

05/16/2003

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

RIGHT NUMBER: 29-10331

NAME AND ADDRESS: KENNETH D ANDRUS
6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID 83246

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

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

SOURCE: TOPONCE CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: ~~3.004~~ CFS 3.147

PRIORITY DATE: 07/06/1868

POINT OF DIVERSION:

T06S R38E S35 NENSW Within CARIBOU County Source: TOPONCE CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.004 CFS 3.144

PLACE OF USE: IRRIGATION Within CARIBOU County

T06S R38E S26	NESW	20.0	T06S R38E S26	NWSW	37.0
T06S R38E S26	SWSW	39.0	T06S R38E S35	NENE	40.0
T06S R38E S35	NWNE	41.0	T06S R38E S35	NENW	41.0
T06S R38E S35	NWNW	40.0	T06S R38E S36	NWNE	40.0
T06S R38E S36	NENW	40.0	T06S R38E S36	NWNW	40.0

378 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF ^{150.2}150.2 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: Decreed

Water Right 29-10331

05/16/2003

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

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-234 AND 29-252.

02/14/2003

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

RIGHT NUMBER: 29-10331

NAME AND ADDRESS: KENNETH D ANDRUS
6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID 83246

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

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

SOURCE: TOPONCE CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 3.004 CFS

PRIORITY DATE: 07/06/1868

POINT OF DIVERSION:

T06S R38E S35 NENSW Within CARIBOU County Source: TOPONCE CREEK

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
3.004 CFS

3.144 cfs.
wants

PLACE OF USE: IRRIGATION Within CARIBOU County

T06S R38E S26	NESW	20.0	T06S R38E S26	NWSW	37.0
T06S R38E S26	SWSW	39.0	T06S R38E S35	NENE	40.0
T06S R38E S35	NWNE	41.0	T06S R38E S35	NENW	41.0
T06S R38E S35	NWNW	40.0	T06S R38E S36	NWNE	40.0
T06S R38E S36	NENW	40.0	T06S R38E S36	NWNW	40.0

378 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150.2 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: Decreed

02/14/2003

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

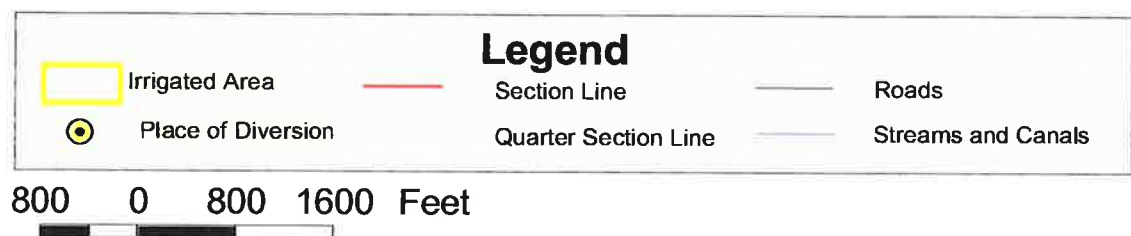
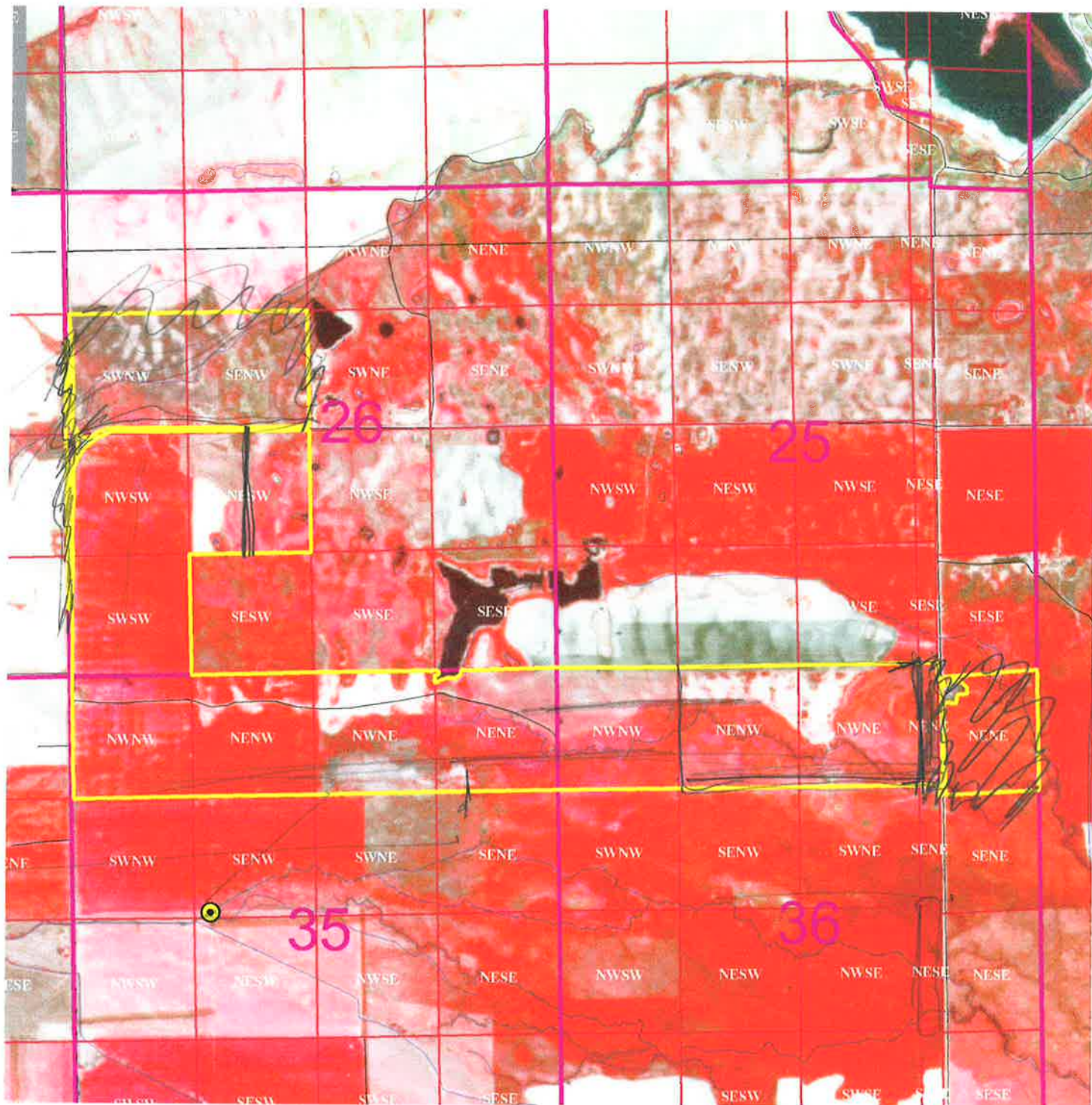
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

