

VERIFIED BY *8/3/5/01*
03/05/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-11283

NAME AND ADDRESS: PETER J GRUSH
SYLVIA GRUSH
2025 S HWY 81
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.174 CFS

PRIORITY DATE: 04/01/1871

POINT OF DIVERSION: T14S R27E S18 SWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-30 07-01	0.17 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T14S R27E S18	NENE	39	T14S R27E S18	NWNE	39
T14S R27E S18	SWNE	36	T14S R27E S18	SENE	39
T14S R27E S18	NESE	39	T14S R27E S18	SESE	38

230 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 230 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-02414, 43-10605, 43-10608, 43-11283,
43-11284, 43-11285, 43-11286, & 43-11287.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 78 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-00164A, &
43-00165A.

Water Right 43-11283

VERIFIED BY

11/30/2000

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-11283

NAME AND ADDRESS: PETER J GRUSH
SYLVIA GRUSH
2025 S HWY 81
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.174 CFS

~~THE RIGHTS LISTED BELOW WHEN COMBINED SHALL PROVIDE NO MORE THAN .02 CFS PER
ACRE. COMBINED RIGHT NOS.: 43-02414, 43-10605, 43-11283, 43-11284, 43-11285, 43-
11286, & 43-11287.~~

PRIORITY DATE: 04/01/1871

POINT OF DIVERSION: T14S R27E S18 SWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-30 07-01	0.17 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County			
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T14S R27E S18	SWNE	36	T14S R27E S18 SENE 39
T14S R27E S18	NESE	39	T14S R27E S18 SESE 38

230 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 78 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 230 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02414, 43-10605, 43-10608, 43-11283, 43-11284, 43-11285, 43-11286, & 43-11287.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

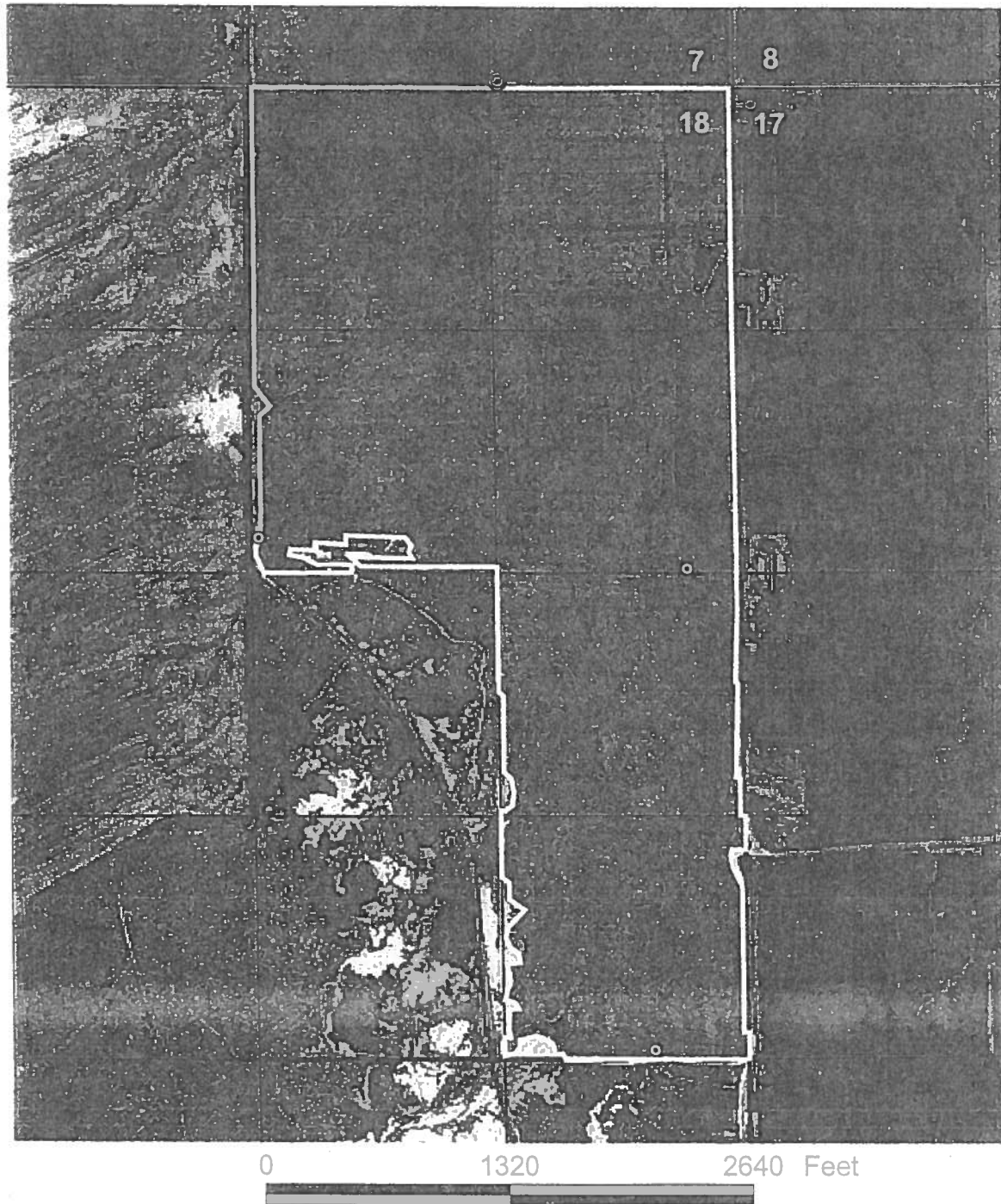
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-00164A, & 43-00165A.

