

02/13/2003

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-4364

I GLENN PERKINS
PO BOX 683
POCATELLO ID 83204
Telephone Number: (208)232-4547

MARY D PERKINS
PO BOX 683
POCATELLO ID 83204
Telephone Number: (208)232-4547

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3-3-03

SIGNATURE: I Glenn Perkins

Please print your name: I Glenn PERKINS

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

29-04364 243 claim:

2/11/02 CAUO Mr. Jarman Re: EVIDENCE OF PRIORITY DATA.
I'll use the 1915 DDDO, w/ language about UR's BUT
CAN ONLY GO BACK TO Aug. 7, 1932. FAKED CC of Tuthill's
SOU Letter for review.

Among claim for: 1. Priority Date 8/7/1932

2. SOU Inaug. 4/1 to 10/31 DOTT STO

Stock 4/1 to 10/31

w/ Limits NPS, NPS for stock use

USE w/ 29-10830, CFS, AC limits on each

5/29/02 Measured stream (West ck) About 25'± BELOW

POD (and ^{30'±} confluence of Smith ck & West ck) using 15" BROAD

CRESTED WATER FLUME, Reads .51 cm (51 mm) = Q, 25 cfs or 1125 gpm

Measured w/ Cindy Bird, Steve Hedden (WM) and Ar Rubeney,

RONALD J. JARMAN

ATTORNEY AT LAW

PO Box 6252

Pocatello, Idaho 83205-6252

Telephone: (208) 233-8421

Facsimile: (208) 233-8474

February 14, 2002

RECEIVED
FEB 15 2002
Department of Water Resources
Eastern Region

Allen B. Ruberry
Sr. Water Resource Agent
State of Idaho
Dept. of Water Resources
900 N. Skyline Dr. Suite A,
Idaho Falls, ID 83402-1718
Fax: (208) 525-7177

Re: Identification # 29-4364
Glenn and Mary Perkins

Dear Mr. Ruberry:

Enclosed is the duly signed and notarized, Amended Notice of Claim to a Water Right, on behalf of my clients, Glenn and Mary Perkins. I appreciate your assistance in drawing up this Amendment. If you have questions, please advise.

Sincerely,



RONALD J. JARMAN

RJJ/sj
Enclosure
c: Glenn and Mary Perkins

RONALD J. JARMAN
ATTORNEY AT LAW
PO Box 6252
Pocatello, Idaho 83205-6252
Telephone: (208) 233-8421
Facsimile: (208) 233-8474

RECEIVED
DEC 13 2001
Department of Water Resources
Eastern Region

December 12, 2001

Allen B. Ruberry
Sr. Water Resource Agent
State of Idaho
Dept. of Water Resources
900 N. Skyline Dr. Suite A,
Idaho Falls, ID 83402-1718
Fax: (208) 525-7177

Re: Evidence of Priority For A29-04364
Glen Perkins

Dear Mr. Ruberry:

As you may recall I spoke to you a bit over one week ago regarding the above referenced water right claim of my clients, Glen and Mary Perkins. I appreciate the time you took with me in explaining the process for proof of priority for this water right. I did request, as we discussed, a title search of the involved property, through Alliance Title Company, here in Pocatello. This search came up with certain deeds, copies of which I am "faxing" with this letter. The "microfilm reader" at Alliance is not functioning the best. However, I thought I would relay what I have to see if these documents are of any assistance in making a determination of the issue in this matter.

I will give you a call later. Thank you for your attention to this.

Sincerely,



RONALD J. JARMAN

RJJ/sj
Faxing 7 pages including this cover sheet
c: Glen and Mary Perkins

ALLIANCE

TITLE & ESCROW CORP.

To: **Ronald J. Jarman, Attorney**
475 Yellowstone Ave.
Pocatello, ID 83201

Date: **December 11, 2001**
Order No.: **N/A**
Re: **Perkins, Glen and Mary**

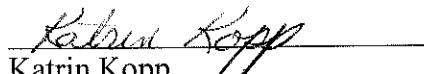
In connection with the above referenced transaction we enclose the following:

- **Copies of the following deeds:**
 - 134609
 - 216109
 - 229164
 - 229165
- **Invoice**

"THANK YOU" for allowing us to serve you!

If you should have any questions or if we may be of further assistance, please do not hesitate to contact me.

