

06/10/2002

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

RIGHT NUMBER: 29-10830
NAME AND ADDRESS: MARY D PERKINS
PO BOX 683
POCATELLO ID 83204

I GLENN PERKINS
PO BOX 683
POCATELLO ID 83204

SOURCE: WEST CREEK TRIBUTARY: DEMPSEY CREEK
QUANTITY: 0.22 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-04364 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.46 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-04364 SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE.

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION:

T10S R38E S5 SWSWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/15 09/15	0.020 CFS
IRRIGATION	04/15 09/15	0.220 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY
AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER
ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL
15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL
WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE
AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED
FOR THIS RIGHT.

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. 29-04364 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 11 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.

EXPLANATORY MATERIAL: Decreed

06/10/2002

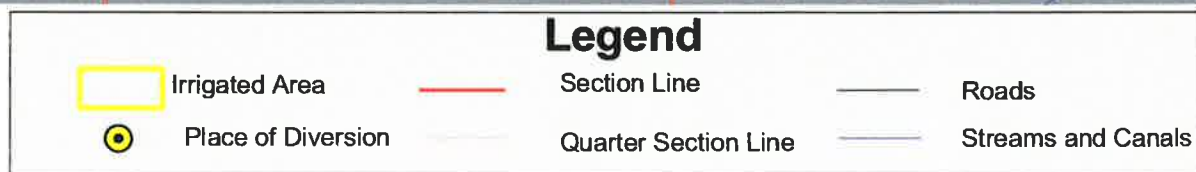
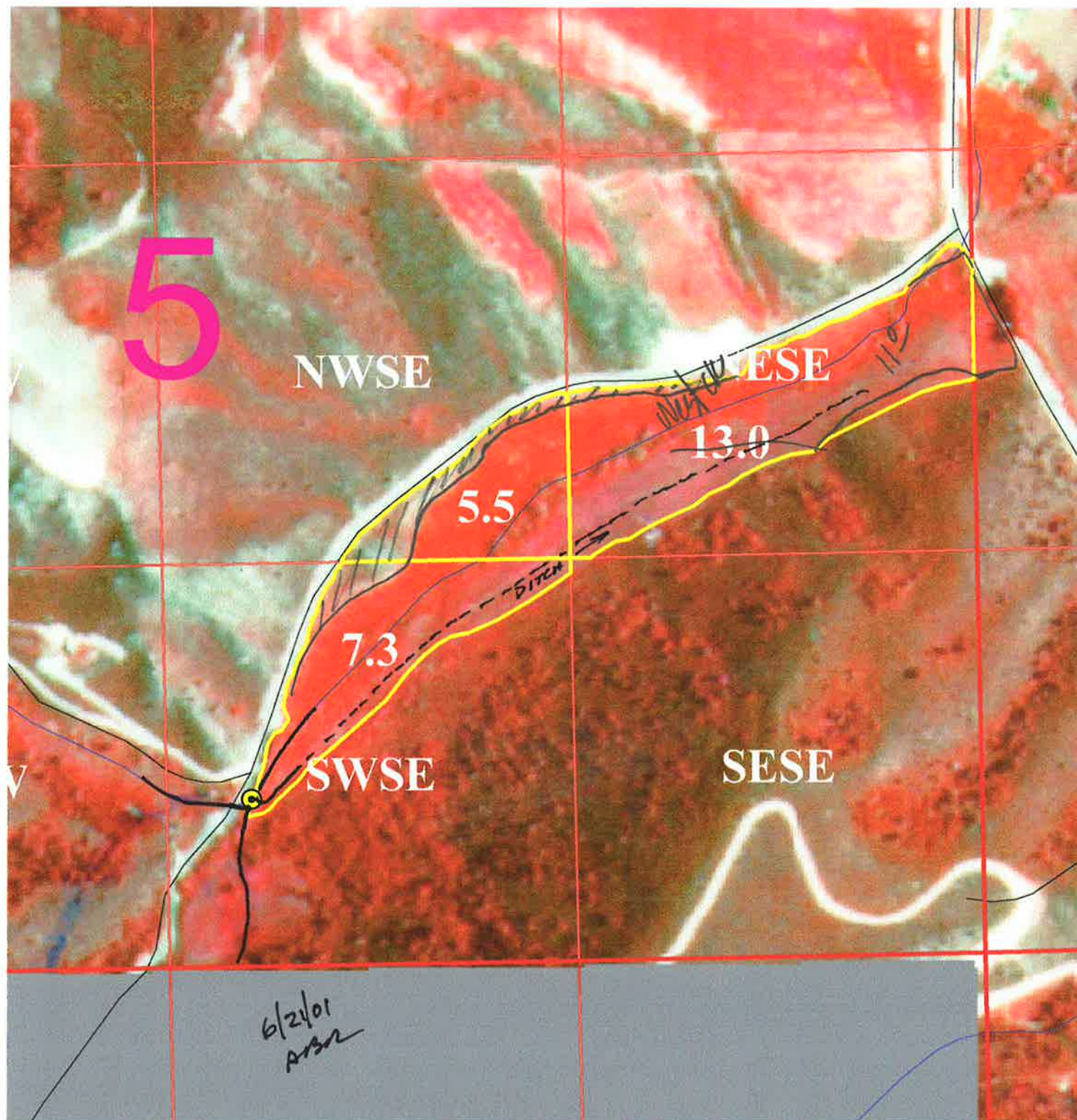
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT NO. 29-04364 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.
THIS RIGHT IS A PORTION OF ORIGINAL DECREED RIGHT 29-00157.

