

#82 X

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

RECEIVED

Ident. Number: A29-04042
Date Received: 3/28/1989
Receipt No: EO12655/80
Received By: _____

MAR 30 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOYCE ORDERS
Address: 1744 S. OLD HWY. 91
INKOM, ID

208-775-3693

83245

2. Date of Priority: JUN 01, 1955

3. Source: UPPER ROCK CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	36E	12	NE	NE	NW		BANNOCK

5. Description of diverting works:
12" PIPELINE TO RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.640		

7. Total Quantity Appropriated is:
0.640 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 79.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08S	36E	11	NW	SE		IRR	13.1
			SW	SE		IRR	17.7

Section Acres 30.8

A29-04042

Page 1

Date: 03/28/89

MICROFILMED
NOV 13 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	36E	14	NW	NE		IRR	1.0
Section Acres							1.0
Total Acres							31.8

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Joyce Orders Date: 3/30/89
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of March 19 89

Anthony S. Olmstead
Notary Public

Seal

Residing at State Falls

My Commission Expires 9/12/1994

Water Right Number - 29-04042

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

TRIPP

FRED J.

1 -

2 -

3 -

City- MC CANNON

State- ID Zip-

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1955 15 EASTERN S - STATUTORY CLAIM+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
UPPER ROCK CREEK PORTNEUF RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

08S 36E 12 NE NW (5) BANNOCK

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01

11/01

0.640

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.640 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

08S 36E 11 NW SE 13.0 01 IRRIGATION

(5) BANNOCK

08S 36E 11 SW SE 18.0 01 IRRIGATION

(5) BANNOCK

08S 36E 14 NW NE 1.0 01 IRRIGATION

(5) BANNOCK

Total Acres: 32.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

GEN AS PER AMENDED CLAIM.
AC. IRR. = 31.8+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

03/02/01 11:42:10
Page 2

Water right number - 29-04042

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

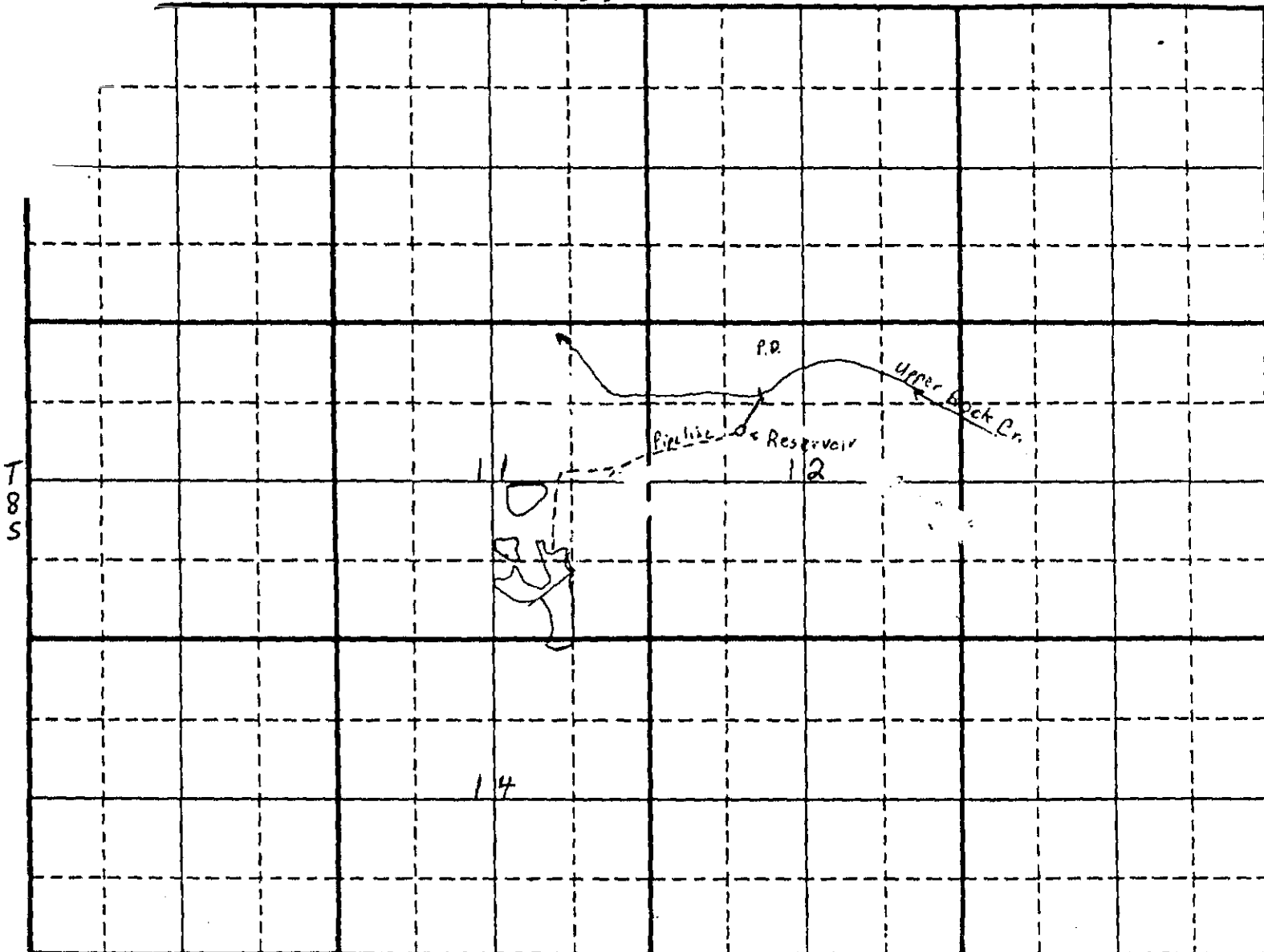
+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 04/08/85 05/22/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 04/08/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- T
Presumption Flag	-	Name Connector	-	POU Ownership Flag	-
SRBA Decreed Flag	-				

R 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)

MICROFILMED

NOV 13 1992

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.

Mrs. Fred J. Driggs
 (Claimant)

Sworn to before me this 2nd day of April, 1979.

Notary Public

29-04042
MEMORANDUM

To: the files; 29-04240, 29-04042B, 29-04240C *4042C*

From: A. Ruberry

Subject: History of 29-04042

29-04042 was originally filed by Fred Tripp on September 17, 1974, pursuant to §42-225a IC, as an irrigation claim for 1.2 cfs, 60 acres, priority date of June 1, 1955.

In February 1975, a letter explains that the elements of the claim differ from a transfer application; amendment requested. Letter dated April 1975, acknowledges the lack of response to the request to amend, and suggests cancellation of the transfer application. Then on May 28, 1975, Transfer #2346 (amended) was approved; whereby, the original 1974 claim was changed to add acreage (1 ac) in NWNE Section 11, T8S, R36E. The transfer also acknowledges the reduction of irrigated acres to 31.8.

Statutory claim 29-04042 was filed April 2, 1979, pursuant to §42-243 IC, which basically mirrored Transfer # 2346, 1975; 0.636 cfs on 31.8 acres. Letter dated May 21, 1979 informs claimant of the completion of advertising. Advertising Notice acknowledges the amendment to reduce the original claim to 0.636 cfs,... and reducing irrigated acres to 31.8.

Now comes in the SRBA claims; 29-04042B and C. Attached to these claims are Warranty Deeds which state " Seller grants high water rights out of Rock Creek, pumping rights out of Portneuf River."

THE PROBLEM:

- 1.) 29-04042 was amended to reduce the order of the claim to 0.636 cfs on 31.8 acres, priority date June 1, 1955 (unchanged). As amended, the original claim, now filed in the SRBA, is filed in total by Joyce Orders.
- 2.) 29-04042B and 29-04042C, as filed in the SRBA have no basis. Even though the "Seller grants... rights" of one type or another by deed there is no basis. *The seller has no authority to grant any water rights, of any kind, from either Rock Creek and/or the Portneuf River.* Had the original 1974 claim been perfected, then split by transfer or change of ownership, there might very well have been a basis to a portion of 29-04042. But, that reference was amended away in 1975, by transfer and by a new claim in 1979.
- 3.) 29-04042B and C will be recommended for **DISALLOWAL. P01; NO LAWFUL APPROPRIATION SHOWN.**
- 4.) Documents are filed in 29-04042B.

Log for claim A29-04042

Spatial Dynamics AMH

8/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s36e	11	NWSE	13	17	Indiscernible
08s36e	11	SWSE	17	17	
08s36e	14	NWNE	1	1.2	
Totals:			31	35.2	

AJ5809NP
No. A29-04042

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 141

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOYCE ORDERS 1744 S OLD HWY 91 INKOM ID 83245 (208) 775-3693	06/01/1955	IRRIGATION	04-01 11-01	0.640 CFS	
					TOTAL DIVERSION:	0.640 CFS
					CONSUMPTIVE USE:	79.50 AFA

Water Source: UPPER ROCK CREEK

Tributary to: PORTNEUF RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T08S R36E S12 NENW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
08S	36E	11	:															13	17	:	30.8
08S	36E	14	:			01														:	1.0
																				TOTAL ACRES	31.8

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:
A29-04042B A29-04042C A29-04043 A29-04043A A29-04043B

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 03/28/89 OLENICHA 07/15/94 THOMPSON 03/29/95 POST-STD

Identification

Transfer No.

