

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 05 2015

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Wayne Perkins Phone 602-993-0940
Mailing address 13825 North 7th Street, Suite M, Phoenix, Arizona 85022 Email Wayne@perkinsent.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Thomas J. Budge Phone 208 232 6101
Mailing address PO Box 1391, Pocatello, Idaho, 83204 Email tjb@racinelaw.net

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of Applicant or Authorized Representative

T.J. Budge, Attorney
Print Name and Title if applicable

11.6.15
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.
Changing the Place of Use

AMENDED

80135

80135

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	29-90A	0.300	Irrigation	4/15 to 9/15	Toponce Crk/Portneuf Riv
☒ ☐	29-91A	0.480	Irrigation	4/15 to 9/15	Toponce Crk/Portneuf Riv
☒ ☐	29-92A	0.145	Irrigation	4/15 to 9/15	Toponce Crk/Portneuf Riv
☒ ☐	29-93A	0.095	Irrigation	4/15 to 9/15	Toponce Crk/Portneuf Riv
☒ ☐	29-10248	0.070	Irrigation	4/15 to 9/15	Toponce Crk/Portneuf Riv
☒ ☐	29-13248	0.110	Irrigation	4/15 to 9/15	Toponce Crk/Portneuf Riv
☒ ☐	29-13482	1.200	Irrigation	4/15 to 9/15	Toponce Crk/Portneuf Riv
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.200 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.79 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	38E	26							10	29	20								59
									L5	L6	L11								
Total Acres (for irrigation use)																			59

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

No change to Applicant's existing diversion system from the feeder canal

- b. Who owns the property at the point(s) of diversion? _____

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Land will no longer be irrigated by Applicant. King Creek Grazing Association is transferring other water rights to enable it to irrigate a portion of the land now irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

10/22/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WAYNE C PERKINS 13825 N 7TH ST STE M PHOENIX, AZ 85022 (602)993-0940

Status: Active

Tributary
PORTNEUF RIVER

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
4/15	9/15	0.300 CFS
Total Diversion		0.300 CFS

Volume

Sec. 33, Twp 06S, Rge 38E, CARIBOU County

IRRIGATION within CARIBOU County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	38E	26									20.0			40.0					60.0

POU Total Acres: 60.0

1.	E52	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.
2.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3.	C18	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.
4.	E56	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.
5.	K01	RIGHT NO. 29-13482 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
6.	F01	WATER IS DELIVERED THROUGH THE FEEDER CANAL.
7.	F05	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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/22/2015

Dates and Other Information

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 29
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.200		59.0
29-90A ,29-13248 ,29-10248 ,29-91A ,29-92A ,29-93A ,29-13482		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/22/2015

Water Right 29-91A

Owner Type **Name and Address**
Current Owner WAYNE C PERKINS
13825 N 7TH ST STE M
PHOENIX, AZ 85022
(602)993-0940

Priority Date: 7/1/1909

Basis: Decreed

Status: Active

Source **Tributary**
TOPONCE CREEK PORTNEUF RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/15	9/15	0.480 CFS	
	Total Diversion		0.480 CFS	

Source and Point(s) of Diversion

TOPONCE CREEK SWSESE Sec. 33, Twp 06S, Rge 38E, CARIBOU County

Place Of Use

IRRIGATION within CARIBOU County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	38E	28									20.0			40.0					60.0

POU Total Acres 60.0

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.
3. F01 WATER IS DELIVERED THROUGH THE FEEDER CANAL.
4. K01 RIGHT NO. 29-13482 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
5. E56 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.
6. E52 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.
7. F05 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/22/2015

Dates and Other Information

Decreed Date: 8/20/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 29
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.200		59.0
29-90A ,29-13248 ,29-10248 ,29-91A ,29-92A ,29-93A ,29-13482		

SubCase:

N/A

Water Supply Bank:

N/A

10/22/2015

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Dates and Other Information

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 29
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.200		59.0
29-90A ,29-13248 ,29-10248 ,29-91A ,29-92A ,29-93A ,29-13482		

SubCase:

N/A

Water Supply Bank:

N/A

10/22/2015

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10/22/2015

7. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
8. C18 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.

