

08/08/2006

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

RIGHT NUMBER: 75-28A
NAME AND ADDRESS: JERRY PERRY
37 LOVERS LN
SALMON ID 83467-5156

VIRGINIA PERRY
37 LOVERS LANE
SALMON ID 83467-5156

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.600 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: 36
T20N R22E S5 NWSWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.020 CFS
IRRIGATION	04/01 10/31	0.600 CFS

PLACE OF USE: IRRIGATION Within LEMHI County
T21N R22E S18 NENW 15.00

STOCKWATER same as IRRIGATION

15 ACRES TOTAL

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: BASIS OF CLAIM - Beneficial Use

Water is delivered through the Minzer-Runsten Ditch.

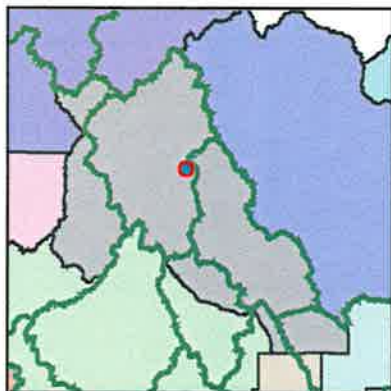


Idaho Department of Water Resources

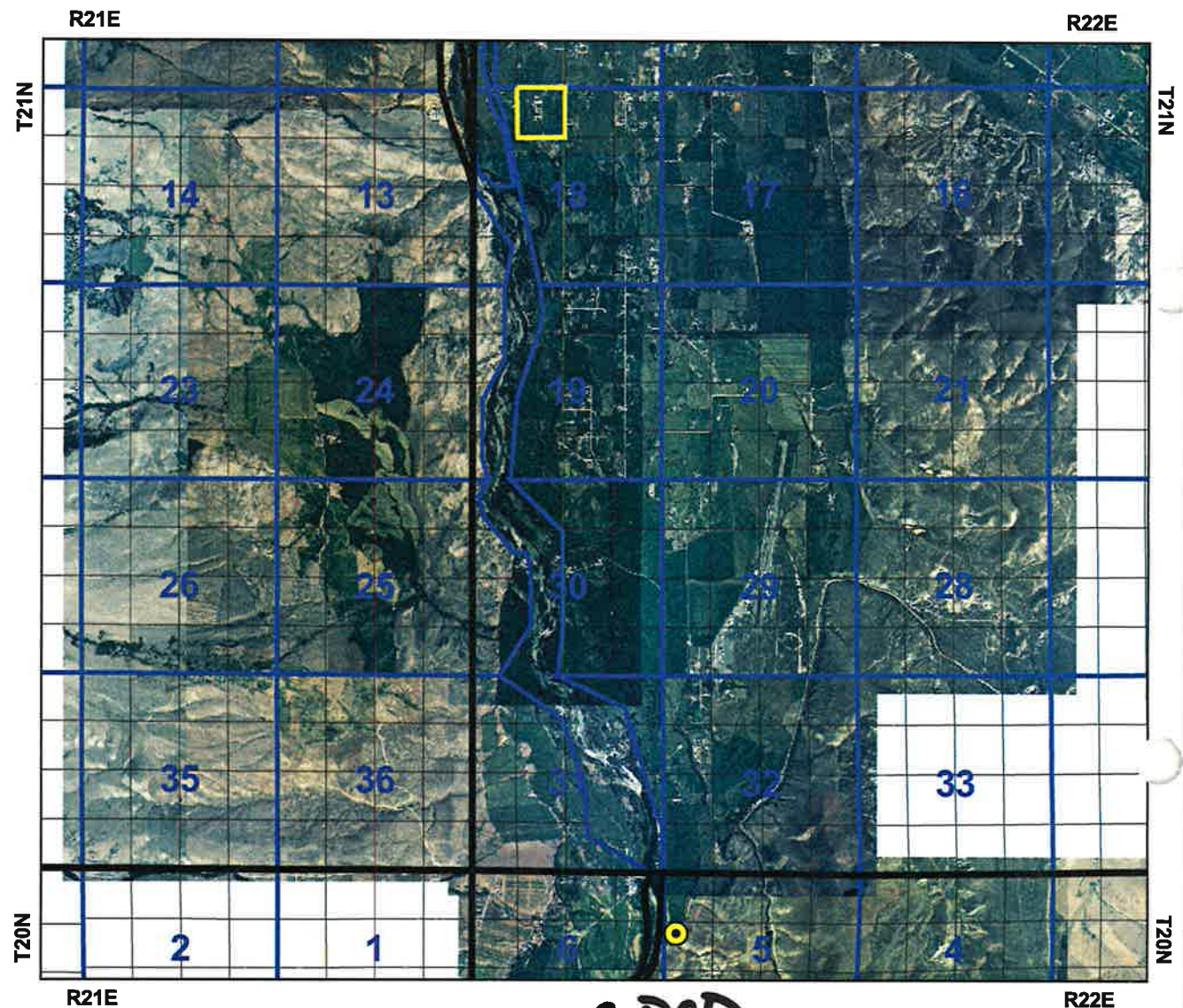
SRBA Claim:
75-28A

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



• **POD**

0 2 4 Miles

Prepared by D. Favreau
On Tuesday, May 2, 2006
1987/88 Aerial Photography

03/07/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-28A

NAME AND ADDRESS: JERRY PERRY
37 LOVERS LN
SALMON ID 83467-5156

VIRGINIA PERRY
37 LOVERS LANE
SALMON ID 83467-5156

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

Prior to the diversion and use of water under transfer 74179, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

QUANTITY: 0.600 CFS

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1894

POINT OF
DIVERSION: T20N R22E S6 SESE Lot 14 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.020 CFS
IRRIGATION	04/01 10/31	0.600 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T21N R22E S18 NENW 15.00

STOCKWATER same as IRRIGATION

15 ACRES TOTAL

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: BASIS OF CLAIM - Decreed

This right does not grant any right-of-way or easement across the land of another.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Water is delivered through the Minzer-Runsten Ditch.

Failure of the right holder to comply with the conditions of transfer 74179 is cause for the Director to rescind approval of the transfer.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 75C.

The right holder shall accomplish the change authorized by transfer 74179 by December 5, 2008.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

March 5, 2008

Jerry or Virginia Perry
37 Lovers Lane
Salmon, Idaho 83467-5156

RE: Transfer #74179 for water right(s) 75-00028A and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Perry:

On December 5, 2007, the Idaho Department of Water Resources (IDWR) approved Transfer #74179, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Denise Kidman