Water Right Claim Number A29-10830

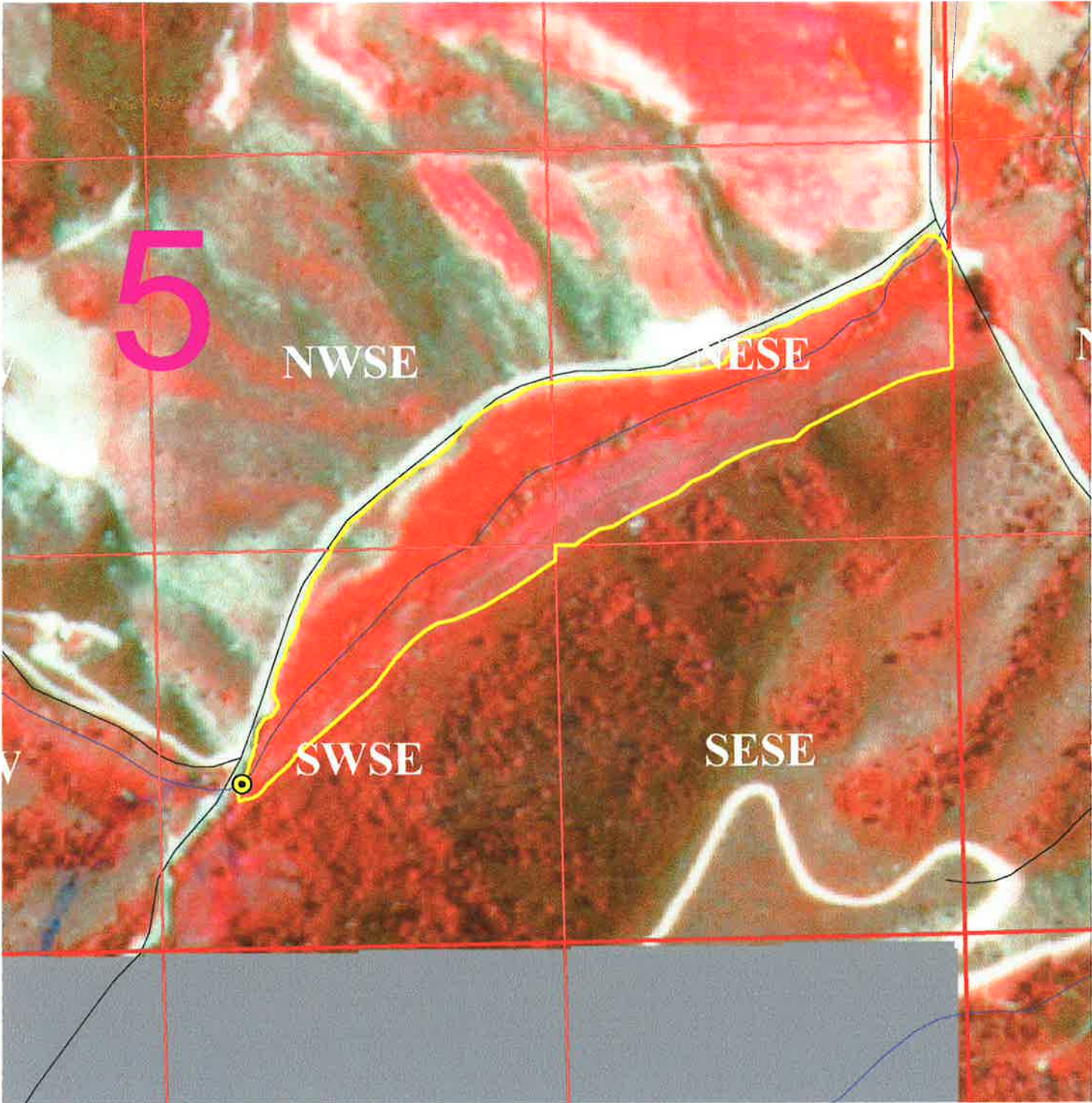
08/25/2000

Township , 10S38E



Water Right Claim Number A29-10830
Township , 10S38E

08/25/2000



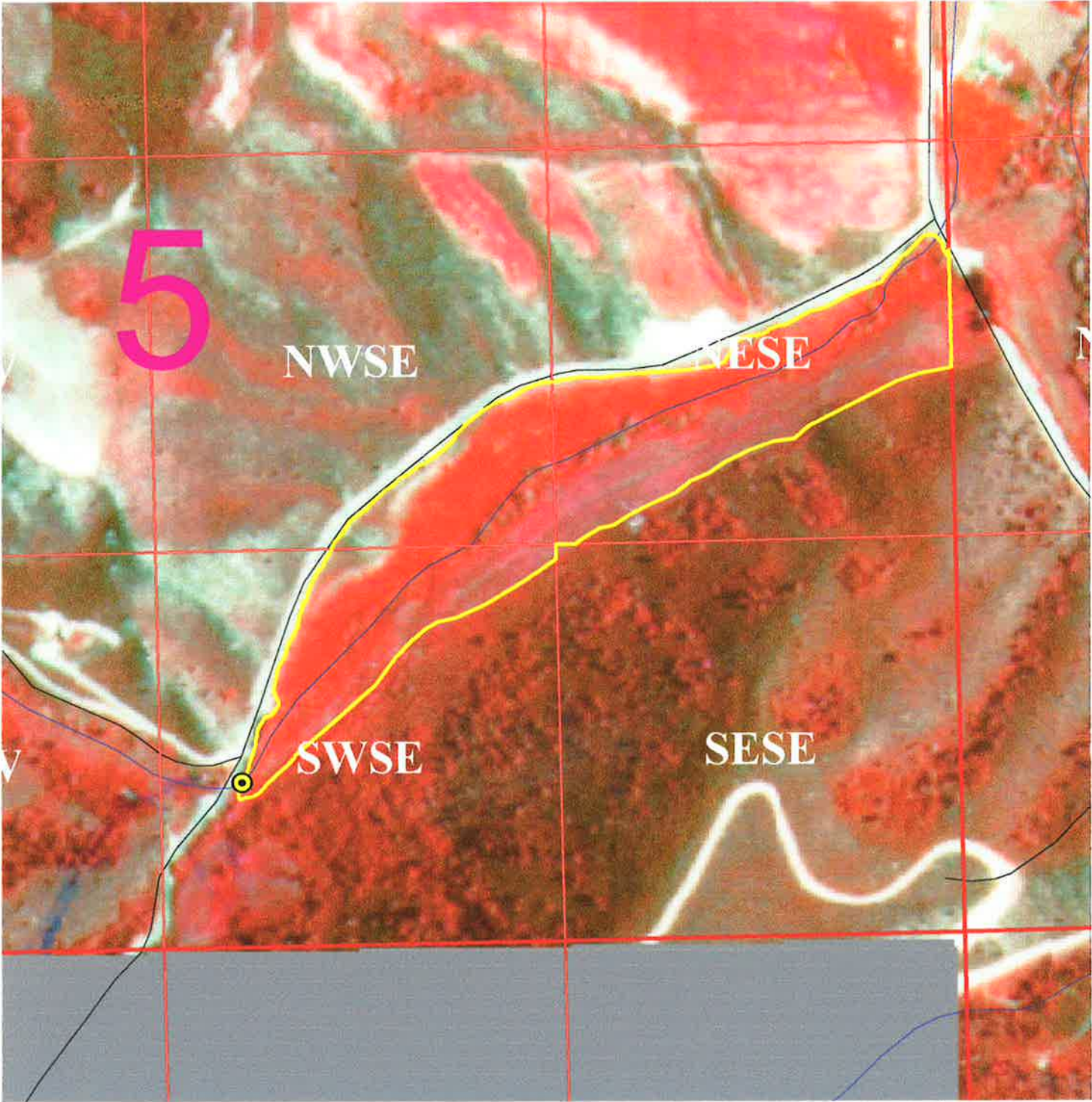
Legend

Irrigated Area	Section Line	Roads
Place of Diversion	Quarter Section Line	Streams and Canals



Water Right Claim Number A29-10830
Township , 10S38E

08/25/2000



Legend

 Irrigated Area	 Section Line	 Roads
 Place of Diversion	 Quarter Section Line	 Streams and Canals

