

12/12/2002

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

RIGHT NUMBER: 29-13399

NAME AND ADDRESS: JIM ANDRUS
6948 EAST OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID 83246

KENNETH D ANDRUS
6948 EAST OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID 83246

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.560 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13401 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.88 CFS.

PRIORITY DATE: 05/01/1896

POINT OF DIVERSION:

T09S R37E S20 SWSWNW Lot 4 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.560 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.		

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R37E S19 Lot 3 SENE 24.0 T09S R37E S20 Lot 4 SWNW 20.0

44 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13401 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 44 ACRES IN A SINGLE IRRIGATION
SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 28 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

A2913399



12/12/2002

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.

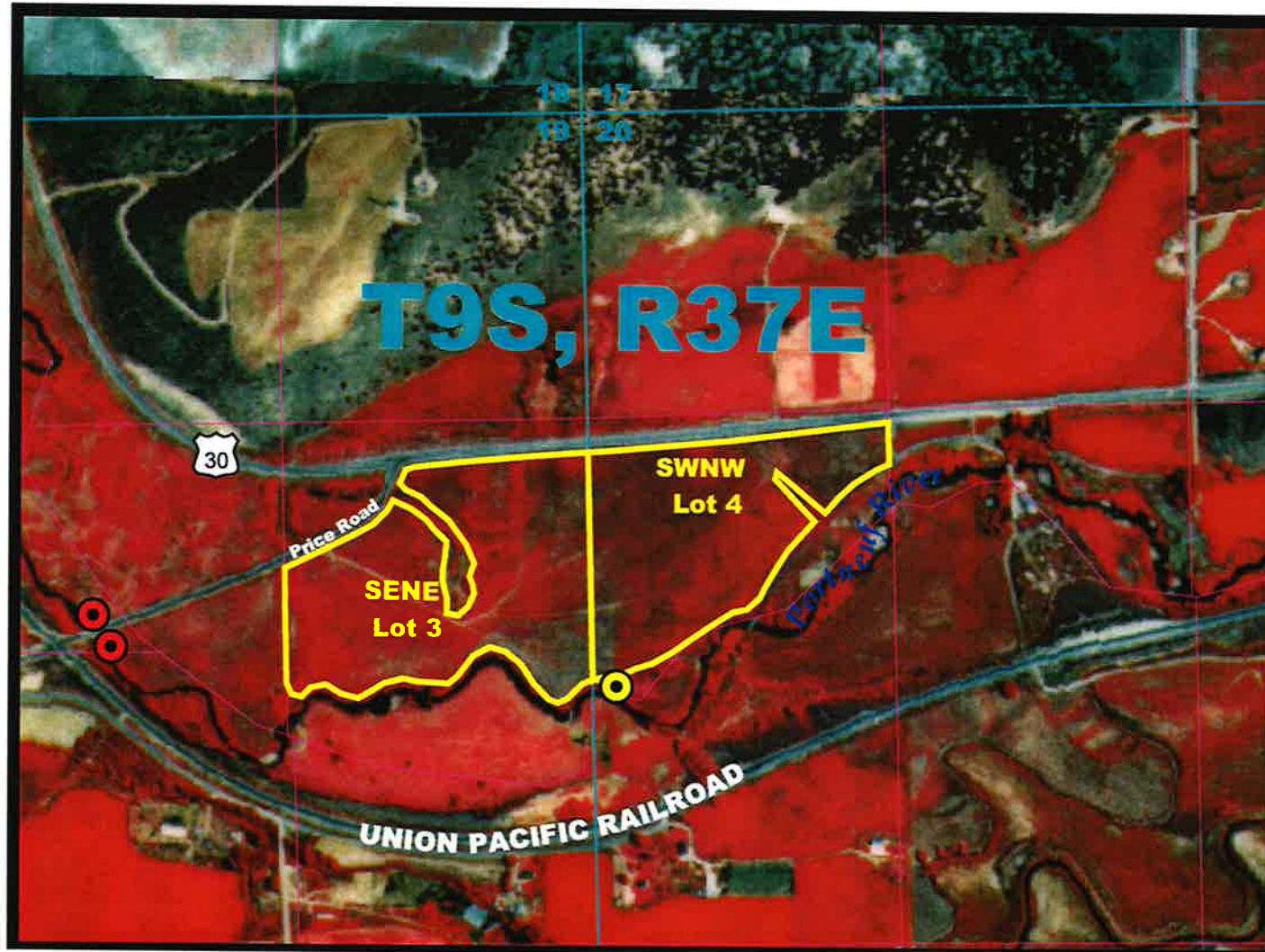
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-11253.



