

04/21/2003

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

RIGHT NUMBER: 29-4102

NAME AND ADDRESS: CHERYL HATLEY
13589 S THACKER
ARIMO ID 83214

JACK HATLEY
3417 W ARIMO RD
ARIMO ID 83214

SHELDON HATLEY
13589 S THACKER
ARIMO ID 83214

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.200 CFS

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

PRIORITY DATE: 06/01/1942

POINT OF DIVERSION:

T10S R36E S5 NESENW Within BANNOCK County Source: SPRING

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.200 CFS
STOCKWATER	01/01 12/31	0.020 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			

STOCKWATER same as IRRIGATION

104.3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-04187 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 46.5 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 104.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00403, 29-00404,
29-00405, 29-00406, 29-04102 AND 29-04187.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

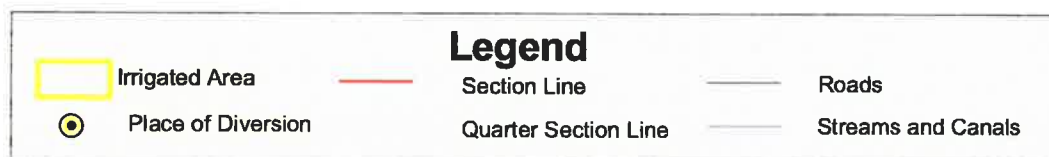
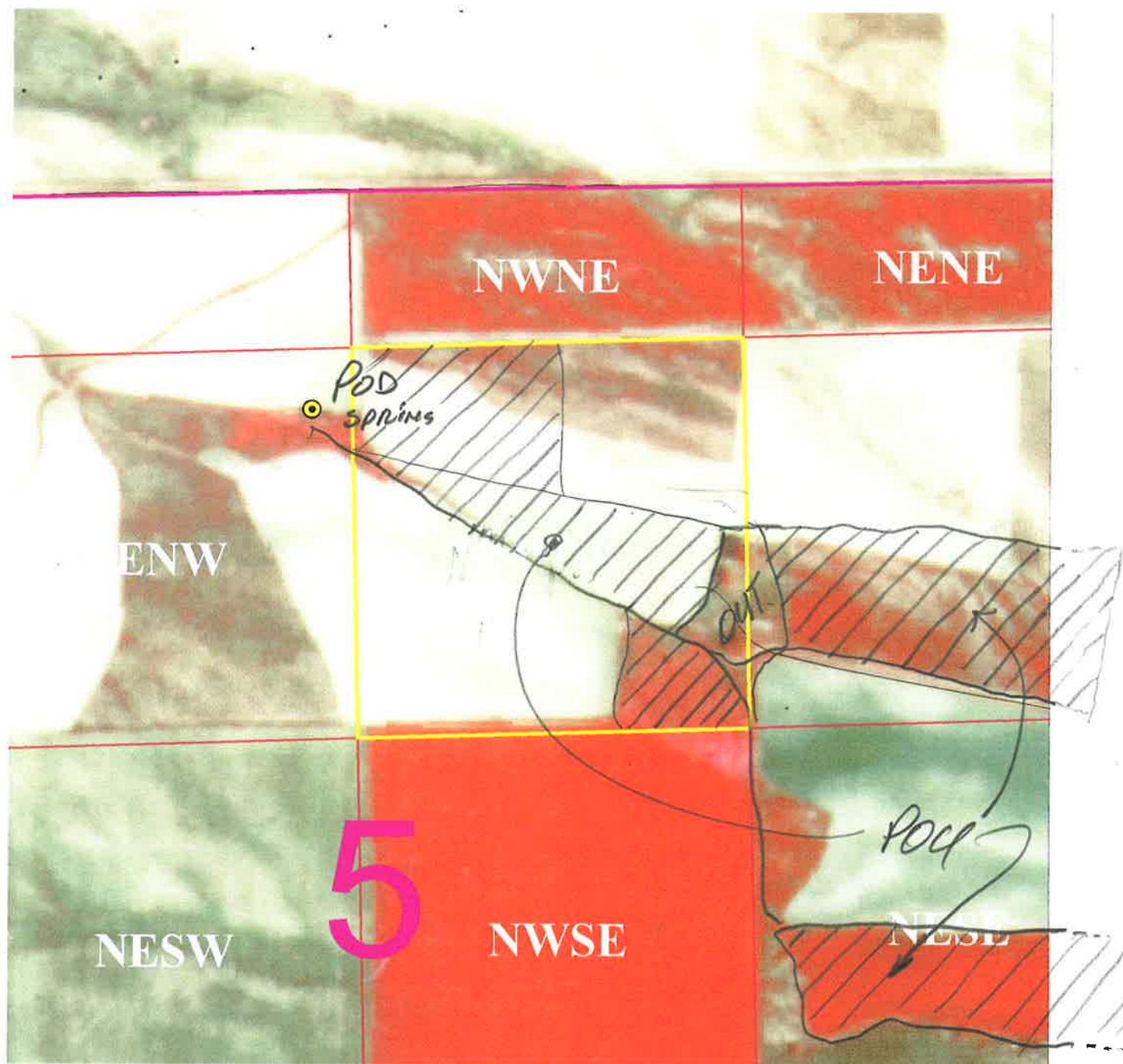
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Beneficial Use