2946

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

AMENDED **APPLICATION FOR TRANSFER OF WATER RIGHT** AMENDED

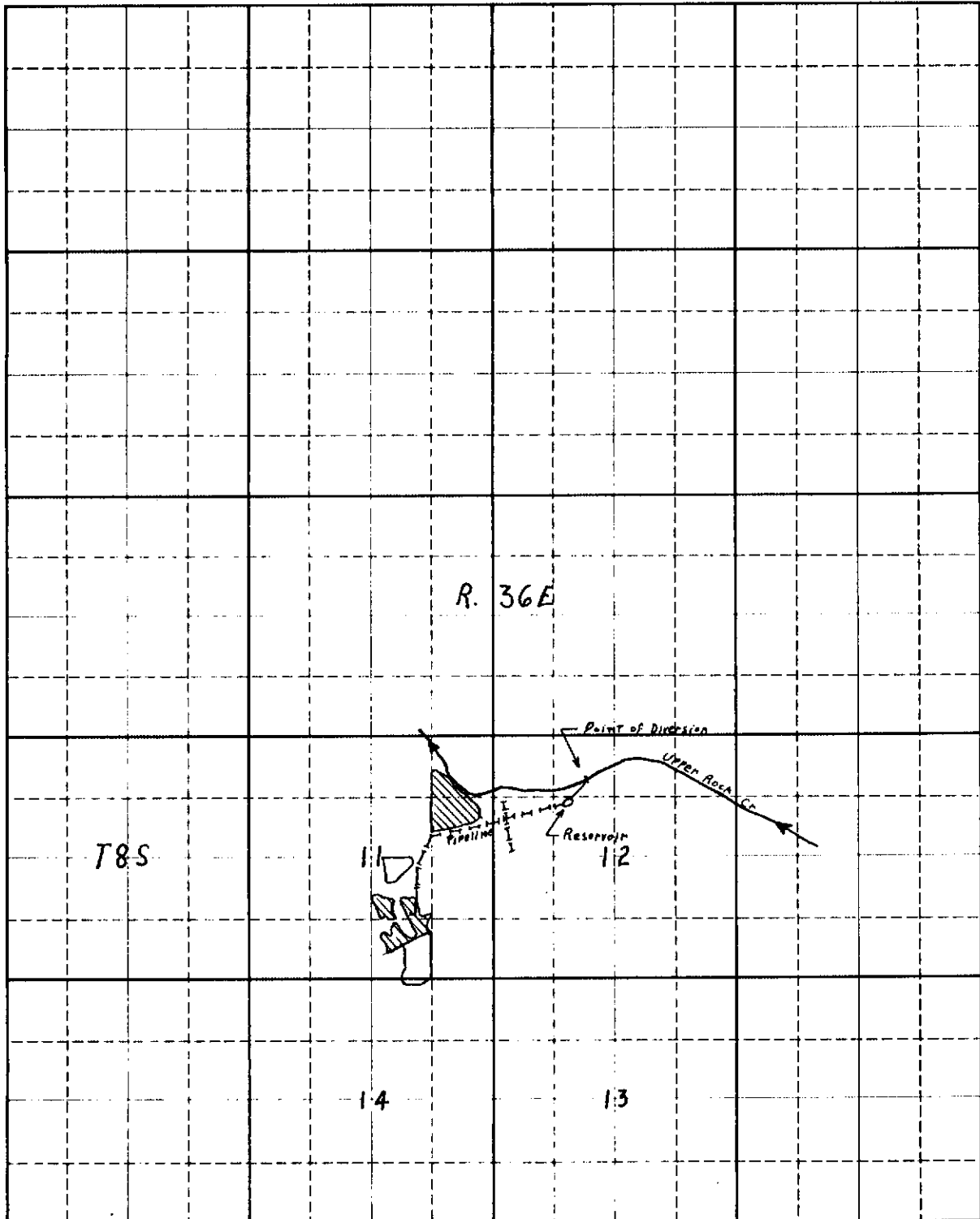
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Fred J. Tripp
Post office address McCammon, Idaho
2. Right obtained by:
 - a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____
Claim
 - b. ~~XXXX~~ No. 29-4042 issued by the State of Idaho, Department of Reclamation.
3. Source of water Upper Rock Creek tributary to Portneuf River
(Name of stream or source)
4. Date of Priority June 1, 1955
5. Amount of water a. 0.636 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from Apr. 1 to Nov. 1
(Month, Day) (Month, Day)
7. Original location of point of diversion is NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12,
Township 8S, Range 36E, B.M., in Bannock County;
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8S	36E	11														13.1	17.7		30.8
"	"	14		1															1

Total number of acres presently irrigated 31.8



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not original holder of this right explain how it was acquired: _____

10. CHANGE IN POINT OF DIVERSION NO CHANGE

a. Quantity to be diverted at new point: _____ c.f.s. and/or _____ acre feet

b. New point of diversion: _____ 1/4 _____ 1/4, Section _____, Township _____
 _____, Range _____, B.M. _____

c. Description of method of diversion and conveyance from new points of diversion: _____

d. Is water to be conveyed to the lands previously irrigated? Yes _____ No _____

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

f. Do you intend to make the transfer permanent? _____

g. Do you intend to abandon completely the old point of diversion? _____

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	36E	11	5			13.7									7.6	5.5			31.8

Total number of acres to be irrigated 31.8

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

This transfer will remove water from 18.7 acres of the land previously
irrigated and apply it to 18.7 acres within the SE 1/4, Sec. 11.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: Decreed right from Upper Rock Creek.

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Paul J. Lipp
(signature of applicant)

Subscribed and sworn to before me this 14th day of APRIL, 1975

R. D. Carter
(notary public)

My commission expires 2/14/78

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 29-4042

and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be permanently
installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 28 day of May, 1975

R. K. Higgins
XXXXXXXXXXXXXXXXXXXX

DIRECTOR

FOR DEPARTMENT USE ONLY

Received by MB Date 4-14-75

Protest filed by: _____ Date _____

Prelim. check by RDC Date 4/14/75

Fee received by MB Date 4-14-75 Fee \$10.00
#4198

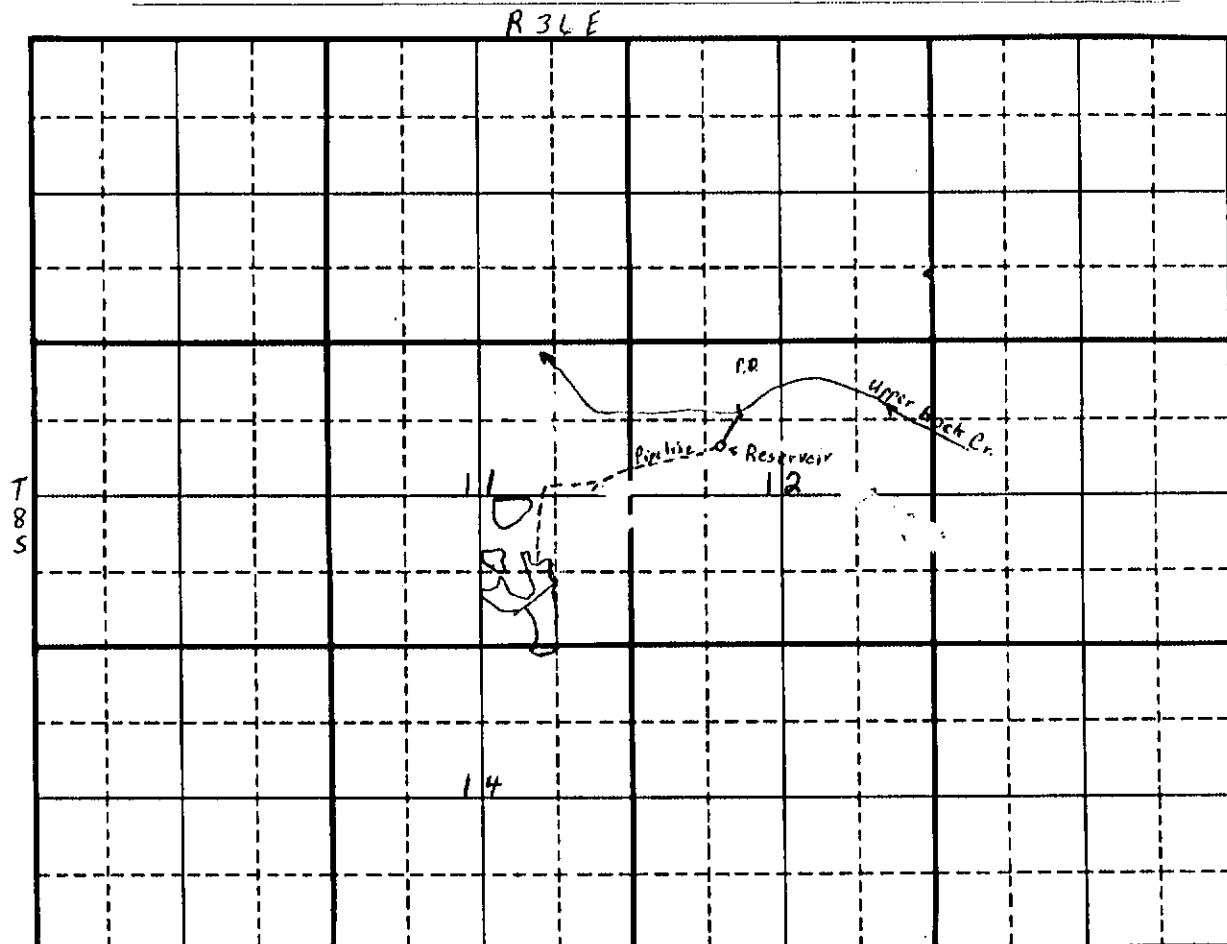
Approved for publication by W. S. J. P.

