

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

1

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

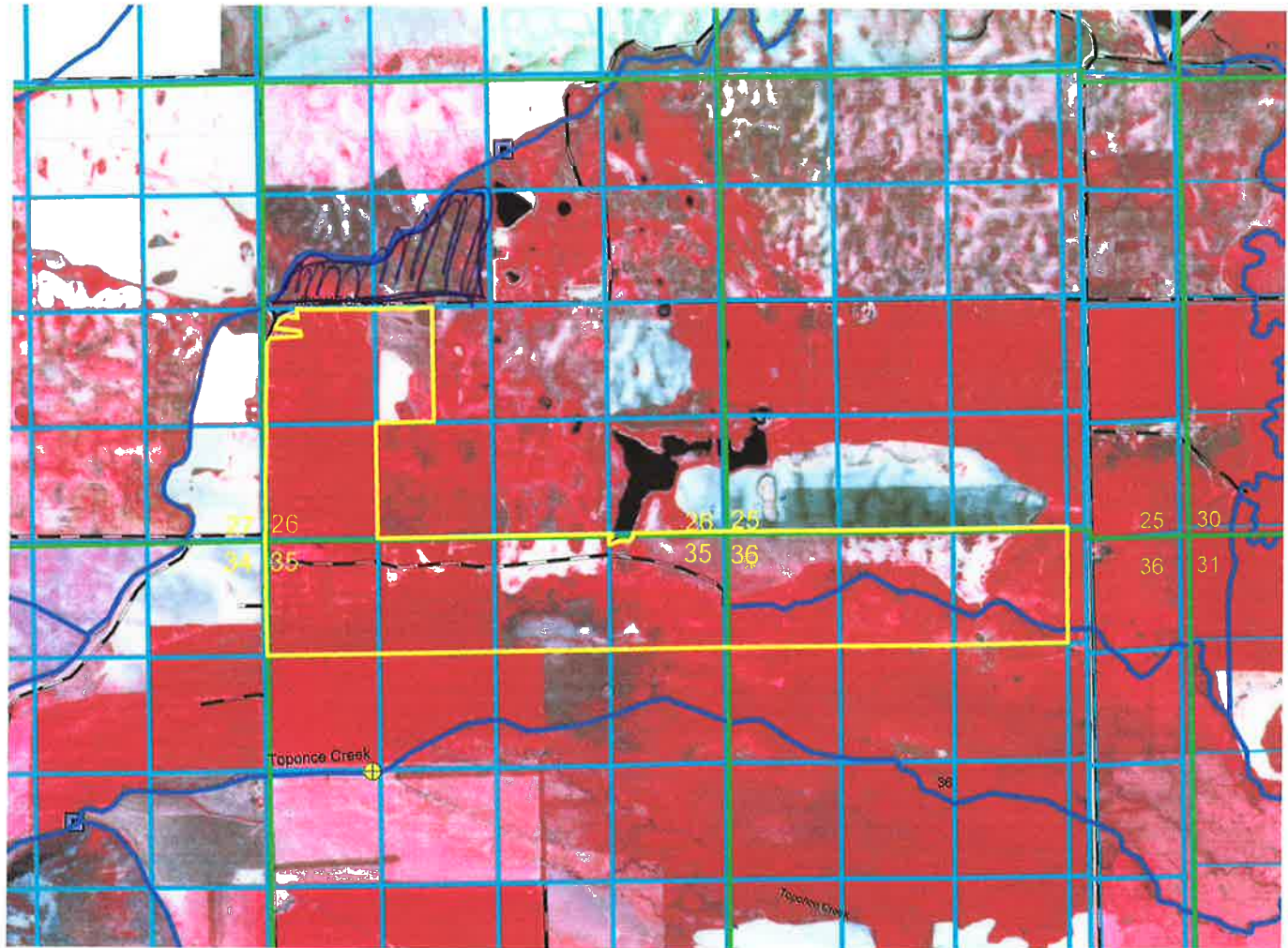


STATE OF IDAHO

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

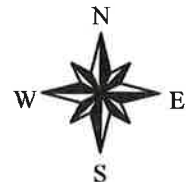
IRRIGATED ACRES 378

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

JUN 22 2005

PROFILED

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

RIGHT NUMBER: 29-107B

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: Tributary:
TOPONCE CREEK PORTNEUF RIVER

QUANTITY: 0.600 CFS

PRIORITY DATE: 06/17/1902
This priority date is more accurately described as 6/17/1902 NOON.

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	0.600 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.

