

12/02/2002

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

RIGHT NUMBER: 29-403

NAME AND ADDRESS: JACK HATLEY
3417 W ARIMO RD
ARIMO ID 83214

SHELDON HATLEY
13589 S THACKER
ARIMO ID 83214

CHERYL HATLEY
13589 S THACKER
ARIMO ID 83214

SOURCE: GARDEN CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.750 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 29-00403, 29-00404, 29-00405,
29-00406, 29-04102, AND 29-04187 SHALL PROVIDE NO MORE THAN .02 CFS PER
ACRE.

PRIORITY DATE: 05/01/1896

POINT OF DIVERSION:

T10S R36E S7 SENWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.750 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T10S R36E S05	SWNE	31.0	T10S R36E S05	SENE	15.0
T10S R36E S05 Lot 3	NENW	3.3	T10S R36E S05	SENW	24.0
T10S R36E S05	NESE	31.0	T10S R36E S07	NENW	13.0

117.3 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 117.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00403, 29-00404,
29-00405, 29-00406, 29-04102, 29-04187.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 37.5 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

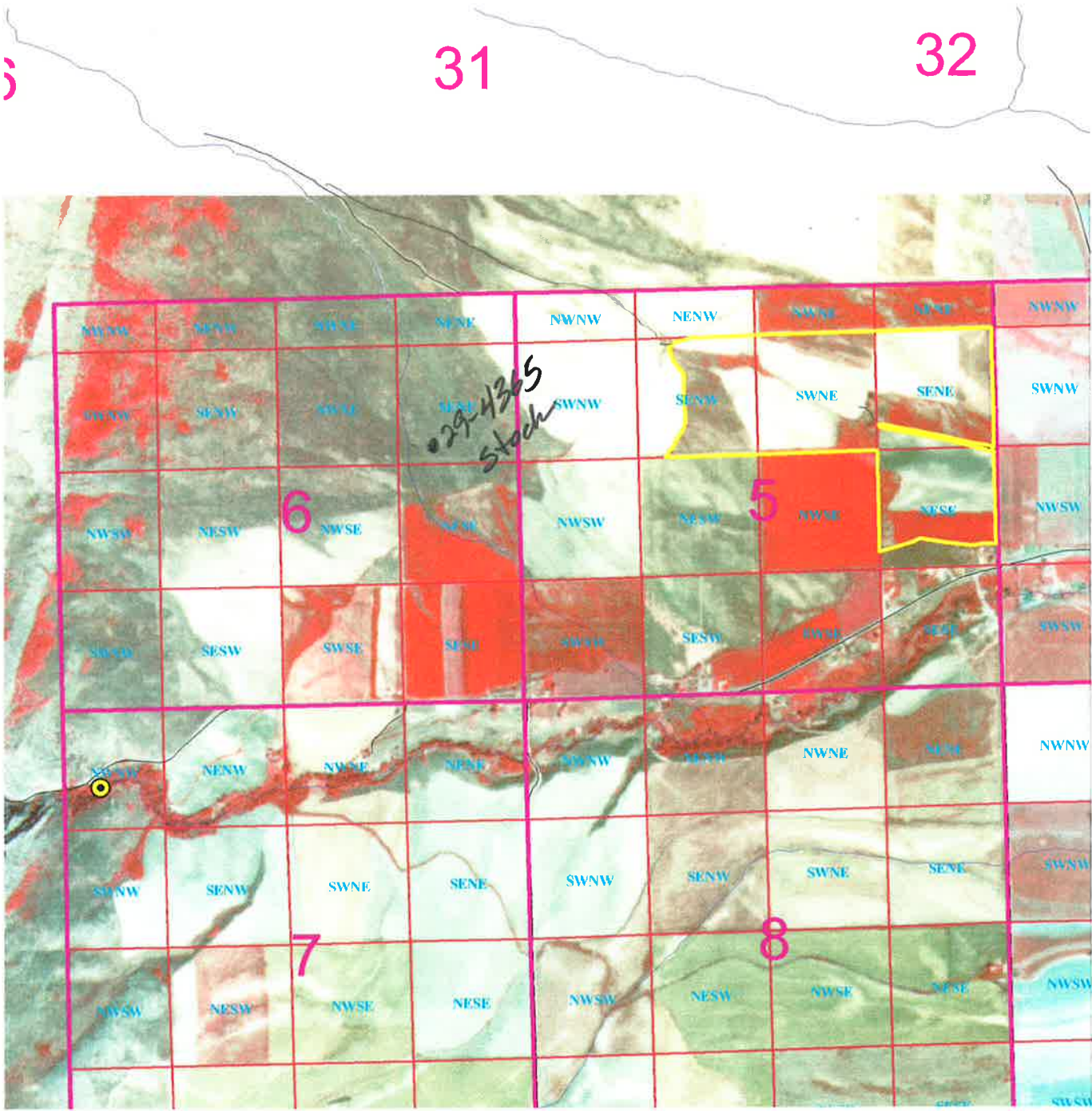
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH GARDEN CREEK IRRIGATION DITCH.

