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02/14/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF 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.

EXPLANATORY MATERIAL: Decreed

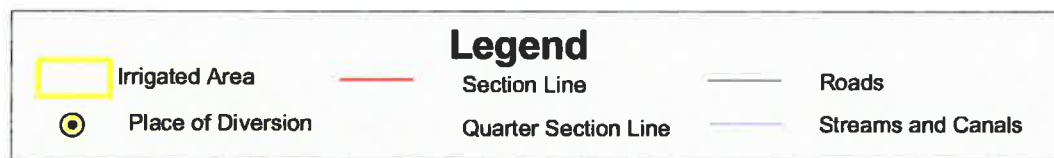
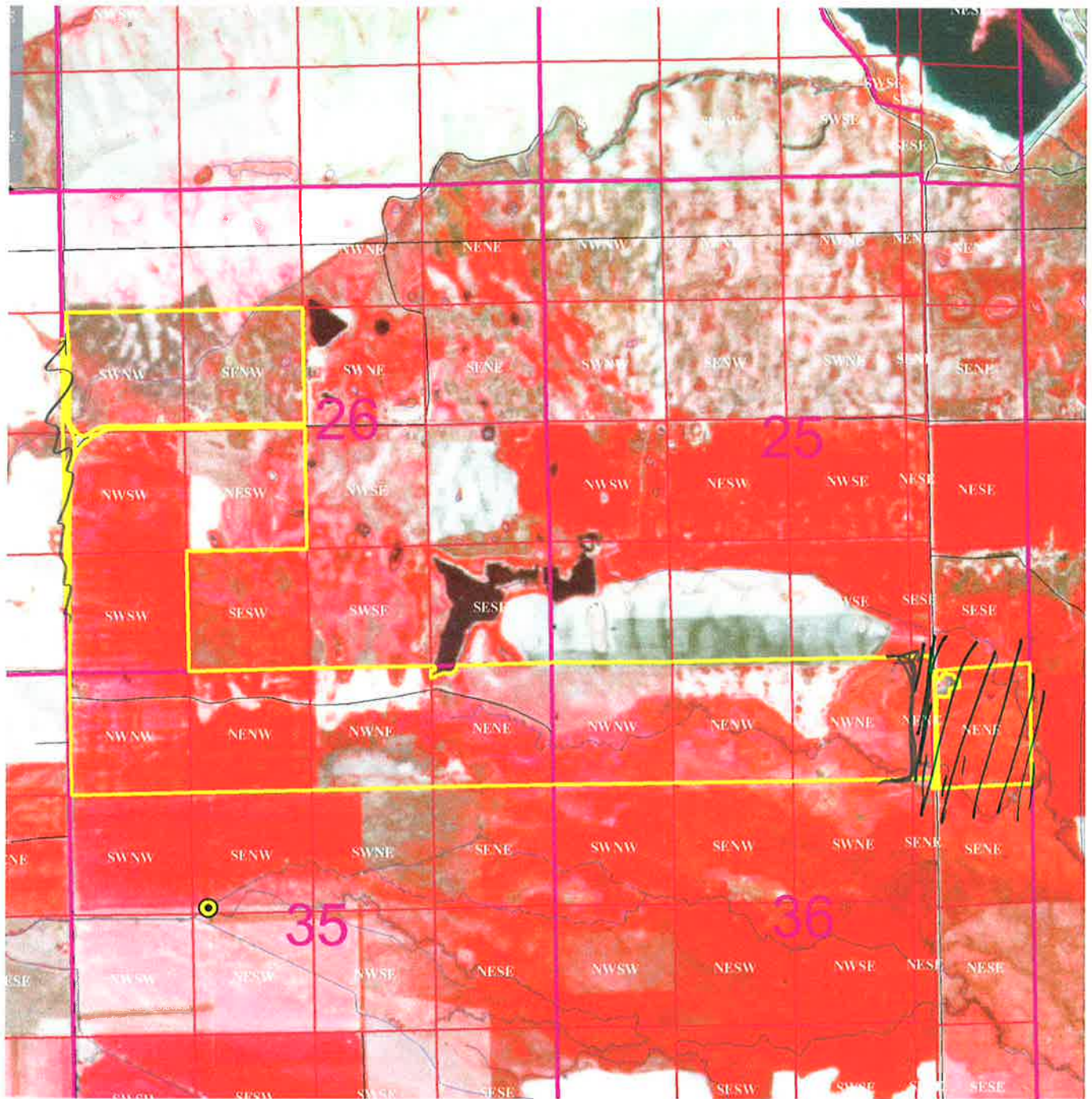
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-90.

