

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

06/10/2002

RIGHT NUMBER: 29-4364
NAME AND ADDRESS: I GLENN PERKINS
PO BOX 683
POCATELLO ID 83204
MARY D PERKINS
PO BOX 683
POCATELLO ID 83204

SOURCE: WEST CREEK

QUANTITY: 0.26 CFS

TRIBUTARY: DEMPSEY CREEK

USE OF THIS RIGHT WITH RIGHT NO. 29-10830 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.46 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-10830 SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 08/07/1932

POINT OF DIVERSION:

T10S R38E S5 SWSWE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

04/01 10/31

0.040 CFS

IRRIGATION

04/01 10/31

0.260 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T10S R38E S04

NWSW

1.0

T10S R38E S05

NESE

11.0

T10S R38E S05

NWSE

4.0

T10S R38E S05

SWSE

7.0

STOCKWATER same as IRRIGATION

23 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-10830 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 23 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 13 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT NO. 29-10830 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

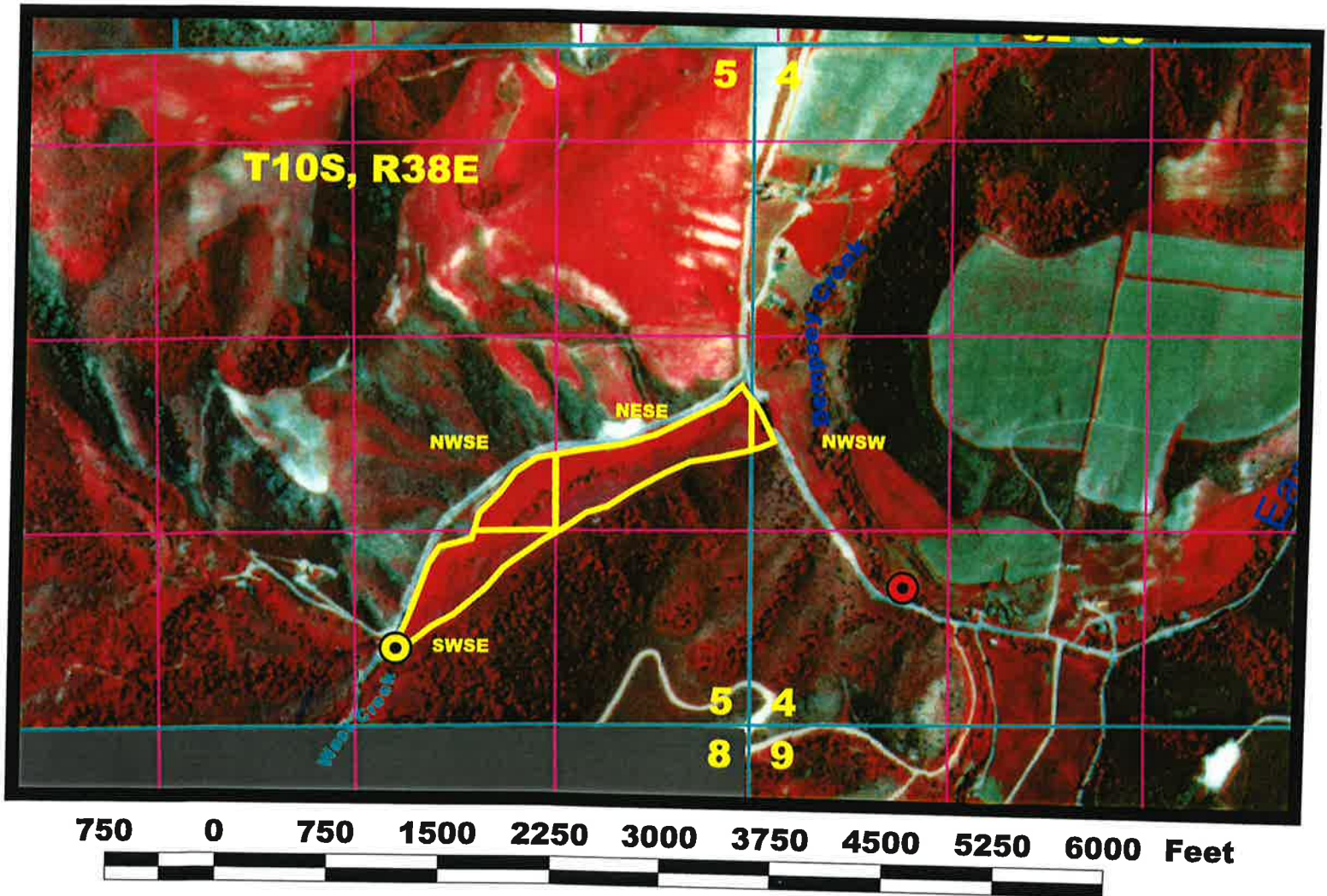
Water Right 29-4364



STATE OF IDAHO

Department of Water Resources
Eastern Region

**Water Right(s): 29-10830,
29-04364**



LEGEND

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

**Place of Use: T10S, R38E
(parts of) Sec. 4 NWSW,
Sec. 5 S2NE, SWSE**

**Point(s) of Diversion: T10S, R38E
Sec. 5 SWSWSE**

**SCANNED
OCT 28 2005**



PROFILED

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

RECEIVED
NOV 14 2003
Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

A. Subcase see Attachment Std Form 1
(Insert water right number) Objection

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Address:

Daytime Phone:

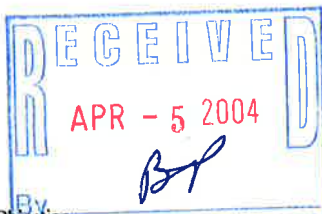
Marsh Valley Development Inc.
5203 South 11th East
Idaho Falls, Idaho 83404
208-522-8069

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Address:



SF.1-Objection
Amended 10/16/97

SCANNED
OCT 28 2005

Page 1

PROFILED

29-4364

event

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

10. ☒ I object because: *See Item E attachment*

☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): _____

See Item E attachment

**Attachment
SRBA Case No. 39576
Marsh Valley Development, Inc.**

Item E Attachment:

Reasons supporting objections: We have operated a power plant that uses water before April 15 and after September 15, since 1993. We use this water under a written agreement with Portneuf Marsh Valley Canal Company and McCammon Ditch Company. This practice would be adversely affected by extended season of use if granted by these proposed rights. We would withdraw this objection if claimant agrees to allow Portneuf Marsh Valley and McCammon Ditch Company to use their share of water under 29-4060; 29-13311; 29-13317; 29-13318 and 29-13319, priority date August 07 1932, for use through our power plant per our agreement with Portneuf Marsh Valley Canal Company and McCammon Ditch Company dated February 4, 1988 amended May 14, 1992 .

