

06/27/2006

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

RIGHT NUMBER: 22-136D
NAME AND ADDRESS: JAMES W BUSH
PO BOX 180
TETONIA ID 83452

MARY LOU BUSH
PO BOX 180
TETONIA ID 83452

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

<u>IRRIGATION Within TETON County</u>			
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

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: 22-136D
NAME AND ADDRESS: JAMES W BUSH
PO BOX 180
TETONIA ID 83452

MARY LOU BUSH
PO BOX 180
TETONIA ID 83452

SOURCE: LITTLE DRY CREEK
NORTH LEIGH CREEK
Point of injection into Little dry Creek. Point of redirection from Little Dry Creek.

TRIBUTARY: SINKS
TRIBUTARY: TETON RIVER

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 ~~WSENE~~ 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	2.6	T06N R45E S25	SESW	22.0
S			29		
24.6 ACRES TOTAL					

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

THIS CLAIM IS FOR ~~FOR~~ A PORTION OF DECREED RIGHT 22-136.

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: Decreed

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

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

11/21/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-136D

JAMES W BUSH

PO BOX 180

TETONIA ID 83452

Telephone Number: ~~(208) 456-2849~~ 208-456-2864

MARY LOU BUSH

PO BOX 180

TETONIA ID 83452

Telephone Number: ~~(208) 456-2849~~

Phone
updated
KMO

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-10-06

SIGNATURE: James W. Bush

Please print your name: James W. Bush

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



Idaho Department of Water Resources

SRBA Recommendation:

22-136D

(Irrigation)

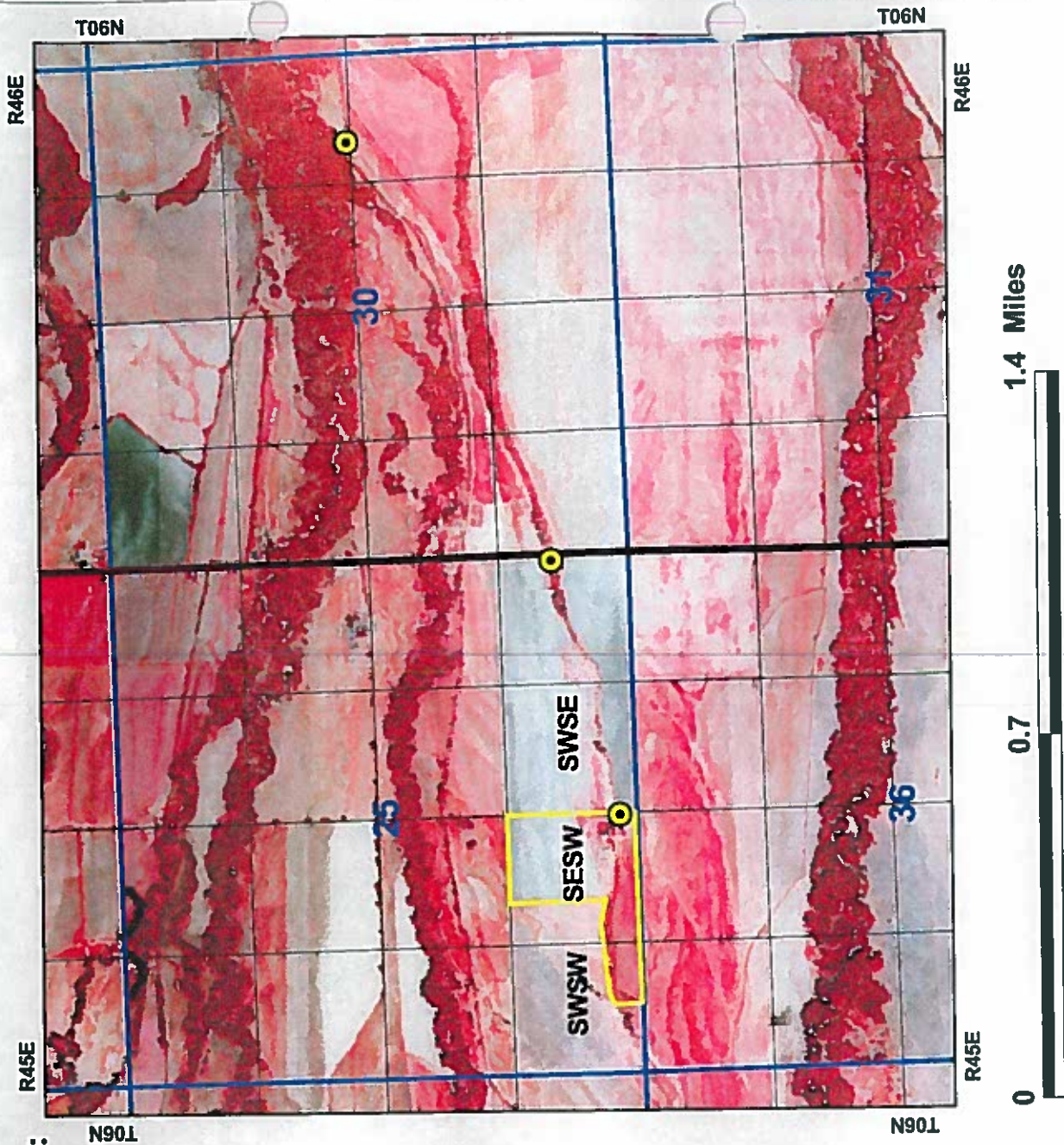
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22