Water Resource Agent

SCANNED

MAR 07 2008

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)

Water Rights: 75-00028A

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer

☒ point of diversion ☐ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 7, 2008

Ernest Caplan

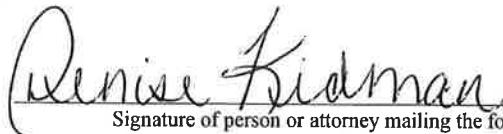
Signature of IDWR Representative

SCANNED
MAR 07 2008

CERTIFICATE OF MAILING

I certify that on March 7, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Virginia Perry
Jerry Perry
37 Lovers Lane
Salmon, Idaho 83467-5156
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

SCANNED

MAR 07 2008

03/07/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-28A

NAME AND ADDRESS: JERRY PERRY
37 LOVERS LN
SALMON ID 83467-5156

VIRGINIA PERRY
37 LOVERS LANE
SALMON ID 83467-5156

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

Prior to the diversion and use of water under transfer 74179, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

QUANTITY: 0.600 CFS

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1894

POINT OF
DIVERSION:

T20N R22E S6 SESE Lot 14 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.020 CFS
IRRIGATION	04/01 10/31	0.600 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T21N R22E S18 NENW 15.00

STOCKWATER same as IRRIGATION

15 ACRES TOTAL

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.

SCANNED
MAR 07 2008

This right does not grant any right-of-way or easement across the land of another.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Water is delivered through the Minzer-Runsten Ditch.

Failure of the right holder to comply with the conditions of transfer 74179 is cause for the Director to rescind approval of the transfer.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 75C.

The right holder shall accomplish the change authorized by transfer 74179 by December 5, 2008.

SCANNED

MAR 07 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74179

This is to certify that: VIRGINIA PERRY Or
JERRY PERRY
37 LOVERS LN
SALMON ID 83467-5156
(208)756-3166

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
75-28A	AJC/Beneficial Use	04/01/1894	0.6 cfs	N/A	N/A	15.0	SALMON RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
75-28A	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
75-28A	75-28A	0.6 cfs	N/A	N/A	15.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.6 cfs	N/A	N/A	15.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of December, 20 07

Chief, Water Allocation Bureau

WATER RIGHT NO. 75-28A
As Modified by Transfer No. 74179

In accordance with the approval of Transfer No. 74179, Water Right No. 75-28A is now described as follows.