F.

VERIFICATION (must be completed)

State of Idaho)
County of Bonneville)ss.

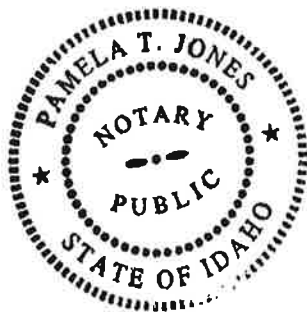
Troy S. Sorenson, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 12, 2003
[Signature]
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 11-1-2005



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Nov 12, 2003 I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: see mailed to all listed as
Address: current owner - Attachment
Standard Form 1 objection

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

Attachment Standard form 1 objection

1. WATER RIGHT NO. 29-4364

Owner Type Name and Address

Current Owner I GLENN PERKINS

Current Owner MARY D PERKINS

PO BOX 683

POCATELLO, ID 83204

(208)232-4547

2. WATER RIGHT NO. 29-4467

Owner Type Name and Address

Current Owner LAVA IRRIGATION CO INC

PO BOX 182

LAVA HOT SPRINGS, ID 83246

3. WATER RIGHT NO. 29-10816

Owner Type Name and Address

Current Owner LAVA IRRIGATION CO INC

PO BOX 182

LAVA HOT SPRINGS, ID 83246

4. WATER RIGHT NO. 29-11277

Owner Type Name and Address

Current Owner PORTNEUF IRRIGATION CO

C/O CONNIE MARIE JONS

PO BOX 157

ARIMO, ID 83214

(208)254-3681

5. WATER RIGHT NO. 29-11681

Owner Type Name and Address

Current Owner COLLEEN L ANDRUS

Current Owner JIM ANDRUS

Current Owner KENNETH D ANDRUS
6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS, ID 83246
(208)776-5380

6. WATER RIGHT NO. 29-11773

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DEMPSEY IRRIGATING CO C/O EARL SMITH PO BOX 235 LAVA HOT SPRINGS, ID 83246 (208)776-5348

Current Owner TOPAZ IRRIGATION CO
C/O GENE FAGNANT
PO BOX 293
LAVA HOT SPRINGS, ID 83246
(208)776-5289

7. WATER RIGHT NO. 29-11774

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FISH CREEK IRRIGATING CO C/O WALLACE WHITEHEAD PO BOX 152 LAVA HOT SPRINGS, ID 83246 (208)776-5253

8. WATER RIGHT NO. 29-11775

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARROLL AND IONE WILLMORE ESTATE C/O JIM WILLMORE 519 PARK ST

ST ANTHONY, ID 83445
(208)624-7692

Original Owner CARROLL E WILLMORE
C/O JIM WILLMORE
PO BOX 342
LAVA HOT SPRINGS, ID 83246
(208)776-5391

Original Owner IONE WILLMORE
C/O SHARON KNOWLES
PO BOX 342
LAVA HOT SPRINGS, ID 83246
(208)776-5391

9. WATER RIGHT NO. 29-13213

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA W KEVAN
	3462 N 2500 E
	TWIN FALLS, ID 83301
	(208)733-5730

10. WATER RIGHT NO. 29-13279

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CANDICE SYMONS
Current Owner	LYNDEN SYMONS
	PO BOX 604
	LAVA HOT SPRINGS, ID 83246
	(208)776-5316

11. WATER RIGHT NO. 29-13289

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID LEE LOSEE
	PO BOX 27

LAVA HOT SPRINGS, ID 83246

(208)776-5630

12. WATER RIGHT NO. 29-13299

<u>Owner Type</u>	<u>Name and Address</u>
-------------------	-------------------------

Current Owner	MARGIE H STEWART
---------------	------------------

8574 BOB SMITH RD

LAVA HOT SPRINGS, ID 83246

(208)776-9770

Current Owner LYNN W STEWART

8574 S BOB SMITH RD

LAVA HOT SPRINGS, ID 83246

(208)776-9770

13. WATER RIGHT NO. 29-13310

<u>Owner Type</u>	<u>Name and Address</u>
-------------------	-------------------------

Current Owner	FAGNANT & OLSON RANCH LLC
---------------	---------------------------

PO BOX 293

LAVA HOT SPRINGS, ID 83246

(208)776-5290

Original Owner FRANCIS G FAGNANT

PO BOX 293

LAVA HOT SPRINGS, ID 83246

(208)776-5289

Original Owner RUTH ANN OLSON

PO BOX 644

LAVA HOT SPRINGS, ID 83246

(208)776-5290

14. WATER RIGHT NO. 29-13320

<u>Owner Type</u>	<u>Name and Address</u>
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Current Owner	CARL L PHILLIPS
---------------	-----------------

Current Owner	NOLA RAE PHILLIPS
---------------	-------------------

2884 W 1400 S

ABERDEEN, ID 83210
(208)397-4690

15. WATER RIGHT NO. 29-13321

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARL L PHILLIPS
Current Owner	NOLA RAE PHILLIPS
	2884 W 1400 S
	ABERDEEN, ID 83210
	(208)397-4690

16. WATER RIGHT NO. 29-13334

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RONNIE D TILLOTSON
Current Owner	SHERIL TILLOTSON
	PO BOX 261
	LAVA HOT SPRINGS, ID 83246
	(208)776-5267

17. WATER RIGHT NO. 29-13363

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	INDIAN FALLS WATER USERS ASSOC
	PHIL HUDGENS PRES
	PO BOX 134
	LAVA HOT SPRINGS, ID 83246
	(208)254-3062

Current Owner INDIAN FALLS PROPERTY ASSN
C/O EARL MAPES
1061 SAGEWOOD PL

POCATELLO, ID 83201

(208)233-1713

18. WATER RIGHT NO. 29-13407

<u>Owner Type</u>	<u>Name and Address</u>
-------------------	-------------------------

Current Owner	NATHAN CASPERSON 8789 E MAUGHAN RD LAVA HOT SPRINGS, ID 83246 (208)776-5519
---------------	--

Current Owner	BRETT CASPERSON 8893 E MAUGHAN RD LAVA HOT SPRINGS, ID 83246 (208)776-5428
---------------	---

19. WATER RIGHT NO. 29-13521

<u>Owner Type</u>	<u>Name and Address</u>
-------------------	-------------------------