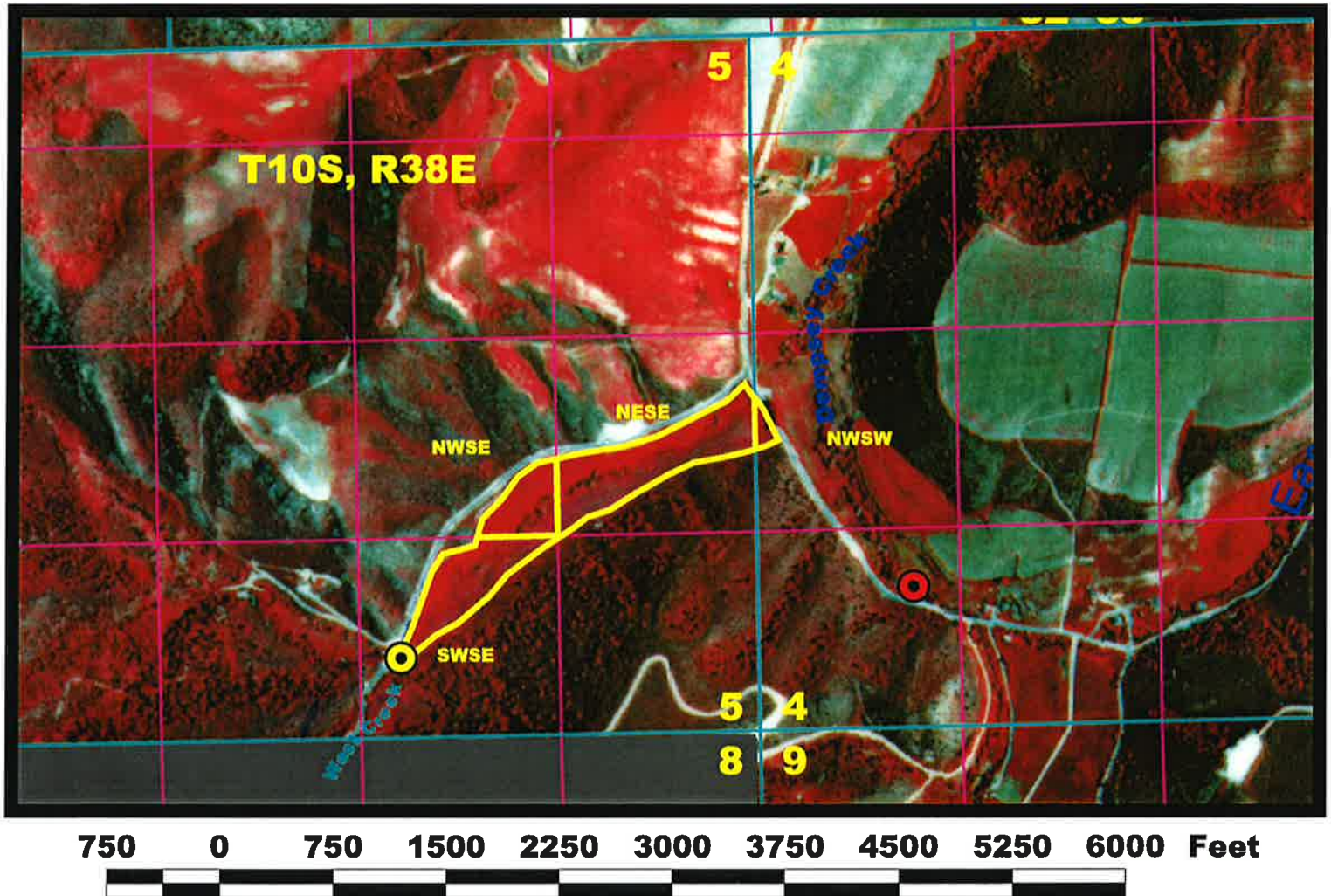




STATE OF IDAHO

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



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

**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: 29-10830

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

I GLENN 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:

3-03-03

SIGNATURE:

I Glenn Perkins

Please print your name:

I Glenn PERKINS

29-00157
 #119
 7/16/01
 Elmer's Porters

I. Decrease as: 0.70 cfs, He not Spec., 5/01/1882
 Per Decree 0.02 cfs/ft = 35° ft at BOST.

II. Elmer's Porters BT Numbers:

29-00157A, D. Loser
 #c 32 X.02 0.06
 cfs

29-10830, G. Porters
 112 X.02 0.22

29-10K# (13132)
 200 62 X.02 0.12
 40 cfs

WHL Amuse. Confirmer
 BT GIS = 15° ft. (inches)