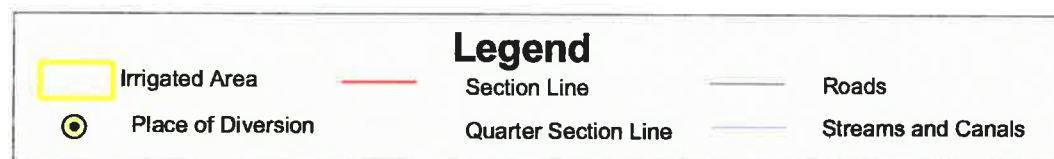
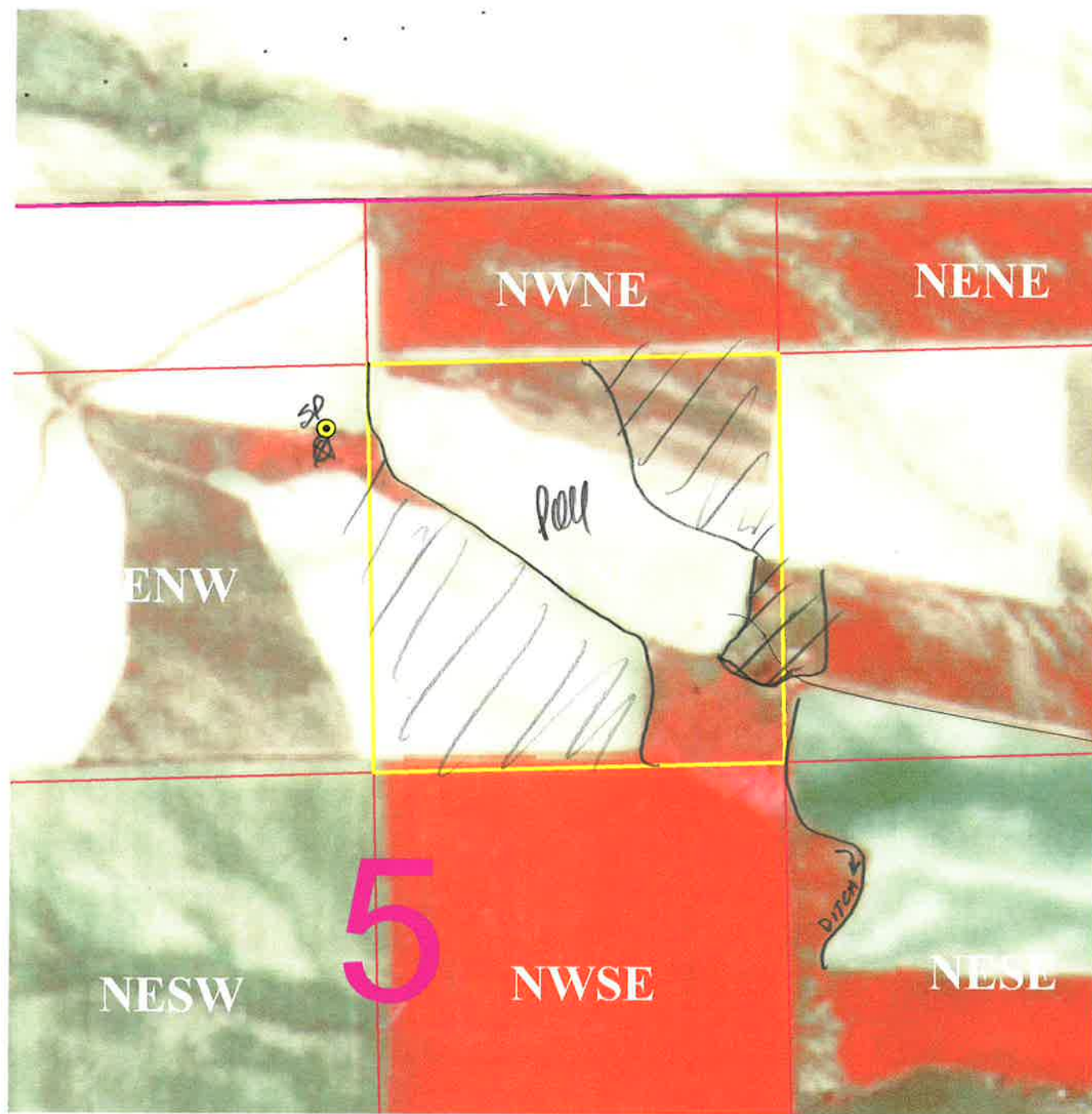
Water Right 29-4102