Sincerely,


Katrin Kopp
Title Assistant



PATENTS

Instrument No. 134609

Blackfoot, 07882

OCT 25 1915

-1023.

The United States of America

To All to Whom These Presents Shall Come, Greeting:

WHEREAS, A certificate of the register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant

John A. Avery

According to the provision of the Act of Congress, April 24, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto for the

east half of the northeast quarter of Section eight and west half of the northwest quarter of Section nine in Township ten south of Range thirty-eight east of the Boise Meridian, Idaho, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, return
General:

GENERAL LAND OFFICE by the Surveyor.

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in that behalf made, HAS GIVEN AND GRANTED, and these presents DOES GIVE AND GRANT unto the said claimant, the Treasurer above described, TO HAVE AND TO HOLD unto him, his heirs, assigns, and assigns forever, together with whatever nature, thereunto belonging, unto the said claimant, his heirs, assigns, and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights in ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands here granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson, President of the United States of America, have caused these letters to be signed Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the SIXTEENTH day of OCTOBER, 1915, year of our Lord one thousand nine hundred and FIFTEEN, and of the Independence of the United States the one hundred and FORTIETH.

By the Woodrow Wilson

M. K. Gulick
Assistant SecretaryL. Q. C. Lamar
Recorder of the General Land Office

RECORDED: Patent No. 494174

Filed for Record at 3:07 P.M.

P.T. & Co. in Book 7 of Patent 541

By Deputy Fee

A.D. 1927, and recorded at the test of
rds. of Bannock County State of Idaho

Lillian Spangberg order

WARRANTY DEED

This Agreement, Made this fifteenth day of July 1911 in the year of Our Lord
 One Thousand Nine Hundred and Forty-one, between Hattie Avery, a widow,
 of Lave High Spring, County of Bannock, State of Idaho, the party of the
 first part, and Ray Bloxham

Leva Hot Springs, County of Blaine, Bannock, State of Idaho, the party of the second part:

WITNESSED by: That the said part y of the first part, for and in consideration of the sum of \$400.00 (FOUR HUNDRED DOLLARS) to

FOUR THOUSAND FIVE HUNDRED and No/100

of the money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged.

And these presents, Goss, G. Bargain, Sell and Convey and Confirm unto the said part "g" of the second part, and to his heirs and assigns forever: All that certain lot or piece of land situate, lying and being in the County of Hancock, State of Idaho, bounded and more particularly described as follows, to-wit:

The Southeast quarter of the Northwest quarter; the East half of the Southwest quarter; and the Southwest quarter of the Southwest quarter; all in Section four (4), Township ten (10) South, Range thirty-eight (38) East of the Boise Meridian, have and excepting 294 acres of said land heretofore deeded to Joseph H. Colman; and said tract containing 1304 acres; also the East half of the Northeast quarter, and the East half of the Southeast quarter, of Section eight (8); and the West half of the Northwest quarter, and the West half of the Southwest quarter, of Section nine (9); all in Township ten (10) South, Range thirty-eight (38) East of the Boise Meridian, containing 320 acres, together with the appurtenances, and all ditches, water and water rights belonging or appurtenant to said land.

This deed is given subject to a first mortgage now on the above described property, in favor of the Utah Mortgage & Loan Corporation, in the amount of \$3,000.00.

(\$1.65 L. R. S. Attached to Card and cancelled.)

2. Together with the said singular, the tenements, hereditaments and appurtenances thereunto belonging or otherwise appertaining, and the rents, issues and profits thereof:

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereunto holden, unto the said party of the second part, and to his heirs and assigns forever. And the said party of the first part, her heirs and assigns, do give and warrant unto the said party of the second part, his heirs and assigns against the said party of the first part, and her heirs and assigns, and against all and every person or persons whatsoever, lawfully claiming or to claim the same, that and will warrant and by these premises forever defend, save and

IN WITNESS WHEREOF, The said party of the first part has hereunto set
the day and year first above written.

SIG. EL. SEALED AND DELIVERED IN THE PRESENCE OF

M. J. Kasich

Text: all (S)

CONFIDENTIAL (S)

STATE OF CALIFORNIA

Council of _____ Ban _____

On this 23 day of August, July, in the year 1941, before me, M. J. Kasiska

in and for said County and State, personally appeared Hattie C. Livery, a widow,

known to me to be the person whose name is

subscribed to the will instrument, and acknowledged to me that she had executed the same, and that she was not under any legal obligation to do so.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in the certificate first above written.

