

Identification No. 11-4000

Claim No. 42111

Map No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form).

1. Name of claimant Wayne J. Translums  
post office address St Charles Idaho

2. The point of diversion is in See attached map  $\frac{1}{4}$  of 1  $\frac{1}{4}$  Section 15 Township 15 S  
Range 43 east B.M. located on Little Creek  
tributary to St Charles Big Creek in Bear Lake County.  
(name of source)

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:  
The water is diverted through ditches which contain enough  
water to irrigate about 3000000 land amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
Dec 10, 1887 amount: 0.30 c.f.s. or \_\_\_\_\_ acre feet  
Total claimed \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:  
use irrigation period of use from May 1st to October 15 (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Steel and wood  
ditch; length is 14 feet; height is 7 feet;  
width at bottom is 14 feet; width at top is 16 feet; explain any increase in diversion capacity since structure was first built giving dates and estimated capacities if known None known

b. Underground water diverting works: is well flowing or pumped \_\_\_\_\_; depth of well is \_\_\_\_\_ feet; diameter of well is \_\_\_\_\_ inches; type of pump is \_\_\_\_\_  
capacity of pump is \_\_\_\_\_ gallons; name and address of well driller is \_\_\_\_\_

\_\_\_\_\_; if so, give dates and explain \_\_\_\_\_

type of pipe \_\_\_\_\_; grade of pipe per 1000 feet is \_\_\_\_\_.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible \_\_\_\_\_

is reservoir on or off stream \_\_\_\_\_ explain \_\_\_\_\_

if feeder canal is used give maximum carrying capacity \_\_\_\_\_ c.f.s.; if reservoir is off stream, describe \_\_\_\_\_

location of reservoir by 40-acre subdivisions.

describe \_\_\_\_\_

5./a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 15,0

Explain any significant increase in area irrigated since first use, give dates and acreages if known \_\_\_\_\_

\_\_\_\_\_

b. Do you get water through a ditch owned by several users? Yes  
If yes, give the name of the ditch Stewart down ditch  
The other users and their respective interests in the ditch are (if known) 50% by Stewart & Clark Rogers

6. Where water is used for stock watering, give number of each kind of stock watered \_\_\_\_\_  
7. Where water is used for domestic or municipal purposes give number of families served \_\_\_\_\_  
8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities \_\_\_\_\_

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation  
My lot is located 15  
feet down to place of operation  
giving 15 ft depth 15 feet  
opening mouth is high. It was constructed and recorded in 1887  
in Idaho. I don't know in continuous yearly operation since.  
that time

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.  
(Date) Oct 4-1967  
State of Idaho }  
County of Blaine } ss. Walter  
On this 7th day of October 1967, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.  
Notary Public residing at \_\_\_\_\_  
Stewart & Clark Rogers  
Blaine Idaho

My commission expires Oct 10-1970  
For Department Use Only

Received by me Date 10-11-67 Exception filed by: \_\_\_\_\_  
Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by DKW Date 10-27-67 Fee received by \_\_\_\_\_ Fee \$ 10.00

Approved for publication by 10-27-67 Published in Blaine  
11-4000

# AFFIDAVIT

Charles E. Hulme, Bloomington, Idaho being first duly sworn,  
deposes and says: I have been acquainted with the irrigation  
of lands under the Stewart Dam diversion on the  
St. Charles Little Creek for the past twenty years. I have  
helped Mr. Leon Swenson put the dam in and since the  
purchase of the Swenson property by Wayne Transtrum I  
have helped each year. I have leased property adjacent  
to the Transtrum property which is also irrigated from  
this diversion dam. I presently lease and operate  
land owned by Utah Power & Light Company as well as  
the land above mentioned which is owned by Mrs. Patricia C.  
Payne part of which is watered through this ditch referred  
to. I have also talked to many neighbors who have  
told me of the use by prior owners. Some of these  
men over seventy years of age have had continuous  
knowledge of the use of the water from this dam. One  
man who is now over 90 years of age told me  
that he helped build the dam at its present location  
when he was about 17 or 18. He said that previously the  
diversion dam was at a different location, but, that the  
change made it more favorable although the same  
lands were being irrigated from the previous dam. He is  
still living in Montpelier, Idaho.