Township , 10S36E



Irrigated Area

Place of Diversion

Legend

Section Line

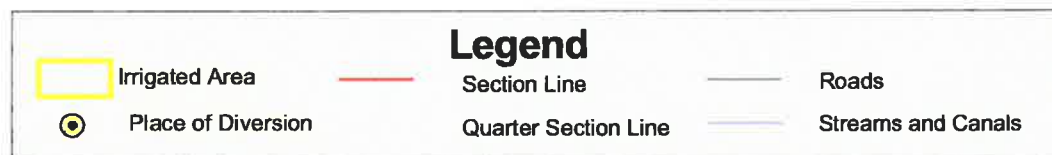
Quarter Section Line

Roads

Streams and Canals



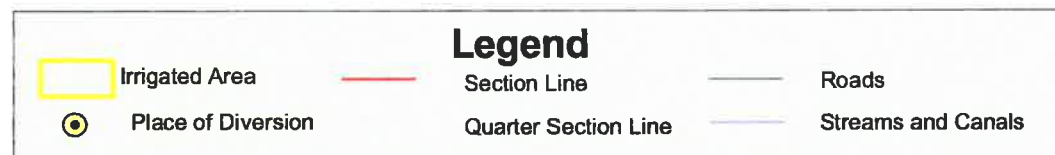
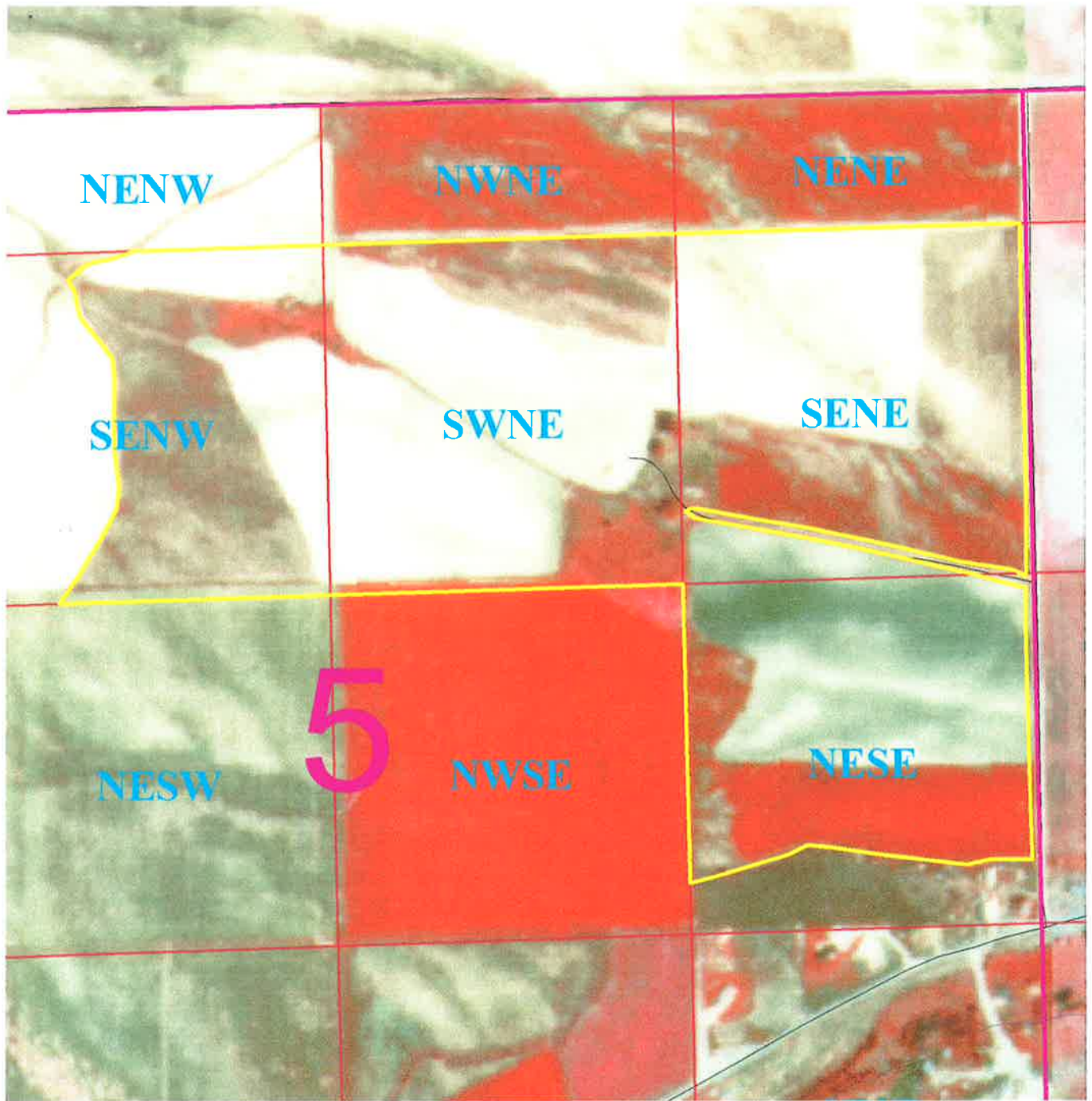
Township , 10S36E



