

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: A29-04187
Date Received: 2/26/1990
Receipt No: E012164
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 04, 1910

3. Source: LITTLE GAP CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	36E	5	NE		NW		BANNOCK

5. Description of diverting works:
DITCH/ FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	09/01	0.750		

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

8. Total consumptive use is 50.0 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	10.0
			NE	SE		IRR	10.0

Section Acres 20.0

A29-04187

Page 1

Date: 02/26/90

A2904187



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10. Place of Use: Continued

Total Acres 20.0

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:
4102, 4365, 0365

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 Hattley
Signature of Authorized Agent

Trustee of the Trust
Title and Organization

2-26-90
Date

State of Idaho

County of Bonner

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 26th day

of February 19 90

Seal

Nathaniel S. Olenchak
Notary Public

Residing at Idaho Falls

My Commission Expires 9/12/94

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-04187	10S 36E	5		NE	NW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: LITTLE GAP CREEK

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-04187	10S 36E	5		NE	NW			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: LITTLE GAP CREEK

TRIB: SINKS

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

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

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE 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 SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
10S	36E	5		NE	NW			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: LITTLE GAP CREEK

TRIB: SINKS

REVIEWED BY: _____ DATE: _____

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SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (___)

A. ROOT WATER RIGHT NUMBERS: A29-04187

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	A29-04187 / 10.0	29-04187 / 10.0	24.0		
			SW	NE		KRUEGER TRUST, HERMAN	A29-04102 / 10.0	29-04102 / 10.0			
			SW	NE		KRUEGER TRUST, HERMAN	A29-00403 / 35.0	- /			
			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	NE	SE		KRUEGER TRUST, HERMAN	A29-04187 / 10.0	29-04187 / 10.0	39.0		
			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	A29-00403 / 35.0	- /			
			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	A29-04187	20.00	20.00	63.00
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POU COUNTY: BANNOCK

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
A29-04187	LITTLE GAP CREEK	KRUEGER TRUST, HERMAN	0.750	0.037		
A29-00362	GARDEN CREEK	GARDEN CREEK IRRIGATION CO	4.000	0.005		
A29-00403	GARDEN CREEK	KRUEGER TRUST, HERMAN	0.750	0.005		
A29-00404	GARDEN CREEK	KRUEGER TRUST, HERMAN	1.000	0.007		
A29-04102	SPRING	KRUEGER TRUST, HERMAN	0.200	0.020		
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: 4102, 4365, 0365

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 A29-04187

Spatial Dynamics LTD

6/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	5	SWNE	10	40	Indiscernible
10s36e	5	NESE	10	71	Indiscernible
Totals:			20	111	

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORTDATE: 04/27/00
PAGE: 127

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	05/04/1910	IRRIGATION	04-01 09-01	0.750 CFS	
					TOTAL DIVERSION:	0.750 CFS
					CONSUMPTIVE USE:	50.00 AFA

Water Source: LITTLE GAP CREEK

Tributary to: SINKS

Stage: STATUTORY CLAIM

Point(s) of Diversion: T10S R36E S05 NENW

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	:				:				:				:				:
		:			10	:				:				:				:
																	TOTAL ACRES	20.0
																		20.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 4102, 4365, 0365

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00362 A29-00403 A29-00404 A29-04102 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 07/20/94 THOMPSON 03/29/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Herman and/or Josie R. Krueger
(Name of Claimant)

Arimo, Idaho 83214 Telephone No. 254-3544
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) May 4, 1910

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Little Gap Creek tributary to Sinks

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.75 cfs</u>		Use <u>Irrigation</u>		Period of Use From <u>Apr. 1</u>	To <u>Sept. 1</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 NW 1/4, Sec. 5 Twp. 10S Rge. 36E B.M., County of Bannock

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Gravity flow into irrigation ditch

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NEX	NW 1/4	SW 1/4	SE 1/4	NEX	NW 1/4	SW 1/4	SE 1/4	NEX	NW 1/4	SW 1/4	SE 1/4	NEX	NW 1/4	SW 1/4	SE 1/4	
10S	36E	5			10										10				20