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

PLACE OF USE: IRRIGATION within CARIBOU County

T06S R38E S26 NESW Lot 11 20.0

~~T06S R38E S26 NESW 20.0~~

T06S R38E S26 NWSW Lot 12 37.0

~~T06S R38E S26 NWSW 37.0~~

T06S R38E S26 SWSW Lot 13 39.0

~~T06S R38E S26 SWSW 39.0~~

T06S R38E S35 NENE Lot 1 40.0

~~T06S R38E S35 NENE 40.0~~

T06S R38E S35 NWNE Lot 2 41.0

~~T06S R38E S35 NWNE 41.0~~

T06S R38E S35 NENW Lot 3 41.0

~~T06S R38E S35 NENW 41.0~~

T06S R38E S35 NWNW Lot 4 40.0

~~T06S R38E S35 NWNW 40.0~~

T06S R38E S36 NWNE Lot 2 39.0

~~T06S R38E S36 NWNE 40.0~~

T06S R38E S36 NENW Lot 3 39.0

~~T06S R38E S36 NENW 40.0~~

T06S R38E S36 NWNW Lot 4 39.0

~~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.: 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10331, 29-10332, 29-13231 and 29-13232.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 41 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

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

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: 29-107B

JIM 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

KENNETH D 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):

No. of acres.

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

include the acreage south of the feeder canal.

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

Prior to 1987 the water was diverted through ditches to irrigate the lands of the feeder canal. S 1/2 NW Sec. 26, T6S, R38E.

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

DATE: *Apr 30, 2003*

SIGNATURE: *Kenneth Andrus*

Please print your name: *Kenneth Andrus*

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

PROFILED

SCANNED

JUN 22 2005

3/10/03 - POD - for the irrigation of SW NW.

Section 26, T6S, R38E.

accomplished POD to irrigate 39 acres
in the S $\frac{1}{2}$ NW; below feeder Canal.

6/9/03 No information has been provided to
the department about the additional land
requested on the NOE reply. So, recommending
as per preliminary report.

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JUN 22 2005

Notes

1/27/03 2.5 cfs, decreed acres 170 acres.

$$\frac{2.5 \text{ cfs}}{170 \text{ acres}} = 0.0147 \text{ cfs/acre.}$$

Claimant does not own the property in the NE NE Sec 36, T6S, R38E. There is a small (approx. 6 acres) west of Nipper Rd, and a piece east of Nipper Rd that claimant does not own.

PPLS, 29-91B, 10330, 93B, 10329, 10328, 10331 and 10327 all have the same POD shape.

$$\frac{1.5 \text{ cfs}}{0.0147 \text{ cfs/acre}} = 102 \text{ acres}$$

Link shape -

29-107B : 80 acres of the B Portion is owned by Andrus. The property in the N 1/2 of the NW 1/4 of Section 26 is owned by Wayne Perkins.

The POD claimed by Andrus does not allow him to irrigate the land North of Kelly Toponce Road. That land is not irrigated.

Recommending 41 (So. of Kelly Toponce rd) @ 0.0147 cfs = 0.6 cfs

GPS POD : ANDRUS1

PROFILE

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JUN 22 2005

Claim No.: 29-107B

Summary Data Entry Form

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

Priority date Remark needed (NOON) 6-17-1902

CO3 - POD Change.

C18.

F06

C05

K06

Split or Combined Right Analysis:

A Chambers

29-107

B

Andrus.

Attached Field Notes or Other Documents:

Claim No.:

PROFILED

Reviewer

Cindy Bird

SCANNED

JUN 22 2005

2/7/03

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-107B

WATER RIGHT NUMBER: 29-107B

Owner Type Name and Address
 Original Owner THOMAS J NIPPER
 , ZZ
 Current Owner R ALTON HEBDON
 154 S 1ST E
 SMITHFIELD, UT 84335
 Current Owner RUSSELL A HEBDON
 BANCROFT, ID 83217

Priority Date: 06/17/1902

Basis: Decreed

Status: Active

Source Tributary
 TOPONCE CREEK PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 9/15	1.500 CFS	
<u>Total Diversion:</u>		1.500 CFS	

Location of Point(s) of Diversion

TOPONCE CREEK SE1/4NE1/4 Sec. 34, Twp 06S, Rge 38E, B.M.
 CARIBOU County

Place of Use

IRRIGATION

Wang Perkins
Andrus

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06S	38E	26	5.0	17.0	39.0		61.0
06S	38E	35	3.0	38.0			41.0

Total Acres: 102

Conditions of Approval:

1. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

1. General TRANS. 3289.

Andrus
 41 + 39 = 80 ac.
 PROFILE

SCANNED

JUN 22 2005

1.17

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 29-107B

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date: 8/6/1932
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 29
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

PROFILE

SCANNED
JUN 22 2005



SCANNED
JUN 22 2005

②
PORTNEUF RIVER in BANNOCK COUNTY, IDAHO

UNION GRAIN AND ELEVATOR CO.
A Corporation, Plaintiff,
VS.

No. 2203

McCAMMON DITCH CO, et al.,
Defendants.

