

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: 43-11286
NAME AND ADDRESS: PETER J GRUSH
SYLVIA GRUSH
2025 S HWY 81
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.46 CFS

PRIORITY DATE: 04/01/1881

POINT OF DIVERSION: T14S R27E S18 SWSWNE Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	07-01 10-01	0.46 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

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

VERIFIED BY *11/30/2000*

11/30/2000

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PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.46 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: 04/01/1881

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PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	07-01 10-01	0.46 CFS

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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.

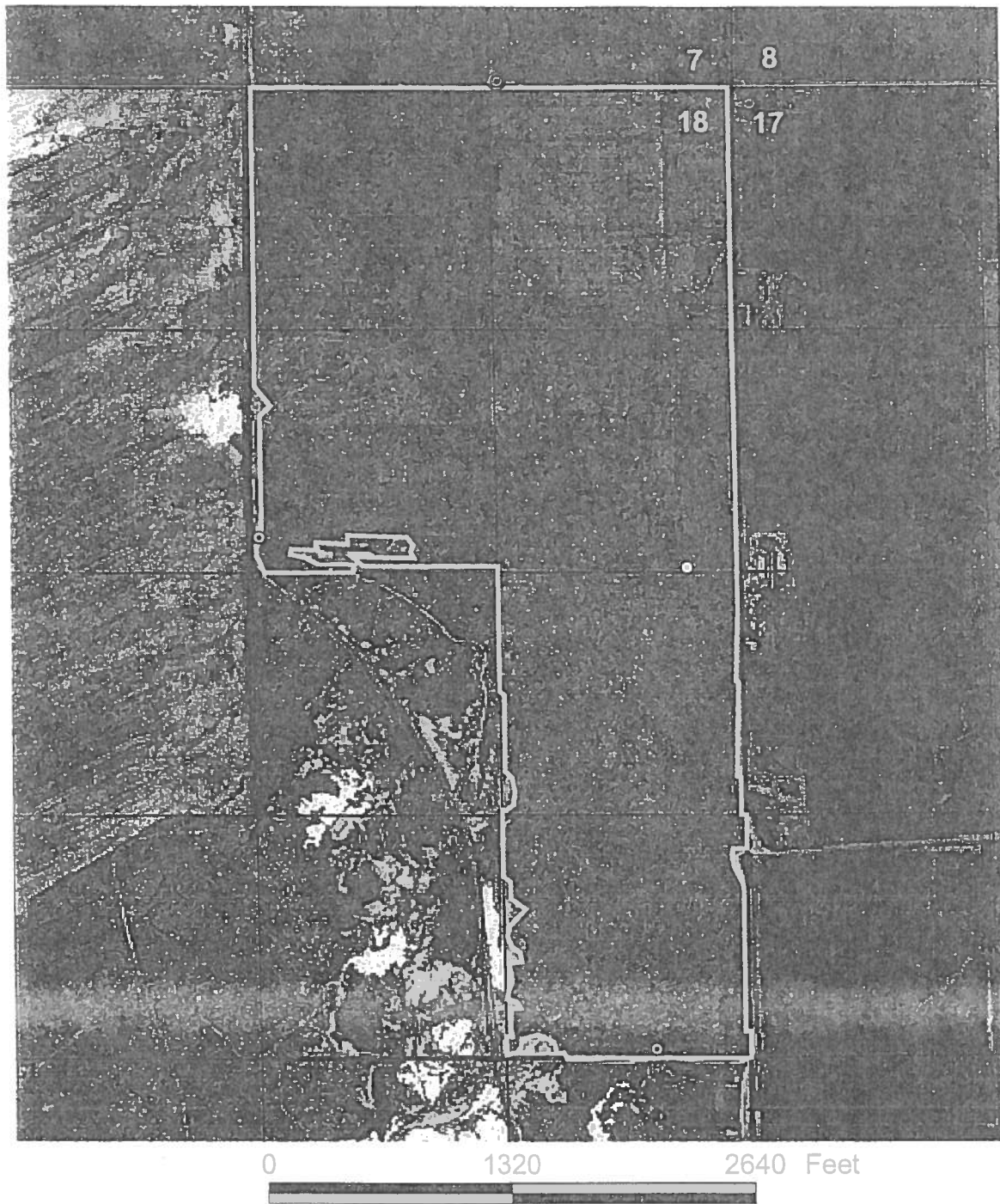
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Water Right 43-11286

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 (2.6 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.

43-11286

Root Right Number Total Quantity Decried	Priority Date	Season of use	L. Ellison POU	E. Ellison 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	*	*		*	*	0.27	*	*
5.60										
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	0.30	A43-10607C	0.30
3.20			0.38	0.23	0.61	0.15	.061		0.15	
43-00173	04-01-1882	04-01 to 10-01	A43-00173A	A43-00173B		A43-10380	A43-00173C			
6.40			0.76	0.38		0.53	1.22			0.91
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	*	*	*	*	*	0.40	*	*
4.21										
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 ft. POU
(only 78 ac. sec. in
orig. decreed POU)

per Carter's analysis & table:
A43-10607

80Ac. 43-00168A 0.46 cfs 7/1 $\rightarrow$ 10/1
(# renumber to 43-11286)

40Ac. 43-00169B
80Ac. 43-00169C
40Ac. 43-00170
80Ac. 43-00172A } (reduce to 0.67 cfs)
0.87 cfs 4/1 $\rightarrow$ 10/1
(# renumber to 43-11287)

Total Claimed = 1.13 cfs

Analysis = 1.33 cfs

Rec. = 1.13 cfs (reduced back to
claimed total)