Water Right 43-11283

43-02414, 43-10605, 43-10608, 43-11283,
43-11284, 11285, 43-11286 & 43-11287



RECOMMENDED PLACE OF USE
DATA ENTRY ON NOV. 30, 2000
TWP 14S, RNG 27E, SEC. 18

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

A43-10605 cont.

- will recommend this right as an expansion of license 43-02414 for 32 acres with a 6/30/1985 priority date and no additional diversion rate or volume per - 14166 ($3.1 \div 230 \text{ Ac.} \times 32 \text{ Ac.} = 0.43 \text{ cfs}$)

R43-10605 6/30/1985 0.43 cfs 32/230 ppu

A43-10606

- was claimed as a combination of portions of several old decrees with the same priority date
- split into three new claims to show varying seasons of use (43-11283, 43-11284, & 43-11285)
- recommended to irrigated acres in original decreed POU

A43-10607

- was claimed as a combination of portions of several old decrees with the same priority date
- split into two new claims to show varying seasons of use (43-11286 & 43-11287)
- recommended to irrigated acres in original decreed ^{POU}

A43-10608

- also claimed as a combination of portions of two old decrees with the same priority date
- no specified season of use (no need to split)
- high water, so not included in limiting remark of 0.02 cfs per acre when combined

Claimed = 240 Ac.
GIS = 230 Ac.
Lic = 198 Ac.
EXP = 32 Ac.

A43-02414 12/8/1954 3.1 cfs 198 Ac.

- well licensed in SESE of Sec. 18
- claim for 2 wells (SESE & SENE)

R43-02414 12/8/1954 3.1 cfs / 792 AF 198/230 ppu

A43-10605 4/1/1944 1.75 cfs 240 Ac.

- claims both wells (SESE & SENE)
- remarks state that right was developed when the well in the SENE was developed
- two permits were filed originally

G24176 6/6/1953 first identified well in SENE, but later was amended to well in SESE as other had caved in

G25318 12/8/1954 identified well in SESE and was eventually licensed under 43-02414

- since license was already issued to well in SESE, other permit (G24176) was canceled (1963)
- '62 & '68 aerial photography show only 181 irrigated acres (although license was for 198 acres)
- only Evidence of Priority submitted was an affidavit for 1991
- Scott's memo (7/17/2000) shows there are still problems with well in SENE and says it is not hooked up since the 1980's (according to statements) then only 10 h.p. ^{pump}
- if some additional Evidence of Priority were submitted, perhaps a small diversion rate (0.6 cfs theoretical from Scott) could be recognized under this right, but since the permit was canceled in 1963 it's doubtful

This table suggests a possible method of splitting rights that were combined at claims taking, and a possible assignment of diversion rates to the splits.

