

02/06/2003

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

RIGHT NUMBER: 29-91A

NAME AND ADDRESS: WAYNE C PERKINS
13825 N 7TH ST STE M
PHOENIX AZ 85022

SOURCE: TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.480 CFS

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.2 CFS. COMBINED RIGHT NOS.: 29-13482, 29-93A, 29-90A,
29-91A, 29-92A, 29-10248 & 29-13248.

PRIORITY DATE: 07/01/1909

POINT OF DIVERSION:

T06S R38E S33 SESE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 9/15	0.480 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T06S R38E S26	NESW	19.0	T06S R38E S26	SESW	40.0
---------------	------	------	---------------	------	------

60/59 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 59 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-13482, 29-90A, 29-91A, 29-92A, 29-93A,
29-10248 & 29-13248.

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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH THE FEEDER CANAL.

RIGHT NOS. 29-13482, 29-90A, 29-91A, 29-92A, 29-93A, 29-10248 &
29-13248 ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED
ABOVE.

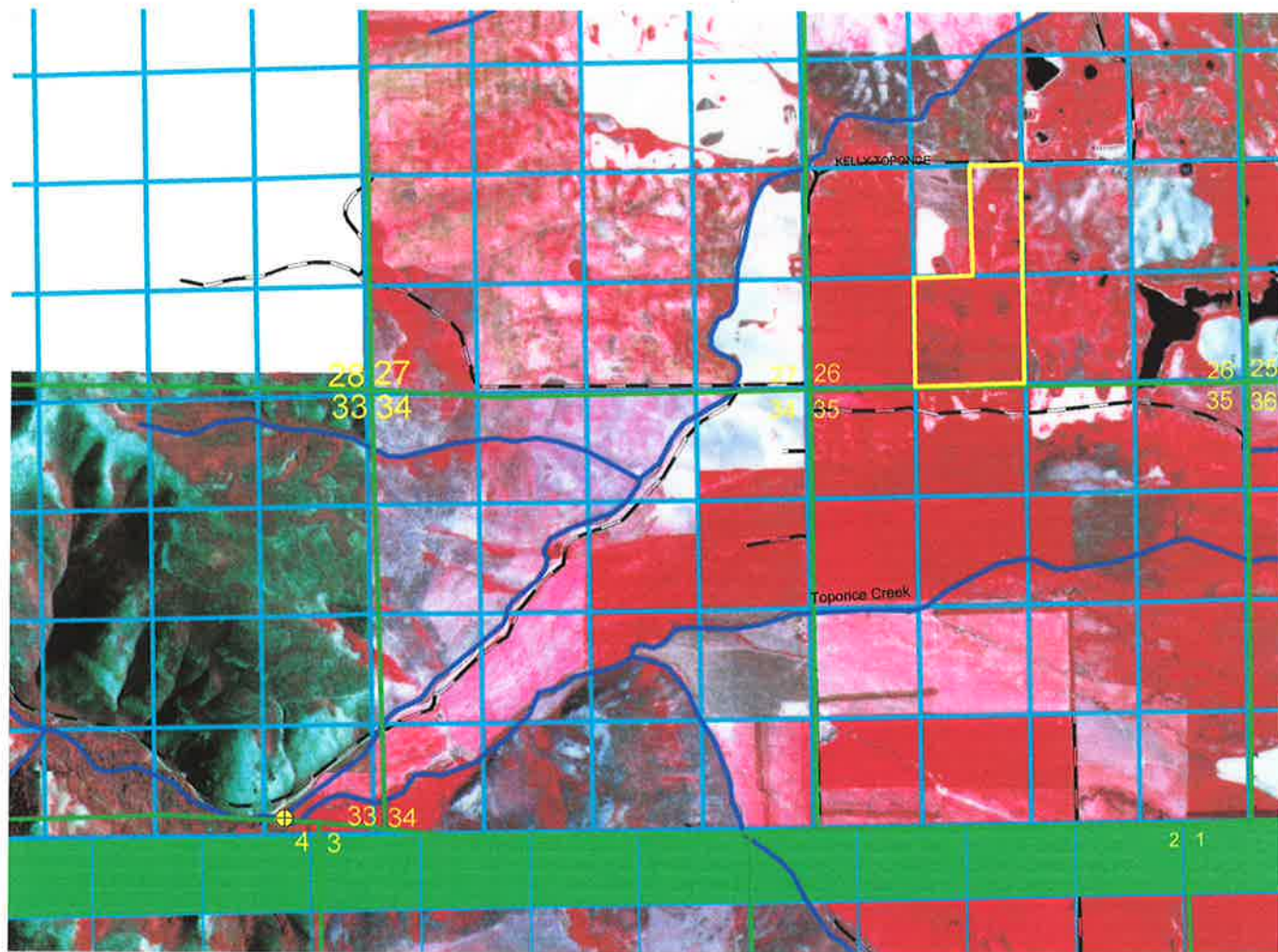
RIGHT NO. 29-13482 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.



