

29-04028

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 R. Lish (name of claimant)
of McCammon, Idaho (mailing address), claims a right to the diversion and beneficial use of
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) Quinn 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 | 0.40 | Use | Irrigation | Period of Use: From | Apr. 1 | To | Sept. 1 |
| Amount | | Use | | Period of Use: From | | To | |
| Amount | | Use | | Period of Use: From | | To | |
| | (cfs, gpm, or gpd) | | (dom., irri., stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 0.40 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) About 1925

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)
SW ¼ SW ¼, Sec. 25 Twp. 8S 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. Temporary dams in creek

- (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	36						20											20

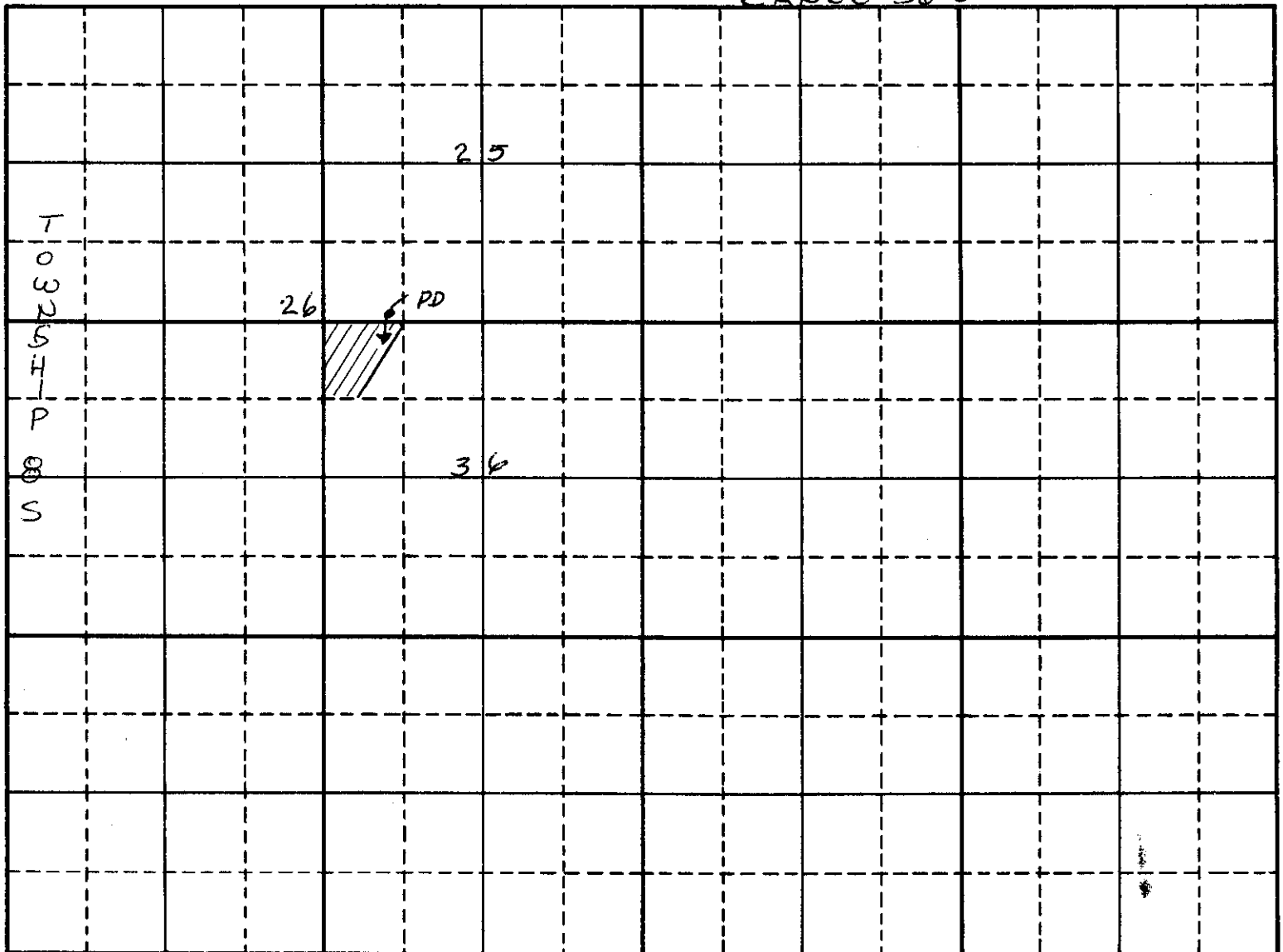
Total No. of acres 20

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: None

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

- (8) Remarks This water was originally developed and used on this land by Nels Larsen.
Exact date use started is unknown but early residents confirm it was being used
45 years ago.

