

10/30/2002

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

RIGHT NUMBER: 29-2331

NAME AND ADDRESS: SILVIA BRUCKER
3035 FERRY HOLLOW RD
AMERICAN FALLS ID 83211

MARTIN E BRUCKER
3035 FERRY HOLLOW RD
AMERICAN FALLS ID 83211

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.140 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 29-7481 AND 29-10583 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.81 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1146.8 AF.

PRIORITY DATE: 03/14/1953

POINT OF DIVERSION:

T08S R31E S5 NENE Lot 1 Within POWER County

T08S R31E S5 SWNW Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

1.140 CFS

PLACE OF USE:

IRRIGATION Within POWER County

T07S R31E S32	SESE	16.0	T08S R31E S04	SWNW	9.3
T08S R31E S05 Lot 1	NENE	40.0	T08S R31E S05 Lot 2	NWNE	40.0
T08S R31E S05	SWNE	30.0	T08S R31E S05	SENE	24.0
T08S R31E S05 Lot 3	NENW	38.0	T08S R31E S05 Lot 4	NWNW	18.0
T08S R31E S05	SWNW	36.0	T08S R31E S05	SENE	33.0
T08S R31E S05	NWSW	2.4			

286.7 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 145 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

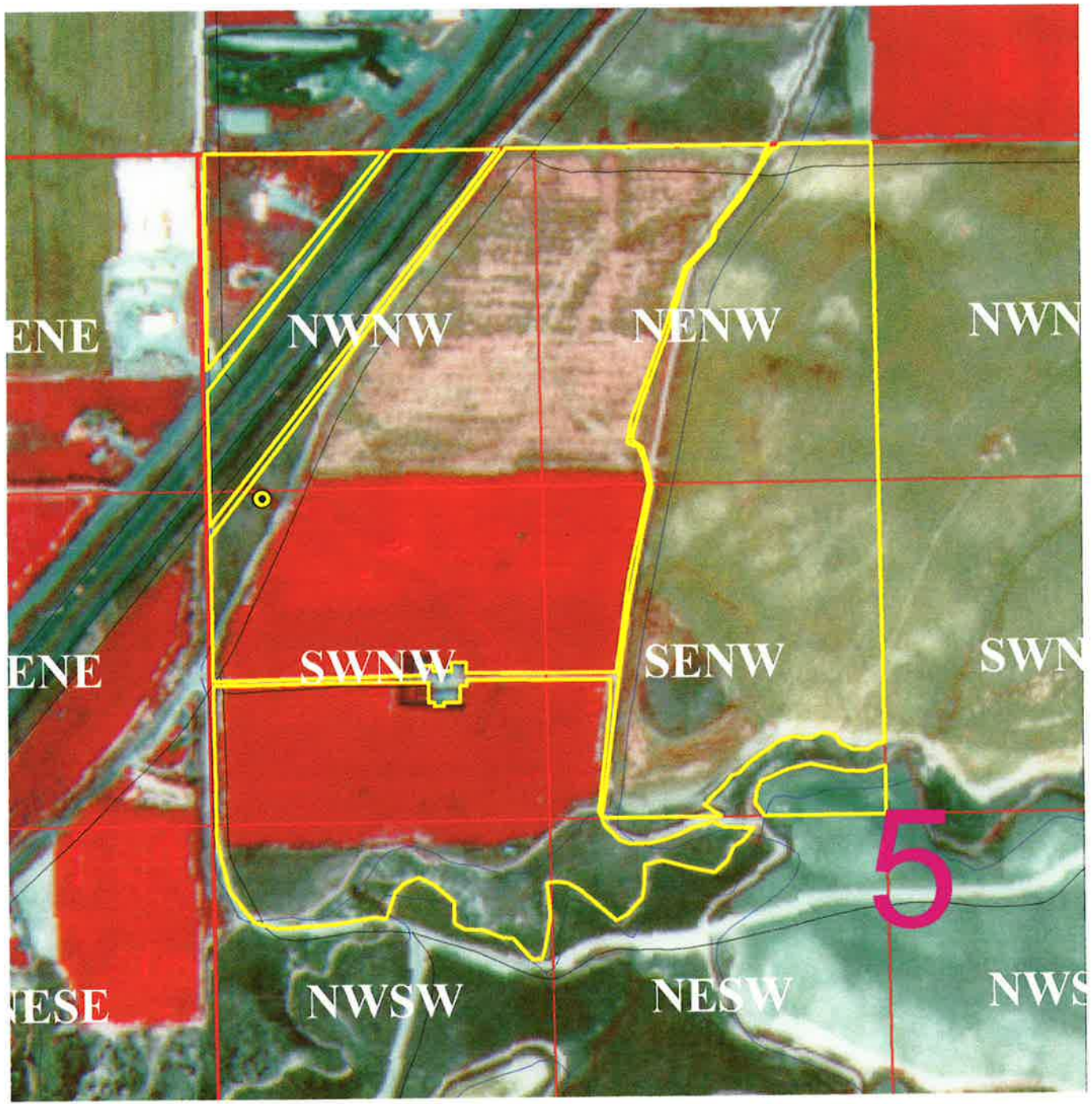
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: License

