

06/27/2006

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

RIGHT NUMBER: 22-130E
NAME AND ADDRESS: MARY LOU BUSH
PO BOX 180
TETONIA ID 83452

JAMES W BUSH
PO BOX 180
TETONIA ID 83452

SOURCE: NORTH LEIGH CREEK TRIBUTARY: SPRING CREEK
Water is delivered from Middle Leigh Creek.
Point of injection into and point of redirection from Little Dry Creek.

QUANTITY: 0.800 CFS
PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T06N R45E S25 SESESW Rediversion Within TETON County
T06N R45E S25 NESESE Injection Within TETON County
T06N R46E S30 SENE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.800 CFS

PLACE OF USE:

IRRIGATION Within TETON County
T06N R45E S25 SWSW 5.00 T06N R45E S25 SESW 29.00

34 ACRES TOTAL

34

The rights listed below are limited to the irrigation of a combined total of
acres in a single irrigation season. Combined Right Nos.: 22-130E, 22-136D,
22-515C, 22-516C, 22-517C.

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

Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.

Water is delivered through Ricks Canal.

06/02/2005

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

RIGHT NUMBER: 22-130E
NAME AND ADDRESS: MARY LOU BUSH
PO BOX 180
TETONIA ID 83452

JAMES W BUSH
PO BOX 180
TETONIA ID 83452

SOURCE: ~~LITTLE DRY CREEK~~ TRIBUTARY: SINKS
NORTH LEIGH CREEK TRIBUTARY: TETON RIVER
Point of ~~in~~jection into Little dry Creek. Point of rediversion from Little Dry Creek.

QUANTITY: 0.800 CFS
PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T06N R45E S25 SESESW Rediversion Within TETON County
T06N R45E S25 NESESE Injection Within TETON County
T06N R46E S30 ~~S~~SENE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.800 CFS

PLACE OF USE:

<u>IRRIGATION Within TETON County</u>					
T06N R45E S25	SWSW	2.6	T06N R45E S25	SESW	22.0
		5			29

24.6 ACRES TOTAL

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.

THIS CLAIM IS FOR A PORTION OF ~~DECREE~~ RIGHT 22-130.

EXPLANATORY MATERIAL: Decreed

Water is delivered through ~~SA~~ Ricks Ditch.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

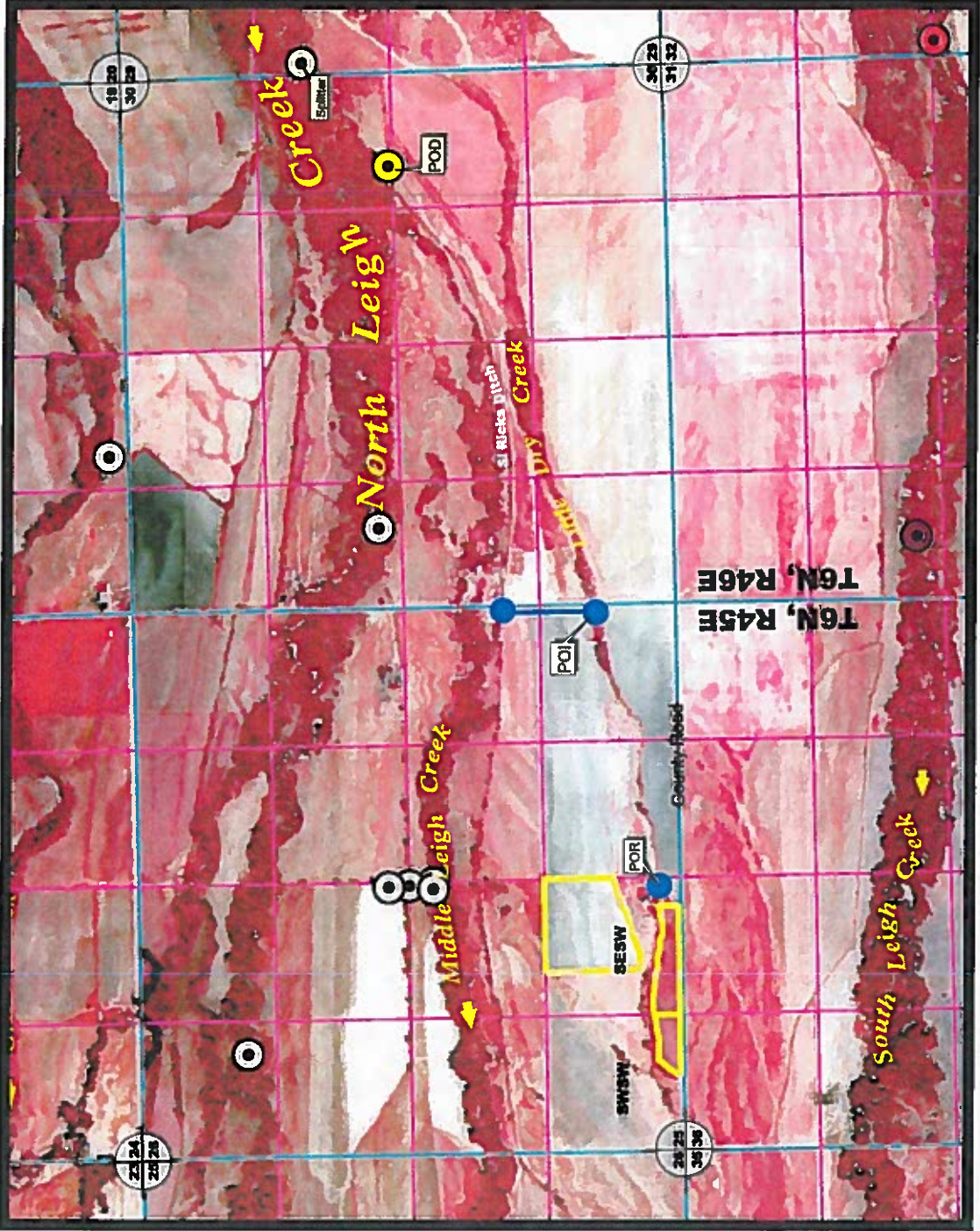
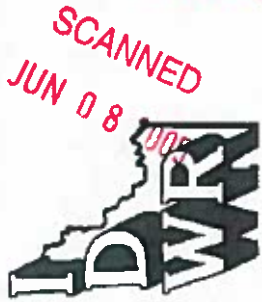
The following rights are also diverted through point of diversion described above: 22-130E, 22-136D, 22-515C, 22-516C, 22-517C.