State of Idaho

Department of Water Resources

Eastern Region



500 0 500 1000 1500 2000 2500 3000 3500 4000 Feet

Water Right(s):

29-13399

29-13401

Place of Use: T9S, R37E
(parts of) Sec. 19 SENE (L3),
Sec. 20 SWNW (L4)

Point(s) of Diversion: T9S, R37E
Sec. 20 SWSWNW (L4)



LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter

T9S, R37E

Cutler Ditch

Andrus

SWSE

3

NWNE
11

NENE
Lot 1
14.4

NENW
21.6

NWNW
11.0

SWNE
Lot 2
9.0

SENE
Lot 3
4.0

SWNW
Lot 4
19.0

SENE
Lot 3
23.0

30

30

Portneuf River

Caswell Creek

UNION PACIFIC RAILROAD

Ruberry, Allen

From: Ruberry, Allen
Sent: Thursday, December 12, 2002 8:27 AM
To: Block, Darla
Cc: Ball, Dayna M.
Subject: FW: B29 WM records

Good morning Ladies, I need some help. I'm working on the Cutler Ditch rights in B29. This is a very contentious issue. At this point, I need immediately the Water Master's records for years 1980 to 1987. Also, the same records for 1987 to 2001, but without the urgency. There is an forfeiture/abandonment issue that's surfacing. The rights may be listed as Cutler Ditch, Roger Johnson or 29-55, 29-56, 29-247, or 29-248.

Looks like we will be going to court over these regardless of what we do but I'd like to have all the ammo available.

Thanks for the assistance..... Al Ruberry

-----Original Message-----

From: Ruberry, Allen
Sent: Wednesday, December 11, 2002 2:57 PM
To: Luke, Tim
Subject: RE: B29 WM records

The question here is in relation to Cutler Ditch delivery of 29-247 and 29-248 (1868 Indian Rights) and 29-0055 and 29-0056.. Claimed (SRBA) as 29-12053, and 29-11253, respectively, by Roger Johnson. Now Jim and Ken Andrus have submitted evidence showing purchase of the portion of ALL Cutler Ditch rights for the POU South of the Highway 30..... This is pretty messy..... If you have any input or prior knowledge of the use of these rights in this situation I would welcome your comments

Thx.....al.

-----Original Message-----

From: Luke, Tim
Sent: Wednesday, December 11, 2002 2:49 PM
To: Ruberry, Allen
Cc: Ball, Dayna M.
Subject: RE: B29 WM records

Al,
Records are on microfiche and on file in Permits Section - Darla Block's office. Dayna Ball (my clerical assistant) can retrieve certain years for you, print out the relative information and mail them to you. Darla can also copy the microfiche and send microfiche jackets to you - however she had surgery last week and will be out for the next four to five weeks. Someone in Permits or maybe Dayna can make these copies - I'm thinking it would be less time consuming to just copy the microfich jackets rather than Dayna sitting in front of a printer and printing one page at a time, but this may depend on how many years of information you want. Your message did not specify what years, how many years etc.

I would suggest contacting Dayna Ball at 327-7907.

One other comment on WD29 at about 1987 and prior, although this period is a little before my time, I think delivery records prior to 1987 may not be very reliable. I thought that many of the diversions in the district did not even have measuring devices until about the mid 1980's. I remeber seeing one set of log books from this district under the watermaster just prior to Arlin Olson where X's or check marks were recorded instead of actual or real flow measurements. You might talk to Skip Jones to get some idea of the quality of data for pre 1987.

Tim

-----Original Message-----

From: Ruberry, Allen
Sent: Wednesday, December 11, 2002 2:31 PM
To: Luke, Tim
Subject: B29 WM records

Tim, can you direct me to the individual in your shop who I can contact about portneuf River delivery records prior

to 1987?

Thx.....Al

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

ABR
9/4/02
RECEIVED
SEP 18 2002
Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-00247	} INDIAN Rts TO BE SPLIT			
	29-00248				
		Also Portions		29-13401	
		of Rights			
		55 and 56		29-13399	

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)
 phone 785-7057 Mid-Ohio Securities F.B.O. Ladell Wylic, IRA
Ladell Wylic 1020 E. Harmony Ln., Blackfoot, Idaho 83221
4. New Owner/Claimant(s)
Kenneth (Ken) & Tim Andrews
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address
6948 East Old Oregon Trail Road
- City, State and ZIP Code
Lava Hot Springs, Idaho 83246
- New Telephone Number
(208) 776-5380
5. Date you acquired the property
June 27, 2000

* Those Rts are also claimed by Cullen Ditch as 29-12053.
 The parent Rts are to be split: Andrews and Cullen Ditch Assoc.