Published in Water Reclamation Engineer Date May 14, 1975

Hearing held _____

Watermaster Recommendation sent James Patten #29 4-29-75

(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 Bonneville) 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.

Mrs. Fred G. Driggs
(Claimant)

Sworn to before me this 2nd day of April, 1979.

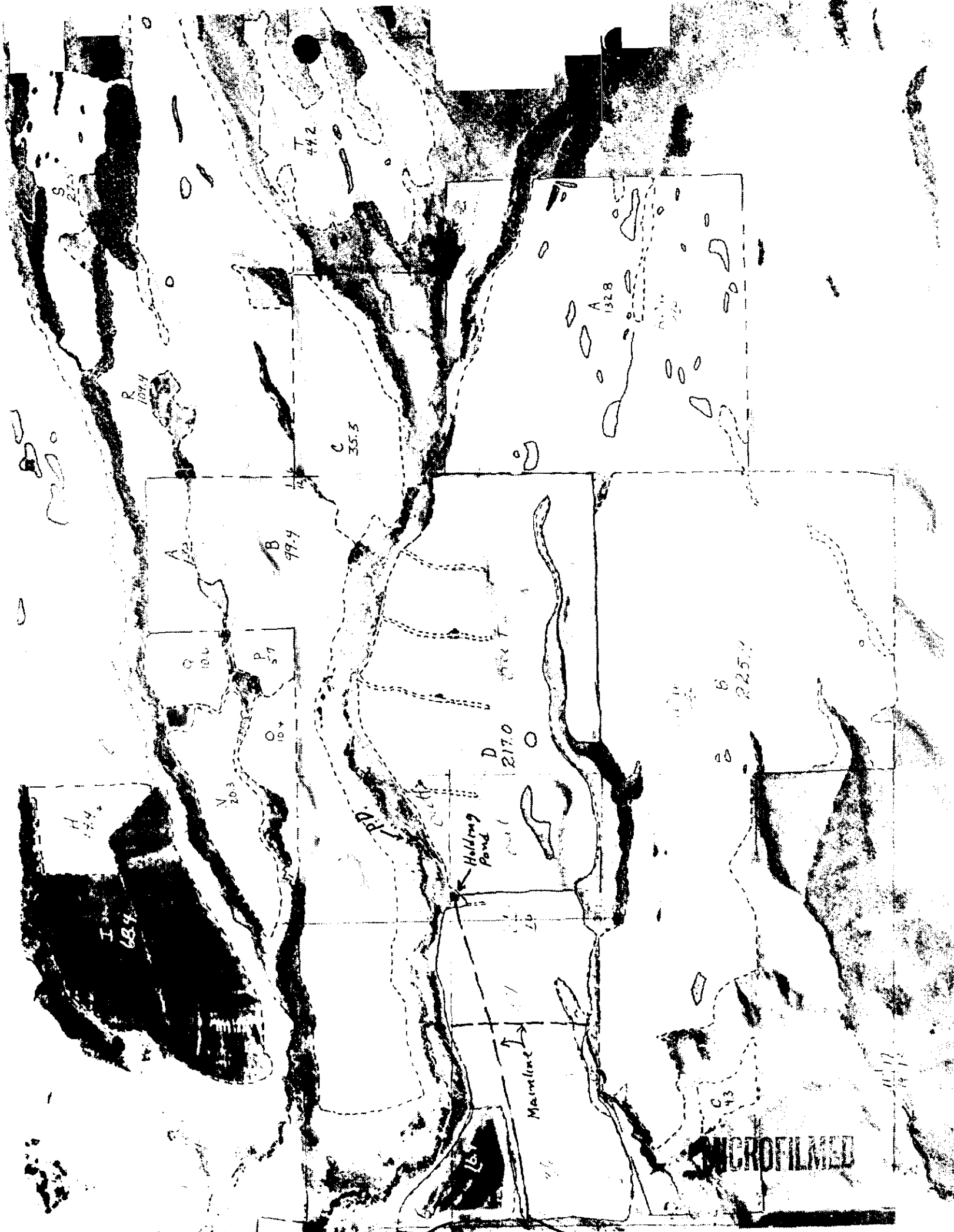
Callum Whaley
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 6/15/81

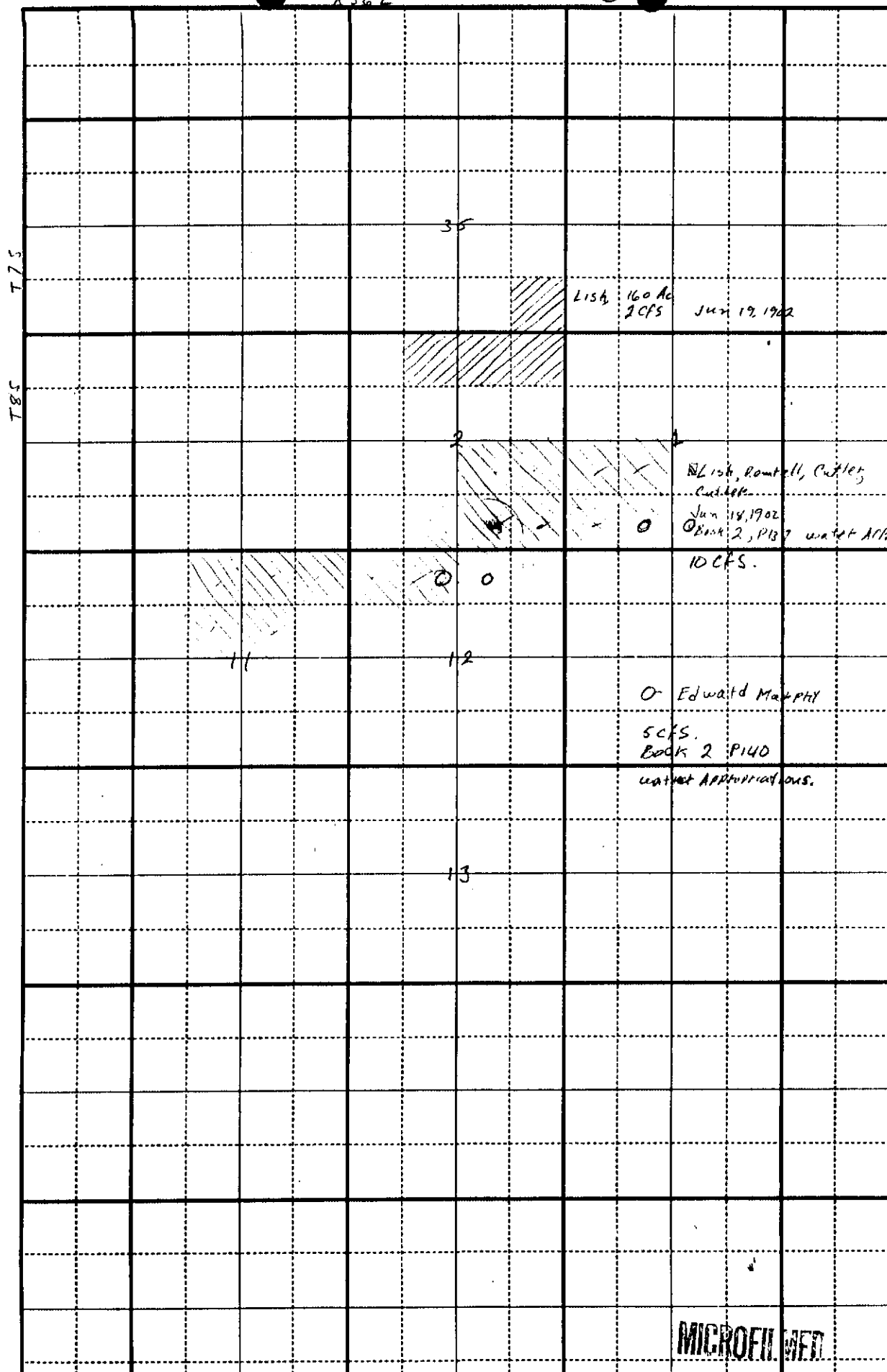
FOR DEPARTMENT USE ONLY

Received by 2/10/79 dh	Date	Exception filed by:	Forwarded to	Date
Prelim. check by	Date		claimant by:	
\$20.00 fee received by N/A	Date			
Published in Idaho State Journal				
Dates April 19 & 26, 1979				





ENCROFILMED



SCALE: 2 inches Equal 1 Mile. Draw Plan In Ink.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DATE: JAN. 3, 1995

A29-04042
JOYCE ORDERS
1744 S OLD HWY 91
INKOM ID 83245

EVIDENCE OF PRIORITY

Dear Claimant:

The Notice of Claim identified above and or below has been filed in the Snake River Basin Adjudication (SRBA). The notice indicates a water usage of irrigation, or other commercial application that is based on **BENEFICIAL USE**. Water rights of this type are established by the historical use of water, dating back to when the water was first used for the purpose claimed. This date is known as the **PRIORITY DATE**, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the **PRIORITY DATE**.