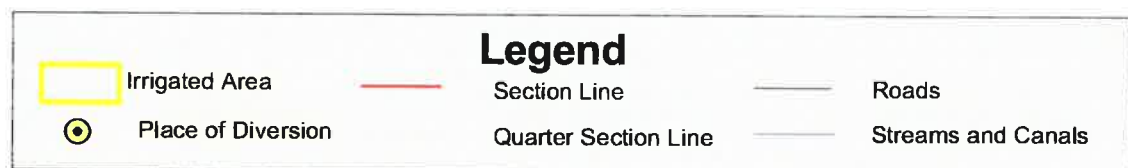
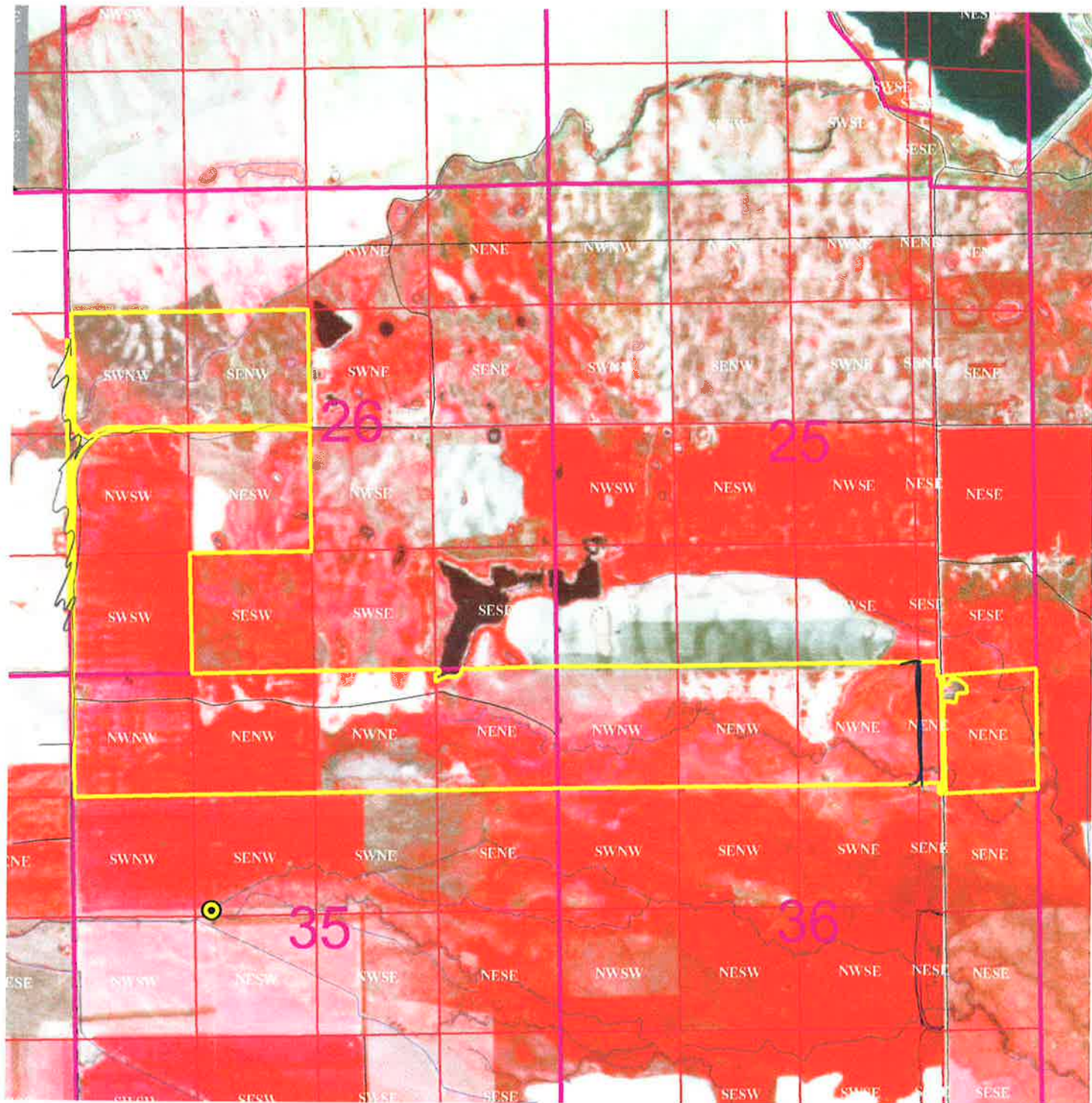
THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B,
29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-234 AND 29-252.

Township , 6S38E



Township , 6S38E



800 0 800 1600 Feet



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

RIGHT NUMBER: 29-10331

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: 3.144 CFS ~~3.004 CFS~~

Use of the rights listed below is limited to a total combined diversion rate of 3.144 cfs.
Combined Right Nos.: 29-10331 and 29-10332

PRIORITY DATE: 07/06/1868

POINT OF DIVERSION:

T06S R38E S34 SENESW	Within CARIBOU County
T06S R38E S35 NENSW	Within CARIBOU County
<u>T06S R38E S35 NENSW Lot 12</u>	<u>Within CARIBOU County</u>

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	<u>3.144 CFS</u> 3.004 CFS

PLACE OF USE:

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

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

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 this right with Right No. 29-10332 is limited to the irrigation of a combined total of 157.4 acres in a single irrigation season.

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150.2 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

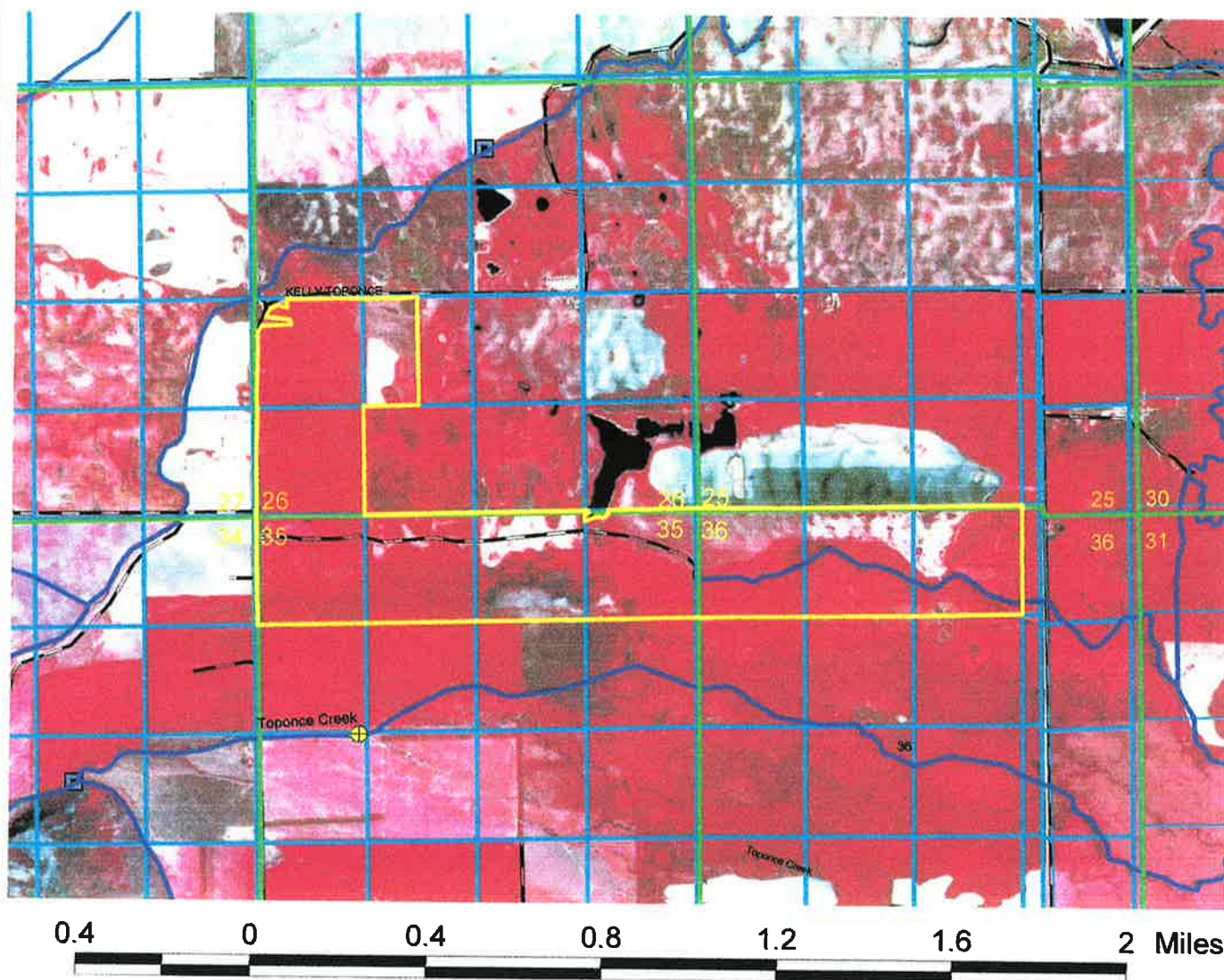
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-234 AND 29-252.



