

03/19/2002

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

---

RIGHT NUMBER: 29-13322

NAME AND ADDRESS: LYNN D TRANSTRUM  
PO BOX 93  
POCATELLO ID 83204

SOURCE: LOWER ROCK CREEK                      TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.08 CFS

PRIORITY DATE: 04/01/1933

POINT OF DIVERSION:  
T07S R36E S35 NESWSW Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 0.075 CFS       |

PLACE OF USE: IRRIGATION Within BANNOCK County

|               |      |     |
|---------------|------|-----|
| T07S R36E S35 | SWSW | 2.5 |
|---------------|------|-----|

2.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT NO. 29-13323 IS ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE.



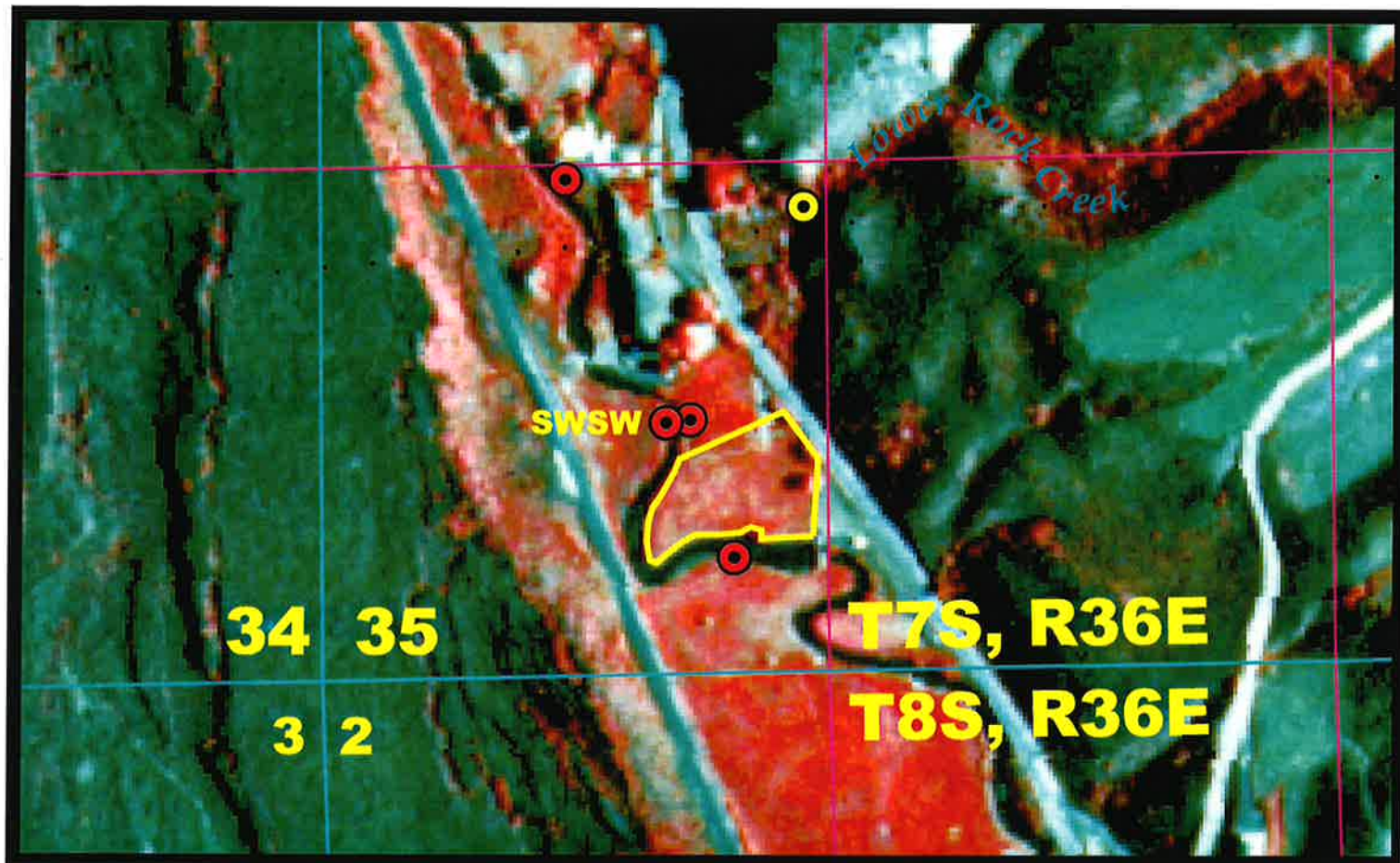
# STATE OF IDAHO

Department of Water Resources

Eastern Region



**Water Right(s): 29-13322**

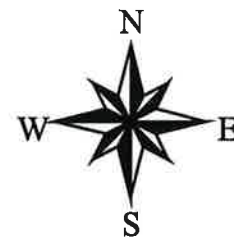


## LEGEND

-  Place of Use
-  Section
-  Quarter-Quarter
-  Point of Diversion

**Place of Use: T7S, R36E  
(part of) Sec. 35 SWSW**

**Point(s) of Diversion: T7S, R36E  
Sec. 35 NESWSW**



GIS Place of Use Illustration  
1987/1988 NAPP photography  
Prepared by: A. Ruberry  
Date: March 2002

MAY 18 2001

Log for claim A29-11492

Spatial Dynamics PJM

8/29/00

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|---------|-----|------|------------------|----------------|---------|
| 07s36e  | 35  | SWSW | 4                | 3.3            |         |
| Totals: |     |      | 4                | 3.3            |         |

- ① This is another Estate Problem. *Contact Lynn Transstamm*  
 ② Claimed POU is NOT ALL Transstamm. SPLIT BETWEEN  
 Transstamm & JOHNSON. *SEE - 29-13322 TRANSTAMM*  
*29-13323 JOHNSON*

Do % Attached.

- ③ SPLIT Right PROPORTIONAL TO ACRES FOR EACH.

- ④ Chains 1902 Priority - EVIDENCE FROM WADE  
 JOHNSON SHOWS 1933  $\Rightarrow$  SO RECOMMENDED!

BEGINNING OF DRIVING SEASON AS April 1, 1933

- ⑤ Portion of ULS - DURT STD is 4/1 to 10/31.

- ⑥ Cfs or SPLIT/AC  $2.5 \times .03 = 0.075 \Rightarrow 0.08$



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED

NOV 16 2001

Department of Water Resources  
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 29-11492              |                              | X     |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