For your reference, I have provided a printout of your Notice of claim and the pamphlet **EVIDENCE OF PRIORITY**. The pamphlet suggests which documents will fulfill this requirement.

The IDWR can not recommend the notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by March 31, 1995, referencing the information with the corresponding Water right number. If you have any questions, please contact this office.

Dave Carlson
Water Right Agent, Adjudications

NOV 13 1995

2-8-95

I H. L. Dahlke Here by W. witness
that Joyce Ordor has used water from
Rock Creek for Irrigation and Stock use for
for ~~forty~~ forty years more or less

Sie Dahlke
Feb 8- 1995

RECEIVED
FEB 09 1995

Department of Water Resources
Eastern District Office

1995

- 40 - 195

1955

RECORDED

NOV 13 1990

State of Idaho)

County of Bannock)

On this 8 day of February, 199⁵, before me a
Notary Public in and for said county and state, personally appeared

Bruce Dahlke known to be the person whose name
is subscribed to the foregoing instrument and acknowledged to me that
he/she executed the same.

In witness whereof, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

Sherry Helmandeen

Notary Public

Idaho

Residing at:

November 1, 1999

My Commission Expires:

Sherry Helmandeen

NOV 13 1999

DIVERSION
VOLUME

BANNOCK COUNTY

104 13 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04042B
Date Received: 4/25/1990
Receipt No: E013500
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TOM EDWARD LANCE 208-775-4481
Address: 1936 HWY 91
INKOM ID 83245

2. Date of Priority: JUN 1, 1955

3. Source: UPPER ROCK CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	36E	11	NE	NW			BANNOCK

5. Description of diverting works:
DIVERSION STRUCTURE, DIVERTED INTO A DITCH AND THEN TO A PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	36E	11	SW	SE		IRR	10.0

Section Acres 10.0

Total Acres 10.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A2904043

14. Remarks:

JOYCE ORDERS HAS FILED ON ENTIRE CLAIM. APPLICANT FEELS HE HAS A
PART OF THIS CLAIM AS PRESALES AGREEMENT
**SEE TRANSFER 2389

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

04042B

39576

A29-11631

4-25-90

E 013500

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Tom Edward LANCE Phone (208) 775-4481
Mailing Address 1936 Hy 91 INCOM IDAHO Zip 83245

2. Date of Priority (Only one (1) per claim) 6/1/55

3. Source of water supply (a) Upper Rock Creek
which is tributary to (b) Portneuf

4. a. Location of existing point of diversion is: Township 8S Range 36 Section 12
NE 1/4 of NW 1/4 of 1/4, Govt. Lot, Bannock County of Bannock

Additional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is:

Township 8S Range 36E Section 12 NE 1/4 of NW 1/4 of

Govt. Lot Bannock B.M., County of Bannock

ending point is: Township 8S Range 36E Section 11 SW 1/4 of SE 1/4 of
1/4, Govt. Lot Bannock B.M., County of Bannock

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion structure,

diverted into a ditch and then into a pipe.

A2904042B

6. Water is claimed for the following purposes: Irrigation
(both dates are inclusive) (cfs) (acre feet)
For Irrigation purposes from 4/1 to 11/1 amount 0.20 or 0.636
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) 0.20 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is 25 3.0 ac ft/ac acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____
10. Description of place of use:
a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>RS</u>	<u>36E</u>	<u>11</u>															<u>10</u>		<u>10</u>

Total number of acres irrigated 10

11. In which county (ies) are lands listed above as place of use located? Bannock
12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
Diversion from Fortneuf 429-04043 or None ()
14. Remarks: Joyce order has filed on entire claim 429-04042. Applicant feels he has a part of this claim as per sales agreement

Last Name LANCE Ident No. _____

Copies: White - State, Yellow - Claimant

Scale: 2 inches equals 1 mile

[illegible]

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐

Decree ~~X~~

If applicable provide IDWR Water Right Number 29-4042

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☐ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date 4-21-90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of Apr 19 90

SEAL

Notary Public [Signature]

Residing at _____

My Commission Expires _____

Please Print Name

BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT 1041 S. 1000 E., IDAHO
MY COMMISSION EXPIRES: 6-30-94

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

MEMORANDUM

15 March 2001

To: The Files 29-04042B, 29-04043A

From: A. Ruberry 

Subject: SRBA investigations of above claims

8:45 am, Rose Sterner, of North Carolina, called to inquire about the validity of the water rights referenced above. She is the prospective buyer of the property to which these claims have been made.

Reference is made to a MEMORANDUM detailing the history of 29-04042 and split iterations (see 29-04042, 29-04042B, 29-04042C). This memo also explains the theory regarding the DISALLOWED recommendation.

During the discussion I explained, briefly, the DISALLOWAL of 29-04042B. However, 29-04043A is claimed for irrigation of 10 acres. Further, I explained that, at this point in time, there appears to be some basis for the 29-04043 split iterations. SRBA claim 29-04043A is the part appurtenant to the property in question by Ms Sterner.

She expressed concern that they would like to plant trees and water their horses but did not want to "get in trouble with the neighbors or the State." I explained that the domestic well, if one, is *de minimus* limiting use to 13,000 gpd, but allows for the watering of up to ½ acre lawn and garden and livestock. She also expressed concern that the kids would like to play in the river and would they be allowed to do that. I explained that swimming was ok but any delivery of water from the Portneuf River would be through the watermaster and would be subject to delivery based on Priority Date, as provided in the Idaho State Constitution.

In closing, I advised that once they have made their move, if they would like for me to meet with them she need only to call and make an appointment.

March 7, 2001

Tom E Lance
1936 HWY 91
Inkom ID 83245

Re: Snake River Basin Adjudication (SRBA) Claim 29-04042B

Dear Mr. Lance:

I have begun review of the SRBA claims in the Portneuf River Basin. Upon review and research of the claim referenced above I find no basis for a favorable recommendation of that water right claim. I am enclosing a copy of the memorandum which explains the theory for a DISALLOWED recommendation.

I will suggest you make an appointment to visit my office so that we might explore options. Should you have questions regarding this important matter, or wish to make an appointment, please contact me at the 525-7161. Address correction requested.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: file

Enclosure: Memorandum to the File 29-04042B (copy)

4042
MEMORANDUM

To: the files; 29-04240, 29-04042B, 29-04240C

From: A. Ruberry

Subject: History of 29-04042

29-04042 was originally filed by Fred Tripp on September 17, 1974, pursuant to §42-225a IC, as an irrigation claim for 1.2 cfs, 60 acres, priority date of June 1, 1955.

In February 1975, a letter explains that the elements of the claim differ from a transfer application; amendment requested. Letter dated April 1975, acknowledges the lack of response to the request to amend, and suggests cancellation of the transfer application. Then on May 28, 1975, Transfer #2346 (amended) was approved; whereby, the original 1974 claim was changed to add acreage (1 ac) in NWNE Section 11, T8S, R36E. The transfer also acknowledges the reduction of irrigated acres to 31.8.

Statutory claim 29-04042 was filed April 2, 1979, pursuant to §42-243 IC, which basically mirrored Transfer # 2346, 1975; 0.636 cfs on 31.8 acres. Letter dated May 21, 1979 informs claimant of the completion of advertising. Advertising Notice acknowledges the amendment to reduce the original claim to 0.636 cfs,... and reducing irrigated acres to 31.8.

Now comes in the SRBA claims; 29-04042B and C. Attached to these claims are Warranty Deeds which state " Seller grants high water rights out of Rock Creek, pumping rights out of Portneuf River."

