

02/06/2003

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

RIGHT NUMBER: 29-10332

NAME AND ADDRESS: KENNETH D 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

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

DISALLOWED

SOURCE: UNNAMED STREAM

TRIBUTARY: TOPONCE CREEK

QUANTITY: 9.000 CFS

PRIORITY DATE: 07/06/1868

POINT OF DIVERSION:

T06S R38E S35 NWNENE Within CARIBOU County

T06S R38E S36 SENENW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	9.000 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T06S R38E S26	SWNW	40.0	T06S R38E S26	SENW	40.0
T06S R38E S26	NESW	20.0	T06S R38E S26	NWSW	40.0
T06S R38E S26	SWSW	40.0	T06S R38E S35	NENE	30.0
T06S R38E S35	NWNE	30.0	T06S R38E S35	NENW	30.0
T06S R38E S35	NWNW	30.0	T06S R38E S36	NENE	30.0
T06S R38E S36	NWNE	40.0	T06S R38E S36	NENW	40.0
T06S R38E S36	NWNW	40.0			

450 ACRES TOTAL

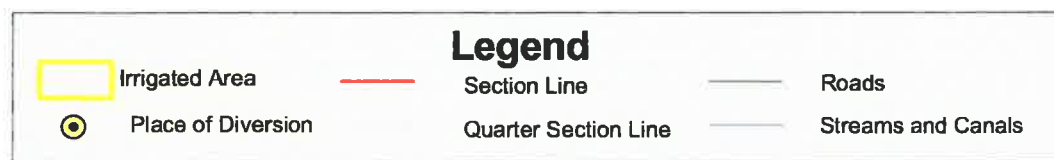
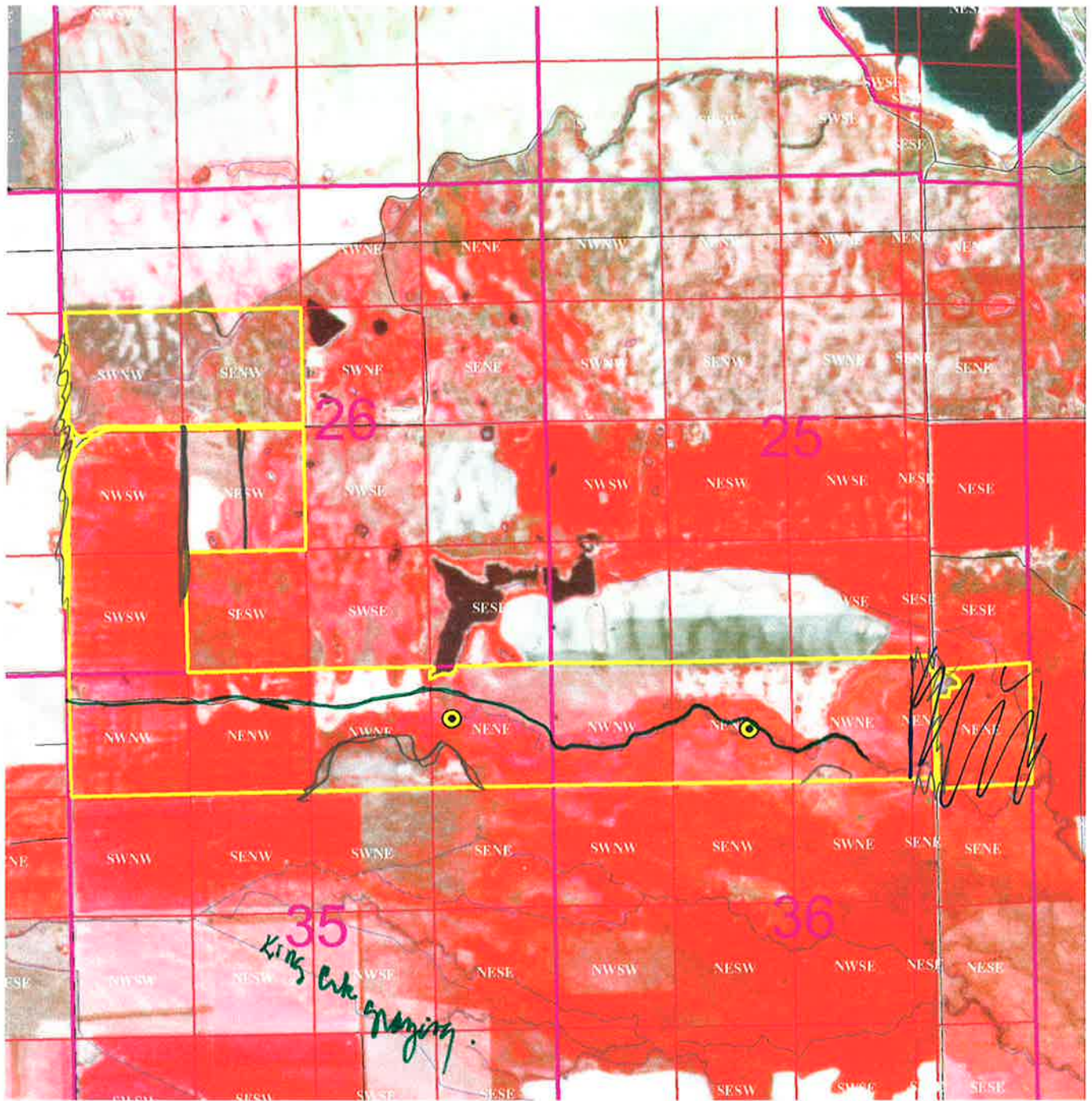
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

