

02/06/2003

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

RIGHT NUMBER: 29-13248

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

SOURCE: TOPONCE CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.110 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: 07/01/1907

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	04/15 09/15	0.110 CFS

PLACE OF USE:

IRRIGATION Within CARIBOU County

T06S R38E S26	NESW	19.0	T06S R38E S26	SESW	40.0
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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.

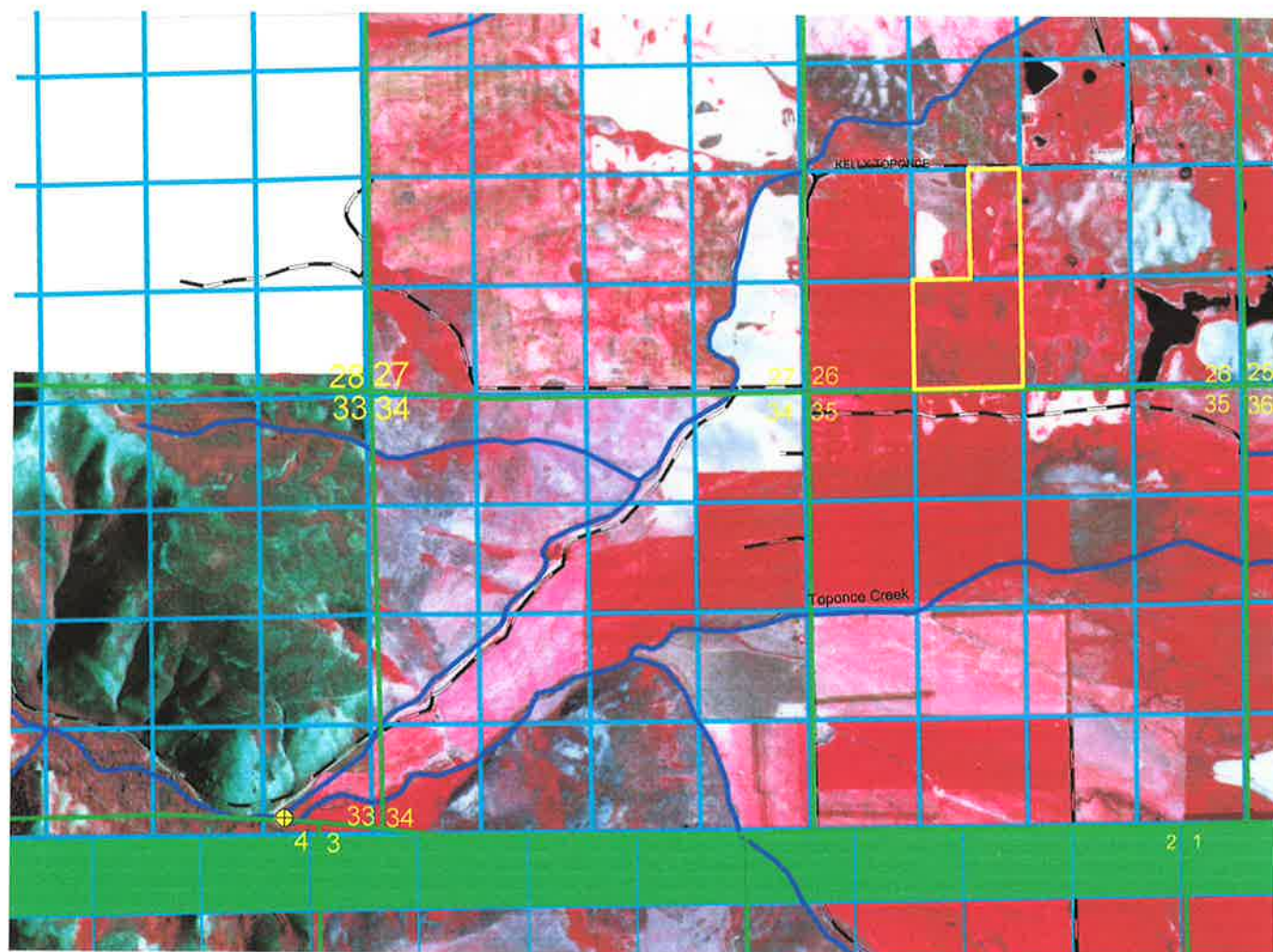
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-89.