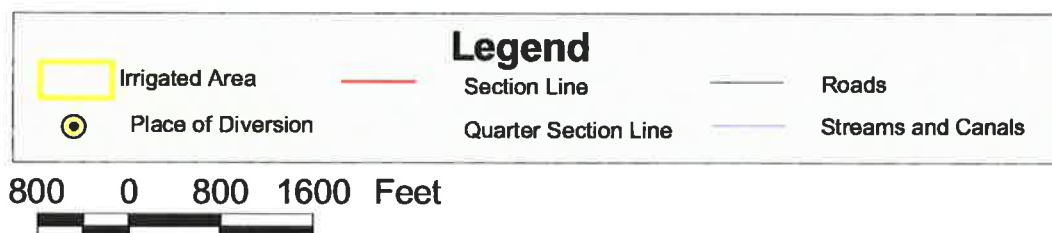
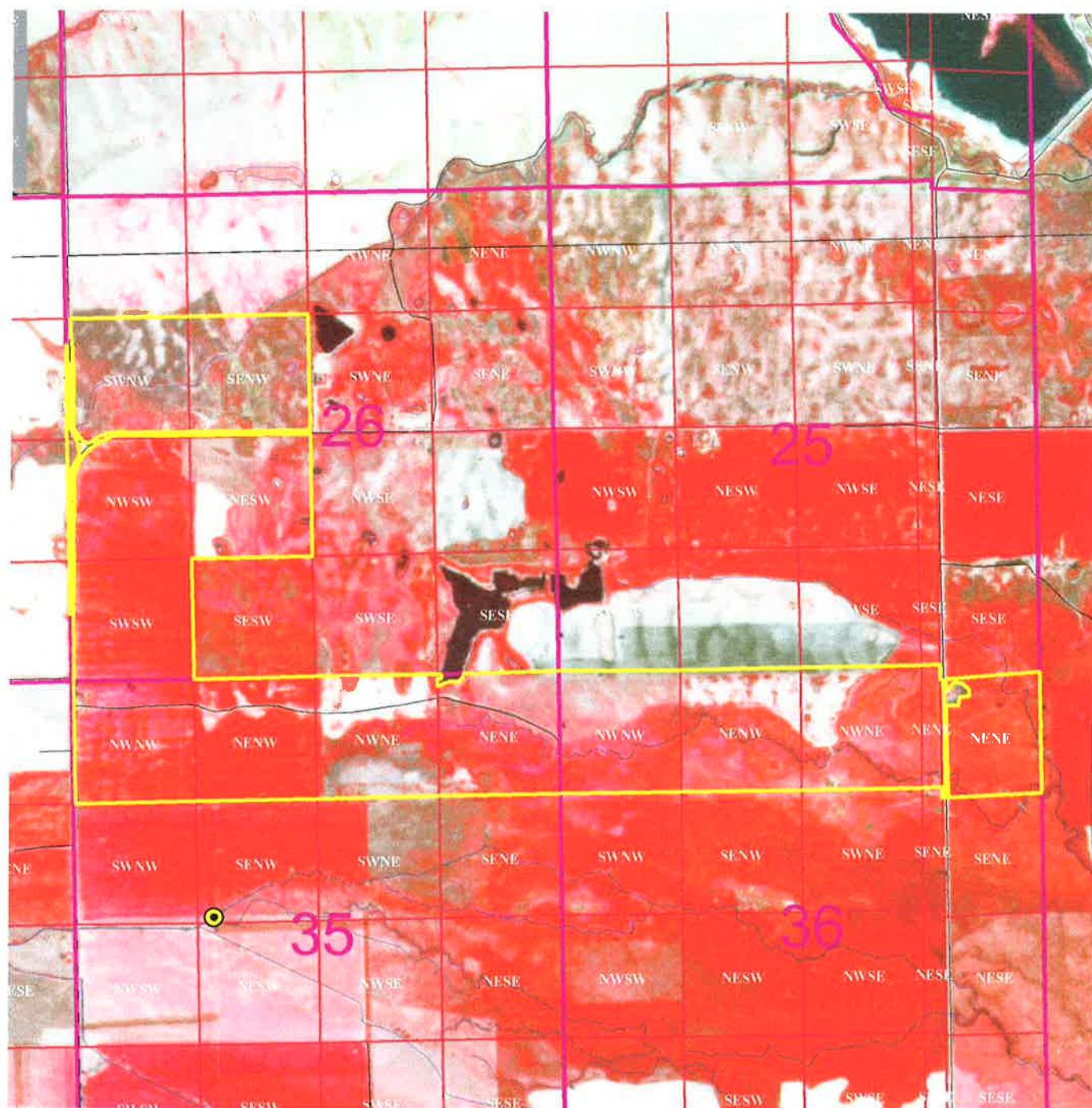
Township , 6S38E



