

11/06/2003

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

RIGHT NUMBER: 27-7352

NAME AND ADDRESS: BRIAN L RUSHTON
450 E 700 N
FIRTH ID 83236

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
2.400 AFY

PRIORITY DATE: 04/29/1983

POINT OF DIVERSION:

T01S R36E S26 SESW Lot 13 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	4/01 11/01	0.070 CFS
IRRIGATION	4/01 11/01	0.020 CFS 1.80 AFY
DOMESTIC	1/01 12/31	0.040 CFS 0.60 AFY

PLACE OF USE: FIRE PROTECTION Within BINGHAM County

T01S R36E S26 Lot 13 SESW

IRRIGATION Within BINGHAM County

T01S R36E S26 Lot 13 SESW 0.5

DOMESTIC Within BINGHAM County

T01S R36E S26 Lot 13 SESW

0.5 ACRES TOTAL

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 01, SNAKE RIVER.

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.

Use of water under this water right will be regulated by the watermaster
of State Water District No. & DISTRICT.

EXPLANATORY MATERIAL: License



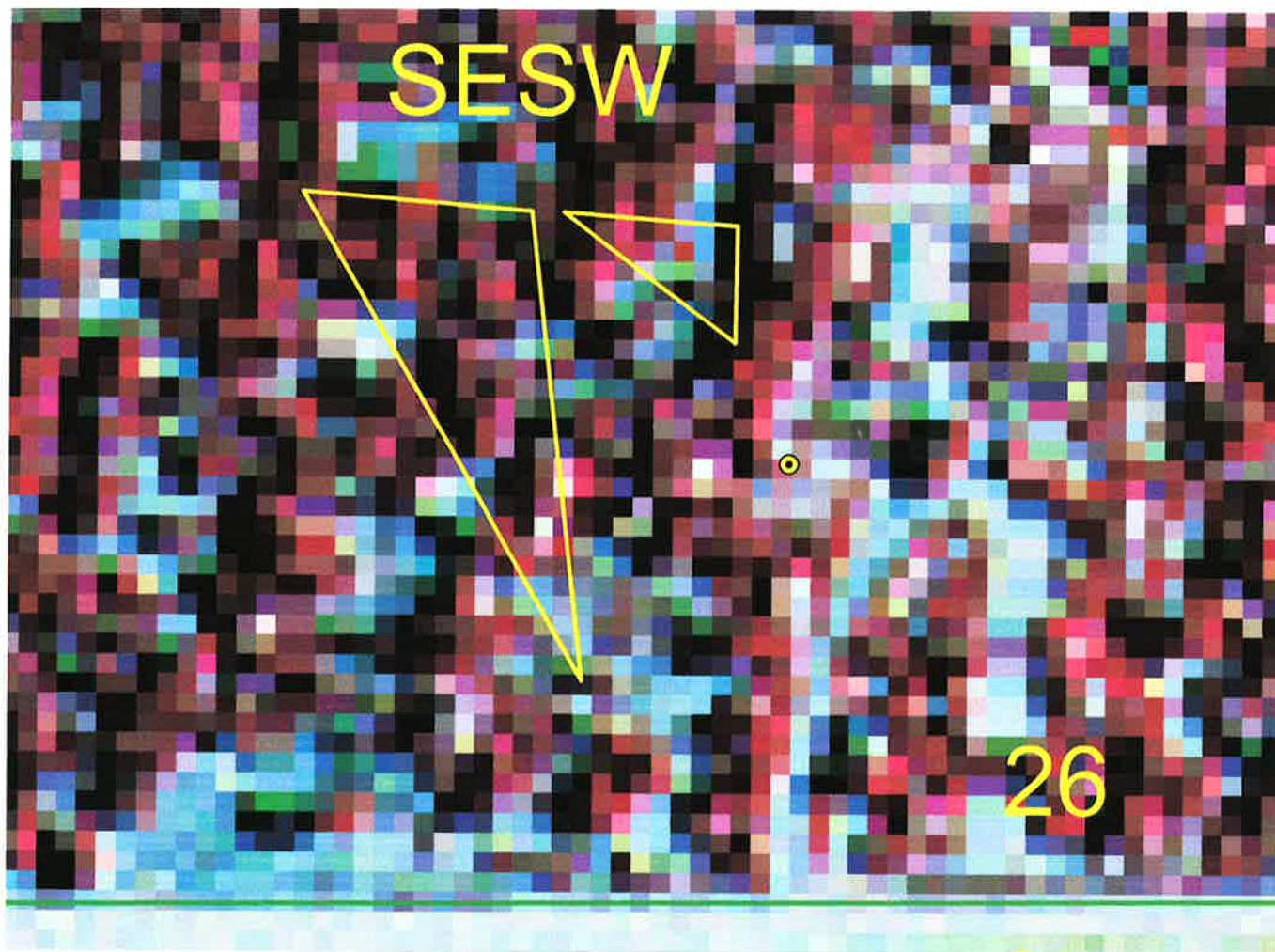
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-7352