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-7481, 29-10583

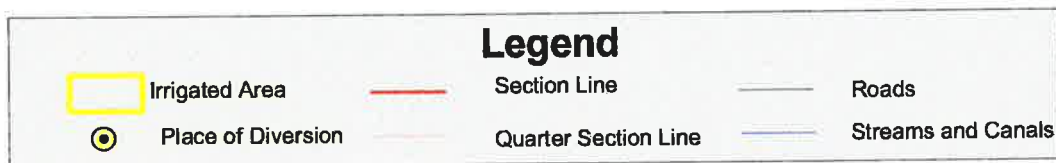
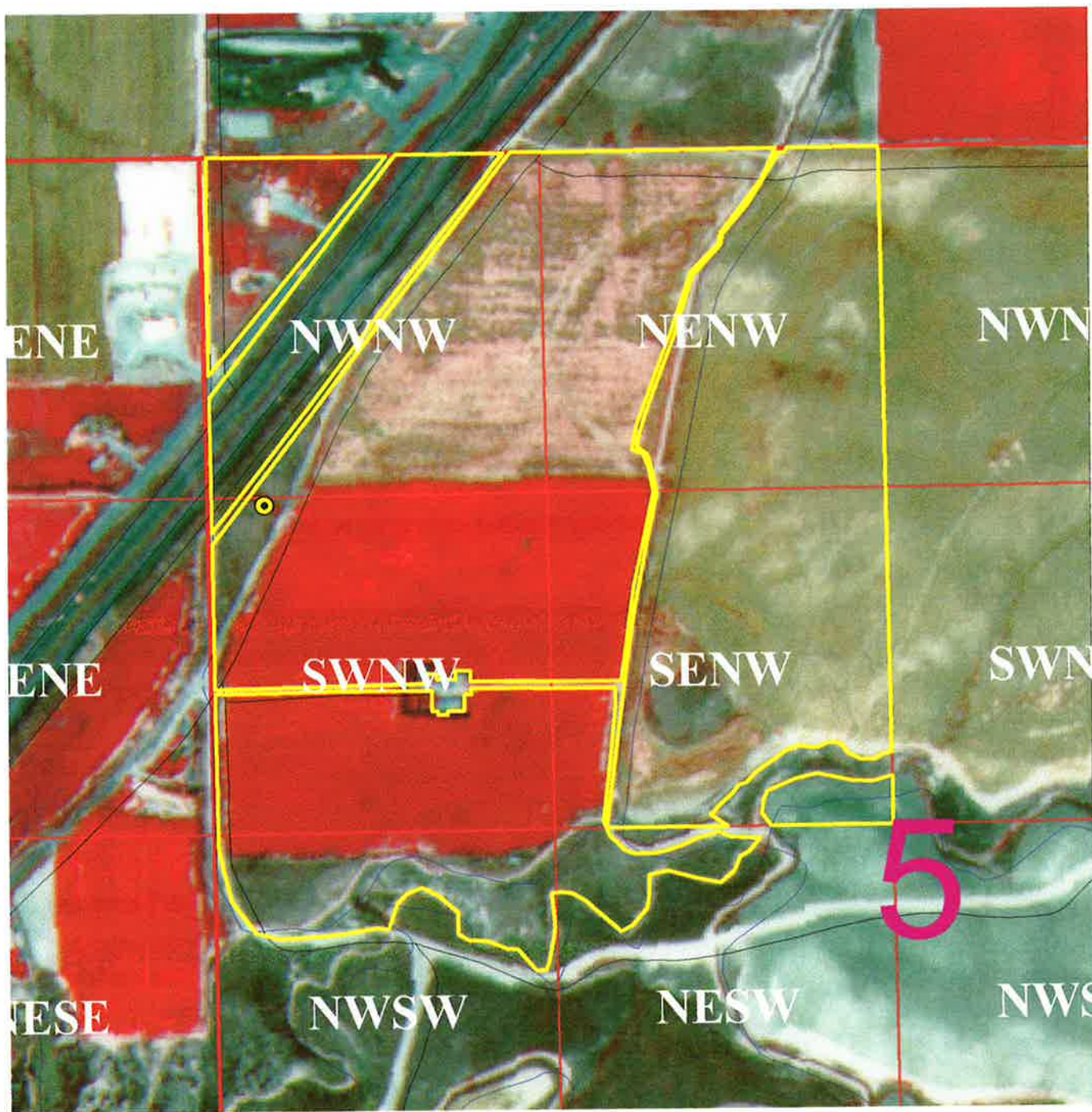
Townships , 7S31E, 8S31E



