

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 37-21218
Date Received: 1/21/2004
Receipt No:
Received By: *X*

RENUMBERED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RENUMBERED

RECEIVED
JAN 22 2004
Department of Water Resources

1. Name of Claimant(s)

ALMA E RUSH
PO BOX 303
CAREY ID USA 83320

Phone: (208)823-4441

JOE L RUSH
PO BOX 303
CAREY ID USA 83320

Phone: (208)823-4441

2. Date of Priority: 08/18/1905

3. Source: FISH CREEK

Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	22E	6	NW SE SE	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.8	

7. Total Quantity Appropriated is:
1.8 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
01S	22E	6	SW SE	IRRIGATION	30
			SE SE	IRRIGATION	30
Section Acres					60

Total Acres 60

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-753. IT WAS ORIGINALLY CLAIMED AS 37-753 BUT ANOTHER CLAIMANT HAS FILED A CLAIM ON A PORTION OF THE ORIGINAL DECREEED PLACE OF USE SO THIS CLAIM HAS BEEN RENUMBERED.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 21, 2004

ALMA RUSH
PO BOX 303
CAREY ID 83320

RE: ADJUDICATION CLAIM 37-753 * RENUMBERED TO 37-21218 *

Dear Mrs. Rush,

You and your husband filed adjudication claim 37-753 in 1988 for decreed right 37-753 from Fish Creek, priority date 8/18/1905. You claimed the entire right even though you did not own all of the property to which the right was decreed. Your neighbors, the Villavivencio's, own part of the original decreed place of use and have now filed a claim for part of this right.

I have renumbered your original claim to 37-21218 and have enclosed a copy for your records. I did not change any of the information from your claim, only gave it the new number to better reflect the fact that it is for a portion of 37-753. Please refer to this new number in all of your future contacts and correspondence to the department regarding this claim.

Feel free to give me a call if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

01/21/2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-753

WATER RIGHT NUMBER: 37-753

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALMA E RUSH PO BOX 303 CAREY, ID 83320 (208)823-4441
Current Owner	JOE L RUSH PO BOX 303 CAREY, ID 83320 (208)823-4441

Priority Date: 08/18/1905

Basis: Decreed

Status: **PARENT**

<u>Source</u>	<u>Tributary</u>
FISH CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.800 CFS	
<u>Total Diversion:</u>		1.800 CFS	

Location of Point(s) of Diversion

FISH CREEK	NW1/4SE1/4SE1/4	Sec. 6,	Twp 01S,	Rge 22E, B.M.
BLAINE County				

Place of UseIRRIGATION Within BLAINE County

T01S R22E S06	SWSE	30.0	T01S R22E S06	SESE	30.0
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Total Acres: 60

Conditions of Approval:Remarks:

1. General FARM CHANGED FROM ORIGINAL 160 AC. TO 80 ACRES DURING ADJUD. FILING.
2. General **SPLIT RIGHT: SEE RIGHT NOS. 37-21218 AND 37-21219.**

Comments:Dates and Other Information:
 RECEIVED
 JAN 22 2004
 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00753
Date Received: 7/06/1988
Receipt No: S000712
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOE L. RUSH 208-823-4441
Address: PO BOX 303
CAREY, ID 83320

AND/OR

Name: ALMA E. RUSH 208-823-4441
Address: PO BOX 303
CAREY, ID 83320

2. Date of Priority: AUG 18, 1905

3. Source: FISH CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	22E	6	NW	SE	SE		BLAINE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.800		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	22E	6	SW	SE		IRR	30.0
			SE	SE		IRR	30.0
						Section Acres	60.0
						Total Acres	60.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

FARM CHANGED FROM ORIGINAL 160 AC. TO 80 ACRES DURING ADJUD.
FILING.

15. Basis of Claim: DECREED

Water Right Number:

Case Number:

Court :

Decree date:

POTTER, ET. AL.