State of Idaho

Department of Water Resources

Eastern Region

PROFILE



Water Right(s):
 22-130E, 22-136D,
 22-515C, 22-516C,
 22-517C

Point(s) of Diversion:
 T6N, R46E
 Sec. 30 SWSENE (POD)
 T6N, R45E
 Sec. 25 NESESE (POI)
 Sec. 25 SESESW (POR)

Place of Use: (parts of)
 T6N, R45E
 Sec. 25 S2SW

LEGEND

- Point of Diversion
- SESE
- Place of Use
- Section
- Quarter-Quarter



GIS Place of Use Illustration
 1987/1988 NAPP Photography
 Prepared by: A. Rubery
 Date: June 2005

Water Right Split History Analysis

DECREED UNDER:
HANSEN, et al vs. L. CHANDLER
24 JANUARY 1938.

22-130A F. HANSEN

5.40 cfs ON 404[±]

8.08 cfs

UNDERCLAIMED Q

22-130B B. SMITH

1.20 cfs ON 46[±] AC

0.92 cfs

OVERCLAIMED Q

22-00130

12[±] cfs ON 600[±] AC

22 JANUARY 1916

NORTH LEIGH CREEK

SEE ATTACHED EXCERPT

$$\frac{12^{\pm} \text{ cfs}}{600^{\pm} \text{ AC}} = 0.02 \text{ cfs/AC}$$

SPLIT BY SRBA

D. HARLANDER

22-130C

1.60 cfs ON 80[±] AC

SPLIT BY %

22-130D B. Smith

0.80 cfs ON 40 AC Q-OK

22-130E D. BUSH

0.80 cfs ON 40[±] AC Q-OK

UNCLAIMED

23.8 cfs

Reviewer: _____

21.4 if

O'NEAL'S AND FINKO
UNDER'S

Date: _____

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JAMES BUSH

SRBA WATER RIGHT CLAIMS:

<u>Water Right</u>	<u>Priority Date</u>	<u>CFS</u>	
22-130 D ^E	01/22/1916	0.80	No limits
22-136D	01/22/1916	0.80	No limits
22-517C	06/01/1901	0.30	Combined use limits of Q and Ac apply
22-516C	06/01/1900	0.20	Combined use limits of Q and Ac apply
22-515C	06/01/1899	0.30	Combined use limits of Q and Ac apply
Total Q Claimed		2.40	

See 22-130~~D~~^E for exam notes, maps, photos.....

