

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-00193
Date Received: 4/24/1990
Receipt No: E013584
Received By: JAF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH ANDRUS 208-776-5380
Address: 6948 E. OLD OREGON TRAIL RD.
LAVA HOT SPRINGS, ID 83246
AND/OR
Name: COLLEEN L. ANDRUS 208-776-5380
Address: 6948 E. OLD OREGON TRAIL RD.
LAVA HOT SPRINGS, ID 83246
AND/OR
Name: JIM ANDRUS 208-776-5380
Address: 6948 E. OLD OREGON TRAIL RD.
LAVA HOT SPRINGS, ID 83246

A2900193



2. Date of Priority: JUL 02, 1902

3. Source: EAST BOB SMITH CREEK Trib. to: PORTNEUF RIVER
Springs East Bob Smith Creek

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	37E	12	NE	SE	SW		BANNOCK

5. Description of diverting works:
DITCH; ALSO, PORTABLE PUMP INTO SPRINKLER SYSTEM AT VARIOUS PTS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	1.000		

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

8. Total consumptive use is 870.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-00193

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Date: 04/24/90

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	37E	12	SW	SW		IRR	10.0
			SE	SW		IRR	10.0
			Section Acres				20.0
		13	NW	NW		IRR	30.0
			SW	NW		IRR	30.0
			NW	SW		IRR	30.0
			SW	SW		IRR	30.0
			Section Acres				120.0
		14	NE	NE		IRR	13.0
			SE	NE		IRR	30.0
			NE	SE		IRR	35.0
			SE	SE		IRR	35.0
			Section Acres				113.0
		23	NE	NE		IRR	20.0
			NW	NE		IRR	20.0
			SE	NE		IRR	30.0
			NE	NW		IRR	15.0
			Section Acres				85.0
		24	NW	NW		IRR	10.0
			Section Acres				10.0
			Total Acres				348.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