2. The following **REQUIRED** information must be submitted with:

A. The appropriate **FILING FEE**. See instructions for

B. A copy of the most recent **DEED, TITLE** or other legal document indicating your ownership of the property and water right(s) or **ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water right(s) and/or adjudication claim(s) (these are usual for other complex property descriptions):  
 PLAT OF PROPERTY or SURVEY MAP clearly show location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usual for other complex property descriptions):  
 or, a map of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usual for other complex property descriptions):  
 attached to your deed or on file with the county).

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Lynn D. Tranter

4. New Owner/Claimant(s)

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Wade L. Neeka Johnson

City, State and ZIP Code

195<sup>th</sup> Old Hwy 91 Interm, ID 83245

New Telephone Number

(208) 775-3156

5. Date you acquired the property

1995

11/15/2001

FROM: Melvin Solomon

RE: Water usege on Lower Rock Creek and Portneuf River

I was born in 1933. At that time my family owned and lived on parcel R4015034400,R4015033800 S35-T7S-R36E.

They usedd water from Lower Rock Creek to flood irrigate this property. In 1941 they also began to pump water from the portneuf river. Even As the lands was sold, the new landowners have continued to use both Lower Rock Creek and

the Portneuf River to irrigate these property

Signed

*Melvin F Solomon*

To Whom It May Concern:

From: Lynn D. Transtrum

Date: November 3, 2001

RE: Water Right Claim # A29-11492

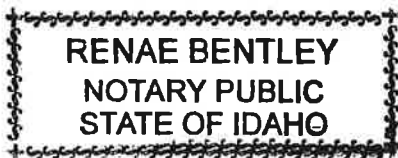
I Lynn D. Transtrum agree to convey a proportional share of the water right claim # A29-11492 as referenced by the IDAHO DEPARTMENT OF WATER RESOURCES ADJUDICATION CLAIM PROFILE REPORT, Priority date: 03/15/1902, Water Use: Irrigation, Diversion Rate: 0.08 cfs, Water Source: LOWER ROCK CREEK, Place of Use Legal Description T-07S, R-36E, S-35, Bannock County, Idaho.

This conveyance is to Wade L. Johnson, owner of a parcel of land adjacent to property owned by myself and sharing a common property boundary on the NE side of my property. Mr. Johnson's parcel and legal address is known to me as 195 N Old Hwy 91, Inkom, Idaho.