43-11283

Root Right Number Total Quantity Deceased	Priority Date	Season of use	L. Elison POU	E. Elison POU	Hutchinson POU	A. Harper POU	Warr POU	Harper POU (Nye)	Anderson POU	Whitaker POU
43-00164	04-01-1871	04-30 to 07-01	A43-10085A	A43-10791A	A43-10792A	A43-10378A	A43-10381A	A43-10606A	A43-10435A	
0.50			0.059	0.036	0.10	0.174	0.705	0.048	0.174	0.348
43-00165 (* Combined w/ 43-00164)	04-01-1871	04-30 to 07-01	A43-00165A	A43-00165B	A43-00165C					
3.20			0.38	0.23	0.61			0.30		
43-00166	04-01-1871	04-01 to 07-01	A43-10086	A43-10788	A43-10789	A43-10378C	A43-10381C	0.30	A43-10606C	A43-10435B
3.20			1.26	0.76	1.41	0.30	2.02	0.30	0.50	1.00
43-00167 (* Combined w/ 43-00166)	04-01-1871	04-01 to 07-01	*	*	*	*	*		*	*
3.20								0.30		
43-00168	04-01-1879	07-01 to 10-01	A43-00168A	A43-00168B	A43-00168C	A43-10379A	A43-10387A		A43-10607A	A43-10433A
9.60			1.14	0.69	1.83	0.46	1.83	0.46	0.46	0.91
43-00169A	04-01-1879	04-01 to 10-01	A43-00169C	A43-00169D	A43-00169E	A43-10379C	A43-10388		A43-10607B	A43-10433B
7.20			1.53	0.91	1.37	.87	2.44	0.34	0.61	1.48
43-00169B (* Combined w/ 43-00169A)	04-01-1879	04-01 to 10-01	*	*		*	*		*	*
5.60								0.27		
43-00170 (* Combined w/ 43-00173)	04-01-1881	04-01 to 10-01	A43-00170A	A43-00170B		*	A43-00170C			
2.40			0.29	0.17			0.46	0.11	0.11	0.34
43-00171	03-01-1883	04-01 to 10-01	A43-00171A			A43-00171B				
10.00			1.64			4.73				
43-00172	06-01-1879	04-01 to 10-01	A43-00172A	A43-00172B	A43-00172C	A43-10379B	A43-10387B		A43-10607C	0.30
3.20			0.38	0.23	0.61	0.15	.061	0.30	0.15	
43-00173	04-01-1882	04-01 to 10-01	A43-00173A	A43-00173B		A43-10380	A43-00173C			0.91
6.40			0.76	0.38		0.53	1.22			
43-00175	04-01-1871	Not Specified	A43-10085B	A43-10791B	A43-10792B	A43-10378B	A43-10381B		A43-10606B	A43-10435C
0.50			0.059	0.036	0.10	0.03	0.10	0.048	0.024	0.048
43-00176 (* Combined w/ 43-00166)	04-01-1871	04-01 to 07-01	*	*	*	*	*		*	*
4.21								0.40		
43-00178	12-12-1911	Not Specified	A43-00178J	A43-00178C	A43-00178D	A43-00178F	A43-00178E	A43-10257	A43-10608	A43-10434
48.80			5.40	2.90	3.20	4.00	8.00	2.80	1.60	4.80

Hutchinson's rights are limited by Transfer No. 5140.

Nye claimed 4.88 cfs with a priority date of 12-12-1911 and a season of use of 3-15 to 11-15 under A43-10257. Additional claims could be filed for a maximum of 6.466 cfs. The amounts shown in blue represent Nye's (Harper's) share of each of the rights.