Legend		
Irrigated Area	Section Line	Roads
Place of Diversion	Quarter Section Line	Streams and Canals



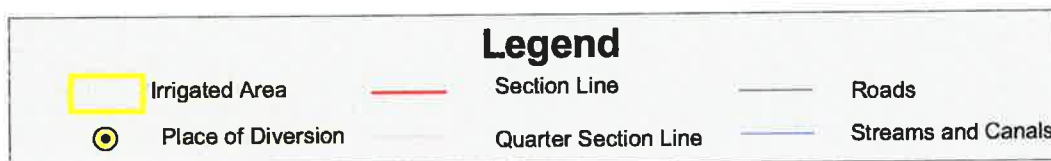
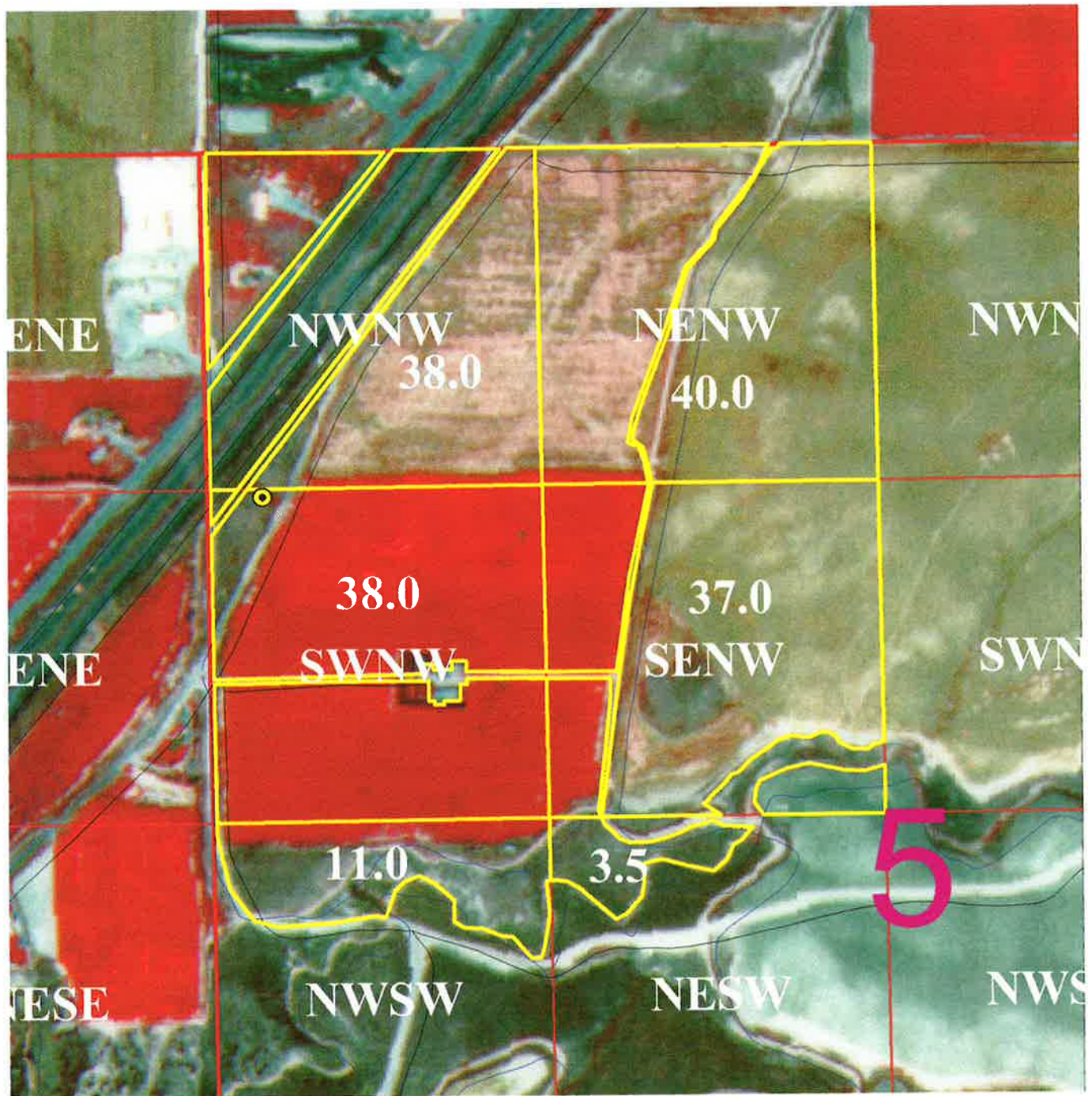
Townships , 7S31E, 8S31E



