

Application No. 11-1012 thru
11-1041

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

847-0582
Donal/as Perkins

Post office address c/o Walt Rohner, 232 9th Street, Montpelier, ID

1. Right evidenced by:

- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

4. Date of priority see remarks

6. Total amount of water under right: a. 96.48 cubic feet per second
&/or
b. _____ acre feet per annum

8. Lands irrigated or place of use: SEE ATTACHMENT

[illegible]

Total number of acres to be irrigated

SUPPORT DATA

IN FILE # 11-1012

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. 1.58 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2 Township 13S
Range 44E, B.M., Bear Lake County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13S	44E	<u>3</u>									40	40							80 <u>80</u>
		<u>4</u>													40			40	80 <u>80</u>
		<u>4</u>																	
																			84 <u>160</u>

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted 1.58 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18 Township 12S
Range 44E, B.M., Bear Lake County
Additional points _____

- c. Description of diverting works diesel pump, pipeline

- d. Describe the reasons for applying for a change in the point(s) of diversion _____
applicant purchased shares of stock

2. Change in place of use

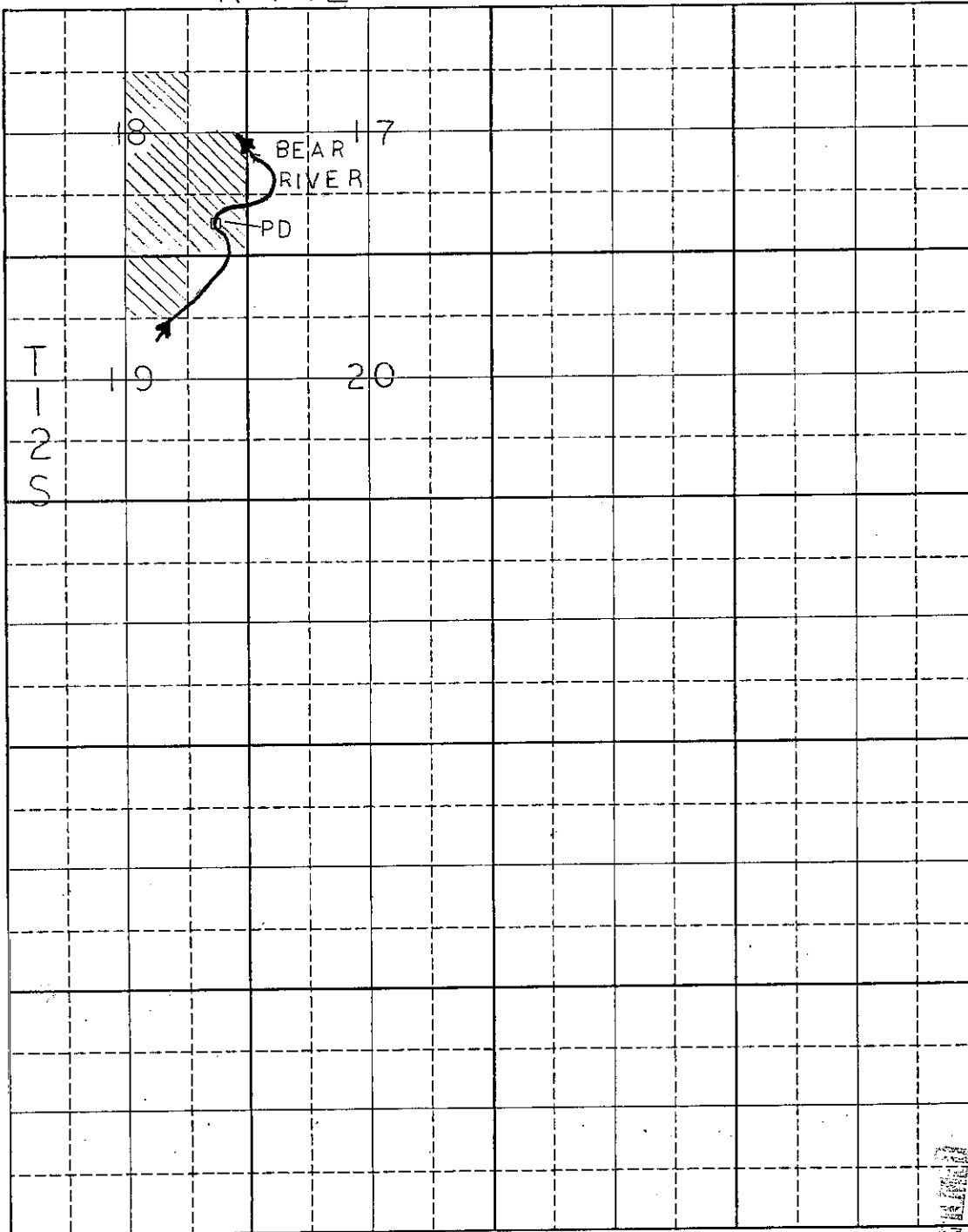
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12S	44E	18			34										15	40	40	25	154
		19		40															40
13S	44E	3									40	40							
		4													40			40	<u>80</u>