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**



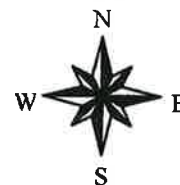
IRRIGATED ACRES 378

LEGEND

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

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

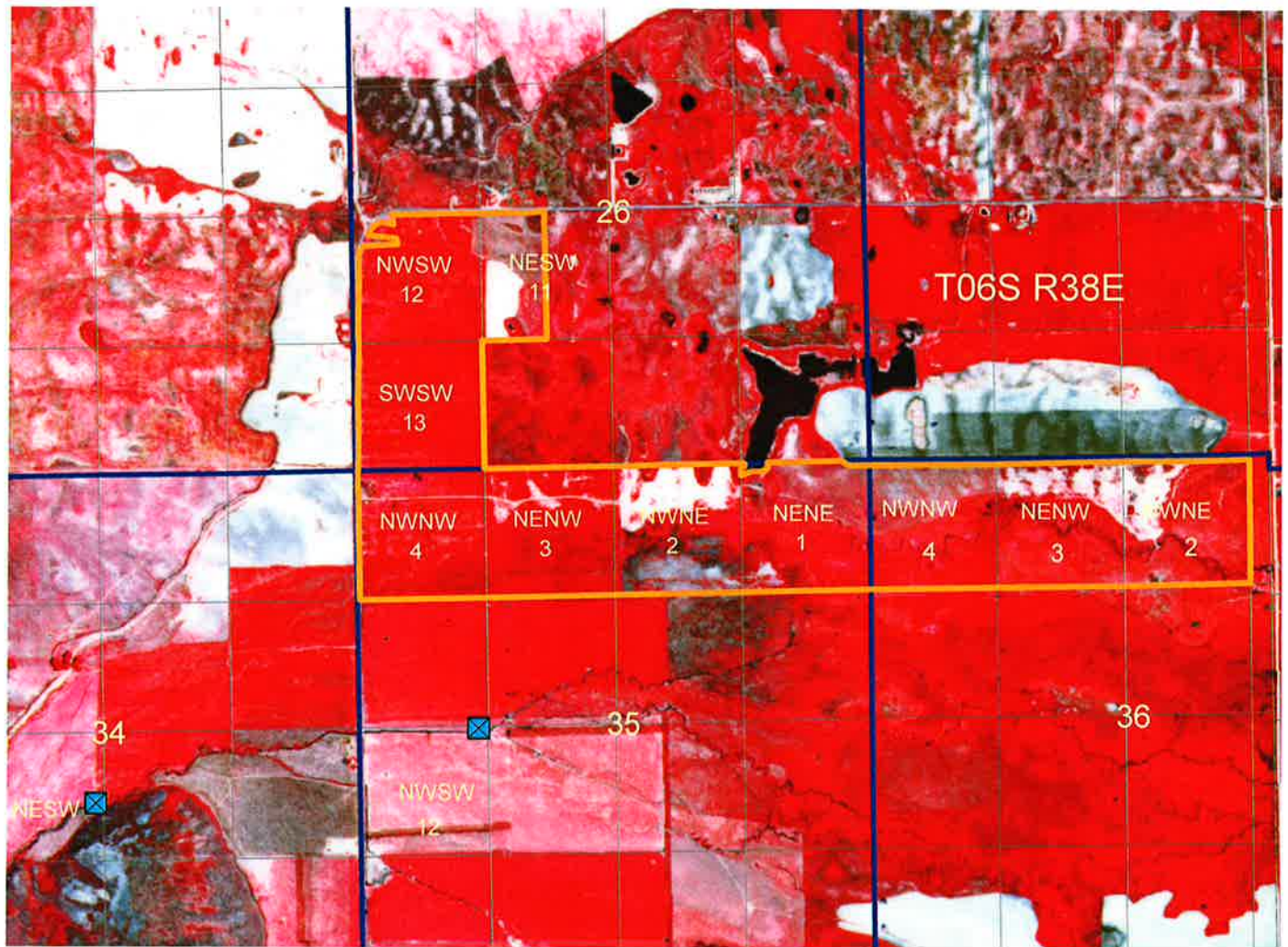
Points of Diversion: T6S, R38E,
Sec. 35 NENWSW



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

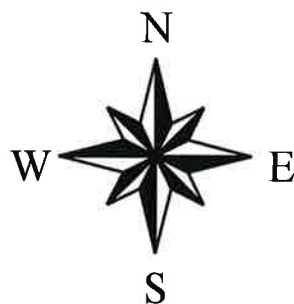
DEPARTMENT OF WATER RESOURCES

Claim No.: 29-91B, 29-93B, 29-107B, 29-10327,
29-10329, 29-10330, 29-10331,
OKAY ~~29-10332~~, 29-13231 and 29-13232



0 1320 2640 3960 5280 6600 Feet

-  Point of diversion.shp
-  Place of use.shp
-  Township/Range
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: January 2005

15 West Center Street
Soda Springs, Idaho 83278
(208) 547-3993
(208) 547-3939 fax

**Idaho Department of
Water Resources**

Fax

To: Ernie From: Cindy
Fax: 525-7177 Pages: 2
Phone: 525-7161 Date: 4/30/03
Re: 1868 Indian rights CC:
☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Ken and Colleen Anders brought this in with the notice of Error for 29-10331. (29-234 & 29-252)
They want the water for the 88.2 acres in the NENW & NWNE of Section 36 under W/R 29-234. Rondo called Ken and said he was going to file on the 7 acre lot in the NWNE of Section 36. Ken said they will go to court over the 7" of water! Their warranty deed from Russell Hedden didn't convey any rights.

Cindy

To whom it may concern:

I was born in Chesterfield, Idaho; on the ranch that was latter sold to Jim, Kenneth, and Colleen Andrus, in 1989. I bought this property from my father in 1978.

This letter is about my knowledge of the 1868 decree on Toponce Creek – the old decree #'s are #66 for 1.764 c.f.s. and #65 for 1.38 c.f.s.

In 1969 we started using sprinkler irrigation on part of this land with higher elevation and flooded the lower land. Then every year as the creek dropped and junior rights were cut we continued to use the 1868 water to the best beneficial use. Through out this long drought, even the "1868" decrees have been cut to a percentage of use. It is my belief that this water of "3.14 c.f.s.", was transferred to my father, by Water Resources, was transferred to myself, by Water Resources, was then transferred to Andrus', by Water Resources, and should remain there on Andrus property.

Steven Helodon

STATE OF Idaho COUNTY OF Bannock

On this 29th day of April 29, 2003
before me, a Notary Public in and for said
State, personally appeared

Steven Helodon

Known to me to be the person whose name is
subscribed to the within instrument
and acknowledged to me that he executed
the same.

Doni Welland

NOTARY PUBLIC

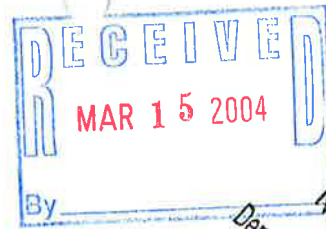
Residing at Lava Hot Springs
Commission Expires January 2005



Notes

6/4/04 Allen Rubery called me about negotiating this claim with Andrus. I said he could call them. Allen has several other Andrus claims he's working on from their house in Lava, E. Bot Smith Ck.