 **RUS SUFFOLKS**
KENNETH OR JIM ANDRUS
COLLEEN ANDRUS
 6948 E. OLD OREGON TRAIL RD. 776-5380
 LAVA HOT SPRINGS, ID 83246

7927 92-85/1241 30

PAY TO THE ORDER OF 2 BG Ranch \$3,000.00
Three Thousand and no/100 DOLLARS

 **Ireland Bank**
 Downey Branch
 P.O. Box 205
 Downey, Idaho 83234

FOR convert money for water Kenneth Andrus MP

⑆124100857⑆ 30 374 88⑈ 7927 ⑈0000300000⑈

© Clatskanie American Guaranteed Safety Blue ESOL

 **ANDRUS SUFFOLKS**
KENNETH OR JIM ANDRUS
COLLEEN ANDRUS
 6948 E. OLD OREGON TRAIL RD. PH. 776-5380
 LAVA HOT SPRINGS, ID 83246

22628 92-85/1241 3037488 1856

PAY TO THE ORDER OF Mid-Ohio Securities F.B.O. Ladell Wylie, IRA \$100.00
One Hundred and no/100 DOLLARS

 **Ireland Bank**
 Hometown Banking For Over 100 Years
 Downey, Idaho 83234

MEMO water rights in Cutler ditch Kenneth Andrus MP

⑆124100857⑆ 30 374 88⑈ 1856 ⑈0000010000⑈

SAFETY PAPER

 **ANDRUS SUFFOLKS**
KENNETH OR JIM ANDRUS
COLLEEN ANDRUS
 6948 E. OLD OREGON TRAIL RD. PH. 776-5380
 LAVA HOT SPRINGS, ID 83246

22628 92-85/1241 3037488 1855

PAY TO THE ORDER OF Mid-Ohio Securities F.B.O. Ladell Wylie, IRA \$9,900.00
Nine Thousand Nine Hundred and no/100 DOLLARS

 **Ireland Bank**
 Hometown Banking For Over 100 Years
 Downey, Idaho 83234

MEMO farm base Kenneth Andrus MP

⑆124100857⑆ 30 374 88⑈ 1855 ⑈0000990000⑈

SAFETY PAPER

A portion of this ↑ money also went to the purchase of the water right, but for some reason Ladell Wylie wanted the check for the water right to be \$100.00. It had something to do with taxes.

Kenneth Andrus

RECEIPT OF EARNEST MONEY

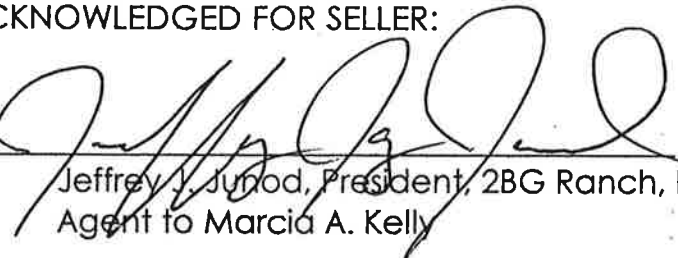
In consideration of the Sale of Water Rights Agreement, a copy of which document is attached hereto marked "Draft", Jeffrey J. Junod, President of 2BG Ranch, Inc., agent of Marcia A. Kelly, Property Owner (herein referred to as "Seller"), acknowledges receipt of the amount of \$3,000.00 from Kenneth Andrus and/or Colleen L. Andrus and/or Jim Andrus (herein collectively referred to as "Buyers"). Said amount will be applied to the total amount due upon execution of the Sale of Water Rights Agreement. Said amount is refundable only in the following circumstances:

- Idaho Department of Water Resources does not approve said sale; or
- Seller decides not to sell said water rights.

If Buyers decide not to complete said sale, the earnest money is nonrefundable.

DATED this 13th day of November, 1996.