J. Crabtree
November 21, 2006
Photography





State of Idaho

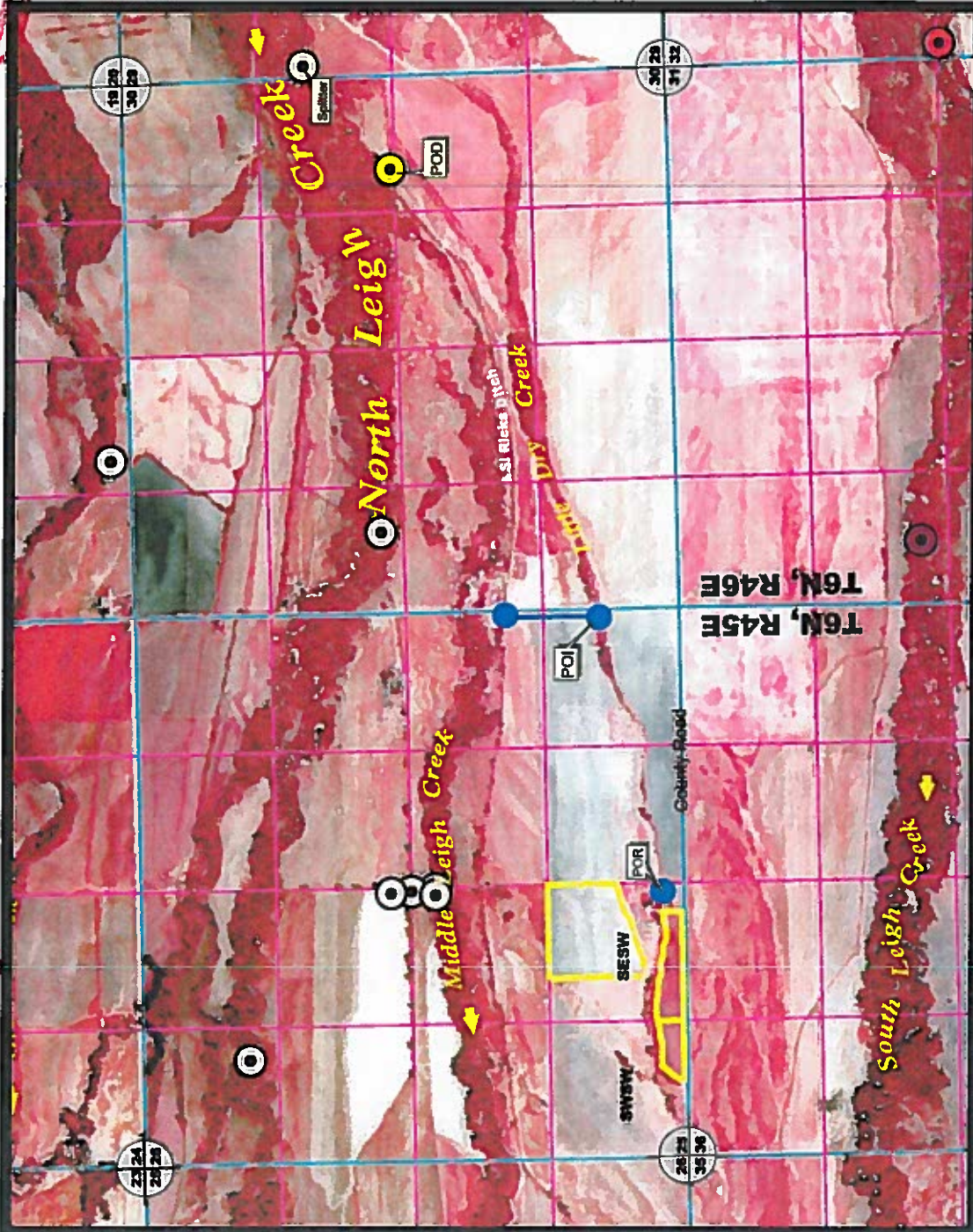
Department of Water Resources

Eastern Region

SCANNED
JUN 08 2005



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 NAAPP Photography
Prepared by: A. Ruberry
Date: June 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