Current Owner	EVELEE HILL RUSH
Current Owner	ROBERT E RUSH PO BOX 129 LAVA HOT SPRINGS, ID 83246 (208)776-5800

Original Owner	MAX W HALL PO BOX 784 LAVA HOT SPRINGS, ID 83246 (208)776-5663
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20. WATER RIGHT NO. 29-13535

<u>Owner Type</u>	<u>Name and Address</u>
-------------------	-------------------------

Current Owner	AMBER HALL
Current Owner	JASON HALL 1302 AMMON ST POCATELLO, ID 83201 (208)232-0555

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

21. WATER RIGHT NO. 29-13536

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NATALIE GUNTER
Current Owner	RUSSELL GUNTER
	PO BOX 433
	MC CAMMON, ID 83250
	(208)221-4682

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

22. WATER RIGHT NO. 29-13580

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAX W HALL
	PO BOX 784
	LAVA HOT SPRINGS, ID 83246
	(208)776-5663

23. WATER RIGHT NO. 29-13581

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEFFERY F HARRIS
	PO BOX 252
	MC CAMMON, ID 83250
	(208)254-3454

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

24. WATER RIGHT NO. 29-13582

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEFFERY F HARRIS PO BOX 252 MC CAMMON, ID 83250 (208)254-3454

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

25. WATER RIGHT NO. 29-13583

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEFFERY F HARRIS PO BOX 252 MC CAMMON, ID 83250 (208)254-3454

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

26. WATER RIGHT NO. 29-13584

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LANA NAEF
Current Owner	LARRY NAEF 5812 E OLD OREGON TRAIL ROAD

LAVA HOT SPRINGS, ID 83246

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

27. WATER RIGHT NO. 29-13586

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBIN HULL 2142 ARBON VALLEY HWY POCATELLO, ID 83204 (208)234-1044

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

RECEIVED
NOV 14 2003
Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

A.)

Subcase)

see Attachment Std Form 1
(Insert water right number) Objection

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Marsh Valley Development Inc.

Address: 5203 South 11th East
Idaho Falls, Idaho 83404

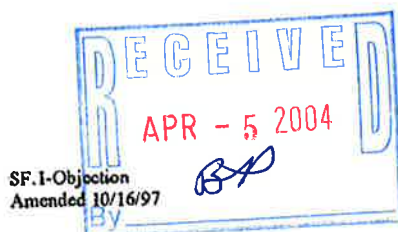
Daytime Phone: 208-522-8069

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: See Attachment Standard Form 1 Objection

Address: _____



29-4364

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

10. ☒ I object because: *See Item E attachment*

☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): _____

See Item E attachment

Attachment
SRBA Case No. 39576
Marsh Valley Development, Inc.

Item E Attachment:

Reasons supporting objections: We have operated a power plant that uses water before April 15 and after September 15, since 1993. We use this water under a written agreement with Portneuf Marsh Valley Canal Company and McCammon Ditch Company. This practice would be adversely affected by extended season of use if granted by these proposed rights. We would withdraw this objection if claimant agrees to allow Portneuf Marsh Valley and McCammon Ditch Company to use their share of water under 29-4060; 29-13311; 29-13317; 29-13318 and 29-13319, priority date August 07 1932, for use through our power plant per our agreement with Portneuf Marsh Valley Canal Company and McCammon Ditch Company dated February 4, 1988 amended May 14, 1992 .

F.

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State of Idaho)
County of Bonneville)ss.

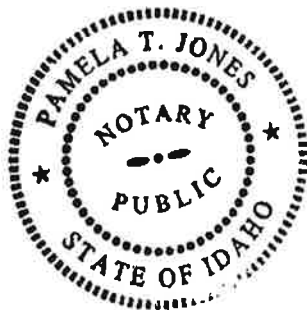
Troy S. Sorenson, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 12, 2003
[Signature]
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 11-1-2005



INSTRUCTIONS FOR MAILING

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253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: see mailed to all listed as
Address: current owner - Attachment
Standard Form 1 objection

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

Attachment Standard form 1 objection

1. WATER RIGHT NO. 29-4364

Owner Type Name and Address

Current Owner I GLENN PERKINS

Current Owner MARY D PERKINS

PO BOX 683

POCATELLO, ID 83204

(208)232-4547

2. WATER RIGHT NO. 29-4467

Owner Type Name and Address

Current Owner LAVA IRRIGATION CO INC

PO BOX 182

LAVA HOT SPRINGS, ID 83246

3. WATER RIGHT NO. 29-10816

Owner Type Name and Address

Current Owner LAVA IRRIGATION CO INC

PO BOX 182

LAVA HOT SPRINGS, ID 83246

4. WATER RIGHT NO. 29-11277

Owner Type Name and Address

Current Owner PORTNEUF IRRIGATION CO

C/O CONNIE MARIE JONS

PO BOX 157

ARIMO, ID 83214

(208)254-3681

5. WATER RIGHT NO. 29-11681

Owner Type Name and Address

Current Owner COLLEEN L ANDRUS

Current Owner JIM ANDRUS

Current Owner KENNETH D ANDRUS
6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS, ID 83246
(208)776-5380

6. WATER RIGHT NO. 29-11773

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DEMPSEY IRRIGATING CO C/O EARL SMITH PO BOX 235 LAVA HOT SPRINGS, ID 83246 (208)776-5348

Current Owner TOPAZ IRRIGATION CO
C/O GENE FAGNANT
PO BOX 293
LAVA HOT SPRINGS, ID 83246
(208)776-5289

7. WATER RIGHT NO. 29-11774

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FISH CREEK IRRIGATING CO C/O WALLACE WHITEHEAD PO BOX 152 LAVA HOT SPRINGS, ID 83246 (208)776-5253

8. WATER RIGHT NO. 29-11775

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARROLL AND IONE WILLMORE ESTATE C/O JIM WILLMORE 519 PARK ST

ST ANTHONY, ID 83445
(208)624-7692

Original Owner CARROLL E WILLMORE
C/O JIM WILLMORE
PO BOX 342
LAVA HOT SPRINGS, ID 83246
(208)776-5391

Original Owner IONE WILLMORE
C/O SHARON KNOWLES
PO BOX 342
LAVA HOT SPRINGS, ID 83246
(208)776-5391

9. WATER RIGHT NO. 29-13213

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA W KEVAN 3462 N 2500 E TWIN FALLS, ID 83301 (208)733-5730