Township , 10S36E



9/25/02 ABR

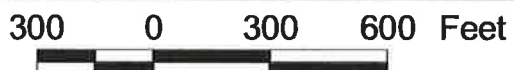
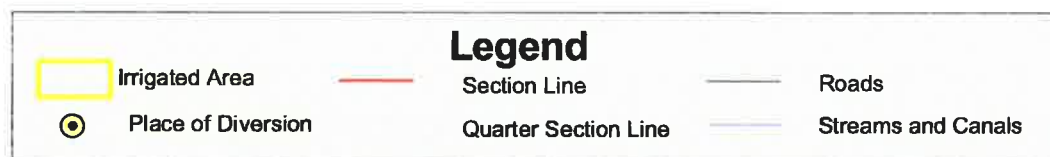
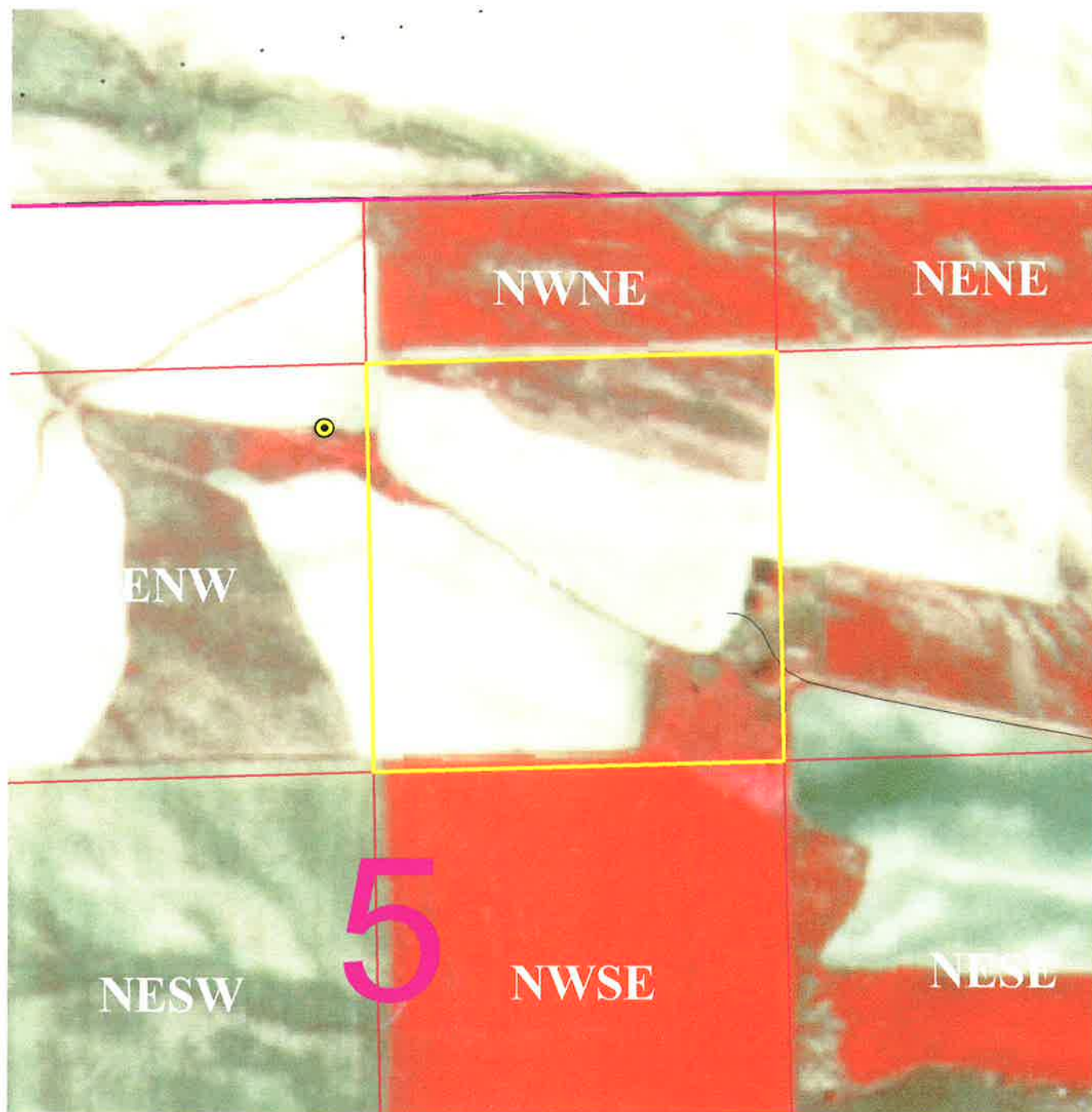
Township , 10S36E