THE PROBLEM:

- 1.) 29-04042 was amended to reduce the order of the claim to 0.636 cfs on 31.8 acres, priority date June 1, 1955 (unchanged). As amended, the original claim, now filed in the SRBA, is filed in total by Joyce Orders.
- 2.) 29-04042B and 29-04042C, as filed in the SRBA have no basis. Even though the "Seller grants... rights" of one type or another by deed there is no basis. *The seller has no authority to grant any water rights, of any kind, from either Rock Creek and/or the Portneuf River.* Had the original 1974 claim been perfected, then split by transfer or change of ownership, there might very well have been a basis to a portion of 29-04042. But, that reference was amended away in 1975, by transfer and by a new claim in 1979.
- 3.) 29-04042B and C will be recommended for **DISALLOWAL. P01; NO LAWFUL APPROPRIATION SHOWN.**
- 4.) Documents are filed in 29-04042B.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMOUNT

CLAIM TO A WATER RIGHT

AMOUNT

Under the provisions of Section 22-243, Idaho Code, any person claiming a water right in 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, 1963. It is noted from this filing a claim is only deemed as a claim defined in Section 22-243(d), Idaho Code. Also, a claim for a right represented by a permit, license, decree, adjudicated right or a previously filed claim.

The filing of this claim does not confer the water right on the filer. The water right is established by the filing of a claim.

(Date of filing of claim) Filed June 1, 1963

McCombs, Idaho 83250

(Mailing Address)

(Name of Claimant)

Telephone No.

(Zip Code)

Claim a right to the diversion and beneficial use of the surface of ground water. The extent and nature of this claim is as follows:

(1) Date of priority: When was the water first applied to a beneficial use? June 1, 1955

A claim is not acceptable on a ground water source with a priority later than March 26, 1963 or on a surface water source with a priority later than May 26, 1961. Also, a claim may be filed on a claim finally decreed by the court.

(2) Describe the source of water (Name of stream, lake, spring, etc.) (Ground water)
Upper Rock Creek

(3) Describe the purpose for which the water is being used and the point during the year when you have used the right claimed.

Quantity	Use	Period of the Year	Year
636 cfs	for irrigation	from 4/1	to 11/1
Quantity	Use	Period of the Year	Year
Quantity	Use	Period of the Year	Year
Quantity	Use	Period of the Year	Year
Quantity	Use	Period of the Year	Year

(4) TOTAL QUANTITY USED: 636 cfs

(5) Point of diversion (Location of point where water is diverted from its source)
BS 36R 12

Additional points of diversion:

(6) Describe nature of diversion of water (Pump and pipeline, well, diversion dam, reservoir, length of pipe, etc.) Give date and description of any change in the system and give the date of the change. 12" concrete pipe from creek to reservoir; 8" lignite pipe & 6" steel pipe from reservoir to gravity mainline.

(7) 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.

A	B	C	NEK 1 (1)				NWK				SWK				SEK				TOTAL
			NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	
BS	36R	11													3.1	17.7			30.8
		14																	

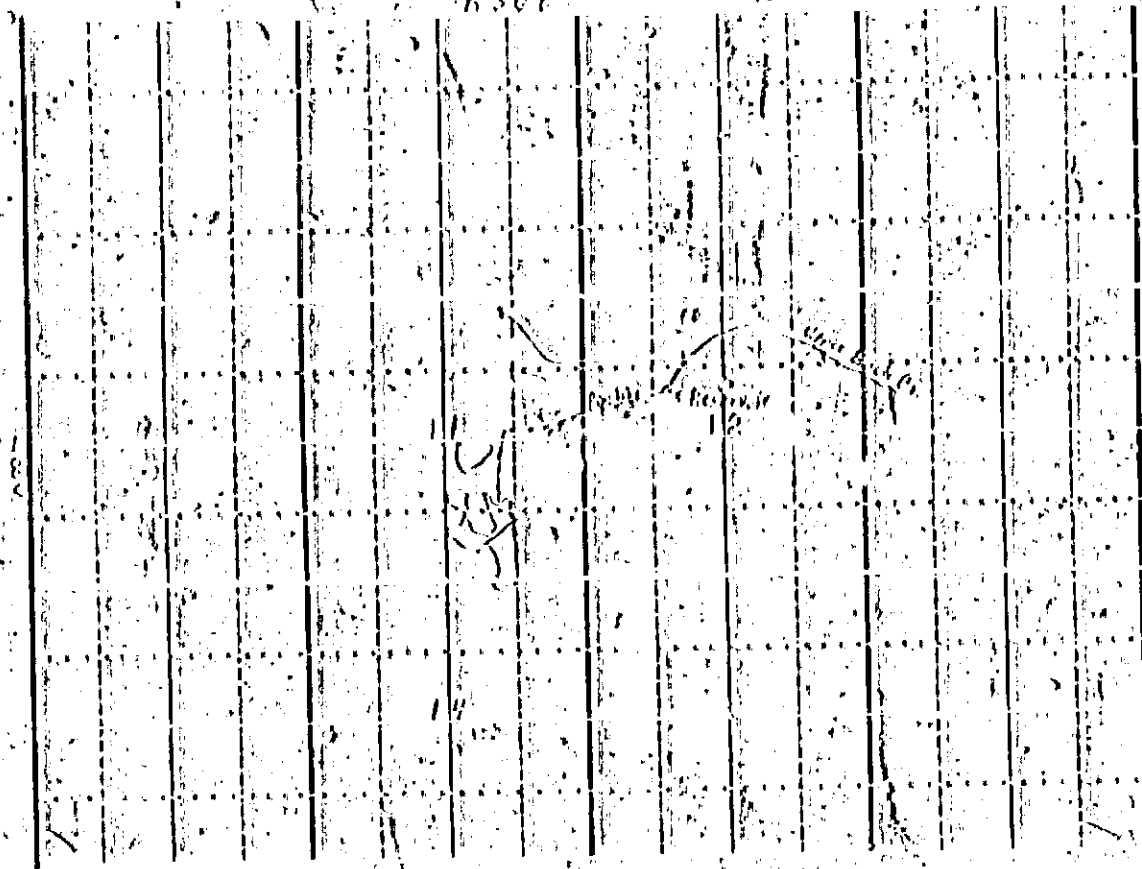
No. of acres 31.8

If you are using water for other than irrigation, fully describe that use, being as specific as possible.

NOTE: Include here the type and number of stock watered.

(8) If you are claiming water as a member of an organization, list name of organization.

8306



This should show the location of the point of diversion and the place of use of the water by the applicant, location, township and range of the public land survey system.

Date of 1879

County of Bonanza

It is known that the undersigned, being duly sworn, depose and say 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.

Subscribed before me this 2nd day of April

Wm. G. Dyer
(Notary)

1879
William Dyer
Notary Public
Building at Idaho Falls, Idaho

My commission expires 6/25/81

FOR DEPARTMENT USE ONLY

Received by 2/10/79 dh Date
Folio, Check by Date
(\$20.00 fee received by N/A Date
Published in Idaho State Journal
Date April 19 & 26, 1979

Exception filed by

Forwarded to
clerk of court

Date

29-4042

APPROVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR TRANSFER OF WATER RIGHTS
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder: Fred J. Hagg
 2. Post office address: McCammon, Idaho
 3. Right obtained by:
 a. Deed to: (Name)
 b. Date: (Date)
 c. (Name of Court)
 4. Cont. County of: Blaine
 5. Survey No. 29-4042 issued by the State of Idaho, Department of Reclamation
 6. Source of water: Upper Rock Creek tributary to: Portneuf River
 (Name of stream or source)
 7. Date of Priority: June 3, 1955
 8. Amount of water: 0.636 cfs
 (a. surface)
 (b. well/underground)
 9. Water is used for: Irrigation from April 1 to Nov. 1
 (Month, Day) (Month, Day)
 10. Original location of point of diversion: NE 1/4 of Section 12
 Township 8S Range 36E T. 8N. R. 36E E. 1/4 of Section 12
 11. Additional points of diversion, if any:

(a) Lands presently irrigated or place of use:

Twp.	Range	Sec.	NEW				NEW				NEW				NEW				TOTAL
			NEW	NEW	NEW	NEW	NEW	NEW	NEW	NEW	NEW	NEW	NEW	NEW	NEW	NEW	NEW	NEW	
8S	36E	12	1																50.8
		16		2															

Total number of acres presently irrigated: 51.8

If applicant wishes the original holder of this right explain how it is resolved:

10. CHANGE IN POINT OF DIVERSION: NO CHANGE

- a. Quantity to be diverted at new point: ☐ Same as old ☐ Different
- b. New point of diversion: ☐ Yes ☐ No ☐ Section ☐ Township
- c. Description of method of diversion and conveyance from new point of diversion:

d. If water to be conveyed to the land previously irrigated? Yes ☐ No ☐

e. If not, the plans of use should be changed below:

f. Details the reason for applying for a change in the point of diversion:

g. Do you intend to look for transfer payments?

h. Do you intend to abandon completely the old point of diversion?

i. Indicate on the above plan the new point of diversion and lands to be irrigated:

11. CHANGE IN PLACE OF USE:

a. Details the new lands on which you wish to use your right:

12-1	12-2	12-3	12-4				12-5				12-6				12-7				12-8
			12-4	12-4	12-4	12-4	12-5	12-5	12-5	12-5	12-6	12-6	12-6	12-6	12-7	12-7	12-7	12-7	
13	308	11	5				15								7.6	5.5			51.8

Total number of acres to be irrigated:

51.8

R. 361

185

Point of Discharge

Retreat

to the you intend to make the transfer permanent?