The amounts shown in red were not claimed by the claimant. An additional claim or claim(s) will be necessary to claim the unclaimed amounts.

78 Ac. / 230 Ac. POU
(only 78 nec. area in orig. deed POU)

per Carter's analysis # table:

A43-10606

$$80Ac. \left\{ \begin{array}{l} 43-00164A \\ 43-00165A \end{array} \right\} 0.174 cfs \quad 4/30 \rightarrow 7/1$$

(# renumber to 43-11283)

$$80Ac. \left\{ \begin{array}{l} 43-00166A \\ 43-00167 \\ 43-00176A \end{array} \right\} 0.5 cfs \quad 4/1 \rightarrow 7/1$$

(# renumber to 43-11284)

$$80Ac. \quad 43-00175A \quad 0.024 cfs \quad (\text{not spec.})$$

3/15 $\rightarrow$ 11/15

(# renumber to 43-11285)

$$\text{Total Claimed} = 0.88 cfs \quad \text{Rec.} = 0.698 cfs$$

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

WR5809NP
No. 43-00164A

OWNER CODE: C CHARLES WARR
NAME & ADDRESS: C CHARLES WARR
PRIORITY DATE: 04/01/1871 IRRIGATION
WATER USE: 0.400 CFS
DIVERSION RATE: 0.400 CFS
DIVERSION VOLUME: 0.400 CFS
TOTAL DIVERSION: 0.400 CFS

Water Source: RAFT RIVER
Tributary to: SNAKE RIVER
Stage: DECREED
Point(s) of Diversion: T14S R27E S07 S20
SWNE
NWSW
CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION									
NE									
NW									
SW									
SE									
SUM									
T	R	S	NE	ENE	SENE	SENE	SENE	SENE	SENE
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
14S 27E 5									
14S 27E 6									
14S 27E 7									
14S 27E 8									
14S 27E 17									
14S 27E 18									

Pou County: CASSIA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
43-00030 43-00032 43-00164B 43-00165A 43-00165B 43-00166A 43-00166B 43-00167 43-00168 43-00168A 43-00168B
43-00169B 43-00169C 43-00169D 43-00170 43-00171 43-00172A 43-00172B 43-00173 43-00175A 43-00175B
43-00176A 43-00176B 43-00178D 43-00253 43-00255 43-00324 43-00443 43-00444

Other Water Rights Listing Overlapping Place(s) of use:
43-00165A 43-00166A 43-00167 43-00168A 43-00169B 43-00169C 43-00170 43-00172A 43-00172B 43-00173 43-00175A 43-00175B
43-00178C 43-02294B 43-02294D 43-02294E 43-02295D 43-02296A 43-02296B 43-02324A 43-02331 43-02372 43-04034 43-04055
43-02414 43-02419 43-02420 43-02454 43-02527 43-02546 43-02561 43-04005B 43-04055

Remarks: GEN SEE TRANSFERS #665 & 2505
Dates: App. Received: Priority Date: 04/01/1871
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 43B Field Exam Fee:

Comments: Date: 02/18/1998 User-ID: PSKAGGS Subject: TRANSFER 5140
Transfer 5140 adds a point of diversion under a portion of Rights
43-00164/165/166/168/172/175 & 176, splitting each right into

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

WR5809NP
No. 43-00164A

Comments: Date: 02/18/1998 User-ID: PSKAGGS Subject: TRANSFER 5140
Parts A & B, and Rights 43-00169A & 178B, splitting each right
into parts C & D.

Audit: 09/18/97 MBALDWIN 02/18/98 PSKAGGS 02/18/98 PSKAGGS

WR5809NP
No. 43-00165A

OWNER
CODE

----- C CHARLES

Point(s)	Wa
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Place of	T	R	S
	---	---	---
	14S	27E	---
	14S	27E	---
	14S	27E	---
	14S	27E	---
	14S	27E	1
	14S	27E	1

Pop Count

Re

Da

Mi