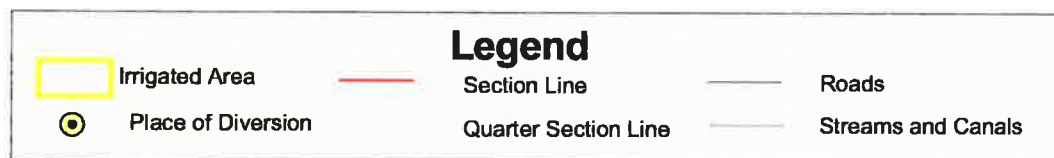
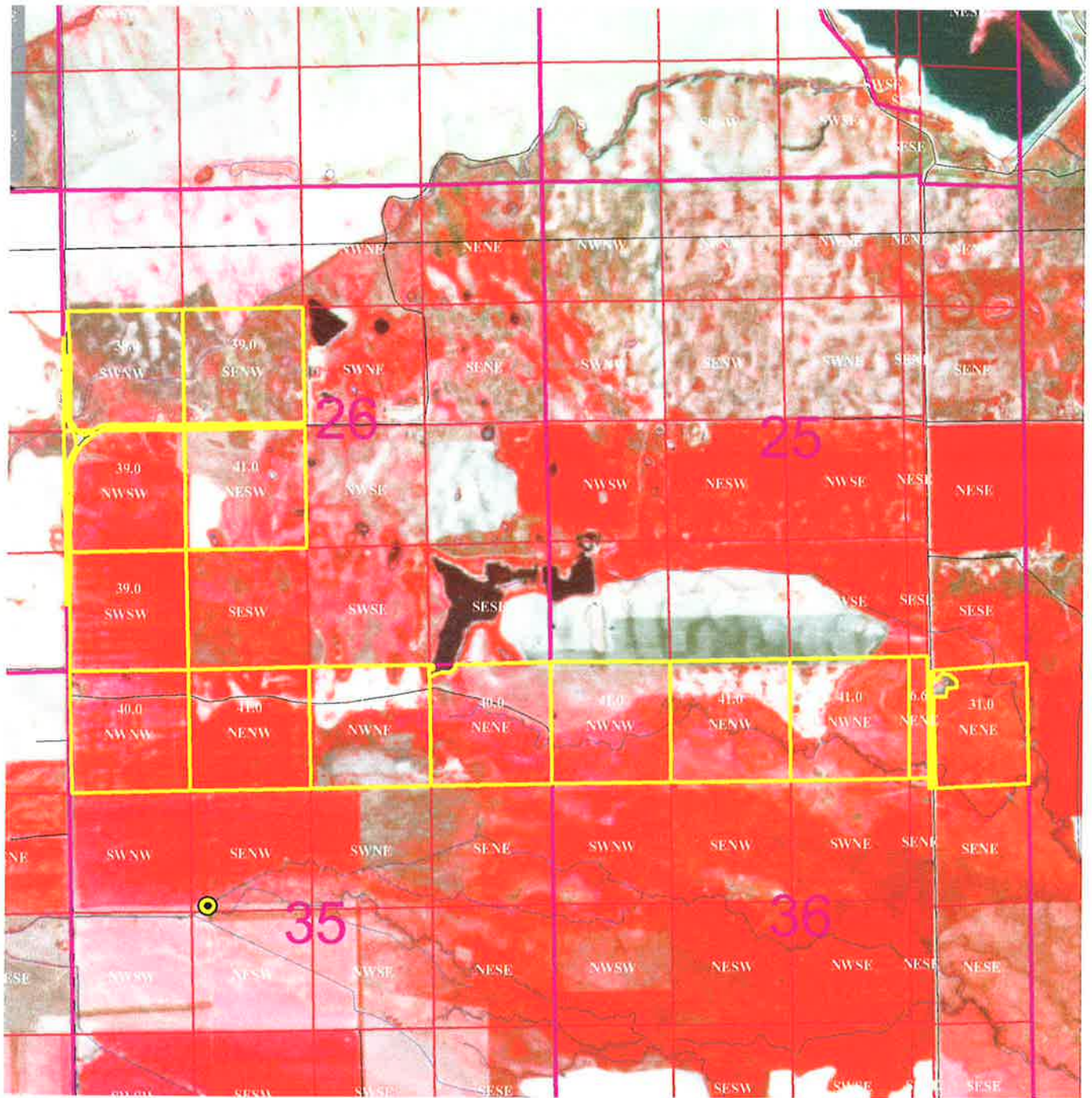
800 0 800 1600 Feet