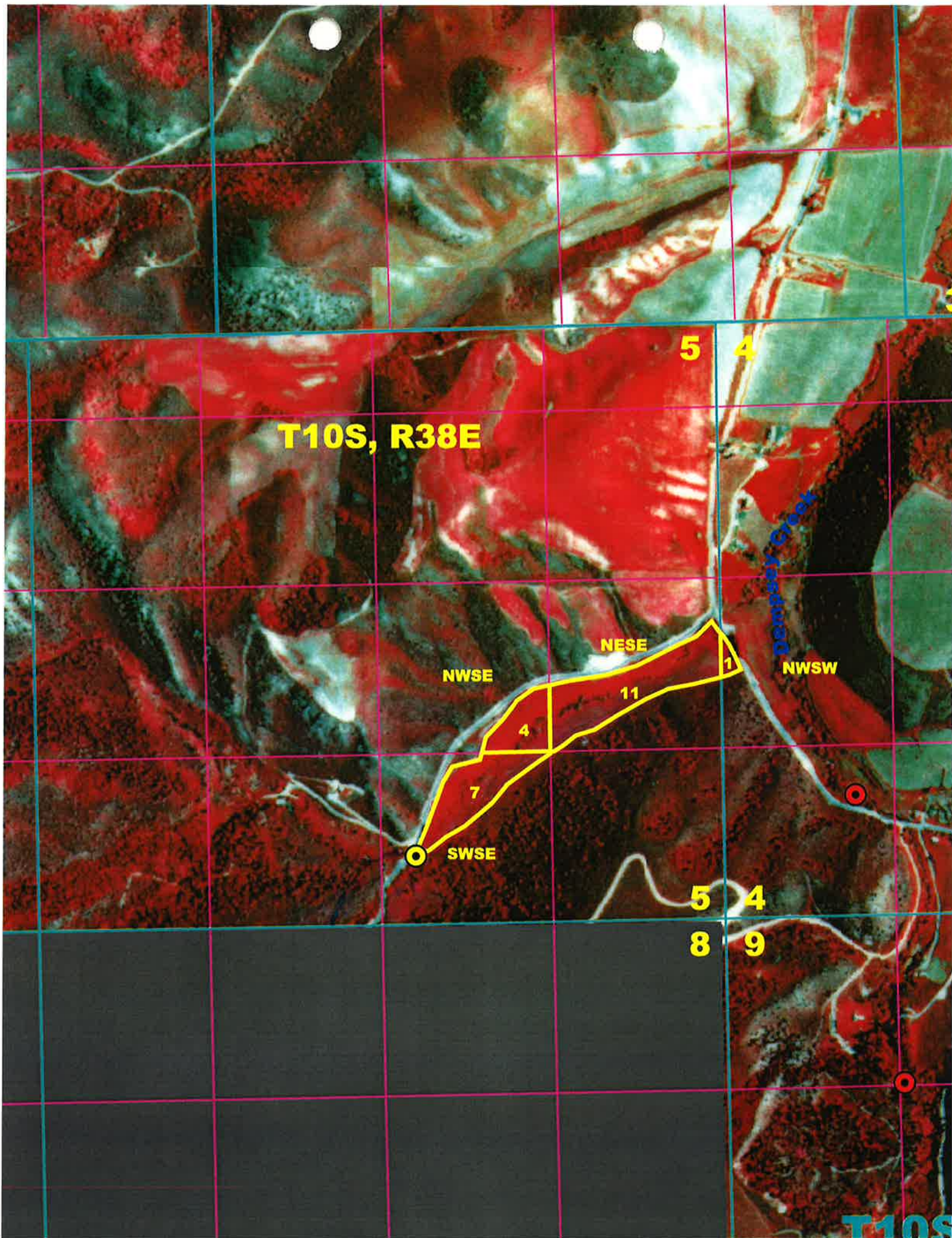
(Potts however)

150
 30 W. Elmer's
 as 7/16/01

29-13208 L. McLaughlin
 10 .02
 29-13209 G. Porters
 10 .02

7/24/01 Mat of Elmer's finding to S&S
 These Amuse B&B are now clear.
 Explanation His portion of Decree R. He seems OK w/it.
 7/23/01
 26 W. Elmer's

w/limits: W. of 29-001364: He & cfs on each -







29-10830

I. THIS CLAIM COMBINES DECREE 29-00157 (#119) AND STATUTORY CLAIM 29-04364.

A. A29-10830 MUST BE BROKE APART. A DECREE RIGHT CANNOT BE COMBINED W/ A STATUTORY CLAIM (§42-243 IC).

1. 29-04364 IS AN UNVERIFIED CLAIM TO A WATER RIGHT, §42-243 IC.
2. 29-00157 IS ADDRESSED IN UNION GRAIN & ELEVATOR DECREE (1921, AMENDED CIRA 1932).

II. 29-00157, AS DECREE, ONLY ADDRESSES POD IN SEC. 5 TIOS R3BE AS N3SE (AC. UNSPEC.) W/ TWO POD'S IN WEST CROSSER (N3SE). A29-10830 CLAIMS POD AS SW SWSE

CP3 ↑ SEC. 5. GEOGRAPHICALLY THIS FITS NICELY WITH THE CLAIMED POD OF 29-10830 (AND POSSIBLY 29-04364) BUT NOT THE DECREE PART OF 29-00157 APPURTENANT TO SEC. 5.

Q:→ III. MR. PERKINS NEEDS TO FURNISH A DEED (SHOWING HIS PURCHASE) OF THE WEST CK PROPERTY. — NOT NEEDED.

1. LOOKS LIKE ONLY A PORTION OF 29-00157 CAN BE APPURTENANT TO WEST CK PROPERTY.

→ 2. 29-04364 MUST BE FILED AS A SEPARATE CLAIM TO ADDRESS THE POD IN NWSE & SWSE SEC. 5 TIOS R3BE. POSSIBLY ALSO THE NOW POD IN SW SWSE. CLAIMS 5/1/1982 PRIORITY — DON'T THINK SO.

* → NEEDS PROOF OF PRIORITY DOCUMENTS.