Lynn D. Transtrum  
PO BOX 93  
Pocatello, ID. 83204

Signed: Lynn D. Transtrum  
Lynn D. Transtrum, Conveyor

SUBSCRIBED AND SWORN TO before me this 5<sup>th</sup> day of November, 2001.



NOTARY PUBLIC FOR IDAHO: Renae Bentley  
Residing in Pocatello, Idaho.  
Commission expiring: 6/16/03



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

November 19, 2001

Wade Johnson  
195 N Old Hwy 91  
Inkom ID 83245

### RE: EVIDENCE OF PRIORITY FOR A29-11492 and CHANGE OF OWNERSHIP

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by 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 evidence to support the priority date.

*The water right referenced above is the claim that we discussed being split with Mr. Transtrum. During the 10/31/01 field exam we discussed the possibility of such a split, but, I indicated at that time, I would need a document of some type from Mr. Transtrum approving such a split since the original claim was filed by his father. Mr. Transtrum did call and we discussed the proposed split with his approval, but, he indicated he would let you do the leg work. At this point in time, I need a completed Notice of Change of Water Right Ownership with the authorization to split the claim and Evidence of Priority to support the March 15, 1902 priority date claimed.*

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind

**of Evidence is Required” and “Some Examples of Documents Which May Be Evidence of the Priority Date”.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....  
**The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**  
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

*Cheri Vandermeulen*

Allen B. Ruberry  
Sr. Water Resource Agent  
Adjudication Bureau

cc: File

Enclosure: Brochure on “Evidence of Priority”  
Notice(s) of Claim A29-11492



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

November 19, 2001

Lynn Transtrum  
P.O. Box 93  
Pocatello ID 83204

### RE: EVIDENCE OF PRIORITY FOR A29-11492 (to be split)

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by 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 evidence to support the priority date.

*The water right referenced above is the claim that we discussed being split with Mr. Johnson. During the 10/31/01 field exam I discussed with Mr. Johnson the possibility of such a split, but, I indicated at that time, I would need a document of some type from you approving such a split since the original claim was filed by your father. The discussion during our November 1 telecon led me to believe that you would authorize such a split, but, you would let Mr. Johnson do the leg-work. At this point in time, I need a completed Notice of Change of Water Right Ownership with your authorization to split the claim from Mr. Johnson and Evidence of Priority to support the March 15, 1902 priority date shown by your claim.*

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to

read the entire pamphlet, I direct your attention to the two sections entitled **“What Kind of Evidence is Required”** and **“Some Examples of Documents Which May Be Evidence of the Priority Date”**.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....  
**The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**  
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