300 0 300 600 Feet



Township , 10S36E





MAR 16 2005

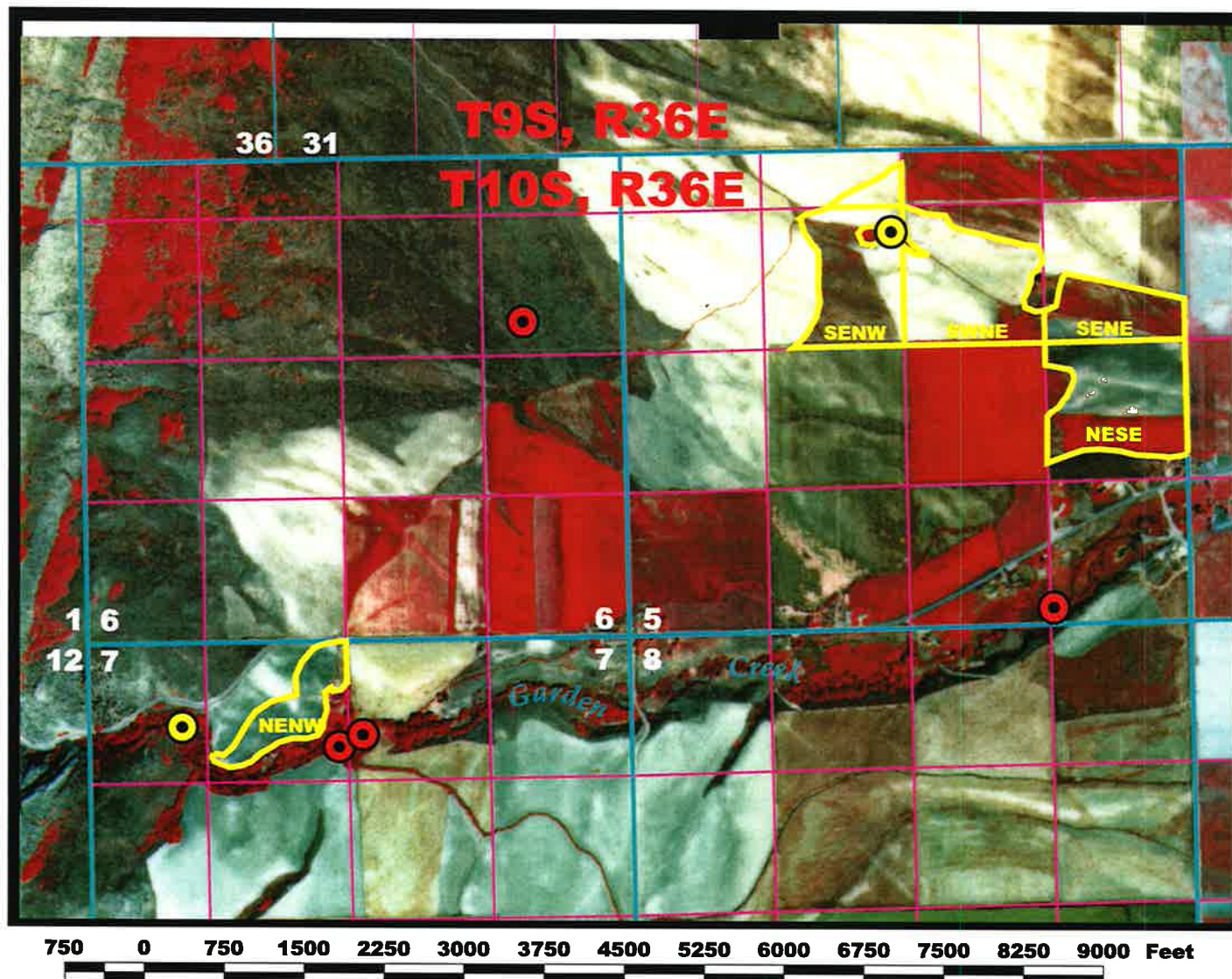
SCANNED

PROTECTED

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

02/18/2003 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: 29-4102

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

*Herman Krueger Trust no longer exists.
Paper work was submitted for the name
change in the fall of '02.*