200 0 200 400 Feet

9/25/02
PBR

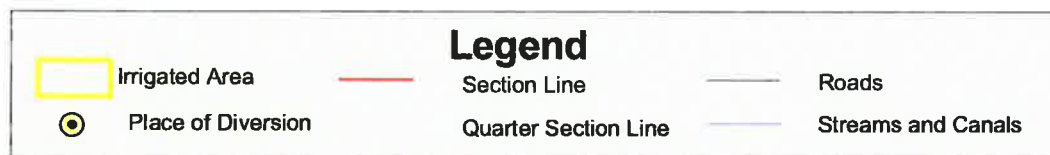
Township , 10S36E



200 0 200 400 Feet



Township , 10S36E



200 0 200 400 Feet



02/08/2003

RECEIVED

APR 16 2003

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-403

JACK HATLEY
3417 W ARIMO RD
ARIMO ID 83214
Telephone Number: (208)254-3438

SHELDON HATLEY
13589 S THACKER
ARIMO ID 83214
Telephone Number: (208) 254-9168

CHERYL HATLEY
13589 S THACKER
ARIMO ID 83214
Telephone Number: (208) 254-9168

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3-1-03 SIGNATURE: Sheldon Hatley
Please print your name: Sheldon Hatley

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

PROFIT

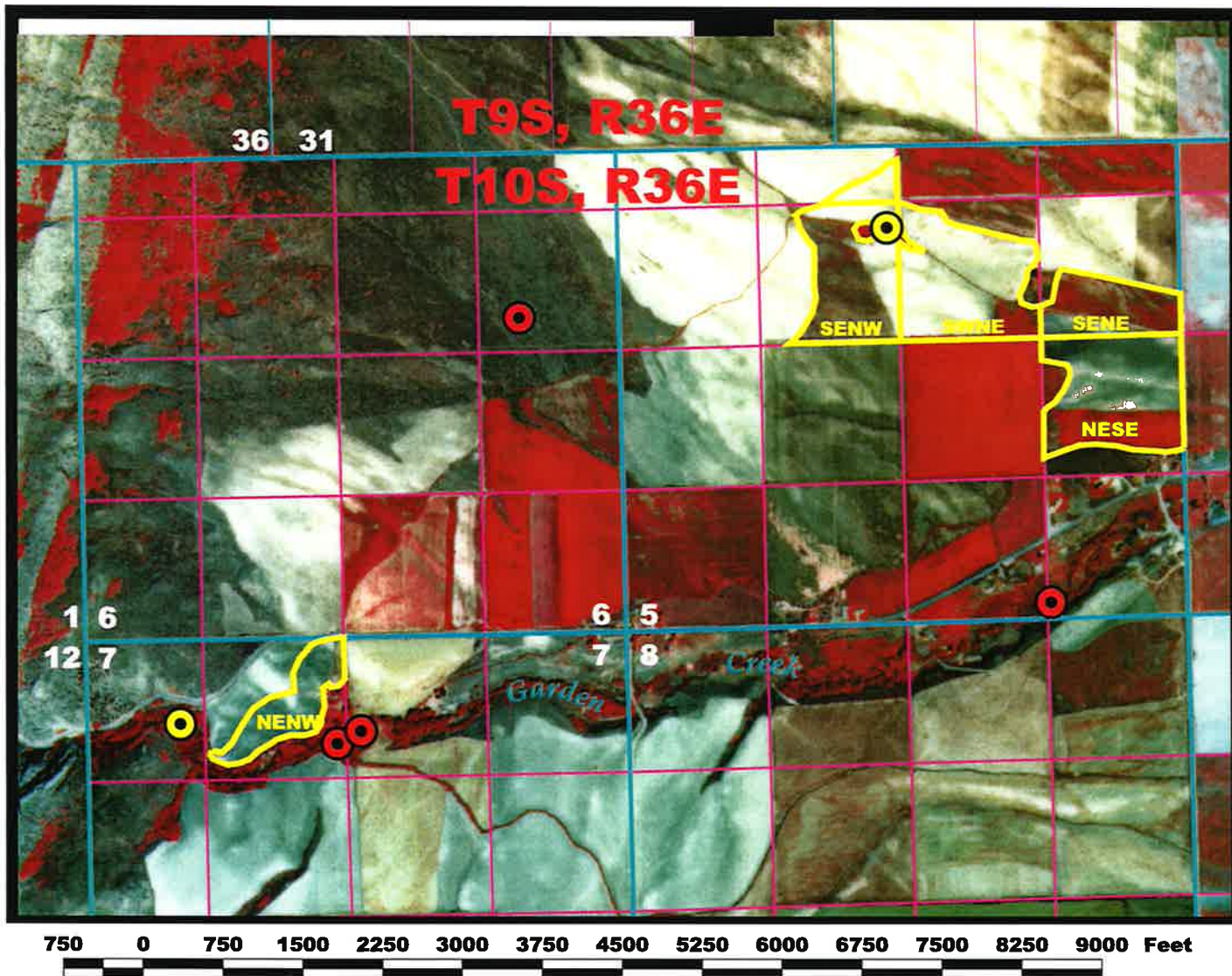
SCANNED
NOV 04 2005



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-00403, 29-00404,
29-00405, 29-00406,
29-04102, 29-04187

Place of Use: (parts of) T10S, R36E
Sec. 5 E2NW, S2NE, NESE,
Sec. 7 NENW

Point(s) of Diversion: T10S, R36E
Sec. 7 SENWNW (Garden Creek),
Sec. 5 NESENW (Spring),
T9S, R35E, Sec. 36 NESE
(Lt Gap Ck- not shown)



LEGEND

- Point of Diversion
- SESE Place of Use
- Section
- Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: November 2002

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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
<u>29-00403</u>					
<u>29-00404</u>					
<u>29-00402</u>					
<u>29-04365</u>					
<u>29-04181</u>					

Attachments:

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

1. JACK'S LAST WILL

2. WARRANTY DEED

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)

HERMAN KRUEGER TRUST - JACK HATLEY TRUSTEE
3417 W. ARIMO RD ARIMO ID 83214

4. New Owner/Claimant(s)

JACK HATLEY AND SHELDON HATLEY

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

13589 S. Thacker

City, State and ZIP Code

ARIMO ID 83214

New Telephone Number

208 254-9168

5. Date you acquired the property

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Contacts Data Entry Form

29-403

DISCLOSED

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner HERZMAN KRUEGG TRUST

Name connector: and _____, or _____, and/or _____

Current Owner JACK HATLEY - TRUSTEES

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: JACK & SHERRON Phone Number: _____Relationship to Claimant: OWNER/SON