Township , 6S38E



Township , 6S38E



800 0 800 1600 Feet



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

RIGHT NUMBER: 29-10329

NAME AND ADDRESS:

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

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

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

SOURCE: Source:
TOPONCE CREEK

Tributary:
PORTNEUF RIVER

QUANTITY: 0.300 CFS

PRIORITY DATE: 07/01/1908

POINT OF DIVERSION:

T06S R38E S34 SENESW Lot 11
Within CARIBOU County

~~T06S R38E S34 SENESW~~
~~Within CARIBOU County~~

T06S R38E S35 NENWSW Lot 12
Within CARIBOU County

~~T06S R38E S35 NENWSW~~
~~Within CARIBOU County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/15 09/15	0.300 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

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

375 ACRES TOTAL

~~378 ACRES TOTAL~~

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

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

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330,
29-10327, 29-10331 AND 29-107B
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-90.

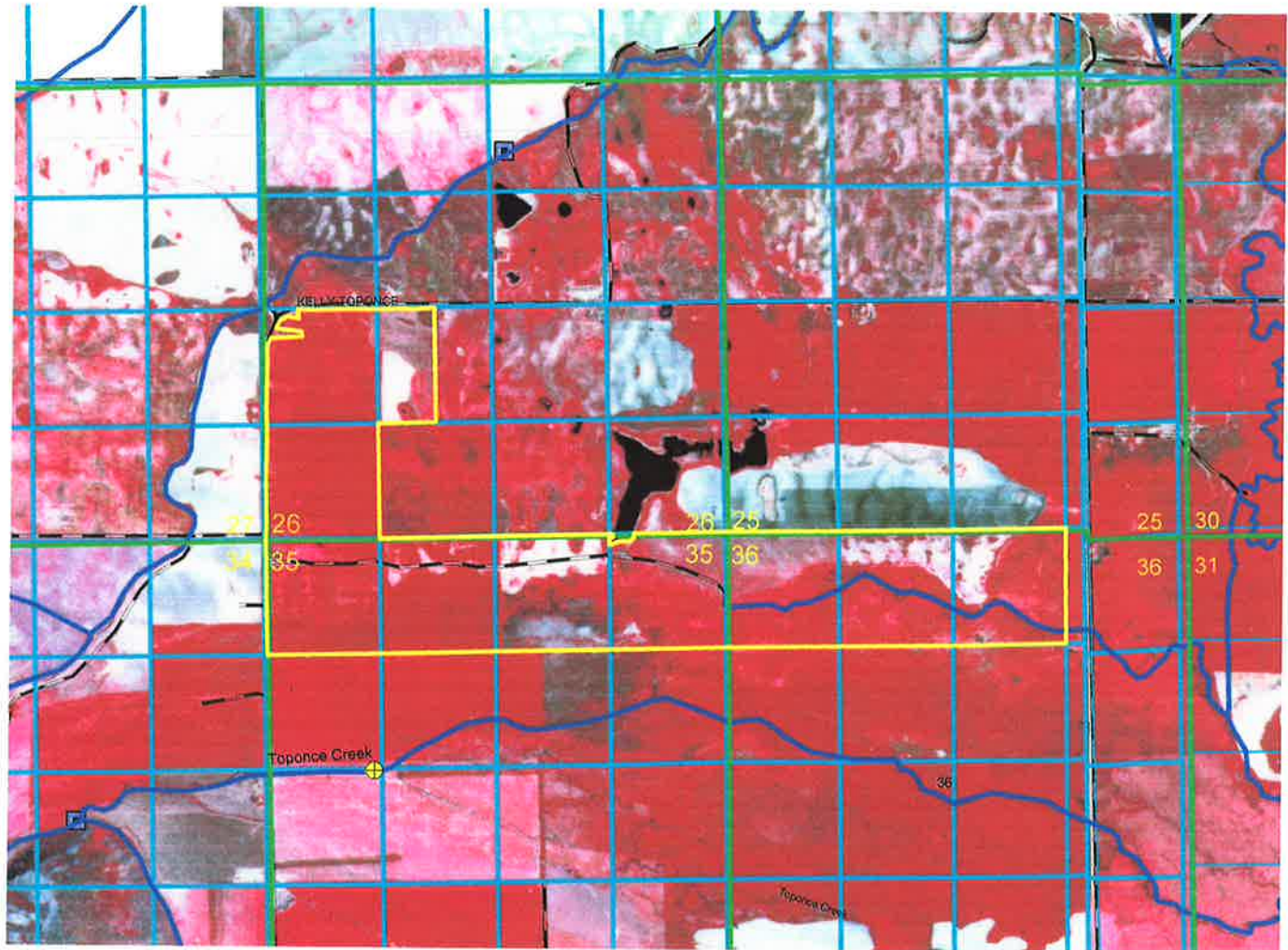


STATE OF IDAHO

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

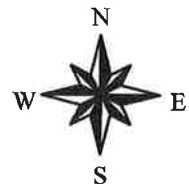
IRRIGATED ACRES 378

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

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: 29-10329

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):

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

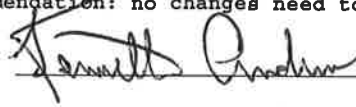
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

Apr 30, 2003

SIGNATURE:



Please print your name: _____

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

Wayne Perkins claimed a pattern of the night 29-90

there 6 rights (29-88 thru 29-93) were

decreased to 120 acres. With 100 acres

of migration. Wayne Perkins owns 60 acres

and Andrew owns 60 acres under the decreed

POU.

I'm putting a combined acre limit amount

to the 6 rights to total the migration of

50 acres in the POU.

POD has changed from decreed POD, decreed SESE Sec. 33 T6S, R23E

by decreased to 1/2 of 29-90 right. Claimants also claimed part