My commission expires

Paris Idaho

Oct 10-1970

11-4000

State of Idaho  
County of \_\_\_\_\_

I. V. La Mont Puzosine

being first duly sworn,

deposes and says:

deposes and says: I live in St Charles Bear Lake County Idaho  
I am Seventy one years old and have lived in St Charles  
all of my life. I know personally the dam called  
Stewart Dam, in Little Creek, a tributary of St  
Charles Big Creek. And to my personal knowledge  
E. C. Ketch, who proved up on property, then sold  
to Leon Swenson, who sold to Adm J. Kraus, then  
have all maintained and used the water from  
this dam, over the years as long as I can  
remember.

Signature) W. Lamont Peguine

Subscribed and sworn to before me this 6<sup>th</sup> day of October 1967.

(Notary Public)

Residing at

My commission expires

— — — — —

# AFFIDAVIT

)

J. H. Lister & Translators being first duly sworn,

deposes and says: I live in St Charles Bear Lake County.  
I am seventy two years old and have lived on and  
later owned the property adjacent to the property and  
diversion of water used to irrigate a certain portion of the  
property now owned by Wayne J. Transtum and watered  
from the dam known as the Stewart dam on St Charles  
Little Creek a tributary of St Charles Big Creek.

I personally know that the water from this dam known as Stewart dam was used by E.C. Kestch who entered and proved upon this property. Leon Swensen who purchased the property from Kestch and Wayne J. Transtrum who purchased the property from Swensen and has been used continuously as long as I can remember.

I have helped each one of these owners to put in this dam at various times, and personally know this water has been used to irrigate this property.

(signature) Whitney Fraustman

Subscribed and sworn to before me this 6<sup>th</sup> day of October 1967

L. Keith Shepherd  
(Notary Public)

Residing at Paris, Idaho  
My commission expires Oct 10-1970

My commission expires Oct 10-1970.

11-4000

St. Charles, Idaho  
October 3, 1965

State Reclamation Department  
207 State House  
Boise, Idaho 83701

OST 10 1967  
Department of Reclamation

Dear Sirs:

Below is a copy of a record of dam constructed for irrigation on my property which is record in the Bear Lake County Court House.

#### Notice

Notice is hereby given that the undersigned, citizens of the United States, hereby claim and appropriate so much of the waters of Little Creek in Bear Lake County, Idaho Territory, as will flow through a ditch of the following dimensions, to wit:

Ten (10) feet wide in the bottom; Twelve (12) feet wide on top and Two (2) feet deep with a fall of  $\frac{1}{2}$  of an inch to the rod.

This appropriation is made by means of a dam thrown across said Little Creek about ten rods above the lower ford, being the point of diversion and the place where this notice is posted and a monument of wood 4 feet high erected, the waters of said Little Creek being thence conducted through the ditch of Little Creek and West of the Outlet of Bear Lake, being Section 17 in Township 15 South of Range 43 East of Boise Meridian.

This Appropriation is made for irrigating and agricultural purposes.

Dated this 20th day of May A. D. 1887.

(signed)

John C. Stewart  
Andrew Jensen  
Lorenzo D. Young  
Jacob Michaelson

DECEASED

Territory of Idaho)  
County of Bear Lake) ss.  
0)

This is to certify that I did on the 20th day of May A. D. 1887 at the point indicated in within notice post up a Notice of which the within is a true and correct copy.

J. C. Stewart Jr.

Filed for record Dec. 10, 1887 at the request of----- and  
recorded July 17th 1889.

I. L. Mantonya, County Recorder

Recorded in Book 1 of Miscellaneous Records at page 275. (copy of original)

\*These men have all since deceased but I checked the county records and this form is still on record.

Wayne J. Transtrum  
St. Charles, Idaho

11-4000

# The Paris Post

IDAHO'S OLDEST WEEKLY NEWSPAPER . . . ESTABLISHED IN 1880  
Department of Reclamation

Thomas E. Preston, Publisher

Corner Main and Center Streets  
PARIS, IDAHO 83261

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
County of Bear Lake ) ss.

I, Thomas E. Preston publisher  
and manager of THE PARIS POST, a weekly  
newspaper published weekly at Paris, Bear  
Lake County, State of Idaho, do solemnly  
swear that a copy of the attached notice,  
(as per clipping), was published weekly  
in the regular and entire issue of said  
newspaper, and not in any supplement there-  
of, for 2 consecutive weeks, commencing  
with the issue dated November 16, 1967,  
and ending with the weekly issue dated  
November 23, 1967.

Thomas E. Preston  
Publisher

Subscribed and sworn to before me this  
2<sup>nd</sup> day of December, 1967.

(SEAL)

L. Hugh Shippers  
Notary Public

My commission expires Oct 10<sup>th</sup> 1970.