Dates and Other Information

Decreed Date: 3/22/2004

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: OR

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.200		59.0
29-90A ,29-13248 ,29-10248 ,29-91A ,29-92A ,29-93A ,29-13482		

SubCase:

N/A

Water Supply Bank:

N/A

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

10/22/2015

Water Right 29-10248

Owner Type **Name and Address**
Current Owner WAYNE C PERKINS
13825 N 7TH ST STE M
PHOENIX, AZ 85022
(602)993-0940

Priority Date: 7/1/1906

Basis: Decreed

Status: Active

Source
TOPONCE CREEK

Tributary
PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	9/15	0.070 CFS	
	<u>Total Diversion</u>		0.070 CFS	

Source and Point(s) of Diversion

TOPONCE CREEK SWSESE Sec. 33, Twp 06S, Rge 38E, CARIBOU County

Place Of Use

IRRIGATION within CARIBOU County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	38E	26									20.0			40.0					60.0

POU Total Acres 60.0

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. E52 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.
3. E56 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.
4. F05 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.
5. F01 WATER IS DELIVERED THROUGH THE FEEDER CANAL.
6. K01 RIGHT NO. 29-13482 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
7. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-88.
8. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES
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Dates and Other Information

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 29
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.200		59.0
29-90A ,29-13248 ,29-10248 ,29-91A ,29-92A ,29-93A ,29-13482		

SubCase:

N/A

Water Supply Bank:

N/A

10/22/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WAYNE C PERKINS 13825 N 7TH ST STE M PHOENIX, AZ 85022 (602)993-0940

Status: Active

Tributary
PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	09/15	0.110 CFS	
	Total Diversion		0.110 CFS	

TOPONCE CREEK SWSSESE Sec. 33, Twp 06S, Rge 38E, CARIBOU County

IRRIGATION within CARIBOU County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	38E	26									20.0			40.0					60.0

POU Total Acres: 60.0

1.	E56	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.
2.	F05	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.
3.	K01	RIGHT NO. 29-13482 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
4.	C18	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.
5.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6.	E52	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.
7.	S35	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.

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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.

8. F01 WATER IS DELIVERED THROUGH THE FEEDER CANAL.
9. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-89.

Dates and Other Information

Decreed Date: 3/22/2004

Civil Case Number: 39576

Judicial District: FIFTH

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.200		59.0
29-90A ,29-13248 ,29-10248 ,29-91A ,29-92A ,29-93A ,29-13482		

SubCase:

N/A

Water Supply Bank:

N/A

10/22/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WAYNE C PERKINS 13825 N 7TH ST STE M PHOENIX, AZ 85022 (602)993-0940

Status: Active

Tributary
PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	09/15	1.200 CFS	
	Total Diversion		1.200 CFS	

TOPONCE CREEK SWSESE Sec. 33, Twp 06S, Rge 38E, CARIBOU County

IRRIGATION within CARIBOU County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	38E	26									20.0			40.0					60.0

POU Total Acres: 60.0

1.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2.	K09	THIS RIGHT IS FOR AN ENLARGEMENT OF 9 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
3.	C11	THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
4.	E56	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.
5.	F01	WATER IS DELIVERED THROUGH THE FEEDER CANAL.
6.	F05	RIGHT NOS. 29-10248, 29-13248, 29-90A, 29-91A, 29-92A, 29-93A & 29-13482 ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
7.	C18	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

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- 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.
8. E52 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.
9. K02 THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 29-90A, 29-91A, 29-92A, 29-93A, 29-10248 & 29-13248 PURSUANT TO SECTION 42-1426, IDAHO CODE.

Dates and Other Information

Decreed Date: 3/30/2004

Enlargement Statute Priority Date: 4/12/1994

Civil Case Number: 39576

Judicial District: FIFTH

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.200		59.0
29-90A ,29-13248 ,29-10248 ,29-91A ,29-92A ,29-93A ,29-13482		

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED
MAY 14 2015

Department of Water Resources

An application for transfer must be prepared in accordance with the minimum requirements listed below to be accepted for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Wayne Perkins

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 14 2015

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Wayne Perkins Phone 602-993-0940
Mailing address 13825 North 7th Street, Suite M, Phoenix, Arizona 85022 Email wayne@perkinsent.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Thomas J. Budge Phone 208-232-6101
Mailing address P. O. Box 1391, Pocatello, Idaho 83204-1391 Email tjb@racinelaw.net

- ☒ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

 Thomas J. Budge 5-11-15
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

A 40-acre portion of water rights 29-90A, 29-91A, 29-92A, 29-93A, 29-10248, and 29-13248 will be transferred to nearby property owned by Applicant.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	29-90A	.2	irrigation	4/15 to 9/15	Toponce Ck/Portneuf River
☐ ☒	29-91A	.32	irrigation	4/15 to 9/15	Toponce Ck/Portneuf River
☐ ☒	29-92A	.097	irrigation	4/15 to 9/15	Toponce Ck/Portneuf River
☐ ☒	29-93A	.063	irrigation	4/15 to 9/15	Toponce Ck/Portneuf River
☐ ☒	29-10248	.047	irrigation	4/15 to 9/15	Toponce Ck/Portneuf River
☐ ☒	29-13248	.073	irrigation	4/15 to 9/15	Toponce Ck/Portneuf River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.2 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed .8 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	38E	26							10.5	29.5									40
Total Acres (for irrigation use)																			40