of 29-12d, and I did not find that the this water right
was appurtenant to the Andrews property. Not recommending
any of the 29-12d right.

GPS POINT (POD) ANDREW 42.8547241-111.9787745

Notes

1/27/03 division rate should be 0.30 CFS.
504 - 4/15 - 9/15 UG; E decree.

Claimants do not own the small
piece of property (approx 6 acres)
west of Nipper Road or the piece
east of Nipper Road, it is owned
by Rondo Perkins.

link P84 Shape, (PPLS) update
PLS/acreage.

Recommend claimed POD.

Summary Data Entry Form

Claim No.: _____

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

E14 all limit 50 Combined rights:

29-13231, 29-13232, 29-10329, 29-91B,

29-10330, 29-93B

C03

C05.

P21 Exp. Remark, previous right. 29-90.

S08 4/1 - 10/31

Split or Combined Right Analysis:

see attached sheet

Attached Field Notes or Other Documents:

Claim No.:

Reviewer

Carly Brail

Date

1/27/83

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

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

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

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

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

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

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

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

C.V. Cattle:

1. Does C.V. Cattle / Rondo Perkins own.
Lot 3+4, Section 25, Lots 1 & 2 section 26,
all in T6S, R38E?

9/4 3:11pm Carol - Carbon County assessors - Rondo James

2. 29-121, 29-122, 29-123A, 29-125A.

T52S. Sec. 25 + 26 - See map: 117.23 Acres.
140.76 in. or 2.81 cfs.

- 29-123B, 29-124, 29-125B (C.V. Cattle)
see Map.
decreed 0.024 cfs/acre.

3. Andrus can't claim. 29-125A., 29-123C.
29-124

1/24/03 disallowed 29-123C recommended as
29-123.

Perkins / Andrus Analysis: A29-0090

A29-90A Perkins
A29-10329 Andrus. combined 29-90, 124

Diversion rate decreed: transfer 525 (29.12)

29-90 0.60 cfs.

-124 2.68 cfs.

29-90A Perkins (0.30 cfs)

-10329 Andrus. 0.887. (90 - 0.60 cfs + 124 - 2.871 cfs)

Priority date 29-90 7-1-1908

-124 7-1-1908

both claims match priority date

Source 29-90 Topance crk.