I explained to Allen this right is a combination of 2 rights, 29-234 & 29-252. Under 29-234 it was decreed for 88.21 acres in the NENE & NWNE in section 34. Andrus only own 80 acres there. There are some government lots between Andrus and Tupper Rd (QQ line) which are owned by Rondo Perkins, not Andrus. He's going to call them and talk to them about settling. CB



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 429-10331
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Kenneth D Andrus, Colleen Lloyd Andrus, Jim Andrus
Address: 6948 East Old Oregon Trail Rd.
Lava Hot Springs, Idaho 83246
Daytime Phone: 208 776-5380

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Kenneth D Andrus, Colleen Lloyd Andrus, Jim Andrus
Address: 6948 East Old Oregon Trail Rd.
Lava Hot Springs, Idaho 83246

D I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Should be: 3.144 CFS

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

☒ 3.004 was recommended by Cindy Bird rather than 3.144 CFS which the amount of water decreed

E **REASONS SUPPORTING OBJECTION(S):** _____

Decree is 3.144 CFS - Water has always been used
on our property this ground.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Bonneville

Kenneth Andrews, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Kenneth Andrews
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 12, 2003



A. B. Ruberry
Notary Public for State of Idaho
Residing at: Idaho Falls
My Commission Expires: 9/23/09

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

C.

CERTIFICATE OF MAILING

I certify that on Nov. 13, ²⁰⁰³~~199~~, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

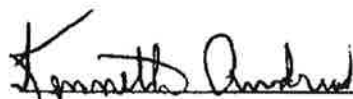
Name: Kenneth D. Andrus, Coleman Lloyd Andrus, Jim Andrus
Address: 6948 East Old Oregon Trail Road
Lava Hot Springs, Idaho 83246 83246

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

**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: 29-10331

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

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

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

Quantity of Water Appropriated (recommended by IDWR)

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

Change Change amount of water to the amount that was filed on under this decree - which is 3.144 cfs.

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

3.144 is the amount of water used on this farm since the original decree in 1863. No other person has used this water therefore it should be for the farm where it has been used & where it was awarded.

☒ I AGREE with this proposed recommendation: no changes need to be made. (see attachment)

DATE: Apr. 29, 2003

SIGNATURE: Kenneth Andrus

Please print your name: Kenneth Andrus

5/15/03 Ernie Carlson told Rondo Perkins
that he was going to recommend the
7" of 1868 water to his claim. And
told me not to recommend it under
29-10331 (Andrus's claim).

4/30/03. Meeting with Ken & Coleen Andrus at the office in Soda Springs.

- They filed a B.U. claim for the extended SOU.
 - 4/30/03 mailed claim to Jennifer Crabtree at I.F.
 - told them I needed evidence of priority for the new claim for the 8-8-1927 priority date, it can't be sooner than 1 day after the UG+E decree.
- wants to include the land South of the feeder canal. (S $\frac{1}{2}$ NW Sec. 26)
- 29-107B moved water to SW NW Sec. 26 (39 acres)
- The Andrus's would like the land included in the recommendation.

I explained to Ken & Coleen that I need to know where the POD ~~was~~ and how was it irrigated.

Ken said there are some ditches on the property, from the feeder canal.

- 5/8/03 research from the assessors office revealed a warranty deed from Whitworth to Russell Heddon, that conveyed the 1.764 cfs, to provide water with July 1868 priority.

5/8/03 Talked with Ernie Carlson about it and he felt that was sufficient to recommend the right to Andrus. He would call Rondo Perkins and let him know.

5/15/03. Ernie & Mike Holliday Came to Soda Springs.

Ernie made arrangements to meet Rondo Perkins at the office. Rondo said Whitworth did not own the lot in Section 36, T6S, R38E, to convey the water or easement.

WARRANTY DEED

For Value Received HERBERT K. WHITWORTH and ANN WHITWORTH,
husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto
RUSSELL A. HERDON and SARAH HERDON, husband and wife,

the grantee s, the following described premises, ~~lands~~ lying and being in
Caribou County, Idaho:

NE¹/₄NW¹/₄, NW¹/₄NE¹/₄ of Section 36,
Township 6 South, Range 38 East,
Boise Meridian.

Together with the right of ingress and egress
to and from said premises, over and across
Lot 17, in Section 36, Township 6 South,
Range 38 East of the Boise Meridian, to an
existing County Road.

Together with 1.764 a.c.s. of the waters of
Tupiner Creek, with a priority date of July 6, 1868.

Together with all other water and water rights
appurtenant thereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantees, that they are the owner s in fee simple of said premises; that said
premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

January 31, 1979.

Herbert K. Whitworth
Ann Whitworth

STATE OF IDAHO COUNTY OF Ada
On this 31 day of January, 1979,
before me, a notary public in and for said State, personally
appeared HERBERT K. WHITWORTH and
ANN WHITWORTH, husband and
wife,

known to me to be the persons whose name s are
subscribed the within instrument, and acknowledged to
me that they executed the same.

Daniel L. Byer
Notary Public
Residing at Boise, Idaho
Comm. Expires Feb 16, 1982

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at
the request of Caribou Lumber Co.
at 10 minutes past 4 o'clock P.M.,
this 9 day of May,
1979, in my office, and duly recorded in Book
of Deeds at page

L. AINE B. JOHNSON

Ex-Officio Recorder

By *Shanda Petersen* Deputy.
Fees \$ 1.00
Mail to:

INSTRUMENT NO. 99611

DEED OF GIFT

THIS INDENTURE, made this 18th day of May, 1972, between
L. G. CALL and ELVA A. CALL, husband and wife, of Bancroft, Caribou
County, Idaho, the parties of the first part, and MAURICE J.
PERKINS and KLEA C. PERKINS, husband and wife, of Bancroft, County
of Caribou, State of Idaho, parties of the second part;

WITNESSETH:

That the said parties of the first part, for and in
consideration of the love and affection which the said parties of
the first part have and bear unto the said parties of the second
part, as also for the better maintenance, support, protection
and livelihood of the said parties of the second part, do by these
presents, give, grant, alien, and confirm unto the said parties of
the second part, and to their heirs and assigns forever, all these
certain lots, pieces or parcels of land situate, lying and being
in the County of Caribou, State of Idaho, and bounded and
particularly described as follows, to-wit:

Township 6 South, Range 38 East of the Boise Meridian:

A tract of land in Section 25 and 26, described as follows:

Beginning at the West Quarter corner of Section 25, and
running

Thence East 70 rods;
Thence South 90 rods;
Thence West 110 rods;
Thence South 70 rods;
Thence West 40 rods;
Thence North 160 rods;
Thence East 80 rods;
to the point of beginning.

Section 35: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 36: S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 20.

Also 50 shares of stock in Chesterfield Land and Livestock
Association, Inc.

Warranty Deed

THIS INDENTURE, Made this 13th day of June, 1979, in the year of our Lord One Thousand Nine Hundred and Eighty-nine, between RUSSELL A. HEDDON and SARAH B. HEDDON, also known as Sarah B. Heddon, husband and wife, of Smithfield, County of Cache, State of Utah, the parties of the first part, and KIM J. ANDRUS and MARCIE B. ANDRUS, husband and wife, 10222 Dempsey Creek, of Lava Hot Springs, County of Bannock, State of Idaho 83246, the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TWO HUNDRED THOUSAND AND NO/100THS, in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged,

do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All that certain lot or parcel of land situate, lying and being in the County of Caribou, State of Idaho, bounded and more particularly described as follows, to-wit:

Township 6 South, Range 38 East of the Boise Meridian:

Section 26: W1/2SW1, W1/2NE1SW1, ALSO a tract in the NW1/4, more particularly described as follows:

Beginning at the center of said Section 26, and running thence West 2640 feet; thence North 1440 feet; thence East 2150 feet, more or less, to the Westerly bank of the Portneuf Marsh Valley Fender Canal; thence Northeasterly along the said canal bank 490 feet, more or less, to the East line of the NW1/4 of said Section 26; thence South 1750 feet, more or less, to the point of beginning.

Section 35: NW1/4.

Section 36: NW1/4, NW1/4NE1.

TOGETHER WITH the right of ingress and egress to and from the property in Section 36, over and across Lot 17, in Section 36, Township 6 South, Range 38 East of the Boise Meridian, to an existing County Road.