RIGHT NOT CLAIMED IN PRIOR ADJUDICATION: This is included for a claim that is PROPOSED to be disallowed because rights to water from the source claimed were determined in a prior general adjudication, the right was not decreed in the prior adjudication, and the claim cannot be recommended based upon beneficial use.

RIGHT NOT CLAIMED IN PRIOR ADJUDICATION.

EXPLANATORY MATERIAL: Beneficial Use

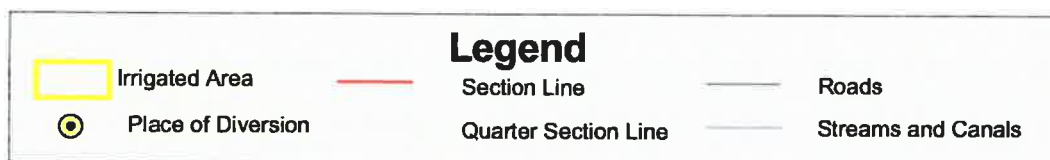
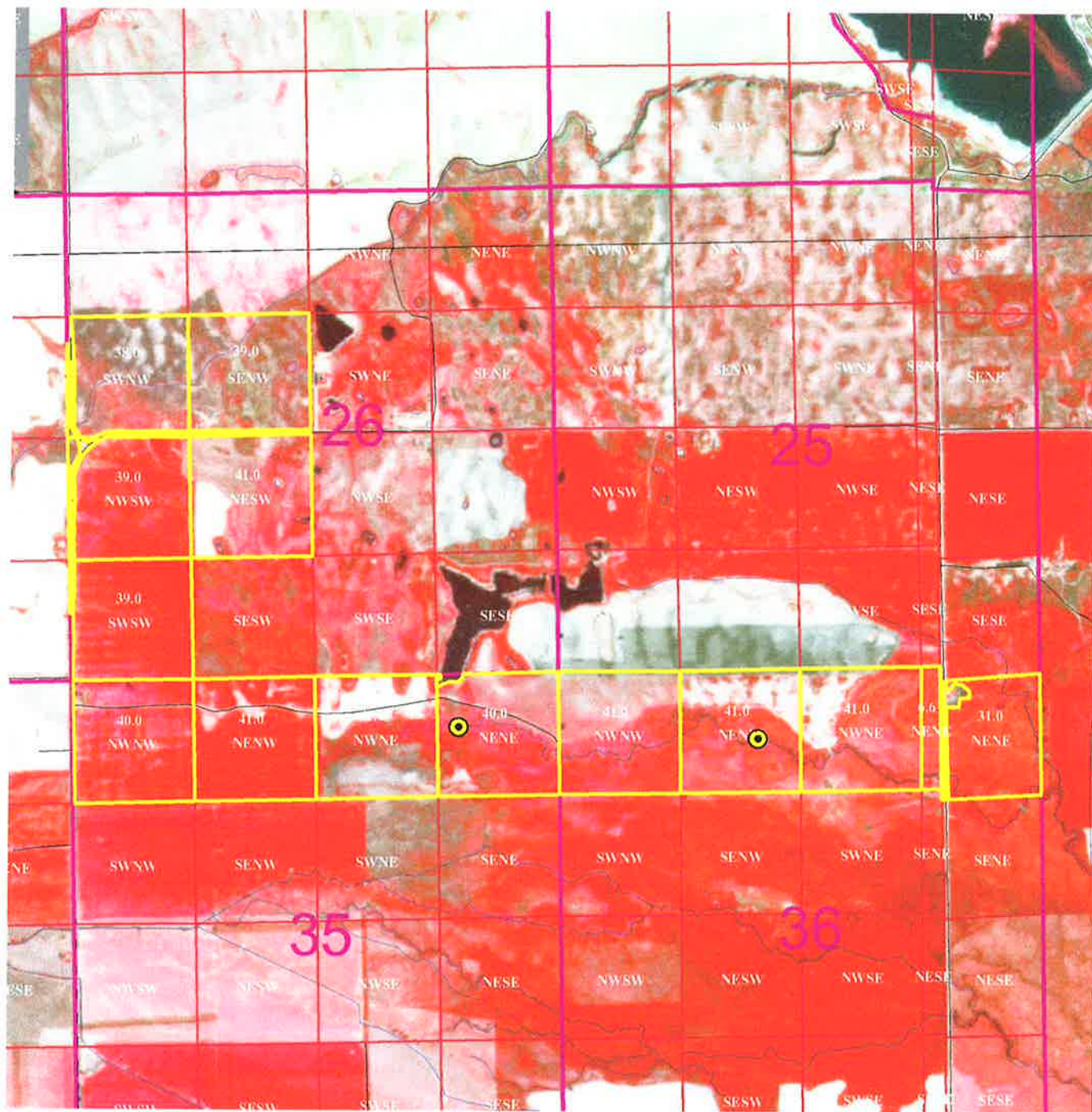
Township , 6S38E



800 0 800 1600 Feet



Township , 6S38E



800 0 800 1600 Feet



02/24/2006

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

RIGHT NUMBER: 29-10332

NAME AND ADDRESS: KENNETH D 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

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

SOURCE: UNNAMED STREAM

TRIBUTARY: TOPONCE CREEK

QUANTITY: 0.500 CFS

Use of the rights listed below is limited to a total combined diversion rate
of 3.14 cfs. Combined Right Nos.: 29-10331 and 29-10332

PRIORITY DATE: 07/06/1868

POINT OF

DIVERSION: T06S R38E S35 NENENE Lot 1 Within CARIBOU County
T06S R38E S36 SWNWNE Lot 2 Within CARIBOU County
T06S R38E S36 NWNENW Lot 3 Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.500 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T06S R38E S35 Lot 1 NENE	8.80	T06S R38E S36 Lot 2 NWNE	29.00
T06S R38E S36 Lot 3 NENW	27.00	T06S R38E S36 Lot 4 NWNW	23.00

87.8 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.

Use of the rights listed below is limited to the irrigation of a combined total
of 157 acres in a single irrigation season. Combined Right Nos.: 29-10331 and
29-10332.

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

SOURCE IS ALSO KNOWN AS NORTH FORK OF TOPONCE CREEK.

THIS RIGHT IS A PORTION OF OLD RIGHT NO.29-234.

Right includes accomplished change in source pursuant to Section 42-1425,
Idaho Code.