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

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

*4/21/03 Done
ABR*

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:

*Drop Herman Krueger Trust Jack Hatley trustee
off of this claim.*

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

☐ 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

SCANNED

MAR 16 2003

PROFILED

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>29-04102</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. WATER RENT 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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SCANNED

MAR 16 2006

Contacts Data Entry Form

29-4102

243-5141

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

Current Owner: HERMAN KREUGER TRUST

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

Current Owner: JACK HATLEY - TRUSTEE

Current Owner: _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: JACK & SHEDON (SON) Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

* JACK & SHEDON WILL PROVIDE A CHAIN OF TITLE W/ %
FROM KREUGER TRUST TO JACK TO SHEDON (AND WIFE)

9/25/02, FB w/ Shodon & Jack
VISITED POD (SMALL CONCRETE TREATMENT AROUND
SPRING.)

INTROPID ENG Estimates flow AT DIS TO 0.20 cfs on
10/12/01 - USE 0.20 cfs if it fits OK
FB INDICATED: POD, POLL, SOURCES

Reviewer: _____

Date: SEPT 27 2002

PROFILED

MAR 15 2006

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/01/1877 Claimed Basis: BURecommended Priority Date: 6/01/1942 Recommended Basis: BU☐ 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:

EVIDENCE OF PRIORITY IS SIGNED BY NEIGHBORS CON FIRMS
SINCE 1942. THE SOURCE, A SPRING, IS TUB TO SINKS
(AS CLAIMED) - RE SO, AND, NOT COVERED BY ANY
OTHER DECREES THEN THE PRIORITY IS MOST -

RECOMMEND 6/01/1942.

9/25/02 THEY WILL PROVIDE CC OF OLD ABSTRACT THAT DISCUSSES
SPRING AND PRIORITY DATE

Reviewer: _____

Date: _____

SCANNED

MAR 15 2006

SCANNED
MAR 15 2006

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
10S	36E	5	SWNE		Bann		10	Pring.

Total Acres _____

Recommended Place of Use

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
10S	36E	5			Bann			Pring.

Total Acres _____

Document how the POU was verified:

1500 w/ Garden Ck Pring Co. Water And Other Rts.
Limited to 10 ac.

PPU All Rts - Subs GPS Layouts Limiting Remarks

Transfers Changing POU _____

Reviewer: _____

Date: _____

SCANNED

MAR 15 2006

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

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Tring	4/1	11/01	0.20	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Tring	4/1	10/31	0.20	

