

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79006

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable 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 an Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) Marshal Todd and Norma PerkesCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

RECEIVED

DEC 13 2013

Department of Water Resources
Eastern RegionYes 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 #1-9

- ☐ ☒ #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 transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 <http://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.
- ☐ ☒ #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 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

79006

Name of Applicant(s) Marshal Todd and Norma Perkes Phone: _____

Mailing Address: 2790 N 3325 W, Moore, Idaho 83255 Email: _____

- ☐ 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 Robert L. Harris Phone: (208) 523-0620

Mailing Address: P.O. Box 50130, Idaho Falls, ID 83405 Email: rharris@holdenlegal.com

- ☐ Send all correspondence for this application to the representative and not 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 of Applicant or Authorized Representative

Robert L. Harris, Attorney December 13, 2013
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**. This transfer is intended to cure an oversight in the SRBA where there was a failure to include a well in the same quarter-quarter section as one of the listed wells because the applicant thought listing the well once in the same quarter-quarter covered both wells. Also, this transfer will rearrange the place of use based on current irrigated acres and stack the ground water rights and surface water in order to correlate with current irrigation practices and the commingling of these sources into a single system. The listed place of use will be a permissible place of use.

79006

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or part					
☐	☐			_____ to _____	_____
☐	☐			_____ to _____	_____
☐	☐			_____ to _____	_____
☐	☐	SEE SPREADSHEET ON NEXT PAGE		_____ to _____	_____
☐	☐			_____ to _____	_____
☐	☐			_____ to _____	_____
☐	☐			_____ to _____	_____
☐	☐			_____ to _____	_____

Total authorized under rights: _____ cfs and/or _____ ac-ft.

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

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**.

[illegible]

4. Place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

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

[illegible]

Total Acres (for irrigation use) 620 (PPU)

Marshal Todd Perkes Water Rights

WATER RIGHTS BEFORE TRANSFER

Water Right No.	Name on Water Right	Basis	Priority Date	Source	Beneficial Use	Individual Diversion Rate Limitation (cfs)	Combined Diversion Rate Limitation (cfs)	Individual Volume Limitation (AFA)	Combined Volume Limitation (AFA)	Individual Acre Limitation	Total Permissible Place of Use	Point of Diversion	Notes
34-7035A	Marshal Todd Perkes	Partial Decree	May 12, 1973	Ground water	Irrigation	0.64	4.95	166.3	920.5	47.5	561	NESENW, Sec. 5, 4N, 26E NENWNW, Sec. 8, 4N, 26E	
34-7122A			January 15, 1976			4.31		754.3		215.5			
34-7096A			January 31, 1975	Ground water		1.84	5	322	878.5	92		NESWSE, Sec. 8, 4N, 26E NWSENW, Sec. 17, 4N, 26E	
34-7097A			January 31, 1975			1.58		276.5		79			
34-7223			April 16, 1979			1.58		280		80			
					GROUND WATER TOTALS	9.95	9.95	1799.1	1799	514	561		
34-622A	Marshal Todd and Norma Perkes	Partial Decree	June 1, 1896	Big Lost River	Irrigation	1.57	None	None	None	80	80	NWSESE, Sec. 4, 5N, 26E	
					OVERALL TOTALS	11.52				594	641		

WATER RIGHTS AFTER TRANSFER

34-7035A	Marshal Todd Perkes	Partial Decree	May 12, 1973	Ground water	Irrigation	0.64	4.95	166.3	920.5	47.5	620	#1: NESENW, Sec. 5, 4N, 26E #2: NENWNW, Sec. 8, 4N, 26E #3: NESWSE, Sec. 8, 4N, 26E #4: NWSENW, Sec. 17, 4N, 26E #5: SESENW, Sec. 5, 4N, 26E (#5 is being added to all Water Rights)	Well #5 was originally drilled and developed by Perkes under Water Right No. 34-7080A. This water right was sold to Juel Alkele, and is now currently owned by Standlee Hay Company. 34-7080A is still authorized to divert from Well #5. However, the well developed under 34-7080A is still owned by Perkes, and its non-inclusion in Perkes' water right SRBA partial decrees was an oversight that has recently come to light. Perkes thought that by listing a 1/41/4 section once, it would cover two wells in the same quarter section, but this is not current IDWR policy. The transfer also proposes to stack Perkes' water rights to provide flexibility in the management of his water supplies by allowing his water rights to be diverted from all of his currently-owned wells.
34-7122A			January 15, 1976			4.31		754.3		215.5			
34-7096A			January 31, 1975	Ground water		1.84	322	92					
4-7097A			January 31, 1975			1.58	276.5	79					
34-7223			April 16, 1979			1.58	280	80					
					GROUND WATER TOTALS	9.95	9.95	1799.1	1799	514			
34-622A	Marshal Todd and Norma Perkes	Partial Decree	June 1, 1896	Big Lost River	Irrigation	1.57	None	None	None	80		NWSESE, Sec. 4, 5N, 26E	
					OVERALL TOTALS	11.52				594	620		

PLACE OF USE DESCRIPTION AFTER PROPOSED CHANGES

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	25E	25	4		35.4	38	33.2	32.5	33.2	38.1	37.2	33.9	34.3	33.1	31.3	36.7	35.1	32.2	488.2
3N	25E	1	32.9	33.6	34.3	31													131.8
															TOTAL				620 PPU

90062

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. Well and pumps into Timberdome Canal Company system. Wells are currently under order to have measuring devices from IDWR, and measuring devices already exist or plans have been submitted to have them installed.

b. Who owns the property at the point(s) of diversion? For ground water rights, the wells already exist and are on properties owned by Applicant and others. Surface water right is delivered through the Moore Canal

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

For those ground water wells on land owned by others, right to use them exist by agreements and approved IDWR exchange agreements. For the Moore Canal, the applicant has a transport agreement with the Big Lost River Irrigation District.

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes. 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: Real Estate Mortgage held by Farm Bureau Finance Company.

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 or legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: The place of use will be rearranged slightly to reflect current irrigation practices and correlate to how water is actually used on the property because surface and ground water are commingled in the Timberdome system. The ground water rights already had a 561 acre permissible place of use, but now, combined with the surface water right, will have a 620 acre permissible place of use.

e. 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) of use: None. All of the Applicant's irrigation water rights on this property are subject to this transfer.

f. 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: _____

**Attachment No. 2a
Water Right Ownership
Documentation**

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/4/2013

WATER RIGHT NO. 34-7035A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARSHAL TODD PERKES 2790 N 3325 W MOORE, ID 83255 (208)527-3157
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O ROBERT L HARRIS PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	RODNEY A PEARSON 3434 W 2900 N MOORE, ID 83255 (208)527-3360
Original Owner	JUEL AIKELE
Original Owner	MICHAEL AIKELE 3871 W 2500 N MOORE, ID 83255 (208)527-3197
Original Owner	TIMBERLINE BEEF INC RT 1 BOX 638 MOORE, ID 83255

Priority Date: 04/12/1973

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

79006

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.64 CFS	166.3 AFA
Total Diversion			0.64 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NESENW |Sec. 05|Township 04N|Range 26E|BUTTE County
GROUND WATER|NENWNW|Sec. 08|Township 04N|Range 26E|BUTTE County

IRRIGATION Use:

Acre Limit: 47.5

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	25E	1		NENE	33		NWNE	33		SWNE	33		SENE	33
04N		25		NENW	33		NWNW	33		SWNW	33		SENW	40
				NESW	40		NWSW	33		SWSW	33		SESW	39
				NESE	33		NWSE	40		SWSE	39		SESE	33

Total Acres: 561

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
2. C18 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. R43

79006

- 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.
- 4.E60 USE OF THIS RIGHT WITH RIGHT NO. 34-07122A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.95 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 920.5 AF.
- 5.K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 47.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- 6.B09 THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 34.
- 7.F01 WATER DELIVERED THROUGH THE TIMBERDOME CANAL.