SUBJECT TO a Mortgage executed by the parties of the first part, to The Federal Land Bank of Spokane, a corporation, to secure the payment of \$331,000.00 together with interest and any other obligations secured thereby; dated March 26, 1979, recorded April 2, 1979, under recorder's instrument No. 99822, in the microfilm records of Caribou County, Idaho; which Mortgage parties of the second part assume and agree to pay in accordance with the terms thereof, as part of the purchase price hereunder.

Together with all and singular, the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident unto the said part of the second part, and to their heirs and assigns forever. And the said parties of the second part, and their heirs and assigns against the said part 100 of the first part, and their heirs and assigns against all and every person or persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by them presents (to be defend

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

[Signature] RUSSELL A. HEDDON [Seal]
[Signature] SARAH B. HEDDON [Seal]
 _____ [Seal]
 _____ [Seal]

STATE OF IDAHO, UTAH
 County of Cache

On this 26 day of June, 1979, the undersigned, a Notary

Russell A. Heddon and Sarah B. Heddon, husband and wife,

be the person whose name is subscribed to the within in

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Notary Public for the State of Idaho
 My Comm. Expires 11/1/80
 By *[Signature]* Deputy
 Fee \$6.00
 In my office and duly recorded to the records of Caribou County, Idaho.
 LINDA V. ARCEVINO
 Notary Public

America to them in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, do by these presents demise, release and forever Quitclaim unto the said party of the second part, and to its successors and assigns, all that certain lot, piece and parcel of land situated in Bannock County, of the State of Idaho, particularly described as follows, to-wit:

lot 3, of Section 23, Township 6 South, Range 36 East of the Boise Meridian, in Bannock County, Idaho, lying east of the Fort Hall Indian Reservation Boundary line;

This deed is given as a correction deed and no revenue stamps are required.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto said party of the second part, and to its successors and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

J. E. Simons (Seal)

Bertina O. Simons (Seal)

STATE OF IDAHO)
County of Bannock) ss.

On this 28 day of July in the year 1937, before me, Lela Ward Swain, a Notary Public in and for said County and State, personally appeared J. E. Simons and Bertina O. Simons, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Lela Ward Swain

Notary Public
Residing at: LOCUSTSIDE IDAHO

(SEAL)

Filed for record at the request of A & T S Co Sept. 11, 1937 at 32 minutes past 11 o'clock AM., in Record of Deeds 75 page 441.

Anna Keefe, Recorder

Fee 80¢

INSTRUMENT NO. 193255

THIS INSTRUMENT, Made this 15th day of April, 1936, between Albert J. Knollin (sometimes known as A. J. Knollin) and Cora W. Knollin, his wife, of the County of Caribou and State of Idaho parties of the first part, and First Trust Company of Saint Paul, of Saint Paul, Minnesota, a corporation under the laws of the State of Minnesota, party of the second part.

WITNESSETH, That the said parties of the first part, in consideration of the sum of One Dollar and other valuable consideration to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Quitclaim, and Convey unto the said party of the second part, its successors and assigns, Forever, all the tract or parcel of land lying and being in the County of Bannock and State of Idaho, described as follows, to-wit:

East Half of the Northeast Quarter (½ of NE¼) of Section Thirty-six (36), in Township Six (6) South of Range Thirty-eight (38) East of the Boise Meridian, according to the United States Government survey thereof.

The consideration for this conveyance is less than \$200, and revenue stamps are not necessary.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said party of the second part, its successors and assigns, Forever.

IN TESTIMONY WHEREOF, The said parties of the first part have hereunto set their hands the day and year first above written.

In Presence of

(Name illegible)

Albert J. Knollin
(Albert J. Knollin)

Cora W. Knollin
(Cora W. Knollin)

STATE OF CALIFORNIA,)
County of San Mateo) ss.

On this 7th day of May in the year one thousand nine hundred and Thirty Six before me, Chas. C. Simons, a Notary Public in and for the County of San Mateo, State of California, Cora W. Knollin known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

The object of said action is to foreclose upon two contracts of sale of real estate executed by Rondo W. and Julie Ann Perkins, husband and wife. Said contract is dated April 5, 1972 and December 30, 1977, as amended November 19, 1979. Said contracts are in the sum of \$300,000 and said contracts being unrecorded, however, covering the hereinafter-described real property.

The further object of this action is to foreclose and barr the rights of the defendants, and each of them, and all persons claiming by, through and under them or any of them in an to said real property or any part thereof.

The real property covered by said contract affected by this lis pendens is described as follows:

Tract 1: Township 6 South, Range 38 East of the Boise Meridian:

*Section 25: Lots 3 and 4.

Section 36: Lots 1, 2, 17, 18 and 19.

Township 6 South, Range 39 East of the Boise Meridian:

Section 30: Lots 3 and 4, E1/2SW1/4.

Section 31: Lots 1 and 2, NE1/4, E1/2NW1/4, N1/2N1/2SE1/4.

Section 32: Beginning at the Southwest corner of the NW1/4SW1/4, of said Section 32, and running thence East 2640 feet, thence north 600 feet, thence West 2640 feet, thence South 600 feet, to the point to beginning.

Township 6 South, Range 40 East of the Boise Meridian:

Section 4: SW1/4SE1/4.

Section 9: W1/2NE1/4, SE1/4NW1/4.

Together with the tenements, hinderments and appurtenances thereto belonging or in anywise appertaining; subject, however, to all zoning laws, city ordinances, easements, restrictive agreements and rights of ways of public roads.

141879

MONTE R. WHITTIER, ESQ.
WHITTIER, MCDOUGALL, SOUSA,
MURRAY & CLARK, Chartered
653 East Center
P. O. Box 4048
Pocatello, Idaho 83205-4048
(208) 233-6444

Attorneys for Plaintiffs

Our File No. 10180-000

STATE OF IDAHO
County of Caribou
I hereby certify that this instrument was filed at the request
of Monte R. Whittier
at 9:45 o'clock A. M. this 9th day of
August, 1971 in my office and duly
recorded in the Meridian Records
Book 100 Page 100
Ex-Officio Recorder Ruth Avery Deputy

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CARIBOU

MARSHA P. SMITH, WAYNE C.
PERKINS, ODELL PERKINS,
KLEA C. PERKINS and LEON
PERKINS,

Plaintiffs,

v.

RONDO WILLIAM and JULIE ANN
PERKINS, husband and wife,
UNITED STATES OF AMERICA,
acting by and through Farmers'
Home Administration,
Department of Agriculture,
M. DELOS PERKINS, CLAYLON
PERKINS, JULIE ANN BRANDT,
SCOTT L. HARDY and LYNETTE
HARDY JONES,

Defendants.

CASE NO. CV-91-0319

LIS PENDENS

NOTICE IS HEREBY GIVEN that plaintiffs in the
above-entitled action have instituted an action against the
above-named defendants and each of them.