400 0 400 800 Feet



Townships , 7S31E, 8S31E



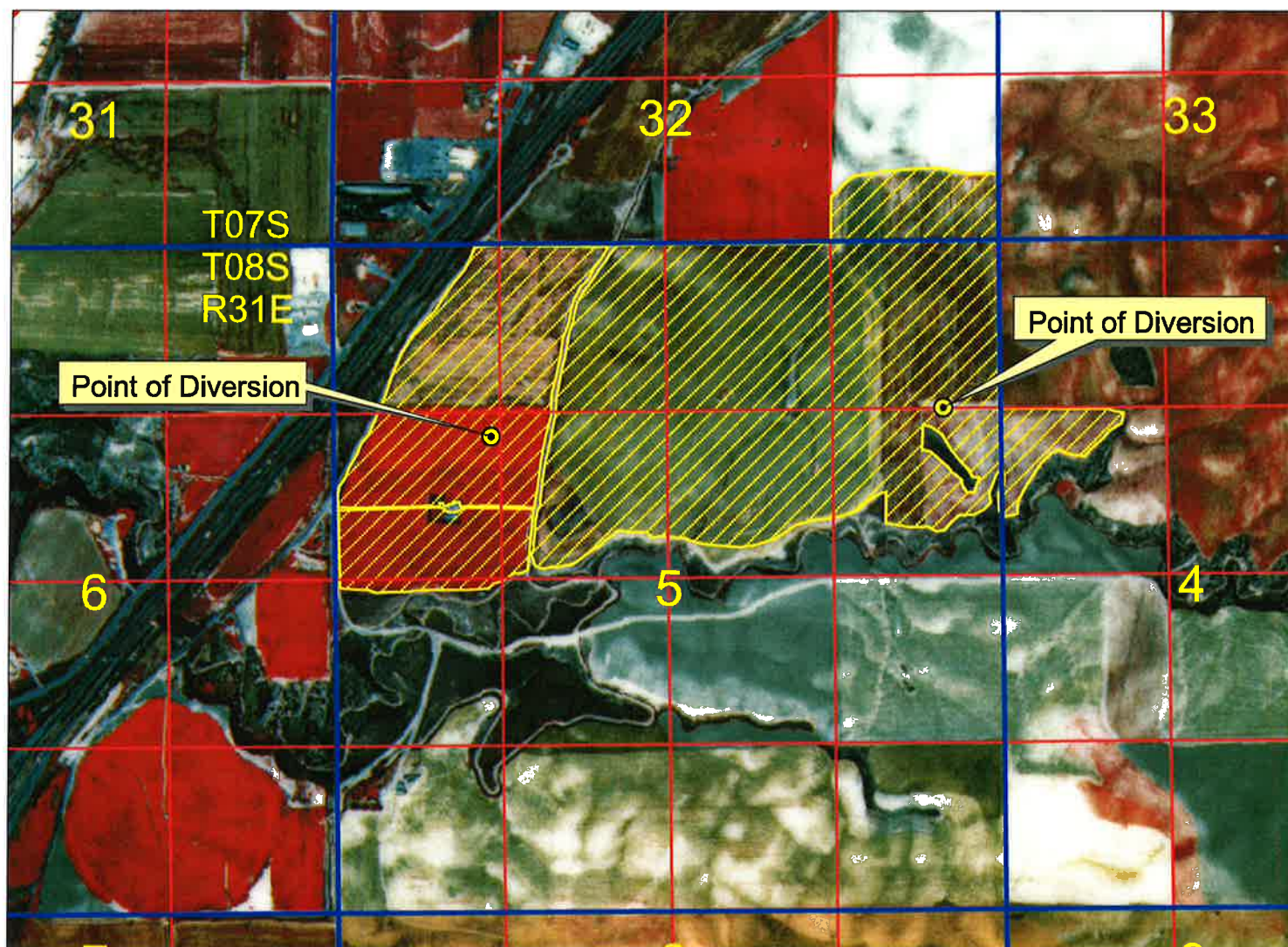
400 0 400 800 Feet



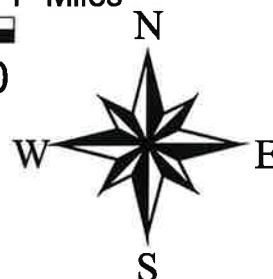


State of Idaho
Department of Water Resources
Eastern Region

Water Rights: 29-2331, 29-7481, 29-10583



1:16000



- Point(s) of Diversion
- ▨ Place of Use
- ▭ Section Lines
- ▭ Quarter Quarter Lines

SCANNED
JAN 24 2006

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: October 2002

SCANNED

11/11/2021

Log for claim A29-02331

Spatial Dynamics AMH

7/12/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s31e	5	NENW	35	40	
08s31e	5	NWNW	38	38	
08s31e	5	SWNW	38	38	
08s31e	5	SEnw	23	37	
08s31e	5	NESW	3	3.5	
08s31e	5	NWSW	8	11	
Totals:			145	167.5	

AJ5809NP
No. A29-02331

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 12

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARTIN E BRUCKER	03/14/1953	IRRIGATION	03-15 11-15	1.140 CFS	
C	SILVIA BRUCKER					
	3035 FERRY HOLLOW RD					
	AMERICAN FALLS ID 83211			TOTAL DIVERSION:	1.140 CFS	
	(208) 226-2720			CONSUMPTIVE USE:		435.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T08S R31E S05

NWSWNW

POWER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE																				
T	R	S	:	Lt	Ac	NENE	NWNE	SWNE	SENE	Lt	Ac	:	Lt	Ac	NENW	NWNW	SWNW	SENW	:	Lt	Ac	NESW	NWSW	SWSW	SESW	:	Lt	Ac	NESE	NWSE	SWSE	SESE	:		
08S	31E	5	:									:			35	38	38	23	:			03	08			:									
																												TOTAL ACRES		145.0					
																													145.0						

POU County: POWER

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10584 A29-10583 A29-10584

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

A01-00013 A01-02061A A01-02064E A01-02068E A29-02310 A29-02568 A29-07481 A29-10583 A29-11337

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

