

1

02/14/2003

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

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B,
29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B

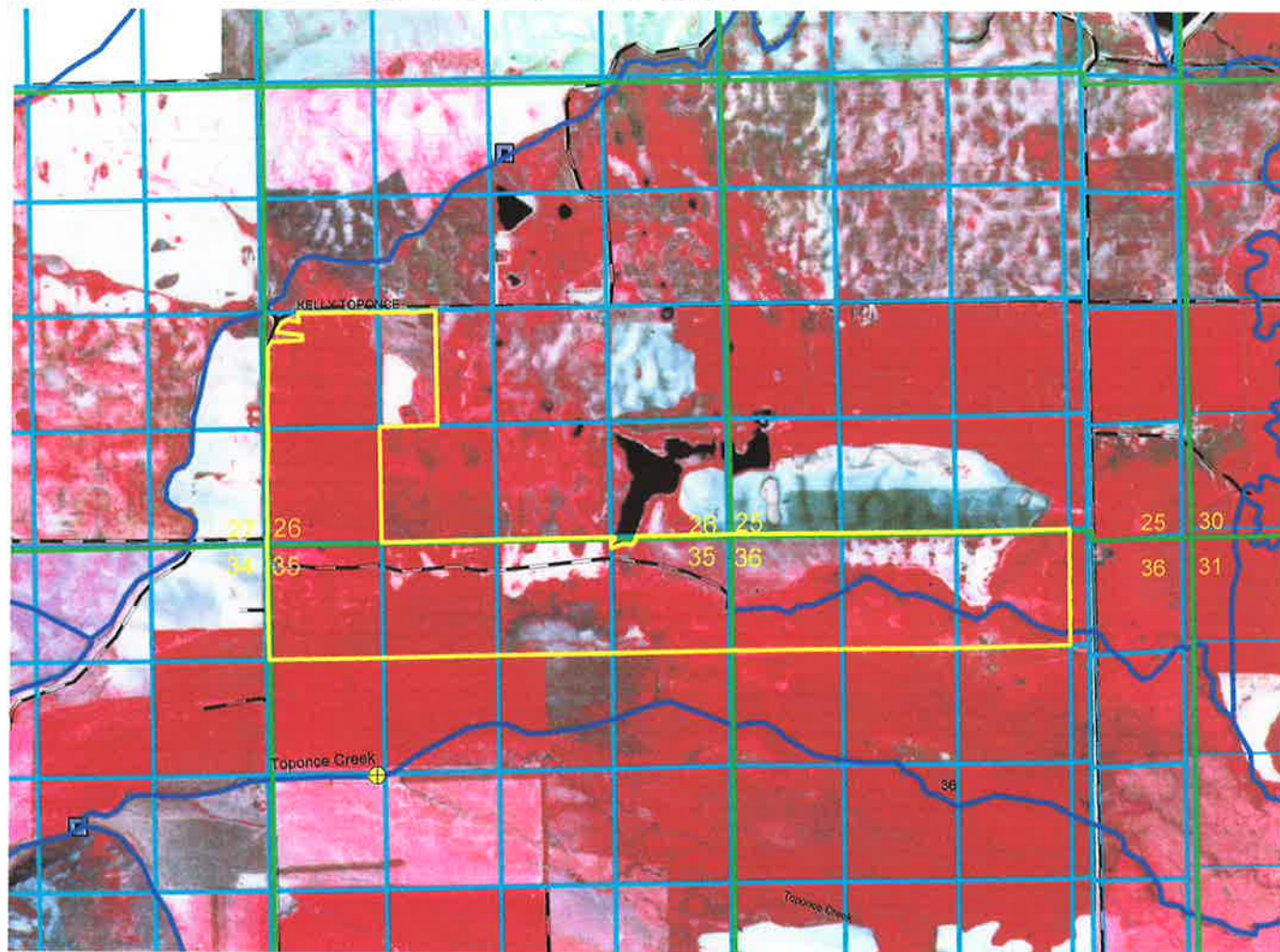


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Rights: 29-13231, 29-13232, 29-10329,
29-91B, 29-10330, 29-93B, 29-10327,
29-10331 and 29-107B



0.4 0 0.4 0.8 1.2 1.6 2 Miles

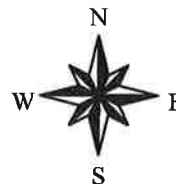
IRRIGATED ACRES 378

LEGEND

- ⊕ Point of Diversion
- Place of Use
- STREETS
- SECTIONS
- QUATER-QUATERS
- STREAMS

Place of Use: T6S, R38E,
(part of) Sections 26, 35 and 36.