Decree Plaintiff

vs

PATTERSON, 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): Alma Rush Date: 7-6-88
_____ Date: _____

State of Idaho)
County of T.F) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of July 19 88 Lois White
Notary Public

Seal

Residing at T.F
My Commission Expires 5/95

ASCS AC
= 28.7

NOT TO SCALE

36/31

6/5

31/32

299C

VICTO 1
1942/1

C-77

C-78

C-76

A
10.7

C
10.0
10.0

307C

B
6.6

297C

V
19.6

U
13.0

T
8.7

Q
13.0

C-5
302C

S
64.1

Joe Rush
11/2

7/8

13.5

FEB 23 1954

1200000000

RSNOY
14.0

usny
000

4.0

2

10

03/09/2004

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

RIGHT NUMBER: 37-21218
NAME AND ADDRESS: ALMA E RUSH
PO BOX 303
CAREY ID 83320

JOE L RUSH
PO BOX 303
CAREY ID 83320

SOURCE: FISH CREEK TRIBUTARY: LITTLE WOOD RIVER
QUANTITY: 0.900 CFS
PRIORITY DATE: 08/18/1905
POINT OF DIVERSION:

T01N R22E S33 SENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.900 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R22E S06	SWSE	23.0	T01S R22E S06	SESE	25.0
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48 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-2572 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 48 ACRES IN A SINGLE IRRIGATION
SEASON.

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

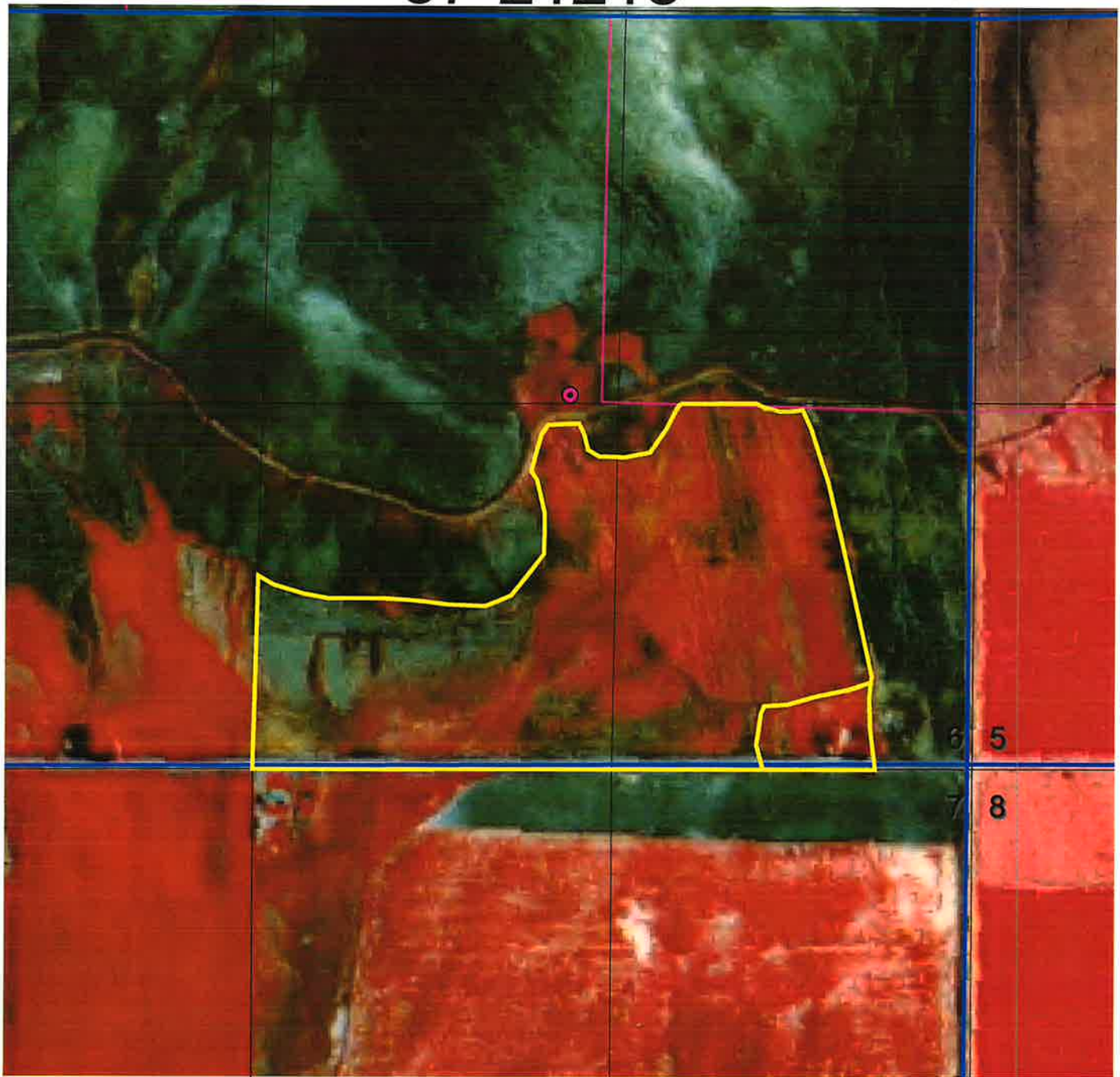
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH HIGHLINE CANAL.