M. J. KRUISKE, JR.

Notary Public.

(SEAL) Residence...Hot Springs, Idaho.....

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[illegible]

(continued)

[illegible]

1. The first step in the process is to identify the problem. This involves gathering information about the situation and the people involved.

[illegible][illegible]

1. **Identifikasi Masalah** (10%)
2. **Pengumpulan Data** (20%)
3. **Analisis Data** (30%)
4. **Penyusunan Laporan** (40%)
5. **Pertemuan** (10%)

I hereby certify that this instrument was filed for record at the request of RAY 2 JAY

at 40 minutes past 2 o'clock M. this day of Jul.

A. D. 1841, in Book.....83.....of Deeds, at page.....279.....

44-38861-1000
b6
b7C
b7D
Anna Kaufe

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, 2676, 2677, 2678, 26

shared the... together with all the profits, losses and profits thereof.

PERSONAL PROPERTY
Cash \$250.75
All household furniture consisting of usual household furnishings, rugs, tables, chairs, kitchen utensils, dishes, silverware etc. Also carpenter and other tools.
One 1936 Ford 2-door.
Done in open court this 6th day of December, 1943.

(SEAL) WILLIAM LIND PROBATE JUDGE

IN THE PROBATE COURT OF BANNOCK COUNTY, STATE OF IDAHO
STATE OF IDAHO)
COUNTY OF BANNOCK) ss.

I, Ruth Petersen, Clerk of the Probate Court for the County of Bannock, Idaho, do hereby certify that the foregoing is a full, true and correct copy of the original.

DECLARATION OF DISTRIBUTION OF ESTATE

In the matter of the Estate of PAUL RAY, Deceased, now on file and awaiting this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 6th day of December, 1943.

(SEAL) Ruth Petersen Clerk of the Probate Court

RECORDED DEC 6 1943 12 01 PM in Book 34 of Deeds, at Page 142, Records of Bannock County, State of Idaho, at the request of Fern C. Ray, 1234 E. 5th. Anna Keefe, Recorder of Bannock County, and \$1.00 fee.

INSTRUMENT NO. 229164

WARRANTY DEED

THIS INDENTURE, Made this 19th day of July in the year of our Lord one thousand nine hundred and forty-three, between Ray Blodman and Zotta Blodman, his wife of Latah County, Idaho the parties of the first part, and of Pocatello, County of Bannock, State of Idaho the part of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten and No/100 DOLLARS, lawful money of the United States of America, have paid to the said parties of the second part, the receipt whereof is hereby acknowledged by these presents, Grant, Bargain and Convey and Confirm unto the second part, and to their heirs and assigns forever, all that certain lot piece of land situate, lying and being in the county of Bannock State of Idaho, bound particularly described as follows, to-wit:

The Southwest quarter (SW 1/4) and the East one-half (E 1/2) of Section Eight (8) Township Ten (10) South, Range Thirty-eight (38) East Boise Meridian. Also the West One-half (W 1/2) of the West One-half (W 1/2) of Section Nine (9) Township Ten (10) South, Range Thirty-eight (38) East Boise Meridian and Twenty-five and Eighty-four hundredths acres (25.84) in the Northeast Quarter (NE 1/4) of Northwest One Quarter (NW 1/4) of Section Nine (9), Township Ten (10) South, Range Thirty-eight (38) East Boise Meridian, and more particularly described as follows to-wit:

Commencing at the South Quarter corner of Section Four (4) Township Ten (10) South Range Thirty-eight (38) East of Boise Meridian, running thence south along the east boundary line of the Northeast One Quarter (NE 1/4) Northwest One Quarter (NW 1/4) of Section Nine (9), said Township and Range One Thousand Three Hundred Twenty (1320) feet to the Southeast corner thereof; thence West along the South boundary line of said subdivision, Nine Hundred Thirty-five (935) feet to the County Road, the place of beginning, running thence in a Northerly direction along the East side of said County Road with the courses and distances as follows, to-wit: North Twenty-eight degrees, Thirty minutes (28° 30') East One Hundred (100) feet; North Forty-five degrees (45°) East Five Hundred Thirty-two (532) feet; North Sixty degrees (60°) East One Hundred Fifty-four (154) feet; North Thirty-one degrees Thirty minutes (31° 30') East One Hundred Twenty-eight (128) feet; North