Overall Diversion Rate _____ Overall Diversion Volume _____

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

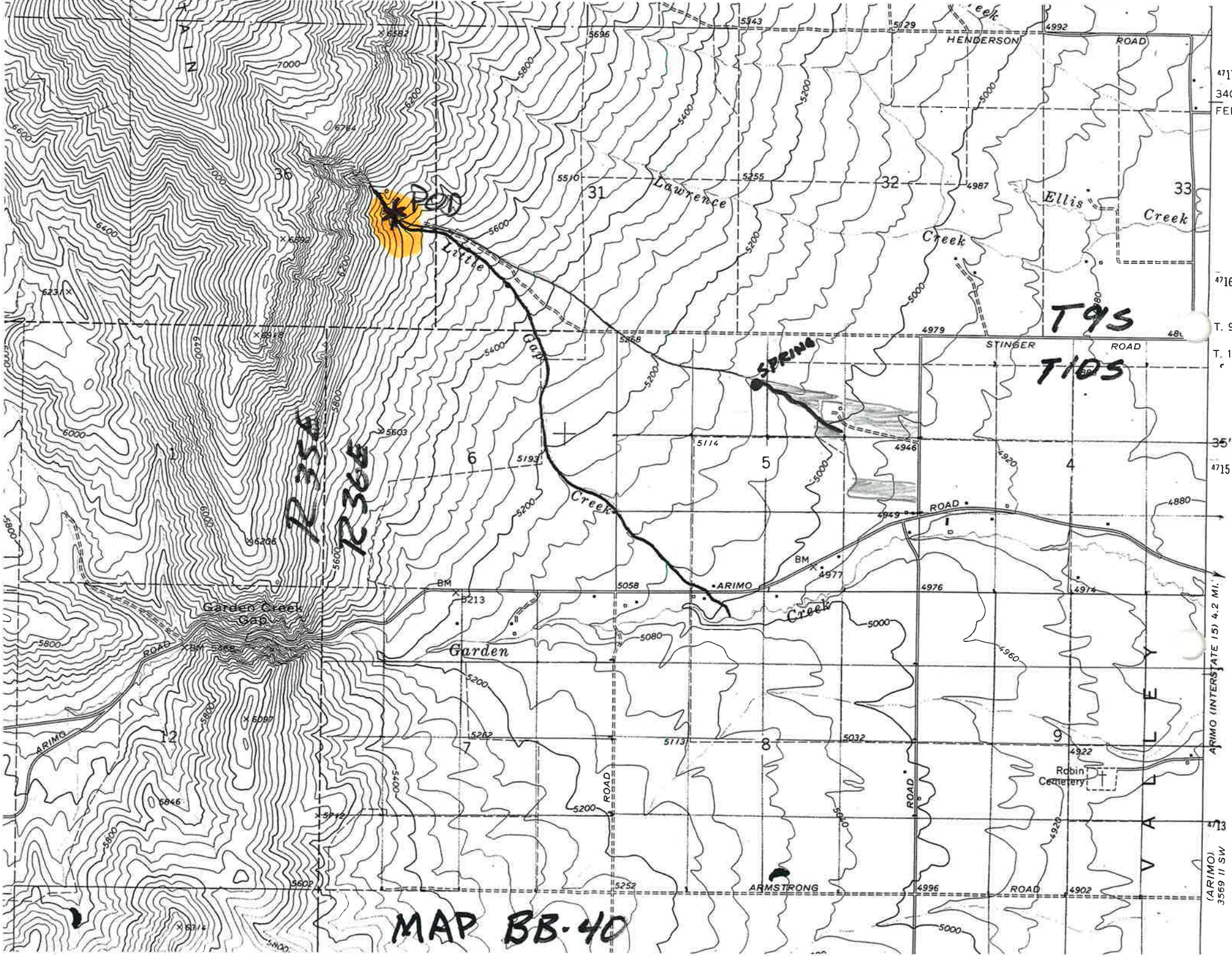
INTRODUCED ENG. MEASUREMENT 0.15 cfs on 10/12/01 -
THIS RATE IN THE YEAR MAY ACCOUNT FOR LOW FLOW - SINCE
SPRING TRIPS TO SINKS - RECOMMEND @ 0.20 cfs
COMINGLES w/ OTHER WATERS AS AVAILABLE