Points of Diversion: T6S, R38E,
Sec. 35 NENWSW



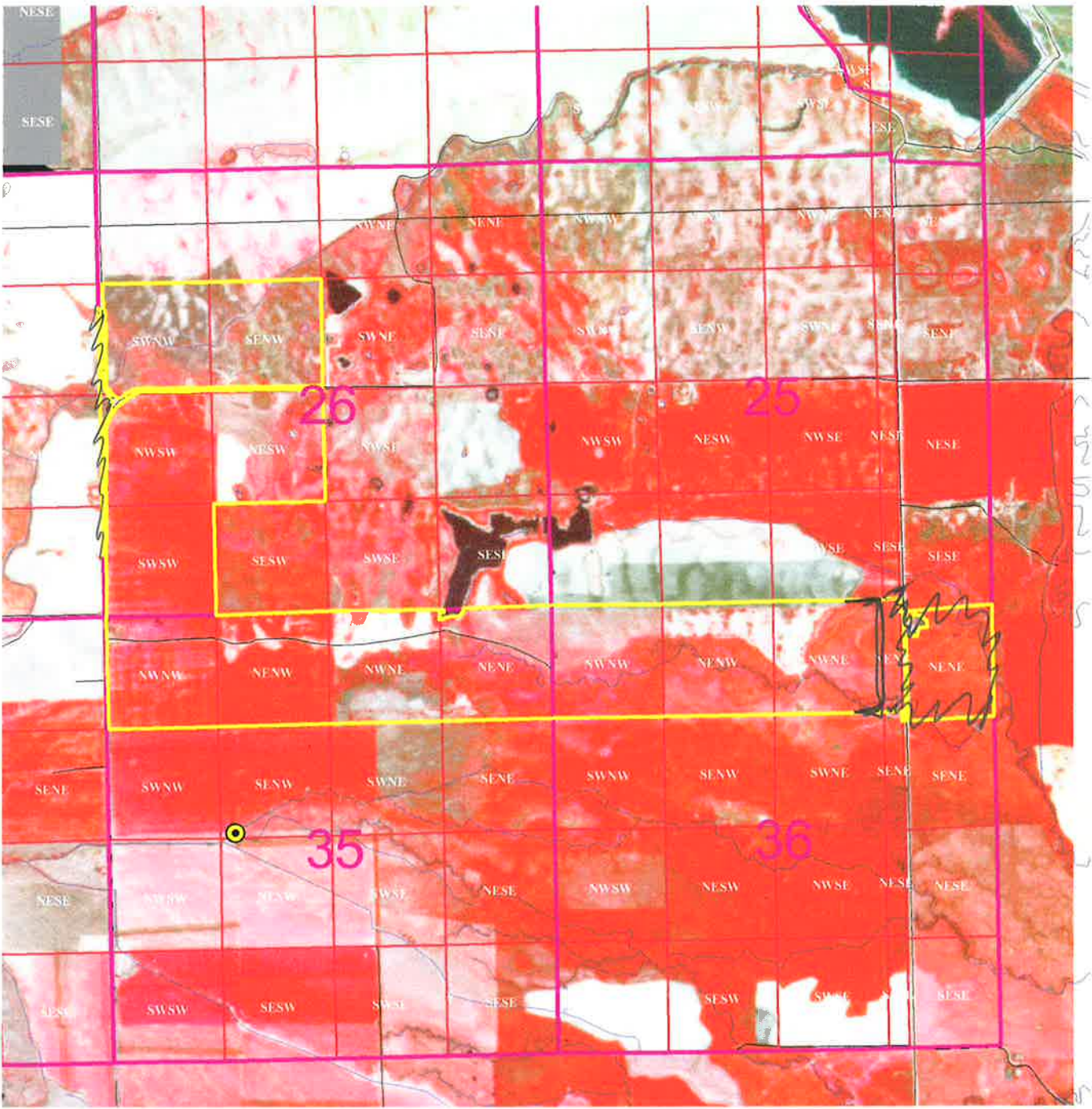
GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: FEBRUARY 2003

SCANNED

PROFILED

JUN 22 2005

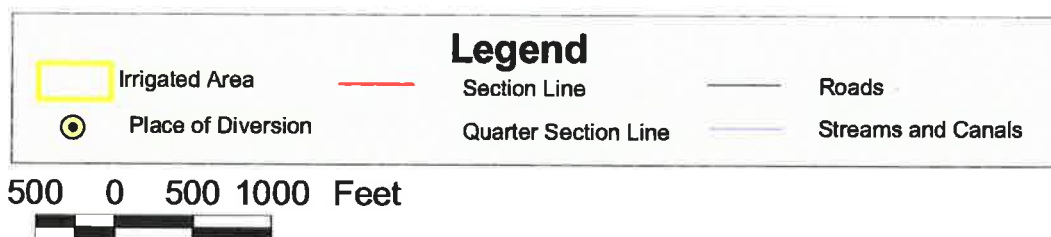
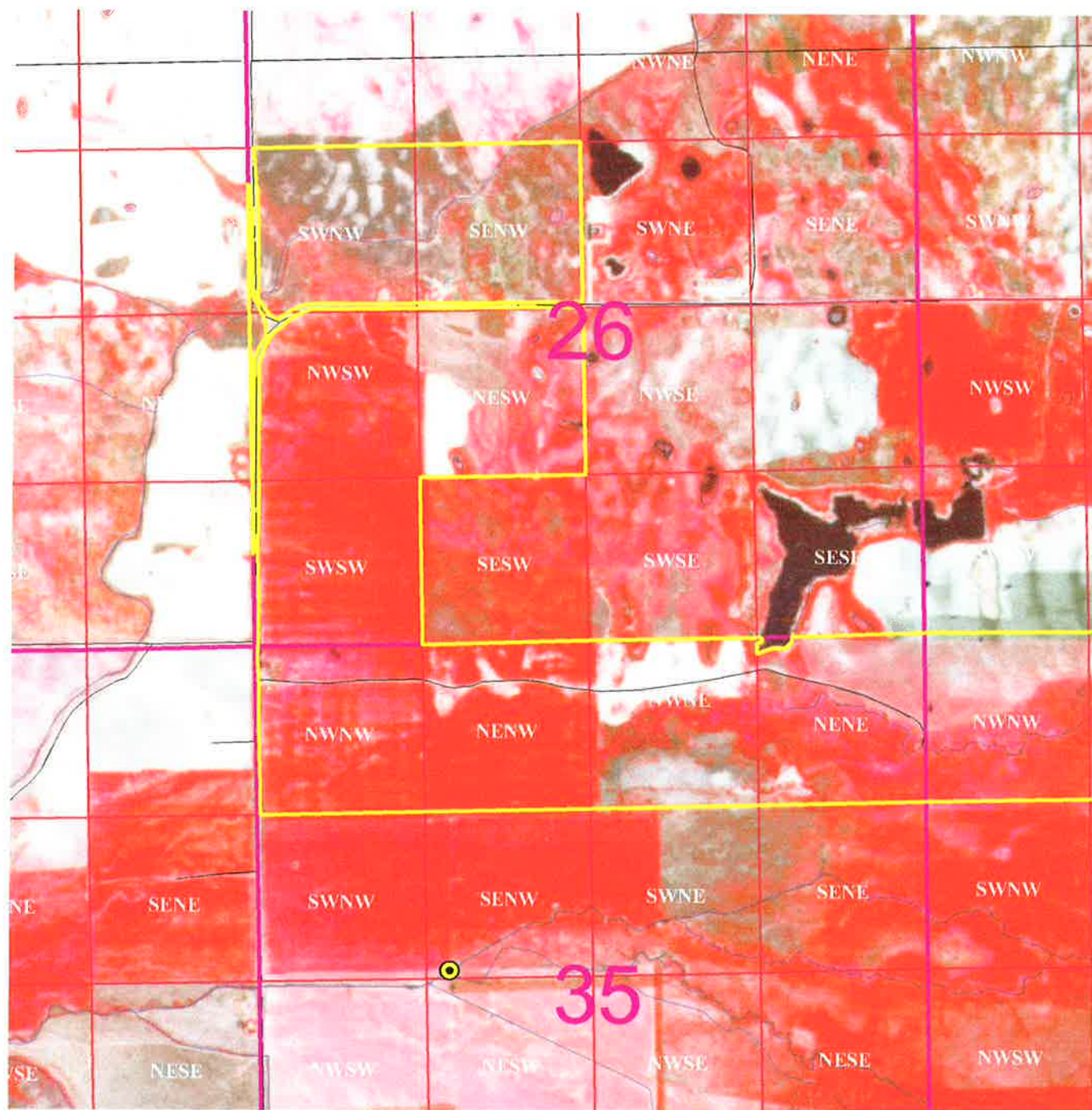
Township , 6S38E