STATE OF IDAHO

Department of Water Resources
Eastern Region

**Water Rights: 29-10248, 29-13248, 29-90A,
29-91A, 29-92A, 29-93A and 29-13482**



0.4 0 0.4 0.8 1.2 1.6 2 Miles

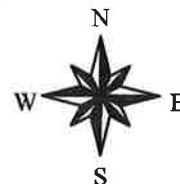
IRRIGATED ACRES 59

LEGEND

- ⊕ Point of Diversion
- Place of Use
- STREETS
- SECTIONS
- QUATER-QUATERS
- STREAMS

Place of Use: T6S, R38E,
(part of) Section 26.

Points of Diversion: T6S, R38E,
Sec. 33 SWSESE



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: FEBRUARY 2003

29-91A

Thursday.

EXAM INFORMATION

Exam Date

8/30/01

Exam Time

2pm.

CLAIM(S)

NAME

Kenneth Andrus. (Jim Andrus)

ADDRESS

6948 E. Old Oregon Trail Road.

PHONE (208)

776-5380

HOME

WORK

CELL

DOMESTIC

STOCKWATER

IRRIGATION

X

OTHER

OTHER RIGHTS

DIRECTIONS

Lava - West on Hwy 30.

Ar-1 over the hill.

Old Oregon Trail Rd.

gray yellow house about
2 mi

1987-POD.

DOGS

DATE

8/27

APPOINTMENT

Jim Andrus

829-
2000-
transfer

29-88 $\begin{cases} \text{Andrus} & 29-13231 & (0.07) \\ \text{Perkins} & 29-10248 & (0.07) \end{cases}$
 0.14 cfs
 7-1-1906

29-89 $\begin{cases} \text{Andrus} & 29-13232 & (0.11) \\ \text{Perkins} & 29-13248 & (0.11) \end{cases}$
 0.22 cfs
 7-1-1907

29-90 $\begin{cases} \text{Andrus} & 29-10329 & (0.30 \text{ cfs}) \\ \text{Perkins} & 29-90A & (0.30 \text{ cfs}) \end{cases}$
 0.60
 7-1-1908

29-91 $\begin{cases} \text{Andrus} & \text{renumber } 29-91B & (0.48) \\ \text{Perkins} & 29-91A & (0.48) \end{cases}$
 0.96
 7-1-1909

29-92 $\begin{cases} \text{Andrus} & 29-10330 & (0.14) \\ \text{Perkins} & 29-92A & (0.15) \end{cases}$
 0.29
 7-1-1910

29-93 $\begin{cases} \text{Andrus} & \text{Renumber } 29-93B & (0.10) \\ \text{Perkins} & 29-93A & (0.09) \end{cases}$
 0.19
 7-1-1913

$\frac{1}{2}$ to Andrus ; $\frac{1}{2}$ to Perkins.

Original Decreed POU described 120 acre POU, but irrigation of only 100 acres. EACH party now OWNES 60 acres of the decreed POU. Splitting the rights in half between W. Perkins and Andrus.

29-28/89

A29-10248/10328

Wayne Perkins: Andrus
29-88 (0.14 cfs)
29-89 (0.22 cfs)

A29-10248 - Part 2 29-0088 0.07 cfs.

claim 1/2 of the original quantity of 0.14 cfs

A29-10328 Andrus: claimed all of 29-88 & 89 in 0.34 cfs.