Will you completely abandon the tract previously occupied by this right? If not, explain your plan
and transfer will remove water from 18.7 acres of the land previously
indicated and apply it to 18.7 acres within the (County, Sec. 11)

Indicate any other water rights that you claim for the new course upon which you wish to transfer the
right. Directed right from Upper Rock Creek

Indicate on the above plan the new land to be irrigated and the point of diversion

I hereby certify that no one will be injured by such transfer and that the change will be made in my own
and the information contained in this application is true to the best of my knowledge

Subscribed and sworn to before me this 14th day of APRIL 1976

My commission expires 3/14/78

ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Right No. 29-4042
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitation and conditions:
A measuring device of a type approved by this Department shall be permanently
installed and maintained as part of the diverting works.
2. Devel of said application is for the following reason:

Witness my hand this 28 day of

May 1976

STATE ENGINEER

DIRECTOR

FOR DEPARTMENT USE ONLY

Received by *MB* Date *4-14-76*

Original filed by Date

Trailing check by *MB* Date *4-14-76*

Fee received by *MB* Date *4-14-76* \$ *110.00*

Approved for publication by *MB* Date *4-14-76*

Published by *MB* Date *4-14-76*

Hearing held

Watermaster Recommendation Date *4-14-76*

STATE OF OHIO
DEPARTMENT OF REVENUE
DIVISION OF TAXATION
COLUMBUS, OHIO

NOTICE TO TAXPAYER: This notice is being sent to you because you have not paid the tax on your income for the year 1955. You are required to pay the tax on your income for the year 1955 by the date shown on this notice.

If you have not paid the tax on your income for the year 1955, you are required to pay the tax on your income for the year 1955 by the date shown on this notice. If you have not paid the tax on your income for the year 1955, you are required to pay the tax on your income for the year 1955 by the date shown on this notice. If you have not paid the tax on your income for the year 1955, you are required to pay the tax on your income for the year 1955 by the date shown on this notice.

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NOTICE OF APPEALED CLAIM TO A WATER RIGHT

NOV 29 1902

Notice is hereby given that John East Jr. has filed a claim to a water right established by diversion and application to beneficial use of 1.20 cfs of water from Upper Rock Creek tributary to Portneuf River with point of diversion in the BLMWA, Sec. 12, T. 4S, R. 36E, N.M., Blaine County. The water was claimed to be used from April 1 to Nov. 1 for the irrigation of 60 acres with a priority of June 1, 1885; the place of use is within the VSPWA, Sec. 11, T. 4S, R. 36E, N.M.

The claimant now proposes to amend, reducing the amount to .636 cfs, changing the point of diversion to within the BLMWA, Sec. 12, T. 4S, R. 36E, and changing the place of use to within the VSPWA, Sec. 11, Blaine County, Sec. 14, T. 4S, R. 36E, N.M., and reducing the irrigated acreage to 31.8 acres.

Any objection to this amended claim to a water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLEN,
Director

Published in the Idaho State Journal, Pocatello, Idaho on Apr. 19 & 26, 1979



DEPARTMENT OF WATER RESOURCES

2. State of Ohio, 1870, Vol. 1, p. 104, 105.

2024.10.23

1997

THE

100-443887-100

1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 26

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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 filling 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 can be of further assistance, please feel free to contact us.

News only

RONALD D. CASI SOH
(Eastern Region) Supervisor
Tribes:

April 8, 1976

My Application for Transfer No. 29-0027

Mr. Fred W. Webb
Recd. on
Date: 03260

(S) Mr. Webb:

In February of this year, we wrote to advise you of some corrections that needed to be made on the above referenced application for transfer. To date, we have not heard from you in this matter. Since this application for transfer is in error in its present form the only further action the Department can take would be to deny it.

Because we have not heard from you, we must assume that you have no further interest in this transfer. In the event you wish to continue with this application, we are planning to make the necessary changes, we are holding it in this office for an additional 30 days.

If you have any questions, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
District Engineer
RDC:js

let: bylene

File: Chase to a Water Right No. 29-1062
Application for Transfer of Water Right No. 29-1062

2000 100 50 0

(1) The point of diversion is located within the 10,000, 100, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843

(2) The actual area simulated under the class is 31.8 acres.

(3) Rate of being transferred off of 16.7 per

If the information differs from that given in the original claim and transfer, we have prepared a amended claim and application for transfer which are enclosed. If the amended form meet with your approval, sign them before a notary and return them with \$10.00 for the amended application for transfer.

If you have any questions, please contact this office.

Very truly yours,

Loren O. Holmes
2011 to the
present day

1999

References

ber: ber-ling

Log for claim A29-04042B

Spatial Dynamics AMH

8/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s36e	11	SWSE	10	14	
Totals:			10	14	

AJ5809NP
No. A29-04042B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 142

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TOM EDWARD LANCE PO BOX 293 INKOM ID 83245 (208) 775-4481	06/01/1955	IRRIGATION	04-01 11-01	0.200 CFS	
					TOTAL DIVERSION:	0.200 CFS
					CONSUMPTIVE USE:	25.00 AFA

Water Source: UPPER ROCK CREEK

Tributary to: PORTNEUF RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T08S R36E S11 NENW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:	---
08S	36E	11	:																	:	
																			10	:	10.0
																			TOTAL ACRES	:	10.0

POU County: BANNOCK

Other Rights: A2904043

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10517 29-10518 29-12568 A29-04042C A29-10517 A29-10518 A29-12568

Other Water Rights Listing Overlapping Place(s) of Use:
A29-04042 A29-04042C A29-04043 A29-04043A A29-04043B

Remarks: GEN JOYCE ORDERS HAS FILED ON ENTIRE CLAIM. APPLICANT FEELS HE HAS A
PART OF THIS CLAIM AS PRESALES AGREEMENT
**SEE TRANSFER 2389

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 05/09/94 DCARLSON 01/10/95 DCARLSON 03/29/95 POST-STD

20002028

P30784

QUITCLAIM DEED

For Value Received

THOMAS E LANCE, A MARRIED PERSON DEALING WITH HIS SOLE AND SEPERATE PROPERTY

do hereby convey, release, remise and forever quit claim unto

THOMAS E LANCE, A SINGLE PERSON

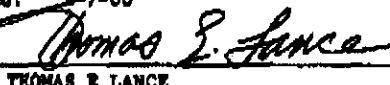
whose current address is 1936 HWY 91 INKOM, ID 83245

the following described premises, to-wit:

A PARCEL OF LAND LOCATED IN THE SW1/4 OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE EAST 1/16 CORNER ON THE SOUTH LINE OF SAID SECTION 11; THENCE NORTH 0°08'38" EAST ALONG THE EAST 1/16 LINE OF SAID SECTION, 192.17 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°08'38" EAST ALONG THE EAST 1/16 LINE 410.05 FEET; THENCE SOUTH 89°29'38" WEST, 1028.21 FEET TO THE EAST RAILROAD RIGHT OF WAY LINE; THENCE SOUTH 19°02'33" EAST ALONG SAID RIGHT OF WAY LINE, 443.21 FEET; THENCE NORTH 88°50'25" EAST, 882.80 FEET TO THE TRUE POINT OF BEGINNING, EXCEPTING THEREFROM OLD U.S. HIGHWAY 91.

together with their appurtenances.

Dated: 2-7-00



THOMAS E LANCE

STATE OF IDAHO, COUNTY OF Bannock
 On this 7th day of February, 2000,
 before me, a notary public in and for said State, personally
 appeared

Thomas E Lance

known to me to be the person whose name is
 subscribed to the within instrument, and acknowledged to
 me that he executed the same.



Notary Public
 Residing in _____, Idaho

Contin. Book 157-507

THERESA M. CARTER

NOTARY PUBLIC
 STATE OF IDAHO

20002028

Recorded at request of
 FIRST AMERICAN TITLE

Dated 2-8-00 15:50 PM

Official Record Book 753

Bannock County Recorder
 For 300 Deputy 

Furnished by the

ALLIANCE
 TITLE & EGRESS CORP.