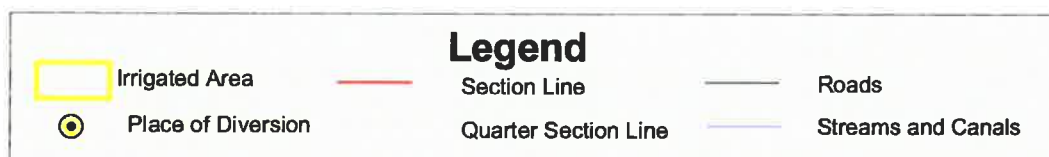
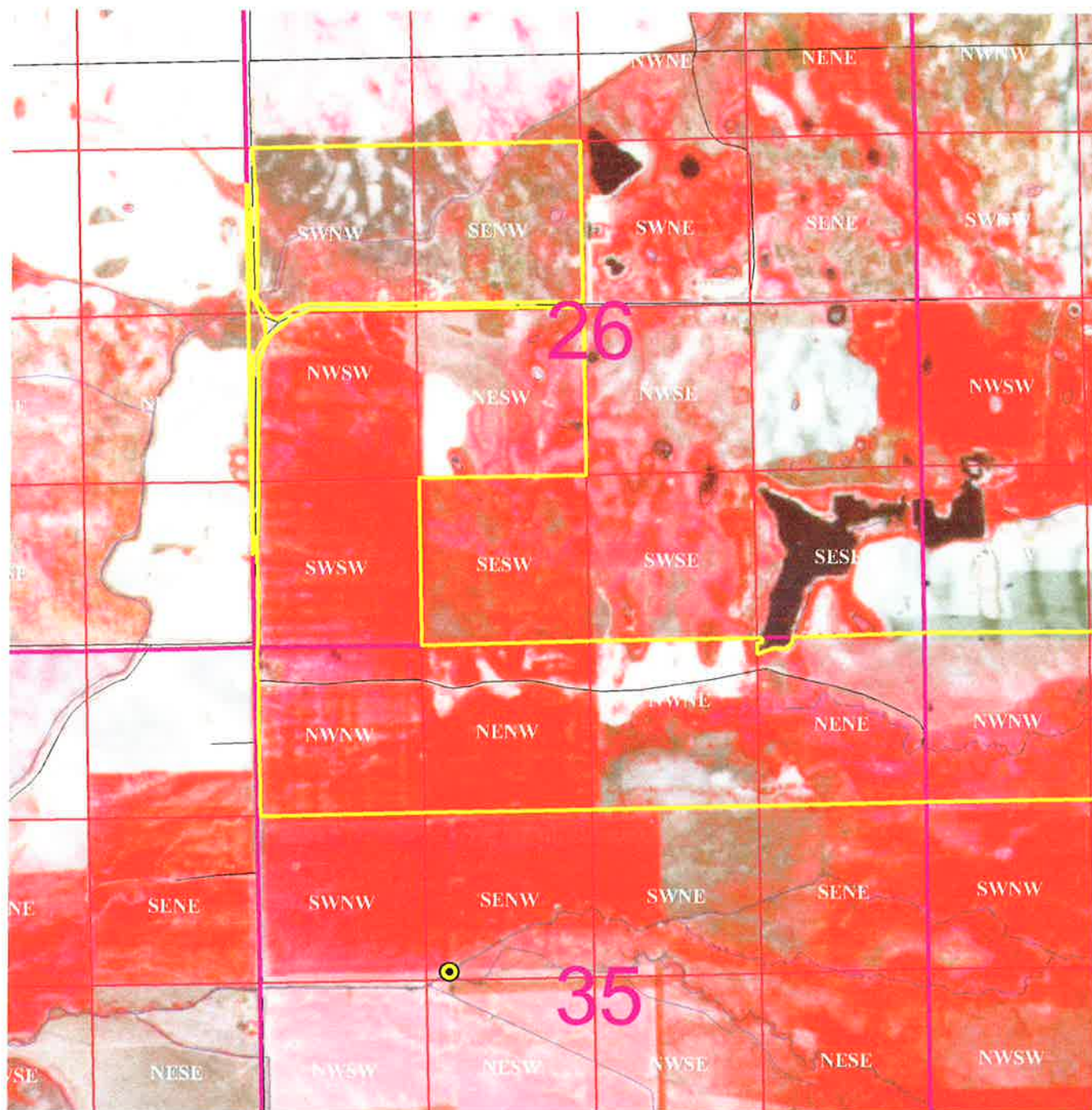
Legend					
	Irrigated Area		Section Line		Roads
	Place of Diversion		Quarter Section Line		Streams and Canals