Fourteen degrees Thirty minutes (14° 30') West Two Hundred Twenty (220) feet; North Twenty degrees (20°) East One Hundred Thirteen (113) feet; North Twenty-five degrees Thirty minutes (25° 30') East One Hundred Eighty-two (182) feet; North One degree (1°) East One Hundred Eighty-eight (188) feet to the North boundary line of said Northeast Quarter Northwest Quarter (NE¼NW¼) of said Section Nine (9); thence west along the North boundary line of said subdivision One Thousand Eighty (1080) feet to the Northwest corner of said subdivision; thence south along the west boundary line of said subdivision One Thousand Three Hundred Twenty (1320) feet to the Southwest corner thereof; thence east along the south boundary line of said subdivision Three Hundred Eighty-five (385) feet to the point of beginning, containing Twenty-five and Eighty-four hundredths (25.84) acres, more or less.

And the Southwest One Quarter (SW¼) of the Southwest One Quarter (SW¼) and the East One Half (E½) of the Southwest One Quarter (SW¼) and the Southeast One Quarter (SE¼) of the Northwest One Quarter (NW¼) of Section Four (4) Township Ten (10) South Range Thirty-eight (38) East of Boise Meridian, less the following described land.

Beginning at South quarter Section corner of Section four (4) of Township ten (10) South, Range thirty-eight (38) East of principal base and Boise Meridian, District of Idaho; thence running West two hundred sixty-eight and seven tenths (268.7) feet; thence North five and three quarters degrees (5 3/4°) East four hundred twenty-eight (428) feet; thence North Sixty-nine and three quarters degrees (69 3/4°) West four hundred eighteen and three tenths (418.3) feet; thence North Nine degrees (9°) East two thousand eight hundred seventy-three (2873) feet; thence North Sixty-two and One-half degrees (62 1/2°) East one hundred ninety-one and one half (191 1/2) feet; thence South three thousand four hundred ninety-seven (3497) feet to place of beginning, containing twenty-nine and fifty hundredths (29.50) acres.

Together with any and all water rights in the Dempsey Creek and its tributaries heretofore appropriated for or acquired by the Grantor or his predecessors and used on the said lands, consisting of seven to eight (7) six Miners inches of such waters and any and all other waters similarly used.

(S16.50 I. R. S. Attached to Deed and Cancelled)

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said part of the second part and to and assigns forever. And the said parties of the first part, and their heirs the said premises in the quiet and peaceable possession of the said part of the second part, their heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Witness my hand and seal of office this 29th day of July 1943, at Boise, Idaho. Ray Bloxham (Seal.)

Notary Public for the State of Idaho Zetta Bloxham (Seal.)

On this 29th day of July in the year 1943, before me, B. Chase Notary Public in and for said County and State, personally appeared Ray Bloxham and Zetta Bloxham, his wife, who to me be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.

Notary Public A. J. Chase
commission expires June 20, 1946
hereby certify that this instrument was filed for record at the request of B. T. A. Co. at 10 minutes past 3 o'clock PM, this 6 day of Dec A.D. 1943, at my office and duly recorded in Book 89 Records, at Page 143.

Anna Keefe, Recorder Fee \$2.20
This instrument was filed for record at the request of B. T. A. Co. at 10 minutes past 3 o'clock PM, this 6 day of Dec A.D. 1943, at my office and duly recorded in Book 89 Records, at Page 143.

RONALD J. JARMAN
ATTORNEY AT LAW
PO Box 6252
Pocatello, Idaho 83205-6252
Telephone: (208) 233-8421
Facsimile: (208) 233-8474

RECEIVED

JAN 15 2002

Department of Water Resources
Eastern Region

January 14, 2002

Allen B. Ruberry
Sr. Water Resource Agent
State of Idaho
Dept. of Water Resources
900 N. Skyline Dr. Suite A,
Idaho Falls, ID 83402-1718
Fax: (208) 525-7177

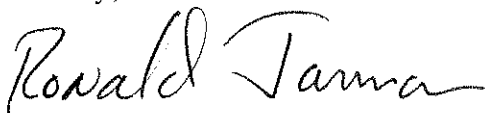
Re: Evidence of Priority For A29-04364
Glenn Perkins

Dear Mr. Ruberry:

Enclosed is the Affidavit of Gladys Hobson, which Affidavit is given in support of the above referenced priority claim made by my clients, Glenn and Mary Perkins, for certain water rights to "West Creek", a tributary to Dempsey Creek near Lava Hot Springs, Idaho.