10. WATER RIGHT NO. 29-13279

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CANDICE SYMONS
Current Owner	LYNDEN SYMONS PO BOX 604 LAVA HOT SPRINGS, ID 83246 (208)776-5316

11. WATER RIGHT NO. 29-13289

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID LEE LOSEE PO BOX 27

LAVA HOT SPRINGS, ID 83246
(208)776-5630

12. WATER RIGHT NO. 29-13299

Owner Type Name and Address

Current Owner MARGIE H STEWART
8574 BOB SMITH RD
LAVA HOT SPRINGS, ID 83246
(208)776-9770

Current Owner LYNN W STEWART
8574 S BOB SMITH RD
LAVA HOT SPRINGS, ID 83246
(208)776-9770

13. WATER RIGHT NO. 29-13310

Owner Type Name and Address

Current Owner FAGNANT & OLSON RANCH LLC
PO BOX 293
LAVA HOT SPRINGS, ID 83246
(208)776-5290

Original Owner FRANCIS G FAGNANT
PO BOX 293
LAVA HOT SPRINGS, ID 83246
(208)776-5289

Original Owner RUTH ANN OLSON
PO BOX 644
LAVA HOT SPRINGS, ID 83246
(208)776-5290

14. WATER RIGHT NO. 29-13320

Owner Type Name and Address

Current Owner CARL L PHILLIPS
Current Owner NOLA RAE PHILLIPS
2884 W 1400 S

ABERDEEN, ID 83210
(208)397-4690

15. **WATER RIGHT NO. 29-13321**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARL L PHILLIPS
Current Owner	NOLA RAE PHILLIPS
	2884 W 1400 S
	ABERDEEN, ID 83210
	(208)397-4690

16. **WATER RIGHT NO. 29-13334**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RONNIE D TILLOTSON
Current Owner	SHERRIL TILLOTSON
	PO BOX 261
	LAVA HOT SPRINGS, ID 83246
	(208)776-5267

17. **WATER RIGHT NO. 29-13363**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	INDIAN FALLS WATER USERS ASSOC
	PHIL HUDGENS PRES
	PO BOX 134
	LAVA HOT SPRINGS, ID 83246
	(208)254-3062

Current Owner INDIAN FALLS PROPERTY ASSN
C/O EARL MAPES
1061 SAGEWOOD PL

POCATELLO, ID 83201

(208)233-1713

18. WATER RIGHT NO. 29-13407

<u>Owner Type</u>	<u>Name and Address</u>
-------------------	-------------------------

Current Owner	NATHAN CASPERSON
---------------	------------------

8789 E MAUGHAN RD

LAVA HOT SPRINGS, ID 83246

(208)776-5519

Current Owner	BRETT CASPERSON
---------------	-----------------

8893 E MAUGHAN RD

LAVA HOT SPRINGS, ID 83246

(208)776-5428

19. WATER RIGHT NO. 29-13521

<u>Owner Type</u>	<u>Name and Address</u>
-------------------	-------------------------

Current Owner	EVELEE HILL RUSH
---------------	------------------

Current Owner	ROBERT E RUSH
---------------	---------------

PO BOX 129

LAVA HOT SPRINGS, ID 83246

(208)776-5800

Original Owner	MAX W HALL
----------------	------------

PO BOX 784

LAVA HOT SPRINGS, ID 83246

(208)776-5663

20. WATER RIGHT NO. 29-13535

<u>Owner Type</u>	<u>Name and Address</u>
-------------------	-------------------------

Current Owner	AMBER HALL
---------------	------------

Current Owner	JASON HALL
---------------	------------

1302 AMMON ST

POCATELLO, ID 83201

(208)232-0555

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

21. WATER RIGHT NO. 29-13536

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NATALIE GUNTER
Current Owner	RUSSELL GUNTER
	PO BOX 433
	MC CAMMON, ID 83250
	(208)221-4682

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

22. WATER RIGHT NO. 29-13580

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAX W HALL
	PO BOX 784
	LAVA HOT SPRINGS, ID 83246
	(208)776-5663

23. WATER RIGHT NO. 29-13581

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEFFERY F HARRIS
	PO BOX 252
	MC CAMMON, ID 83250
	(208)254-3454

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

24. WATER RIGHT NO. 29-13582

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEFFERY F HARRIS PO BOX 252 MC CAMMON, ID 83250 (208)254-3454

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

25. WATER RIGHT NO. 29-13583

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEFFERY F HARRIS PO BOX 252 MC CAMMON, ID 83250 (208)254-3454

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

26. WATER RIGHT NO. 29-13584

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LANA NAEF
Current Owner	LARRY NAEF 5812 E OLD OREGON TRAIL ROAD

LAVA HOT SPRINGS, ID 83246

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

27. WATER RIGHT NO. 29-13586

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBIN HULL 2142 ARBON VALLEY HWY POCATELLO, ID 83204 (208)234-1044

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

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. JAMMAN Re: EVIDENCE OF PRIORITY DATA.
I'll use the 1915 DODD, w/ LANGUAGE ABOUT UR'S BUT
CAN ONLY GO BACK TO Aug. 7, 1932. FAXED CC of TULLY'S
SOU Letter for review.

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

2. SOU Invg. 4/1 to 10/31 DOTT STO
Stock 4/1 to 10/31

w/ Limits nps, nps for stock use

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

5/29/02 MEASURED stream (West ck) ABOUT 25'± BELOW

POD (AND ^{30'±} CON FLUVE OF Smith ck & West ck) USING 15" BROAD

CROSSED WATER FLOW, READS .51' cm (51 mm) = Q, 25 cfs or 1125 gpm

MEASURED w/ Candy Bird, Steve Hedden (wm) and Ar Rubenry,

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

-1025-

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 the 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 to the GENERAL LAND OFFICE by the Surveyor.
 General:

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, and to the heirs of the said claimant, the Tract above described; TO HAVE AND TO HOLD unto the said claimant, his heirs and assigns forever, together with all the rights, privileges, immunities, and appurtenances, of whatever nature, thereunto belonging, unto the said claimant, his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to 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 hereunto granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Wilson
 President of the United States of America, have caused these letters to be made 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
 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 Secretary

(SEAL)