Right Holder: JERRY PERRY Or
 VIRGINIA PERRY
 37 LOVERS LANE
 SALMON ID 83467-5156

Priority Date: April 01, 1894

Source: SALMON RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	04/01 to	10/31	0.02 CFS
IRRIGATION	04/01 to	10/31	0.60 CFS
			0.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

SALMON RIVER L14 (SESE) Sec. 6 Twp 20N Rge 22E LEMHI County

PLACE OF USE: IRRIGATION & STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
21N	22E	18	NE	NW	SW	SE	15.0
			NE	NW	SW	SE	15.0

Total Acres: 15

CONDITIONS OF APPROVAL

R05 1✓ Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 75C.

R43 2✓ The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

R59 3✓ This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

029 4✓ Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

004 5✓ This right does not grant any right-of-way or easement across the land of another.

F01 6. Water is delivered through the Minzer-Runsten Ditch.

T07 7. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

74179 by Dec 5, 2008

EXP

EXP

QTY

SAV

POD

EXP

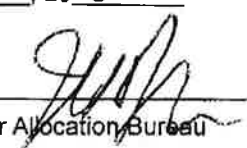
EXP

WATER RIGHT NO. 75-28A
As Modified by Transfer No. 74179

- EXP
C18
Qty
Gen
- TOB 8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- DA 9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- N12 10. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
- N08 11. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 5th day of December, 20 07



Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 75-281A

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☒ No Change ADDRESS
☐ NEW ADDRESS: _____
2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION
☒ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: A0015026

Township 20 N Range 22 E Section 16 1/4 NW 1/4 SE 1/4 SE
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

Concrete structure w/ adjustable headgate

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

Water Delivered through the Minzer - Runsten
Ditch (S14).

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 07-13-00

FIELD EXAMINER:

Asher Barton

Print Name

Asher Barton
Signature

11/20/2006

**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: 12/13/2006

Water right number: 75-28A

JERRY PERRY
37 LOVERS LN
SALMON ID 83467-5156
Telephone Number: (208)756-3166

VIRGINIA PERRY
37 LOVERS LANE
SALMON ID 83467-5156
Telephone Number: (208)756-3166

RECEIVED
DEC - 4 2006
IDWR/North

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:

SCANNED
DEC - 6 2006

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

DATE:

12-27-06

SIGNATURE:

Virginia Perry

Please print your name:

virginia PERRY

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

75-28A



SCANNED

OCT 03 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: A75-00028A

Date Received: 4/18/1990

Receipt No: M006659

Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JERRY PERRY 208-756-3166
Address: RT 1 BOX 155A
SALMON, ID 83467
OR
Name: VIRGINIA PERRY 208-756-3166
Address: RT 1 BOX 155A
SALMON, ID 83467

2. Date of Priority: APR 01, 1894

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
20N	22E	5	NW	SW	NW		LEMHI

5. Description of diverting works:
ROCK WING TO CONCRETE HEADGATE TO DITCH TO PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		
STOCKWATER	04/01	11/01	0.020		

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

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 25 HEAD CATTLE

A75-00028A

Page 1

Date: 04/18/90

A7500028A



MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
21N	22E	18	NE	NW		IRR	15.0
Section Acres							15.0
Total Acres							15.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
FLOWS CARRIED BY MINZER - RUNSTEN DITCH.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

H. V. FERGUSON ET AL
Decree Plaintiff

vs

T. FERGUSON ET AL
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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): Virginia Perry Date: 4/18/90

Date: _____

State of Idaho)
County of Lewia) SS.

Subscribed and sworn (or affirmed) before me this 18 day
of April 19 90 Dave Cuts
Notary Public

