

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER
OF WATER RIGHTS NO. 29-0236/0238/0239/0240
IN THE NAME OF RONDO AND DELOS PERKINS

ORDER

WHEREAS, on July 17, 1979, Rondo and Delos Perkins filed with the Department of Water Resources an application to transfer water evidenced by right 29-0236/0238/0239/0240 originally decreed to Kemanatee and Mevish Hart in the case of the United States of America vs. Hibner and Sessions, dated April 8, 1929; and,

WHEREAS, notice of the application for transfer was published on August 9 and 16, 1979 in the Caribou County Sun, Soda Springs, Idaho and subsequently was protested by John C. White, Russell A. Hebdon, Ross D. Redford, and Alan Smith; and,

WHEREAS, pursuant to provisions of Section 42-222, Idaho Code, on June 8, 1983 and July 29, 1983 the Department of Water Resources requested that the applicants provide a copy of the deed or other evidence of ownership of the water rights; and,

WHEREAS, the applicants failed to furnish any documentation confirming their ownership of the water rights; and,

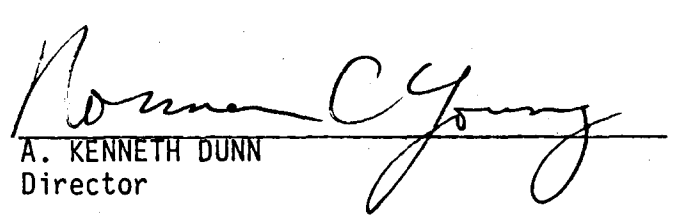
WHEREAS, on January 23, 1984, the Department sent an Order to the applicants by certified mail advising them to show cause on or before February 6, 1984 why their application for transfer of water rights No. 29-0236/0238/0239/0240 should not be voided from the Department's records for failure to provide evidence of ownership of the water rights; and,

WHEREAS, the applicants failed to respond to the Show Cause Order and did not show cause;

IT IS, THEREFORE, HEREBY ORDERED that Application for Transfer of Water Right No. 29-0236/0238/0239/0240 be and is VOIDED.

Dated this 29TH day of MARCH, 1984.

RECORDED

for 
A. KENNETH DUNN
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Voided

Name of applicant Rondo and Delos Perkins Phone 648-7764
Post office address Bancroft, Idaho 83217

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to Hart, Kemamatee and Mevish
(Name)
in case of Unites States of America vs Hibner and Sessions
dated 4/08/1929 in U. S. District Court county of
(Name of court)
- b. License No. issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Through purchase of property and through lease of property.
3. Source of water Toponcee Creek tributary to Portneuf River
4. Date of priority 7/16/1868
5. Water is used for the following purposes:
- | | amount | for | purposes from | to |
|---------|------------------------|------------|---------------|----|
| 29-0236 | 0.31 cfs | Irrigation | | |
| 29-0238 | ~~0.733~~ 1.733 | Irrigation | | |
| 29-0239 | 1.679 | Irrigation | | |
| 29-0240 | 0.862 | Irrigation | | |
- (month/day – both dates inclusive)
6. Total amount of water under right: a. 4.58 cubic feet per second
&/or
b. acre feet per annum
7. Location of original point of diversion is ¼ of ¼ of Section
Township Range, B.M., in County
Additional points of diversion, if any Within or without lands irrigated.
8. Lands irrigated or 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	
29-0236													X						
6S	38E	36																	
		35																X	15.53
29-0238																			
6S	38E	36			X					X									86.67
29-0239																			
6S	38E	36									X					X			83.97
29-0240																			
6S	38E	36											X				X		43.72

Total number of acres to be irrigated 229.89

9. Describe any other water rights used for the same purposes as described above None

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B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. 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	

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

1. Change in point of diversion
- a. Amount of water to be diverted 4.58 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SW ¼ SE ¼, Section 34 Township 6S
Range 38E, B.M., Caribou County
Additional points _____

- c. Description of diverting works Headgate of Toponce Canal
- d. Describe the reasons for applying for a change in the point(s) of diversion _____

2. Change in place of use

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	38E	10													X			X	50
		11			X						X	X	X	X		X			130
		14							X										25
		15	X																25

Total number of acres to be irrigated 230

3. 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.

10 11 12

15 14 13

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

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4. Remarks _____

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.

Wm. H. L. L. L.
John C. White
(Signature of applicant)

Subscribed and sworn to before me this _____ day of _____, 19 ____.

Randall D. Carter
(Notary public)

My commission expires _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-0236/0238/0239/0240 and said application is hereby VOIDED, subject to the following limitations and conditions:

Witness my hand this 29th day of March, 19 84.