Dates:

Licensed Date:

Decreed Date: 02/15/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 920.5

Combined Rate Limit: 4.95

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

79006

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/4/2013

WATER RIGHT NO. 34-7122A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARSHAL TODD PERKES 2790 N 3325 W MOORE, ID 83255 (208)527-3157
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O ROBERT L HARRIS PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	RODNEY A PEARSON 3434 W 2900 N MOORE, ID 83255 (208)527-3360
Original Owner	JUEL AIKELE
Original Owner	MICHAEL AIKELE 3871 W 2500 N MOORE, ID 83255 (208)527-3197
Original Owner	TIMBERLINE BEEF INC RT 1 BOX 638 MOORE, ID 83255

Priority Date: 01/16/1976

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

79006

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	4.31 CFS	754.3 AFA
Total Diversion			4.31 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NESENW|Sec. 05|Township 04N|Range 26E|BUTTE County
GROUND WATER|NENWNW|Sec. 08|Township 04N|Range 26E|BUTTE County

IRRIGATION Use:
Acre Limit: 215.5

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	25E	1	1	NENE	33	2	NWNE	33		SWNE	33		SENE	33
04N		25		NENW	33		NWNW	33		SWNW	33		SENW	40
				NESW	40		NWSW	33		SWSW	33		SESW	39
				NESE	33		NWSE	40		SWSE	39		SESE	33

Total Acres: 561

Conditions of Approval:

1. R43 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.
2. E60 USE OF THIS RIGHT WITH RIGHT NO. 34-07035A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.95 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 920.5 AF.
3. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
4. F01 WATER DELIVERED THROUGH THE TIMBERDOME CANAL.

79006

5. 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.
6. B09 THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER
DISTRICT 34.
7. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 215.5 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates:

Licensed Date:

Decreed Date: 02/15/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 920.5

Combined Rate Limit: 4.95

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

79006

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/4/2013

WATER RIGHT NO. 34-7096A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARSHAL TODD PERKES 2790 N 3325 W MOORE, ID 83255 (208)527-3157
Directors Report Owner	MITCHELL D SORENSEN 3871 W 2500 N MOORE, ID 83255 (208)527-3271

Priority Date: 01/31/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.84 CFS	322 AFA
Total Diversion			1.84 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESWSE	Sec. 08	Township 04N	Range 26E	BUTTE County
GROUND WATER	NWSENW	Sec. 17	Township 04N	Range 26E	BUTTE County

79006

IRRIGATION Use:

Acre Limit: 92

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	25E	1	1	NENE	33	2	NWNE	33		SWNE	33		SENE	33
04N		25		NENW	33		NWNW	33		SWNW	33		SENW	40
				NESW	40		NWSW	33		SWSW	33		SESW	39
				NESE	33		NWSE	40		SWSE	39		SESE	33

Total Acres: 561

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. F01 WATER DELIVERED THROUGH THE TIMBERDOME CANAL.
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 92 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. B09 THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 34.
5. E61 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 878.5 AF. COMBINED RIGHT NOS.: 34-7096A, 34-7097A, 34-7223.
6. 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.
7. R43 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.

Dates:

Licensed Date:

Decreed Date: 02/15/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

79006

Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 878.5

Combined Rate Limit: 5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

79006

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/4/2013

WATER RIGHT NO. 34-7097A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARSHAL TODD PERKES 2790 N 3325 W MOORE, ID 83255 (208)527-3157
Directors Report Owner	MITCHELL D SORENSEN 3871 W 2500 N MOORE, ID 83255 (208)527-3271

Priority Date: 01/31/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.58 CFS	276.5 AFA
Total Diversion			1.58 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESWSE	Sec. 08	Township 04N	Range 26E	BUTTE County
GROUND WATER	NWSENW	Sec. 17	Township 04N	Range 26E	BUTTE County

79006

IRRIGATION Use:

Acre Limit: 79

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	25E	1	1	NENE	33	2	NWNE	33		SWNE	33		SENE	33
04N		25		NENW	33		NWNW	33		SWNW	33		SENW	40
				NESW	40		NWSW	33		SWSW	33		SESW	39
				NESE	33		NWSE	40		SWSE	39		SESE	33

Total Acres: 561

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 79 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
3. B09 THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 34.
4. F01 WATER DELIVERED THROUGH THE TIMBERDOME CANAL.
5. R43 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.
6. E61 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 878.5 AF. COMBINED RIGHT NOS.: 34-7096A, 34-7097A, 34-7223.
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.

Dates:

Licensed Date:

Decreed Date: 02/15/2002

Enlargement Use Priority Date:

79006

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 878.5

Combined Rate Limit: 5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

79006

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/4/2013

WATER RIGHT NO. 34-7223

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARSHAL TODD PERKES 2790 N 3325 W MOORE, ID 83255 (208)527-3157
Original Owner	MITCHELL D SORENSEN 3871 W 2500 N MOORE, ID 83255 (208)527-3271

Priority Date: 04/16/1979

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	1.58 CFS	280 AFA
Total Diversion			1.58 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESWSE	Sec. 08	Township 04N	Range 26E	BUTTE County
GROUND WATER	NWSENW	Sec. 17	Township 04N	Range 26E	BUTTE County

79006

IRRIGATION Use:

Acre Limit: 80

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	25E	1	1	NENE	33	2	NWNE	33		SWNE	33		SENE	33
04N		25		NENW	33		NWNW	33		SWNW	33		SENW	40
				NESW	40		NWSW	33		SWSW	33		SESW	39
				NESE	33		NWSE	40		SWSE	39		SESE	33

Total Acres: 561

Conditions of Approval:

1. F01 WATER DELIVERED THROUGH THE TIMBERDOME CANAL.
2. R43 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.
3. B09 THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 34.
4. E61 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 878.5 AF. COMBINED RIGHT NOS.: 34-7096A, 34-7097A, 34-7223.
5. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
6. 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.
7. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates:

Licensed Date:

Decreed Date: 02/15/2002

Permit Proof Due Date: 7/1/1983

Permit Proof Made Date:

79006

Permit Approved Date: 6/28/1979
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number: 34
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit:
Combined Volume Limit: 878.5
Combined Rate Limit: 5
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/7/2013

WATER RIGHT NO. 34-622A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARSHAL TODD PERKES
Current Owner	NORMA PERKES
	2790 N 3325 W
	MOORE, ID 83255
	(208)527-3157
Present Owner	GLORIA LOFTUS
Present Owner	OWEN LOFTUS
	3131 N 3350 W
	MOORE, ID 83255
	(208)554-4672
Original Owner	ROY C PEARSON
	MOORE, ID

Priority Date: 06/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	1.57 CFS	
Total Diversion			1.57 CFS	

Location of Point(s) of Diversion:

79006

BIG LOST RIVER|NWSESE|Sec. 04|Township 05N|Range 26E|BUTTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	25E	25		NENE 4			SWNE 37			SENE 38				
				SENE 1										

Total Acres: 80

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
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. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. WATER DELIVERED THROUGH MOORE CANAL TO CROSSOVER DITCH INTO TIMBERDOME CANAL.