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22. 0130

VIII.

That the plaintiffs, Miles Hastings, David Hansen, and Edsell Egbert are the owners, or have an estate in, the following described lands, to-wit:

S $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$ of section 25;
S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of
section 26 in township 6 north, range
45 E.B.M., containing 600 acres, more
or less,

S $\frac{1}{2}$ NW, SE, N $\frac{1}{2}$ SW Sec. 25
S $\frac{1}{2}$ NE, NWNE, E $\frac{1}{2}$ NW
N $\frac{1}{2}$ SW, Sec. 26

and are the owners of a common ditch by and through which they divert water from North Leigh Creek for the irrigation of the above described lands, with point of diversion and diversion works located on the south side of North Leigh Creek in Lot 2 of section 30 in township 6 north, range 45 E.B.M.; that the said plaintiffs, or their predecessors in interest, have diverted 12 cubic feet or 600 miners inches of the waters of North Leigh Creek, through their common ditch, with point of diversion and use upon the lands above described; that on or before the 22d day of January, 1916, and ever since, have diverted, appropriated and applied to beneficial use in the irrigation of the above described lands during the irrigation season the above stated quantity or stream flow in addition

-3-

to any other rights fixed, decreed or granted to the said plaintiffs.

$$\frac{12^{\circ} \text{ cfs}}{600^{\circ} \text{ ac}} = 0.02 \text{ cfs/ac}$$

EXCERPT FROM:
HANSEN ET AL vs L. CRANDALL
24 JANUARY 1938.

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Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of Q	QQ of Q	County	Source	Tributary to
* 6N	45E	30		NWNESE	TOTON		GROUNDWATER	

Recommended Point(s) of Diversion and Source.

	Twp	Rge	Sec	Gov Lot	QQQ of Q	QQ of Q	County	Source	Tributary to
POD	6N	46E	30		NWNESE	TOTON		NO LEIGH CK	TOTON RIVOTE
POI	6N	45E	25		SENESE			LITTLE DRY CK	FROM Si Ricks CANAL
POR	6N	45E	25		SESESW			LITTLE DRY CK	SINKS

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

- * CLAIMED AS FROM GROUNDWATER ⇒ NO! NOT WITH A DEEDS NUMBER. CLAIMED POD AT R45E IS VERY UNLIKELY - THAT'S NEAR SIX MILES WEST (AND DOWNSTREAM) FROM POD CLAIMED.
- * SUGGEST THIS CLAIM BE AMENDED TO SHOW NO LEIGH CK (OR SOME OTHER SURFACE SOURCE) AND AMEND POD TO R46E.
- ⊕ CORRECTED SOURCE TO NO. LEIGH AND R46E SINCE DELIVERY ^{WAS} THROUGH WEAVER DITCH AND RICKS CANALS, WHICH BOTH RAN OFF NO. LEIGH CK IN R46E. POD IS IN R45E NOT POD'S. HOWEVER WEAVER DITCH IS NOW ABANDONED SINCE 1979/80. INJECTED INTO AND REDIRECTED FROM LITTLE DRY CK.

Reviewer: _____ Date: _____

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Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	4SE	25	SESW		Teton		40	Prairie

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	4SE	25	SESW		Teton			Prairie
			SWSW					

Total acres _____

CPS
ERROR OF
CLAIM

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

22-00130 WAS NOT DISCLOSED TO CLAIMED POU (SESW SEC. 25) - IF
THIS IS ACTUALLY GOOS HORSE (Prior to 1987, §42-1426) WHOSE WAS IT
MAJOR? OR, IT IS REALLY THIS TRACT THAT
SHOULD BE CLAIMED?

Reviewer: _____ Date: _____

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Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Perig</i>	<i>4/15</i>	<i>10/15</i>	<i>0.80</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Perig</i>	<i>4/15</i>	<i>10/31</i>	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

SDI NOT SPECIFIED BY DECREE - CLAIMS 10/15 - DEPT STD
IS 10/31 → So Recommended -

Reviewer: _____

Date: _____

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Contacts Data Entry Form

Claim Number: 22-130E

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: James Bush Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

DISCREPANCY UNDER HANSON, et al vs L. CHANDLER, 1938 AC:
12³cts, 22 JANUARY 1916, No LOTEN CROOK on 600² AC - See Attached
SPLIT HISTORY.