LIS PENDENS
0652v
Page 1

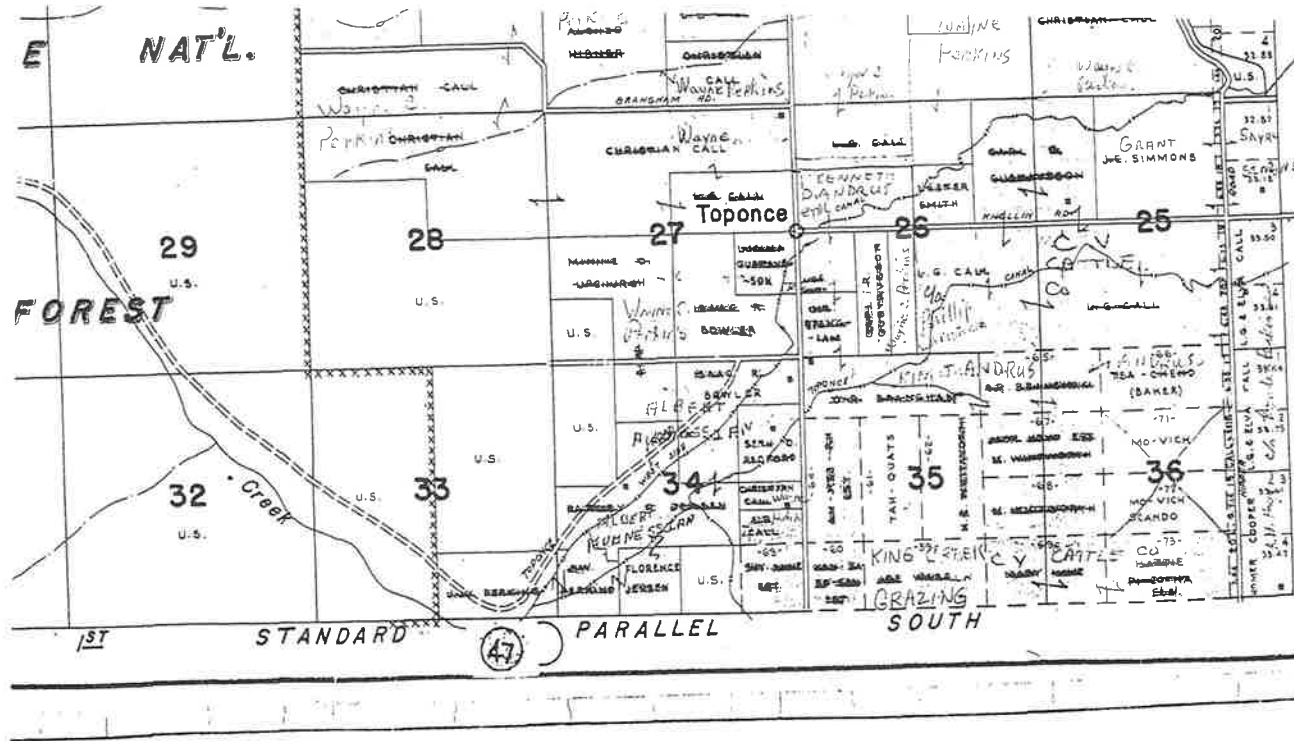
contracts o:
Ann Perkins
1972 and De
contracts a
unrecorded,
property.

and barr th
all persons
in an to sai

affected by

Tra
the
"Se
Sec
Tow
Mer
Sec
Sec
Nl/
Sec
cor
and
nor
Sou
Tow
Mer
Sec
Sec
Tog
app
ape
law
agr

LIS PENDENS
0652v
Page 2



Reproduction in whole or part for personal use or resale is prohibited by law.

ANDRUS

Fax

To: Ernie From: Cindy
Fax: 525-7177 Pages: 2
Phone: 525-7161 Date: 4/30/03
Re: 1868 Indian rights CC:
☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Ken and Colleen Anders brought this in with the notice of Error for 29-10331. (29-234 & 29-252)
They want the water for the 88 acres in the NENW & NWNE of Section 36 under W/R 29-234. Rondo called Ken and said he was going to file on the 7 acre lot in the NWNE of Section 36. Ken said they will go to Court over the 7" of water! Their warranty deed from Russell Heddon didn't convey any rights.

Cindy

To whom it may concern:

I was born in Chesterfield, Idaho; on the ranch that was latter sold to Jim, Kenneth, and Colleen Andrus, in 1989. I bought this property from my father in 1978.

This letter is about my knowledge of the 1868 decree on Toponce Creek – the old decree #'s are #66 for 1.764 c.f.s. and #65 for 1.38 c.f.s.

In 1969 we started using sprinkler irrigation on part of this land with higher elevation and flooded the lower land. Then every year as the creek dropped and junior rights were cut we continued to use the 1868 water to the best beneficial use. Through out this long drought, even the "1868" decrees have been cut to a percentage of use. It is my belief that this water of "3.14 c.f.s.", was transferred to my father, by Water Resources, was transferred to myself, by Water Resources, was then transferred to Andrus', by Water Resources, and should remain there on Andrus property.

Steven Heddon

STATE OF Idaho COUNTY OF Bannock.

On this 29th day of April 29, 2003
before me, a Notary Public in and for said
State, personally appeared

Steven Heddon

Known to me to be the person whose name is
subscribed to the within instrument
and acknowledged to me that he executed
the same.

Geni Wellard

NOTARY PUBLIC

Residing at Lava Hot Springs
Commission Expires January 2005



Notes

1/24/03 - Combined right 29-234 & 252,
claimed in its entirety. Decreed to Andrus's
land. Need acre limit remark, Change SOU to
4/1 - 10/31 STD SOU, on indian rights.

GPS'D POD: ANDRUS1 as recommended
POD. PRIOR TO 1987 POD.

ACRE Limit, 150.2 ACRES.

Claimants have been having Steve Heddon
with King Creek Grazing Association
convey this water through the pipeline.
This is an illegal change in POD,
because the pipeline was installed
in 1992, and Andrus did not
file a transfer with the dept.
to use the pipeline. Claimants have
been made aware of this and
plan to file a transfer after
the recommendations have been
made.

Steve Heddon has also been made
aware of the illegal diversion.

Chg SOU to 4/1 - 10/31 STD. SOU

Claimants do not own the approx 7 acre piece
west of Nysen Road and the piece east of Nipper Rd
in the NENE of Section 36, T6S R 38E

Link POU shape - update PLS/accreage
POU Shape Convert. 29-92b.

252-69.2 acres
234-88.21 acres

Rondo Perkins has filed on the Tama in Oct 17
under this name.

2/7/03 Since I discussed this issue and the fact
that Rondo owns the lot that border Nippon RE.
The issue discussed the NENW & NWNE for 88.21
acre. Since is going to talk to Ron Carlson
about the issue and the fact it includes
more than 80 acre in the Duck Pond.
Since stated that you can't adversely possess a wife in a water
district.

Recommending 150.2 acre (3,004 cfs) for
Andrus under this right.

POD prior to is ANDRUS 1 : GPS POINT.

Summary Data Entry Form

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

P15 Combined 29-252 & 29-234

K06 POU-Remark (150.2 acres)

C19.

C03.

C05.

F06: PXP-Remark 29-13231, 13232, 10329, 918,
93B, 10330, 10327, 10331, and 107B.

Split or Combined Right Analysis:

Combined 29-252 (1.38 cfs) and 29-234 (1.62 cfs)
(1.764 cfs)

Attached Field Notes or Other Documents:

Claim No.:

Reviewer

Cindy B

Date

1/24/03

A 29-10331 Combined 29-00252 & 234
from Union Grain + Elevator Co.

8/27/01 I can't find these listed in the Union +
Grain Elevator decree?

✓: has anyone else claimed these?

Claims 29-252 & 234 comes out of decree 29-A-1.
decree: 29-234 1.764 cfs! July Priority date.

Source Topance Crk.

POU: 88.21 acres. 81 7 acres Ponds.

T6S, R38E, Sect 36

NE NW
NW NE

POD: Within or without of the confines of POU.

29-252: 1.38 cfs. 7-4-1868 Priority date.

Source: Topance Crk.

POU: 69.2 acres.

T6S, R38E, Sect 35

NENE ✓

Sect. 36.

NW NW ✓

POD: 2000' South & 510' east of the NW
corner 35, T6S, R38E.

or A.J. Knollin Ditch.

550' South & 1500 ft E. of the NW corner
Sect 35, T6S, R38E.

Sou: 4/15-9/15 - 4/1 - 10/31 on the Indian rights.

Decree Signed April 8, 1929. 29-A-1

Season of use: 4/15-9/15 4/1 - 10/31

29-11-1

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE
DISTRICT OF IDAHO, EASTERN DIVISION

United States of America,
upon the relation of H. E.
Ray, United States Attorney
for the District of Idaho.

Plaintiff,

v.