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

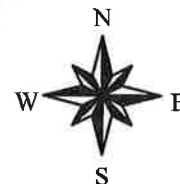
IRRIGATED ACRES 58

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

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: 29-13248

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:

Please print your name:

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

Notes

12/03 Split right 29-89, 1/2 of the wife
divorced.

29-88 thru 93 was divided for 50 acres
claimed 60 acres. May need an
enlargement claim.

Data base has been down all morning,
so I have not been able to verify,
a query POB.

1987/88 NAPP Photography shows 59 acres
in the POB. Claimant has been asked
to file an enlargement claim.
revised 1-28-03 to Pharmacy AZ.

Link POB 29-91A-SHP

POB needs to be linked 29-88-93 padwp. SHP.

Enlargement claim 29-13422.

Update PLS/average report
Ncom. & layout

2/11/03 linked PM: POB, Did not report
recommendation for 60 acres, report lead.

29 acres. layout also should be reported
for the 60 acres.

Summary Data Entry Form

Claim No.: 29-13248

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

P21 former right 29-89
C18

out E14 50 acre limit, Combined right 29-10248,
29-13248, 29-90A, 29-91A, 29-92A & 29-93A

C05

E14 59 acres total

F01

K01

F05

Split or Combined Right Analysis:

see attached sheet

Attached Field Notes or Other Documents:

Claim No.:

Reviewer

Cindy Bird

Date

1/27/03

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.

71. BUTTERFIELD, A. J.
29 0088 1911 June 15.

.05 c.f.s.
(2.24 inches)

Said water to be diverted through the Jensen No. 7, sometimes called Jensen Ditch, last above described, for the irrigation of 2.24 acres of land in the West half of the Southwest quarter, Section 34, Township 6, South, Range 38 East.

72. JENSEN, PARLEY P.
29 0088 1905. May 19.

1.0 c.f.s.

Said water to be diverted through the Jensen No. 7, sometimes called the Jensen Ditch, last above described for the irrigation of 49.9 acres of land in the North half of the Southwest quarter, the Southeast quarter of the Northwest quarter, the Northwest quarter of the Southeast quarter, Section 34, Township 6 South, Range 38 East.

73. JENSEN, BEN D.
29 0088 1902 June 18.

1.88 c.f.s.

Said water to be diverted through the West and Brangham Ditch, which diverts from Toponce Creek in the Southeast quarter of the Southeast quarter, Section 33, Township 6 South, Range 38 East. From the Northwest corner of Section 3, Township 7 South, Range 38 East, the point of diversion bears North 42 degrees and 40 minutes East, 652 feet, for the irrigation of 33.2 acres of land in the Northeast quarter of the Northeast quarter; 15 acres in the Southeast quarter of the Northeast quarter; 30 acres in the Southwest quarter of the Northeast quarter, Section 34, Township 6 South, Range 38 East.

74. JENSEN, PARLEY P.
29 0088 1902. June 18.

.97 c.f.s.

Said water to be diverted through the said West and Brangham Ditch, last above described, for the irrigation of 3 acres of land in the Northwest quarter of the Northeast quarter, Section 34, Township 6 South, Range 38 East.

75. BRANGHAM, GEORGE
29 0088 1902. June 18.

1.76 c.f.s.

Said water to be diverted through the said West and Brangham Ditch, last above described, for the irrigation of 73.3 acres of land in the Southwest quarter of the Southwest quarter, Section 26; and the North half of the Northwest quarter, Section 36, Township 6 South, Range 38 East.