A29-04042B

20002029

THIS DEED OF TRUST, Made this 7TH day of FEBRUARY, 2000
BETWEEN THOMAS E LANCE, A SINGLE PERSON

herein called GRANTOR,

whose address is 1936 HWY 91 INKOM, ID 83245

FIRST AMERICAN TITLE COMPANY, INC. an Idaho corporation, herein called TRUSTEE,

and POCATELLO RAILROAD FCU

herein called BENEFICIARY,

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE, IN TRUST, WITH POWER OF SALE, that property in the County of BANNOCK State of Idaho, described as follows and containing not more than twenty acres:

A PARCEL OF LAND LOCATED IN THE SW $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST 1/16 CORNER ON THE SOUTH LINE OF SAID SECTION 11; THENCE NORTH 0°08'38" EAST ALONG THE EAST 1/16 LINE OF SAID SECTION, 192.17 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°08'38" EAST ALONG THE EAST 1/16 LINE 410.05 FEET; THENCE SOUTH 89°29'38" WEST, 1028.21 FEET TO THE EAST RAILROAD RIGHT OF WAY LINE; THENCE SOUTH 19°02'33" EAST ALONG SAID RIGHT OF WAY LINE, 443.21 FEET; THENCE NORTH 88°50'23" EAST, 882.80 FEET TO THE TRUE POINT OF BEGINNING. EXCEPTING THEREFROM OLDS U.S. HIGHWAY 91.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits.

For the purpose of securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of Fifty-Seven Thousand Four Hundred and no/100-- Dollars (\$57,400.00), final payment due 11-7-2014.

by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest at all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to demand or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected of any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.

4. To pay, at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust.

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from date of expenditure at eight per cent per annum.

6. Should Grantor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligation hereof, may: make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such power, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may: recover all or any part of said property; consent to the making of any map or plat thereof; join in granting any easement thereon or join in any other agreement or any agreement subordinating the lien of charge hereof.

4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note to Trustee for cancellation and retention and upon payment of its fee, Trustee shall recover, without warranty, the property then held hereunder. The release in any recovery or acquiescence executed under this deed of trust of any matters or facts shall be conclusive proof of the truthfulness thereof. The grantee in such recovery may be described as "the person or persons legally entitled thereto."

5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these Trusts, to collect the rents, issues and profits of said property, reserving unto Grantor the right, prior to any default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name or for or otherwise collect such rents, issues and profits, including thereon past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

2-8

20002029

130000

6. Upon default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured hereby shall immediately become due and payable at the option of the Beneficiary. In the event of default, Beneficiary shall execute or cause the Trustee to execute a written notice of such default and of his election to cause to be sold the herein described property to satisfy the obligations hereof, and shall cause such notice to be recorded in the office of the recorder of such county wherein said real property or some part thereof is situated.

Notice of sale having been given as then required by law, and not less than the time then required by law having elapsed, Trustee, without demand on Grantor, shall sell and convey the property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at date of sale. Trustee shall deliver to the purchaser its deed conveying the property so sold, but without any covenant or warranty express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including Grantor, Trustee, or Beneficiary, may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including cost of evidence of title and reasonable counsel fees in connection with sale, Trustee shall apply the proceeds of sale to payment of all sums expended under the terms hereof, not then repaid, with accrued interest at eight per cent per annum; all other sums then secured hereby; and the remainder, if any, to the person or persons legally entitled thereto.

7. This Deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the note secured hereby; or, if the note has been pledged, the pledgee thereof. In this deed, wherever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

8. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Grantor, Beneficiary or Trustee shall be a party unless brought by Trustee.

9. In the event of dissolution or resignation of the Trustee, the Beneficiary may substitute a trustee or trustees to execute the trust hereby created, and when any such substitution has been filed for record in the office of the Recorder of the county in which the property herein described is situated, it shall be conclusive evidence of the appointment of such trustee or trustees, and such new trustee or trustees shall succeed to all of the powers and duties of the trustee or trustees named herein.

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address hereinbefore set forth.

Thomas E. Lance
THOMAS E. LANCE

STATE OF IDAHO, COUNTY OF Bannock

On this 7th day of February, 2000,
before me, a Notary Public in and for said State, personally
appeared

Thomas E. Lance

known to me to be the person whose name is
subscribed in the within instrument, and acknowledged to me that
he executed the same.

Thomas E. Lance
Notary Public,
Residing at _____ Idaho.

RT

20002029

re

No.

at

Recorded at request of

th

FIRST AMERICAN TITLE

is

Date 2-8-00 3:51PM

of

Official Record Book 753

By

Bannock County Recorder

Fe

For *low* Deputy *UK*

Mi

By

Fe

Mi

NOTARY PUBLIC
STATE OF IDAHODEED OF TRUST
WITH POWER OF SALE

GRANTOR

FIRST AMERICAN
TITLE COMPANY, INC.

TRUSTEE

BENEFICIARY

19

Dated

FIRST AMERICAN TITLE COMPANY, INC.
400 South 4th
Pocatello, Idaho 83201THE PROMISSORY NOTE OR NOTES, AND ANY EVIDENCES OF FURTHER AND/OR
ADDITIONAL ADVANCES MUST BE PRESENTED WITH THIS REQUEST

Idaho

19

To FIRST AMERICAN TITLE COMPANY, INC.

Trustee:

You are hereby authorized and requested to execute a reconveyance hereunder and deliver same to

The undersigned hereby certifies that
the owner and holder of the debt mentioned in said deed of trust and that the same has never been assigned or transferred.

Address

Telephone No.

WARRANTY DEED

For Value Received

FRED J. TRIPP AND JOYCE TRIPP, Husband and Wife

the grantors, do hereby grant, bargain, sell and convey unto

Tom Edward Lance and Sharon D. Lance, Husband and Wife

whose current address is
1335 Eastridge
Pocatello, ID

the grantees, the following described premises, in Bannock County Idaho, to wit:

A parcel of land located in the Southwest quarter of the Southeast Quarter of Section 11, Township 8 South, Range 36 East, Boise Meridian Bannock County, Idaho, being more particularly described as follows:

Beginning at the East 1/16 corner on the South line of said section 11, Township 8 South, range 36 east, Boise meridian; Thence north 0°08'38" East along the East 1/16 line of said section, 192.17 feet to the true point of beginning; thence continuing North 0°08'38" East along the east 1/16 line 410.05 feet; thence South 89°29'38" West, 1,028.21 feet to the east railroad right of way line; thence South 19°02'33" East along said right of way line, 443.21 feet; thence North 88°50'25" East, 882.80 feet to the true point of beginning.

Said parcel containing 9.12 acres. except old U. S. Highway 90-191-30 North, which contains 1.12 acres.

Seller grants high water rights out of Rock creek, pumping rights out of Portneuf River and ~~culinary water out of spring on adjacent property~~, also easement across sellers adjacent land for pipeline and maintenance of pipeline carrying water from Rock creek across sellers ground to purchasers ground. Grantors reserve an easement to carry water from Rock creek, water from Portneuf and also from the Spring.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 24, 1977

Fred J. Tripp

Joyce Tripp

750379

STATE OF IDAHO, COUNTY OF Bannock

On this 24th day of Oct., 19 77
before me, a notary public in and for said State, personally
appeared

Fred J. Tripp and Joyce Tripp
Husband and Wife

NOTARY SEAL

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Alan Hart England

Notary Public

Residing at Pocatello, Idaho

Comm. Expires July 9, 1979

NO. 425
RECORDED AT REQUEST OF
AMERICAN LAND TITLE CO.

'85 MAY 30 P4:27

OFFICIAL NOTARY PUBLIC NO. 425
BANNOCK COUNTY, IDAHO
LARRY W. SHAN RECORDER
FEE 2.00 DEPUTY *[Signature]*

Dave: I claim same priority date as does Joyce Tripp on her original claim on Rock Creek and Portneuf River.

*Thanks
Tom*

Special **WARRANTY DEED**

For Value Received

Tom Edward Lance And Sharon D. Lance, Husband and Wife

A29-04042B

the grantor s, do hereby grant, bargain, sell and convey unto

Fred J. Tripp and Joyce Tripp, Husband and Wife

whose current address is

McCammon, Idaho

the grantee s the following described premises, in.....Bannock.....County Idaho, to wit:

A parcel of land located in the Southwest quarter of the Southeast Quarter of section 11, Township 8 South, Range 36 east, Boise Meridain Bannock County, Idaho, being more particularly described as follows:

Beginning at the East 1/16 corner on the South line of said section 11, Township 8 South, range 36 East, Boise, Meridian; thence North 0°08'38" East along the East 1/16 line of said section, 192.17 feet to the true point of beginning; thence continuing North 0°08'38" East along the East 1/16 line 410.05 feet; thence South 89°29'38" West, 1,028.21 feet to the east railroad right of way line; thence South 19°02'33" East along said right of way line, 443.21 feet; thence North 88°50'25" East, 882.80 feet to the true point of beginning. .

Said parcel contining 9.12 acres, except old U. S. Highway 90-191-30 North, Which contains 1.12 acres.

SE
JR Seller grants high water rights out of Rock creek, pumping rights out of Portneuf River and ~~culinary water out of spring on adjacent property~~, also easement across sellers adjacent land for piepline and maintenance of pipeline carrying water from Rock creek across sellers ground to purchasers ground. Grantors reserve an easement to carry water from Rock creek, water from Portneuf and also from the Spring.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees , their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that t he Y are the owner s in fee simple of said premises; that they are free from all incumbrances

and that t heY will warrant and defend the same from all lawful claims whatsoever.