ACKNOWLEDGED FOR SELLER:

By  11/13/96
Jeffrey J. Junod, President, 2BG Ranch, Inc. and
Agent to Marcia A. Kelly

ACKNOWLEDGED FOR BUYERS:

 13 Nov. '96
Kenneth Andrus

EXHIBIT "A"

That portion of Lots 5, 6 and 7 lying southerly of the Union Pacific Railroad as the same is located in Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

AND ALSO: All of the NE1/4 SE1/4 and the SW1/4 SE1/4 of Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

AND ALSO: All of Lot 6 and the SE1/4 NW 1/4 lying southerly of the Union Pacific Railroad as the same is located in Section 21, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

AND ALSO: All of the NW 1/4 NE1/4 and SW1/4 NE1/4 of Section 29, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

AND ALSO: A parcel of land located in Sections 19 and 20 in Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20; thence South 89°39'11" West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labelled "A.A. Hudson, PLS 4736" set on the southerly right of way line of U.S. Highway No. 30 North, the true point of beginning;

thence South 08°00'52" West 183.22 feet to a 5/8-inch rebar with cap; thence North 86°11'55" East 116.32 feet; thence North 70°16'49" East 61.29 feet; thence South 87°45'45" East 166.83 feet; thence South 07°18'58" East 184.29 feet to a 5/8-inch rebar with cap set at the South end of a fence;

thence North 84°51'16" East 120.0 feet to a 5/8-inch rebar with cap set on the projection of a North-South fence line; thence South 09°18'44" East 483.48 feet along said projection and fence line to a 5/8-inch rebar with cap set on the northerly right of way line of the Union Pacific Railroad right of way line, said point being on a 5136.99 foot non-tangent curve whose center bears South 14°32'08" East;

thence Southwesterly along said curve through a central angle of 08°56'50" a distance of 802.18 feet to the point of tangency (Chord= South 70°59'28" West 801.37 feet); thence South 68°31'01" West 521.80 feet to the beginning of a 281.18 foot spiral curve with a 01°03'00" delta;

thence South 67°41'00" West 245.22 feet along the long chord of said spiral curve to a 5/8-inch rebar with cap set on the projection of a fence line; thence North 27°41'51" East 212.87 feet to a 5/8-inch rebar with cap set at a fence corner; thence North 04°05'50" West 169.32 feet along a fence line and its projection to a 5/8-inch rebar with cap set on the northerly bank of the Portneuf River; thence along said river bank through the following courses:

thence North 85°01'21" West 18.38 feet; thence North 67°35'49" West 127.48 feet; thence North 53°37'14" West 154.22 feet; thence North 85°51'38" West 96.51 feet; thence South 44°51'52" West 135.51 feet; thence North 59°33'58" West 118.74 feet; thence North 39°50'41" West 212.32 feet; thence North 88°41'10" West 99.08 feet; thence South 52°18'09" West 232.50 feet;

thence North 80°50'47" West 168.73 feet; thence South 86°29'36" West 99.23 feet; thence South 74°46'54" West 160.70 feet; thence North 65°51'32" West 118.65 feet; thence South 68°10'58" West 83.21 feet to a 5/8-inch rebar with cap set in a fence line; thence leaving said river bank and running North 00°34'39" West 119.86 feet along said fence line to a 5/8-inch rebar with cap;

CONT. EXHIBIT "A"

thence North 01°19'25" East 276.73 feet along said fence line to a 5/8-inch rebar with cap set on the Southerly right of way line of the Price Road, said right of way width from centerline being 35.0 feet; thence North 69°22'56" East 250.04 feet along said right of way line to the beginning of a 366.45 foot radius curve concave to the Northwest;

thence Northeasterly along said curve through a central angle of 48°41'54" a distance of 311.47 feet to the point of tangency (Chord=North 45°01'59" East 302.18 feet); thence North 20°41'03" East 63.19 feet along said right of way line to a 5/8-inch rebar with cap; thence North 85°54'05" East 2168.06 feet to the true point of beginning.

AND ALSO: A parcel of land located in Section 19, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian; thence South 89°39'11" West 1312.87 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labelled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North; thence South 85°54'03" West 2168.06 feet along a right of way fence line to a 5/8-inch rebar with cap; thence South 83°04'27" West 86.58 feet to a 5/8-inch rebar with cap set on the Westerly right of way fence line of the Price Road, the true point of beginning;

thence South 27°43'22" West 140.98 feet to a point on a 296.45 foot radius non-tangent curve whose center bears North 46°06'14" West; thence Southwesterly along said curve through a central angle of 25°29'10" a distance of 131.87 feet to the point of tangency (Chord=South 56°38'24" West 130.78 feet); thence South 69°22'56" West 221.84 feet along the Price Road right of way line to a 5/8-inch rebar with cap;