Dates:

Licensed Date:

Decreed Date: 06/22/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

79006

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

79006

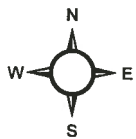
Attachment No. 5

ESPA Analysis and Mitigation Plan

ESPA ANALYSIS

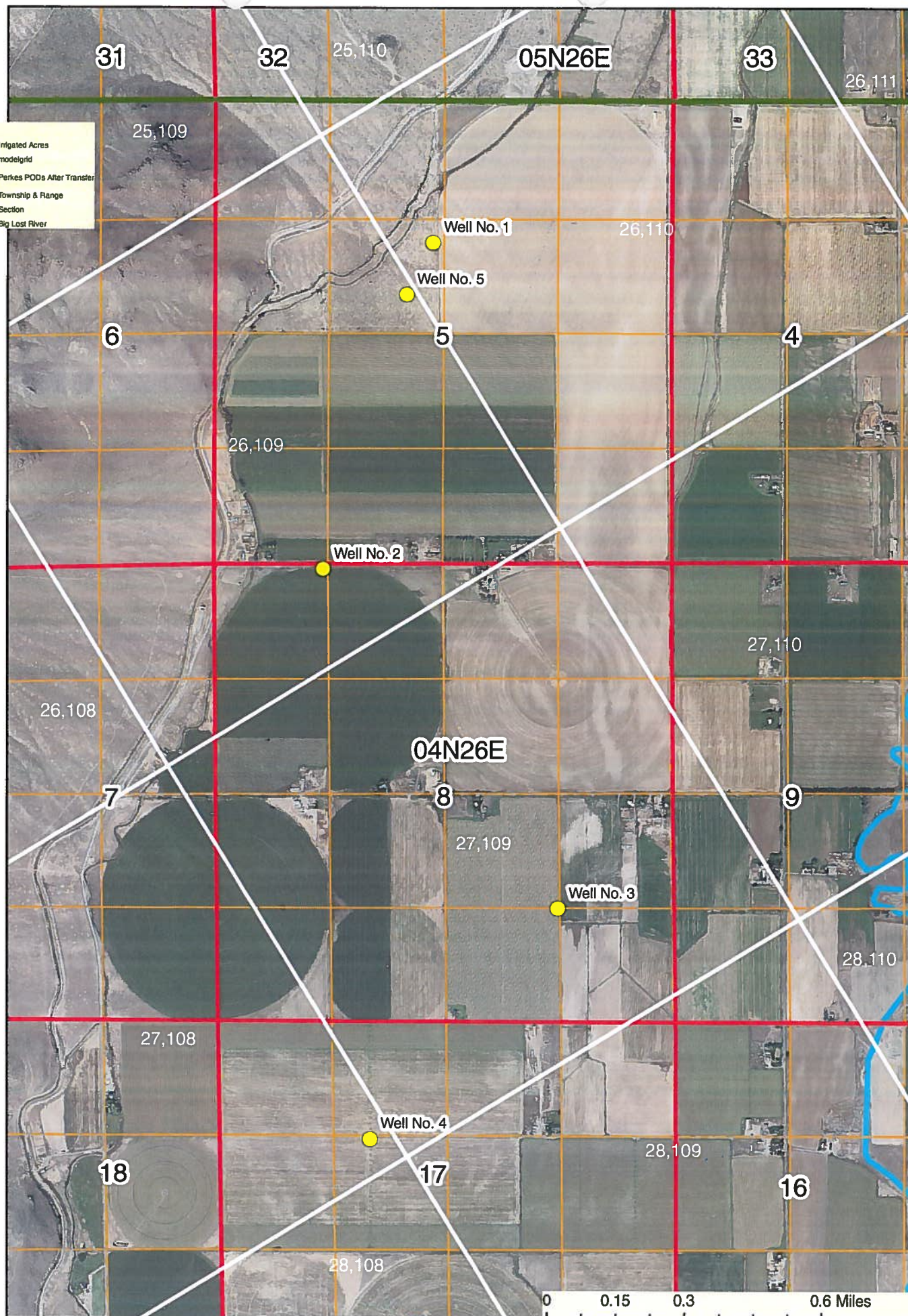
Per Transfer Memo No. 24, Part 12 is not necessary to run an ESPA analysis because the proposed point of diversion is in a model grid cell adjacent to the current points of diversion. Also, in terms of historic use, Well Nos. 3 and 4 are not used by the applicant, but are used by other users pursuant to approved exchanges with surface water. See attached exchange approvals. Therefore, the ground water rights are diverted primarily from Well Nos. 1,2, and 5.

PERKES TRANSFER



Legend

- Irrigated Acres modelgrid
- Perkes PODs After Transfer
- Township & Range Section
- Big Lost River



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR EXCHANGE OF WATER

APPROVED

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder J. Doyle Jensen & Kirby A. Jensen
Post office address Moore, Idaho
2. Right obtained by:
 - a. Decree to Joseph W. Andersen in Case of Utah Construction Co.
(Name)
vs. John Abbott et. al, Dated 10-21-1925 in U.S. District Court
(Name of Court)
Court, County of Butte & Custer. Fully describe decree No. 34-0032 A
 - b. Permit, License, or Claim No. # 24-0032 A in the records of the Department of Reclamation.
3. Source of water Big Lost River tributary to sinks
(Name of stream or source)
4. Date of Priority of Right May 20, 1884
5. Amount of water
 - a. 4.52 c.f.s. and/or
 - b. _____ acre feet/annum
6. Water is used for Irrigation from Apr. 1 to Nov. 1
(Purpose) (Month-Day) (Month-Day)
_____ from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is SW 1/4 SE 1/4 of Section 4
Township 5N, Range 26E, B.M., in Butte County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	26E	17		40	26		40	40	40	40									226

Total number of acres to be irrigated 226

DESCRIBE RIGHT TO EXCHANGE WATER BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