AMENDED DECREE

RECEIVED

MAY 15 1996

PROFILE

SCANNED

JUN 22 2005

✓
29 0107 86. NIPPER, THOMAS J.
1902 June 17 (noon)
2.5 c.f.s.

Trans # 1036
Trans # 2402

✓
29 0108 87. PURVIS & WILLIAM F.
1902 June 17 (noon)
29-0596 1902 June 17 (noon) 3.5 c/f.s.
up to July 1 each year. 1.4 c.f.s.

✓
29 0109 88. ELDREDGE, J. A.
1902 June 17 (noon) 2.0 c.f.s.

✓
29 0110 89. PURVIS, JOSEPH
& William F.
1886 June 1.
up to July 1 of each
irrigation season 4.2 c.f.s.

quarter of the Southeast quarter, Section 23; 16 acres in the suthwest quarter of the Southwest quarter, Section 14; 2.6 acres in the North half of the Northeast quarter, the Suthwest quarter of the Northeast quarter, the Northeast quarter of the Northwest quarter, Section 24; all in Township 7 South, Range 38 East, 135.16 acres in Lot 4, the Southwest quarter of the Sutheast quarter the Southeast quarter of the Southeast quarter, Section 18; Lots 1 and 2, the Northwest quarter of the North-est quarter, the Northeast quarter of the Northeast quarter, Section 19, Township 7 South, Range 39 East.

Said water to be diverted through Gooch Ditch, which diverts from Toponce Creek in the Northwest quarter of the Southeast quarter, Section 34, Township 6 South, Range 38 East. From the South quarter corner of Section 34, the point of diversion bears North, 14 degrees and 45 minutes East, 2137 feet for the irrigation of 170 acres of land described as follows: 29 acres in Lot 2; 40 acres in the Southwest quarter of the Northeast quarter; 28 acres in Lot 3; 40 acres in the Northwest quarter of the Southeast quarter; 33 acres in the Northeast quarter of the Southeast quarter, Section 18, Township 7 South, Range 39 East.

Said water to be diverted through the said Gooch Ditch, last above described, for the irrigation of 245 acres of land in the Suth-east quarter, and part of the Southeast quarter of the Northeast quarter, Section 7; and part of the East half of the Northeast quarter, Section 18, Township 7 South, Range 39 East.

Said water to be diverted through the said Gooch Ditch, last above described, for the irrigation of 50 acres of land (tracts K & L), Lots 3 and 4, Section 7; 50 acres in part of Lots 1 and 2, and tract in the Southwest quarter of the Northeast quarter, Section 7, Township 7 South, Range 39 East.

TOPONCE CREEK, SOUTH FORK, A DAM. The point of diversion is located in the Southwest quarter of the Northwest quarter, Section 8, Township 7 South, Range 39 East. From the Northeast corner of Section 17, Township 7 South, Range 39 East, said dam bears south 1920 feet, for the irrigation of 210 acres of land in the legal subdivisions described as follows:
A tract in the Southeast quarter of the Notheast quarter, Section 7; the West half of the Southwest quarter, the Suthwest quarter of the Northwest quarter, Section 8; a tract in the Northwest quarter, Section 17,

PROFILE

INCORPORATED

MAY 1 -

SCANNED

JUN 22 2005

more than 30 cubic feet per second, automatic measuring and registering devices shall be installed and shall at all times be subject to the inspection of any party to this action, or to any public officials or water masters having jurisdiction over the distribution and diversion of water, and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water from the channel of the stream, except through ditches, canals or other works, provided with such headgates, control works and measuring devices, except as in this judgment provided; and each of the parties hereto shall be perpetually enjoined from diverting from the channel of the said Portneuf River, or its tributaries or source any water through any ditch, conduit, or other devices not provided with such headgates, control works and measuring device; provided, that in case of diversions through pipes for power purposes or otherwise, measuring devices may be dispensed with where the quantity of water diverted may be otherwise determined by other means of calculation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the persons and corporations herein mentioned to whom rights are decreed, are the persons and corporations owning and having such rights as of date of the original decree herein, to-wit: of the 29th day of June, 1921, and that any assignees, grantees, heirs, devisees, and successors in interest of such parties, shall be deemed to have been substituted as parties to this action, and this decree shall establish the rights of such assignees, grantees, heirs, devisees and successors in interest the same as if they were named herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That this Court retain jurisdiction of this cause for one year from the date of the signing of this decree for the following purposes:

1. To make corrections for clerical errors, inadvertances and omissions in the rights decreed.
2. To review and amend the provisions of this judgment fixing, if necessary, the limits of the irrigation season, and further reducing the amount of water which may be shown during actual operation of the River, its tributaries and sources, to be in excess of the amount actually necessary for the successful production of crops.

Done in open District Court, this, the 6th day of August, 1932.