9/13/04 VISITED w/ MR. BUSH. MARRIOTT POLL. PHOTO & GPS OF
POTD (RADIUS) OF LITTLE DRY CK. HE ADVISED THE LANDS NORTH
OF HIS HOUSE ARE NOT IRRIGATED NOW BUT WERE WHEN HE
BOUGHT THE PROPERTY IN $\approx$ 1992. ADVISED HE MUST USE
THE WATER ONE EVERY FIVE YRS TO AVOID FORFEITURE -
HE SAID HE COULD DO THAT.

CLAIM ADDRESS YIELDS RETURN MAIL - FROM TOTON CO. ASSESSOR:
PO BOX 180
TOTONIA ID 83452 $\Rightarrow$ SO 11/500

PETEMISSIBLE POLL w/ 22-136D, 515C, 516C, 517C
LIMITS APPLY

Reviewer: _____ Date: _____

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Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: Water Right Basis:

Claimed Priority Date: 1/22/1916 Claimed Basis: Derog

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

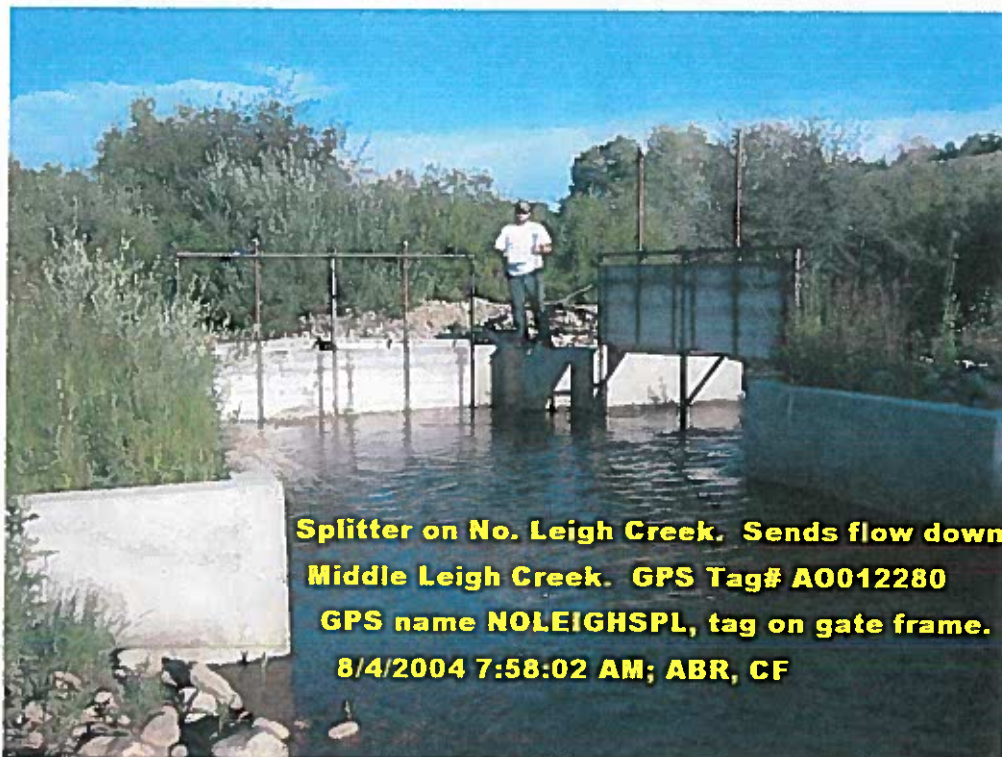
Матвеев Леонид

Reviewer: _____

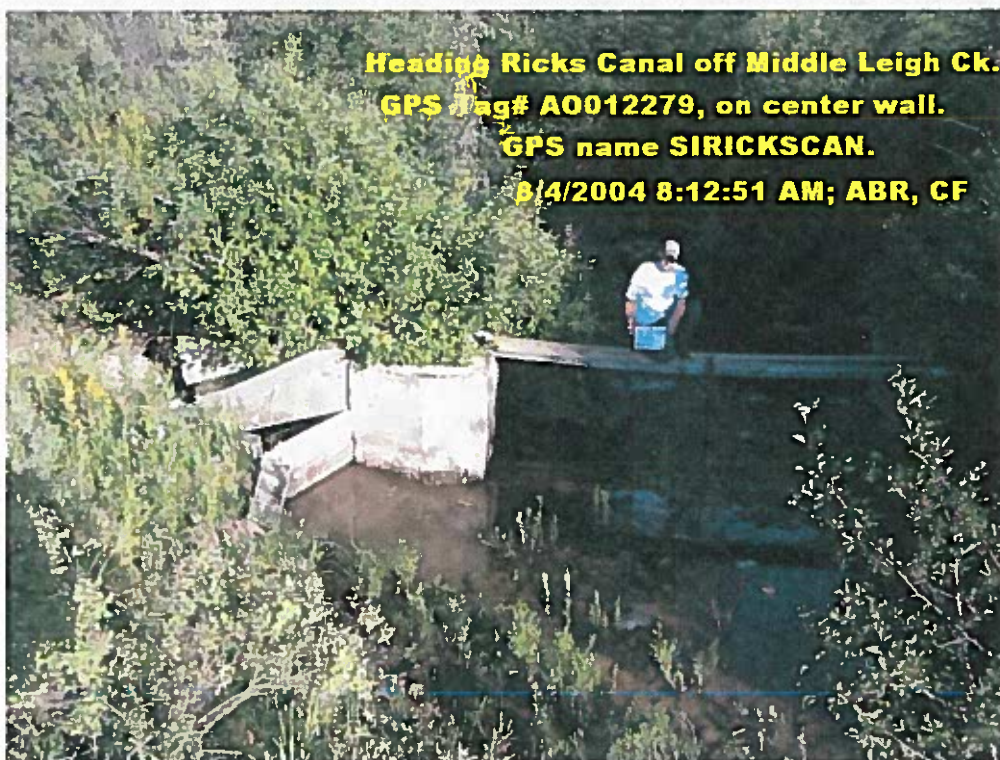
Date: _____

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**Splitter on No. Leigh Creek. Sends flow down
Middle Leigh Creek. GPS Tag# A0012280
GPS name NOLEIGHSPL, tag on gate frame.
8/4/2004 7:58:02 AM; ABR, CF**



**Heading Ricks Canal off Middle Leigh Ck.
GPS Tag# A0012279, on center wall.
GPS name SIRICKSCAN.
8/4/2004 8:12:51 AM; ABR, CF**

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Jim Bush REDIVERSION OF
MIDDLE LEIGH CR.
ALSO SERVES BOB HANSON

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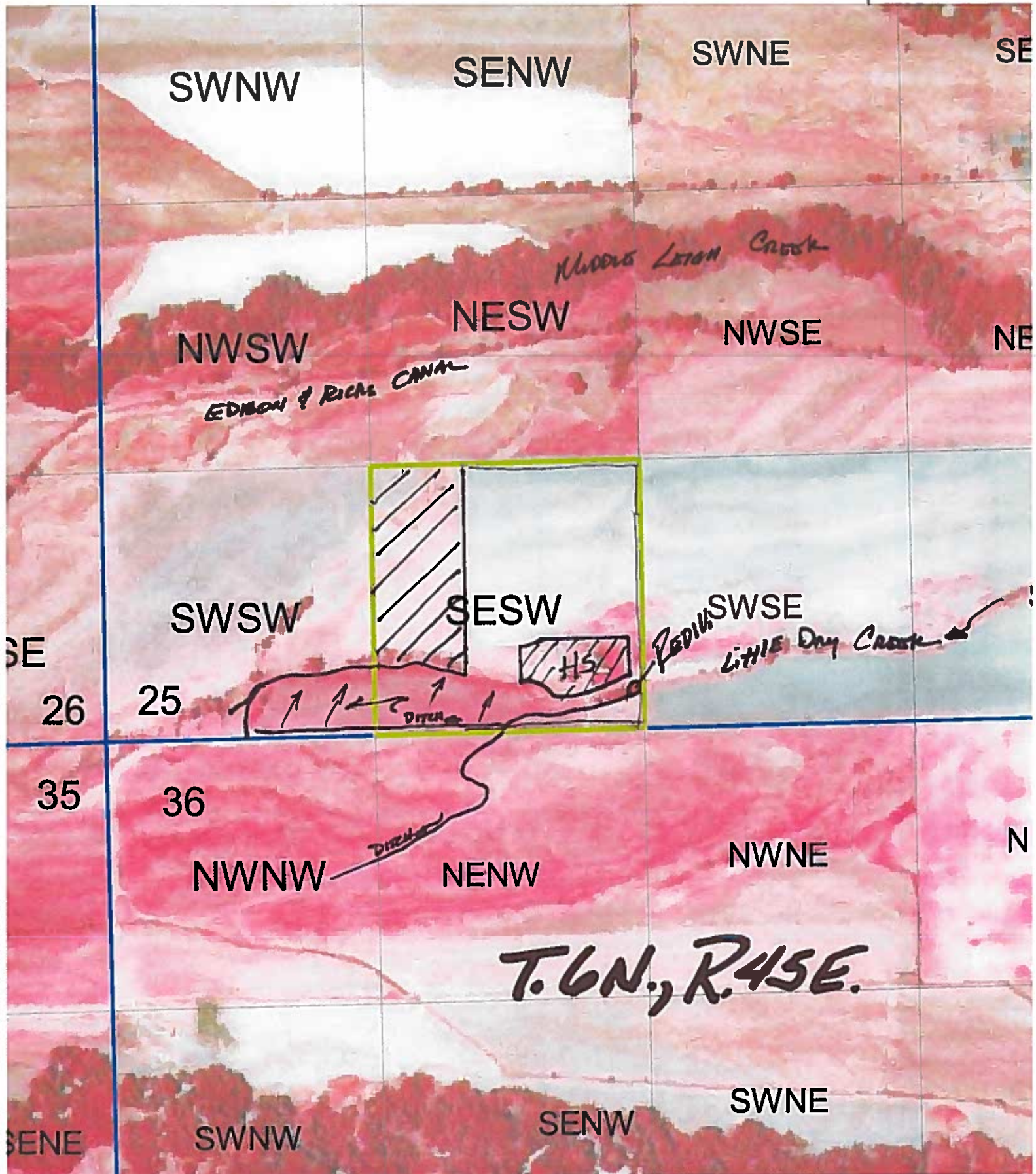
PROFILED