SRBA

PARTIAL DECREE 29-10332

Issued on 07-07-2005.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: COLLEEN L ANDRUS
JIM ANDRUS
KENNETH D ANDRUS
6948 E OLD OREGON TL RD
LAVA HOT SPRINGS, ID 83246

SOURCE: UNNAMED STREAM TRIBUTARY: TOPONCE CREEK

QUANTITY: 0.50 CFS
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3.14 CFS. COMBINED RIGHT NOS.: 29-10331 AND
29-10332

PRIORITY DATE: 07/06/1868

POINT OF DIVERSION: T06S R38E S35 LOT 1 (NWNENE) Within Caribou County
S36 LOT 2 (SWNWNE)
LOT 3 (SENENW)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 0.50 CFS

PLACE OF USE: Irrigation Within Caribou County
T06S R38E S35 LOT 1 (NENE) 8.8
S36 LOT 2 (NWNE) 29.0 LOT 3 (NENW) 27.0
LOT 4 (NWNW) 23.0
87.8 Acres Total
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 157 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-10331 AND 29-10332.
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.

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. I.C. SECTION 42-1412(6).

[Return to SRBA Home Page](#)

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

RIGHT NUMBER: 29-10332

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:

UNNAMED STREAM

Tributary:

TOPONCE CREEK

QUANTITY:

0.500 CFS

Use of the rights listed below is limited to a total combined diversion rate of 3.14 cfs.
Combined Right Nos.: 29-10331 and 29-10332

PRIORITY DATE:

07/06/1868

POINT OF DIVERSION:

T06S R38E S35 NENENE Lot 1 Within CARIBOU County
T06S R38E S36 SWNWNE Lot 2 Within CARIBOU County
T06S R38E S36 NWNENW Lot 3 Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.500 CFS

PLACE OF USE: IRRIGATION within CARIBOU County

T06S R38E S35 NENE Lot 1 8.8

T06S R38E S36 NWNE Lot 2 29.0

T06S R38E S36 NENW Lot 3 27.0

T06S R38E S36 NWNW Lot 4 23.0

87.8 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 157 acres in
a single irrigation season. Combined Right Nos.: 29-10331 and 29-10332.

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.

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

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.

~~RIGHT NOT CLAIMED IN PRIOR ADJUDICATION: This is included for a claim that is PROPOSED to be disallowed because rights to water from the source claimed were determined in a prior general adjudication, the right was not decreed in the prior adjudication, and the claim cannot be recommended based upon beneficial use.~~
~~RIGHT NOT CLAIMED IN PRIOR ADJUDICATION.~~

