

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: A29-10244
Date Received: 1/25/1990
Receipt No: E0011858
Received By: EE

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WAYNE C. PERKINS 208-648-7819
Address: 850 KELLY TOPONCE RD.
BANCROFT, ID 83217

2. Date of Priority: APR 01, 1902

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	38E	11	NW	SE	SW		CARIBOU

5. Description of diverting works:
SPRING FLOW COLLECTED INTO DITCHES. FLOOD IRRIGATION.

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		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
200 HEAD OF RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	38E	11	SE	SW		IRR	10.0
			SE	SW		STOCK	

Section Acres 10.0

A29-10244

Page 1

Date: 01/25/90

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A2910244

10. Place of Use: Continued

Total Acres 10.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
CANAL WATER CLAIMED UNDER A29-10243

14. Remarks:

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 x 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.

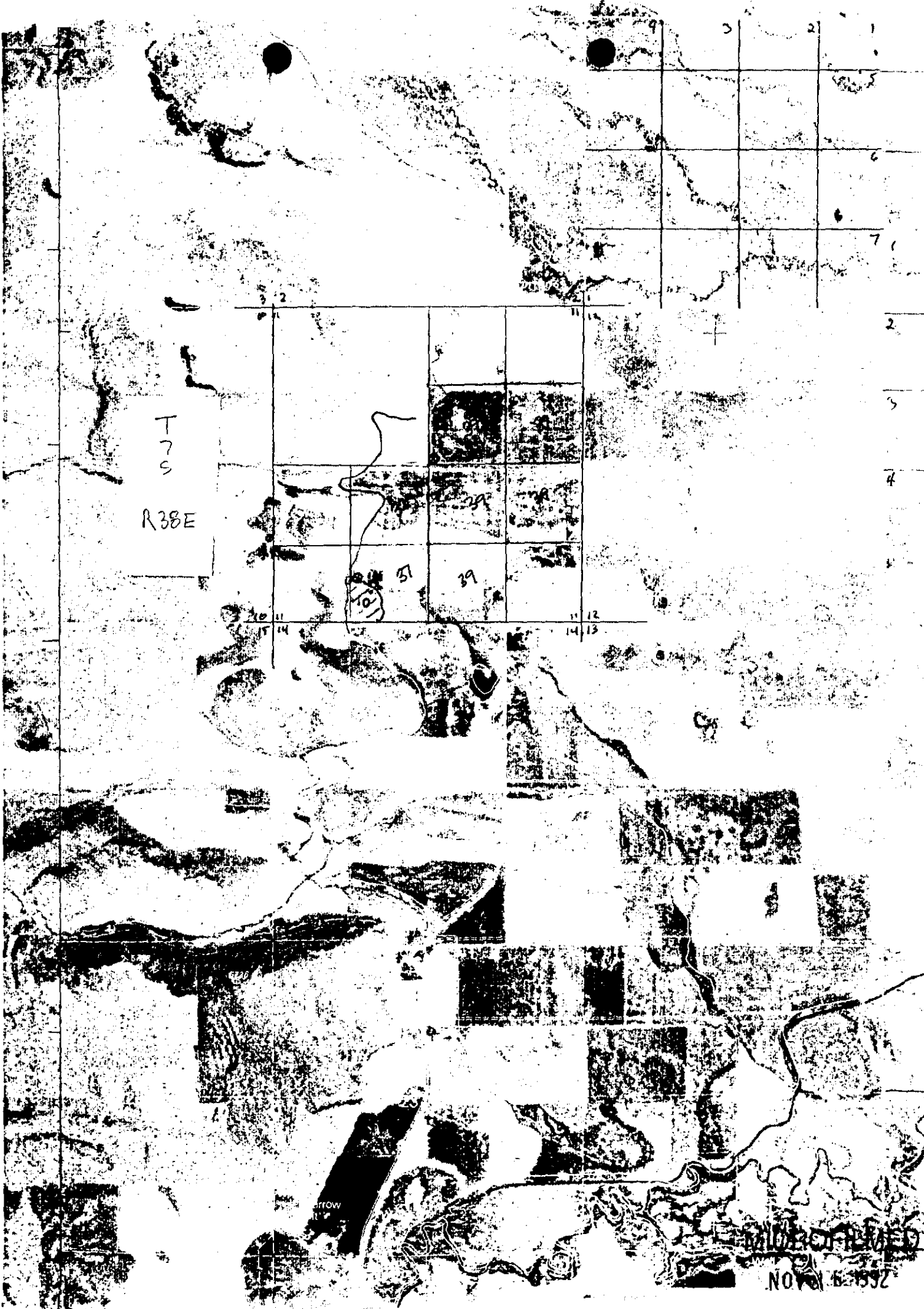
Signature of Claimant(s): Wagon Creek Date: 1/25/90
Date:

State of Idaho
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of January 19 90
Seal

E. E. Pen
Notary Public

Residing at Salt Lake City
My Commission Expires 22 Aug 1994



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R38E

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NOV 15 1952

Log for claim A29-10244

Spatial Dynamics BTD

6/19/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s38e	11	SESW	10	10	
Totals:			10	10	

AJ5809NP
No. A29-10244

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 147

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WAYNE C PERKINS 850 KELLY TOPONCE RD BANCROFT ID 83217 (208) 648-7819	04/01/1902	IRRIGATION STOCKWATER	04-01 11-01 01-01 12-31	0.200 CFS 0.050 CFS	
TOTAL DIVERSION:					0.070 CFS	

Water Source: SPRING

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R38E S11 NWSESW

CARIBOU 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
07S	38E	11	:																	:	10.0
																				TOTAL ACRES	10.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
07S	38E	11	:																	:	

POU County: CARIBOU

Non-Irrigation Uses: 200 HEAD OF RANGE CATTLE

Other Rights: CANAL WATER CLAIMED UNDER A29-10243

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00103 A29-00104 A29-00105 A29-00106 A29-10243 A29-10322

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 01/25/90 VERNER 08/01/94 THOMPSON 03/29/95 POST-STD

File Copy

July 3, 1990

Gary L. Hatch
P.O. Box 1260
Bancroft, ID 83217

RE: Exception to A29-10244, Wayne C. Perkins

Dear Mr. Hatch:

The Department of Water Resources (IDWR) has received your letter dated April 8, 1990, stating an exception to Notice of Claim A29-10244 filed by Wayne C. Perkins. The letter will be placed with the Notice for future consideration and a copy has been sent to Mr. Perkins.

Recommendation for each notice of claim will be listed in the Director's Report. In preparing this report, IDWR is required by statute to review each notice to ensure it is complete and accurate. Information in the exception letter will be considered as part of this review.

Publication of the Director's Report for the Portneuf River Drainage is tentatively scheduled for the fall of 1991. When it becomes available for public review, IDWR will mail notification to each claimant. If you are dissatisfied with the recommendation in the Director's Report, you may contest it by filing an objection with the court. Following the objection, the matter will be set for hearing.

If there is a more immediate concern about Mr. Perkins' present use of water, you could file a formal request that the IDWR issue him a cease and desist order for illegally diverting water. It would be necessary, however, for you to file sufficient documentation for the IDWR to be certain that Mr. Perkins was diverting water that he did not own, that had been abandoned or forfeited in the past, or that he has failed to properly transfer the water to the place where he is presently using it. The evidence should be in the form of affidavits, photographs and any other documentation such as aerial photographs which shows the use of water.

Feel free to contact this office for further assistance (525-7161).

Respectfully Submitted

ERC

Ernest Carlsen
Adjudication Supervisor

cc:file
Wayne Perkins

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RECEIVED

APR 10 1990

April 8, 1990

Idaho Department of Water Resources
150 Shoup Avenue Suite 15
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

Re: a new filing Ident. number: A29-10244
made by Wayne C. Perkins on 1/25/1990.
This letter is in protest of this filing.

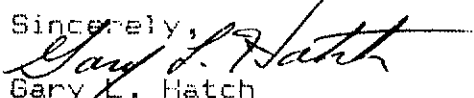
Dear Sirs:

While in your office on 29 Mar. 1990 I was given a copy of the above mentioned filing. In reading it over I find that Mr. Perkins has made a new filing on water that has legally been filed on and decreed to my land since 19 Apr. 1904 (see Ident. number: A29-00070). I see that Mr. Perkins, in his new filing, put basis of claim: BENEFICIAL USE, with a priority date of 1 Apr. 1902. I am relatively certain that this spring water has not watered any ground on the Perkins property in the last 5 years and probably very little in the past 50. I understand that landowners prior to Mr. Perkins attempted on different occasions to dam the water up and use it but were forced to abandon the idea when the landowners of the land which I now have complained to the water master.

I know that Mr. Perkins understands that the water is legally decreed to my farm because he called and tried to persuade me to sell him the rights to this spring water shortly after I bought the place two and one half years ago. As a matter of fact his wife called again in Jan. 1990 and ask me if I was going to sell this water. I said no it stays with the place to which it is presently decreed. A few weeks later he made this new filing.

I feel that Mr. Perkins thinks he might take this water from me because I have let another neighbor use it during the peak dry irrigating periods of the last two years to help save his crop while my pasture went dry for a few weeks. If this is Mr. Perkins feelings, I might add that his brother Rondo did the same thing for Mr. Perkins a few years back.

I trust that you gentlemen will let me know what more I have to do, if anything, to protect my water rights. I will be interested to hear from you.

Sincerely,

Gary L. Hatch

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