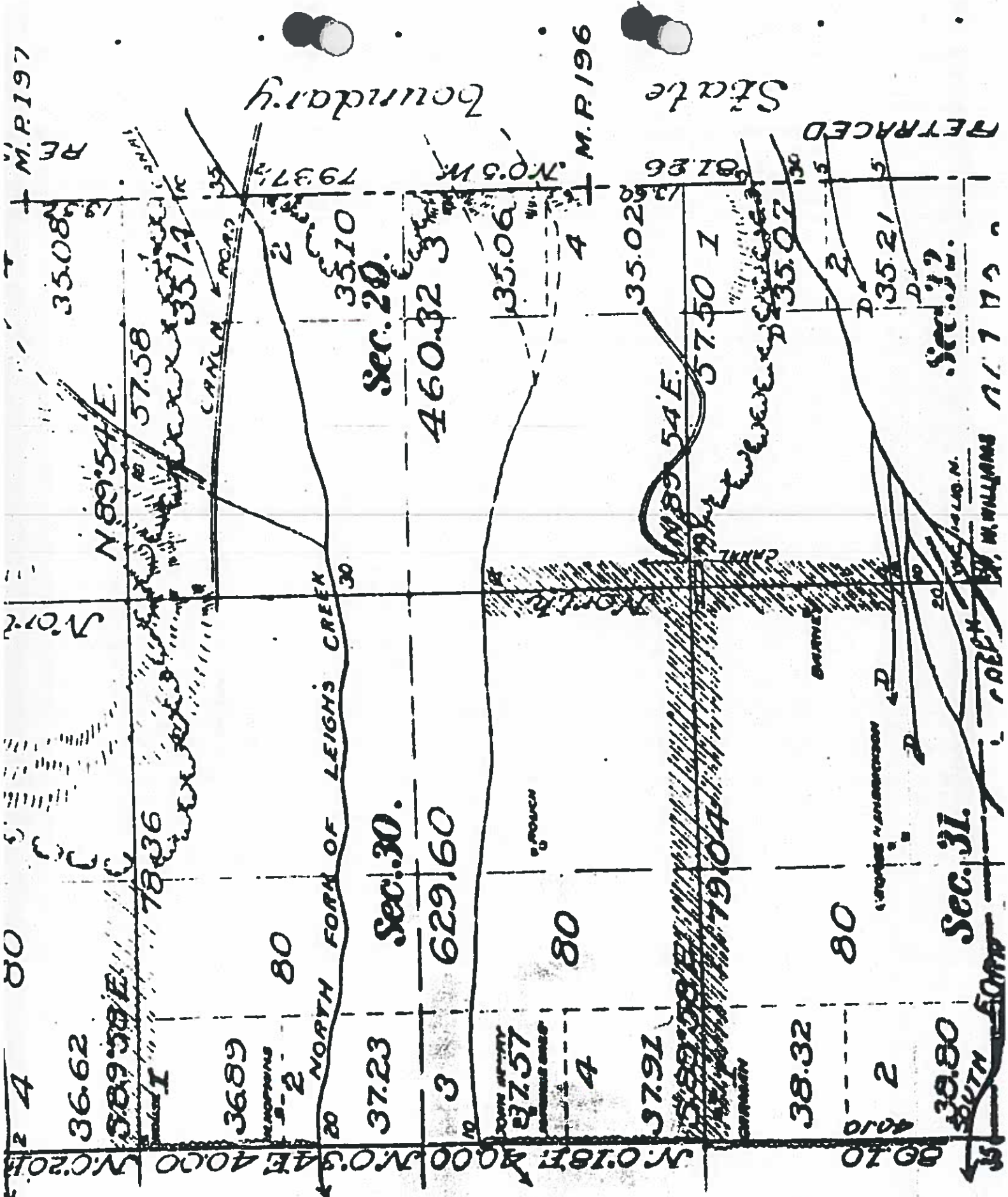
22-130E

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