SPRINGS USED ON ACRES IN SEC. 23, 29-11678, 00188, 00191

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

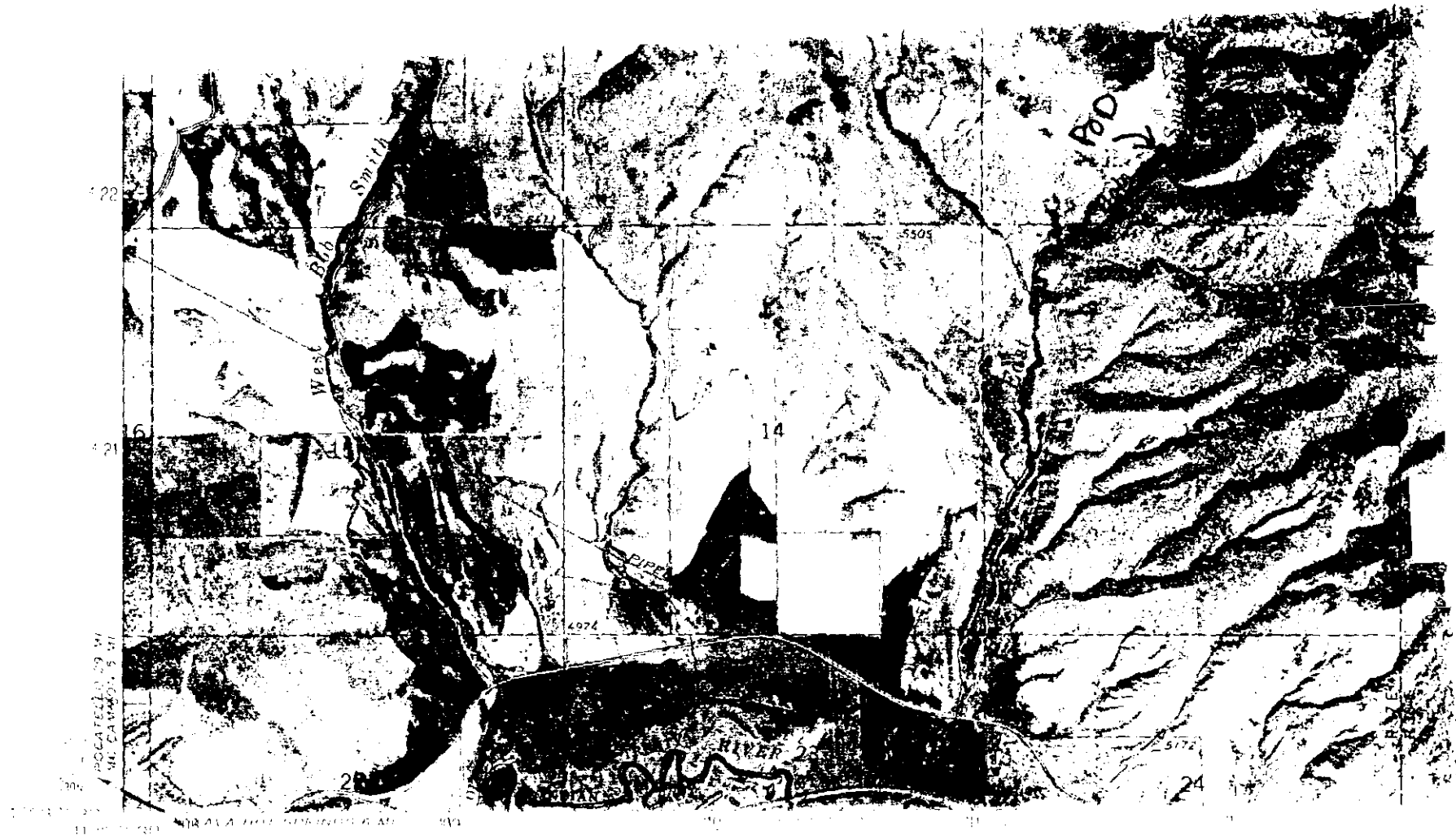
Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant



Produced by the Geological Survey
in cooperation with the Forest Service

Orthophotograph prepared from 1:25,000 scale
aerial photographs taken August 7, 1976

Projection and 10,000 feet contour interval, UTM
system, east zone and Transverse Mercator
1000 meter Universal Transverse Mercator grid
zone 12, 1927 North American datum

Photomaps transformed by scanning techniques
which may produce double or mismatched images;
use the mean of image positions for map point.

This map has been prepared by the U.S. Department of Water for the purpose of
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Copies Of These Map
At Bonneville Blue F

THIS MAP COMPLETES WITH NATIONAL
FOR SALE BY U.S. GEOLOGICAL SUR

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Log for claim A29-00193

Spatial Dynamics AMH

8/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s37e	12	SWSW	10	0.2	
09s37e	12	SESW	10	12	
09s37e	13	NWNW	30	15	
09s37e	13	SWNW	30	28	
09s37e	13	NWSW	30	20	
09s37e	13	SWSW	30	17	
09s37e	14	NENE	13	6.9	
09s37e	14	SENE	30	27	
09s37e	14	NESE	35	34	
09s37e	14	SESE	35	33	
09s37e	23	NENE	20	37	
09s37e	23	NWNE	20	28	
09s37e	23	SENE	30	42	
09s37e	23	NENW	15	34	
09s37e	24	NWNW	10	31	
Totals:			348	365.1	

AJ5809NP
No. A29-00193

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 81

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENNETH D ANDRUS	07/02/1902	IRRIGATION	04-15 09-15	1.000 CFS	
C	COLLEEN L ANDRUS					
C	JIM ANDRUS					
	6948 E OLD OREGON TRAIL RD			TOTAL DIVERSION:	1.000 CFS	
	LAVA HOT SPRINGS ID 83246			CONSUMPTIVE USE:		870.00 AFA
	(208) 776-5380					