29-00157, 00157A, 10830, 04364

I. CLAIM FILES SHOW 29-00157 AND 29-04364 WERE COMBINED TO MAKE 29-10830.

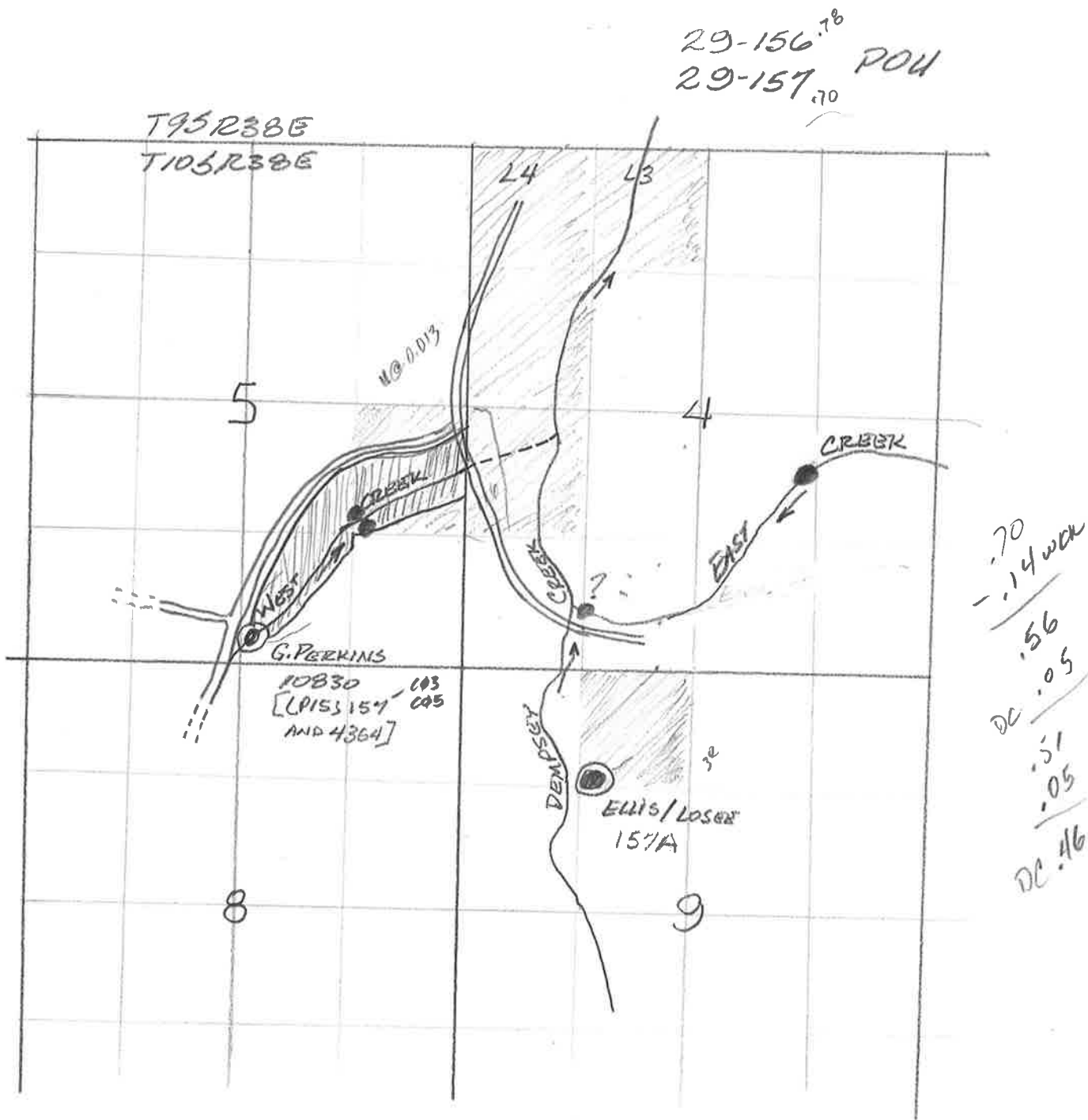
A. PROBLEM: A DERIVED RIGHT (157) CANNOT BE COMBINED WITH A (842-243 IC) CLAIM THAT IS NOT VERIFIED. SO, 29-00157 AND 29-04364 MUST BE SPLIT APART AND THEN APPROPRIATE CLAIMS FILED. 29-10830 WILL NEED TO BE MODIFIED TO CLAIM 04364 (BOTH BU TYPE CLAIMS) OR DISALLOWED (NOT THE FAVORED CHOICE).

CLAIMED BY:
I. GLENN PERKINS
ON WEST CR.

II. Now 29-00157A HAS BEEN FILED w/ A C/O PENDING. But Ron TILLOTSON HAS PROVIDED EVIDENCE THAT HE HAS PAID THE WATER ASSESSMENTS ON DECREE # 119 WHICH TRANSLATES TO IDWR # 29-00157. THE 29-00156 PART HAS BEEN RESOLVED -

A. 29-10830 WAS FILED BY I. GLENN PERKINS. CLAIMS ARE (70 ch) 157
B. 29-00157A WAS FILED BY E. ELLIS w/ C/O TO D. LOSOS.

III.