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

Audit: 03/07/90 HAUMANN 06/22/94 COX 03/29/95 POST-STD

License and Certificate of Water Right

Water License No. G-23897

Amount 1.14 second feet

Water District No. _____

Priority March 14, 1953

THIS IS TO CERTIFY that **JOHN HORNBACKER** of **American Falls, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **March 14, 1953**; that Permit No. **G-23897** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **1.14 second feet**, was issued thereunder on **October 29, 1956**, showing that said works were completed on the **5th day of November, 1955**; and that on the **5th day of November, 1955**,

JOHN HORNBACKER of **American Falls, State of Idaho**, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well ~~located~~ (subterranean flow), for the purpose of irrigation ~~under~~ **under Use Permit No. G-23897** of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume **9** of Licenses at page **5843**, on the **29th day of October, 1956**;

The right hereby confirmed dates from **March 14, 1953**;

The Point of Diversion is located

In the **SW 1/4 NW 1/4, Sec. 5, Tp. 8 S., R. 31 E., B. M. Power County**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **1.14 cubic feet per second**.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S.	31 E.	5	NE 1/4 NW 1/4	35	35
			NW 1/4 NW 1/4	38	38
			SW 1/4 NW 1/4	38	38
			SE 1/4 NW 1/4	23	23
			NE 1/4 SW 1/4	3	3
			NW 1/4 SW 1/4	3	8
			Total Number of Acres Actually Irrigated - - 145		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

29th day of October, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

To Approve the Subterranean Water of The State of Idaho

Application No. G- 31678

Permit No. G- 23897

District No.