thence North 01°19'25" East 268.64 feet to a 5/8-inch rebar with cap set on the Southerly right of way line of U.S. Highway No. 30 North, said point is also on a 1196.0 foot radius non-tangent curve whose center bears North 06°10'02" East;

thence Southeasterly along said curve through a central angle of 01°31'13" a distance of 31.73 feet to a point (Chord=South 84°35'29" East 31.73 feet); thence North 04°38'55" East 3.40 feet to a point on a 1192.60 foot radius non-tangent curve whose center bears North 04°38'55" East; thence Southeasterly along said curve through a central angle of 00°34'48" a distance of 178.98 feet to the point of tangency (Chord=South 89°38'28" East 178.41 feet); thence North 87°32'29" East 160.13 feet along a right of way fence line to the true point of beginning.

Mid - Ohio Sec Hies F.B.O. Ladell Wylie, IRA agrees
to sell and transfer their entire water rights in the
Cutler ditch. to Ken and Jim Andrus of Lava Hot
Springs, Idaho for the sum of 100⁰⁰.

JUN 30 REC'D



LEONARD J. GIBEL

PRESIDENT

2 October 2002

Cutler Ditch Assoc.
C/O Ronald Vaughan
PO Box 337
McCammon ID 83250

Kenneth and Jim Andrus
6948 East Old Oregon Trail Rd
Lava Hot Springs ID 83246

RE: Split portions of the Cutler Ditch water rights 29-11253 and 29-12053

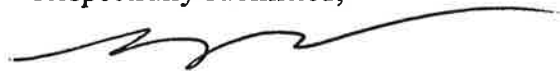
Gentlemen:

Enclosed you will find copies of the split portions of the water right claims appurtenant to the respective properties and an attached GIS illustration. I realize this is a somewhat confusing matter; therefore, I am forwarding this data prior to the Preliminary Director's Report. Hoping that, if there are errors or other matters not considered in the splitting of the water rights you would notify me so that they (it) might be corrected.

Attached hereto, you will also find notes explaining how the water rights were split based upon acreages. And the notes herein are only a guideline by which the splitting occurred. The actual water right recommendation to be presented in the Preliminary Director's Report, may, and probably will, differ from the claims as shown. Some of the elements may change to reflect actual usage.

You **do not** need to sign and/or return these documents to me; they are for your records. However, if you should find errors or should you have questions please feel free to contact me. And, thank you all for your patience and cooperation.

Respectfully submitted,



Allen B. Ruberry

Cc; files

Enclosures; Copies of claims 29-13398, 29-13400 to Cutler Ditch
Copies of claims 29-13399, 29-13401 to Andrus'
Copies of split notes and water right claims

SPLIT OF CUTLER DITCH WATER RIGHTS

10/2/02

Page 1 of _____

29-11253 COMBINES DECEASED RTS: 29-00055 AND 056.

29-12053 COMBINES DECEASED RTS: 29-00247 AND 248 (OLD INDIAN RT)

29-12557 DISALLOWED - CROSS CLAIMED OF 29-12053.

I. BOTH RTS ABOVE ARE CLAIMED IN THEIR ENTIRETY BY CUTLER DITCH, % ROGER JOHNSON.

A. CLAIMS INCLUDE LANDS NOW OWNED BY L. HANDCASTLE WHO BY DEED BOUGHT THE LANDS W/O WATER RT.

1. ALL PREVIOUSLY APPURTENANT WATER RIGHTS WERE SOLD TO KEN ANDRUS (NO TRANSFER FILED-TO DATE).

B. LANDS OTHER THAN HANDCASTLE LANDS WERE SOLD OFF TO VARIOUS PEOPLE W/ PORTIONS OF CUTLER DITCH RTS.

1. PRESENT DAY USERS OF CUTLER DITCH, INCLUDING ROGER JOHNSON, HAVE FORMED CUTLER DITCH WATER ASSOC. UNDER WHICH THE REMAINING PARTS OF THE ABOVE RTS WILL BE RECOMMENDED.