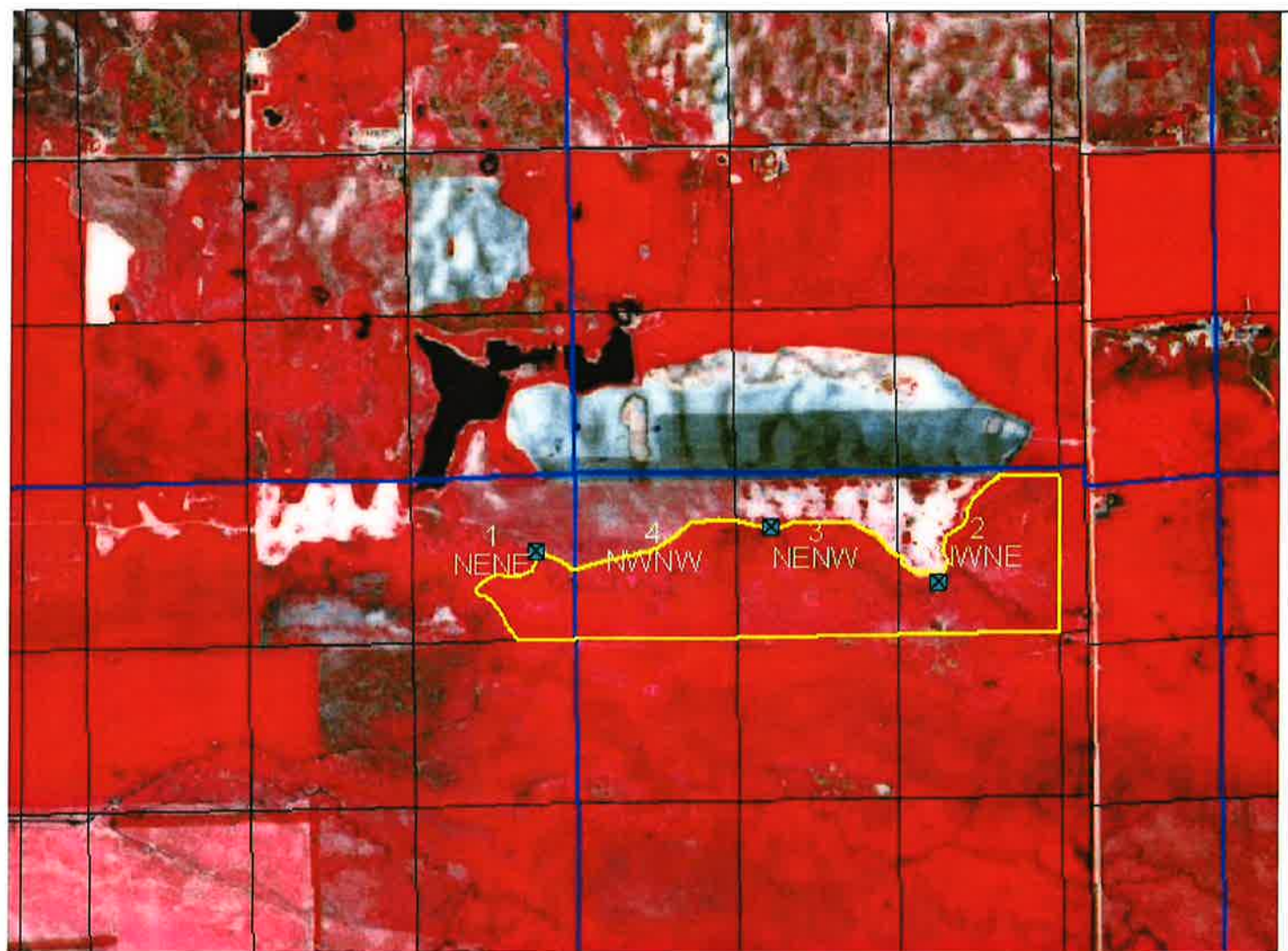
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed ~~BASIS OF CLAIM — Beneficial Use~~

SOURCE IS ALSO KNOWN AS NORTH FORK OF TOPONCE CREEK.

THIS RIGHT IS A PORTION OF OLD RIGHT NO.29-234.

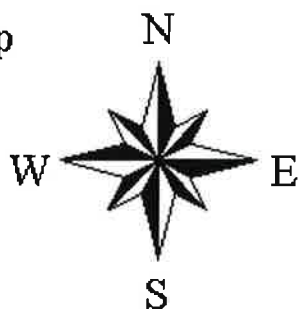
Idaho Department of Water Resources

Claim No.: 29-10332



0 1320 2640 3960 5280 Feet

- Point of diversion.shp
- Place of use.shp
- Sections
- QQ



1987-88 NAPP Photography
Prepared by: Ernest Carlsen
Date Prepared: February 2005

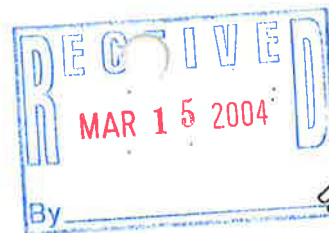
Notes

6/4/04 Allen Rubery called me about resolving this claim. 29-10332. I explained to Allen that I didn't recommend this right because they claimed a 1868 priority and we have the Union Grain & Elevator in this area. To once it was decreed in that decree. So, they can't claim an 1868 date. It would have to be moved to 1932, Aug 1.

They also have decreed to them an 1" per acre for their land.

If this was a valid right it would have been claimed in the 46th E decree. CB

Allen is going to call the Andrus's and see if he can negotiate these rights.