Reviewer: _____

Date: _____

SCANNED

MAR 15 2006



MAP BB-40

T95
T105

R356
R366

4717
340
FEE
4716
T. 9
T. 10
35'
4715
ARMO (INTERSTATE 15) 4.2 MI.
513
(ARMO)
3569 II SW

MAR 13 2006

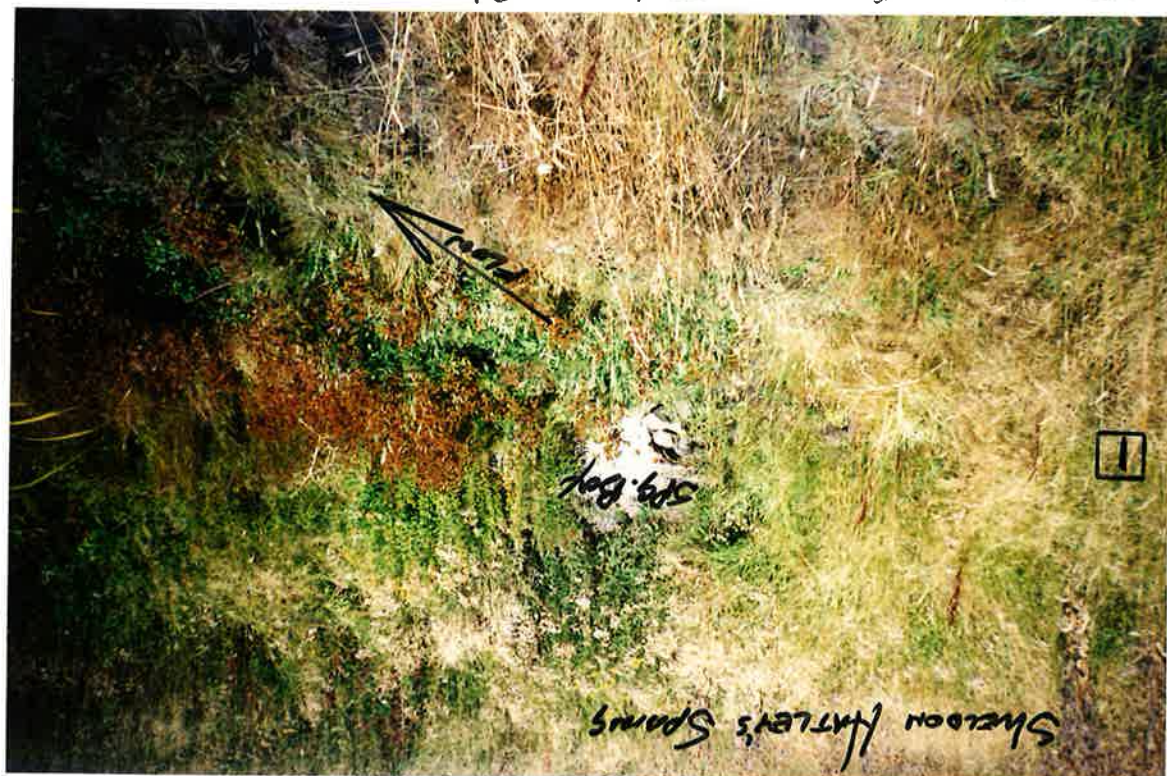
SCANNED

PROTECTED

Photo shows relationship of Little Crack and Two
unnamed springs used early for stock & irrigation.



This Spring (shown in Photo 2 as ①) is collected in a
concrete box.





IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID 29 4102
POD ID 199023
Quad Hawkins
Claim Type L
Easting 641160
Northing 166518
GPSID A0012625 *JK*

Diversion Description

Spring in springbox; runs constant on surface then seeps back into ground. Sheet flow. Cannot measure accurately. Estimate flow at 0.15 to 0.2 cfs.

Assumptions

Estimated flow (assume a 5 foot width at 0.05 feet deep on a 1% to 2% slope).

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin)
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

OD ID 199023 01.JPG OD ID 199023 03.JPG

Photos

OD ID 199023 02.JPG

Invoice #

EPE (ft)

8

Date (M/D/Y)

10/12/01

Time

13.42

Flow Rate (CFS)

0.151038970073377

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
- ☐ Half full
- ☐ More than half full
- ☐ Full

Diameter 0

Depth 0.05

☒ Rectangular Channel

Width 5

Depth 0.05

Flow Calculation

☐ Continuity

Velocity

0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☒ Manning (If used, include photo of representative channel section)

Channel Slope 0.01

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

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SCANNED

MAY 31 2001

Log for claim A29-04102

Spatial Dynamics BTD

6/29/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	5	SWNE	10	40	Indiscernible
Totals:			10	40	

AJ5809NP
No. A29-04102

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 113

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	06/01/1877	IRRIGATION	04-01 11-01	0.200 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	0.200 CFS	25.00 AFA

Water Source: SPRING

Tributary to: SINKS

Stage: STATUTORY CLAIM

Point(s) of Diversion: T10S R36E S05 SENW

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
---	---	---	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---
10S	36E	5	:				10	:					:					:							:	10.0
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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 W. And/or Josie R. Krueger
(Name of Claimant)
Arimo, ID 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) June 1877

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)
Unnamed spring 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:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.20</u>	Use <u>Irrigation</u>	Period of Use From <u>April 1</u>	To <u>Nov. 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) 0.20 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NW ¼, 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. 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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	36E	5			10														10

No. of acres 10

- 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:

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 4, 1910.