John C. Rice
DISTRICT JUDGE.

FILED
Grace L. Hall
Clerk, Auditor & Recorder
Bannock County, Idaho
Anna Keefe, Dep
Aug 8 1932 3 45 PM
Book 11 of Judgments, page 202.

PROFILED

MAY 15 1996

SCANNED

JUN 22 2005

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: A29-00107B
Date Received: 2/15/1990
Receipt No: EOJ2906
Received By: KAT

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

A2900107B



2. Date of Priority: JUN 17, 1902
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	1.500		

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

A.F.A.

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

9. Non-irrigation uses:

A29-00107B

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

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): *[Signature]* Date: 15 Feb - 1990
Date: _____

State of Idaho)
County of Bonnerville) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of February 19 90

Seal

[Signature]
Notary Public

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

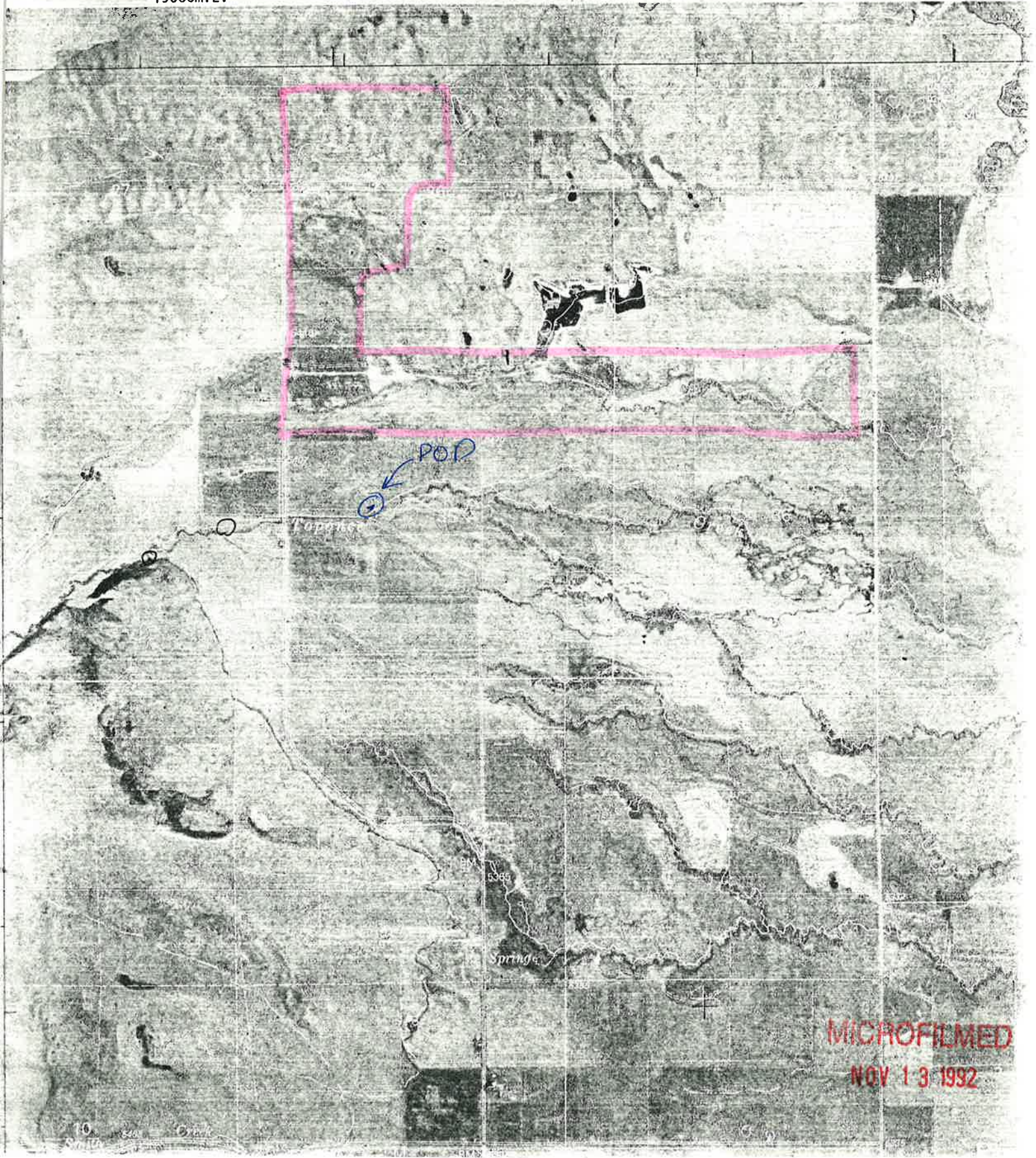
A29-00107B

WATER RESOURCES

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

00' 419000m. E.

R38E R3



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NOV 13 1992