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

GARDEN CK TRNG VS WILVERTON, et al, 15 SEPT 1915.9/25/02 FE PDD/POUPrivate Rt Driveway THROUGH GARDEN CK TRNG Co. Ditch
THis High Water Rt.FE INDICATED - PDD, POU, CONVEYANCES

Reviewer: _____

Date: _____

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Priority Date Data Entry Form

Claim Number: 29-403Water Right Priority Date: 1 May 1896 Water Right Basis: DecreeClaimed Priority Date: " Claimed Basis: "Recommended Priority Date: " Recommended Basis: "

Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Decree

Reviewer: _____

Date: _____

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Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 103, R 36E, Sec. 7,____, NN NW. County: BrownSource: GARDON CR Tributary: MARSA CR

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? 404

Document how the POD and Source were verified and/or Pump and Motor data:

SAME POD AS GARDON CR PERM CO. & OTHER PRIVATE Rts.
CARRIED IN SAME Ditch.

Transfers Changing POD _____

Reviewer: _____

Date: _____

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NOV 04 2005

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Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
105	36E	5	SWNE		BANN		35	Trail
			SENE				35	
			SENW				25	
			NESB				35	

Total Acres 130⁰⁰

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Do GBS or
POU shown
by Claimant
(shown)

Document how the POU was verified:

POU All Rts See GBS Layout - Limiting Remarks

Same POU as 404

Transfers Changing POU _____

Reviewer: _____

Date: _____

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Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Tring	Nov	Spec.	0.75	

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Tring	4/1	11/1	0.75	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Tring	4/1	10/31	0.75	

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Overlap w/ 404Limits on Poll:

Reviewer: _____

Date: SCANNED

NOV 04 2005

PROFITED



22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS

SHARON & J. K. MATTHEY WATER AT CLAIMS

WATER RT#	CLAIMED CFS	MISSED CFS (Acres @ 0.7)	Sources	Priority	Recommendations
29-403	0.75	Dis 37 ²	GANDON DC	* 5/01/1896	
404	1.00	" 50	" "	* 5/01/1904	Rt. Don't Deven - no water
405	0.75	" 37 ²	" "	* 5/01/1895	Very, Very Rare
406	1.00	" 50	" "	* 5/01/1904	Rt. Don't Deven - no water Very, Very Rare
4102	0.20	0.15 7.5Ac	Sperry	6/01/1817 NOT PART OF DISCREET	6/01/1942 ACCOMMIT
4187	0.75	0.73 36 ³ / ₄ Ac	46Ac	5/04/1910	5/04/1942 ACCOMMIT
$\Sigma =$ DISCREET	3.50				
$\Sigma =$ ALL	4.40	@ 0.02 cfs/Ac = 220Ac			
1.) PERMISSIBLE FOR ALL RTs = 12/01/02 RESERVE AC by 6.25 FOR MR. MATTHEY'S TOLSON = 117 ³ / ₄ Ac					
2.) 4102 AND 4187 AND NON-TAKING AND NOT POSSIBLE SOURCES					
3.) DISCOUNTING THE 1904 RTS - Σ AC OF OTHER RTS/LINKS OF AC = 119 ² / ₄ Ac.					
PROBLEM: TOO MUCH WATER CLAIMED FOR REASSIGNATION. SEE NOTE FOR 12/01/02 DISCREET -					
ACRES NOW = 108, MAY AC. @ .02 = 2.16 cfs					

* GANDON CH OCCURS DATES TO 9/15/1906 —
12/02 AUGUSTON GDS ACRES 14500 ON TOLSON w/ Sharon MATTHEY, ACRES NOW = 108²/₄.

SCANNED
NOV 04 2005

PROTECTED

WARRANTY DEED

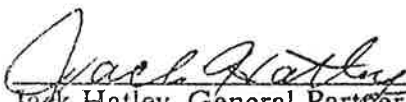
FOR VALUE RECEIVED, the Herman W. Krueger Family Limited Partnership, an Idaho limited partnership, hereinafter referred to as "Grantor", whether one or more, does hereby grant, bargain, sell and convey unto Jack M. Hatley hereinafter referred to as Grantee, whether one or more, whose current address is 3417 W. Arimo Road, Arimo, Idaho 83214. the following described premises, in Bannock County, Idaho, to wit:

See Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all incumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 3 day of March, 1997.