1. Name of Applicant: JOHN HORNBACHER
Postoffice address: American Falls County: Power State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second. 2.9 or Idaho
Miners' inches 145 or gallons per minute. 1,000
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Well
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5
Twp. 8 S , Rge. R 31 E , B.M., County of Power
5. Water is to be used for: irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Well, pump and sprinkling system.
8. Estimated cost of works: \$ 15,221.95
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5
years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: Irrigation is to be from well on premises owned in fee simple by applicant.

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

JOHN HORNBACHER

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. March 14, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-23897

Recorded in Book 85 Page 23897 Approved March 16, 1953

Recorded in Book 85 Page 23897 Approved MAY 10, 1998
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before May 16, 1953

and to continue diligently and uninterruptedly to completion,

to begin on or before May 16, 1955 and to continue indefinitely unless temporarily interrupted by circumstances over which the permit holder has no control. September 16, 1955

One-fifth of the work above specified to be completed on or before September 16, 1955

One-fifth of the work above specified to be completed on or before September 16, 1955
The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before March 16,

Witness my hand this 16th day of March, 1953

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho,
and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 16th
day of March, 19 53

Countersigned:

STATE OF IDAHO

(SEAL)

By LEN JORDAN

Governor

By IRA H. MASTERS

Secretary of State.

12.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
8 S	31 EBM	5		35 38 38 23	3 8		145
Total Number of Acres to be Irrigated							145
Permit No. G-23897 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that JOHN HORNBACKER of American Falls, County of Power, and State of Idaho, the holder of Permit No. G-23897, issued upon Application No. G-31678 bearing date of priority of March 11, 1953, authorizing the diversion of 2.9 second feet of the waters of a well, (subterranean flow) County of Power, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.14 second feet of the waters of said well; that the point of diversion of said water is in the SW$\frac{1}{4}$NW$\frac{1}{4}$ Section 5, Township 8 South, Range 31 East, B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW$\frac{1}{4}$ and N$\frac{1}{2}$SW$\frac{1}{4}$ Section 5, Township 8 South, Range 31 East, B.M. Witness my hand this 29th day of October, A. D. 1956. Proof of Completion of Works made November 5, 1955 Certificate of completion of Works issued October 29, 1956. MARK P. KULP State Reclamation Engineer COPIES ISSUED FOR 1/4 AC. 11/4 Page 5843							

Permit No. G-23897

Examination for Completion of Works and Beneficial Use

County Power

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
OCT 19 1956
Department of Reclamation

Well in SW NW S5 81 213

— 27 —

proximity = 7:ker 14-53

Chas. W. 16-28

12.9

Feb 1952

6-4 440 1254

Use
PN 7522

Fr. 11. Sub. 24.1 -

E. M. Foster II

6/51 on W. Pine

Come back soon

was a pump house

most dignified

del 28-1-1908

1/3 - 2

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-23897

REPORT ON PROOF OF Completion of Works & Beneficial Use

John Hornbacher, American Falls, Idaho

1/14/42
J.H.B.

app. 2.9 cfs
Sunk 6
at 145'

SCANNED

MAY 10 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: A29-02331
Date Received: 3/07/1990
Receipt No: M006184
Received By: RW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARTIN E. BRUCKER 208-226-2720
Address: 3035 FERRY HOLLOW RD.
AMERICAN FALLS, ID 83211

Name: SILVIA BRUCKER 208-226-2720
Address: 3035 FERRY HOLLOW RD.
AMERICAN FALLS, ID 83211

2. Date of Priority: MAR 14, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	31E	5	NW	SW	NW		POWER

5. Description of diverting works:
WELL, PUMP TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.140		

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

8. Total consumptive use is 435.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-02331

Page 1

Date: 03/07/90

A2902331



MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	31E	5	NE	NW		IRR	35.0
			NW	NW		IRR	38.0
			SW	NW		IRR	38.0
			SE	NW		IRR	23.0
			NE	SW		IRR	3.0
			NW	SW		IRR	8.0

Section Acres 145.0

Total Acres	145.0
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11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 23897

MICROFILMED

NOV 13 1992

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Martin F Brucher Date: 3-7-90

Date: _____

State of Idaho)
County of Power) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of March 19 90

Bert Caraness
Notary Public

Seal

Residing at Ann. Falls, Idaho
My Commission Expires 11/5/90