Priority date: 29-88 July 1, 1906.
29-89 July 1, 1907.

Wayne Perkins H29-10248 claimed 7-1-1906.
Andrus claimed H29-10328 7-1-1906.

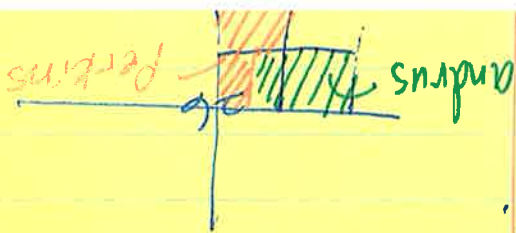
Combined the 2 dispute rights and claimed the earliest priority date.

POD: Perkin - claimed dispute POD.
Andrus - changed the POD.

Season of Use:
Perkins 4/15 - 9/15
Andrus 4/1 - 11/1

(decreed as 4/15 to 9/15

POU:



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: 29-91A

WAYNE C PERKINS
13825 N 7TH ST STE M
PHOENIX AZ 85022
Telephone Number: (602)993-0940

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:

2/26/03

SIGNATURE:

Wayne C Perkins

Please print your name:

Wayne C Perkins

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

Notes

1/21/03

all claim rights the entire
POU than an enlargement claim
will be necessary.

Enlargement claim acquired from
claimant. Mailed. Enlargement
claim 1/28/03. JUD 29-13482

POU slope reflects 59 acres, dense
growth POU to 50 acres.

claimant lives in Bancroft and Phoenix.
In the winter he is in Phoenix, so
we updated it to the Phoenix address
at 13825 N. 7th. ST. STE M.

Link POU slope 29-88-93 podup. slip.
Link POU slope: 29-91A-510

Update PLS/average report
recommendations and layout

2/11/03 linked POU POU, didn't report
recommendation.

Enlargement claim 29-13482 for the additional
10 acres.

Claim No.: 29-91A

Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

E14 acre limit 50 acres. Combined rights 29-10248
29-13248, 29-90A, 29-91A, 29-92A, 29-93A,
C18

Split or Combined Right Analysis:

see attached analysis

Attached Field Notes or Other Documents:

Claim No.:

Reviewer

Cindy Bird

Date

1/27/03



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

Cindy

EASTERN REGION

May 7, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WAYNE C PERKINS
13825 N 7TH ST STE M
PHOENIX AZ 85022-4342

RE: CHANGE OF ADDRESS FOR A29-00090A, A29-00091A,
A29-00092A, A29-00093A, A29-00094A, A29-00585,
A29-02313, A29-04016, A29-07253, A29-10242, A29-10243,
A29-10244, A29-10245, A29-10248, A29-10251, A29-10252, A29-10254, A29-10255, A29-12130

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:

Wayne C Perkins
850 Kelly Toponce Rd
Bancroft ID 83217

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,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

RETURN SERVICE REQUESTED

29-90A 29-233 29-10248
29-91A 29-4016 29-10251
29-92A 29-7253 29-10252
29-93A 29-10242 29-10254
29-94A 29-10243 29-10255
29-585 29-10244 29-12130
29-10245

PERK 850

PERKINS, WAYNE C
850 KELLY TOPONCE RD
RANCHOPT ID 83217

PERK850 832172005 1600 04 05/03/01
RETURN TO SENDER
PERKINS
13825 N 7TH ST STE M
PHOENIX AZ 85022-4342
RETURN TO SENDER

832172005

29-88 $\left\{ \begin{array}{l} \text{Andrus} \quad 29-13231 \quad (0.07) \\ \text{Perkins} \quad 29-10248 \quad (0.07) \end{array} \right.$
 0.14 cfs
 7-1-1906

29-89 $\left\{ \begin{array}{l} \text{Andrus} \quad 29-13232 \quad (0.11) \\ \text{Perkins} \quad 29-13248 \quad (0.11) \end{array} \right.$
 0.22 cfs
 7-1-1907