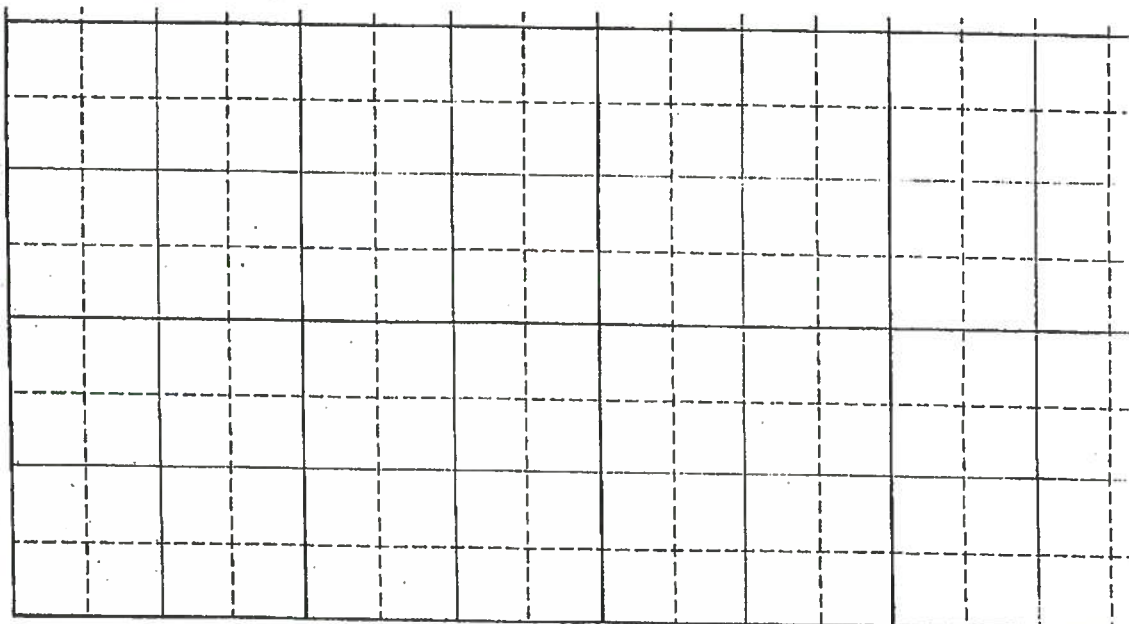
9. Name of Right Holder Boyd Burnett
 Post office address Moore, Idaho
10. Source of water ground water tributary to _____
 (Name of stream or source)
11. Name of canal or ditch _____
12. Amount of water a. 4.52 c.f.s. and/or
 b. _____ acre feet/annum
13. Right obtained by:
 a. Decree to _____ in Case of _____
 (Name)
 vs. _____, Dated _____ in _____
 (Name of Court)
 Court, County of _____. Fully describe decree (if known) _____

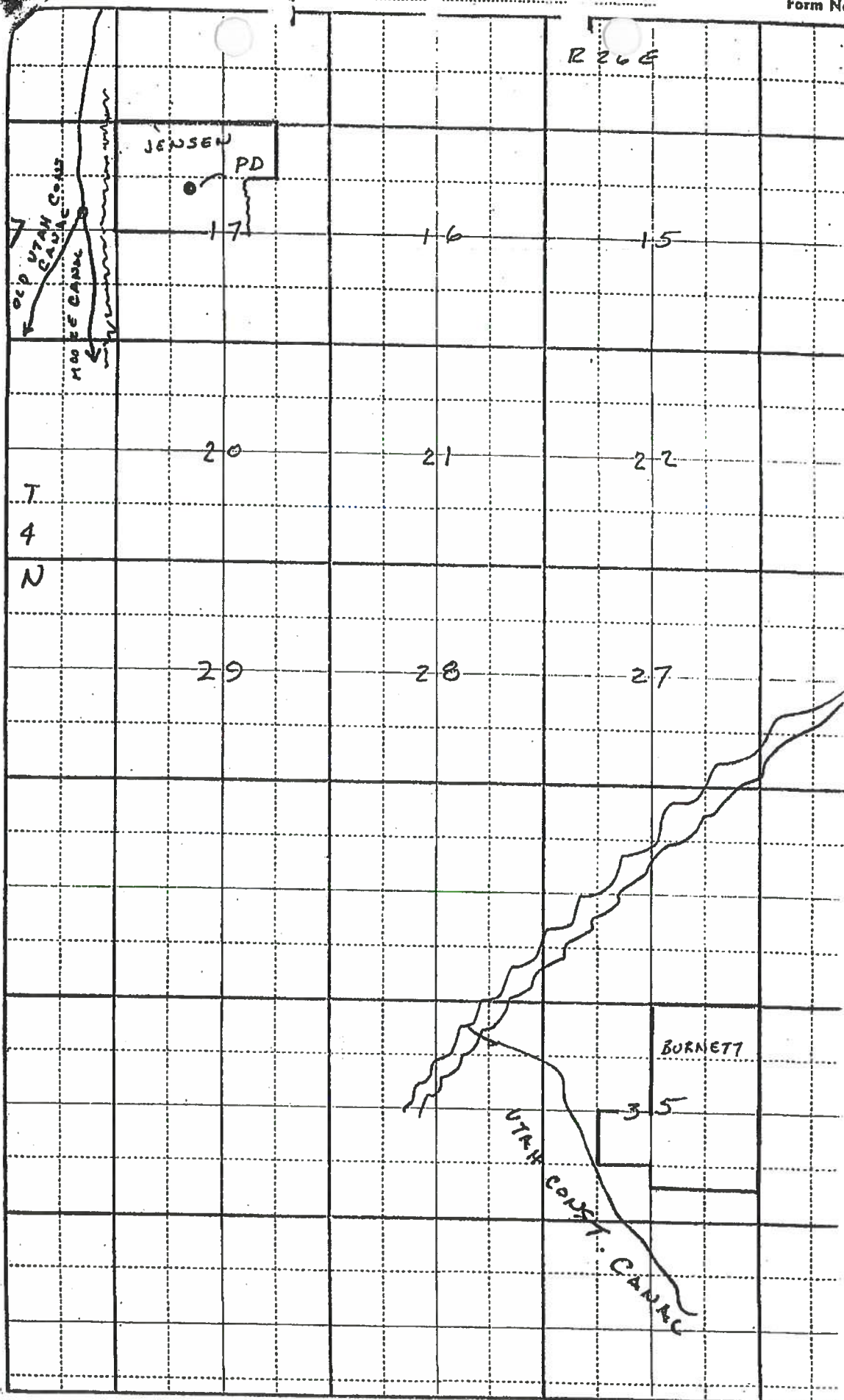
- b. Permit, ~~License~~ ~~XXXXXX~~ No. 34-7096 in the records of the Department of
34-7097 Reclamation.

EXCHANGE

14. 4.52 c.f.s and/or _____ acre feet per annum of water diverted at the
 point described in line 7 and will be delivered into Old Utah Const. Canal at a point in
SE 1/4 NE 1/4 of Section 7, Township 4N, Range 26E, B.M.
 in Butte County; Additional points, if any _____
15. In lieu thereof 4.52 c.f.s. and/or _____ acre feet per annum will be diverted
 from ground water at a point within the SE 1/4 NW 1/4 of Section 17
 Township 4N, Range 26E, B.M., in Butte County.
16. Explanation Boyd B. Burnett will drill a well on Jensen's property for the
irrigation of their lands in exchange for decreed water from Lost River.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.





SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 29th day of MARCH, 1976.

[Signature]
(Notary Public)

My commission expires 2/14/78

ACTION OF THE STATE RECLAMATION ENGINEER

I have examined Application for Exchange of Water No. _____ and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____, 19____.

