

1

02/14/2003

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

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

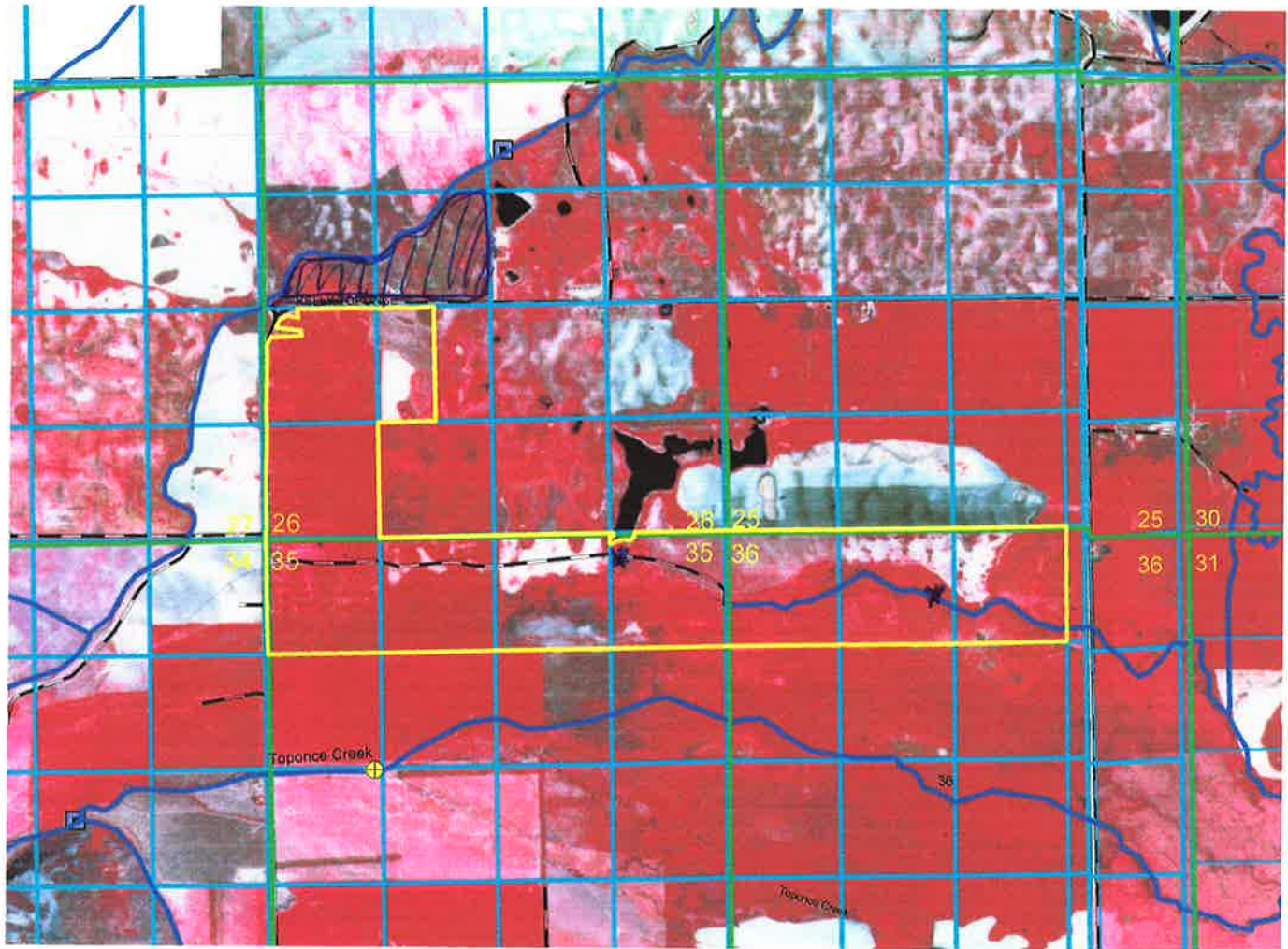
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-89.



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

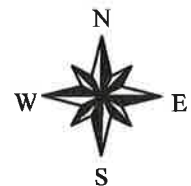
IRRIGATED ACRES 378

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

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

RIGHT NUMBER: 29-13232

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: 0.110 CFS

PRIORITY DATE: 07/01/1907

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	0.110 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 NWNE Lot 2 41.0</u>	T06S R38E S35 NWNE 41.0
<u>T06S R38E S35 NENW Lot 3 41.0</u>	T06S R38E S35 NENW 41.0
<u>T06S R38E S35 NWNW Lot 4 40.0</u>	T06S R38E S35 NWNW 40.0
<u>T06S R38E S36 NWNE Lot 2 39.0</u>	T06S R38E S36 NWNE 40.0
<u>T06S R38E S36 NENW Lot 3 39.0</u>	T06S R38E S36 NENW 40.0
<u>T06S R38E S36 NWNW Lot 4 39.0</u>	T06S R38E S36 NWNW 40.0

375 ACRES TOTAL

~~378 ACRES TOTAL~~

Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 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 29-89.