*No more than 84 acres will be irrigated under this _____ Total number of acres to be irrigated 194 *
160 80
transfer in any one year. The remainder will be supplemented with storage water.

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated.
Show clearly the land involved by section, township and range number.

R 44E



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks The water rights on Montpelier Creek are represented by 3476 shares of
stock. Each share of stock also represents storage rights in Montpelier
Reservoir. At the present time, one share of stock represents 0.0229 cfs
decreed rights and 1.15 AF of storage.

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 12 day of May, 19 77

Douglas Perkins
(Signature of applicant)
President of Montpelier Irr. Co.

Betty L. Sorensen
(Notary public)

My commission expires May 5, 1979

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 11-1012 thru 11-1041 and said application is hereby APPROVED.

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

(1) Measuring devices of a type(s) approved by the Department shall be permanently
installed and maintained at the point where water from Montpelier Creek is injected
into the Bear River and as part of the diverting works from Bear River. (2) Is
subject to the control of the watermaster of State Water District #11, Bear River.

Witness my hand this 11 day of October, 19 77

[Signature]
Deputy Director

FOR DEPARTMENT USE ONLY

Received by me Date 5-13-77

Prelim. check by SA Fee \$30.00

Received by me Date 5-26-77

Published in Quadrant # 7313

Pub. dates June 9 & 16 - 1977

Watermaster recommendation requested on 6-09-77

W.D. #11 rec'd. 6-16-77

Russell Staker

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial

by RDC JS

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	44E	21				40									30	40	20	35	165
		22						40	40	40	40	40	40	40	40	40	40	40	400
		26					10	40			40	40	40						170
		27			40	40	40	40	40	40	40	40	40	40	40	40	40	40	560
		28	40	40	40	40	40	20	30		20	20			40	40	40	40	450
		33	35	40	40	40					20	40	40	30	40			30	355
		34	40	40	30	35	35	35	40	30	40	40	30						430
		35					40	40	40		35	15	5						145
13S	44E	1									20	35	15	25	35	30	10		170
		2		40				15	15	40					35	40		10	195
		3	25	25	15	20	20	30	20	10	40	40	40	40	10	10	10		355
		4	40	40	20	15	40	40	40	15	15	40	40	20	40	10	15	40	470
		8	40			40									30	20	20	40	190
		9	15	35	35	30	30	20	30	30	40	20	30	40	30	30	35	30	480
		10		30	30		30	10	35	35	40	35	20	30	40	20	20	40	415
		14					40	25											65
		15	40	15	10	20													85
		5	40	40	40	40						40	40	40	40	40	40		400
		11														40	40		80