State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Received by _____ Date _____ Publication prepared by _____

Date _____ Published in _____ Dates _____

Affidavit of Publication received _____ Publication approved by _____

Republished Dates _____

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed _____ Agreement received _____

Hearings held at _____ Date _____

Recommended for approval denial by _____

(Title)

The Utah Construction Co.,
 vs.
 John Abbott, et al

SOURCE Dist. Court with a Transcript PAGE 1
 WATER DIST. 34 COUNTY Butte & Custer
 JUDICIAL DIST. U.S. Dist. Court JUDGE Frank S. Dietrich
 DATE OF DEGREE Oct. 21, 1925 RECORDED
 IN BOOK NO. 5 AT PAGE NO. 104 FILE NO. 27-

2006

Exchange No. 2354

APPROVED:

1. Name of Right Holder J. Doyle Jensen
Post office address Moore, Idaho 83255

2. Right obtained by: David S. and
a. Decree to Sylvanus Boyack in Case of Utah Construction Company
(Name)
vs. Abbott and Others, Dated 5-15-1925 in U.S. District
(Name of Court)
Court, County of Butte & Custer. Fully describe decree

b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

3. Source of water Big Lost River tributary to sinks
(Name of stream or source)

4. Date of Priority of Right 5-20-1884

5. Amount of water a. 1.60 cfs c.f.s. and/or
b. _____ acre feet/annum

6. Water is used for Irrigation from 4-1 to 11-1
(Purpose) (Month-Day) (Month-Day)
 from to
(Purpose) (Month-Day) (Month-Day)

7. Location of point of diversion is 1/4 SE 1/4 of Section 4,
Township 5N, Range 26E, B. M., in Butte County;
Additional points of diversion, if any

8. Lands irrigated or place of use:

[illegible]

Total number of acres to be irrigated 80

79006

DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

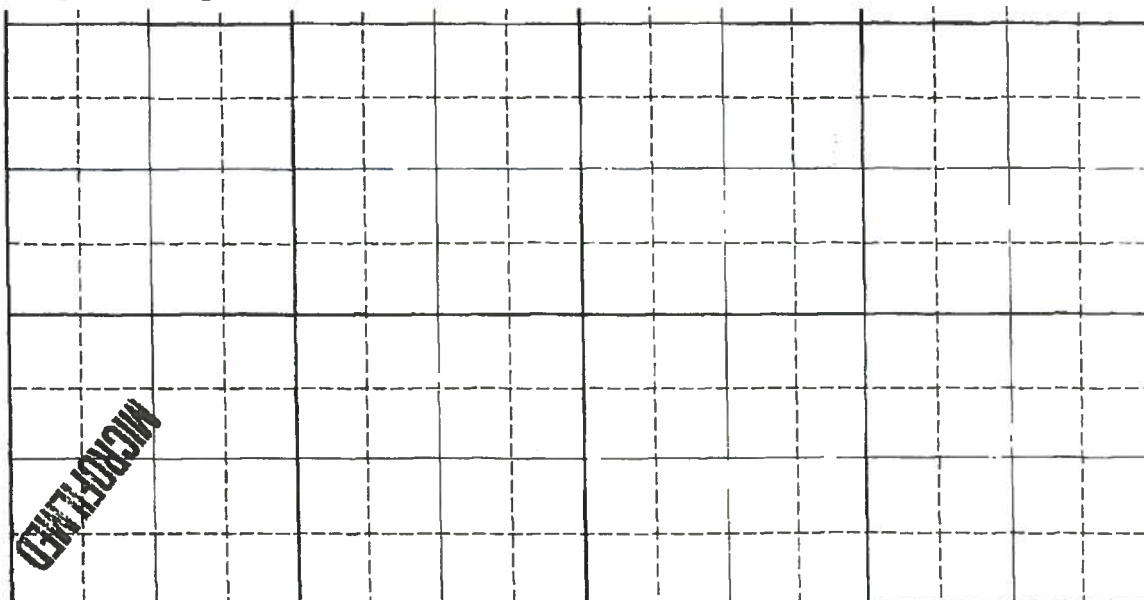
9. Name of Right Holder Mitchell D. Sorensen
Post office address Moore, Idaho 83255
10. Source of water groundwater tributary to _____
(Name of stream or source)
11. Name of canal or ditch _____
12. Amount of water a. 1.60 c.f.s. and/or
b. _____ acre feet/annum
13. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____. Fully describe decree (if known) _____

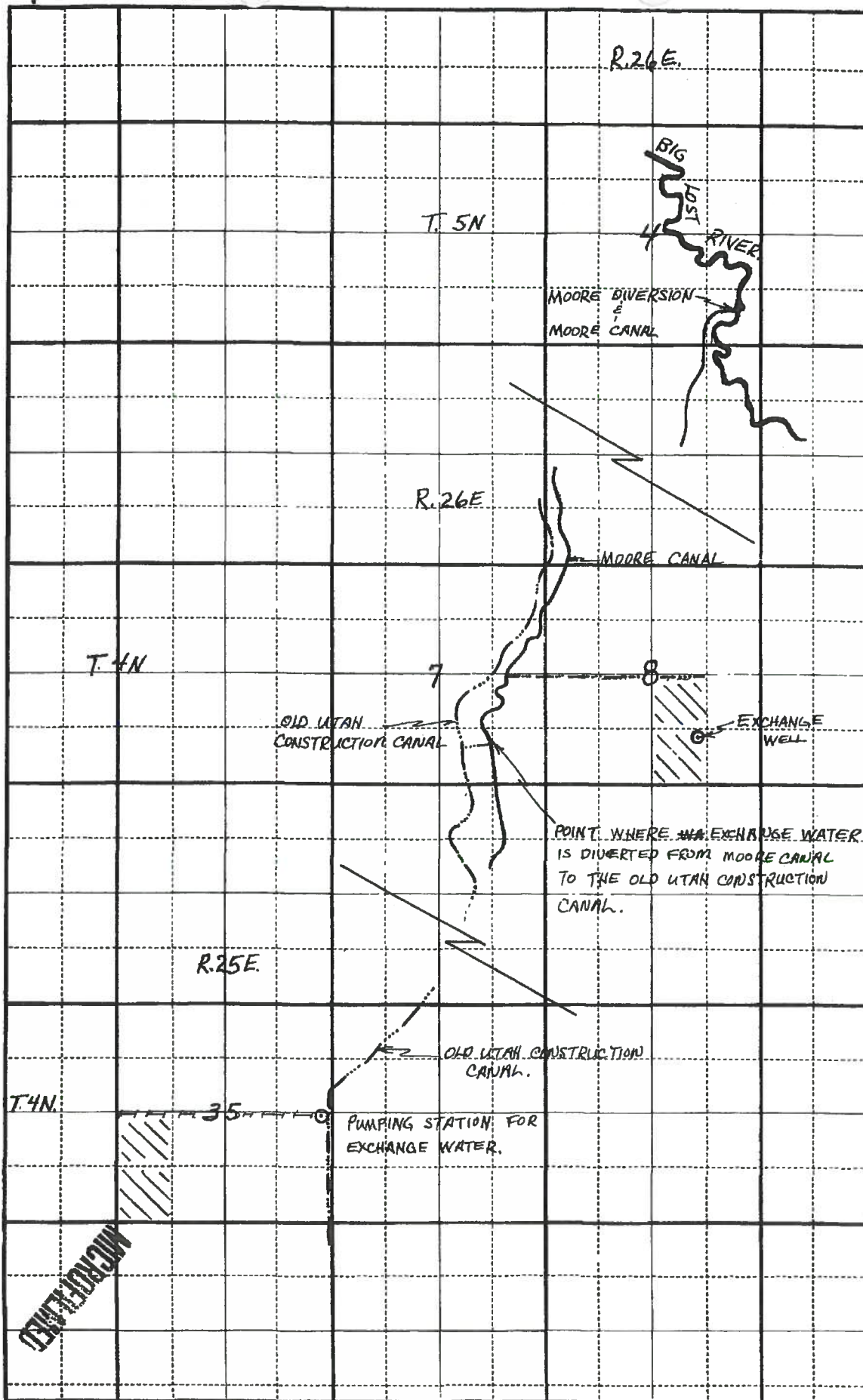
b. Permit, License, or Claim No. 34-7223 in the records of the Department of Reclamation.