L. Q. C. Lamar
 Recorder of the General Land Office

RECORDED: Patent No. 494174

Filed for Record at 3:07 P.M. on 6 day of October, A.D. 1915, and recorded at the request of
P. T. & T. Co. in Book 7 of Patent 541 of Bannock County State of Idaho
 By William Sponberg Deputy Fee order

WARRANTY DEED

This Warranty, Made this fifteenth day of July 1941 in the year of Our Lord
One Thousand Nine Hundred and forty-one, between Hattie Avery, a widow,

of Lava Hot Springs, County of Bannock, State of Idaho, the party of the
first part, and Ray Bloxham

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

WITNESSETH: That the said party of the first part, for and in consideration of the sum of
FOUR THOUSAND FIVE HUNDRED and No/100
lawful 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

for these presents, Grant, Bargain, Sell and Convey and Confirm unto the said party of the second part, and to her heirs and assigns forever: all those certain lot, pieces or parcels of land situate, lying and
being in the County of Bannock, 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, save and excepting 29 1/2 acres of said land heretofore deeded to Joseph
H. Tolman, and said tract containing 130 1/2 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 South-
west 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 pro-
perty, in favor of the Utah Mortgage & Loan Corporation, in the amount of
\$3,000.00.

(\$1.65 I. R. S. Attached to deed and cancelled.)

Together with, if and 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 incident, unto
the said party of the second part, and to her heirs and assigns forever. And the said party of the first part, and her heirs
and assigns forever, the said premises in the quiet and peaceable possession of the said party of the second part,
against 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 whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these premises forever defend.

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

SIGNED, SEALED AND DELIVERED BY IN PRESENCE OF

M. J. Kasiska) Hattie Avery (SEAL)
Terry Hall) (SEAL)
(SEAL)) (SEAL)
(SEAL)) (SEAL)

STATE OF IDAHO,) ss.
County of Bannock)
On this 23 day of July 1941, in the year 1941, before me, M. J. Kasiska,
a Notary Public in and for said County and State, personally appeared Hattie Avery, a widow,
known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me that she executed the same.
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. Kasiska Notary Public
(SEAL) Residence Lava Hot Springs, Idaho

I hereby certify that this instrument was filed for record at the request of Ray Bloxham
at 4:40 minutes past 2 o'clock P. M. this 23 day of July,
A. D. 1941, in Book 83 of Deeds, at page 232.
Anna Kefo

PERSO.

PROPERTY

Cash \$256.75.

All household furniture consisting of usual household furnishings, rugs, tables, linens, 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)

WILLARD LUND

PROBATE JUDGE

IN THE PROBATE COURT OF BANNOCK COUNTY, STATE OF IDAHO

STATE OF IDAHO)

ss.

COUNTY OF BANNOCK)

I, Ruth Petersen, Clerk of the Probate Court for the County of Bannock, State of 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 E. RAY, Deceased, now on file and a matter of record in 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 49 of Deeds, at Page 142, Records of Bannock County, State of Idaho, at the request of Fern C. Ray, 1254 5th.

Anna Keefer, Recorder of Deeds, has received \$1.00 for recording this instrument.

INSTRUMENT NO. 229164

WARRANTY DEED

THIS INDENTURE, Made this 10th day of July in the year of our Lord one thousand nine hundred and forty-three, between Ray Blocham and Zetta Blocham, his wife, of Bannock County, State of Idaho the parties of the first part, and Morace Fereday of Bannock County, 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, and paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto the second part, and to his 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 $\frac{1}{4}$) and the East one-half (E $\frac{1}{2}$) of Section Eight (8) Township Ten (10) South, Range Thirty-eight (38) East Boise Meridian. Also the West One-half (W $\frac{1}{2}$) of the West One-half (W $\frac{1}{2}$) 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 $\frac{1}{4}$) of Northwest One Quarter (NW $\frac{1}{4}$) of Section Nine (9), Township Ten (10) South, Range Thirty-eight (38) East Boise Meridian, and more particularly described as follows to

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 $\frac{1}{4}$) Northwest One Quarter (NW $\frac{1}{4}$) 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

and the Southwest One Quarter (SW $\frac{1}{4}$) of the Southwest One Quarter (SW $\frac{1}{4}$) and the East One Half (E $\frac{1}{2}$) of the Southwest One Quarter (SW $\frac{1}{4}$) and the Southeast One quarter (SE $\frac{1}{4}$) of the Northwest One quarter (NW $\frac{1}{4}$) of Section Four (4) Township Ten (10) South Range Thirty-eight (38) East of Boise Meridian, less the following described land:

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

Tog ether with all and singular, the tenements, hereditaments and appurtenances thereunto belong ing or in anywise appertaining, and the rents, issues and profits thereof.

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

Zeits. Bloxham, I. (1911.)

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 Blochman and Zetta Blochman, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

CHRA A. B. Chase

whereby certify that this instrument was filed for record at the request of B. T. A. Co. at
minutes past 3 o'clock P.M. this 6 day of Dec A.D. 19 at my office and duly recorded
Book 89 Bonds at Page 143.

Wana Keefe recorder 1908-1910 \$2.20

00-000000-000000

[illegible]

7-10-68

[illegible]

Lincolnshire

WARRANTY DEED

This Indenture, Made this 27th day of October in the year of Our Lord One Thousand Nine Hundred and forty three, between Florian W. Curtis and Dorothy M. Curtis, husband and wife, of Lava Hot Springs, County of Bannock, State of Idaho, the parties of the first part, and Horace Fereday, of Pocatello, County of Bannock, State of Idaho, the party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of

Three thousand five hundred and no/100 Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to his heirs and assigns forever: All that certain lot, piece or parcels of land situated lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

The southeast quarter of section five, township ten south, range thirty eight east of the Boise Meridian, Idaho and also

Commencing at a point 120 feet south of the east quarter corner of Section five, running thence east 508 feet to the center of the stream of Dempsey Creek; thence south, ten degrees west, 500 feet; thence south 17 degrees 57 minutes east, along the center of said stream, 862 feet more or less to the south boundary line of the Northwest quarter of the southwest quarter of section 4, township ten, south, range 38 east of the Boise Meridian; thence west along said south boundary line 785 feet to the southwest corner of said subdivision; thence north along the west side of said subdivision 1200 feet to the point of beginning; situated in the northwest quarter of the southwest quarter of section four, township 10 south, range 38 East of the Boise Meridian.

Containing in all 126.44 acres, more or less.

Together with any and all water rights thereunto appertaining and especial all adjudicated water rights to Dempsey Creek and the Portneuf River Water shed.