Julia Hibner, Kepler Sessions,
Merchants Trust Company, a corporation,
successor in interest to A. J. Knollin,
Continental National Bank of Salt Lake
City, a corporation, successor in
interest to Thomas J. Nipper, John W.
Symons, George A. Whitworth, George
John, Cordelia Warner, Dempsey Irriga-
ting Company, a corporation, Topas
Irrigation Company, a corporation,
Thomas Hillman, F. A. Reed, James H.
Byington, Noah Heese, Lava Irrigation
Company, a corporation, Mrs. A. A.
Fairchild, Portneuf Irrigating Company,
a corporation, Portneuf Marsh Valley
Canal Company, a corporation, A. T.
Shumway, J. T. Gitten, J. J. Lewis,
McCammon Ditch Company, a corporation,
Ameziah Henson, Brigham R. Green, Orson
V. Robbins, Royal T. Hale, Samuel Orgill,
G. H. Romriell, William J. Lewis, Ed
Murphy, Thomas Orgill, George Goodenough,
Oregon Short Line Railroad Company, A. J.
Butterfield, Parley P. Jensen, Ben D.
Jensen, George Brangham, Westside Canal
Company, a corporation, Toponce Canal
Company, a corporation, First National
Bank of Pocatello, a corporation,
successors in interest of Joseph and
William F. Purvis, J. A. Eldridge, Union
Grain & Elevator Company, a corporation,
Michael Whitworth, National Loan Company,
a corporation, O. R. Brangham, and
Village of McCammon, a municipal corpor-
ation.

Defendants

In Equity No. 478

D
E
C
R
E
E

* * * * *

This cause came on to be further heard at this term, additional proofs
being submitted and the cause being further argued by counsel and thereupon,

MAY 1 5 1900

No. of Allotment	Name of Claimant	Date of Priority	Amount in Second	Point of Diversion and Place of Use
9 0234 66	Teachend	July	1.764	Said water to be diverted from Topence Creek at a point within or without the confines of the lands herein designated for the irrigation of 88.21 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 6 South Range 38 E.B.M. 88.21
9 0235 67	Jack Hoyt	July 6, 1868	1.58	Said water to be diverted from Topence Creek at a point within or without the confines of the lands herein designated for the irrigation of 79.84 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 6 South, Range 38 E.B.M.
T. 2327 9 0236 68	Mary Hoyt	July 6, 1868	.81	Said water to be diverted from Topence Creek at a point within or without the confines of the lands herein designated for the irrigation of 15.83 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 6 South, Range 38 E.B.M.
9 0237 69	Kate Hoyt	July 6, 1868	1.076	Said water to be diverted from Topence Creek at a point within or without the confines of the lands herein designated for the irrigation of 83.80 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 7 South, Range 38 E.B.M.
T. 2327 9 0238 71	Remenatoo	July 6, 1868	1.735	Said water to be diverted from Topence Creek at a point within or without the confines of the lands herein designated for the irrigation of 86.67 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 6 South Range 38 E.B.M.
T. 2327 9 0239 72	Moviah	July 6, 1868	1.679	Said water to be diverted from Topence Creek at a point within or without the confines of the lands herein designated for the irrigation of 83.97 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 6 South Range 38 E.B.M.

RECEIVED
MAY 1

No. of Allotment	Name of Claimant	Date of Priority	Amount of Second Feet	Point of Diversion and Place of Use
---------------------	---------------------	---------------------	--------------------------	---

0255
62

Michael Whitworth July 6, 1868 1.88
(79 inches)

Through a ditch having its intake or point of diversion heading on the middle branch of Toponoe Creek, and said point of diversion being located at a point 2,785 feet south and 800 feet east of the northwest corner of Sec. 35, Twp. 6 S., R. 38 East Boise Meridian

Through a ditch having its intake or point of diversion heading on the middle branch No. 3 of Toponoe Creek, and said point of diversion being located at a point 723 feet west of the south quarter corner of Section 35, Township 6 South, Range 38 East of the Boise Meridian

For the irrigation of 79.92 acres, being the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 35, Twp. 6 So., R. 38 E.B.M., and said waters to be diverted from Toponoe Creek through the following ditches:

Through a ditch having its intake or point of diversion heading on the middle branch of Toponoe Creek and said point of diversion being located at a point 2,785 feet south and 800 feet east of the northwest corner of Sec. 35, Twp. 6 South, Range 38 East of the Boise Meridian.

Through a ditch having its intake or point of diversion heading on the middle branch No. 3 of Toponoe Creek and said point of diversion being located at a point 2000 feet south and 510 feet east of the northwest corner of Sec. 35, Twp. 6 South, Range 38 East of the Boise Meridian.

Through a ditch having its intake or point of diversion heading on the middle branch No. 3 of Toponoe Creek, and said point of diversion being located at a point 723 feet west of the south quarter corner of Section 35, Township 6 South, Range 38 East Boise Meridian

For the irrigation of 69.20 acres in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 35 and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 36, all in Township 6 S., R. 38 E.B.M., and

0255
63 O.R. Brangham July 6, 1868 1.38
(69 inches)

MAY 15 1896

No. of Allotment	Name of Claimant	Date of Priority	Amount of Second Feet	Point of Diversion and Place of Use
---------------------	---------------------	---------------------	--------------------------	---

said waters to be diverted from Toponce Creek through the following ditches:

Through a ditch having its intake or point of diversion heading on the middle branch No. 3 of Toponce Creek, and said point of diversion being located at a point 2000 feet south and 510 feet east of the northwest corner of Sec. 35, Twp. 6 South, Range 38 East of the Boise Meridian.

Through a ditch having its intake or point of diversion on the north branch of Toponce Creek, the same being the diversion point of the A. J. Knollin ditch, and said point of diversion being located at a point 550 feet south and 1500 feet east of the northwest corner of Section 35, Twp. 6 South, Range 38 East of the Boise Meridian.

"About 100 awards made in Union Grain Elevator Company versus Julia Hibner Case are recited, but not copied

also part of Page 411 of All of RR

End here for copy referred to on 1st page.

IV.

RIGHTS OF OTHERS THAN INDIANS, UNDER STATE COURT DECREE
TO-WIT, THE CASE OF UNION GRAIN & ELEVATOR
PLAINTIFF, V. MCGAMMON DITCH COMPANY, et al, DEFENDANTS
FILED, DECEMBER 4, 1922
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO
IN AND FOR BANNOCK COUNTY

No.	Name of Claimant and Date of Priority	Amount of Second Feet	Point of Diversion and Place of Use
-----	---	--------------------------	---

1	Hibner, Julia April 14, 1883	2.32 c.f.s.	
---	---------------------------------	-------------	--

See said decree for following rights numbers.

Said water to be diverted through Hibner Ditch No. 2, (Knollin-Toponce Ditch) which diverts from the Portneuf River in the Southwest quarter of the Southwest quarter, Section 19, Township 6 South, Range 39 East; and from the Southwest corner of Section 19, the point of diversion bears North 41°30' East, 1288 feet, for the irrigation of 116 acres of land located in the South Half of the Southwest quarter, the Southwest quarter of the Southeast quarter, Section 19, Township 6 South, Range 39 East; the

the entry of this decree for the purpose of correcting clerical errors, inadvertencies, omissions and descriptions in this decree.

It is the intention of the court in this decree to have the operation of the rights of defendants herein, who were parties in said state court case above referred to, to be had in and by said state court so as to avoid conflict in decrees in the operation thereof.

IT IS FURTHER ORDERED that the default of the defendant Union Grain & Elevator Company for failure to appear at the hearing before the referee in this case or submit proof in anywise, be and the same is hereby entered and likewise all other defendants upon whom process was had by the plaintiff or any cross-complainant for failure to appear and answer in this case be and the same is hereby entered.

Done in open court this 8th day of April, 1929.