EXCHANGE

14. 1.60 c.f.s and/or _____ acre feet per annum of water diverted at the point described in line 7 and will be delivered into Moore Canal at a point in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 5N, Range 26E, B.M., in Butte County; Additional points, if any _____
15. In lieu thereof 1.60 c.f.s. and/or _____ acre feet per annum will be diverted from a ground-water source at a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 4N, Range 26E, B.M., in Butte County.
16. Explanation Mitchell D. Sorensen will drill a well on Sorensen's property for the irrigation of his lands in exchange for decree water from Big Lost River.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.





SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

79006

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Michael J. Green
(Signature of Applicant)

Subscribed and sworn to before me this 30th day of March, 19 79.

William A. Carlson
(Notary Public)

My commission expires Life term
Board 11/2/79

Director, Dept of Water Resources
ACTION OF THE STATE RECLAMATION ENGINEER

I have examined Application for Exchange of Water No. 2354 and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions: _____

(1) A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. (2) Use of water under this permit is subject to control by the watermaster of State Water District #34, Big Lost River.

2. Denial of said application is for the following reasons: _____

Witness my hand this 8th day of August, 19 80.

A. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by dh Date 8-27-79 Time 3:00 p.m. Preliminary check by _____

Fee \$ 35.00 Received by dh #13682 Date 8-27-79 Publication prepared by dh

Date 9/28/79 Published in Arco Advertiser Dates 10/4 & 10/11/79

Affidavit of Publication received 11-15-79 Publication approved by [initials]

Republished Dates _____

Protests Filed By: _____

Copies
Forwarded

Protestant	Address	Date Filed	by	Date	Action Taken
N. K. Sowards	3406 Buckskin Road, Coeur d'Alene, Id	10/19	cw	10/23/79	withdrawn
W. T. Sowards	Rt. #1, Moore, ID	10/19	cw	10/23/79	"

Agreement needed _____ Agreement received _____

Hearings held at 7/23/78, 11/20/78 Date _____

Recommended for approval denial by EMC
(Title)

79006

Attachment No. 6

Lien Holder Authorization

REAL ESTATE MORTGAGE

For Value Received, **Marshall Todd Perkes and Norma L. Perkes, husband and wife**
2790 N 8325 W
Moore ID 83255
 the mortgagees, do hereby grant, bargain sell and convey unto
Farm Bureau Finance Company
PO Box 4848 Pocatello, Idaho 83205
 the mortgagee, the following described premises, in Butte County, Idaho, to-wit:
 See attached "Exhibit A"

NO. **0047788****RECORDED****JUN 08 2010**

10:21 A.M.
SOUTH COUNTY RECORDERS
John J. [Signature]

To Have And To Hold the said premises, with their appurtenances, unto said mortgagee, its heirs and assigns forever.

This conveyance is intended as a mortgage to secure the payment of the sum of [REDACTED]

with interest, in accordance with the terms of a promissory note of even date herewith, payable to the order of the mortgagee, with final payment due Dec. 30, 2010 and providing for acceleration of the due date of the principal for default in the payment of interest or any installment of principal, and providing for a reasonable attorney's fee in case of suit or action.

The mortgagee covenants and agrees with, the mortgagee as follows: That they are the owners in fee simple of the above described premises and that they are free from all encumbrances.

That they will pay the indebtedness hereby secured promptly, according to the terms of said promissory note. That they will pay all taxes, liens and assessments of any nature hereafter levied or imposed, or becoming payable, upon said premises not later than the twentieth day before delinquency. That they will keep the buildings on said premises insured against loss or damage, by some insurance company acceptable to the mortgagee with loss, if any, payable to the mortgagee. If interest may appear, in the sum of at least \$81,171.30, and deliver such policy or policies of insurance to the mortgagee, until the sums secured by this mortgage are fully paid with interest. The mortgagee may from time to time and whenever it so desires, cause an abstract of title to be continued to the then date or procure a title report from a reputable title company and the mortgagee agrees to pay the cost thereof upon demand.

If the mortgagee shall fail to pay any such tax or lien, abstract or title report charge, or fail to maintain such insurance, the mortgagee may pay the same or procure said insurance, abstract continuation or title report and pay the cost thereof, and all payments by the mortgagee for any such purpose shall be added to the indebtedness hereby secured, and shall be repayable on demand, with interest at the rate of 9.00 per cent per annum until paid.

For the purpose of further securing said indebtedness and performance of the covenants herein contained, the mortgagee hereby sells and assigns to the mortgagee any and all rentals accruing, or to accrue on said premises, during the life of this mortgage.

Now, if the said mortgagee shall pay or cause to be paid all monies which may become due upon said promissory note and shall otherwise comply with the terms and conditions hereof, this conveyance shall be void; but in case default shall be made in the payment of the indebtedness hereby secured, or any part thereof, principal or interest, or in any of the covenants or agreements herein contained, then the mortgagee, its heirs or assigns, at its option, may declare the entire indebtedness hereby secured immediately due and payable, and foreclose this mortgage and cause said mortgaged premises to be sold in the manner provided by law, and out of the monies arising from such sale retain principal and interest together with any sums advanced as provided herein, with interest as aforesaid, together with the cost and charges of such foreclosure sale and sale, including such sum as the court may adjudge reasonable as attorney fees to be allowed the plaintiff, and the surplus, if any there be, pay over to the mortgagee, or their heirs and assigns.

Dated: June 7th, 2010

Marshall Todd Perkes
 Marshall Todd Perkes

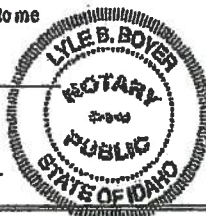
Norma L. Perkes
 Norma L. Perkes

State of Idaho, County of Butte

On this 7th day of June, 2010,
 before me, a notary public in and for said State, personally
 appeared **Marshall Todd Perkes and Norma L. Perkes**
 known to me to be the persons whose names
 subscribed to the within instrument, and acknowledge to me
 that they executed the same.

Lytle B. Boyer
 Notary Public

Residing at Arco, Idaho.
 My Commission Expires: 6-5-2015



(Seal)

EXHIBIT "A"

TRACT I:

Township 4 North, Range 25 East of the Boise Meridian, Butte County, Idaho.

Section 25: S1/2NE1/4, AND

A parcel of land generally described as being a portion of the NE1/4NE1/4 of Section 25, Township 4 North, Range 25 East of the Boise Meridian, Butte County, Idaho, being more particularly described as follows:

Commencing at the NE corner of said Section 25, (recorded Instrument No. 031145 - Butte County records), from which the East 1/4 corner of said Section 25 (recorded - Instrument No. 031143 - Butte County records), bears S. 00°23'09" W., 2633.85 feet; thence from said NE corner of said Section 25, S. 00°23'09" W., along the East boundary of the NE1/4 of said Section 25, a distance of 1316.92 feet to the SE corner of the NE1/4NE1/4 of said Section 25; thence N. 89°37'55" W., along the South boundary of the NE1/4NE1/4 of said Section 25, a distance of 246.08 feet to the POINT OF BEGINNING of this land description:

Thence along a Tangential curve concave Southerly, having a radius of 800.00 feet and a central angle of 85°45'12", a distance of 1197.34 feet (curve length) to the West boundary of the NE1/4NE1/4 of said Section 25; thence S. 00°16'17" W., along the West boundary of the NE1/4NE1/4 of said Section 25, a distance of 30.80 feet to the SW corner of the NE1/4NE1/4 of said Section 25; thence S. 89°37'55" E., along the South boundary of the NE1/4NE1/4 of said Section 25, a distance of 1088.19 feet to the POINT OF BEGINNING.