Norman C. Gentry
for R. KENNETH DUNN, Director

FOR DEPARTMENT USE ONLY

Received by <u>dh</u> Date <u>7-17-79</u>	Protest filed by <u>John C. White, Russell A. Hebdon, Ross D. Redford, Alan Smith</u>
Prelim. check by _____ Fee <u>35.00</u>	
Receipted by <u>dh</u> Date <u>7-17-79</u> #13603	
Published in <u>Caribou County Sun</u>	Copies of protest forwarded by <u>dh</u> <u>8-29-79</u>
Pub. dates <u>August 9 & 16, 1979</u>	Hearing held by _____ Date _____
Watermaster recommendation requested on <u>3-7-79</u>	Recommended for _____ approval _____ denial _____
_____ rec'd. <u>8-16-79</u>	by _____

PROPOSED CHANGE OF WATER PERMIT
29-0236-0238-0239-0240

We the undersigned wish to register
A protest Against A decision rendered
by your Office ~~to~~ In Idaho Falls in
The case of Perkins & Perkins of Bancroft.

IT IS OUR understanding that this Office
granted permission for A higher water-
decree to be Transported through A private
Canal TO A user with A Lesser decree,

IT IS OUR opinion that once water
is put INTO said canal IT becomes
property OF that canal company, TO be
distributed TO All the stock holders.

We hope you will reverse the decision
expressed by your Idaho Falls Office

Name

Address

John C. White
Russell A. Hedden
Ross L. Redford
Helen Smith

Bancroft Idaho
Bancroft Idaho
Bancroft Idaho
Bancroft Idaho

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MEMORANDUM

TO: FILE 29-00238

FROM: VAULT

RE: TRANSFER # 5782

DATE: _____

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 29-00236

**MICROFILMED
NOV 17 2000**

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE
DISTRICT OF IDAHO, EASTERN DIVISION

29-0239

United States of America,
upon the relation of H. S.
Ray, United States Attorney
for the District of Idaho,

POOR QUALITY ORIGINAL

Plaintiff,

v.

In Equity No. 479

Julia Hinner, Kopler Sessions,
Merchants Trust Company, a corporation,
successor in interest to A.J. Knollin,
Continental National Bank of Salt Lake
City, a corporation, successor in
interest to Thomas J. Ripper, John L.
Symons, George A. Whitworth, George
John, Cordelia Warner, Dempsey Irrigat-
ing Company, a corporation, Toraz
Irrigation Company, a corporation,
Thomas Hillman, F. A. Reed, James H.
Byington, Noah Reese, Lava Irrigation
Company, a corporation, Mrs. A. A.
Fairchild, Fortneuf Irrigating Company,
a corporation, Fortneuf Marsh Valley
Canal Company, a corporation, L. T.
Shumway, J. T. Cutton, J. J. Lewis,
McCammon Ditch Company, a corporation,
Amesiah Henson, Brigham L. Green, Orson
V. Robbins, Royal T. Hale, Samuel Orgill,
C. H. Kooriell, William J. Lewis, Ed
Murphy, Thomas Orgill, George Goodenough,
Oregon Short Line Railroad Company, A. J.
Butterfield, Harley P. Jensen, Ben G.
Jensen, George Brangham, Westside Canal
Company, a corporation, Torance Canal
Company, a corporation, First National
Bank of Pocatello, a corporation,
successors in interest of Joseph and
William F. Purvis, J. A. Eldridge, Union
Grain & Elevator Company, a corporation,
Michael Whitworth, National Loan Company,
a corporation, G. H. Brangham, and
Village of McCammon, a municipal corpor-
ation,

Defendants.

This cause came on to be further heard at this term,
additional proofs being submitted and the cause being further ar-

No. of Allotment	Name of Claimant	Date of Priority	Amount in Acres	Point of Diversion and Place of Use
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0234
66

Teachend

July

1.764

Said water to be diverted from Toponce Creek at a point within or without the confines of the lands herein designated for the irrigation of 85.21 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 6 South Range 38 E.B.M.

POOR QUALITY ORIGINAL

0235
67

Jack Hoyt

July 6, 1868 1.58

Said water to be diverted from Toponce Creek at a point within or without the confines of the lands herein designated for the irrigation of 79.24 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 6 South, Range 38 E.B.M.

T. 2327

0236
69

Mary Hoyt

July 6, 1868 .31

Said water to be diverted from Toponce Creek at a point within or without the confines of the lands herein designated for the irrigation of 15.53 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 6 South, Range 38 E.B.M.

33 361

0237
70

Kate Hoyt

July 6, 1868 1.076

Said water to be diverted from Toponce Creek at a point within or without the confines of the lands herein designated for the irrigation of 13.80 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 7 South, Range 38 E.B.M.

T. 2327

29 0238
71

Kemenatse

July 6, 1868 1.733

Said water to be diverted from Toponce Creek at a point within or without the confines of the lands herein designated for the irrigation of 85.67 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 6 South Range 38 E.B.M.

T. 2327

29 0239
72

Novish

July 6, 1868 1.679

Said water to be diverted from Toponce Creek at a point within or without the confines of the lands herein designated for the irrigation of 83.97 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 6 South Range 38 E.B.M.

INTER-DEPARTMENT MEMO — 1

FROM Sharla

DATE 4/4/84

TO Files 29-0238/0239/0240

SUBJECT

See file 29-0236 for all correspondence regarding Voided transfer No. 2327.

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SIGNATURE