 10830 CLAIMED POH

 DECEASED POH

 DECEASED POD(5)

 CLAIMED POD

= COUNTY ROAD

MAY 18 2001

Log for claim A29-10830

Spatial Dynamics PJM

8/25/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s38e	5	NESE	14	13	
10s38e	5	NWSE	5	5.5	
10s38e	5	SWSE	7.5	7.3	
Totals:			26.5	25.8	

6/21/01 Visited PO4/POD.

POD IS A DUGOUT PLACE OFF THE CREEK ABOUT 50'±
DOWN STREAM FROM THE CONFLUENCE OF WEST CR AND
Smith Creek (Photo). APPEARS TO HAVE SERVED A DITCH
WHICH TRAVERSES THE SOUTH HILLSIDE. THERE IS ALSO A
SPRINKLER LINE FROM THE DIVERSION. APPEARS THE
ONLY IRRIGATION IS SOUTH OF THE CREEK THROUGH
THE PROPERTY. THE WEST DEMPSEY ^{CANAL} DITCH ENTERS THE
PROPERTY AT THE BOTTOM AND THIS STREAM DUMPS INTO IT.

Q: → what is 29-04364 ABOUT?

Q: → SO IF THIS IS BASED ON DECREE 29-00157 - why

7/19/01 Met w/ Mr. & Mrs. Perkins, AS APPOINTED DISCUSSED THE
OBVIOUS ERROR COMBINING A §42-243 claim w/ A PRIOR
DESCRIBED RIGHT, AN IDWR AGENT ERROR (CIRCA 1990). FURTHER
EXPLAINED THAT THIS CLAIM 10830 WILL BE AMENDED TO
RESET A PORTION OF 2900157 (NOT ALL AS CLAIMED)
AND, THAT 29-04364 WILL HAVE TO BE FILED, MEASURED,
AND EVIDENCE OF PRIORITY SUBMITTED. THEY ARE OK w/ THIS.

29-10830 Amends to 0.22 cfs on 11ac
w/ NUSG SEC. 5 TIPS R305. But PPL w/

 SPATIAL
DYNAMICS

DM

MEASURES REQ'D

29-04364 AND C03, C05 + C18 & limiting remarks

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 29-10830
Date Received: 3/28/1990
Receipt No: M006409
Received By:

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

1. Name of Claimant(s)

MARY D PERKINS Phone: (208)232-4547

PO BOX 683
POCATELLO ID USA 83204

I GLENN PERKINS Phone: (208)232-4547

PO BOX 683
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:

HEADGATE WITH 2 DITCHES EITHER SIDE OF CREEK, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/15	0.22	
STOCKWATER	04/15	09/15	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

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 CLAIM IS BASED UPON a portion of DECREEED RIGHT 29-00157. CLAIMANTS WITH CLYDE ALLEN & BEATRICE KAY O'NEILL, JACK D. & BERTHA M. ICHINAGA , AND CHARLENE SIVALON ARE CONTRACT PURCHASERS FROM LYNN F. & JENELL BOOTH. ORIGINAL FILING OF THIS CLAIM WAS IN ERROR BY COMBINING WITH STATUTORY CLAIM. AMENDED TO REFLECT A PORTION OF 29-00157.

15. Basis of Claim: Decreed

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: _____

Glen Terken

Date: *7/24/01*

State of Idaho)
County of Bonner) SS.

