

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

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02/14/2003

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

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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 29-88.

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

**RIGHT NUMBER:** 29-13231

**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:** 0.070 CFS

**PRIORITY DATE:** 07/01/1906

**POINT OF DIVERSION:**

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

T06S R38E S34 SENESW Lot 11  
Within CARIBOU County

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

T06S R38E S35 NENWSW Lot 12  
Within CARIBOU County

**PURPOSE AND  
PERIOD OF USE:**

| Purpose of use | Period of use: | Quantity: |
|----------------|----------------|-----------|
| IRRIGATION     | 04/15 09/15    | 0.070 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> | <del>T06S R38E S26 NESW 20.0</del> |
| <u>T06S R38E S26 NWSW Lot 12 37.0</u> | <del>T06S R38E S26 NWSW 37.0</del> |
| <u>T06S R38E S26 SWSW Lot 13 39.0</u> | <del>T06S R38E S26 SWSW 39.0</del> |
| <u>T06S R38E S35 NENE Lot 1 40.0</u>  | <del>T06S R38E S35 NENE 40.0</del> |
| <u>T06S R38E S35 NWNE Lot 2 41.0</u>  | <del>T06S R38E S35 NWNE 41.0</del> |
| <u>T06S R38E S35 NENW Lot 3 41.0</u>  | <del>T06S R38E S35 NENW 41.0</del> |
| <u>T06S R38E S35 NWNW Lot 4 40.0</u>  | <del>T06S R38E S35 NWNW 40.0</del> |
| <u>T06S R38E S36 NWNE Lot 2 39.0</u>  | <del>T06S R38E S36 NWNE 40.0</del> |
| <u>T06S R38E S36 NENW Lot 3 39.0</u>  | <del>T06S R38E S36 NENW 40.0</del> |
| <u>T06S R38E S36 NWNW Lot 4 39.0</u>  | <del>T06S R38E S36 NWNW 40.0</del> |

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

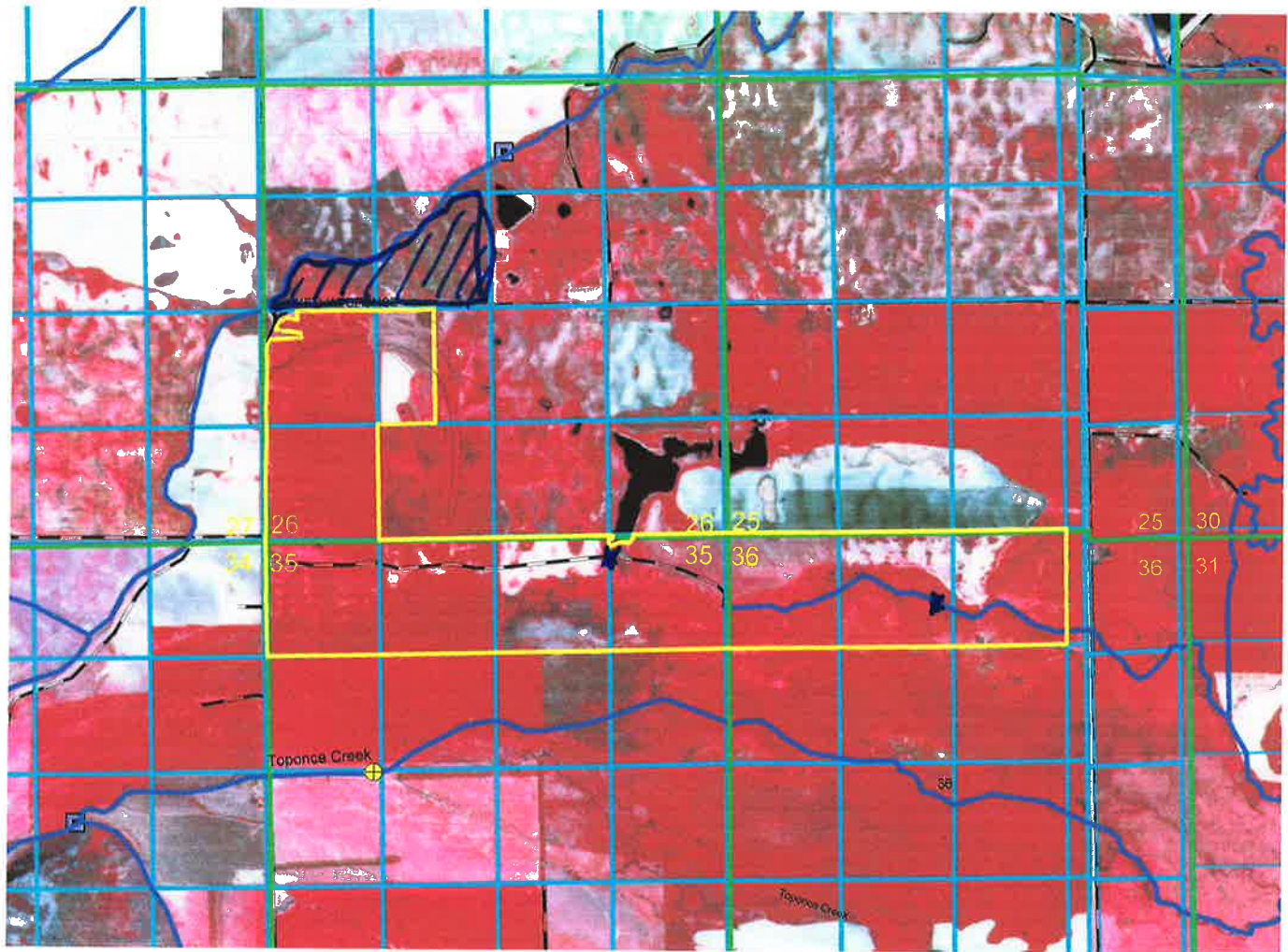
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.  
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THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-88.