RECEIVED
NCV 14-2003
Department of Water Resources

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)

A. Subcase 29-10332
(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Kenneth Andrews
Address: 6948 East Old Oregon Trail Rd.
Lava Hot Springs, Idaho 83246
Daytime Phone: 776-5380

Name & Address of Attorney, if any:

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

Name: Kenneth D Andrews, Colleen L Andrews, Jim Andrews
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: What ever springs flow
4. ☒ **Priority Date**
Should be: 1868
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.

E. REASONS SUPPORTING OBJECTION(S): Historical use has been
estabilished but was not recoginized by Cindy
Bird of IDWR

F.

VERIFICATION (Must be Completed)

State of Idaho)

County of Bannock)ss.

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: 11-13-03



Gerri Wellard
Notary Public for Idaho
Residing at: Law Hot Springs
My Commission Expires: January 2005

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.

G. 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 Colleen Andrus Jim Andrus
Address: 6948 East Old Oregon Trail Rd.
Lava Hot Springs, Idaho 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

Kenneth Andrus
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: ~~29-10327~~ A 29-10332

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

JIM 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):

This right was not recommended by IDWR

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

Recommend right to use these springs.
The amount of water applied for under re-adjudication was 9 cfs. That quantity is incorrect. There is only 9 cfs when a flood occurs.

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

These springs originate on this farm; have historically been used on this farm and have never been used by any other person. Many years of beneficial use has established this right. The amount of water is small and varies from year to year and season to season.

DATE: Apr. 29, 2003

SIGNATURE: Kenneth Andrus

Please print your name: Kenneth Andrus

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

29-10327 IS OK.

Notes

2/6/03. Disallowing claim because
this should have been claimed in
Prior adjudication.

1/27/03. Have to redo the claimed shape because claims do not own the small 6 acre piece west of Nipper Road or the piece east of Nipper Rd.

Update PLS / acreage for shape.

It appears that the decreed w/p's on this piece would be enough to irrigate the claimed lands.

B. U. Claim 29-10332 would be additional water (more than an inch per acre) if recommended. This should have been claimed in the Union Grain & Elevator Decree. Can't recommend an 1868 priority date.

?
• If recommending, then recommend 1 day after amended decree. 8-8-1932?

If this source was enough to produce 9.0 cfs then it would have been included in the Union Grain and Elevator Decree.

Verify that the irrigated shape is covered by decree. May recommend the uncovered acres under this right.

Ken & Jim Andrus



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 10332
POD ID 198090
Quad Chesterfield
Claim Type L
Easting 666043
Northing 197571
GPSID A0012510

Diversion Description

Series of broken down run off ditches . . . no headgate structures or dams, no defined ditch banks to measure, no surface water. Placed GPS ID tag on fence corner post as shown in photo. Location of POD is as shown on the aerial map.

Assumptions

Assume open channel irrigation/stock water diversion total combined width to be 3 feet, water depth (when available) to be 0.25 feet average,

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

POD ID 198090 01.jpg

POD ID 198090 03.jpg

Photos

POD ID 198090 02.jpg

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0.707041685859511

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth 0.25

☒ Rectangular Channel

Width 3

Depth 0.25

Flow Calculation

☐ Continuity

Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☒ Manning (If used, include photo of representative channel section)

Channel Slope 0.005

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 10332
POD ID 198091
Quad Chesterfield
Claim Type L
Easting 666361
Northing 197476
GPSID A0012783

Diversion Description

Irrigation/stock water ditch winding through pasture. Placed GPS ID tag on 24" culvert as shown in photo. Ditch is currently running @ 0.05 % slope.

Assumptions

Open channel irrigation/stock water diversion. Ditch is 3 feet wide, water depth is 0.5 feet, and slope is 0.01%.