~~22-1115~~
22-1306

13193

~~13193~~

13196

13198

136D

310D

515C

517C

668D

669B

JAMES W BUSH

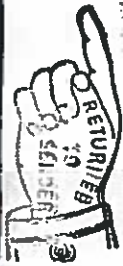
MARY LOU BUSH

549 W 1050 N

FELT ID 83424

UNDELIVERABLE AS ADDRESSED

* U.S. POSTAGE *
1710 P 83523907
8946 \$00.370 MAR 02 2004
1010 MAILED FROM ZIP CODE 83402



PROFIT

SCANNED

JUN 08 2004

PO Box

180

Idaho Falls ID
83402

Water Right Split History Analysis

DECREED UNDER:
HANSEN, et al vs L. CRANDALL
1938. P XIV.

22-136 B D. ROTH
0.80 cfs on 40° AC.

22-136 A

22-136 C B. SMITH
1.60 cfs on 80° AC

22-136 D J. BUSH
0.80 cfs on 40° AC.

22-136

10¹/₂ cfs on 520° AC
22 JANUARY 1916
NORTH LEIGH CREEK

22-136 E G. HANSEN
1.60 cfs on 80° AC
MIDDLE LEIGH CREEK - ? CFS?

$\frac{10\frac{1}{2} \text{ cfs}}{520^\circ \text{ AC}} = 0.02 \text{ cfs/AC}$

22-136 F A. HANSEN
2.32 cfs on 116° AC

22-136 G M. HANSEN
0.50 cfs on 18° AC. Q OVERCLAIMED / AC UNDERCLAIMED?

22-136 H R. BEARD
0.30 cfs on 11° AC. Q OVERCLAIMED / AC UNDERCLAIMED?

Reviewer: _____

Date: _____

UNCLAIMED

≈ 2.48 cfs AND 135° AC

PROTECTED

SCANNED
JUN 08 2005

JAMES BUSH

SRBA WATER RIGHT CLAIMS:

<u>Water Right</u>	<u>Priority Date</u>	<u>CFS</u>	
22-130D ~~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
<u>22-515C</u>	<u>06/01/1899</u>	<u>0.30</u>	Combined use limits of Q and Ac apply
Total Q Claimed		2.40	

PROFILED

SCANNED
JUN 08 2005

point of diversion as set out in the decree, and has continued use of said well and the inhabitants thereof, and has continually used said quantity of water during each irrigating season since said date.

XIV.

22-0136
That the plaintiffs, Miles Hastings, David Hansen, William Hansen, Alfred Hansen, Glenn Peterson and Lillie M. Hansen, are the owners of, or have an estate in, the following described lands, to-wit:

-6-

SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$	Sec. 26	SE $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$ of section 26 in township
S $\frac{1}{2}$ S $\frac{1}{2}$	Sec. 25	6 north, range 45 E.B.M.; S $\frac{1}{2}$ S $\frac{1}{2}$ of section
N $\frac{1}{2}$ NE	Sec. 34	25; N $\frac{1}{2}$ NE $\frac{1}{4}$ of section 34; NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section
NW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 35	35, all in township 6 north, range 45 E.B.M.,
		containing 520 acres of land more or less,

PROHIBITED

EXCERPT FROM:
Hansen et al vs L. Candau
1938

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 the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 30 in township 6 north, range 46 E.B.M.; that the plaintiffs, or their predecessors in interest, have diverted 10.4 cubic feet or 520 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 and ever since the 22d day of January, 1916, have diverted, appropriated and applied to beneficial use in the irrigation of the above described lands during the irrigating season the above stated quantity or stream flow in addition to any other rights fixed, decreed or granted to the said plaintiffs.

$$\frac{10.4 \text{ cfs}}{520 \text{ ac}} = 0.02 \text{ cfs/ac}$$

XV.

22-037
That the plaintiff, David Hansen, is the owner of, or has an estate in, the following described lands, to-wit:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 27 in township 6 north, range 45 E.B.M., containing 40 acres, more or less,

