

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: A29-00404
Date Received: 2/26/1990
Receipt No: E012166
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

208-254-3438

83214

2. Date of Priority: MAY 01, 1904

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:
DITCHES TO 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	1.000		

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

A.F.A.

8. Total consumptive use is

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

A29-00404

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Date: 02/26/90

A2900404



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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:
29-0403.

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 26th day

of February 19 90

Anthony S. Clements
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 9/12/94

A. ROOT WATER RIGHT NUMBERS: A29-00403

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	36E	5	SW	NE		KRUEGER TRUST, HERMAN	A29-00403 / 35.0	- /	24.0		
			SW	NE		KRUEGER TRUST, HERMAN	A29-04102 / 10.0	29-04102 / 10.0			
			SW	NE		KRUEGER TRUST, HERMAN	A29-04187 / 10.0	29-04187 / 10.0			
			SW	NE		KRUEGER TRUST, HERMAN	A29-00404 / 35.0	- /			
			SW	NE		GARDEN CREEK IRRIGATION CO	A29-00362 / 35.0	- /			
			SW	NE	2	STINGER, J. W.		29-00407 /			
			SW	NE	2	STINGER, J. W.		29-00408 /			
10S	36E	5	SE	NE		KRUEGER TRUST, HERMAN	A29-00403 / 35.0	- /	16.0		
			SE	NE		GARDEN CREEK IRRIGATION CO	A29-00362 / 36.0	- /			
			SE	NE		KRUEGER TRUST, HERMAN	A29-00404 / 35.0	- /			
			SE	NE	1	STINGER, J. W.		29-00407 /			
			SE	NE	1	STINGER, J. W.		29-00408 /			
10S	36E	5	SE	NW		KRUEGER TRUST, HERMAN	A29-00403 / 25.0	- /	22.0		
			SE	NW		KRUEGER TRUST, HERMAN	A29-00404 / 25.0	- /			
			SE	NW		GARDEN CREEK IRRIGATION CO	A29-00362 / 25.0	- /			
10S	36E	5	NE	SE		KRUEGER TRUST, HERMAN	A29-00403 / 35.0	- /	39.0		
			NE	SE		KRUEGER TRUST, HERMAN	A29-04187 / 10.0	29-04187 / 10.0			
			NE	SE		KRUEGER TRUST, HERMAN	A29-04365 / 1.0	29-04365 / 1.0			
			NE	SE		KRUEGER TRUST, HERMAN	A29-10382 /	- /			
			NE	SE		KRUEGER TRUST, HERMAN	A29-00404 / 35.0	- /			
			NE	SE		GARDEN CREEK IRRIGATION CO	A29-00362 / 32.0	- /			
			NE	SE		KRUEGER TRUST, HERMAN	29-10382 /	- /			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-00403	130.00	101.00
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POU COUNTY: BANNOCK

29-403
404

MICROFILMED

NOV 13 1972

D.A.R.

- 0400 of May, 1900, and one second foot of water to date from the 1st day of May, 1902, 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 upon the S. E. 1/4 of Sec. 33, Township 9, South of Range 36 E. B. M.
- 29 0403 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 0405 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 0407 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 0409 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 0411 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 0412 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 0413 To Nannie R. 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 0415 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 0416 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 0417 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 0418 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 0419 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 0420 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.

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-00403	GARDEN CREEK	KRUEGER TRUST, HERMAN	0.750	0.005		
A29-00362	GARDEN CREEK	GARDEN CREEK IRRIGATION CO	4.000	0.005		
A29-00404	GARDEN CREEK	KRUEGER TRUST, HERMAN	1.000	0.007		
A29-04102	SPRING	KRUEGER TRUST, HERMAN	0.200	0.020		
A29-04187	LITTLE GAP CREEK	KRUEGER TRUST, HERMAN	0.750	0.037		
A29-04365	UNNAMED STREAM	KRUEGER TRUST, HERMAN	0.040	0.040		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-10382	DOMESTIC	KRUEGER TRUST, HERMAN	FROM 01-01 TO 12-31	0.040 CFS	
29-10382	DOMESTIC	KRUEGER TRUST, HERMAN	FROM 01-01 TO 12-31	0.040 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 29-0404.

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

Log for claim A29-00404

Spatial Dynamics LTD

6/23/00

TR	SEC	QQ	Acres Claimed	Acres 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. A29-00404

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 34

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HERMAN KRUEGER TRUST JACK HATLEY TRUSTEE 3417 W ARIMO RD ARIMO ID 83214 (208) 254-3438	05/01/1904	IRRIGATION	04-01 11-01	1.000 CFS	
TOTAL DIVERSION:					1.000 CFS	

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	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: 29-0403.

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 A29-00403 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 A29-00403 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