IDAHO DEPT OF WATER RESOURCES

37-21218



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 1S
RNG: 22E
SEC: 6



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MARCH 9, 2004

Joe
Died

37-753 SPLIT > 37-21218

12/23/03
SEL

1. Q as shown by WM? Ownership? SEE - 1-12-04
(appears this claimant is owner of $\frac{1}{2}$ the decree.)
(Other $\frac{1}{2}$ may be owned by VICTOR VILLAVIEENCIO - unclaimed?)
Victor Phone 823-4638 321 Austin Rd Carey

2. POD location? Is this delivered via Highline Canal?
SEE - MAP (POD Highline = TIN R22E S33 SE NESE) YES

1-5-04

Tony Suranus, Director of Fish & Wildlife
reviewed photo, map and filing with me
and advised me that this land is all
pasture & brush below highline canal. SEE
MAP PAGE the area marked as farm (blue lines)
is Joe & Alma Rush land - other, circle, is
Victor property

Rush water out of Fish & Wildlife Canal

1-12-04
NS Per Ron Peck ^{RESIDENT} 160 acre farm owned by ^{DEAD} Joe L &
Alma E Rush was split between 2 sons Donn &
Dennis. Donn runs 80 acre farm/live at home with Alma,
Dennis lost his 80 acres to FHA, FHA then
sold Dennis 80 acres to Victor Villavieencio.
so I called and visited with Mrs Villavieencio about
checking with FHA on change of Adj. filing &
if FHA has done nothing they should come
to Boise. SEE STEVE and make corrections.

See
Also
37-2572
Spring
1RR.

IN

Spring
R/W

6

5

7

8

T1S
R22E

~~37-753~~
37-21218

12/5/03
see

GIS AC.
= 44 ac.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-753

WATER RIGHT NUMBER: 37-753

Owner Type Name and Address
 Current Owner CHAS E HALE

, ZZ

Priority Date: 08/18/1905

Basis: Decreed

Status: Active

Source Tributary
 FISH CREEK LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.800 CFS	
	<u>Total Diversion:</u>	1.800 CFS	

Location of Point(s) of Diversion

FISH CREEK

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 22E 6											X	X			X	X	

↑
 who
 owns
 this 1/2

↑
 claimed
 pou

Conditions of Approval:Remarks:

1. General AC. IRRIG. NOT SPECIFIED. FARM = 160 AC. "VILLAVICENCIO"

Comments:Dates and Other Information:

SPLIT
 37-21218 .90
 21219 .90

splitt WR 50-50

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-753

Dates and Other Information:

Licensed Date:
Decreed Date: 12/16/1914
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37U
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False