Invoice

2000-037-01-0

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

OD ID 198091 01.JPG

Photos

OD ID 198091 02.JPG

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0.290466727418858

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth 0.5

☒ Rectangular Channel

Width 3

Depth 0.5

Flow Calculation

☐ Continuity

Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope 0.0001

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

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MAY 7 2001

Log for claim A29-10332

Spatial Dynamics LTD

6/20/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s38e	26	SWNW	40	38	
06s38e	26	SENE	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	Permissible place of use?
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	

AJ5809NP
No. A29-10332

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 168

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENNETH D ANDRUS	07/06/1868	IRRIGATION	04-01 11-01	9.000 CFS	
C	COLLEEN LLOYD ANDRUS					
C	JIM ANDRUS				9.000 CFS	
	6948 E OLD OREGON TRAIL RD			TOTAL DIVERSION:		1125.00 AFA
	LAVA HOT SPRINGS ID 83246			CONSUMPTIVE USE:		
	(208) 776-5380					

Water Source: UNNAMED STREAM

Tributary to: TOPONCE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T06S R38E S35
S36

NWNENE
SENENW

CARIBOU County
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: A29-00107B,00091,00123,10327-10331

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	A29-00093
A29-00093A	A29-00102	A29-00107B	A29-00123C	A29-00234	A29-00252	A29-04346	A29-10248	A29-10327	A29-10328
A29-10329	A29-10330	A29-10331							

Remarks: GEN APPROXIMATELY 3 SPRINGS FEED THIS NATURAL DRAINAGE (UNNAMED
STREAM). THIS WATER IS USED TO SUPPLEMENT THE DECREED TOPONCE
CREEK WATER RIGHTS.

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

These springs arise on the property described herewith. They have historically, since this ground was first irrigated, been used to supplement the Toponce Creek water right of this property. This is a generally known practice and accepted fact and no other person attempts to use this water except the owner of the property as described. *Kenneth Andrus* Lava Hot Springs, Idaho Ph-268 776-5381

I owned this property for approximately fifteen years and used the water from these springs to supplement my irrigation rights from Toponce Creek. This was an established right as far as I understand, going back to 1868.
Russell A. Hebdon

Kenneth Andrus

KENNETH ANDRUS

Russell A. Hebdon

RUSSELL A. HEBDON

STATE OF IDAHO, COUNTY OF BANNOCK

On this 28th day of March, 1995,
before me, a Notary Public in and
for said State, personally appeared

KENNETH ANDRUS and RUSSELL A. HEBDON

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

Geri Wellard

GERRI WELLARD, NOTARY PUBLIC

Residing at Lava Hot Springs, Idaho
Commission Expires December, 1995



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NOV 13 1990

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENNETH D ANDRUS	07/06/1868	IRRIGATION	04-01 11-01	9.00 CFS	
C	COLLEEN LLOYD ANDRUS					
C	JIM ANDRUS					
	6948 E OLD OREGON TRAIL RD			TOTAL DIVERSION:	9.00 CFS	
	LAVA HOT SPRINGS ID 83246			CONSUMPTIVE USE:		1125.00 AFA
	(208) 776-5380					

Water Source: UNNAMED STREAM

Tributary to: TOPONCE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T06S R38E S35
S36

NWNE
SENEW

CARIBOU County
CARIBOU County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
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,00091,00123,10327-10331

Remarks: APPROXIMATELY 3 SPRINGS FEED THIS NATURAL DRAINAGE (UNNAMED STREAM). THIS WATER IS USED TO SUPPLEMENT THE DECREED TOPONCE CREEK WATER RIGHTS.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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NOV 13 1990

MAY

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: A29-10332

Date Received: 2/15/1990

Receipt No: EO12966

Received By: [Signature]

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

A2910332



2. Date of Priority: JUL 06, 1868

3. Source: UNNAMED STREAM Trib. to: TOPONCE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	38E	35	NW	NE	NE		CARIBOU
		36	SE	NE	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	9.000		

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

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

9. Non-irrigation uses:

A29-10332

Page 1

Date: 02/15/90

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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:

A29-00107B,00091,00123,10327-10331

14. Remarks:

APPROXIMATELY 3 SPRINGS FEED THIS NATURAL DRAINAGE (UNNAMED STREAM). THIS WATER IS USED TO SUPPLEMENT THE DECREED TOPONCE CREEK WATER RIGHTS.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Samith Andrus 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
Helen Harrington
Notary Public