TRACT II:

Township 4 North, Range 25 East of the Boise Meridian, Butte County, Idaho.

Section 25: W1/2SE1/4

TRACT III:

Township 4 North, Range 25 East of the Boise Meridian, Butte County, Idaho.

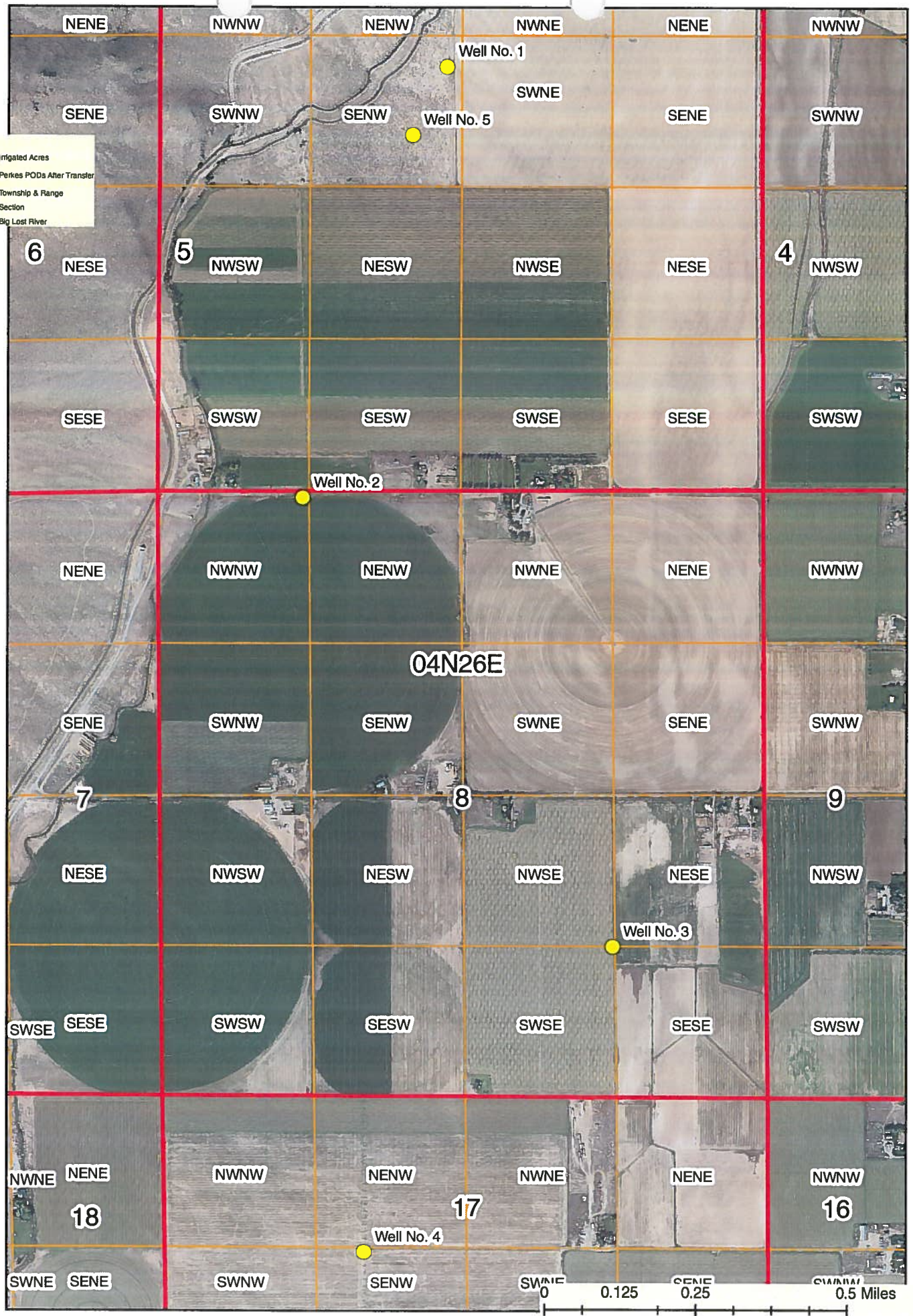
Section 25: NE1/4NE1/4, EXCEPTING the following described property:

A parcel of land generally described as being a portion of the NE1/4NE1/4 of Section 25, Township 4 North, Range 25 E.B.M., Butte County, Idaho, being more particularly described as follows:

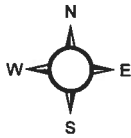
Commencing at the Northeast corner of said Section 25, (recorded under Instrument No. 031145, records of Butte County, Idaho), from which the East 1/4 corner of said Section 25 (recorded under Instrument No. 031143, records of Butte County, Idaho) bears S. 00°23'09" W., 2633.85 feet; thence from said Northwest corner of said Section 25, S. 00°23'09" W., along the East boundary of the NE1/4 of said Section 25, a distance of 1316.92 feet to the Southeast corner of the NE1/4NE1/4 of said Section 25; thence N. 89°37'55" W., along the South boundary of the NE1/4NE1/4 of said Section 25, a distance of 246.08 feet to the POINT OF BEGINNING of this land description:

Thence along a tangential curve concave Southerly, having a radius of 800.00 feet and a central angle of 85°45'12", a distance of 1197.34 feet (curve length) to the West boundary of the NE1/4NE1/4 of said Section 25; thence S. 00°16'17" W., along the West boundary of the NE1/4NE1/4 of said Section 25, a distance of 30.80 feet to the Southwest corner of the NE1/4NE1/4 of said Section 25; thence S. 89°37'55" E., along the South boundary of the NE1/4NE1/4 of said Section 25, a distance of 1088.19 feet to the POINT OF BEGINNING.

