by diversion and application to beneficial use of 0.12 cubic feet per second of water from Lower Rock Creek tributary to Portneuf River with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, 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 6 acres with a priority of April, 1952; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, T. 7S, R. 36E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.
R. Keith Higginson
Director

JULY 4, 11, 1974
No. 427

being first duly sworn on oath deposes and says: That _____
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:

_____, 19____, _____, 19____
_____, 19____, _____, 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.

Katherine Winner

Subscribed and sworn to before me this _____
day of _____, 19____

Lella L. Seaford

Notary Public, State of Idaho

Residence: Pocatello, Idaho

JUL 5, 1974

29-4033

PROOF OF PUBLICATION

RECEIVED

JUL 15 1974

STATE OF IDAHO
County of Bannock

ss.

Katherine Warner

Department of Water Resources
Eastern District Office

She

being first duly sworn on oath deposes and says: That
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.

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July 4, 1974

19

July 11, 1974

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.

Katherine Warner

Subscribed and sworn to before me this 11th

day of July, 1974

Leah L. Leaphor

Notary Public, State of Idaho

Residence: Pocatello, Idaho

Commission Expires
March 5, 1977

29-4033

PROC OF PUBLICA.ION

STATE OF IDAHO }
County of Bannock } ss.

**MB NOTICE OF CLAIM
TO A WATER RIGHT**
No. 29-4033

Notice is hereby given that David H. Lish, Route No. 1, Box 116, Inkom, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.12 cubic feet per second of water from Lower Rock Creek tributary to Portneuf River with point of diversion in the NE 1/4 SE 1/4, Sec. 35, 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 6 acres with a priority of April, 1957; the place of use is within the NE 1/4 SE 1/4, Sec. 35, T. 7S, R. 36E, B.M.

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

R. Keith Higginson
Director

July 4, 11, 1974
No. 427

being first duly sworn on oath deposes and says: That _____
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:

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_____, 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.

Katherine Warner

Subscribed and sworn to before me this _____
day of _____, 19____.

Lula L. Leopold

Notary Public, State of Idaho
Residence: Pocatello, Idaho

Commission Expires
March 5, 1977

29-4033

BDF

XXXXXXXXXXXXXXXXXXXXX RESOURCES

July 26, 1974

Re: Claim to a Water Right No. 29-4033 David H. Lish

Mr. Keith C. Christensen
P.O. Box 54
Inkom, Idaho 83245

Dear Mr. Christensen:

On July 23, 1974, we mailed a letter indicating to you that your exception to the above referenced claim had been accepted and included in the file. However, in my letter I did not indicate that it is unlikely that the court would consider the exception unless it is filed in affidavit form with your signature notarized. If you wish to file an exception which meets the requirements as specified by the Idaho Code, we have enclosed a blank affidavit form for your convenience. Please forgive me for not making this clear in my former letter.

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

Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

RDC:mb

Enclosure
cc: David H. Lish

IN THE MATTER OF:

JUN 26 1974

Department of Water Administration
AFFIDAVIT
Eastern District Office

State of Idaho

County of Bannock

Evan Barron being first duly sworn,
deposes and says: David Howard Lisk has
used water from Lower Rock Creek
continuously since April 1952. He
irrigates six acres with in the
following description of land -
NE $\frac{1}{4}$ SO $\frac{1}{4}$ Sec. 35 - TWP 7S Rge. 36 EBM.
Bannock County.

Evan Barron
(signature)

Subscribed and sworn to before me this 25 day of June 19 74.

Grace Ashton
(notary public)

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

29-4033

IN THE MATTER OF:

AFFIDAVIT Department of Water Administration
Eastern District Office

County of

no
Bannock

Chas. M. Lusk

being first duly sworn,

deposes and says:

David H. Lisk to my knowledge

has used water from Lower Rock^o Creek for 6 acres since April 1952.

I have lived 43 years within $\frac{3}{4}$ of a mile of this property NE $\frac{1}{4}$ So E $\frac{1}{4}$ Sec. 35 - Twp 7S Rge. 36E B.M. Co of Bannock.

Wm. M. Lusk
(signature)

Subscribed and sworn to before me this 25 day of June 19 77.