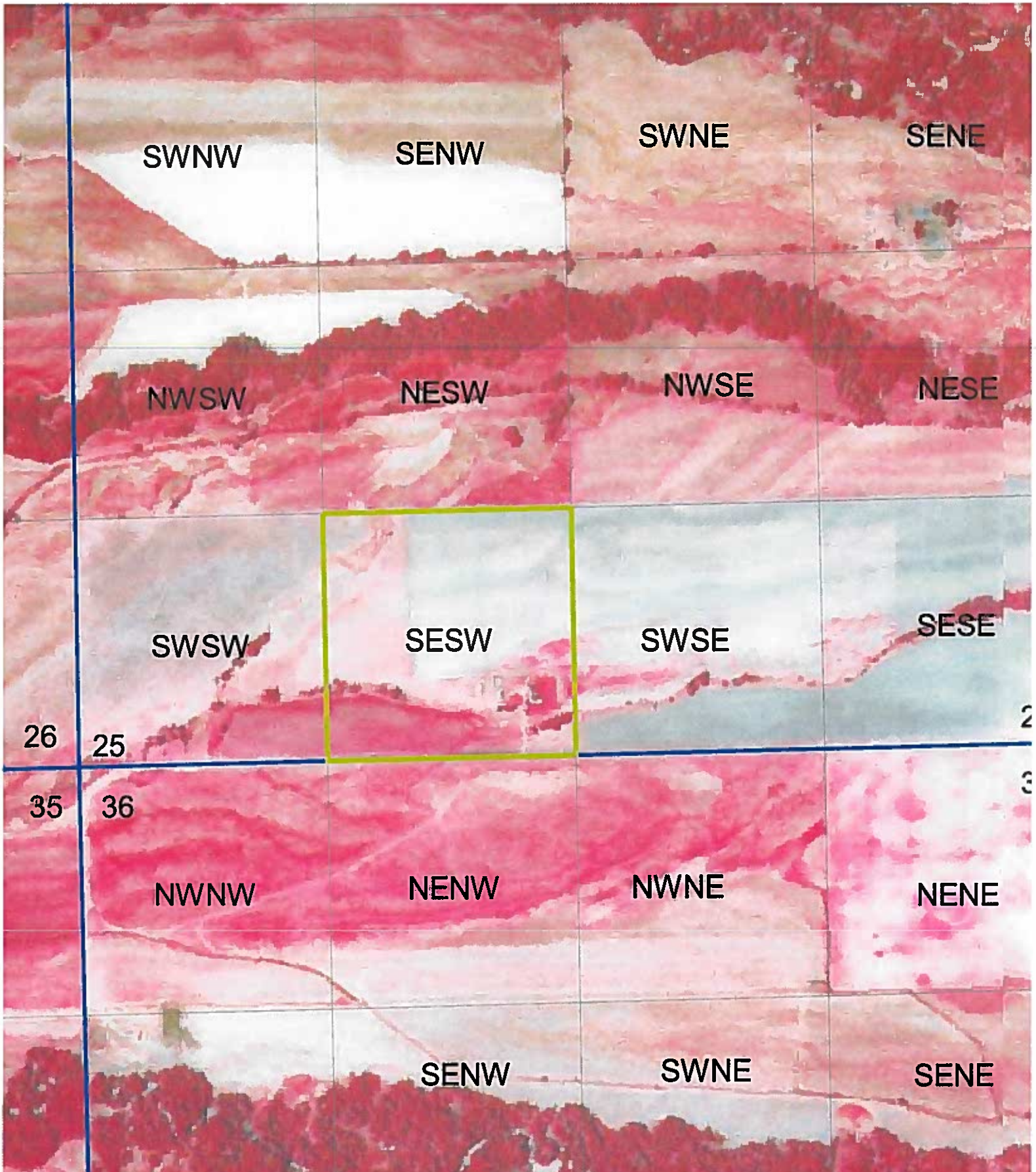
SCA 111-1
JUN 08 2005

... ditch by and through which he diverts water

PROFILED

22-136D

SCANNED
JUN 08 2005



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.

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.

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.

PROFILED

SCANNED
JUN 08 2005

MICROFILMED
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

PROFILED

SCANNED
JUN 08 2005

MICROFILMED
APR 08 1994

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, R45E BM

[] 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):

James D. Brewer, Agent
for James & Mary Lou Bush

Date: 10/20/92

PROFILE

SCANNED

JUN 08 2005

(OVER, PLEASE)

APR 08 1994

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: 3957

Ident. Number: A22-00136D
Date Received: 10/ 5/1988
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES BUSH 208-41
Address: 549W 1050N
FELT ID 83424

AND

Name: MARY LOU BUSH 208-41
Address: 549W 1050N
FELT ID 83424

2. Date of Priority: JAN 22, 1916

3. Source: NORTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	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

A22-00136D

PROFILED

Page

1 JUN 08 2005 Date: 11/10/92

MICROFILMED

APR 08 1994

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, A22-00130

14. Remarks:

THIS CLAIM IS FOR A PORTION OF DECREED RIGHT 22-0136.
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
understand the form entitled "How you will receive notice in the Snake
Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive an
a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

A22-00136D

Page

SCANNED

JUN 08 2005

Date: 11/10/92

MICROFILMED

APR 08 1994