

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: A29-00403  
Date Received: 2/26/1990  
Receipt No: E012106  
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: HERMAN KRUEGER TRUST 208-254-3438  
Address: JACK HATLEY- TRUSTEE  
3417 W. ARIMO RD.  
ARIMO, ID 83214

2. Date of Priority: MAY 01, 1896

3. Source: GARDEN CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 10S      | 36E   | 7       | NW     | NW     |     |     | BANNOCK |

5. Description of diverting works:  
HEADGATES DITCHES FLOOD IRRIGATE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.750 |      |        |

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

8. Total consumptive use is 250.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 10S      | 36E   | 5       | SW     | NE  |     | IRR | 35.0  |
|          |       |         | SE     | NE  |     | IRR | 35.0  |

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Date: 02/26/90

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10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 10S           | 36E   | 5       | SE     | NW  |     | IRR | 25.0  |
|               |       |         | NE     | SE  |     | IRR | 35.0  |
| Section Acres |       |         |        |     |     |     | 130.0 |
| Total Acres   |       |         |        |     |     |     | 130.0 |

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:  
29-0404.

14. Remarks:

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

GARDEN CREEK IRRIGATION CO.  
Decree Plaintiff

vs

THOMAS E. WOLVERTON, 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: \_\_\_\_\_

For Organizations:

I do solemnly swear or affirm that I am Trustee of  
Herman Krueger Trust, that I have signed the foregoing  
Organization document in the space below as Trustee of  
Herman Krueger Trust and that the statements contained in the  
Organization foregoing document are true and correct.

Jack Hatley  
Signature of Authorized Agent

Trustee of the Trust  
Title and Organization

2-26-90

Date

State of Idaho )

County of Bonneville )

SS.

Subscribed and sworn (or affirmed) before me this 26<sup>th</sup> day

of February 19 90

Seal

Anthony J. Alameda  
Notary Public

Residing at Idaho Falls

My Commission Expires 3/12/1994

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404

REPRODUCTION

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- 0400 of May, 1900, and one second foot of water to date from the 1st day of May, 1904, to be used on the S. W. 1/4 of Sec. 15, Township 10 South of Range 36 E. B. M.
- 29 0401 To George Glover, three-fourths second foot of water to date from the 1st day of May, 1902, and one second foot of water to date from the 1st day of May, 1904, to be used on the S. E. 1/4 of Sec. 33, Township 9, South of Range 36 E. B. M.
- 29 0402 To George J. Allen, three-fourths second foot of water to date from the 1st day of May, 1896, and one second foot of water to date from the 1st day of May, 1904, to be used upon the N. E. 1/4 of the N. W. 1/4 of Sec. 5; also the West half of the N. W. 1/4 of Sec. 5, Township 10 South of Range 36 E. B. M.
- 29 0403 To William C. Smith, three-fourths second foot of water to date from the 1st day of May, 1895 and one second foot of water to date from the 1st day of May 1904, to be used on the East half of the N. W. 1/4 of Sec. 7, Township 10 South of Range 36 E. B. M.
- 29 0404 To J. W. Stinger, three-fourths second foot of water to date from the 1st day of May, 1898 and one second foot of water to date from the 1st day of May, 1904, to be used on lots three and four in sec. 4, and lots one and two in Sec. 5, Township 10 South of Range 36 E. B. M.
- 29 0405 To George A. Smith, three-fourths second foot of water to date from the 1st day of May, 1891, and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the S. W. 1/4 and the east half of the N. W. 1/4 of Sec. 10, Township 10 South of Range 36 E. B. M.
- 29 0406 To J. H. Curtis, three-eighths of second foot of water to date from the 1st day of May, 1894, and three-eighths second foot of water to date from the 1st day of May, 1901, and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N. E. 1/4 of Sec. 7, Township 10 South of Range 36 E. B. M.
- 29 0407 To A. M. Curtis, three-eighths second foot of water to date from the 1st day of May, 1894 and three-eighths second foot of water to date from the 1st day of May 1901, and one second foot of water to date from the 1st day of May 1904, to be used on the West half of the N. E. 1/4 Sec. 7, Township 10, South of Range 36 E. B. M.
- 29 0408 To Nannie E. Rollison, three-fourths second foot of water to date from the 1st day of May, 1887 and one second foot of water to date from the 1st day of May, 1904 to be used on the S. E. 1/4 and the North half of the S. W. 1/4 and the S. E. 1/4 of the N. W. 1/4 of Sec. 4, Township 10 South of Range 36 E. B. M.
- 29 0409 To William P. Burton, three-fourths second foot of water to date from the 1st day of May, 1895 and one second foot of water to date from the 1st day of May 1904, to be used on the North half of the S. E. 1/4 and the East half of the S. W. 1/4 of Sec. 8, Township 10 South of Range 36 E. B. M.
- 29 0410 To John B. Chedgzy, three-fourths second foot of water to date from the 1st day of May, 1891 and one second foot of water to date from the 1st day of May, 1904 to be used on the N. E. 1/4 of Sec. 9, Township 10, South of Range 36 E. B. M.
- 29 0411 To William H. Allen, three-fourths second foot of water to date from the 1st day of May 1903 and one second foot of water to date from the 1st day of May, 1904, to be used on the S. E. 1/4 of the S. E. 1/4 of Sec. 31 and the S. W. 1/4 of the S. W. 1/4 Sec. 32 in Township 9, South of Range 36 E. B. M.
- 29 0412 To Laura T. Toler, three-eighths second foot of water to date from the 1st day of May, 1895 and one-half second foot of water to date from the 1st day of May 1904, to be used on the North half of the S. W. 1/4 of Sec. 9, Township 10 South of Range 36 E. B. M.
- 29 0413 To E. R. Kendall, three-sixteenths second foot of water to date from the 1st day of May, 1895, and one-fourth second foot of water to date from the 1st day of May, 1904, to be used on the S. E. 1/4 of the S. E. 1/4 of Sec. 9, Township 10 South of Range 36 E. B. M.
- 29 0414 To Truman Rowe, one and three-fourths second foot of water to date from the 1st day of May, 1904, to be used on lots one and two in Sec. 4, Township 10, South of Range 36 E. B. M.