# 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

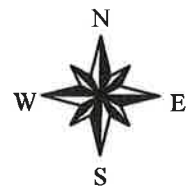
IRRIGATED ACRES ~~378~~

## 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: 29-13231

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: Kenneth Andrus  
Please print your name: Kenneth Andrus

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

Additional POD's  
- add acreage S of the feeder canal.

## Notes

1/27/03 SOL - 4/15 - 9/15 UG & E decree

Claimant installed sprinkler system w/ buried mainline. PPLS.

Recommend GPS'd POD: (DECREED POD SESE Sec. 33)

- link POD shape and update PLS/acruage.

Claimant doesn't own property across Nippin Rd NENE Sec 36, T6, R38E. or the small piece west of Nippin Rd

Claimants claimed irrigation across Kelly TOPonce Road from a POD in Section 35, T6S, R38E. During my trips to Chesterfield I have not seen them irrigate that piece, and I don't know how they would have conveyed it across Kelly TOPonce Road from the claimed POD.

I'm not recommending the piece North of Kelly TOPonce Rd.

They might irrigate it through the feeder Canal but it not claimed that way, or I haven't verified that.

→ GPS POD: ANDRUS PRIOR TO 1987.

POD shape Convrt 29-926. Shp.

POD shape 29-88-93 pod. Shp. 38/ ac.

76  
457

Summary Data Entry Form

Claim No.: 29-13231

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

✓ C18

EXP P21 29-88

POW-I E14 50 acre limit combined: 29-10330, 13232

Period: 29-13231, 29-10329, 29-91B, 29-93B

S08 4/1 - 10/31

✓ C03

✓ C05

Split or Combined Right Analysis:

See attached sheet

Attached Field Notes or Other Documents:

Claim No.:

Reviewer

Cindy Bird

Date

1/31/03

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

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

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

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

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

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

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13231  
Date Received: 9/6/2001  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KENNETH D ANDRUS Phone: (208)776-5380

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

JIM ANDRUS Phone: (208)776-5380

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

COLLEEN L ANDRUS Phone: (208)776-5380

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

2. Date of Priority: 07/01/1906 ✓

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

4. Point of Diversion:

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

5. Description of diverting works:

DITCHES

6. Water is used for the following purposes: 4/15 - 7/15 508

Purpose  
IRRIGATION

From To C.F.S.  
04/01 11/01 0.07

(or) A.F.A

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

805

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

One-half of 29-0088

15. Basis of Claim: Decreed

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): Jim Anderson Date: Oct. 1 2001  
James Anderson Oct. 1, 2001 Date: \_\_\_\_\_

State of Idaho )  
County of Caribou ) SS.

Subscribed and sworn (or affirmed) before me this  
of Oct. 1 2001

Cindy E Bird

Notary Public

Residing at Lava Hot Springs.  
My commission Expires 5-1-07.

