

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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 MERLIN S. BASTIAN
(name of claimant)
of RT. 1 MALAD, ID 83252
(mailing address), claims a right to the diversion and beneficial use of
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) GROUND WATER
 _____, 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>4.0 cfs</u>	Use	<u>IRR</u>	Period of Use: From	<u>APRIL 15</u>	To	<u>OCT 1</u>
Amount	<u> </u>	Use	<u> </u>	Period of Use: From	<u> </u>	To	<u> </u>
Amount	<u> </u>	Use	<u> </u>	Period of Use: From	<u> </u>	To	<u> </u>
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

- (3) Total quantity of water claimed: 4.0 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) May 1, 1946 well #2 July 2, 1952
Well #1
 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) WELL #2
NW ¼ NW ¼, Sec. 23 Twp. 14S Rge. 33E B. M. County of ONEIDA

Additional points of diversion: _____

NE¹/₄ NE¹/₄ SEC. 22 TWP 14S RGE 33 EBM ONEIDA WELL # 1

- 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. WELL #1 14", 325 ft. deep 50 hp.

WELL #2 14", 325 ft. deep 50 hp. Both wells are tied together by 8" buried plastic main line.

- (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]

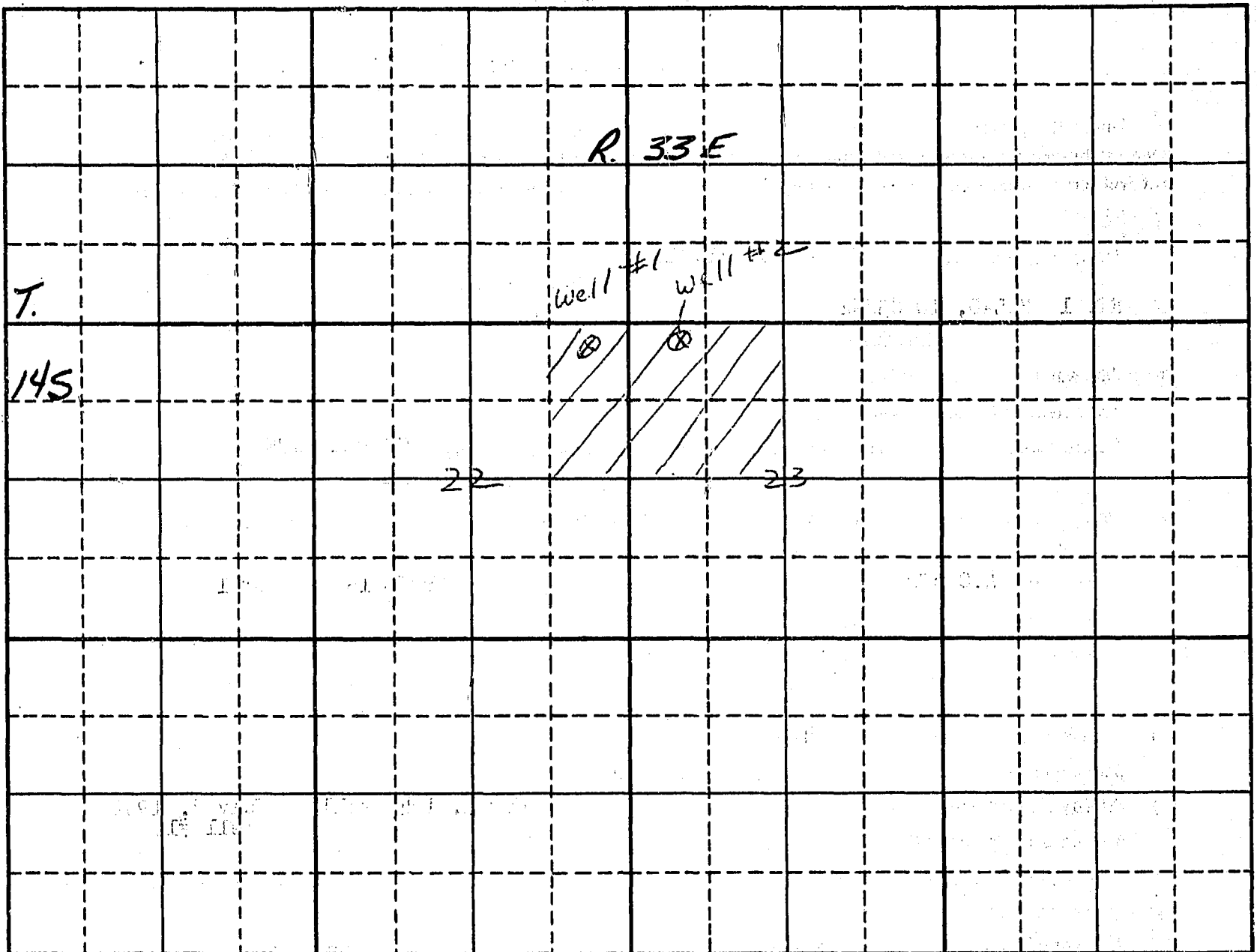
Total No. of acres 226

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

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

SSOP

(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 Oneida

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.