76. SESSIONS, KEPLER

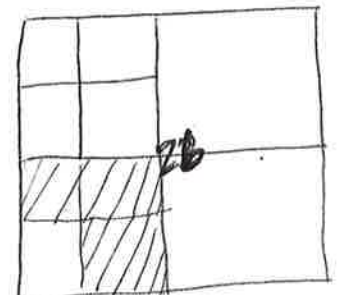
29 0088	1906. July 1.	.14 c.f.s.
29 0088	1907. July 1.	.22 c.f.s.
29 0088	1908. July 1.	.60 c.f.s.
29 0091	1909. July 1.	.96 c.f.s.
29 0091	1910. July 1.	.29 c.f.s.
29 0091	1913. July 1.	.19 c.f.s.
Total		2.4 c.f.s.

Said water to be diverted through the said West and Brangham Ditch, last above described, for the irrigation of 100 acres of land in the North half of the Southwest quarter and the Southeast quarter of the Southwest quarter, Section 26, Township 6 South, Range 38 East.

100 * 0.02 = 2.0 cfs total is 2.4 cfs. (120 acres)

Claim 429-10328 (Andrus)
Claimed 0.36 cfs
from 29-88 & 89.

MAY 15 1996



Idaho Department of Water Resources Receipt

Receipt ID E027167

Payment Amount Date Received Region Status

Payment Type Check Number

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION FILING FEE	0337	43503	1155	


Signature Line (Dept. Representative)

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 29-13248
Date Received: 10/5/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

WAYNE C PERKINS Phone: (208)648-7819

850 KELLY TOPONCE RD
BANCROFT ID USA 83217

2. Date of Priority: 07/01/1907

3. Source: TOPONCE CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/15	0.11	

7. Total Quantity Appropriated is:
0.11 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
06S	38E	26	NE SW	IRRIGATION	20
			SE SW	IRRIGATION	40
				Section Acres	60

Total Acres 60

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:

14. Remarks:

THIS RIGHT IS FOR A PORTION OF DECREED RIGHT 29-00089: UNION GRAIN & ELEVATOR
VS MCCAMMON DITCH CO. DATED 8/6/1932.

HEADWORKS OF THE TOPONCE CREEK DIVERTS TO THE FEEDER CANAL TO REDIVERT TO A
POND THEN PUMPED TO THE GROUND.

CLAIMANT OWNES 1/2 OF THE GROUND WHICH THE WATER WAS DECREED ON.

15. Basis of Claim: Decreed

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 29-00089 29-13218Date Received 10-4-01Receipt Number E027107

CK# 1911

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) WAYNE C. Perkins Phone (208) 648-7819Mailing Address 850 Kelly Toponce Rd. Zip 832172. Date of Priority (Only one (1) per claim) 7-1-19073. Source of water supply (a) Toponce Creek
which is tributary to (b) Portneuf River4. a. Location of existing point of diversion is: Township 06S Range 38E Section 33,
1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of Caribou

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Headworks of the Toponce creek - diverts to the
feeder canal to redirect to a pond the pumped
to the ground.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 9/15 amount 0.11 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.11 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 150 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Incidental Stockwatering for 300 head of

10. Description of place of use: range cows.

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
06S	38E	26									20			40					60

Total number of acres irrigated 60

11. In which county (ies) are lands listed above as place of use located? Caribou

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

A29-10248, A29-0090A, 0091A, 0092A, 0093A. or None ()

14. Remarks:

Claimant owns 1/2 of the ground which
the water was decreed on.

Last Name

Perkins

Ident No.