Township , 6S38E



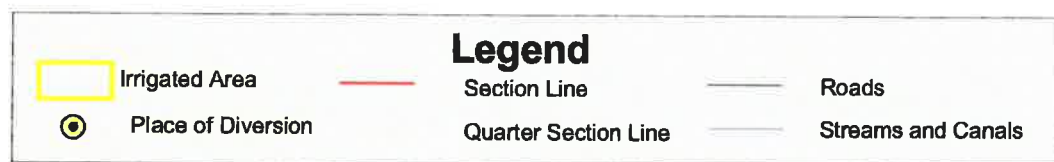
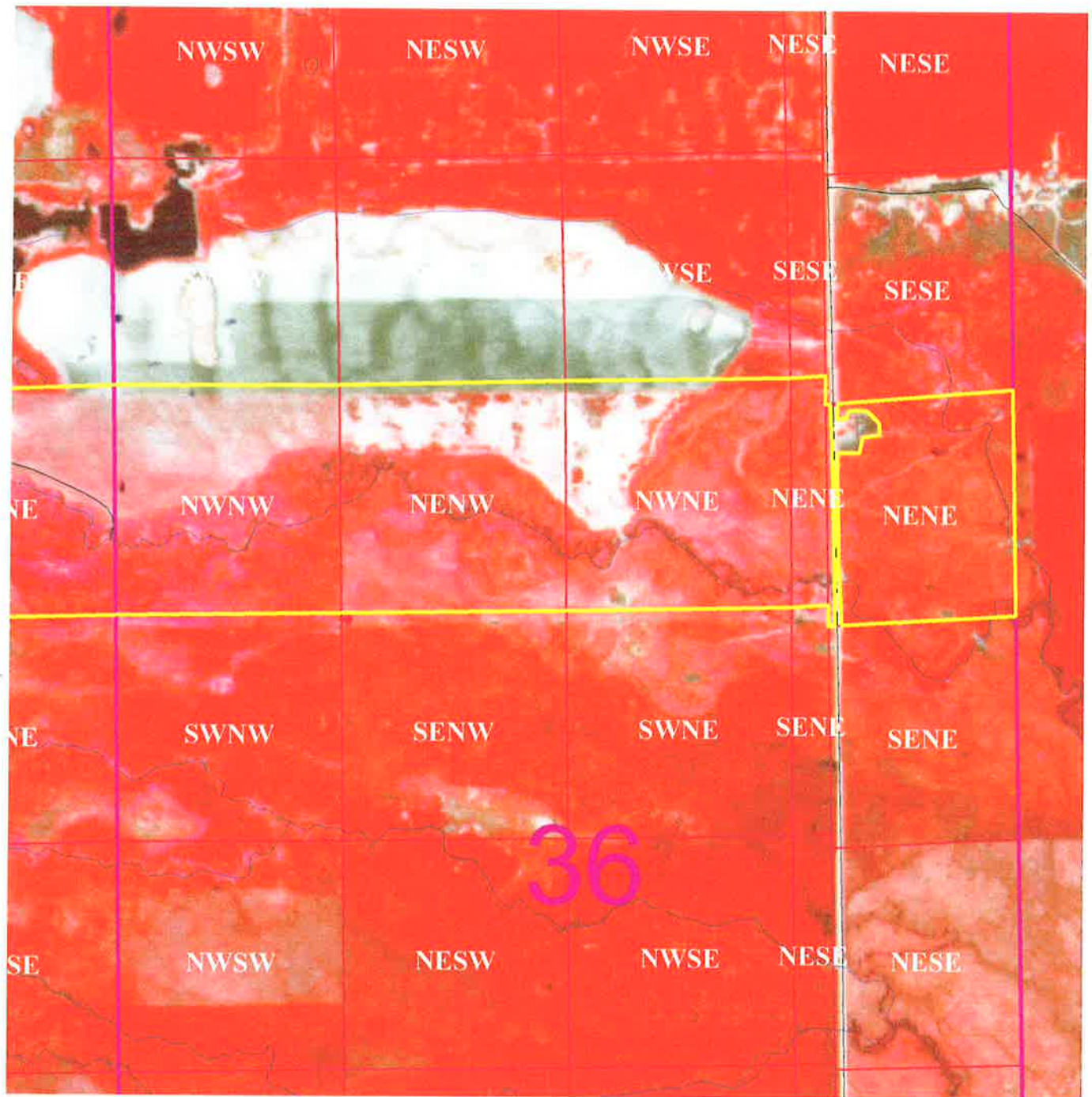
Township , 6S38E



