

VERIFIED BY *X* 3/05/01
03/05/2001

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

RIGHT NUMBER: 43-11287

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.67 CFS

PRIORITY DATE: 04/01/1881

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	04-01 10-01	0.67 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 39 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. 43-00169B, 43-
00169C, 43-00170 & 43-00172A.

VERIFIED BY *JK* 11/30/00

11/30/2000

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

RIGHT NUMBER: 43-11287

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

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.67 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

POINT OF DIVERSION: T14S R27E S18 SWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-01	0.67 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County			
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 39 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

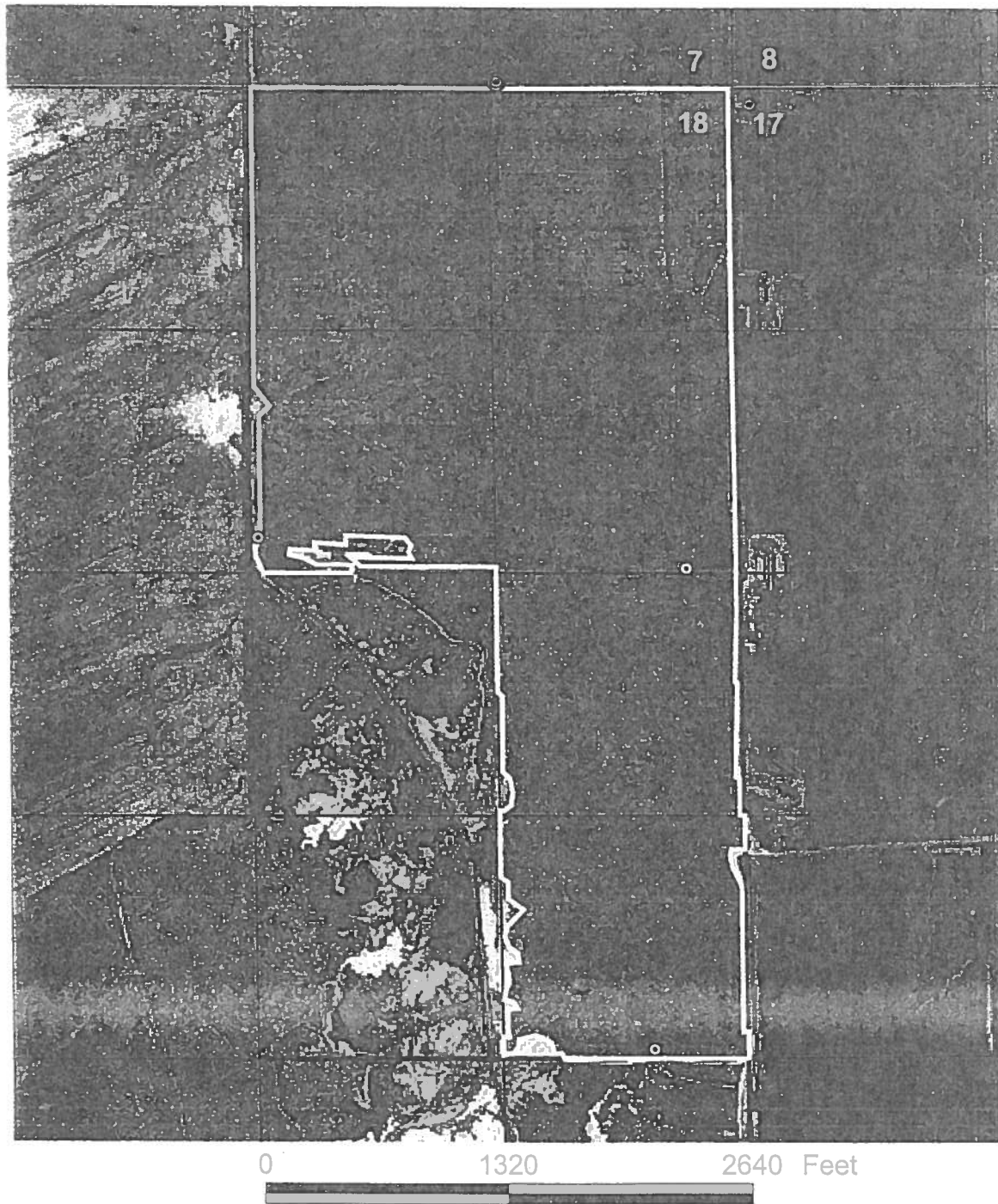
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO
CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-00169B, 43-
00169C, 43-00170 & 43-00172A.

Water Right 43-11287

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.

43-11287

Root Right Number	Priority Date	Season of use	L. Elson POU	E. Elson POU	Hutchinson POU	A. Harper POU	Warr POU	Harper POU (Nye)	Anderson POU	Whitaker POU
Total Quantity Decried										
43-00164	04-01-1871	04-30 to 07-01	A43-10085A	A43-10791A	A43-10792A	A43-10378A	A43-10381A	0.048	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	*	*	0.30	*	*
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	0.46	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	0.34	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	0.11		0.34
2.40			0.29	0.17			0.46	0.11		
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			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	0.048	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	2.80	A43-10608	A43-10434
48.80			5.40	2.90	3.20	4.00	8.00		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.