Seal

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

NT OF WATER RESOURCES

729-10332

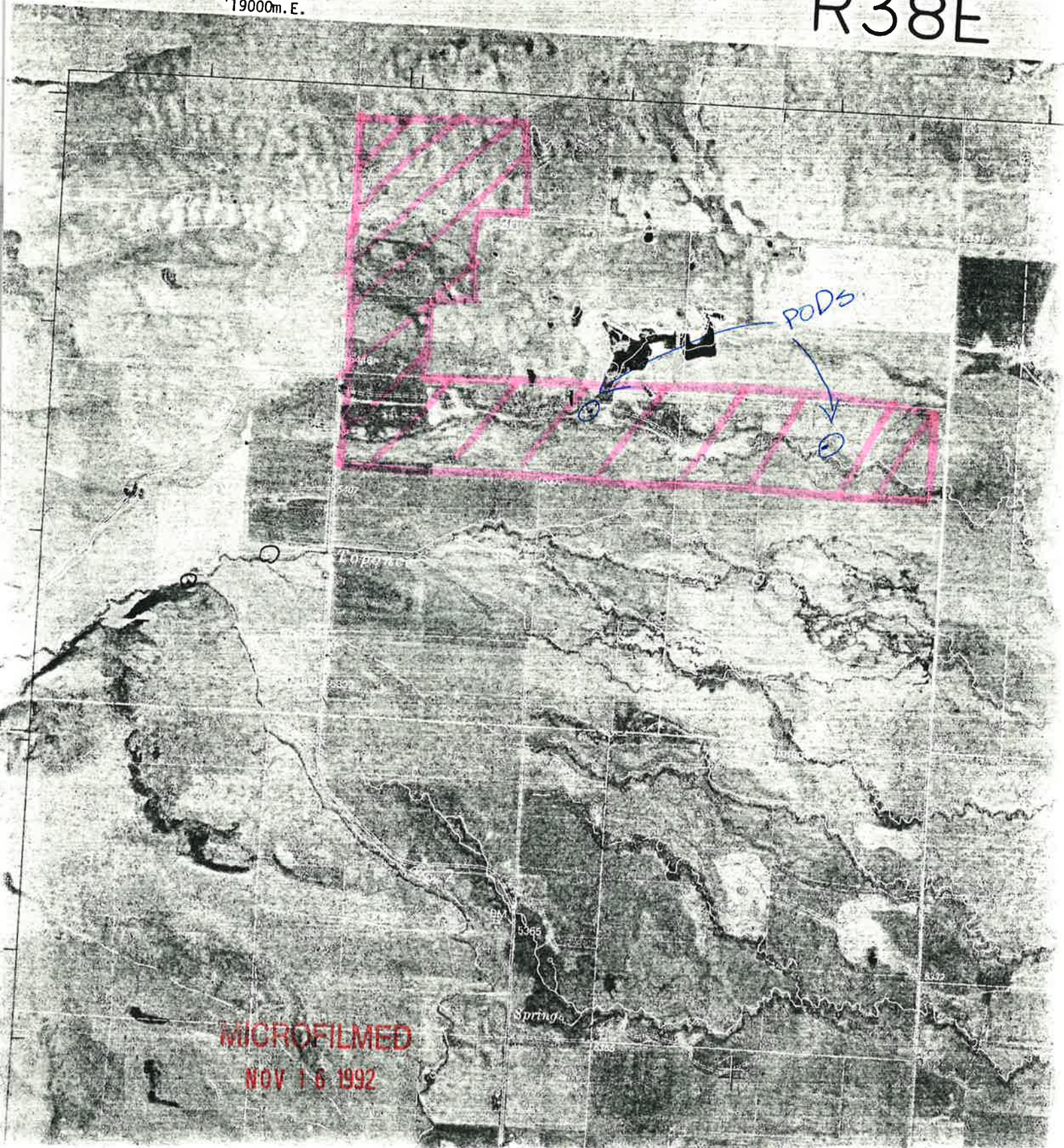
Unnamed
stream

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

112°00'

419000m. E.

R38E



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