500 0 500 1000 Feet



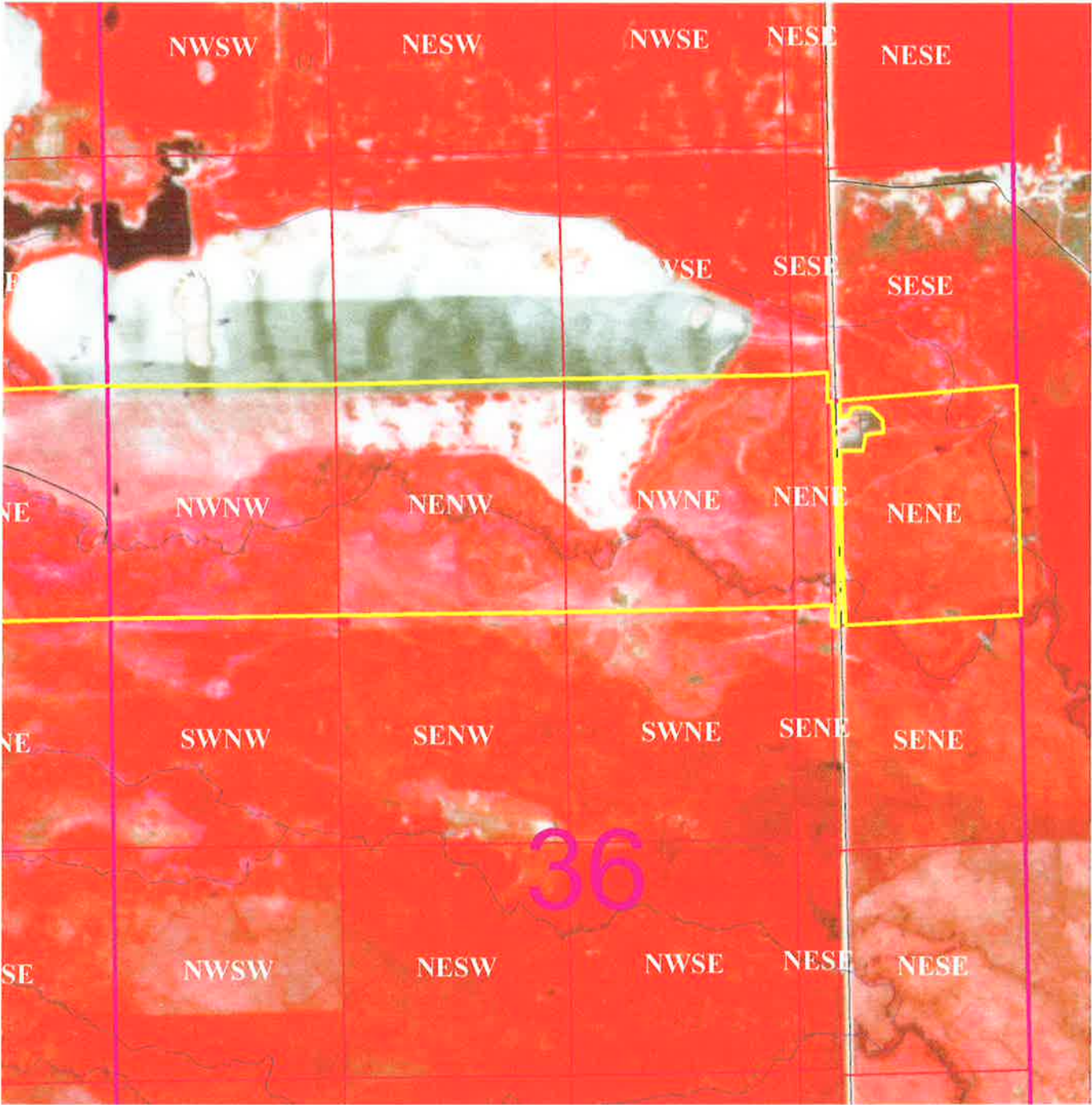
Township , 6S38E



300 0 300 600 Feet



Township , 6S38E



Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

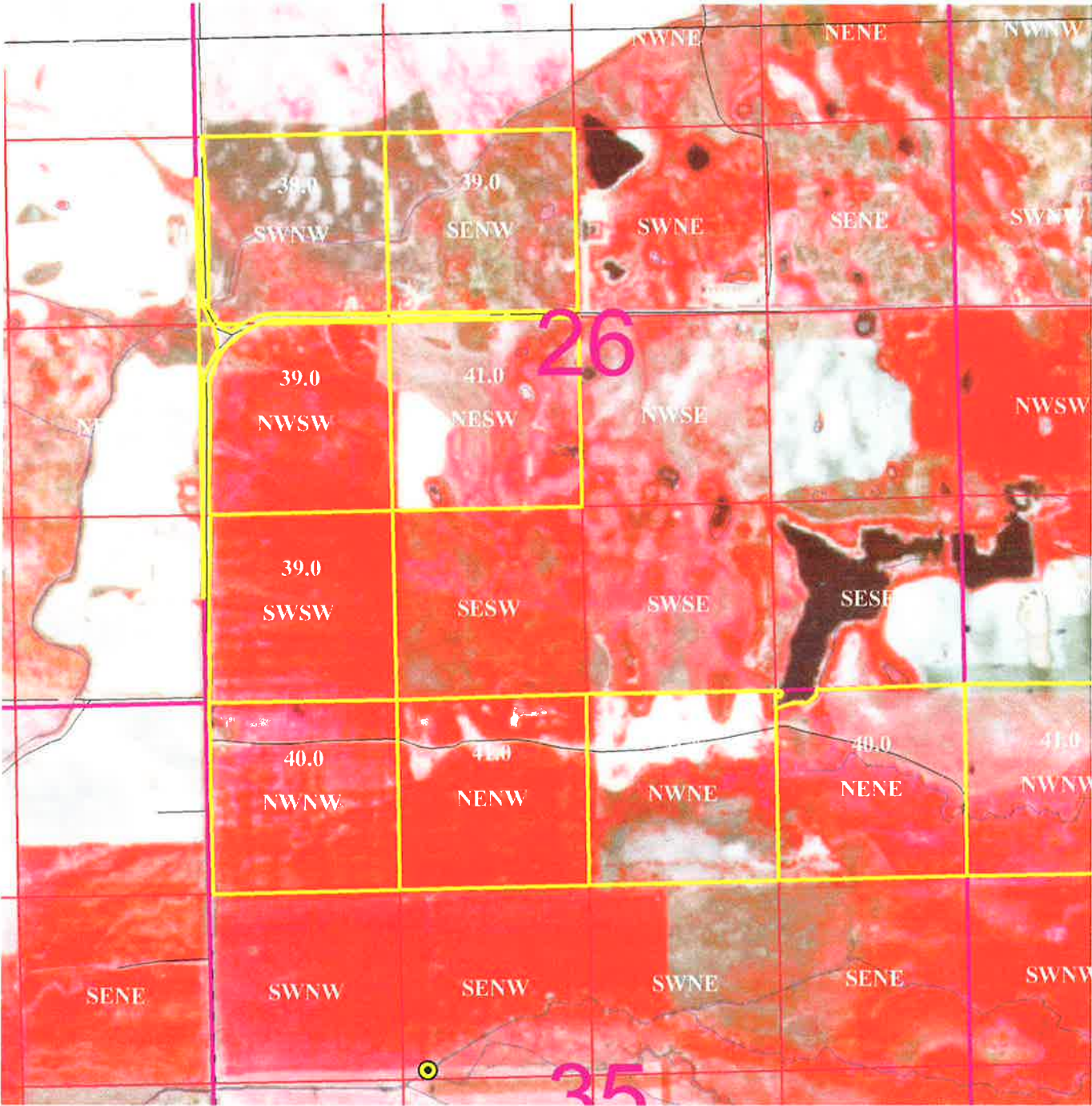
Streams and Canals

Legend

300 0 300 600 Feet



Township , 6S38E



 Irrigated Area

 Place of Diversion

Legend

 Section Line

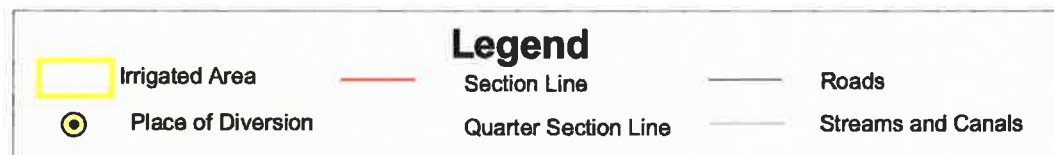
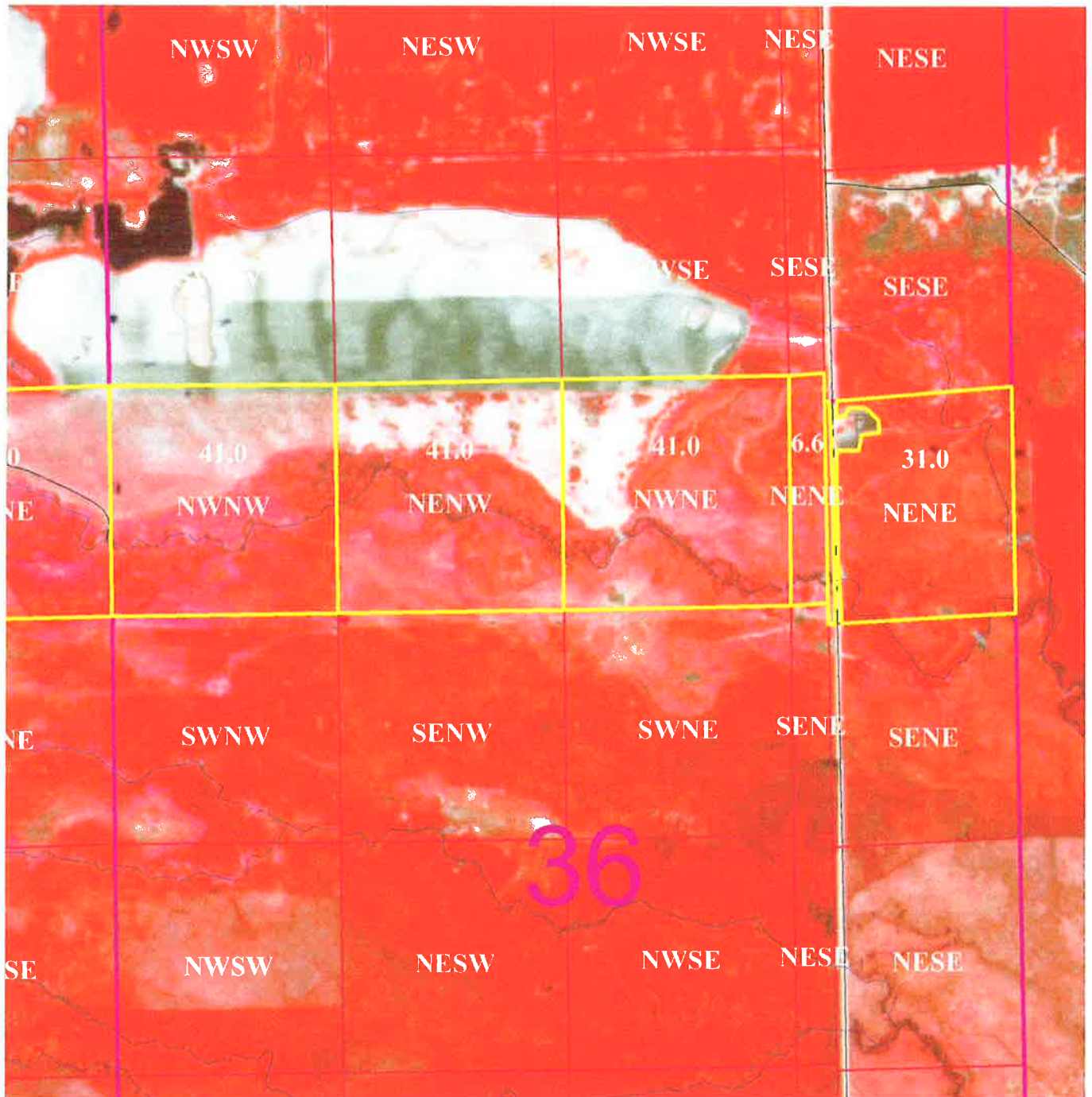
 Quarter Section Line

 Roads

 Streams and Canals



Township , 6S38E



300 0 300 600 Feet



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: April 21, 2003

Water right number: 29-93B

JIM ANDRUS
6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID 83246
Telephone Number: (208) 776-5380

KENNETH D ANDRUS
6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID 83246
Telephone Number: (208) 776-5380

COLLEEN L ANDRUS
6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID 83246
Telephone Number: (208) 776-5380

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:

Apr-30, 2003

SIGNATURE:

Kenneth D Andrus

Please print your name: _____

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

SCANNED
JUN 22 2005

PROFILE

Notes

1/27/03. Andrus doesn't own any property east of Nipper Rd or the small piece west of Nipper Rd.

- link Poll and update PLS/Acreage.
Recommend GPS'd POD: ANDRUS2 (add CO3 Remark)
Decreed POD was SESE Sec. 33, T6S, R38E.