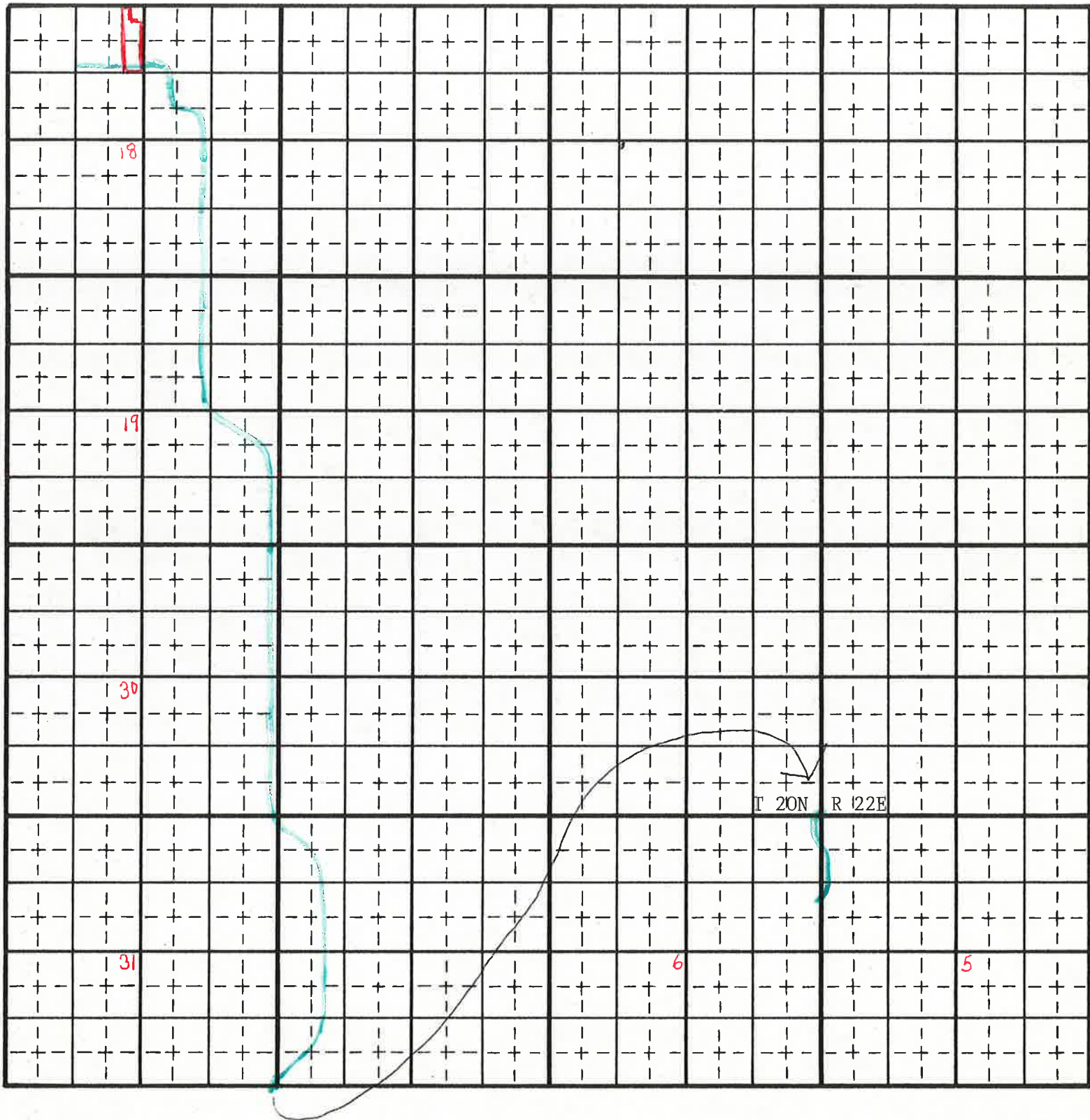
Seal

Residing at Heise, Id
My Commission Expires 2/26/96

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

Scale: 2 inches equals 1 mile

Township 21N Range 22E



MICROFILMED

DEC 15 1992

Last Name Perry Ident No. 75-C

Copies: White-State, Yellow-Claimant

EGK

T-21 N
(32 -

8 9

J7 16

- A-WILSON
- B-CITY CK
- C-KAP
- D-JAKICH
- E-LADLE
- F-FOSTER
- G-AUSTIN
- H-TOMANOVIC
- I-HERMAN
- J-MOTCHKA
- K-WHITEHEAD
- L-J WELLS
- M-BENEDICT
- N-WHEELER
- O-JAKICH
- P-BAMBER
- Q-ROBERTS
- R-GOULD
- S-KEIRNES
- T-DENICK
- U-EVANS
- V-HOFFMAN
- W-GRAY
- X-TRIPP
- Y-RANDOLPH
- Z-INFANGER
- A1-WHIE
- A2-MIL
- A3-Herritt

- A-BANTA
- B-BALES
- C-JENT
- D-MICHEL
- E-LANE
- F-FAIRCHIL
- G-HERBST
- H-JAKICH
- I-JAKOVAC

17 16

20 21

DG 1000