Merlin Bastian
(Claimant)

Sworn to before me this 9th day of April, 19 75

Shanda Edwards
Notary Public

Residing at Malad, Idaho

My commission expires 5-15-76

For Department Use Only

Received by MB Date 4-9-75
Prelim. check by LA Date 4-10-75
\$10.00 fee received by MB Date 4-10-75
Approved for publication by CW 4-25-75 #4191
Published in Idaho Enterprise
Dates April 17 & 24, 1975

Exception filed by: Forwarded to claimant by: Date

RECEIVED

APR 25 1975

Department of Water Resources
Eastern District Office

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 17-4022

Notice is hereby given that
Merlin S. Bastian, Malad, Idaho,
has filed a claim to a water right
established by diversion and ap-
plication to beneficial use of 4.0
cubic feet per second of water
from a ground-water source with
point of diversion in the

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 22, T. 14S, R. 33E, B.M.,
Oneida County.

The water is claimed to be
used from Apr. 15 to Oct. 1 for
the irrigation of 226 acres with
a priority of May 1, 1946 and July
2, 1952 respectively for the points
of diversion; the place of use is
within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 22,
NW $\frac{1}{4}$, Sec. 23, T. 14S, R. 33E,
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 Enter-
prise, Malad, Idaho, on April 17
and April 24, 1975.

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Norma Peck being first duly sworn on
her oath, states: That she is clerk
of the Idaho Enterprise, a newspaper of general circula-
tion in Oneida County, Idaho published weekly at Malad,
in said county, that said newspaper has been published
in said county uninterruptedly and continuously for over
seventy-eight consecutive weeks, prior to the first publi-
cation of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of
publication of said notice a newspaper of general circu-
lation made up of at least four pages of at least five
columns each, printed from type matter or stereotyped
forms of at least seventeen and three fourths inches
depth, and said newspaper during all of the times of
publication aforesaid had more than 200 bonafide sub-
scribers thereto living within the county of Oneida in
which said newspaper was published at regular intervals
not less frequently than once a week.

That the annexed notice was published per clipping
attached in the regular and entire edition of said
newspaper and not in any supplement thereof for 2
successive weekly issues thereof the date of the first
publication being the 17 day of April, 1975
the date of the last publication being the 24 day of
April, 1975

Norma Peck
Subscribed and sworn to before me this 24 day of
April, 1975

H. D. Taylor
Notary Public, residing at Malad, Idaho

My Commision expires the 10 day of Oct, 1977

Costs:

33 lines at 23c per line first insertion \$ 7.59
lines tabulated at 34 $\frac{1}{2}$ c per line \$
15c per line each subsequent insertion \$ 4.95
TOTAL \$ 12.54

(Rates for legal notices are fixed by Idaho law)

April 10, 1975

RE: Claim to a Water Right No. 17-4022

Mr. Merlin S. Bastian
Route #1
Malad, Idaho 83252

Dear Mr. Bastian:

Attached herewith is departmental receipt No. 4191 in the amount of \$10.00 for the above referenced claim.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 17-4022

Notice is hereby given that **Merlin S. Bastian,**

Malad, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 4.0 cubic feet per second ~~acres feet per annum~~ of water from a ground-water source

with point of diversion in the NW¹/₄NW¹/₄, Sec. 23, NE¹/₄NE¹/₄, Sec. 22, T. 14S,
R. 33E, B.M., Oneida County.

The water is claimed to be used from Apr. 15 to Oct. 1 for the irrigation
of 226 acres

with a priority of May 1, 1946 and July 2, 1952 respectively for the points of diversion
the place of use is within the E¹/₂NE¹/₄, Sec. 22, NW¹/₄, Sec. 23, T. 14S,
R. 33E, 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 Enterprise, Malad, Idaho**

on April 17 and April 24, 1975

CW-H-A-
CW-H-A-
CW-H-A-

**MB NOTICE OF CLAIM
TO A WATER RIGHT**

No. 17-4022

Notice is hereby given that Merlin S. Bastian, Malad, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 4.0 cubic feet per second of water from a ground-water source with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 14S, R. 33E, B.M., Oneida County.

The water is claimed to be used from Apr. 15 to Oct. 1 for the irrigation of 226 acres with a priority of May 1, 1946 and July 2, 1952 respectively for the points of diversion; the place of use is within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 22, NW $\frac{1}{4}$, Sec. 23, T. 14S, R. 33E, 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 Enterprise, Malad, Idaho, on April 17 and April 24, 1975.

April 10, 1975

RE: Claim to a Water Right No. 17-4022 BASTIAN

Idaho Enterprise
P.O. Box 205
Malad City, ID 83252

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,

RONALD D. CARLSON
District Engineer

Bill submitted 4-25-75 by MB

RDC:MB

Enc: Legal Notice (1)

1515 Lincoln Road

May 5, 1975

RE: Claim to a Water Right No. 17-4022

Mr. Merlin S. Bastian
Route #1
Malad, ID 83252

Dear Mr. Bastian:

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
District Engineer

RDC:MB

Enc: Copy of Claim