80 0 80 160 Feet

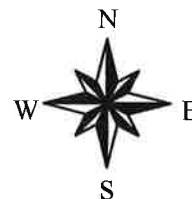
IRRIGATED ACRES 0.5

LEGEND

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

Place of Use: T1S, R36E:
(part of) Sec. 26, SESW

Point of Diversion: T1S, R36E:
Sec. 26, SESW



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: October 2003

11/06/2003

**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: 27-7352

BRIAN L RUSHTON
450 E 700 N
FIRTH ID 83236
Telephone Number: (208) 346-4127

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: 05-25-05 SIGNATURE: *Brian L. Rushton*
Please print your name: Brian L. Rushton

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

RECEIVED
JUN 03 2005
Department of Water Resources
Eastern Region

PROFILED

SCANNED
JUN 07 2005

KMJ
6/6

SCANNED

JUL 20 2001

Log for claim 27-07352

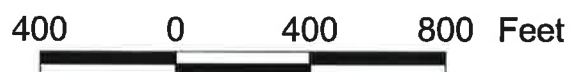
Spatial Dynamics LTD

11/21/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01s36e	26	SESW	0.5	18	POD placement? / Indiscernible
Totals:			0.5	18	

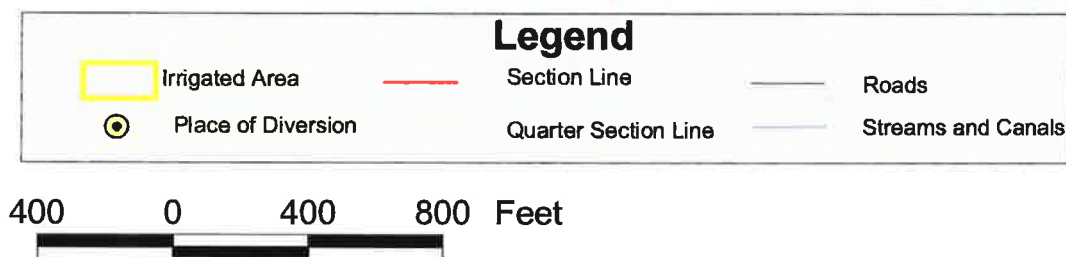
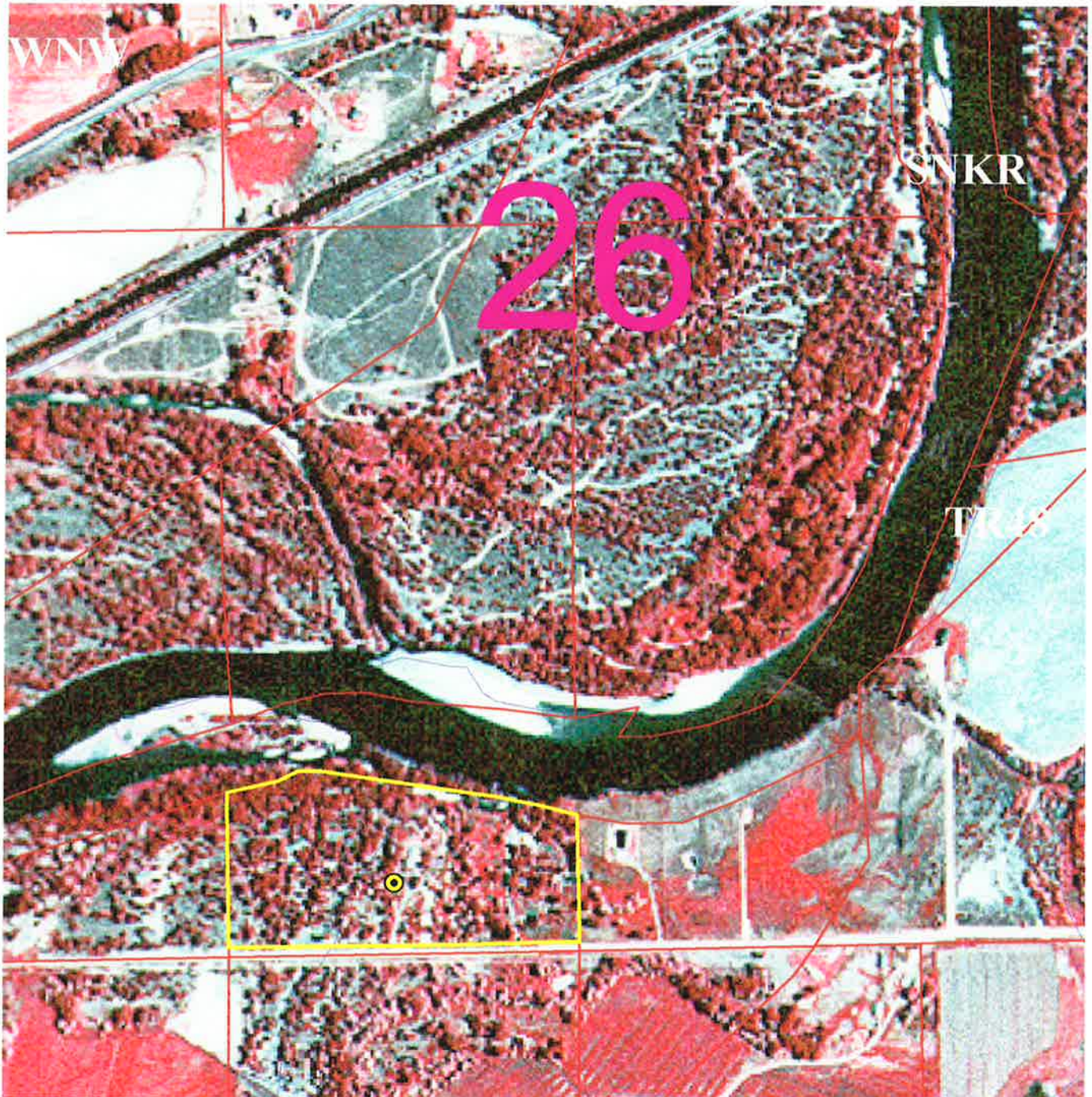
Water Right Claim Number 27-07352
Township , 1S36E