I hope this is of assistance in making your recommendation. If you have questions, please advise.

Sincerely,


RONALD J. JARMAN

RJJ/sj
Enclosure
c: Glenn and Mary Perkins

AFFIDAVIT

STATE OF IDAHO)
)
COUNTY OF BANNOCK) ss.

Gladys Hobson, being first duly sworn, upon her oath, deposes and says that:

1. My date of birth is October 31, 1918. I was born in Lava Hot Springs, Idaho, and have since lived in the "Lava" area my entire life.

2. My present address is 12792 S. Dempsey, Lava Hot Springs, Idaho, 83246. I have lived at this address continuously for the last 64 years, which property located along the east fork of Dempsey Creek my late husband, George T. Hobson, and I "farmed" for several decades.

3. The property on which I have lived for the last 64 years is located approximately ½ mile south of certain land along West Creek and south of Smith Canyon Road, owned by Glenn and Mary Perkins of Pocatello, Idaho, persons whom I have known for many years.

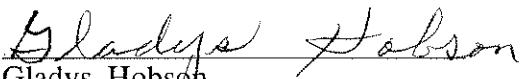
4. My son, Jerry Hobson, has leased the property along West Creek owned by Glenn and Mary Perkins for the past 25 years.

5. I am therefore very familiar with the "West Creek" property owned by the Perkins, having first visited this property in 1937 at the age of 19.

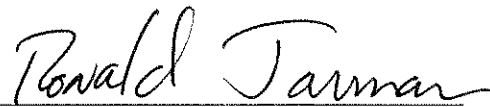
6. I can verify that ever since I first observed the property on West Creek now owned by Glenn and Mary Perkins, that the Perkins' acreage south of Smith Canyon Road along West Creek to its junction with Dempsey Creek has been irrigated from the waters of West Creek.

7. I can further verify that on the first date of my observation of the Perkins' West Creek property, I recall that there were two ditches on this property on either side of West Creek for the delivery of water to flood irrigate the property.

8. Finally, I can attest that for the entire time I have lived along the east fork of Dempsey Creek, that I know that the Perkins' West Creek land has been irrigated each year from the waters of West Creek.


Gladys Hobson

SWORN AND SUBSCRIBED to before me, the undersigned notary public,
on this 11 day of January, 2002.


Notary Public for Idaho
Residing at Pocatello, Idaho
My commission expires: 5/12/03



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 26, 2001

I GLENN PERKINS
PO BOX 683
POCATELLO ID 83204

RE: CHANGE OF ADDRESS FOR A29-04364

Dear Mr. Perkins:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

I Glenn Perkins
Po Box 638
Pocatello ID 83204

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cheri Vandermeulen".

Cheri Vandermeulen
Records Clerk

Enclosure(s)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

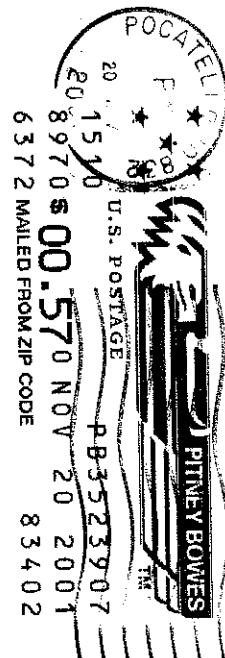
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

Return Service Requested

November 20, 2001

I Glenn Perkins
PO Box 638
Pocatello ID 83204

PO Box 638
RETURNED TO SENDER



83204+0638





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 20, 2001

I Glenn Perkins
PO Box 638
Pocatello ID 83204

RE: EVIDENCE OF PRIORITY FOR A29-04364

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 above referenced Claim to a water right shows priority dates of May 1, 1882.

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.

In addition to this request, I am enclosing copies of two other letters requesting action with respect to this water right claim, which had no response from your office.

.....
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

for Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice(s) of Claim A29-04364