Total number of acres irrigated 5,580

APPROVED

IN THE MATTER OF:
ASSIGNMENT OF WATER
RIGHTS TO THE
MONTPELIER IRRIGATION
COMPANY

AFFIDAVIT

State of Idaho
County of Bear Lake

being first duly sworn,

deposes and says: Montpelier creek is an adjudicated stream as evidenced by the court action in the case of E. Strong et al. vs. Montpelier Irrigation Co. et al. While the decree names seventeen (17) users other than Montpelier Irrigation Co., all water diverted from Montpelier creek is now based on shares of stock issued by the irrigation Co. This results from the fact that over years ago all of the water rights on Montpelier Creek were assigned to the Company and the Company in turn issued stock certificates.

The documents assigning these water rights were lost in a fire several years ago but the stock certificates themselves stand as prima facie evidence that such assignment did take place

Douglas Perkins
(Signature)
President of Montpelier Irr. Co.

Subscribed and sworn to before me this 12 day of May, 1977

Betty L. Jones
(Notary Public)

Residing at Montpelier Idaho.
My Commission Expires May 5, 1979.

RECORDED

E. Strong, et al
vs.
Montpelier Irrigation Co., et al

SOURCE Montpelier Creek - Trib. Bear River PAGE 2
WATER DIST. 11-H COUNTY Bear Lake 11
JUDICIAL DIST. 5th JUDGE Joseph C. Rich - Amended 11th red Rudge
DATE OF DECREE 2-20-1902 RECORDED
2-26-1903 IN BOOK NO. 1 AT PAGE NO. 216 FILE NO. 51-1

[illegible]

E. Strong, et al
vs.
Montpelier Irrigation Co., et al

PAGE 1

COUNTY

JUDGE Joseph C. Rich-Amended-Alfred Budge

RECORDED
IN BOOK NO. 1 AT PAGE NO. 216 FILE NO. 52-1

PN.	DN.	DECREED OWNER	NAME	PRESENT OWNER	AMT. INCHES SEC. FT.	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
							SUBDIV.	SEC.	TWR.	RG.		
11	1014	Montpelier Irr. Co.			28.4	6-1-64					Company lands 3600+ acres	
11	1027	Frank Jones			1.8	"					NW $\frac{1}{4}$, Sec. 4-13S-44E	
11	1015	Montpelier Irr. Co.			1.82	6-1-68						
11	1016	"	"		6.36	6-1-69						
11	1012	E. Strong			0.64	"					Lots 11, 16 -Edward Burgoyne's Desert Entry	
11	1029	Joseph Bagley			2.0	"					N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, 1-13S-44E, less 26.5 ac. to M. J. Davis	
11	1080	John Jewett			1.4	"					No description	
11	1031	Mumford Brothers			0.7	"					N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 2-13S-44E	
11	1032	"	"		0.5	"					Tract in 1-13S-44E 26.5 ac.	
11	1017	Montpelier Irr. Co.			16.36	6-1-1871						
11	1028	Frank Jones			0.6	"					NW $\frac{1}{4}$, Sec. 4-13S-44E	
11	1037	Miles Weaver			2.4	5-20-73					N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ 28-12S-44E	
11	1018	Montpelier Irr. Co.			6.0	6-1-73						
11	1019	"	"		1.2	6-1-79						
11	1020	"	"		3.2	6-1-82						
11	1021	"	"		0.8	6-1-83						
11	1038	Gilbert Weaver			1.04	4-1-84					SE $\frac{1}{4}$ 22; N $\frac{1}{2}$ NW $\frac{1}{4}$ 27-12S-44E - 120 acres	
11	1013	R. Livingston			1.2	6-1-85					W $\frac{1}{2}$ SW $\frac{1}{4}$ 33-12S-44E	
11	1033	Mumford Bros.			*6.4	"					E $\frac{1}{2}$, Sec. 5-13S-44E	
* Decree 6 2/5 second feet being 270 minners inches												