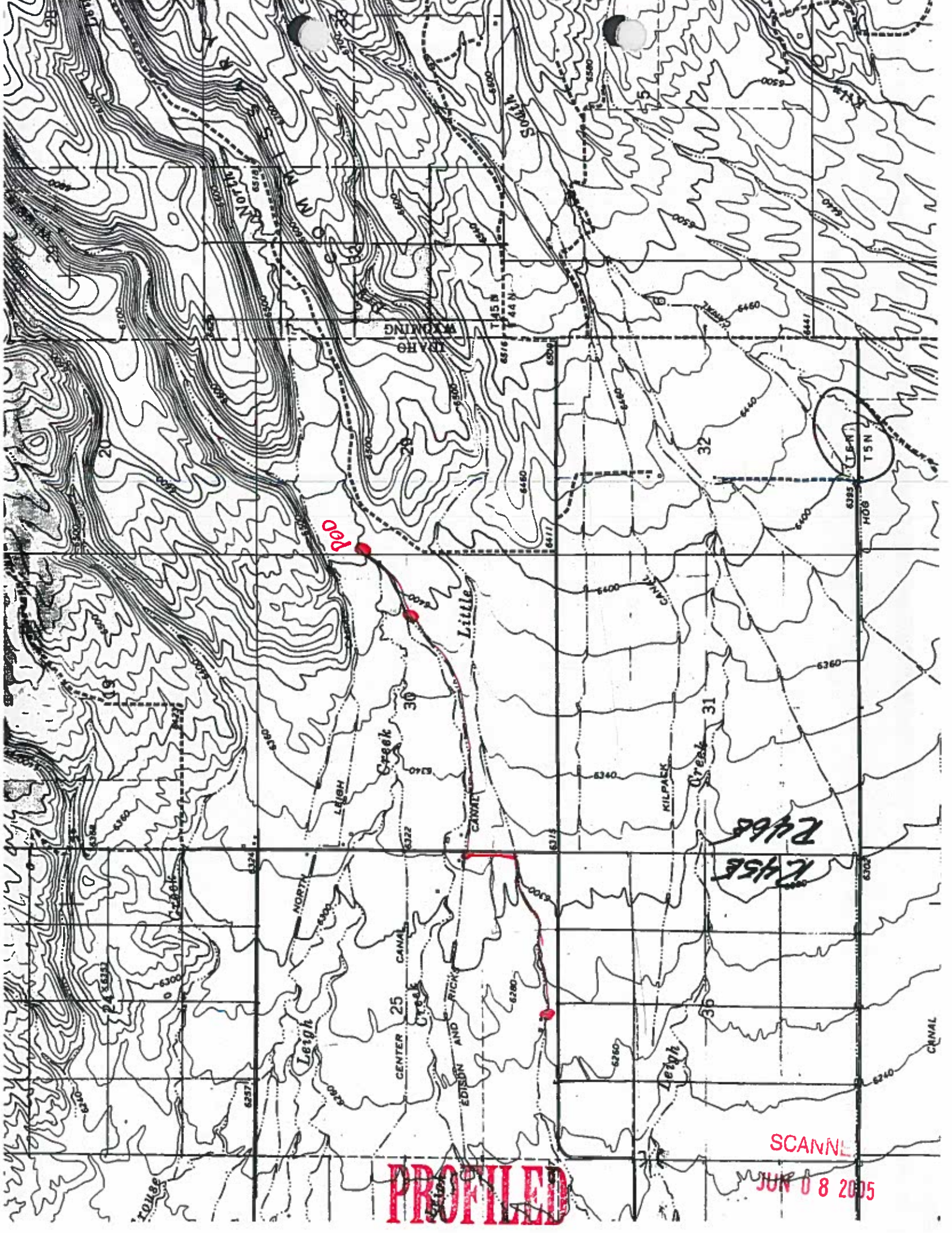
9/13/04 ASR