Herman W. Krueger Family Limited Partnership


Jack Hatley, General Partner

PROFILED

SCANNED
NOV 04 2005

3.2

97003296

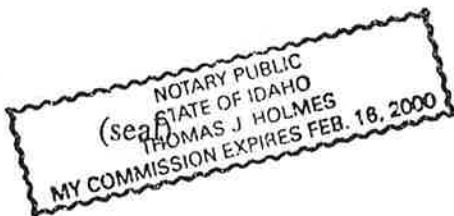
STATE OF IDAHO)

:SS

County of Bannock)

On this 3 day of March, 1997, before me, the undersigned Notary Public, in and for said State, personally appeared Jack Hatley, known to me to be the general partner of the partnership that executed the instrument or the person who executed the instrument on behalf of said partnership, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.



NOTARY PUBLIC - STATE OF IDAHO
Commission Expires: _____

NO 97003296
RECORDED AT REQUEST OF
JONES CHARTERED
97 MAR 4 AM 11 36
BOOK NO 684
BANNOCK COUNTY IDAHO
LARRY W GHAN RECORDER
FEE 9.00 DEPUTY LK

STATE OF IDAHO }
County of Bannock }

I hereby certify that the foregoing is a full true and correct copy of instrument as the same now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 29th day of Aug, a.d. 20 02
LARRY W. GHAN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER

By Deputy

Mary Knight

SCANNED

NOV 04 2005

PROFILED

EXHIBIT "A"

South one-half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$), North one-half of the Southwest Quarter ($N\frac{1}{2}SW\frac{1}{4}$), Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$), Section Sixteen (16), Township Ten (10) South, Range Thirty-Six (36), East of the Boise Meridian, Bannock County, Idaho.

South one-half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$), South one-half of the Northeast Quarter ($S\frac{1}{2}NE\frac{1}{4}$), Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$), Northeast Quarter of Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$), Lots Three (3) and Four (4), all in Section Five (5), Township Ten (10) South, Range Thirty-Six (36) East of the Boise Meridian, Bannock County, Idaho.

Southwest Quarter of Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$), Southeast Quarter of Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$), Section Six (6), Township Ten (10) South, Range Thirty-Six (36) East of the Boise Meridian, Bannock County, Idaho.

Together with all water and water rights on the above-described property, particularly thirty (30) shares in Garden Creek Irrigation Company, represented by Certificate No. 12, dated October 21, 1934, and one (1) share of Garden Creek Fretchet Co. and also all of their right, title and interest in Little Gap Creek.

Also, any or all Taylor Grazing rights appurtenant to above-described property.

- 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 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 0406 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 0408 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 0410 To J. H. 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 East half of the N. E. 1/4 of Sec. 7, Township 10 South of Range 36 E. B. M.
- 29 0411 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 0412 To Nannie B. 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 0413 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 0414 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 0415 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 0416 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 0417 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 0418 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 BTD

6/23/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	5	SWNE	35	40	
10s36e	5	SENE	35	38	
10s36e	5	SENW	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 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	05/01/1896	IRRIGATION	04-01 11-01	0.750 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	0.750 CFS 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	Lt	Ac	Lt	Ac	:	SUM
10S	36E	5	:			35	35	:			25	:					35	:			
																			TOTAL ACRES	130.0	
																				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

SCANNED

MAY 31 2001

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

A29-00403

Page 1

Date: 02/26/90

A2900403



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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
Title
Herman Krueger Trust, that I have signed the foregoing
Organization
document in the space below as Trustee of
Title
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

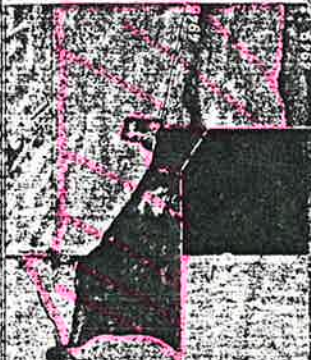
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of February 19 90

Anthony J. Alenbach
Notary Public

Seal

Residing at Hebo Falls
My Commission Expires 9/12/1994



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