Renumbered this Claim to 29-93B
because of the split between Perkins
and Andrus.

POD PRIOR TO 1987 - GPS POINT ANDRUS1
Chesterfield theme

PROFILED

SCANNED
JUN 22 2005

Claim No.: 29-93B

Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

E14, acc limit 50 Combined rights:
29-13231, 29-13232, 29-10329, 29-91B,
29-10330, 29-93B

C03

C05

C18

F06

Split or Combined Right Analysis:

see attached sheet

Attached Field Notes or Other Documents:

PROFILED

SCANNED

Claim No.:

JUN 22 2005

Reviewer

Cindy Bird

Date

1/27/03

29-88 $\left\{ \begin{array}{l} \text{Andrus} \quad 29-13231 \quad (0.07) \\ \text{Perkins} \quad 29-10248 \quad (0.07) \end{array} \right.$
0.14 cfs
7-1-1906

29-89 $\left\{ \begin{array}{l} \text{Andrus} \quad 29-13232 \quad (0.11) \\ \text{Perkins} \quad 29-13248 \quad (0.11) \end{array} \right.$
0.22 cfs
7-1-1907

29-90 $\left\{ \begin{array}{l} \text{Andrus} \quad 29-10329 \quad (0.30 \text{ cfs}) \\ \text{Perkins} \quad 29-90A \quad (0.30 \text{ cfs}) \end{array} \right.$
0.60
7-1-1908

29-91 $\left\{ \begin{array}{l} \text{Andrus} \quad \text{renumber } 29-91B \quad (0.48) \\ \text{Perkins} \quad 29-91A \quad (0.48) \end{array} \right.$
0.96
7-1-1909

29-92 $\left\{ \begin{array}{l} \text{Andrus} \quad 29-10330 \quad (0.14) \quad (0. \\ \text{Perkins} \quad 29-92A \quad (0.15) \end{array} \right.$
0.29
7-1-1910

29-93 $\left\{ \begin{array}{l} \text{Andrus} \quad \text{Renumber } 29-93B \quad (0.10) \quad (0.095) \\ \text{Perkins} \quad 29-93A \quad (0.09) \quad (0.095) \end{array} \right.$
0.19
7-1-1913

PROFILED

SCANNED

JUN 22 2005

$\frac{1}{2}$ to Andrus ; $\frac{1}{2}$ to Perkins.

original Decreed POU described 120 acre POU, but irrigation of only 100 acres. EACH party now OWNES 60 acres of the decreed POU. Splitting the rights in half between W. Perkins and Andrus.

Perkins / Andrus:

Decreed @ 0.19 cfs.

A29-93 claimed by Andrus: 0.19 cfs

A29-93A claimed by Perkins: 0.055 cfs

- Priority date - matches

- Source - matches.

POD: change for Andrus to.

06S 38E sect 3S SW SENW.

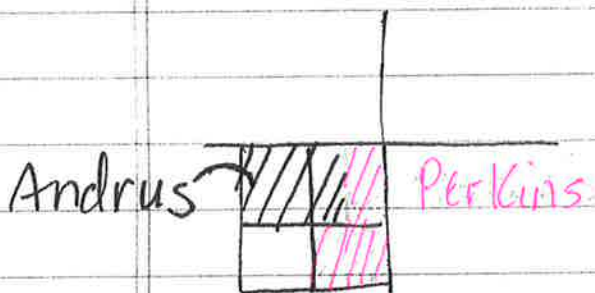
what was it in 1987?

Perkins POD: As decreed.

POU - Perkins owns 60 of the original 100 acres with the same decreed POU.

E $\frac{1}{2}$ NESW (20 acres) & SESW. of section 26.

Andrus owns 60: 20 acres w $\frac{1}{2}$ NESW; NWSE



Diversion rate: 0.19 cfs total decreed.

$\frac{1}{2}$ of 0.19 cfs = 0.095 cfs. (Perkins?)

decreed diversion rate is enough for 120 acres. (2.4 cfs for 29-88 thru 93.

A29-93 5044. 4/15-9/15 (matches decree).
- recommend 0.095 cfs.

PROFILE

SCANNED

JUN 22 2005

MAY - 4 2001

Log for claim A29-00093

Spatial Dynamics LTD

6/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s38e	26	SWNW	40	38	
06s38e	26	SENW	40	39	
06s38e	26	NESW	20	41	Indiscernible
06s38e	26	NWSW	40	39	
06s38e	26	SWSW	40	39	
06s38e	35	NENE	30	40	Indiscernible
06s38e	35	NWNE	30	41	Indiscernible
06s38e	35	NENW	30	41	Indiscernible
06s38e	35	NWNW	30	40	Indiscernible
06s38e	36	NENE	30	31	
06s38e	36	NENE	0	6.6	
06s38e	36	NWNE	40	41	
06s38e	36	NENW	40	41	
06s38e	36	NWNW	40	41	
Totals:			450	518.6	

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-93B

NAME AND ADDRESS:

COLLEEN L ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS ID 83246

JIM ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS ID 83246

KENNETH D ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS ID 83246

SOURCE:

Source:
TOPONCE CREEK

Tributary:
PORTNEUF RIVER

QUANTITY:

0.095 CFS

Use of the rights listed below is limited to a total combined diversion rate of 7.56 cfs.
Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329,
29-91B, 29-10330, 29-93B, and 29-10332.

