

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: A29-11679
Date Received: 4/24/1990
Receipt No: EC13584
Received By: RAE

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

A2911679



2. Date of Priority: MAR 15, 1963

3. Source: SPRINGS Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	37E	23		NE	NW		BANNOCK
			NW	NW	NW		BANNOCK

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.700		

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

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-11679

Page 1

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	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
							Total Acres	85.0

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:
A29-11678, 00188, 00191, 00193

14. Remarks:
THERE ARE SEVERAL SPRINGS WHICH ARISE IN THE AREAS DESCRIBED IN THE POINT OF DIVERSION, ITEM 4. THEY FLOW IN A DRAIN WHICH IS PARTIALLY NATURAL AND PARTIALLY MODIFIED. THE WATER IS USED WHEN AVAILABLE AND/OR NEEDED, OFTEN OUTSIDE OF THE STANDARD IRRIGATION SEASON.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 9

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Kenneth Anderson Date: 24 Apr. 1990
_____ Date: _____

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 24th day
of April 19 90

Walter Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994



Produced by the Geological Survey
in cooperation with the Forest Service

Orthophotograph prepared from 1:78,000 scale
aerial photographs taken August 7, 1976

Projection and 10,000 foot grid ticks: Idaho coordinate
system, east zone and transverse Mercator
1000 meter Universal Transverse Mercator grid ticks,
zone 12, 1927 North American datum

Photom imagery 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 Idaho Department of Water Resources pursuant to
Idaho Code 42-1410 to provide landowners with information on the location and extent of water rights.
River Basin Administration. No warranty, either express or implied, is made and no
responsibility is assumed by IDWR or its employees, its agents, contractors, and representatives,
time, particularly Bonneville Blueprint Supply, for the accuracy, completeness, or usefulness of any information provided with this map.

Copies Of These Map
At Bonneville Blue F

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

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Log for claim A29-11679

Spatial Dynamics PJM

8/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s37e	23	NENE	20	10	Indiscernible
09s37e	23	NWNE	20	28	Indiscernible
09s37e	23	SENE	30	23	Indiscernible
09s37e	23	NENW	15	34	Indiscernible
Totals:			85	95	

AJ5809NP
No. A29-11679

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 222

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENNETH D ANDRUS	03/15/1963	IRRIGATION	01-01 12-31	1.700 CFS	
C	COLLEEN L ANDRUS					
C	JIM ANDRUS					
	6948 E OLD OREGON TRAIL RD			TOTAL DIVERSION:	1.700 CFS	
	LAVA HOT SPRINGS ID 83246			CONSUMPTIVE USE:		212.50 AFA
	(208) 776-5380					

Water Source: SPRINGS

Tributary to: PORTNEUF RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T09S R37E S23 NENW NWNWNW BANNOCK County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE							
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM
09S	37E	23	:	20		20			30	:	15								:								: 85.0
																								TOTAL ACRES	85.0		

POU County: BANNOCK

Other Rights: A29-11678, 00188, 00191, 00193

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-11682

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00187 A29-00188 A29-00189 A29-00190 A29-00191 A29-00192 A29-00193 A29-11678 A29-11681

Remarks: GEN THERE ARE SEVERAL SPRINGS WHICH ARISE IN THE AREAS DESCRIBED IN THE POINT OF DIVERSION, ITEM 4. THEY FLOW IN A DRAIN WHICH IS PARTIALLY NATURAL AND PARTIALLY MODIFIED. THE WATER IS USED WHEN AVAILABLE AND/OR NEEDED, OFTEN OUTSIDE OF THE STANDARD IRRIGATION SEASON.

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

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

Audit: 04/24/90 ESRBA 09/09/94 JTHOMPSO 03/29/95 POST-STD 04/12/00 CVANDERM

Lava Hot Springs, Idaho
28 March 1995

In 1962 or 1963, my father J. Duane Andrus who owned this described property hired Fred Neese of McConna, Idaho to dig a ditch with his dragline to connect some springs so he could pump out of them and use the water for irrigation. He did this and the water has been used on this property at various times since that occasion. Fred Neese and my father are both dead. I was not living at home at the time (but I was working away from home) but I was aware that this took place and saw the ditch constructed and the water being pumped out of it to irrigate the dirt. Kenneth Andrus

Kenneth Andrus

Lava Hot Springs Idaho 83246

Signed before me this 28th day
of March, 1995.

Sheryl Doyle, Notary Public
My commission expires
9/4/96.

FILED

MAR 30 1995

Department of Water Resources
Eastern District Office

NOT 14 1996

28 March 1995

I Wayne Avery know that about 1963 Hindruser dug a ditch through the attached described property. At various times through the years they have pumped water out of it for irrigation.

Wayne Avery

Signed before me this 28th
day of March, 1995.

Sheryl Doyle, Notary Public
My Commission Expires
9/4/96.

RECORDED

MAR 30 1995

Department of
Eastern District Office

T. J. J. J. J.

NOV 14 1996

AJ5809NP
No. A29-11679

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94
PAGE: 14

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENNETH ANDRUS	03/15/1963	IRRIGATION	01-01 12-31	1.70 CFS	
C	COLLEEN L ANDRUS					
C	JIM ANDRUS					
	6948 E OLD OREGON TRAIL RD			TOTAL DIVERSION:	1.70 CFS	
	LAVA HOT SPRINGS ID 83246			CONSUMPTIVE USE:		212.50 AFA
	(208) 776-5380					

Water Source: SPRINGS

Tributary to: PORTNEUF RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T09S R37E S23

NENW

NWNWNW

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	23	:	20		20			30	:	15													85.0
																							TOTAL ACRES	85.0

POU County: BANNOCK

Other Rights: A29-11678, 00188, 00191, 00193

Remarks: THERE ARE SEVERAL SPRINGS WHICH ARISE IN THE AREAS DESCRIBED IN THE POINT OF DIVERSION, ITEM 4. THEY FLOW IN A DRAIN WHICH IS PARTIALLY NATURAL AND PARTIALLY MODIFIED. THE WATER IS USED WHEN AVAILABLE AND/OR NEEDED, OFTEN OUTSIDE OF THE STANDARD IRRIGATION SEASON.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

NOV 14 1996

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

Manuel D. Reed
Notary Public

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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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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
 for 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

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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

4

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

MICROFILMED
NOV 16 1992

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 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

NAME OF CLAIMANT and
DATE OF PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

portions of the South half of the Southwest 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.

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 certain Spring which rises 700 feet East of the West quarter corner of Section 13, Township 9 South, Range 38 East

Said waters to be diverted through the following described ditches:

Through a ditch having its intake North 15 degrees West, 1090 feet from the South quarter corner of Section 12, Township 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 Section 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 Township and Range.

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

Through a ditch having its intake 700 feet East of the West quarter corner of Section 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