(\$3.85 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 in right of the said party of the second part, and its heirs and assigns forever. And the said party of the first part, its heirs and assigns forever, shall defend the quiet and peaceable possession of the said party of the second part, and its heirs and assigns forever, against the said party of the first part, and its heirs and assigns forever, and against all persons 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 party of the first part has hereunto set their hands and seals the day and year first above written.

SIGNED, SEALD AND DELIVERED IN THE PRESENCE OF

B. A. McDevitt Florian W. Curtis (SEAL)

Dorothy M. Curtis (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

County of Bannock

On this 27th day of October, in the year of our Lord one thousand nine hundred and 43, before me, B. A. McDevitt, a Notary Public in and for said County and State, personally appeared Florian W. Curtis and Dorothy Curtis, his wife, known to me to 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 the certificate first above written.

B. A. McDevitt Notary Public

(SEAL) Residence Pocatello, Idaho

I hereby certify that this instrument was filed for record at the County of Bannock, State of Idaho, on the 31st day of October, A. D. 1943, in Book 88 of Deeds, at page 479.

Fee \$1.20

Ex-Officio Register.

Deputy.

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.

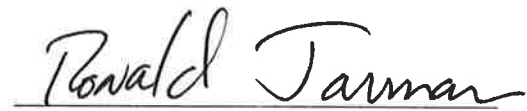
6. I can verify that ever since I first observed the property on West Creek now owned by Glenn and Mary Perkins, that the Perkins' acreage south of Smith Canyon Road along West Creek to its junction with Dempsey Creek has been irrigated from the waters of West Creek.

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,

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

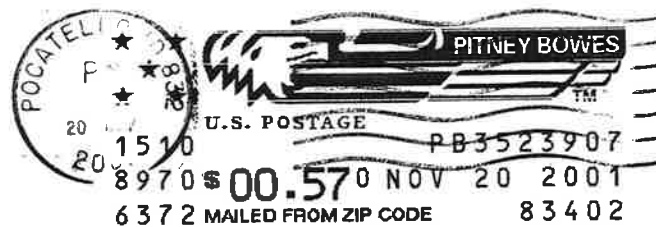
Return Service Requested

PO BOX
683



November 20, 2001

I Glenn Perkins
PO Box 638
Pocatello ID 83204



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 Undermeulen

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

cc: File

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

T10S, R38E

NWSE

NESE

NWSW

**I.G Perkins
29-04364**

SWSE

West Creek

Dempsey Creek

RESIDE - 1500'

5

4

9

10

14

10

32 33

11

4

7

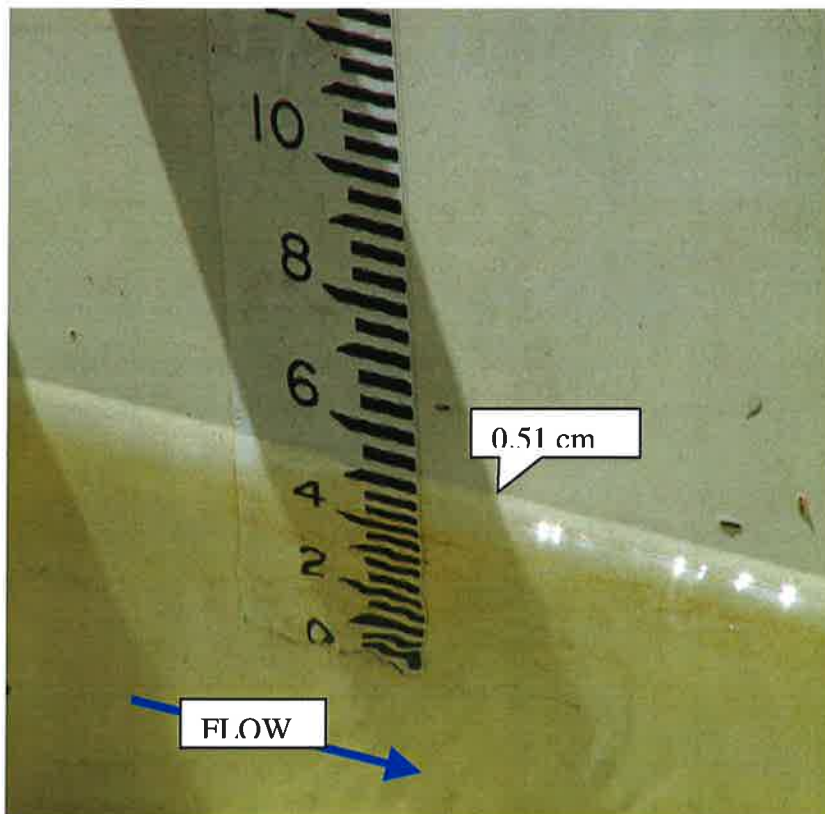
1

GLEN PERKINS

29-04364



Steve Hebdon and Al Ruberry installing the 15" broad crested weir-flume on West Creek.



Weir reading

Photos taken: 5/28/02
By: Cindy Bird

**POWLUS 15"
RECTANGULAR
BROAD-CRESTED
WEIR FLUME**

Discharge Equation

$$Q_{ch} = 4.63[h(ft) + 0.005]^{1.626}$$

CROSS SECTION DATA:

Approach Channel:

Simple Trapezoid

Bottom Width B1 = 1.2467 ft (0.38 m)

Side Slope Z1 = 0.000:1

Throat Section:

Simple Trapezoid

Bottom Width BC = 1.2467 ft (0.38 m)

Side Slope ZC = 0.000:1

Tailwater Channel

Simple Trapezoid

Bottom Width B2 = 1.2467 ft (0.38 m)

Side Slope Z2 = 0.000:1

PROFILE DATA:

STATIONARY WEIR:

Length to Gauge AL = 0.7545 ft (0.230 m)

Con Ramp Length BL = 0.7447 ft (0.227 m)