RANGE 36 E



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.

David R. Lush

(Claimant)

Sworn to before me this 17 day of MAY

Notary Public

Residing at FIRTH, IDAHOMy commission expires 2/14/78

For Department Use Only

Received by MB Date 5-17-74
 Prelim. check by RDC Date 5/17/74
 \$10.00 fee received by MB Date 5-17-74
 Approved for publication by N.C.Y. #12881
 Published in The Idaho State Journal
 Dates 5-23-30-74

Exception filed by:

Forwarded to
claimant by:

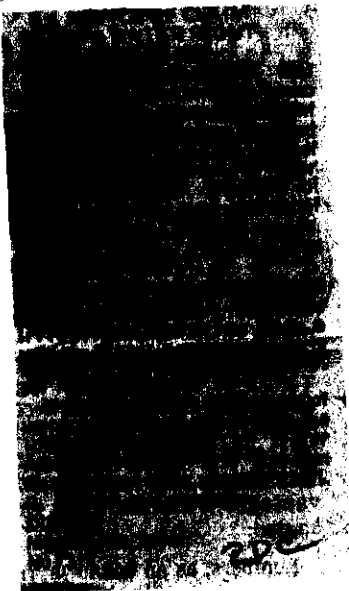
Date

Norman D. Larsen MB 6-7-74

RECEIVED

PROOF OF PUBLICATION

MAY 31 1974 IDAHO
County of Bannock } ss.
Department of Water Administration
Eastern District Office



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:

May 23, 19 74 19.....
May 30, 19 74 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 30th
day of May, 19 74

..... Della L. Leadford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

CONFIRMATION EXP. 12/31/74

PRC OF OF PUBLICA .ION

STATE OF IDAHO }
County of Bannock } ss.

Katherine Wanner

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 29-4028**

Notice is hereby given that David R. Lish, McCammon, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.40 cubic feet per second of water from Quinn Creek tributary of Portneuf River with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T. 8S, R. 36E, B.M., Bannock County

The water is claimed to be used from Apr. 1 to Sept. 1 for the irrigation of 20 acres with a priority of 1974 the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 8S, 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
May 23, 30, 1974
No. 317

2DC

being first duly sworn on oath deposes and says: That She
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Katherine Wanner

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day of May, 19 74

Debra L. Ladford

Notary Public, State of Idaho

Residence: Pocatello, Idaho

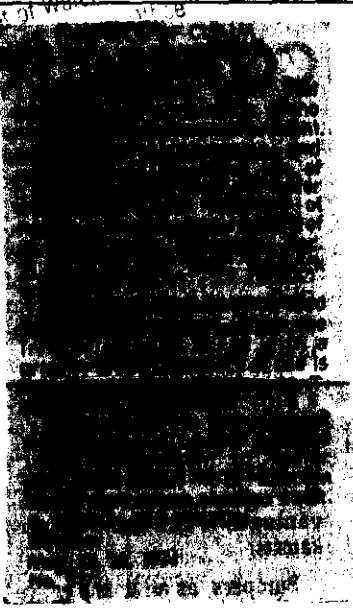
RECEIVED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Department of Water Administration
Fair



Katherine Wanner

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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 30th
day of May, 1974.