Attachment No. 7a Map - Proposed POD

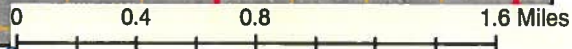
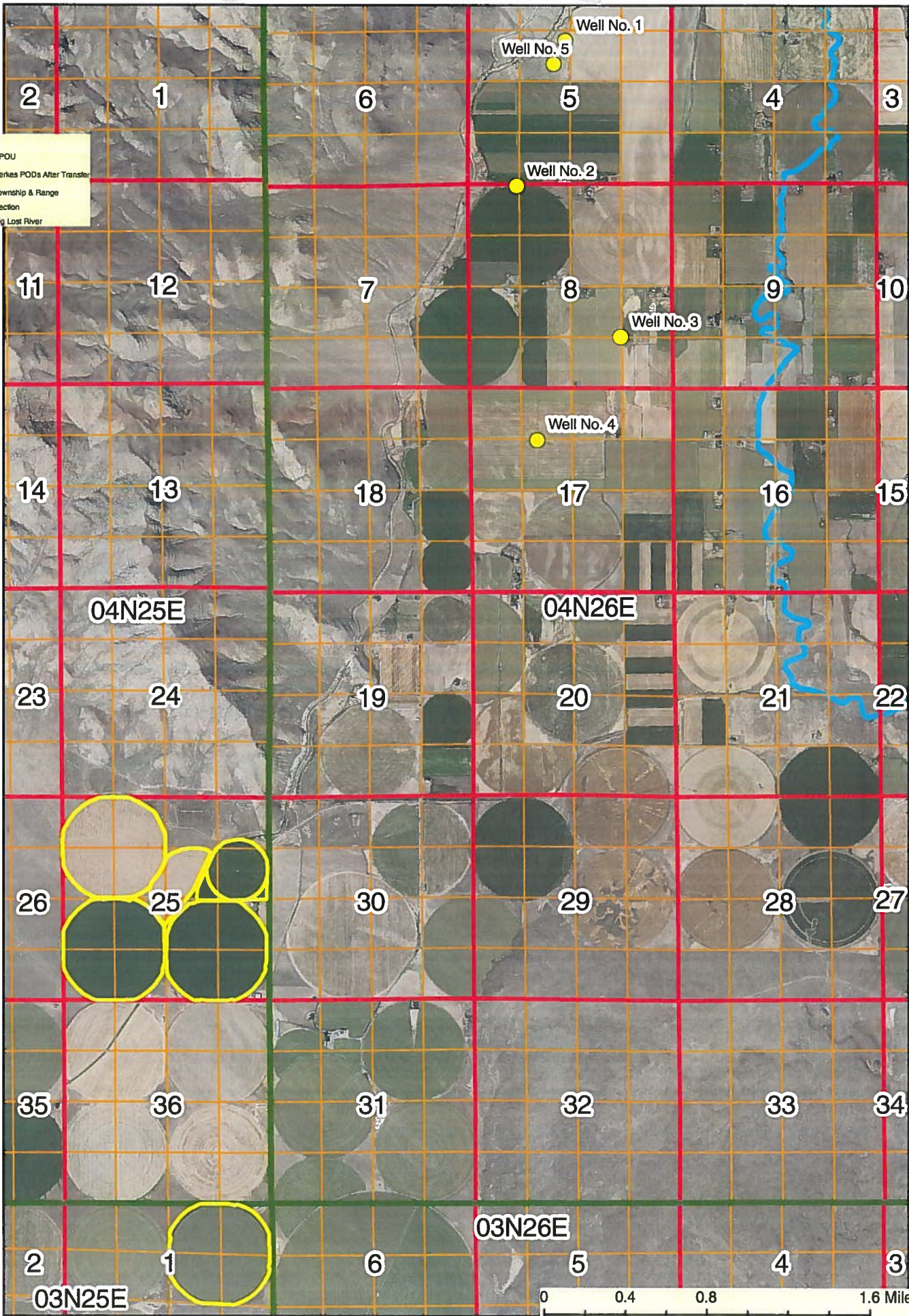


PERKES TRANSFER



Legend

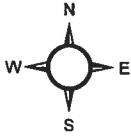
- PPOU
- Perkis PODs After Transfer
- Township & Range
- Section
- Big Lost River



Attachment No. 7b

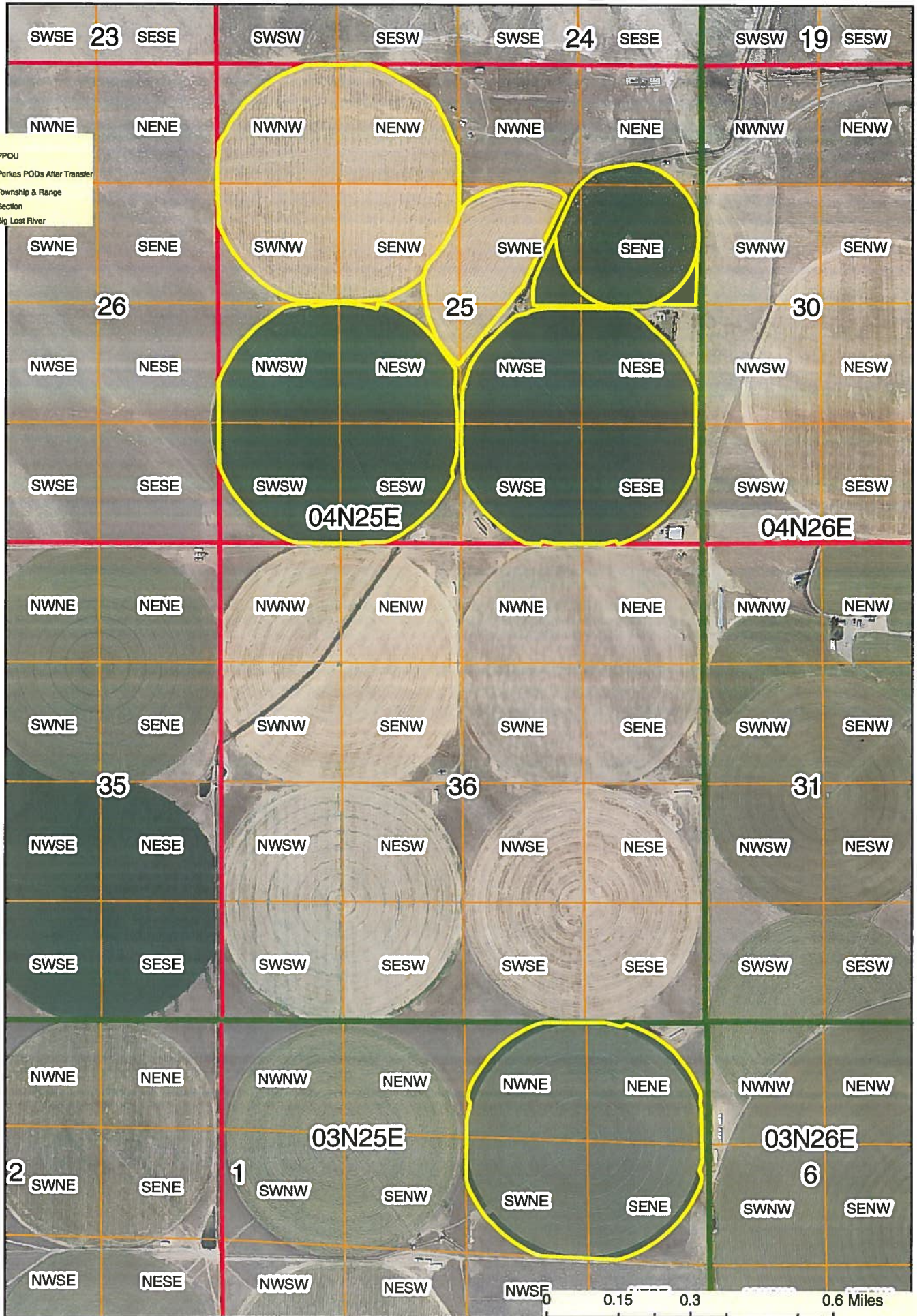
GIS Shape File

PERKES TRANSFER

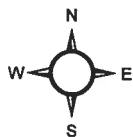


Legend

- PPOU
- Perkes PODs After Transfer
- Township & Range
- Section
- Big Lost River



PERKES TRANSFER



Legend