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

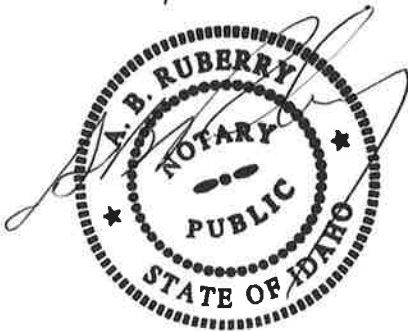
of July 2001

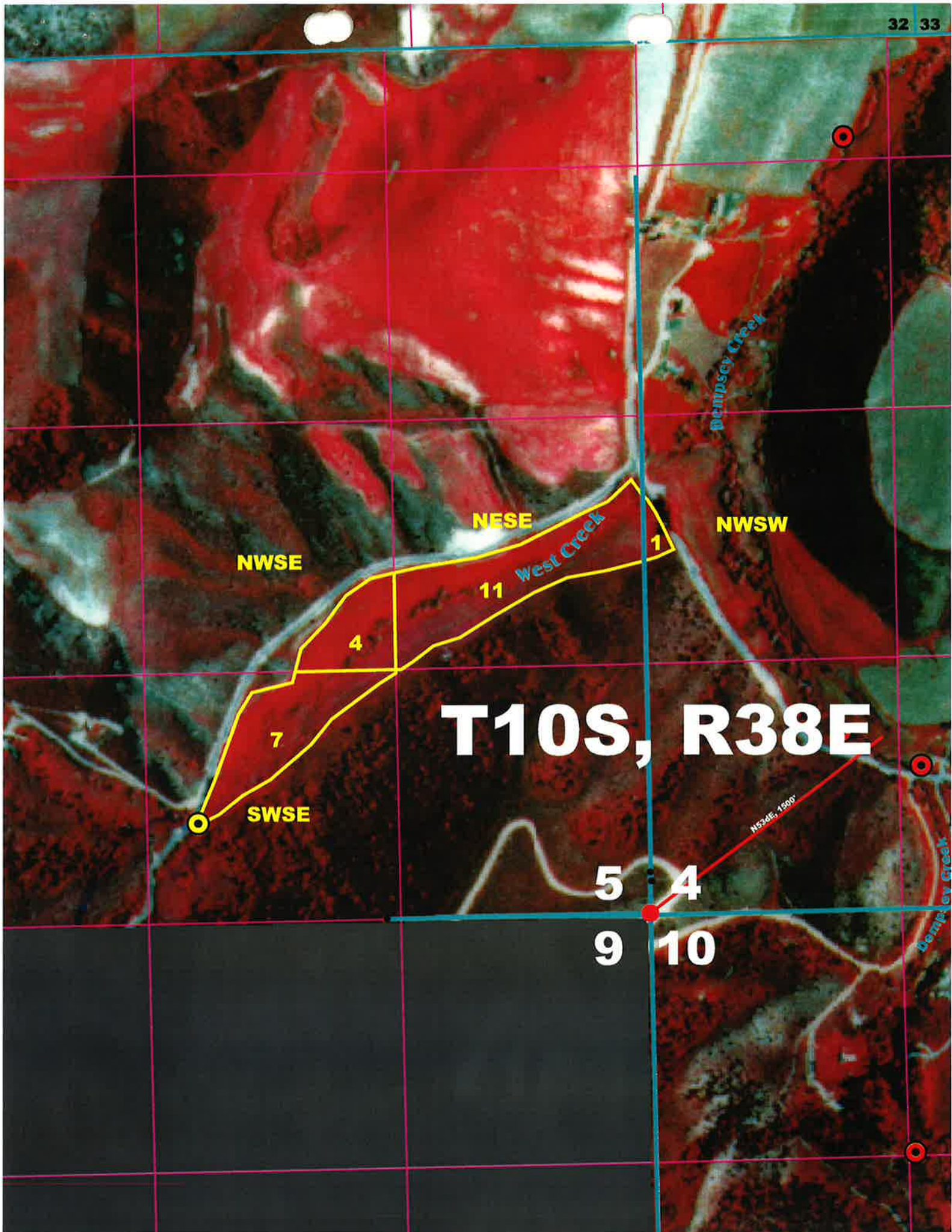
Aaron B. Ruberry

Notary Public

Residing at Boano Falls Rd

My commission Expires 9/23/03





MAY 18 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: A29-10830
Date Received: 3/28/1990
Receipt No: module 409
Received By: AB

Part 6
29-00157

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: I. GLENN PERKINS 208-232-4547
Address: P.O. BOX 638
POCATELLO, ID 83204
AND/OR
Name: MARY D. PERKINS 208-232-4547
Address: P.O. BOX 638
POCATELLO, ID 83204

A2910830



2. Date of Priority: MAY 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 of	Lot	County
10S	38E	5	SW	SW	SE		BANNOCK

5. Description of diverting works:
HEADGATE WITH 2 DITCHES EITHER SIDE OF CREEK, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.700		
STOCKWATER	04/15	09/15	0.020		

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

8. Total consumptive use is 66.2 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ IN STREAM/DITCH STOCK WATERING, 15-25 CATTLE

A29-10830

Page 1

Date: 03/28/90

MICROFILMED

NOV 10 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	38E	5	NE	SE		IRR	14.0
			NE	SE		STOCK	
			NW	SE		IRR	5.0
			NW	SE		STOCK	
			SW	SE		IRR	7.5
			SW	SE		STOCK	
						Section Acres	26.5
						Total Acres	26.5

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:
NONE

14. Remarks:

THIS CLAIM IS BASED UPON DECREED RIGHT 29-00157 AND IS ALSO DESCRIBED BY STATUTORY CLAIM 29-04364.

CLAIMANTS WITH CLYDE ALLEN & BEATRICE KAY O'NEILL, JACK D. & BERTHA M. ICHINAGA , AND CHARLENE SIVALON ARE CONTRACT PURCHASERS FROM LYNN F. & JENELL BOOTH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 8/06/1932

UNION GRAIN & ELEVATOR VS.
Decree Plaintiff

vs MCCAMMON DITCH CO., ET AL.
Decree Defendant

MICROFILMED
NOV 16 1992

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): *[Signature]* Date: 3-28-90

Date: _____

State of Idaho)
County of Pennock) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of March 19 90

[Signature]
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires My Commission Expires December 7, 1994

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
_____ Print Name

acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

38E

T9
T11

105



38E
105

MICROFILMED
NOV 19 1972