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DECEMBER 15, 1992

JAMES AND MARY LOU BUSH
549 W 1050 N
FELT ID 83424

RE: CHANGE IN OWNERSHIP FOR A22-00515, 00516, 00517,
0011098 (RENUMBERED TO 00136) AND 11099 (RENUMBERED TO
00130

Dear Mr. and Mrs. Bush:

The request for Change in Ownership concerning your
Notices of Claim in the above reference has been
processed and the Notices modified to reflect you as the
new owner.

A22-00136 was split as follows: To James Bush,
A22-00136D, 0.80 cfs on 40 acres; to Donald Harlander,
A22-00136B, 0.80 cfs on 40 acres.

A22-00515 was split as follows: To James Bush,
A22-00515C, 0.30 cfs on 40 acres; to Donald Harlander,
A22-00515A, 0.30 cfs on 40 acres.

A22-00130 was split as follows: To James Bush,
A22-00130E, 0.80 cfs on 40 acres; to Edmund Twining III,
0.80 cfs on 40 acres. *It?*

A22-00517 was split as follows: To James Bush,
A22-00517C, 0.30 cfs on 40 acres; to Donald Harlander,
0.30 cfs on 40 acres. *It?*

A22-00516 was split as follows: To James Bush,
A22-00516C, 0.20 cfs on 40 acres; to Donald Harlander,
A22-00516A, 0.20 cfs on 40 acres.

Review the enclosed forms and if there are other
corrections or questions, feel free to contact this
office.

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APR 08 1994

James Bush
Page - 2 -

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Dave Carlson
Water Right Agent, Adjudications

DC:jt

Enclosure: James Bush's Notices

cc: Donald C Harlander/Change Ownership Letter
Copies of Notices of Claim

File: P

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CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): 22-00515, -00516, -00517, 136, 130 NOV 09 1992

Department of Water Resources
Eastern District Office

[] Name and Address of Former Claimant(s): Don & Mary Lou Harlander

[] New Claimant(s): James & Mary Lou Bush

[] New Mailing Address: 549W 1050N

Felt, ID 83424

New Telephone Number: (208) 456 - 2849

[] Does the change in ownership result in a splitting of the water right claimed? X yes no
If yes, then describe the portion of the water right that is now claimed by the new owner:

All in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 25, T6N, R45EBM

[] Attach proof of ownership
Describe proof attached: _____
(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

[X] Signature of New Claimant(s): Jan D. Gruver, agent
for James & Mary Lou Bush

Date: 10/20/92

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REVISED 10/90

(OVER, PLEASE) MICROFILMED

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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: A22-00130E
Date Received: 10/ 5/1988
Receipt No: E002913
Received By: X777777

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES BUSH 208-456-2849
Address: 549W 1050N
FELT ID 83424

AND

Name: MARY LOU BUSH 208-456-2849
Address: 549W 1050N
FELT ID 83424

2. Date of Priority: JAN 22, 1916

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	45E	30	NW	NE	SE		TETON

5. Description of diverting works:
HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.800		

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

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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A22-00130E

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1

Date: 11/10/92

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A2200130E



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	45E	25	SE SW		IRR	40.0
Section Acres						40.0
Total Acres						40.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

A22-00515, A22-00516, A22-00517, A22-00136.

14. Remarks:

THIS CLAIM IS FOR A PORTION OF DECREED RIGHT 22-0130.
WATER IS DIVERTED INTO WEAVER DITCH TO LITTLE DRY CREEK WHICH IS
USED AS A NATURAL CARRIER TO THE PLACE OF USE AND DIVERTED BY
TEMPORARY DAMS. WATER IS ALSO DIVERTED FROM HEADGATE ON RICKS
CANAL IN THE SENESE OF SEC. 25, T6N, R45E.
PAID #E002913

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

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: _____

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