29-90 $\left\{ \begin{array}{l} \text{Andrus} \quad 29-10329 \quad (0.30 \text{ cfs}) \\ \text{Perkins} \quad 29-90A \quad (0.30 \text{ cfs}) \end{array} \right.$
 0.60
 7-1-1908

29-91 $\left\{ \begin{array}{l} \text{Andrus} \quad \text{renumber } 29-91B \quad (0.48) \\ \text{Perkins} \quad 29-91A \quad (0.48) \end{array} \right.$
 0.96
 7-1-1909

29-92 $\left\{ \begin{array}{l} \text{Andrus} \quad 29-10330 \quad (0.14) \\ \text{Perkins} \quad 29-92A \quad (0.15) \end{array} \right.$
 0.29
 7-1-1910

29-93 $\left\{ \begin{array}{l} \text{Andrus} \quad \text{Renumber } 29-93B \quad (0.10) \\ \text{Perkins} \quad 29-93A \quad (0.09) \end{array} \right.$
 0.19
 7-1-1913

$\frac{1}{2}$ to Andrus ; $\frac{1}{2}$ to Perkins.

original Decreed POU described 120 acre POU, but irrigation of only 100 acres. EACH party now OWNES 60 acres of the decreed POU. Splitting the rights in half between W. Perkins and Andrus.

WR5809NP
No. 29-00091

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/27/01
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KEPLER SESSIONS	07/01/1909	IRRIGATION	04/15 09/15	0.960 CFS	
TOTAL DIVERSION:					0.960 CFS	

Water Source: TOPONCE CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T06S R38E S33

SESE

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
06S	38E	26	:					:					:	I	I		I	:						

Pou County: CARIBOU

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-00053	29-00082	29-00083	29-00084	29-00085	29-00086	29-00087	29-00088	29-00089	29-00090
29-00092	29-00093	29-00094	29-00095	29-00107A	29-02027	29-02032A	29-02032B	29-04346	29-04347

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

29-00088	29-00089	29-00090	29-00092	29-00093	29-02043	29-04016	29-04346
----------	----------	----------	----------	----------	----------	----------	----------

Remarks: GEN P/U INCOMPLETE - ACRES IRR. 100.

Dates:	App. Received:	Priority Date:	07/01/1909
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 29 Field Exam Fee:

Audit: 06/18/85 05/22/88 CONVERT 02/06/98 CLEARFLD

MAY 4 2001

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: A29-00091A
Date Received: 1/25/1990
Receipt No: 601858
Received By: *GIN*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WAYNE C. PERKINS
Address: 850 KELLY TOPONCE RD.
BANCROFT, ID

Phoenix, AZ
mailed to
address 208-648-7819
83217

2. Date of Priority: JUL 01, 1909

3. Source: TOPONCE CREEK

Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	38E	33	SE	SE			CARIBOU

5. Description of diverting works:

HEADWORKS OF THE TOPONCE FEEDER CANAL TO REDIVER PUMPS/POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.480		

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

A.F.A.

8. Total consumptive use is 150.0 Acre Feet Per Annum.

9. Non-irrigation uses:

INCIDENTAL STOCKWATERING FOR 200 HEAD OF RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	38E	26	NE	SW		IRR	20.0
			SE	SW		IRR	40.0

Section Acres 60.0

59.0

A29-00091A

Page 1

Date: 01/25/90

MICROFILMED

NOV 13 1992

A2900091A



10. Place of Use: Continued

Total Acres 60.0

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:

29-00088, 00089, 00090, 00092, AND 00093

14. Remarks:

THIS NOTICE IS FILED FOR PORTION OF THIS RIGHT NOW OWNED BY
CLAIMANT. PROPORTION FIGURED ON A 60/100 ACRE SPLIT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 8/06/1932

UNION GRAIN & ELEVATOR CO.

Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.