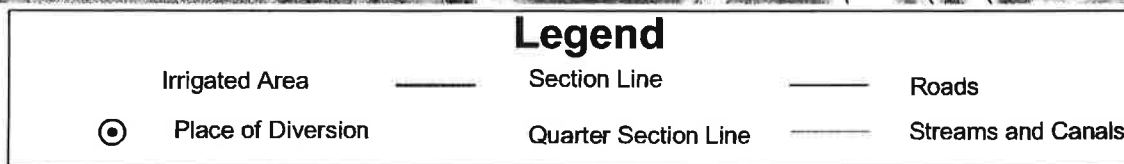
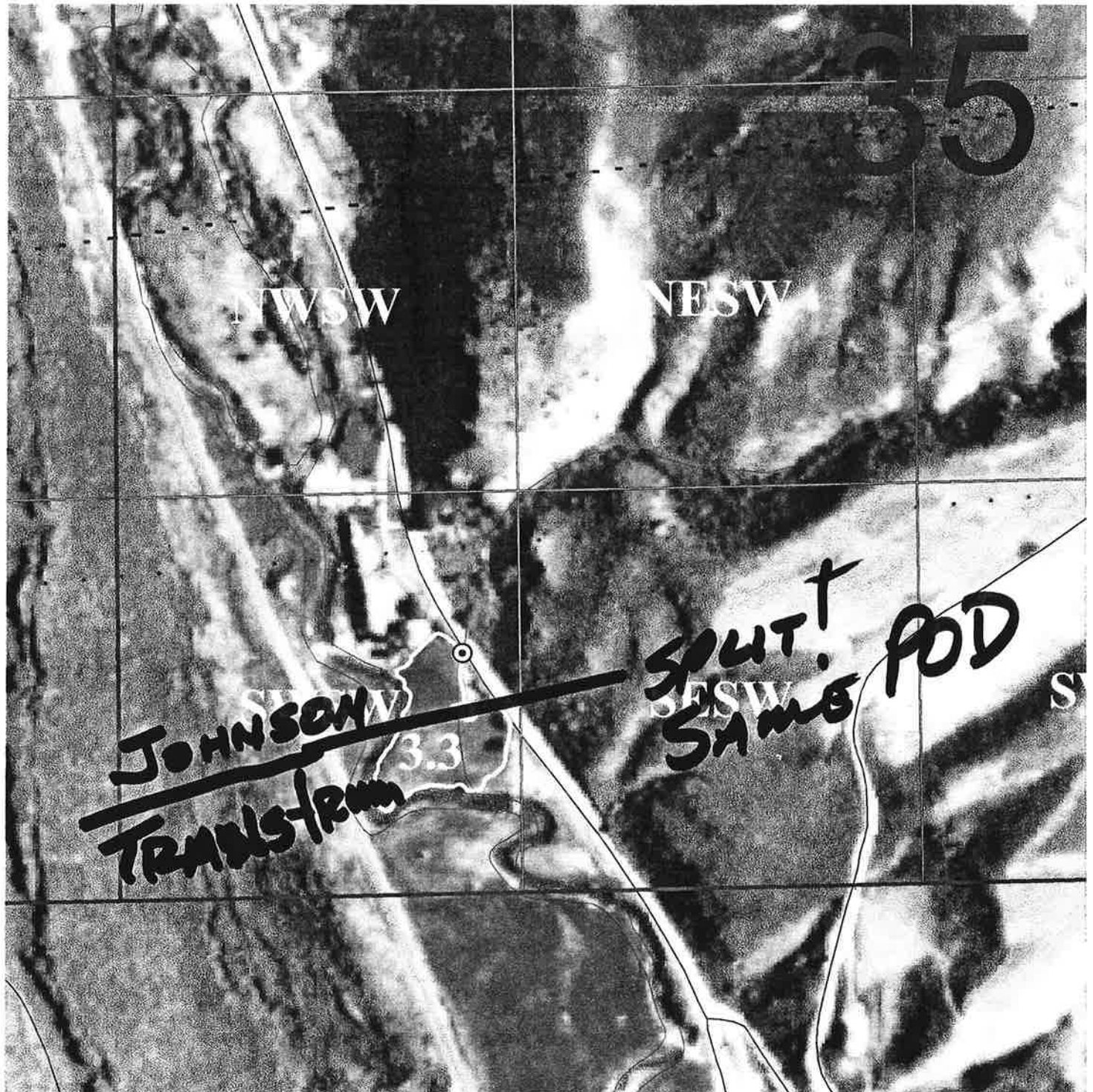


Allen B. Ruberry  
Sr. Water Resource Agent  
Adjudication Bureau

cc: File

Enclosure: Brochure on “Evidence of Priority”  
Notice(s) of Claim A29-11492

Township , 7S36E



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 29-13322  
Date Received: 3/13/2002  
Receipt No:  
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

LYNN D TRANSTRUM Phone: (208)233-2269

PO BOX 93  
POCATELLO ID USA 83204

2. Date of Priority: 03/15/1902

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 07S      | 36E   | 35      | SW SW                 | BANNOCK |      |

5. Description of diverting works:

HEADGATE TO DITCH TO PLACE OF USE FOR IRRIGATION.

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/15 | 11/15 | 0.08   |            |

7. Total Quantity Appropriated is:  
0.08 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|---------------|-------|---------|----------------|------------|-------|
| 07S           | 36E   | 35      | SW SW          | IRRIGATION | 2.5   |
| Section Acres |       |         |                |            | 2.5   |
| Total Acres   |       |         |                |            | 2.5   |

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:

14. Remarks:

THIS RIGHT SPLIT FROM 29-11492.

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  
of \_\_\_\_\_ 20\_\_\_\_

Notary Public

Residing at \_\_\_\_\_

My commission Expires \_\_\_\_\_

29-11492

L. TRANSTRAUM  
29-13322

SPLIT DUE TO  
OWNERSHIP Q'S.

W. JOHNSON  
29-13323

Lower Rock Creek

W. JOHNSON  
29-13323

L. TRANSTRUM  
29-13322

SWSW

34 35

T7S, R36E

3 2

T8S, R36E