Dated: october 24, 1977

Tom Edward Lance
Tom Edward Lance
Sharon D. Lance
Sharon D. Lance

STATE OF IDAHO, COUNTY OF Bannock
On this 24th day of Oct. , 1977 ,
before me, a notary public in and for said State, personally
appeared

Tom Edward Lance and Sharon D. Lance, H&W

known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Alan Kent England
Notary Public

Residing at Pocatello , Idaho

Comm. Expires July 9, 1979

Have: I claim same priority debt as does Joyce Tripp. (now Joyce Ordus) on her original claim on Rock Creek and Portneuf River.

*Thanks
Tom*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04042C
Date Received: 4/25/1990
Receipt No: E013503
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES RICHARD LANCE 208-775-3377
Address: PO BOX 2662
POCATELLO ID 83286-2662
AND/OR
Name: DEBORAH LANCE 208-775-3377
Address: PO BOX 2662
POCATELLO ID 83286-2662

2. Date of Priority: JUN 1, 1955

3. Source: UPPER ROCK CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	36E	11	NE	NW			BANNOCK

5. Description of diverting works:
DIVERSION STRUCTURE, DIVERTED INTO A DITCH AND THEN TO A PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	36E	11	SW	SE		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	10.0
					Total Acres	10.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A2904043

14. Remarks:
JOYCE ORDERS HAS FILED ON ENTIRE CLAIM. APPLICANT FEELS HE HAS A
PART OF THIS CLAIM AS PRESALES AGREEMENT
**SEE TRANSFER 2389

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 042C
39576Ident. Number A29-4634Date Received 4-23-1990Receipt Number E03503

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) JAMES RICHARD AND/OR DEBORAH LANCE Phone (208) 775-3377
Mailing Address P.O. BOX 2662 POCAHELLO, IDAHO Zip 83206-2662

2. Date of Priority (Only one (1) per claim) JUNE 12TH, 1955

3. Source of water supply (a) UPPER ROCK CREEK
which is tributary to (b) FORTNEUF

4. a. Location of existing point of diversion is: Township BS Range 36 E Section 11
NE 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of BANNOCK

Additional points of diversion if any: NONE

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. DIVERSION STRUCTURE,

DEVERTED INTO A DITCH AND THEN INTO A PIPE.

A2904042C



6. Water is claimed for the following purposes:

IRRIGATION

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/1 to 11/1 amount 0.20 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2.5 3.0 AC.FT/AC. acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
85	36E	11															10		10

Total number of acres irrigated 10

11. In which county (ies) are lands listed above as place of use located? BANNOCK

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
DEVERSION FROM PORTNEUF A29-04043 or None ()

14. Remarks: This is adjacent to A29-11631

Last Name LANCE Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

LANC

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 29-4042
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) James R. Luce Date 4-23-90
Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of Apr 19 90

SEAL

Notary Public

Residing at

My Commission Expires

Please Print Name

Betty J. Thompson
BETTY J. THOMPSON, NOTARY PUBLIC

RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

March 7, 2001

James R. Lance
Deborah Lance
PO Box 2662
Pocatello ID 83286-2662

Re: Snake River Basin Adjudication (SRBA) Claim 29-04042C

Dear Mr. and Mrs. Lance:

I have begun review of the SRBA claims in the Portneuf River Basin. Upon review and research of the claim referenced above I find no basis for a favorable recommendation of that water right claim. I am enclosing a copy of the memorandum which explains the theory for a **DISALLOWED** recommendation.

I will suggest you make an appointment to visit my office so that we might explore options. Should you have questions regarding this important matter, or wish to make an appointment, please contact me at the 525-7161.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: file

Enclosure: Memorandum to the File 29-04042C (copy)

4042 MEMORANDUM

To: the files; 29-04240, 29-04042B, 29-04240C → 4042C

From: A. Ruberry

Subject: History of 29-04042

29-04042 was originally filed by Fred Tripp on September 17, 1974, pursuant to §42-225a IC, as an irrigation claim for 1.2 cfs, 60 acres, priority date of June 1, 1955.

In February 1975, a letter explains that the elements of the claim differ from a transfer application; amendment requested. Letter dated April 1975, acknowledges the lack of response to the request to amend, and suggests cancellation of the transfer application. Then on May 28, 1975, Transfer #2346 (amended) was approved; whereby, the original 1974 claim was changed to add acreage (1 ac) in NWNE Section 11, T8S, R36E. The transfer also acknowledges the reduction of irrigated acres to 31.8.

Statutory claim 29-04042 was filed April 2, 1979, pursuant to §42-243 IC, which basically mirrored Transfer # 2346, 1975; 0.636 cfs on 31.8 acres. Letter dated May 21, 1979 informs claimant of the completion of advertising. Advertising Notice acknowledges the amendment to reduce the original claim to 0.636 cfs,... and reducing irrigated acres to 31.8.

Now comes in the SRBA claims; 29-04042B and C. Attached to these claims are Warranty Deeds which state " Seller grants high water rights out of Rock Creek, pumping rights out of Portneuf River."

THE PROBLEM:

- 1.) 29-04042 was amended to reduce the order of the claim to 0.636 cfs on 31.8 acres, priority date June 1, 1955 (unchanged). As amended, the original claim, now filed in the SRBA, is filed in total by Joyce Orders.
- 2.) 29-04042B and 29-04042C, as filed in the SRBA have no basis. Even though the "Seller grants... rights" of one type or another by deed there is no basis. *The seller has no authority to grant any water rights, of any kind, from either Rock Creek and/or the Portneuf River.* Had the original 1974 claim been perfected, then split by transfer or change of ownership, there might very well have been a basis to a portion of 29-04042. But, that reference was amended away in 1975, by transfer and by a new claim in 1979.
- 3.) 29-04042B and C will be recommended for **DISALLOWAL. P01; NO LAWFUL APPROPRIATION SHOWN.**
- 4.) Documents are filed in 29-04042B.

Log for claim A29-04042C

Spatial Dynamics AMH

8/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s36e	11	SWSE	10	14	
Totals:			10	14	

DATE: 05/22/00
PAGE: 143

Audit: 05/09/94 DCARLSON 01/10/95 DCARLSON 03/29/95 POST-STD

RECEIVED

MAR 30 1995

Department of Water Resources
Eastern District Office

Page 1 of 2
Mar 29th, 1995

Mr. Dave Carlson —

re: Water rite claim # A29-04042C

Dave,

Please note my new address.
I apologize for any inconvenience.

Enclosed you will find a notar-
ized copy of warranty deed for
said claim.

I was eighteen years old
at time of this purchase and
did not ask at this time for
any other documents. This was
ignorance on my part.

Joyce Tripp Orders should then
have on file some sort of
documents for her remaining

portion of said claims. This
should have all information
needed for our claims.

Please advise by writing
me a note if there is
anything else I can help
with.

Thank you for your time—

Regards

Tom Lauce

1855 Lish Rd.

Inkom, Id. 83245

WARRANTY DEED

90006316

For Value Received

Fred J. Tripp and Joyce Tripp, Husband and wife

the grantor^s, do hereby grant, bargain, sell and convey unto

Jim Richard Lance, a single person

whose current address is 569 Hyde
Pocatello, ID 83201

the grantee^s, the following described premises, in Bannock County Idaho, to wit:

A parcel of land located in the Southwest quarter of the Southeast quarter of Section 11, Township 8 South, Range 36 east boise meridian, Bannock County, Idaho, being more particularly described as follows:

Beginning at the East 1/16 corner on the South line of said section 11, Township 8 South, range 36 East Boise Meridian; thence North 0°08'38" East along the East 1/16 line of said section, 602.22 feet to the true point of beginning; thence continuing along said east 1/16 line north 0°08'38" East, 410.05 feet; thence South 83°43'45" West, 1,137.78 feet; thence South 19°02'33" East, 311.79 feet along the railroad right of way; thence North 89°29'38" East, 1,028.21 feet more or less to the true point of beginning. . .

Said Parcel containing 8.81 acres more or less.

Except old U. S. Highway 90-191-30 North which contains .81 acres.

J.T. Seller grants high water rights out of Rock creek, pumping rights out of Portneuf River and ~~culinary water out of spring on adjacent property~~, also easement across sellers adjacent land for pipeline and maintenance of pipeline carrying water from Rock creek across sellers ground to purchasers ground. Grantors reserve an easement to carry water from Rock Creek, water from Portneuf and also from the spring.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee^s their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee^s, that they are the owner^s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 24, 1977

Fred J. Tripp

Joyce Tripp

STATE OF IDAHO, COUNTY OF Bannock
On this 24th day of Oct., 1977,
before me, a notary public in and for said State, personally
appeared Fred J. Tripp and Joyce Tripp

known to me to be the person^s whose name^s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Alan Kent England

Notary Public

Residing at Pocatello, Idaho
Comm. Expires July 9, 1979

90006317
NO. 90006317
RECEIVED AT POCATELLO, IDAHO
Jim Lance
'90 MAY 18 AM 1:39
522-
FEE 3.00
-NC-