(they took priority date later priority date in combination)

A there added up to 0.87 cfs but will reduce to 0.69 cfs because total of claimed div. rate is 2 cfs less than Carter's analysis

A will reduce to 39/230ppu because none in this comb. 40th 39 there

Amend?

per Carter's analysis & table:
A43-10607

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

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

Total Claimed = 1.13 cfs

Analysis = 1.33 cfs

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

WRS809NP
No. 43-001698

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/25/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES WARR	06/01/1879	IRRIGATION	04/01 10/01	5.600 CFS	
C	CHARLES WARR					
TOTAL DIVERSION:					5.600 CFS	

Water Source: RAFT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T14S R27E S07
S20

SWNE
NWSE

CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	NESE	NWSE	SWSE	SESE	
13S 27E 31 :					
14S 27E 5 :					
14S 27E 6 : 01-1 02-1	1				
14S 27E 7 :	1				
14S 27E 8 :					
14S 27E 17 :	1				
14S 27E 18 :	1				
39					

Pou County: CASSIA

Remarks: GEN SEE TRANS. 665 & 2505.

Dates:

App. Received: 06/01/1879
Proof Due Date:
Exam Made Date:

Licensed Date:
Exam Sent to S.O.:

Misc:

Water District Number: 43B

Field Exam Fee:

Audit:

05/06/85 05/28/88 CONVERT

08/11/89 CURTIS 02/08/98 CLEARFLD

URS809NP
No. 43-00169C

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/27/00
PAGE: 10

OWNER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES HARR	06/01/1879	IRRIGATION	04/01 10/01	5.830 CFS	
TOTAL DIVERSION:					5.830 CFS	

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

Point of Diversion Name(s):
Name
Rate
Number

Place of use Legal Description for: IRRIGATION														
NENE			NE			NW			SW			SE		
T	R	S	NE	NE	SE	NE	NE	SW	NE	SW	SE	NE	NE	SE
14S	27E	5	02-1	1	1	03-1			1	1	1	1	1	1
14S	27E	6	1	1										
14S	27E	7												
14S	27E	8												
14S	27E	17												
14S	27E	18												

Pou County: CASSIA
Remarks: GEN SPLIT INTO 43-0169A & 43-0169B BY TRANS. 665.
Dates: App. Received: 06/01/1879
Proof Due Date:
Exam Made Date:
Exam Sent to S.O.:
Licensed Date:
Misc: Water District Number: 43B Field Exam Fee:

WRS809NP
No. 43-00170

IDaho DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/25/00
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES WARR	04/01/1881	IRRIGATION	00/00 00/00	2.400 CFS	
C	CHARLES WARR					
TOTAL DIVERSION:					2.400 CFS	

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

Place of use Legal Description for: IRRIGATION											
NE			NW			SW			SE		
T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	SUM
13S	27E	31	NE	NE	NE	NE	NE	NE	NE	NE	
14S	27E	5	NE	NE	NE	NE	NE	NE	NE	NE	
14S	27E	6	NE	NE	NE	NE	NE	NE	NE	NE	
14S	27E	7	NE	NE	NE	NE	NE	NE	NE	NE	
14S	27E	8	NE	NE	NE	NE	NE	NE	NE	NE	
14S	27E	17	NE	NE	NE	NE	NE	NE	NE	NE	
14S	27E	18	NE	NE	NE	NE	NE	NE	NE	NE	

Pou County: CASSIA

Remarks: GEN SEE TRANS. 665 & 2505.

Dates: App. Received: 04/01/1881
Proof Due Date: 04/01/1881
Exam Made Date: 04/01/1881
Exam Sent to S.O.: 04/01/1881
Licensed Date: 04/01/1881

Misc: Water District Number: 438 Field Exam Fee:
Audit: 05/06/85 05/28/88 CONVERT 08/11/89 CURTIS 02/08/98 CLEARFLD

WR5809NP
No. 43-00172A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/30/00
PAGE: 1

OWNER
NAME & ADDRESS
C CHARLES WARR

PRIORITY
DATE
04/01/1879

WATER USE
IRRIGATION
USE PERIOD
FROM TO
04/01 10/01
DIVERSION
RATE
2.590 CFS
DIVERSION
VOLUME

TOTAL DIVERSION: 2.590 CFS

Water Source: RAFT RIVER

Tributary to: SNAKE RIVER

Stage: DECREEED

Point(s) of Diversion:

T14S R27E S07
S20

CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION

		NE		SENE		NENE		NWSW		SW		SE			
T	R	S	NE	NE	SE	SE	NE	SW	SW	SW	SW	SE	SE		SUM
14S	27E	5	02-1	1	03-1										
14S	27E	6													
14S	27E	7	1												
14S	27E	8													
14S	27E	17													
14S	27E	18													
			1	1	1	1	1	1	1	1	1	1	1	1	1
			39	39	39	39	39	39	39	39	39	39	39	39	39

Pou County: CASSIA

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

43-00030	43-00032	43-00164A	43-00164B	43-00165A	43-00165B	43-00166A	43-00166B	43-00167	43-00168A
43-00168B	43-00169B	43-00169C	43-00169D	43-00170	43-00171	43-00172B	43-00173	43-00175A	43-00175B
43-00176A	43-00176B	43-00178B	43-00253	43-00255	43-00324	43-00443	43-00444		

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

43-00164A	43-00165A	43-00166A	43-00167	43-00168A	43-00169B	43-00169C	43-00170	43-00175A	43-00176A
43-00178C	43-02294B	43-02294D	43-02294E	43-02295D	43-02296A	43-02296B	43-02324A	43-02331	43-02372
43-02414	43-02419	43-02420	43-02454	43-02527	43-02546	43-02561	43-04005B	43-04034	43-04055
43-04149	43-04208								

Remarks: GEN SEE TRANSFERS #665 & 2505

Dates: App. Received: 04/01/1879
Proof Due Date: 04/01/1879
Exam Made Date: 04/01/1879
Exam Sent to S.O.: 04/01/1879

Licensed Date: 04/01/1879

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

DATE: 11/30/00
PAGE: 2

1998 User-ID: PSKAGGS Subject: TRANSFER 5140
, and Rights 43-00169A & 1788, splitting each right
C & D.

JALDWIN 02/18/98 PSKAGGS