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-90A

Current Owner: WAYNE C PERKINS
Priority Date: 7/1/1908
Origin: Water Right
Status: Active
Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

4/15 to 9/15

Total Diversion

Diversion Rate

0.3 CFS

0.3 CFS

Annual Volume

Location of Point(s) of Diversion

TOPONCE CREEK

CARIBOU County

SW1/4SE1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26

NESW

20.00

T06S R38E S26

SESW

40.00

Total Acres: 60

Conditions of Approval:

1. F05 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.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 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.
4. K01 RIGHT NO. 29-13482 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
5. F01 WATER IS DELIVERED THROUGH THE FEEDER CANAL.
6. E56 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.
7. E52 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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-91A

Current Owner: WAYNE C PERKINS

Priority Date: 7/1/1909

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

4/15 to 9/15

Total Diversion

Diversion Rate

0.48 CFS

0.48 CFS

Annual Volume

Location of Point(s) of Diversion

TOPONCE CREEK

CARIBOU County

SW1/4SE1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26

NESW

20.00

T06S R38E S26

SESW

40.00

Total Acres: 60

Conditions of Approval:

1. C18 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.
2. F05 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.
3. F01 WATER IS DELIVERED THROUGH THE FEEDER CANAL.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. E52 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.
6. E56 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.
7. K01 RIGHT NO. 29-13482 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

80135

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-92A

Current Owner: WAYNE C PERKINS

Priority Date: 7/1/1910

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

4/15 to 9/15

Total Diversion

Diversion Rate

0.145 CFS

0.145 CFS

Annual Volume

Location of Point(s) of Diversion

TOPONCE CREEK

CARIBOU County

SW1/4SE1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26

NESW

20.00

T06S R38E S26

SESW

40.00

Total Acres: 60

Conditions of Approval:

1. K01 RIGHT NO. 29-13482 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
2. F01 WATER IS DELIVERED THROUGH THE FEEDER CANAL.
3. C18 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.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. E52 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.
6. E56 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.
7. F05 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.

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-93A

Current Owner: WAYNE C PERKINS

Priority Date: 7/1/1913

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 09/15

Total Diversion

Diversion Rate

0.095 CFS

0.095 CFS

Annual Volume

Location of Point(s) of Diversion

TOPONCE CREEK

CARIBOU County

SW1/4SE1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26

NESW

20.00

T06S R38E S26

SESW

40.00

Total Acres: 60

80135

Page _____ of _____

Conditions of Approval:

1. S35 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.
2. K01 RIGHT NO. 29-13482 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
3. E52 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.
4. F01 WATER IS DELIVERED THROUGH THE FEEDER CANAL.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. E56 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.
7. C18 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.
8. F05 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.

Decreed Date: 3/22/2004

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-10248

Current Owner: WAYNE C PERKINS

Priority Date: 7/1/1906

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

4/15 to 9/15

Diversion Rate

0.07 CFS

Annual Volume

Total Diversion

0.07 CFS

Location of Point(s) of Diversion

TOPONCE CREEK

SW1/4SE1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26

NESW

20.00

T06S R38E S26

SESW

40.00

Total Acres: 60

Conditions of Approval:

1. E52 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.
2. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-88.
3. F05 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.
4. K01 RIGHT NO. 29-13482 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
5. E56 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.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. C18 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.
8. F01 WATER IS DELIVERED THROUGH THE FEEDER CANAL.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-13248

Current Owner: WAYNE C PERKINS

Priority Date: 7/1/1907

Origin: Water Right

Status: Active

Basis: Decreed

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 09/15

Diversion Rate

0.11 CFS

Annual Volume

Total Diversion

0.11 CFS

Location of Point(s) of Diversion

TOPONCE CREEK

CARIBOU County

SW1/4SE1/4SE1/4

Sec. 33, Twp 06S, Rge 38E B.M.

Place of Use

IRRIGATION Within CARIBOU County

T06S R38E S26

NESW

20.00

T06S R38E S26

SESW

40.00

Total Acres: 60

Page _____ of _____

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. E52 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.
3. S35 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.
4. C18 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.
5. F01 WATER IS DELIVERED THROUGH THE FEEDER CANAL.
6. F05 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.
7. E56 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.
8. K01 RIGHT NO. 29-13482 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
9. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-89.

Decreed Date: 3/22/2004

80135

Legend

- POD
- New POU
- Current POU
- TR Lines
- Section Lines
- Quarter Quarters



80135

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 1 day of may, 2015.