11/21/2000



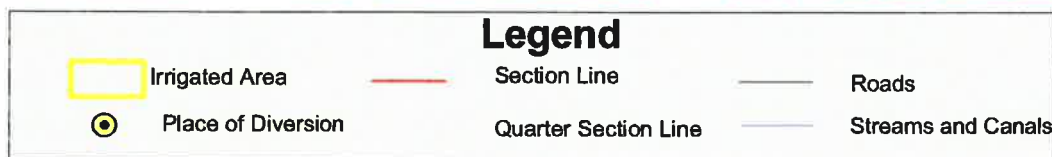
Water Right Claim Number 27-07352
Township , 1S36E

11/21/2000



Water Right Claim Number 27-07352
Township , 1S36E

11/21/2000



State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 27-7352 Priority April 29, 1983 Amount 0.07 cfs

THIS IS TO CERTIFY, that Brian L. Rushton
of Firth, Idaho, has complied with the terms and conditions of Permit
No. 27-7352 issued pursuant to Application for Permit dated April 29, 1983,
and has submitted proof to the Department of Water Resources on October 4, 1985,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.07 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>0.02</u> cfs and	<u>1.8 acre feet</u>
<u>Domestic</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>0.6 acre feet</u>
<u>Fire Protection</u>	from <u>April 1</u> to <u>November 1</u>	at <u>0.07</u> cfs and	<u>N/A</u>

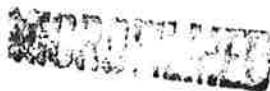
(both dates inclusive)

Subject, however, to the condition that no more than 0.07 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2.4 acre feet per year, said waters to be diverted within the Gov. Lot 13 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 26, Twp 1S, Rge 36E in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	36E	26												GL 13 0.5					0.5

Total number of acres irrigated 0.5



JUL 20 2001

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: A27-07352
Date Received: 5/02/1989
Receipt No: E007086
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BRIAN L. RUSHTON
Address: 450 E. 700 N.
FIRTH, ID

208-346-4127

83236

2. Date of Priority: APR 29, 1983

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	36E	26	SE	SW	13		BINGHAM

5. Description of diverting works:
WELL, PUMP, SPRINKLER & DELIVERY SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.020		1.80
DOMESTIC	01/01	12/31	0.040		0.60
FIRE PROTECTION	04/01	11/01	0.070		

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

2.40 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ONE HOME, FIRE PROTECTION.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	36E	26	SE	SW	13	IRR	0.5

A27-07352

Page 1

Date: 05/02/89

A2707352



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NOV 12 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	36E	26	SE ✓	SW ✓	13	DOMEST	
			SE ✓	SW ✓	13	FIRE	

Section Acres 0.5

Total Acres 0.5

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
N/A

14. Remarks:
AC. IRR. = 0.5.

15. Basis of Claim: LICENSE

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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

Identification No. A27-07352

Date Received E007086

Receipt Number S-2-89

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) DEAN DUSTON Phone (208) 346-4127

Mailing Address 450 E. 700 N. FIDM, ID Zip 83236

2. Date of Priority (Only one per claim) Nov. 1 1979 4/29/83 Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 1S Range 36E
Section 26 1/4 of SE 1/4 of SW 1/4, Govt. Lot _____, BM.,
County of _____

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. WELL & PUMP

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For DOMESTIC purposes from 01/01 to 12/31 amount 0.04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) D/ONE HOME

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NOV 12 1992

10. Place of use is: Township: 1 S Range 36 E

Section 26 SE 1/4 of SW 1/4, Govt. Lot _____, B.M.,

County of BINGHAM for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? BINGHAM

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

N/A

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date 5-2-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of BONNEVILLE)

SS.

Subscribed and sworn (or affirmed) before me this 2 day of May

SEAL

Notary Public [Signature]

Residing at IDAHO Falls

My Commission Expires 9-12-94

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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NOV 12 1989