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

Sincerely yours,

Jack Hatley

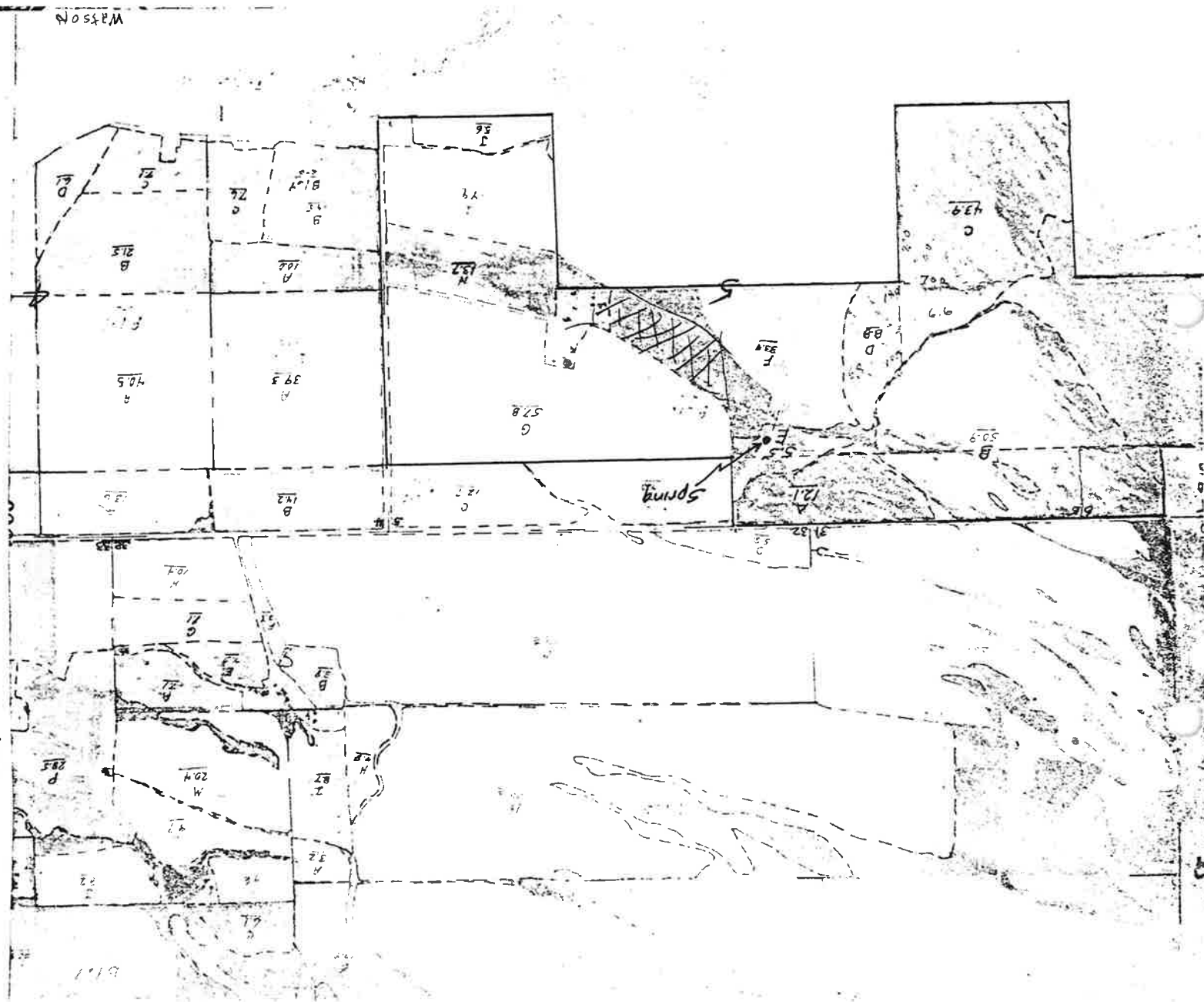
We can attest to the Department of Water Resources that Herman & Josie Krueger and Jack Hatley have used the above referenced water since 1942 and that to our knowledge they have all given rights to the water.

Leland Armstrong
Fred Capell
Gary Krueger
Jack Hatley

RECORDED
NOV 13 1995

MICROFLINE

Twp 10s, R 36E



FIELD AMENDMENT FORM

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):

Joel Hatley
Sharon Hatley

Date:

9/25/02

Date:

9/25/02

For Organizations:

I do solemnly swear or affirm that I am _____ of _____ Title

_____, that I have signed the foregoing Organization document in the space below as _____ of

Title

_____, and that the statements contained in the Organization foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)

County of

BONNEVILLE

) SS.

Subscribed and sworn (or affirmed) before me this 25th day

of SEPT 20 02

ALLAN B. RUBERY
Notary Public

Seal

PROFILE

Residing at 2000 FAUS RD

My Commission Expires 9/23/03



NOTE:

This Amendment adds stockwater
as a USB to 29-04/02 AND

SCANNED 29-4187. (JDB)
MAR 15 2006

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: A29-04102
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: JUN 01, 1877

3. Source: SPRING

Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

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

A.F.A.

8. Total consumptive use is 25.0 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
Section Acres							10.0

A29-04102

Page 1

Date: 02/26/90

PROFILED

SCANNED
MAR 15 2006

MICROFILMED
NOV 13 1992

2661 E 1 AON

A2904102



10. Place of Use: Continued

Total Acres 10.0

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:
4187, 0365, 04365.

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 _____
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

Seal

Anthony S. Okunech
Notary Public

Residing at

Idaho Falls

My Commission Expires

9/12/94