Decree 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 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): *Wayne C. Rupp* Date: 1/25/90
Date: _____

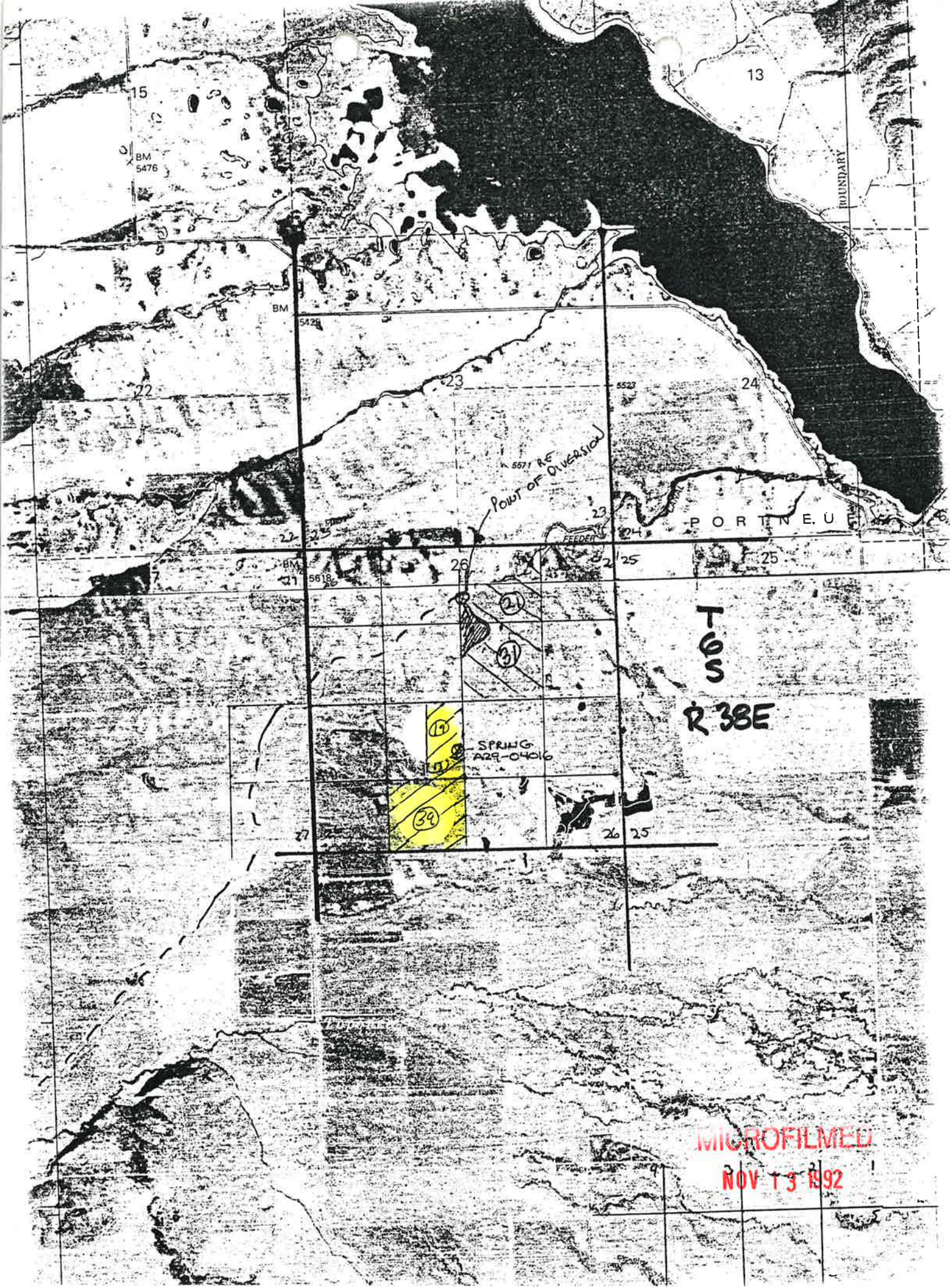
State of Idaho)
County of Bonneville) SS.

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

[Signature]
Notary Public

Seal

Residing at *Snake Falls, Id.*
My Commission Expires *22 Aug 1994*



15

BM
5476

13

BOUNDARY

BM
5426

22

23

5523

24

Point of Diversion

5571 RE

FEEDER

PORTNEU

BM
5618

26

(31)

(31)

TOS
R 38E

SPRING
A29-04016

(34)

27

26

MICROFILMED
NOV 13 1992