Water Source: EAST BOB SMITH CREEK
SPRINGS

Tributary to: PORTNEUF RIVER
EAST BOB SMITH CREEK

Stage: DECREED

Point(s) of Diversion: T09S R37E S12 NESESW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM			
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac					
09S	37E	12	:					:					:			10	10	:					:	20.0			
09S	37E	13	:					:		30	30		:		30	30		:					:	120.0			
09S	37E	14	:		13		30	:					:					:	35			35	:	113.0			
09S	37E	23	:		20	20	30	:	15				:					:					:	85.0			
09S	37E	24	:					:		10			:					:					:	10.0			
																						TOTAL ACRES					348.0

POU County: BANNOCK

Other Rights: SPRINGS USED ON ACRES IN SEC. 23, 29-11678, 00188, 00191

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A29-00187 A29-00188 A29-00191 A29-11678 A29-11681

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00187 A29-00188 A29-00189 A29-00190 A29-00191 A29-00192 A29-11678 A29-11679 A29-11681

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 04/24/90 ESRBA 04/04/94 THOMPSON 03/29/95 POST-STD 04/12/00 CVANDERM

● Lava Hot Springs ● Idaho
April 9, 1990

Idaho State Water
Resources Board:

I am writing this as a member of The Lava Irrigation Co., or the Sunny Side Ditch as it is commonly known; and also as a member of the Kidd family. We are the only family to still own our original homesteads, all the rest have changed ownership times without number. I am the oldest living person to have known constantly about the irrigation situation in this community.

I went to college with Elmo Hyggenson, in Pocatello in 1929 and 1930. He was your hydrologist and I believe his son is your hydrologist now.

Our project is small, only slightly more than a thousand acres in the beginning. Highway 30 has

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Taken away some of our lands.
There was plenty of water, for
everyone in the beginning. They
turned what water they needed
into our canal and turned it
back into the river when they were
through using it. They always tried
to keep some water in the canal
through the winters for livestock.
Sheep men would buy hay from the
farmers and feed the sheep in the
fields and have canal water
from the sheep to drink.

They built the reservoir at
Chesterfield, they tried turning the
stored water down the Portneuf
River, which would not carry the
extra water. They paid damages
for several years to farmers
downstream for flooding the fields.
They then built the long outlet canal
to bypass the farms. In the beginning,
the canal would not carry the

water, but the canal eroded until we have the bad situation we have today.

The McCammon Mill sued to get its water, and they won the lawsuit, and a decree was handed down about the various water rights. Since then, the McCammon Mill sold its water right, I believe to either the McCammon Canal Co., or to some of its members.

Ever since, our project has had less and less water, so we have tried to get water into our canal before the irrigation season began, and also after the irrigation season had ended, to soak up our fields for the next season. I personally have watered fields when several inches of snow were on the ground. I have done this all through my life time. Nobody has ever tried to stop me, and I feel that

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we have established a right to do this.

Now, companies have planned to build hydropower plants in the river, and they intend to demand the entire river flow when the irrigation season ends until the spring when the season begins again. The way things are shaping up, we will have scarcely any water at all. They should not be allowed to do this to us. The plants are not needed at all, and the Federal Government should never have approved their building.

Sincerely

P.O. Box 137 William Kidd
Lava Hot Springs
Idaho, 83246

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STATE OF IDAHO, COUNTY OF BANNOCK

On this 9th day of APRIL, 1990, before me, a notary public in
and for said State, personally appeared

WILLIAM KIDD

Known to me to be the person whose name ~~is~~ ^{HE} subscribed to the within
instrument, and acknowledged to me that ~~HE~~ executed the same.

Robert Bergendorf
NOTARY PUBLIC

Residing at LAUA HOT SPRINGS, Idaho

Commission Expires LIFETIME.