Debra L. Lindfors

Notary Public, State of Idaho
Residence: Pocatello, Idaho

Commission Expires
March 5, 1977

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Katherine Wanner

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TO A WATER RIGHT
NO. 29-4028**

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May 30, 1974, 19
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19, 19
19, 19

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Katherine Wanner

Subscribed and sworn to before me this 30th

day of May, 1974

Paul L. Lindford

Notary Public, State of Idaho

Residence: Pocatello, Idaho

Commission Expires
March 5, 1977

June 18, 1974

Re: Claim to a Water Right No. 29-4028 & 29-4029

Mr. David R. Lish
McCammon
Idaho 83250

Dear Mr. Lish:

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 do not, in themselves, guarantee you water rights; They only record and preserve the information and the evidence which you included in the 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 number 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

June 7, 1974

Re: Claims to a Water Right No. 29-4028 & 29-4029 DAVID R. LISH

Mr. John K. Looze
Attorney at Law
P.O. Box 504
Pocatello, ID 83201

Dear Mr. Looze:

We have received the exceptions dated June 6, 1974, filed in behalf of Herman D. Larsen against the above referenced claims to a water right. The following is a quote from the provisions of the Idaho Code under which these claims were 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,

NORMAN C. YOUNG
District Engineer

NCY:MB
cc: Herman D. Larsen

29 4028

June 8, 1974

Re: Claim to a Water Right No. 29-4028 & 29-4029

Mr. David Lish
Route #1
McCammon, ID 83250

Dear Mr. Lish:

Enclosed please find copies of the exceptions filed by John K. Looze in behalf of Herman D. Larsen in connection with the above referenced claims. The following is a quote from the provisions of the Idaho Code under which these claims have been filed:

42-225b. Recording of claims be 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.

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If we can be of further assistance, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer
NCY:MB
Enc: Copies of exceptions

29 4028

JOHN K. LOOZE
Attorney at Law
P.O. Box 504
Pocatello, Idaho 83201
Telephone: 233-0132

RECEIVED

JUN 1958

Department of Water Resources
Eastern District Office

IN THE IDAHO DEPARTMENT OF WATER ADMINISTRATION

-----X
IN THE MATTER OF THE CLAIM x EXCEPTION TO CLAIMS OF
OF DAVID R. LISH x WATER RIGHT NOS. 29-4028
-----X & 29-4029

TO: David R. Lish and the Idaho Department of Water
Administration.

STATE OF IDAHO)
 : ss
County of Bannock)

I, Herman D. Larsen, being first duly sworn on oath,
depose and state:

That I take exception to the above claims of Water
Right by reason that the said water claimed thereunder has
been appropriated to beneficial use by the Affiant prior to
the year 1925 upon the following described real property and
property appurtenant thereto, all of the same being located
in the County of Bannock, State of Idaho:

The Southwest quarter, Section 25, township 8
South, Range 36, East Boise Meridian, excepting
therefrom the following described property, to-wit:

Beginning at the Southwest corner of Section 25,
township 8 South, Range 36, East Boise Meridian,
thence East 174 feet, more or less, thence North
934.8 feet, more or less, thence West 174 feet,
more or less, thence South 934.8 feet; more or less,
to "Point of Beginning," all lying and situated
in Section 25, township 8 South, Range 36 East,
Boise Meridian, and containing 3.73 acres, more
or less.

EXCEPTION

-1-

29 4028

Together with all and singular the tenements,
hereditaments, and appurtenances thereunto
belonging or in anywise appertaining, including
water, water rights, ditches, and canals used
in connection with the above described land or
conveying the same to or upon the said land.

DATED: This 6 day of June, 1974.

Herman D. Larsen

/s/ Herman D. Larsen
HERMAN D. LARSEN

SUBSCRIBED AND SWORN to before me this 6 day of
June, 1974.

John K. Looze
/s/ John K. Looze
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, Idaho

(SEAL)

29 4028

EXCEPTION

May 17, 1974

Re: Claim to a Water Right No. 29-4028 LISH
No. 29-4029 Lish
Application for Permit No. 29-7193 Toler
No. 29-7194 Lish

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

NCY:MB
Enc: Legal Notices (4)

Bill submitted 5-31-74 by MB

NOTICE OF CLAIM TO A WATER RIGHT

NO. 29-4028

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has filed a claim to a water right established by diversion and application
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Bannock County

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R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho

on May 23 and May 30, 1974.

29 4028

CB-X
NCE-A