Wayne Perkins
13825 North 7th Street, Suite M
Phoenix, Arizona 85022

STATE OF ARIZONA)
County of Maricopa) ss

On this 1 day of MAY, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared WAYNE PERKINS, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that he executed the same.



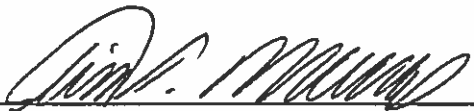

NOTARY PUBLIC FOR ARIZONA
Commission expires: 2-14-2016

QUITCLAIM DEED

FOR VALUE RECEIVED, KING CREEK GRAZING ASSOCIATION, INC., (hereinafter "Grantor"), whose address is P. O. Box 670, Snowville, Utah 84336, does hereby quit claim unto WAYNE PERKINS (hereinafter "Grantee"), whose address is 13825 North 7th Street, Suite M, Phoenix, Arizona 85022, any and all interest in Water Right Nos. 29-90A, 29-13248, 29-10248, 29-91A, 29-92A and 29-93A.

DATED this 1st day of MAY, 2015.

KING CREEK GRAZING ASSOCIATION, INC.

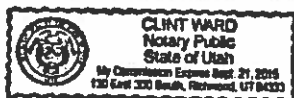
By: 

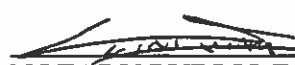
STATE OF UTAH)
 : ss
County of Box Elder)

On this 1st day of MAY, 2015, before me the undersigned Notary Public in and for said State, personally appeared TIM T. MANN known or identified to me to be the person whose names is subscribed to the within instrument and acknowledged to me that he subscribed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

(SEAL)




NOTARY PUBLIC FOR UTAH
Residing at: 130 E. 300 S. RICHMOND, UT 84333
My Commission expires: SEPT 21, 2015

[Handwritten signature]
L.P.

Instrument # 192325

CARIBOU COUNTY

9-23-2013 11:31:27 No. of Pages: 2

Recorded for : CARIBOU TITLE

VEDA MASCARENAS

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 13.00

[Handwritten signature]

WARRANTY DEED

GRANTOR: King Creek Grazing Association, Inc.
c/o Tim Munns, President
P.O. Box 670
Snowville, Utah 84336

GRANTEE: Wayne and LaPreal Perkins
850 Kelly Toponce Road
Bancroft, Idaho 83217

For value received, Grantor hereby grants, and warrants unto Grantee, its entire right, title, and interest in and to the following described real property (the "Property"):

A tract of land in the Northwest Quarter of Section 26, Township 6 South, Range 38 East, Boise Meridian, Caribou County, Idaho, described as follows:

Beginning at the center of said Section 26, and running
Thence West 2640 feet;
Thence North 1440 feet;
Thence East 2150 feet, more or less, to the Westerly bank of the Portneuf Marsh
Valley Feeder Canal;
Thence Northeasterly along the said canal bank 450 feet, more or less, to the East
line of the NW1/4 of the said Section 26;
Thence South 1750 feet, more or less,
To the Point of Beginning.

Together with all fixtures, improvements, water rights and other appurtenances thereto.

Grantor covenants that it is the owner in fee simple of the Property, and that the Property is free and clear of any mortgages, liens, or other encumbrances except: (a) those of record in the real property records of Caribou County, Idaho; (b) current taxes, ordinances, and federal and state rights and reservations, including, without limitation, patents, oil, gas, and minerals; (c) conflicts in boundary lines, shortage in area, encroachments, or any other fact that a correct survey would disclose; (d) easements or claims of easement not shown by the public records; (e) use restrictions and building and zoning regulations and ordinances of any governmental unit. Subject to the foregoing exceptions, Grantor will warrant and defend the Property against any and all lawful claims whatsoever.

RESERVING unto party of the First Part, any Oil, Gas, Mineral Rights and Geothermal Rights.

GRANTOR: King Creek Grazing Association, Inc.

By:

TIM MUNNS, President

Date _____

Sept. 23 2013

Attest:

STEVE WELLING, Secretary

Date _____

9/23/13

ACKNOWLEDGEMENT

STATE OF IDAHO)
) ss
County of Caribou)
)
) 23rd

On this 1 day of September, 2013, before me the undersigned Notary Public in and for said State, personally appeared **Tim Munns and Steve Welling**, known or proved to me by satisfactory evidence to be the President and Secretary, respectively, of King Creek Grazing Association, Inc., and the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that said corporation executed the same.

KENA ANN MOORE
NOTARY PUBLIC
(SEAL)
STATE OF IDAHO

NOTARY PUBLIC FOR THE STATE OF IDAHO
My Commission expires: 8/15/15