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UNRECORDED

TO WHOM IT MAY CONCERN:

I, Fred G. Walker, would like to say, I was born and raised on the Walker Ranch located near Lava Hot Springs, Idaho, and lived there until February 1953. I was also the Ditch Checker for one summer while living there. There was plenty of water for all of the ranches in the area before the Chesterfield Dam was constructed, no one in the area had any water problem until after the construction of that Dam. Then the situation seemed to change a very great deal. The Sunnyside Ditch Company had plenty of water for all users at the beginning as well as at the ending of the season. They all irrigated and used the water all season until it froze up in the winter. We had all the water for all the ranchers in the area all season long. Everyone had all the water needed to irrigate their land from early in the spring until it all froze up with the winter. My folks before me had plenty and I had plenty for the same acres and the same farm from early spring until it froze up with the winter.

Signed Fred G. Walker
Fred G. Walker

Subscribed and sworn to before me this 4th day of April 1990, at
Cokeville, Lincoln County, State of Wyoming.

My Commission expires: Dec. 1, 1993

Marcel L. Reed
Notary Public

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UNRECORDED

APPENDAGE TO THE FILING OF WATER OF Kenneth, Colleen, & Jim Andrus

Our present decreed water rights are jeopardized by

1. Illegal loss free transportation of storage water in the river channel. We ask the adjudication process to correct this situation by requiring the users of the storage water to stand the loss or require all the water users in the river district to share in the loss on a percentage basis according to the cubic feet of water they have decreed to them.
2. Many years after established use rights and decreed rights numerous wells have been allowed in the upper basin area, draining the aquifer. We ask an in depth study be made to determine the affect on the river flow before a decision is made.

Historically the amount of our water has been cut down during the irrigation season because there is not enough water to fill all the rights. Of necessity we have used the water at any time during the non irrigating season in any amount needed first come first serve down the river. We request this use right recognized and established as a legitimate water right.

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NAME OF CLAIMANT and
DATE OF PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

140. *Martin, D. A. M.*

1902—July 1 .80 c. f. s.
1903—March 1 1.1 c. f. s.
1903—March 1 .36 c. f. s.
1903—Nov. 1 2.06 c. f. s.
1903—March 1 1.54 c. f. s.
1902—July 2 1.0 c. f. s.

(50 miners inches)
source being that cer-
tain Spring which rises
700 feet East of the
West quarter corner of
Section 13, Township
9 South, Range 38 East

portions of the South half of the South-
west quarter, Section 13, and the North
half of the Northwest quarter, Section 24,
Township 9 South, Range 37 E. B. M., not
hereinafter described as belonging to D. A.
M. Martin.

Said waters to be diverted through the fol-
lowing described ditches:

Through a ditch having its intake North
15 degrees West, 1090 feet from the
South quarter corner of Section 12, Town-
ship 9 South, Range 37 E. B. M.

Through a ditch having its intake South
86 degrees and 30 minutes East, 1275 feet
from the Northwest corner of Section 13,
same Township and Range.

Through a ditch having its intake South
34 degrees and 30 minutes East, 330 feet
from the West quarter corner of said Sec-
tion 13, same Township and Range.

Through a ditch having its intake South
25 degrees East, 770 feet from the West
quarter corner of Section 13, same Town-
ship and Range.

Through a ditch having its intake North
2 degrees East, 960 feet from the South-
west corner of Section 13, same Township
and Range.

Through a ditch having its intake 700 feet
East of the West quarter corner of Sec-
tion 13, same Township and Range.

For the irrigation of two parcels of land
described as follows: Beginning at the
South 1-16 section corner on the section
line between Sections 13 and 14, thence
South along section line of Sections 13
and 14, 262.5 feet, thence North 20 degrees
and 34 minutes East, 280.5 feet to the
South 1-16 Section line of said Section 13,
thence West along the 1-16 section line of
said Section 13, 98.5 feet to the place of
beginning; Also, the Northeast quarter,
the North half of the Southeast quarter,
the Southeast quarter of the Southeast