Throat Length *DL = 0.000 M

$$1 \text{ cm} = 10 \text{ mm}$$

$$0.51 \text{ cm} = 5.1 \text{ mm}$$

$$49 - 0.25$$

$$50 -$$

$$51 - 0.26$$

$$52 - 0.27$$

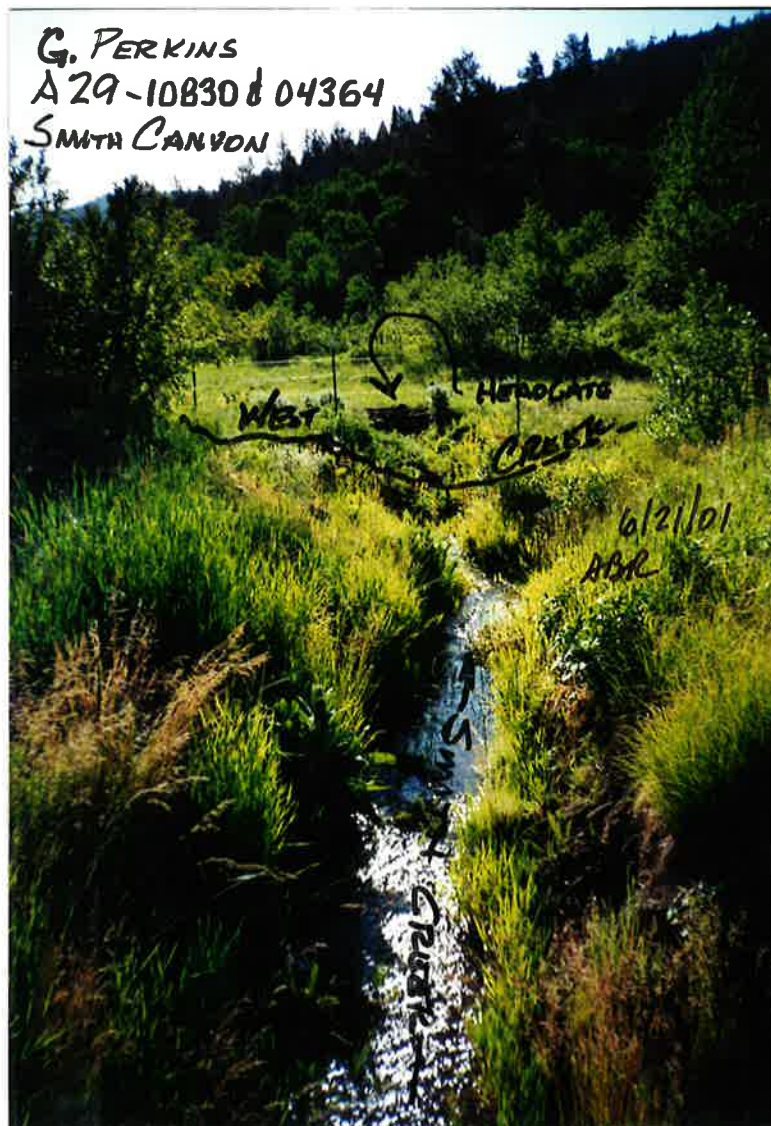
Gage Reading	Flow Rate	Gage Reading	Flow Rate
mm	cfs	mm	cfs
30	0.1186	122	1.0654
33	0.1378	125	1.1085
36	0.1581	128	1.1523
40	0.1793	131	1.1967
43	0.2015	134	1.2418
45	0.2245	137	1.2875
49	0.2486	140	1.3338
52	0.2735	143	1.3810
55	0.2993	146	1.4286
58	0.3259	149	1.4769
61	0.3534	152	1.5258
64	0.3818	155	1.5752
67	0.4109	158	1.6254
70	0.4409	161	1.6762
73	0.4717	164	1.7276
76	0.5032	168	1.7796
79	0.5356	170	1.8322
82	0.5687	174	1.8854
85	0.6026	177	1.9392
88	0.6372	180	1.9937
91	0.6726	183	2.0487
94	0.7087	186	2.1043
97	0.7454	189	2.1606
100	0.7829	192	2.2174
103	0.8212	195	2.2748
106	0.8603	198	2.3328
110	0.8999	201	2.3912
113	0.9402	204	2.4507
116	0.9813	207	2.5027
119	1.0230		

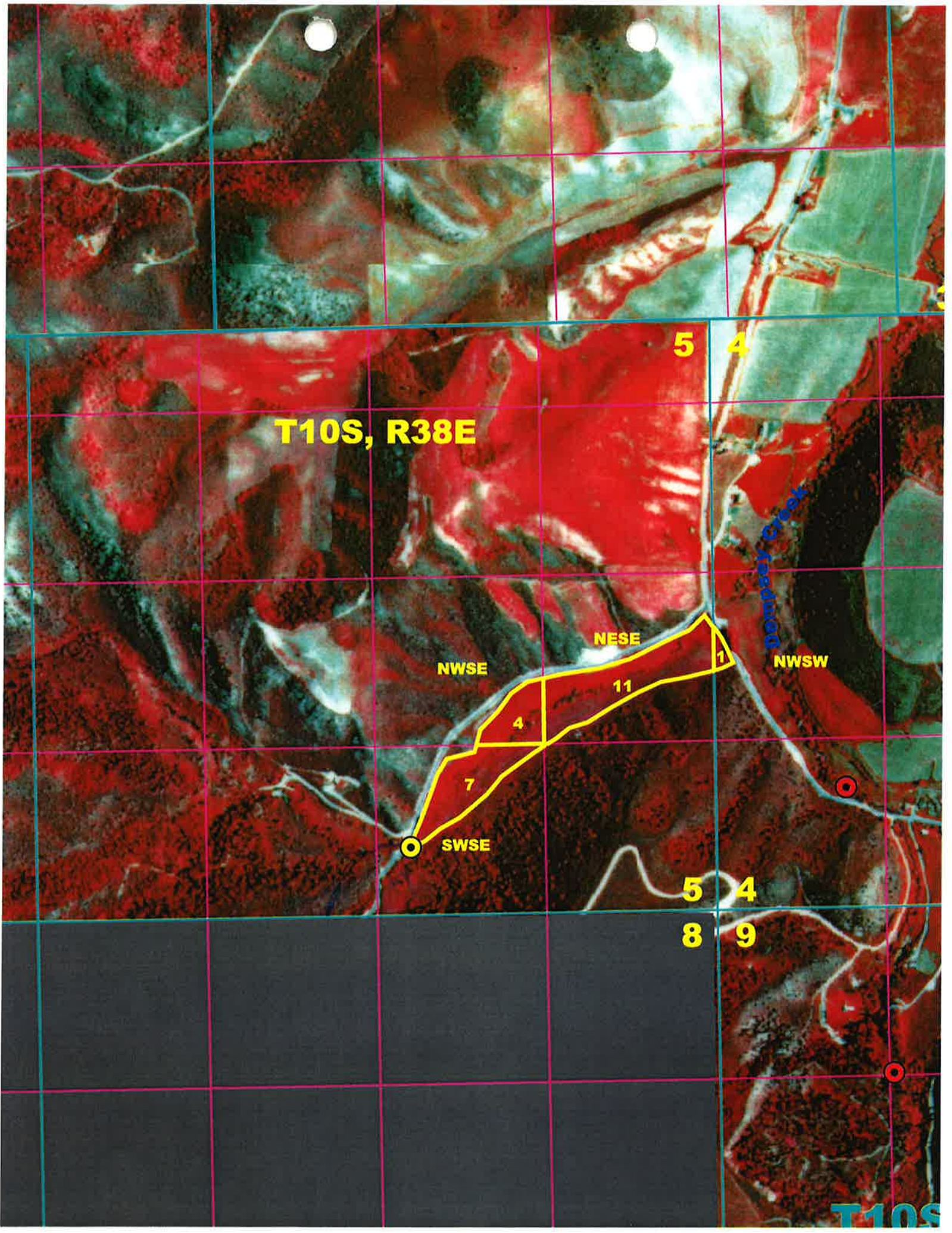
$$0.26 \times 448^2 = 116^2 \text{ gpm}$$