All of the above described lands being in Bannock County, State of Idaho.

It is further adjudged and decreed that the plaintiff and any of its stockholders, and any or all of said defendants, who are adjudged to be entitled to the use of any of the waters of said stream or any of its tributaries thereto or may pool or unite the waters so decreed to them and use the same jointly or alternately, or in rotation, or in such other manner as will secure the greatest benefits and most economical use of said water, so that the waters so united or pooled do not exceed the amount decreed to the parties entering into such arrangement.

Log for claim A29-00403

Spatial Dynamics LTD

6/23/00

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|---------|-----|------|------------------|----------------|---------|
| 10s36e  | 5   | SWNE | 35               | 40             |         |
| 10s36e  | 5   | SENE | 35               | 38             |         |
| 10s36e  | 5   | SENE | 25               | 26             |         |
| 10s36e  | 5   | NESE | 35               | 31             |         |
| Totals: |     |      | 130              | 135            |         |

AJ5809NP  
No. A29-00403

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00  
PAGE: 33

| OWNER<br>CODE    | NAME & ADDRESS                                                                                     | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | HERMAN KRUEGER TRUST<br>JACK HATLEY TRUSTEE<br>3417 W ARIMO RD<br>ARIMO ID 83214<br>(208) 254-3438 | 05/01/1896       | IRRIGATION | 04-01 11-01           | 0.750 CFS         |                     |
| TOTAL DIVERSION: |                                                                                                    |                  |            |                       | 0.750 CFS         |                     |
| CONSUMPTIVE USE: |                                                                                                    |                  |            |                       |                   | 250.00 AFA          |

Water Source: GARDEN CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T10S R36E S07 NWNW

BANNOCK County

Place of Use Legal Description for: IRRIGATION

| NE          |  |     |  |   |  |    |  |    |  |    |  | NW |  |    |  | SW |  |    |  | SE |  |    |  |    |  |    |  |       |  |     |  |
|-------------|--|-----|--|---|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|-------|--|-----|--|
| T           |  | R   |  | S |  | Lt |  | Ac |  | Lt |  | Ac |  | Lt |  | Ac |  | Lt |  | Ac |  | Lt |  | Ac |  | Lt |  | Ac    |  | SUM |  |
| 10S         |  | 36E |  | 5 |  |    |  |    |  | 35 |  | 35 |  |    |  |    |  | 25 |  |    |  |    |  | 35 |  |    |  | 130.0 |  |     |  |
| TOTAL ACRES |  |     |  |   |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  |    |  | 130.0 |  |     |  |

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 29-0404.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
29-11703 A29-00362 A29-00363 A29-00385 A29-00393 A29-00394 A29-00401 A29-00402 A29-00404 A29-00405  
A29-00406 A29-00407 A29-00408 A29-00411 A29-00412 A29-11431 A29-11703

Other Water Rights Listing Overlapping Place(s) of Use:  
A29-00362 A29-00404 A29-04102 A29-04187 A29-04365

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

Audit: 02/26/90 DCARLSON 05/31/94 COX 03/29/95 POST-STD