Bird, Cindy

6/9/03

5:26pm

To: Ruberry, Allen
Subject: linking b29 pod



andrus_pod.dbf



andrus_pod.shp



andrus_pod.shx

Please link this pod to claims:

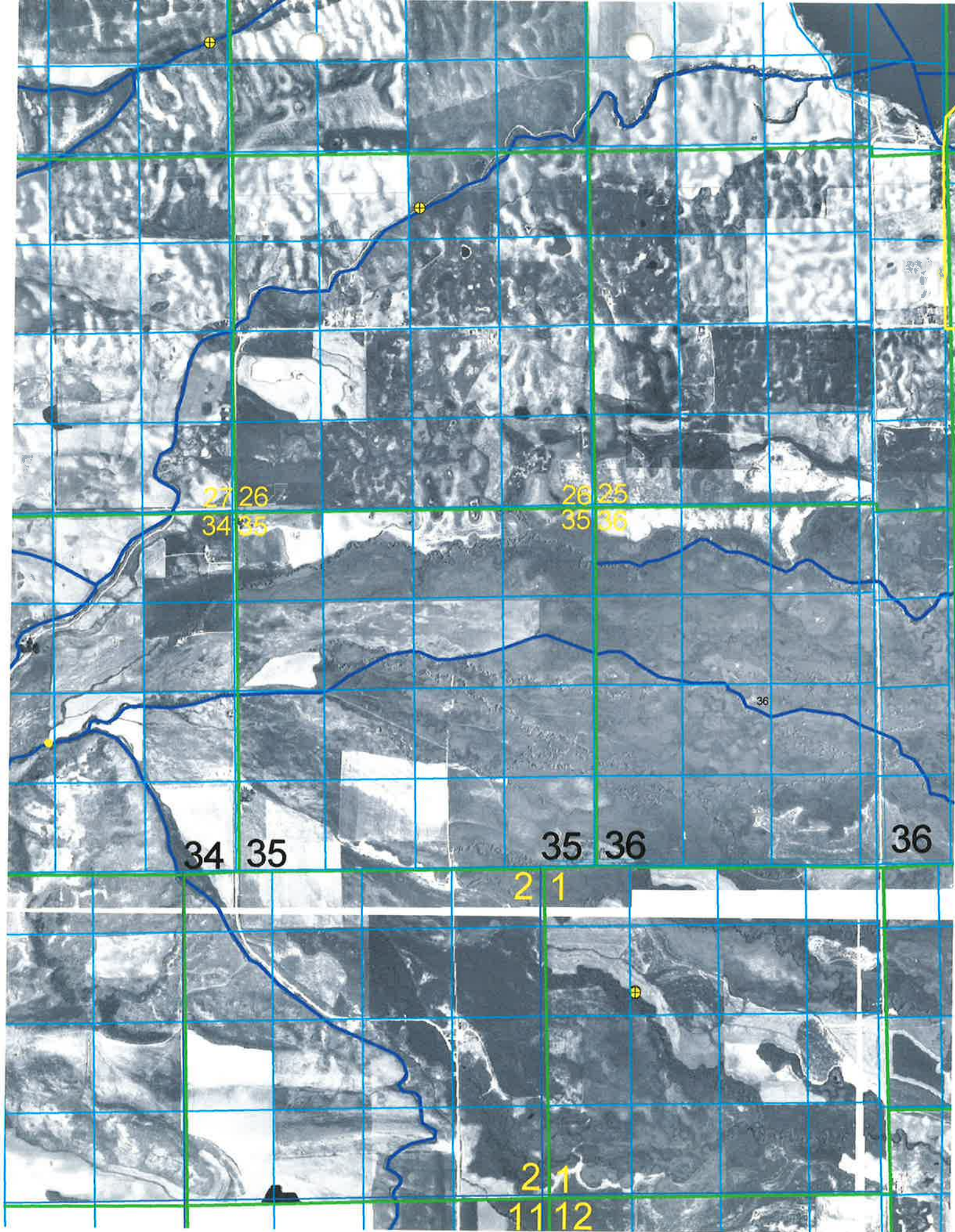
29-13232, 13231, 10329, 91B, 10330, 93B, 10327, 10331 and 107B

Thank you,
Cindy

6/9/03 29-13232, 13231, 10329, 91B,
29-10330, 93B, 10327, 10331 & 107B.

- The stream in the North $\frac{1}{2}$ of sections 35 & 36
is not identified as Toponce Creek.

It's identified as Toponce Ck in the
SE NESW Section 34, T6S, R38E.



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: 29-13232

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):

ADDITIONAL POD'S

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

add two more POD'S

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

T6S, R38E SEC 35 NWNE NE 5
SEC. 36 SE NE NW

☒ 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

Notes

1/24/03 water is diverted from toponce crk.
into a mainline that borders King
Crk Grazing Assoc.
Irrigated with Handlines.

UG & E Decreed SDU 4/15 - 7/15 add 508 Remark
for dept std SDU.

Claimant doesn't own the piece of property
across (east) of Nipper Road or the small
piece west of Nipper Road.

Decreed POD SESE Sec. 33 T6S, R38E
POD change. add C03 Remark.
POU PPLS - add C05 Remark

all other components on this right is OK.

Rights 29-88-93 decreed 50 acres in the 60 acre
POU. Combined right one limited to 50 acres. (E14)

GPS'D POD: ANDRUS 1

Summary Data Entry Form

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

P21 - Exp - Remark 29-89
C18
C03 -
C05 PPL
E14 50 acre limit - combined rights 29-10339 29-
13232, 29-10329, 29-91B, 29-10330, 29-93B
S08. 4/1 - 10/31
F06

Split or Combined Right Analysis:

Split of (1/2) 29-89 Wayne Perkins has the other 1/2
of the right.
See next page.

Attached Field Notes or Other Documents:

Claim No.:

Reviewer

Cindy Bird

Date

1/24/03

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

29-13482

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 29-13232
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: 07/01/1907

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 - 9/15

Purpose
IRRIGATION

From To C.F.S.
04/01 11/01 0.11

(or) A.F.A

7. Total Quantity Appropriated is:
0.11 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

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 29-0089

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): Kenneth Andrew Date: Oct. 1, 2001

Jim Andrew 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