29-04364

Bu claim

7/24/01 Met w/ Glenn Perkins to explain this claim: THAT I
NEED SOME TYPE OF DOCUMENTATION AS EVIDENCE OF PRIORITY.
LATER, SAME DAY, HE SHOWED A DOCUMENT APPARENTLY COMPILED
BY HIS ATTY. HOWEVER, IT REFERENCED ONLY NBSU SOLS
AND (BY PRIORITY DATE) THE 29-00157 [PART ONLY] AS BEING A WR
APPURTENANT TO THE PROPERTY, SPECIFICALLY NBSU SUR. S. ASK
FOR A COPY OF LAST THREE PAGES. HE WILL CC FOR ME. ALSO,
FURTHER ADVISED AS EVIDENCE OF THIS STAT CLAIM HE CAN
PURSUE HOMESTEAD DOCUMENTS, TITLE CHAIN, OR AFFIDAVITS.





T10S, R38E

5

4

NESE

NWSE

NWSW

Dempsey Creek

1

11

4

7

SWSE

5

4

8

9

T10S

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 29-4364
Date Received: 4/2/1990
Receipt No: X777777
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

I GLENN PERKINS Phone: (208)232-4547

PO BOX 683
POCATELLO ID USA 83204

MARY D PERKINS Phone: (208)232-4547

PO BOX 683
POCATELLO ID USA 83204

2. Date of Priority: 08/07/1932

3. Source: WEST CREEK Trib. to: DEMPSEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	38E	5	SW SW SE	BANNOCK	

5. Description of diverting works:

DITCHES AND SPRINKLER PIPE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.46	
STOCKWATER	04/01	10/31	0.04	

206 gpm

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 20

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	38E	4	NW	SW	IRRIGATION	1
					Section Acres	1
10S	38E	5	SW	SE	STOCKWATER	
			NW	SE	STOCKWATER	
			NE	SE	STOCKWATER	
			SW	SE	IRRIGATION	7
			NW	SE	IRRIGATION	4
			NE	SE	IRRIGATION	11
					Section Acres	22
					Total Acres	23

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT HAS BEEN UNCOMBINED WITH 29-00157 SEE A29-10830 . IT SHOULD HAVE NOT BEEN COMBINED WITH A DECREED RIGHT.

THIS CLAIM HAS BEEN AMEMDED TO CHANGE PRIORITY DATE TO 1932 AND SOU TO 4/1-10/31.

15. Basis of Claim: Statutory Claim

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): *Glenn Perkins* Date: 2-14-02
Mary S. Perkins 2-14-02 Date:

State of Idaho)
County of BANNOCK) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of Febr. 2002 *Ronald Tarmen*

Notary Public
Residing at Pocatello, Id.
My commission Expires 5/12/2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL
IN AND FOR THE COUNTY OF

DISTRICT OF THE STATE OF IDAHO,
FALL

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 29-4364
Date Received: 4/2/1990
Receipt No: X777777
Received By:

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

1. Name of Claimant(s)

I GLENN PERKINS Phone: (208)232-4547

PO BOX 638
POCATELLO ID USA 83204

MARY D PERKINS Phone: (208)232-4547

PO BOX 638
POCATELLO ID USA 83204

2. Date of Priority: 05/01/1882

3. Source: WEST CREEK Trib. to: DEMPSEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	38E	5	SW SW SE	BANNOCK	

5. Description of diverting works:

DITCHES AND SPRINKLER PIPE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/15	0.46	
STOCKWATER	04/15	09/15	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 20

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	38E	4	NW	SW	IRRIGATION	1
					Section Acres	1
10S	38E	5	SW	SE	STOCKWATER	
			NW	SE	STOCKWATER	
			NE	SE	STOCKWATER	
			SW	SE	IRRIGATION	7
			NW	SE	IRRIGATION	4
			NE	SE	IRRIGATION	11
					Section Acres	22
					Total Acres	23

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 HAS BEEN UNCOMBINED WITH 29-00157 SEE A29-10830 . IT SHOULD HAVE NOT BEEN COMBINED WITH A DECREED RIGHT.

15. Basis of Claim: Statutory Claim

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): Glen Perkins Date: 7-24-01

Date:

State of Idaho

County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 24th

of July 2001

Aaron B. Ruberry

Notary Public

Residing at 2040 Faus Rd

My commission Expires 9/23/03



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND TO THE COUNTY OF TETON, WIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF
THE SNAKE RIVER BASIN WATER

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04364
Date Received: 4/02/1990
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: COMBINED RIGHT
Address: O, ID

2. Date of Priority: MAY 01, 1882

3. Source: WEST CREEK
COMBINED RIGHT

Trib. to: DEMPSEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	Count
10S	38E	5	SW SE		BANNOCIN

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.720		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	38E	5	NE SE		IRR	10.0
			NW SE		IRR	10.0
			SW SE		IRR	10.0

A29-04364

Page

1

Date: 04/02/90

Copy NOTOS in
10830 to this
Claim RIB.

MICROFILMED

NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	38E	5	SE	SE		IRR	10.0
Section Acres							40.0
Total Acres							40.0

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 HAS BEEN COMBINED WITH 29-00157 SEE A29-10830

15. Basis of Claim:

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 _____ day
of _____ 19 _____

Seal

Notary Public

Residing at _____

My Commission Expires _____