II. A COMPARISON OF ASCS ACREAGE, CLAIM ACREAS AND GPS ACREAS WAS MADE.

A. CUTLER DITCH CLAIMS 145^2 AC

B. ASCS PHOTO COPY SHOWS 115^2 AC

C. GPS ACREAS 115^2 AC $\rightarrow 117^2$ OVERALL

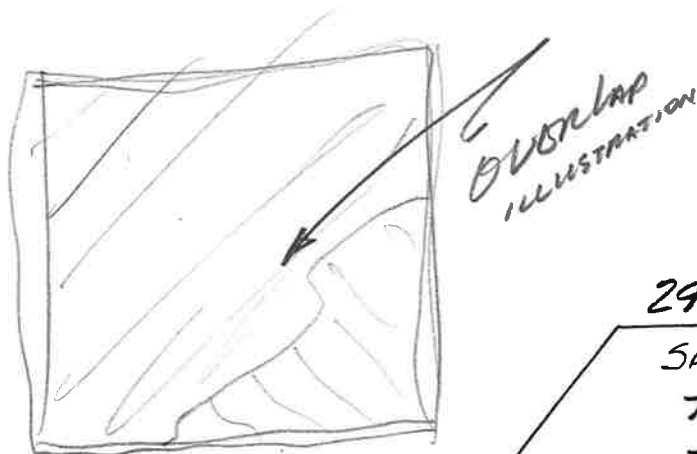
1. GPS ACREAS WILL BE THE BASIS OF THE SRBA RECOMMENDATIONS OF BOTH REFERENCED CLAIMS. HOWEVER, THESE RIGHTS (TO BE SPLIT) WILL ALSO HAVE CF AND AC LIMITS BASED ON THE SPLIT ACS.

a. CUTLER DITCH WILL GET $74/116$ ^(115²) OF EACH RT.

b. ANDRUS WILL GET $42/116$ ⁴⁴⁰ OF EACH RT.

III. ONCE PD'S ARE ISSUED FOR EACH RT RECOMMENDED, BOTH CUTLER DITCH ASSOC AND ANDRUS PLAN TO FILE TRANSFERS ON THEIR PORTIONS OF EACH RT.

A. SEE ATTACHED SPLIT HISTORY.



29-13398 Cutler Ditch Assoc.

SPLIT PORTION $\frac{74}{116}$ OF 1.56 cts = 0.995 $\Rightarrow$ 1.0 cts
THIS RIGHT LIMITED TO 50 AC W/1
THE 74 ACRES PLACE OR USE.

Overlap of Ac
NO ENLARG...

29-11253

THIS CLAIM COMBINES
DECREED RTS 29-00055
AND 29-00056. SEE
UNION GRAIN & ELEVATOR
DECREES (circa 1932).

£ cts = 1.56 cts @ 0.02 cts/ac
Allows irrig. of 78 AC.

* ALL CLAIMED Cutler Ditch RTS.
HAVE HISTORICALLY BEEN USED
AS PERMISSIBLE PLACE OR USE.

THEREFORE, 29-11253 SERVES 78 AC.
29-12053 SERVES 99 AC.

WITH OVERLAP OF SOME PLACE OR USE.
CLAIMS: 145² AC.; ASCS AC = 115² AC;
GIS AC = 115² $\Rightarrow$ 116² AC.

29-13399 ANDRUS, KEN & Jim

SPLIT PORTION $\frac{42}{116}$ OF 1.56 cts = 0.56 cts
THIS RIGHT LIMITED TO 28 ACRES
W/1 THE 42 ACRES PLACE OR USE.

44² OVERLAP w/ 13401

SPLIT IS to overlap

NO ENLARG...

Per Ac limits apply as per
w/ 29-13401

29-13400 CUTLER DITCH

SPLIT PORTION $\frac{74}{116}$ OF $1.98 \text{ cfs} = 1.26 \text{ cfs}$
THIS RIGHT IS LIMITED TO 63° AC w/
THE 74° ACRE PLACE OF USE.

29-12053

THIS CLAIM COMBINES DECEASED
INDIAN Rts 29-00247 AND
29-00248. SEE USA vs
J. HIBNER (4/8/1929.)

$E \text{ cfs} = 1.98 \text{ cfs} @ 0.02 \text{ cfs/ac} = 99 \text{ ac.}$

PERMISSIBLE PLACE OF USE
DUE TO DELIVERY OF ALL
CUTLER DITCH Rts. @ SAME PDD/
DITCH SYSTEM.

THEREFORE, 29-12053 SERVES 99 AC
29-11253 SERVES 78 AC
WITH OVERLAP OR SOME PDU.