Grace Tscherton
(notary public)

Residing at Idaho, Idaho

My commission expires 7-20-77

29-4033

RESOURCES

August 9, 1974

Re: Claim to a Water Right No. 29-4033

Mr. David H. Lish
Route #1, Box 116
Inkom, Idaho 83245

Dear Mr. Lish:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim 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 claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

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

Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

Enclosure

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XXXXXXXXXXXXXXXXXXXXX RESOURCES

July 26, 1974

Re: Claim to a Water Right No. 29-4033 David H. Lish

Mr. Keith C. Christensen
P.O. Box 54
Inkom, Idaho 83245

Dear Mr. Christensen:

On July 23, 1974, we mailed a letter indicating to you that your exception to the above referenced claim had been accepted and included in the file. However, in my letter I did not indicate that it is unlikely that the court would consider the exception unless it is filed in affidavit form with your signature notarized. If you wish to file an exception which meets the requirements as specified by the Idaho Code, we have enclosed a blank affidavit form for your convenience. Please forgive me for not making this clear in my former letter.

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

Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

RDC:mb

Enclosure
cc: David H. Lish

MICROFILMED

XXXXXXXXXXXXXXXXXXXXX RESOURCES

July 23, 1974

Re: Claim to a Water Right No. 29-4033

Mr. David H. Lish
Route #1, Box 116
Inkom, Idaho 83245

Dear Mr. Lish:

Enclosed please find a copy of the exception filed by Keith C. Christensen in connection with your Claim No. 29-4033. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration, July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

Enc: Copy of exception

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XXXXXXXXXXXXXXXXXXXXX RESOURCES

July 23, 1974

Re: Claim to a Water Right No. 29-4033

Mr. Keith C. Christensen
P.O. Box 54
Inkom, Idaho 83245

Dear Mr. Christensen:

We have received the exception dated July 18, 1974, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed Department of water administration, July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

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RECEIVED

JUL 19 1974

Department of Water Resources
Eastern District Office

Idaho Department of Water Administration
Mr. Norman Young, Dist. Mgr.
1515 Lincoln Road
Idaho Falls, Idaho 83401

July 18, 1974

Dear Sir:

I am writing this letter of Exception to the claim of Water Right # 29-4033 filed by Mr. David H. Lish.

This water Mr. Lish is claiming is the water which has been used to irrigate forty (40) acres, located in Section 35, Township 7 South Range 36 East. This water and ditches have been in continual use since approximately 1930., which is many years before Mr. Lish even owned his present ground. My ditch runs through a small piece of his ground and when I wasn't using the water I would let him use it to irrigate his pasture grass. This arrangement has been fine and appreciated by him. Now in the last two months Mrs. Rino and Mr. Lish, who both live above me on the creek have applied for water permits and rights.

It appears to me and I hope also to the Department of Water Administration that these parties are just trying to claim rights and permits to water that does not now, nor ever has belonged to them.

It is my contention that any water that is in excess of Mr. H. H. (Pete) Phillips' decreed water right belongs to me Keith C. Christensen to be used for the irrigation of the above mentioned forty acres.

Sincerely



Keith C. Christensen
P.O. Box 54
Inkom, Idaho 83201

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June 28, 1974

RE: Claim to a Water Right No. 29-4031 - Christensen
" " " No. 29-4032 - "
" " " No. 29-4033 - Lish
Application for Permit No. 29-7203 - Delbridge
" " No. 29-7204 - Lish

Idaho State Journal
Box 431
Pocatello, Idaho 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

NCY:CB

Bill submitted 7-15-74 by MB

Enc: Legal Notice (5)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 29-4033

Notice is hereby given that David H. Lish

Route #1, Box 116, Inkom, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.12 cubic feet per second ~~acre feet per annum~~

of water from Lower Rock Creek tributary to Portneuf River

with point of diversion in the NELSE, Sec. 35, 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 6 acres

with a priority of April, 1952;

the place of use is within the NELSE, Sec. 35, T. 7S, R. 36E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho

on July 4 and July 11, 1974.

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OB-2.
OB-A.