-124 N. FK. Topance crk.

Claimed: 29-90A Topance Creek.

* -10329 Topance Creek. Chg of Source

POD: 29-90 SESE Sect. 33 T6S, 38E

29-124 NESEW Section 35. T6S, 38E.

29-90A claimed original 90 POD - Perkins.

* POD change 29-10329 claimed 6S, 38E, sect 35 SWSENE

Season of Use:

29-90A claimed 4/15 - 9/15

29-10329 " 4/1 - 11/1

? 4/15 - 9/15
decreed
Season.

Season.

Start

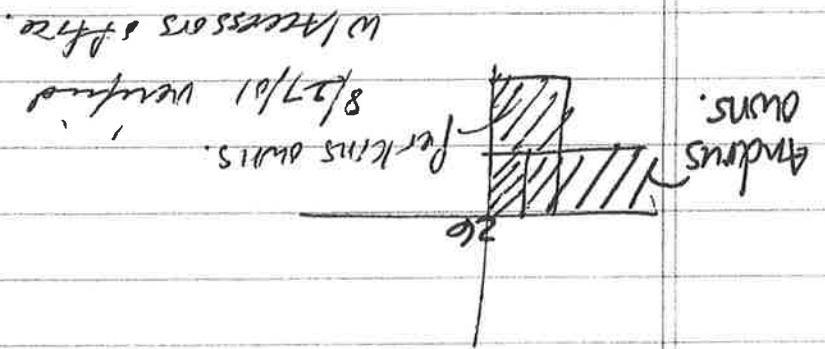
4/15

- Middle of October is the latest.

Perkins / Andrus 29-0090 cont'd.

P.O.U. : Claim 29-90+ claimed 1/2 of the original
 POU from the decree;

Sect. 26, 20 acres NE SW
 40 SE SW.



05,38E. POU Under 29-124 (check TSS) Sect 25.

5 acres NE SW
 10 " NW SE
 5 acres Lot 3

2 " SE SW
 30 " SW SE
 38 " Lot 4

Sect 34. 33.4" Lot 1
 33.4 Lot 2
 T65, R38E.

Sect 31 40 " Lot 2
 55.44 " N 1/2 NW.
 T65, R39E.

8/27/01 4:03pm Called Sunny Hickey for a copy
 of TSS.

- initially none of the land claimed by Andrus was
 A29-10329 is in the original POU.

SCANNED

MAY 7 2001

Log for claim A29-10329

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	

AJ5809NP
No. A29-10329

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 165

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	COLLEEN LLOYD ANDRUS	07/01/1908	IRRIGATION	04-01 11-01	0.887 CFS	
C	JIM ANDRUS					
C	KENNETH D ANDRUS				0.887 CFS	
	6948 E OLD OREGON TRAIL RD			TOTAL DIVERSION:		1125.00 AFA
	LAVA HOT SPRINGS ID 83246			CONSUMPTIVE USE:		
	(208) 776-5380					

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		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	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,00091,00123,10327-10332

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 A29-10330 A29-10331

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

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

Remarks: GEN THIS CLAIM IS FOR A COMBINATION OF 29-00090 (ENTIRE RIGHT) AND
A PORTION OF 29-00124. ACTUAL AMOUNT CLAIMED IS 0.8871 CFS,
BASED ON 0.60 CFS FROM THE FORMER AND .2871 CFS PORTION OF THE
LATTER RIGHT.

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: A29-10329
Date Received: 2/15/1990
Receipt No: EO12066
Received By: CRJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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



2. Date of Priority: JUL 01, 1908
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

*derived from Sec. 33
T65 R38E*

6. Water is used for the following purposes: *9/15 add 508*

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.887		

7. Total Quantity Appropriated is:
0.30 0.887 C.F.S. (and/or)

A.F.A.

0.30 (1/2) 29-90

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

9. Non-irrigation uses:

A29-10329

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

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 A COMBINATION OF 29-00090 (ENTIRE RIGHT) AND A PORTION OF 29-00124. ACTUAL AMOUNT CLAIMED IS 0.8871 CFS, BASED ON 0.60 CFS FROM THE FORMER AND .2871 CFS PORTION OF THE LATTER RIGHT.

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 ☒ 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 Bonnerille) 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
Bozeman, Idaho
My Commission Expires December 1, 1991

A29-10329

WATER RESOURCES

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

00' 4 19000m. E.

R38E R3