PRIORITY DATE:

07/01/1913

POINT OF DIVERSION:

~~T06S R38E S34 SENESW
Within CARIBOU County~~

T06S R38E S34 SENESW Lot 11
Within CARIBOU County

~~T06S R38E S35 NENWSW
Within CARIBOU County~~

T06S R38E S35 NENWSW Lot 12
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/15 09/15	0.095 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE
EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION within CARIBOU County

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

<u>T06S R38E S26 NESW Lot 11 20.0</u>	~~T06S R38E S26 NESW 20.0~~
<u>T06S R38E S26 NWSW Lot 12 37.0</u>	~~T06S R38E S26 NWSW 37.0~~
<u>T06S R38E S26 SWSW Lot 13 39.0</u>	~~T06S R38E S26 SWSW 39.0~~
<u>T06S R38E S35 NENE Lot 1 40.0</u>	~~T06S R38E S35 NENE 40.0~~
<u>T06S R38E S35 NWNE Lot 2 41.0</u>	~~T06S R38E S35 NWNE 41.0~~
<u>T06S R38E S35 NENW Lot 3 41.0</u>	~~T06S R38E S35 NENW 41.0~~
<u>T06S R38E S35 NWNW Lot 4 40.0</u>	~~T06S R38E S35 NWNW 40.0~~
<u>T06S R38E S36 NWNE Lot 2 39.0</u>	~~T06S R38E S36 NWNE 40.0~~
<u>T06S R38E S36 NENW Lot 3 39.0</u>	~~T06S R38E S36 NENW 40.0~~
<u>T06S R38E S36 NWNW Lot 4 39.0</u>	~~T06S R38E S36 NWNW 40.0~~

375 ACRES TOTAL

~~378 ACRES TOTAL~~

Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.

~~USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 50 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29 91B, 29 93B, 29 10330, 29 13232, 29 10329 AND 29 10330.~~

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 POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330,
29-10327, 29-10331 AND 29-107B

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 29-93B ✓
Date Received: 1/24/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JIM ANDRUS Phone: (208)776-5380

6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID USA 83246

KENNETH D ANDRUS Phone: (208)776-5380

6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID USA 83246

COLLEEN L ANDRUS Phone: (208)776-5380

6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID USA 83246

2. Date of Priority: 07/01/1913 ✓

3. Source: TOPONCE CREEK ✓ Trib. to: PORTNEUF RIVER ✓

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	38E	35	SW SE NW ✓	CARIBOU	add CO3 Remark

5. Description of diverting works:

DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/15	0.095 ✓	

7. Total Quantity Appropriated is:
0.095 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06S	38E	26	SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	20
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
Section Acres							180
06S	38E	35	NE	NE		IRRIGATION	30
			NW	NE		IRRIGATION	30
			NE	NW		IRRIGATION	30
			NW	NW		IRRIGATION	30
Section Acres							120
06S	38E	36	NE	NE		IRRIGATION	30
			NW	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40
Section Acres							150
Total Acres							450

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

16. Signature(s)

SCANNED
JUN 22 2005

(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
of _____ 20 _____

Notary Public

Residing at _____

My commission Expires _____

MAY - 4 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: A29-00093
Date Received: 2/15/1990
Receipt No: EO12066
Received By: RAJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JIM ANDRUS 208-776-5380
Address: 6948 EAST OLD OREGON TRAIL RD.
LAVA HOT SPRINGS, ID 83246
AND/OR
Name: KENNETH D. ANDRUS 208-776-5380
Address: 6948 EAST OLD OREGON TRAIL RD.
LAVA HOT SPRINGS, ID 83246
AND/OR
Name: COLLEEN LLOYD ANDRUS 208-776-5380
Address: 6948 EAST OLD OREGON TRAIL RD.
LAVA HOT SPRINGS, ID 83246



2. Date of Priority: JUL 01, 1913 ✓
3. Source: TOPONCE CREEK Trib. to: PORTNEUF RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	38E	35	SW	SE	NW		CARIBOU

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.190		

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

A.F.A. ✓

8. Total consumptive use is 1125.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-00093

Page

1

Date: 02/15/90

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	38E	26	SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	20.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
							Section Acres	180.0
		35	NE		NE		IRR	30.0
	NW			NE		IRR	30.0	
	NE			NW		IRR	30.0	
	NW			NW		IRR	30.0	
							Section Acres	120.0
		36	NE		NE		IRR	30.0
	NW			NE		IRR	40.0	
	NE			NW		IRR	40.0	
	NW			NW		IRR	40.0	
							Section Acres	150.0
							Total Acres	450.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
A29-00091,00123A,10327-00332, 00107B

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MC CAMMON DITCH CO.
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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Kenneth Anderson Date: 15 Feb. 1990

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of Feb 19 90
Seal

Helen Herrington
Notary Public
Residing at Helen Herrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994
My Commission Expires _____

MICROFILMED
NOV 13 1992

A29-#00093

WATER RESOURCES

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
00' 4' 19000m. E.

R38E R3E



REPROFILMED

NOV 13 1992

AJ5809NP
No. A29-00093

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 18

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JIM ANDRUS	07/01/1913	IRRIGATION	04-15 09-15	0.190 CFS	
C	KENNETH D ANDRUS					
C	COLLEEN LLOYD ANDRUS					
	6948 E OLD OREGON TRAIL RD					
	LAVA HOT SPRINGS ID 83246					
	(208) 776-5380					
				TOTAL DIVERSION:	0.190 CFS	
				CONSUMPTIVE USE:		1125.00 AFA

Water Source: TOPONCE CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T06S R38E S35

SWSNW

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
06S	38E	26	:									40	40			20	40	40			:	180.0	
06S	38E	35	:		30		30				30	30									:	120.0	
06S	38E	36	:		30		40				40	40									:	150.0	
																				TOTAL ACRES		450.0	

POU County: CARIBOU

Other Rights: A29-00091,00123A,10327-00332, 00107B

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

A29-00091 A29-00107B A29-00123C A29-10327 A29-10328 A29-10329 A29-10330 A29-10331

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

A29-00087 A29-00088 A29-00089 A29-00090 A29-00090A A29-00091 A29-00091A A29-00092 A29-00092A A29-00093A
A29-00102 A29-00107B A29-00123C A29-00234 A29-00252 A29-04346 A29-10248 A29-10327 A29-10328 A29-10329
A29-10330 A29-10331 A29-10332

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29

Field Inspection Flag:
Presumption Flag:

Audit: 02/15/90 ESRBA 04/04/94 THOMPSON 03/29/95 POST-STD