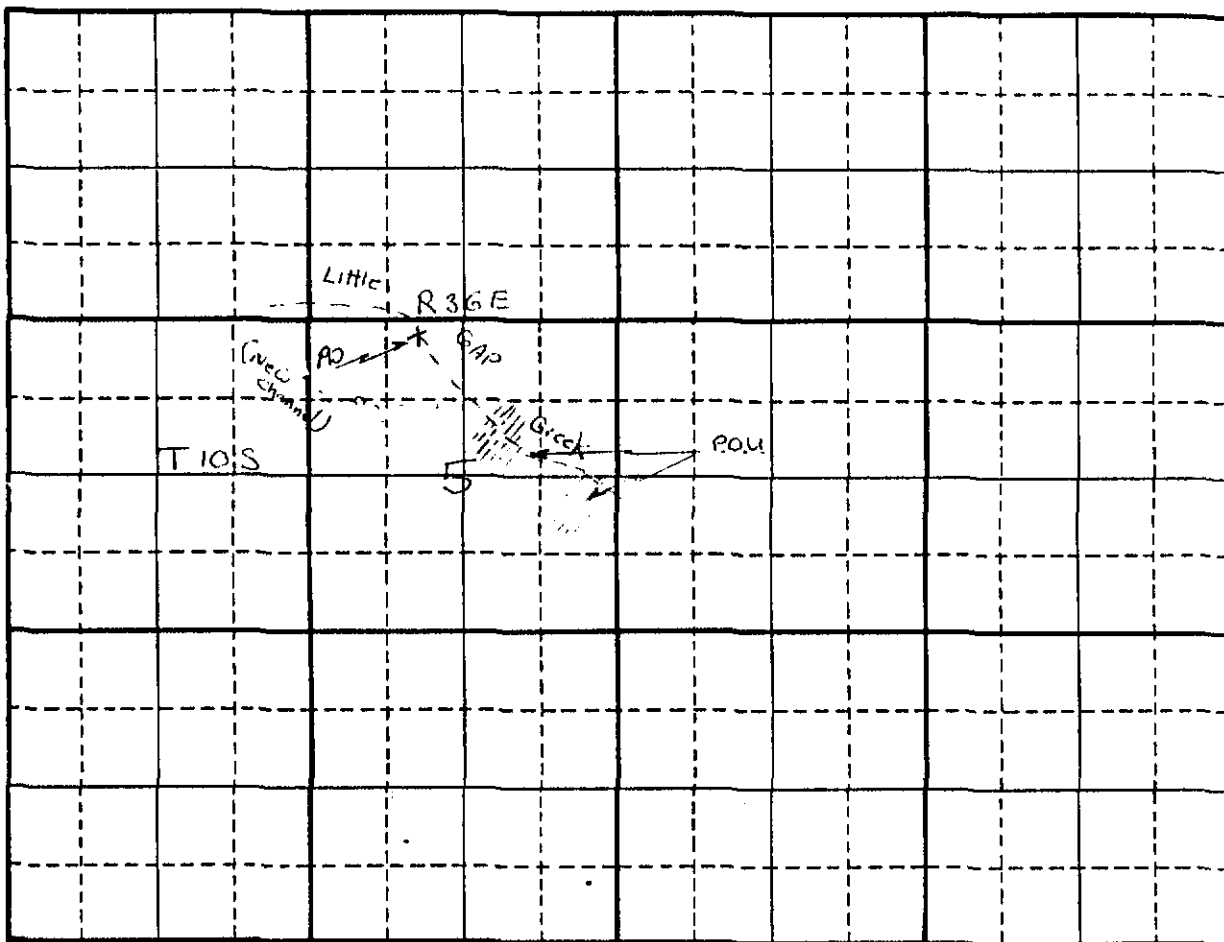
No. of acres 20

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 19 day of January, 1981.

Herman Kueper
(Claimant)

Harold A. Walker
Notary Public
Residing at Idaho Falls

My commission expires 2/15/1983

FOR DEPARTMENT USE ONLY

Received by <u>HWT</u>	Date <u>1-19-81</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMC</u>	Date <u>1-20-81</u>		claimant by:	
\$30.00 fee received by <u>FW</u>	Date <u>1/19/81</u>	# <u>10173</u>		
Published in <u>Idaho State Journal</u>				
Dates <u>1/29 & 2/05/81</u>				

POOR ORIGINAL

March 27, 1995

To: Department of Water Resources

From: Jack Hatley

Re: Evidence of Priority #A29-04102, #A29-04187 & #A29-04365

Dear Sirs:

My parents, Herman & Josie Krueger have been farming on the above referenced property since 1942 when they had purchased the property.

At that time, they purchased the water rights from Mr. Watson. The water rights for #A29-04102 have been used since June 1, 1877. Water rights for #A29-04365 have been used since June 1, 1908, and #A29-04187 have been used since May 1, 1910.

The neighbors to our property can attest and support the priority dates.

Sincerely yours,

Jack Hatley

We can attest to the Department of Water Resources that Herman & Josie Krueger and Jack Hatley have used the above referenced water since 1942 and that to our knowledge they have all given rights to the water.

Herman Krueger
Josie Krueger
Mary Krueger
Jack Hatley

MICROFILMED

NOV 13 1996

ORIGINAL
A29-04102