CLAIMS: 145° AC ; $ASCSAC = 115^{\circ} \text{ AC}$
 $GXSAC = 115^{\circ} \Rightarrow 116^{\circ} \text{ AC}$

29-13401 KEN & SIM ANDRUS

SPLIT PORTION $\frac{42}{116}$ OF $1.98 \text{ cfs} = 0.72 \text{ cfs}$
THIS RIGHT IS LIMITED TO 36° AC w/
THE 42° ACRE PLACE OF USE.

OVERLAP w/ 13399

SLIGHT Δ to OVERLAP,

55579 AKE-MH

QUITCLAIM DEED

sgp
KABP

FOR VALUE RECEIVED

MID OHIO SECURITIES CORP. FBO LADELL WYLIE IRA

do hereby convey, release, remise and forever quit claim

unto TERREL J. PORTER AND KAY ARLENE B. PORTER, HUSBAND AND WIFE

whose address is 2400 W. 2800 S., Weston, Idaho 83286

the following described premises, to-wit:

EXHIBIT A LEGAL DESCRIPTION ATTACHED

EXCLUDING THEREFROM: THE CUTLER DITCH WATER RIGHTS

together with their appurtenances, together with any after acquired title.

dated: x 7-6-00

MID OHIO SECURITIES CORP. FBO LADELL WYLIE IRA

BY:

LEONARD J. GIBEL, VICE PRESIDENT

OHIO
STATE OF IDAHO, COUNTY OF Latah
On this 6th day of July, 192000
before me, a notary public in and for said State, personally
appeared Leonard J. Gibel
Vice-President
he the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

Linda J. Borthwick

Notary Public

Residing at
Comm. Expires

Idaho
Ohio

LINDA J. BORTHWICK
Notary Public, State of Ohio
My Commission Expires 12-31-00

Pioneer Title Company of Bannock County
Pocatello, Idaho - 208-233-9595

ST
NO 20010762
RECORDED AT REQUEST OF
PIONEER TITLE
2000 JUL 7 PM 4 56
OFFICIAL RECORD BOOK NO 762
BANNOCK COUNTY IDAHO
LARRY W. CHAN RECORDER
FEE 12.00 DEPUTY Bo

By
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Mail to:

EXHIBIT A

PARCEL 1:

That portion of Lots 5, 6 and 7 lying Southerly of the Union Pacific Railroad as the same is located in Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 2:

All of the NE1/4 SE1/4 and the SW1/4 SE1/4 of Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 3:

All of Lot 6 and the SE1/4 NW 1/4 lying Southerly of the Union Pacific Railroad as the same is located in Section 21, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 4:

All of the NW 1/4 NE1/4 and SW1/4 NE1/4 of Section 29, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 5:

A parcel of land located in Sections 19 and 20 in Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20; thence South 89°39'11" West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labeled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North, the true point of beginning;

thence South 08°00'52" West 183.22 feet to a 5/8-inch rebar with cap; thence North 56°11'55" East 116.32 feet; thence North 70°16'49" East 61.29 feet; thence South 87°45'45" East 166.83 feet; thence South 07°18'58" East 384.29 feet to a 5/8-inch rebar with cap set at the South end of a fence;

thence North 84°51'16" East 120.0 feet to a 5/8-inch rebar with cap set on the projection of a North-South fence line; thence South 09°18'44" East 483.48 feet along said projection and fence line to a 5/8-inch rebar with cap set on the Northerly right of way line of the Union Pacific Railroad right of way line, said point being on a 5136.99 foot non-tangent curve whose center bears South 14°32'08" East;

thence Southwesterly along said curve through a central angle of $08^{\circ}56'50''$ a distance of 802.18 feet to the point of tangency (Chord= South $70^{\circ}59'28''$ West 801.37 feet); thence South $66^{\circ}31'03''$ West 621.80 feet to the beginning of a 281.18 foot spiral curve with a $03^{\circ}03'00''$ delta;

thence South $67^{\circ}41'00''$ West 245.22 feet along the long chord of said spiral curve to a 5/8-inch rebar with cap set on the projection of a fence line; thence North $27^{\circ}41'51''$ East 212.87 feet to a 5/8-inch rebar with cap set at a fence corner; thence North $46^{\circ}06'50''$ West 169.52 feet along a fence line and its projection to a 5/8-inch rebar with cap set on the Northerly bank of the Portneuf River; thence along said river bank through the following courses:

thence North $85^{\circ}01'21''$ West 38.58 feet; thence North $67^{\circ}35'49''$ West 127.48 feet; thence North $53^{\circ}37'14''$ West 154.22 feet; thence North $85^{\circ}51'38''$ West 96.51 feet; thence South $44^{\circ}51'52''$ West 135.51 feet; thence North $59^{\circ}33'58''$ West 118.74 feet; thence North $39^{\circ}50'41''$ West 212.32 feet; thence North $88^{\circ}41'10''$ West 99.08 feet; thence South $52^{\circ}18'09''$ West 232.50 feet;

thence North $80^{\circ}50'47''$ West 168.73 feet; thence South $86^{\circ}29'36''$ West 99.23 feet; thence South $74^{\circ}46'54''$ West 160.70 feet; thence North $65^{\circ}51'32''$ West 118.65 feet; thence South $68^{\circ}10'58''$ West 83.21 feet to a 5/8-inch rebar with cap set in a fence line; thence leaving said river bank and running North $00^{\circ}34'39''$ West 319.86 feet along said fence line to a 5/8-inch rebar with cap;

thence North $01^{\circ}19'25''$ East 276.73 feet along said fence line to a 5/8-inch rebar with cap set on the Southerly right of way line of the Price Road, said right of way width from centerline being 35.0 feet; thence North $69^{\circ}22'56''$ East 250.04 feet along said right of way line to the beginning of a 366.45 foot radius curve concave to the Northwest;

thence Northeasterly along said curve through a central angle of $48^{\circ}41'54''$ a distance of 311.47 feet to the point of tangency (Chord=North $45^{\circ}01'59''$ East 302.18 feet); thence North $20^{\circ}41'03''$ East 63.19 feet along said right of way line to a 5/8-inch rebar with cap; thence North $85^{\circ}54'05''$ East 2168.06 feet to the true point of beginning.

PARCEL 6:

A parcel of land located in Section 19, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian; thence South $89^{\circ}39'11''$ West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labeled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North; thence South $85^{\circ}54'05''$ West 2168.06 feet along a right of way fence line to a 5/8-inch

rebar with cap; thence South $83^{\circ}04'27''$ West 86.58 feet to a 5/8-inch rebar with cap set on the Westerly right of way fence line of the Price Road, the true point of beginning;

thence South $27^{\circ}43'22''$ West 140.98 feet to a point on a 296.45 foot radius non-tangent curve whose center bears North $46^{\circ}06'14''$ West; thence Southwesterly along said curve through a central angle of $25^{\circ}29'10''$ a distance of 131.87 feet to the point of tangency (Chord=South $56^{\circ}38'24''$ West 130.78 feet); thence South $69^{\circ}22'56''$ West 221.84 feet along the Price Road right of way line to a 5/8-inch rebar with cap;

thence North $01^{\circ}19'25''$ East 268.64 feet to a 5/8-inch rebar with cap set on the Southerly right of way line of U.S. Highway No. 30 North, said point is also on a 1196.0 foot radius non-tangent curve whose center bears North $06^{\circ}10'08''$ East;

thence Southeasterly along said curve through a central angle of $01^{\circ}31'13''$ a distance of 31.73 feet to a point (Chord=South $84^{\circ}35'29''$ East 31.73 feet); thence North $04^{\circ}38'55''$ East 3.40 feet to a point on a 1192.60 foot radius non-tangent curve whose center bears North $04^{\circ}38'55''$ East; thence Southeasterly along said curve through a central angle of $08^{\circ}34'46''$ a distance of 178.58 feet to the point of tangency (Chord=South $89^{\circ}38'28''$ East 178.41 feet); thence North $87^{\circ}32'29''$ East 166.13 feet along a right of way fence line to the true point of beginning

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 29-13399
Date Received: 10/2/2002
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

JIM ANDRUS Phone: (208)776-5380
6948 EAST OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID USA 83246

KENNETH D ANDRUS Phone: (208)776-5380
6948 EAST OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID USA 83246

2. Date of Priority: 05/01/1896

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
09S 37E 21 SE NE 1 BANNOCK

5. Description of diverting works:
HEADING FOR CUTLER DITCH.

6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
IRRIGATION 04/15 09/15 0.56

7. Total Quantity Appropriated is:
0.56 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
09S 37E 19 SE NE 3 IRRIGATION 23
Section Acres 23
09S 37E 20 SW NW 4 IRRIGATION 19
Section Acres 19
Total Acres 42

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM SPLIT FROM 29-11253.

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): _____ Date: _____

_____ Date:

State of Idaho)

County of _____)

SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____