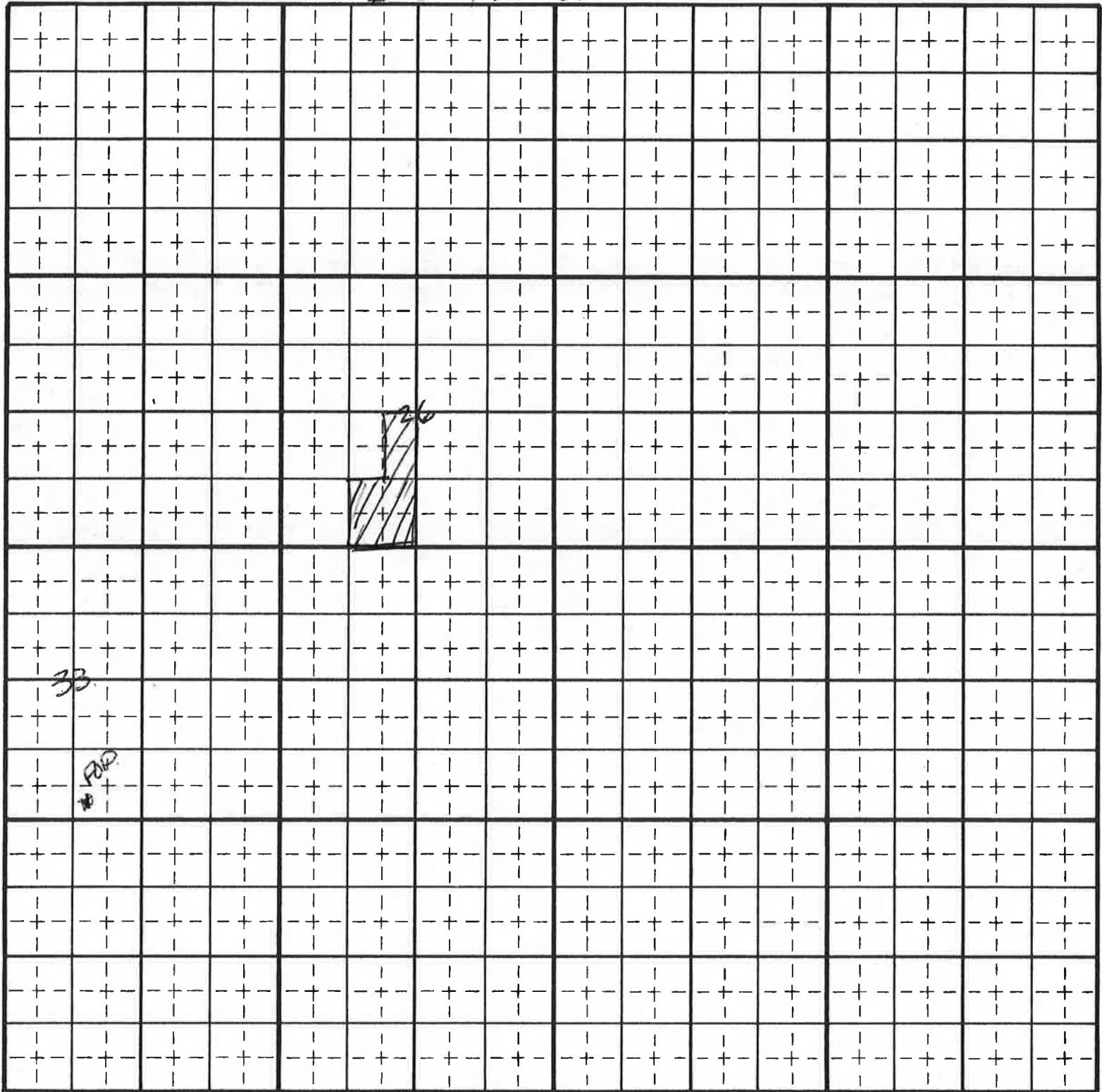
29-00089

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T 6 S , R 38 E



Last Name

Perkins

Ident No.

29-00089

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒

If applicable provide IDWR Water Right Number 29-00089
Court _____ Case Number _____ Decree Date 8/6/1932
Plaintiff vs Defendant UNION GRAIN & ELEV. VS - MCCAMMON DITCH CO.

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature]

Date OCT. 4 2001

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Bannock)
Caribou)

Subscribed and sworn (or affirmed) before me this 4th day of October, 192001



Notary Public Cindy E. Bird

Residing at Lava Hot Springs

My Commission Expires 5-1-2007

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, _____ will be 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 _____

Last Name Perkins Ident. Number 29-00089

Copies White-State, Yellow-Claimant