CHARLES C. CAVANAH
District Judge

Endorsed, Filed April 8, 1929
W. D. McReynolds, Clerk

SCANNED

MAY 7 2001

Log for claim A29-10331

Spatial Dynamics LTD

6/20/00

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	0	6.6	
06s38e	36	NENE	30	31	
06s38e	36	NWNE	40	41	
06s38e	36	NENW	40	41	
06s38e	36	NWNW	40	41	
Totals:			450	518.6	



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 4, 1999

Arlin Olson
Watermaster #29
PO Box 644
Lava Hot Springs ID 83246

Mr. Olson:

Based on your inquiry I have researched claim #A29-10278 in the name of Michael or Eileen Chambers. This involves portions of four decreed "Indian Rights" with a July 6, 1868 priority. Those four decrees are numbered 29-00234, 29-00238, 29-00239 and 29-00240.

Starting with decree 29-00238 please note in the remarks of claim A29-00238 that the Shoshone Bannock Tribes have this right via the Fort Hall Indian Water Rights Agreement of 1990. This decree is also claimed by CV Cattle Company under claim A29-10320. This right should only be delivered for use to the SENW and SWNE SEC 36 T06S R38E to irrigate 86.67 acres of Tribal ground. (see attached page 34 of the Ft Hall Indian Water Rights Agreement).

Decree #29-00234 is appurtenant to the NWNE and NENW of SEC 36 T06S R38E. This ground appears to be owned or operated by Jim Andrus and is so claimed under claim A29-10331 (enclosed copy). The Caribou County assessor confirms this in Andrus' ground.

Decree 29-00239 appears to be appurtenant to either Indian ground or ground owned by CV Cattle Company and indeed is claimed by CV Cattle under claim A29-10320.

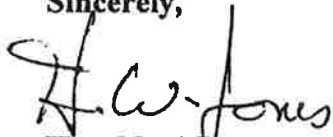
Decree 29-00240 is appurtenant to the SESW and SWSE SEC 36 T06S R38E. This ground is owned by CV Cattle Company.

In final review, none of these original decrees are on ground owned by Michael or Eileen Chambers. Decree 29-00238 is already in Tribal hands and all the other decrees are claimed by owners of the original place of use.

Page 2
Arlin Olson

You should therefore stop any delivery of 1868 water to the Chambers/Caldwell point of diversion for use on the Chambers property until evidence is provided of ownership of those listed decrees.

Sincerely,

A handwritten signature in dark ink, appearing to read "H. W. Jones". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Harold W Jones
Water Right Supervisor

cc: Jared Caldwell
Steve Hebdon

AJ5809NP
No. A29-10331

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 167

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JIM ANDRUS	07/06/1868	IRRIGATION	04-01 11-01	3.144 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:	3.144 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	:	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: A29-00107B,00091,00123,10327-10332

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

A29-00091 A29-00093 A29-00107B A29-00123C A29-10327 A29-10328 A29-10329 A29-10330

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 A29-00093
A29-00093A A29-00102 A29-00107B A29-00123C A29-00234 A29-00252 A29-04346 A29-10248 A29-10327 A29-10328
A29-10329 A29-10330 A29-10332

Remarks: GEN THIS CLAIM IS FOR COMBINED RIGHTS 29-00252 & 29-00234. BOTH
RIGHTS ARE CLAIMED IN ENTIRETY.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 02/15/90 ESRBA 08/01/94 THOMPSON 03/29/95 POST-STD

MAY 7 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: A29-10331
Date Received: 2/15/1990
Receipt No: E012066
Received By: RAJ

3-18
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

A2910331



2. Date of Priority: JUL 06, 1868

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	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 04/01 11/01 3.144

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

A.F.A.

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

9. Non-irrigation uses:

A29-10331

Page 1

Date: 02/15/90

MICROFILMED
NOV 16 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

40.7
10.5

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:
A29-00107B,00091,00123,10327-10332

14. Remarks:
THIS CLAIM IS FOR COMBINED RIGHTS 29-00252 & 29-00234. BOTH RIGHTS ARE CLAIMED IN ENTIRETY.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MCCAMMON DITCH CO. ET AL
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 Bonner) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of February 19 90 Helen Harrington
Notary Public

Seal

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

A29-10331

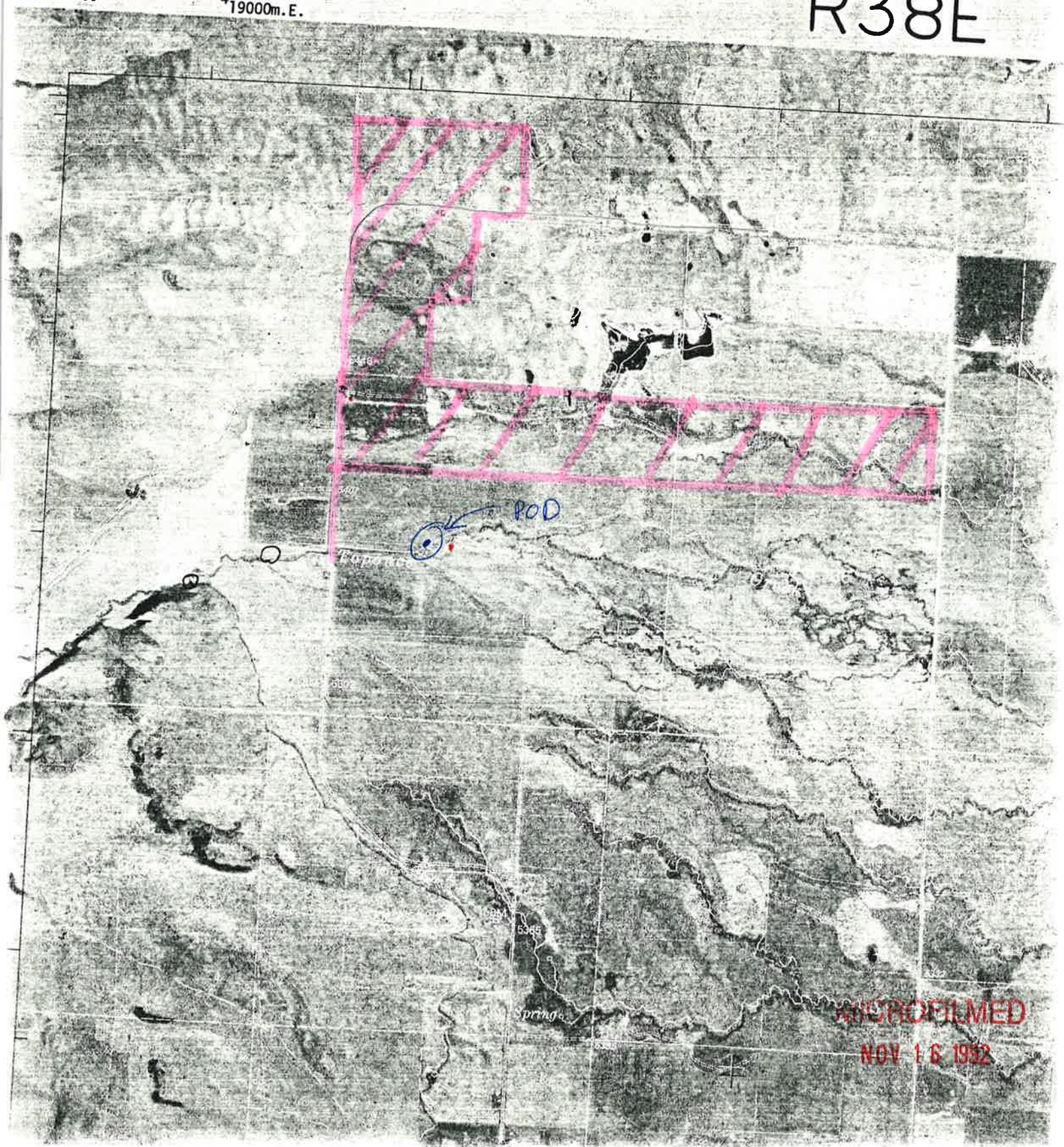
NT OF WATER RESOURCES

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

112°00'

419000m. E.

R38E



MICROFILMED
NOV 16 1952