## NOTICE OF CLAIM TO A WATER RIGHT No. 11-4000

Notice is hereby given that  
Wayne Transum, St. Charles,  
Idaho has filed a claim to a  
water right established by div-  
ersion and application to bene-  
ficial use of 36 (cubic feet per  
second) of water from Little  
Creek, tributary of Big Fork of  
St. Charles Creek with point of  
diversion in Sec. 17, T. 16 S.,  
R. 42 E, B.M., Bear Lake Coun-  
ty; the water is claimed to be  
used for irrigation purposes  
from May 1 to October 15 with  
a priority of December 10, 1887  
(30 a.s.); the place of use is  
E 1/2 Sec. 13, T. 16 S., R. 42 E,  
B.M.

Any exception to this claim  
of water right may be filed  
with the Department of Re-  
clamation.

R. KEITH HIGGINSON  
State Reclamation Engineer

Published in The Paris Post,  
Paris, Idaho on November 16  
and November 23.

□

11-4000

# The Paris Post

Department of Reclamation  
WHO'S OLDEST NEWSPAPER

PARIS, IDAHO

November 30, 1967

Department of Reclamation  
107 State House  
Boise, Idaho 83701

Legal publication Nos 16 and 23

|                       |           |                |
|-----------------------|-----------|----------------|
| Claim 11-4000 (30 li) | Transum   | \$6.90         |
| Claim 11-4001 (32 li) | C. Ornell | 7.36           |
| Claim 11-4003 (30 li) | Bunderson | 6.90           |
| Claim 11-4004 (31 li) | UPH       | 7.13           |
| <u>Total Due</u>      |           | <u>\$28.29</u> |

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid Thomas E. Austin

Your Patronage is Appreciated

published

11-4000

December 5, 1967

Re: Claim No. 11-4000, 11-4001, 11-4003, and 11-4004

The Paris Post  
Paris,  
Idaho 83261

Gentlemen:

Returned herewith is the bill of publication for the above referenced claims to water rights. Before a State Warrant may be issued for this amount, we must be in receipt of a signed, and certified bill.

Please have the publisher sign this bill and return it to this department for our remittance.

Very truly yours,

Donald W. McElowney  
Water Rights Clerk

DWM:ks

Enclosure: Bill of publication

11-4000

December 5, 1967

Re: Claim No. 11-4000

Wayne J. Transtrum  
St. Charles,  
Idaho 83272

Dear Mr. Transtrum:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 11-4000.

Enclosed is your receipt for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McElowney  
Water Rights Clerk

DW:aks

Enclosure: Receipt No. 122 for \$10.00

11-4000

**NOTICE OF CLAIM TO A  
WATER RIGHT**

**No. 11-4000**

Notice is hereby given that Wayne Transtrum, St. Charles, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 30 (cubic feet per second) of water from Little Creek, tributary of Big Fork of St. Charles Creek with point of diversion in Sec. 17, T. 13 S., R. 42 E., B.M., Bear Lake County; the water is claimed to be used for irrigation purposes from May 1 to October 15 with a priority of December 10, 1887 (.30 c.f.s.); the place of use is E1/4 SE1/4, Sec. 13, T. 15, R. 42 E., B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON  
State Reclamation Engineer  
Published in The Paris Post,  
Paris, Idaho, on November 18  
and November 23.

11-4000

November 7, 1967

Re: Claim No. 11-4000

The Paris Post  
Paris,  
Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you can not publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

(Do not sign letter)

\_\_\_\_\_  
Signature of claimant

Very truly yours,

Donald W. McElDowney  
Water Rights Clerk

DWM:ks

Enclosure: legal notice

11-4000

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4000

Notice is hereby given that Wayne Transtrum, St. Charles, Idaho  
\_\_\_\_\_ has filed a claim to a water right established  
by diversion and application to beneficial use of .30 (cubic feet per second)  
(~~2000 feet~~) of water from Little Creek, tributary of Big Fork of St. Charles Creek  
with point of diversion  
in Sec. 17, T. 15 S., R. 43 E., B.M., ~~11/11/11/11~~ Bear Lake County ;  
the water is claimed to be used for irrigation  
purposes from May 1 to October 15 with a priority of  
December 10, 1887 (.30 c.f.s.) the place of use is Elsewhere, Sec. 13, T. 15 S., R. 43 E., B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON  
State Reclamation Engineer

Published in the Paris Post, Paris,  
Idaho, on November 16 and November 23.

11-4000

