

County of **Ada**

Robert L. Salter, Asst. Director of the Idaho Fish and Game Department, acting for and on behalf of said Department
being first duly sworn, deposes and says:

That his name is **Robert L. Salter** that he is of lawful age a citizen of the United States and of the State of Idaho and that his postoffice address is **Idaho Fish and Game Department, 518 Front Street, Boise, Idaho.**

That he is the owner and using a certain water right bearing date of priority of **March 27, 1925** for **five** cubic feet per second of the waters of **Rueger Springs**

County of **Power** State of Idaho decreed to **United States of America, for use by the City of American Falls** by decree of Judge **Charles C. Cavanah** of the **Eastern** Judicial District of the State of Idaho in and for the county of **Power** in the case of **United States of America, Plaintiff vs. Charles C. Rueger, et al., D.** said decree bearing date of **April 12, 1927**

for obtained by virtue of License No. _____ issued by the State Department of Reclamation of the State of Idaho, dated _____ 19____ bearing date of _____ 19____

for the purpose of **domestic use and** irrigating the following described lands situate lying and being in Water District No. _____ in the County of **Power** and State of Idaho, to-wit:

Domestic water for the City of American Falls

and is the person for representative of the corporation to whom such right so issued, or has become the owner thereof in the following manner, to-wit: **by purchase from the City of American Falls, Idaho** as per abstract of title of said water right hereto attached and made a part of this statement. **Photo of Deed**

That said waters are now diverted from said **Rueger Spring** **in the Pennsylvania Bar Placer Claim, aka Idaho Survey #1407, of** **Section 31** **Township 7 South, Range 31 East, B. M., and con-**

ducted to the above described lands through **a pipeline**

as per map herewith and of this affidavit made a part. **(No map available)**

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of **five** cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of **Power** and State of Idaho, to-wit: **Pennsylvania Bar Placer Mining Claim Survey #1407 located in Sec. 31, T. 7 S., R. 31 E.B.M. and those lands of said Survey #1407 lying east of a line connecting survey monuments #4 & #16 of said Survey #1407, Sec. 36, T. 7 S., R. 30 E.B.M., Idaho.**

That reasons for desiring to make such transfer are as follows: **To use the waters on lands held by the State for the use and benefit of the Idaho Fish and Game Department for fish cultural purposes, domestic use and irrigation of the lands of Survey #1407 above designated, being the State's American Falls fish hatchery complex.**

That he intends to divert and convey said five second feet of water to the tract of land last above described in the following manner and as per map accompanying this application: gravity flow from Rueger Spring via pipeline and by pumping from the spring reservoir.

Note: If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in 1/4 of 1/4 of Section Township Range and thereafter conduct same to the above described land through the ditch, as per map appended.

That his reasons for desiring to make such change are as follows:

No change in point of diversion is needed.

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

STATE OF IDAHO, Fish and Game Department
By Robert L. Salter
Robert L. Salter, Asst. Director Applicant.

Subscribed and sworn to before me this

5th day of March, 1965.

Alma Speck
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted?

Rueger Springs

Where is the diversion point located? Approximately S. 75° E. 1350 feet distance from the west quarter corner of Sec. 31, T. 7 S., R. 31 E., N. Idaho.

Through what ditch is it now conducted? Private pipeline owned by the State of Idaho, Fish and Game Department, and located on the

What is the total amount of water in inches, or second feet, dedicated to said land?

555

What kind of crops are being raised?

fish, an industrial use

How much water per acre is now required to irrigate said land? Approximately 5 inches per acre for irrigation.

What will be the effect on the land now irrigated, if the use of water on it is discontinued? It would become arid and nonproductive.

Give location of new point of diversion if change is to be made. No change

Through what ditch will it be conducted after transfer? Existing pipelines.

How much water will be required per acre to irrigate the land to which this water is transferred?

5 inches per acre for irrigation; 555 inches for fish cultural purposes.

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source. No. However, the City of American Falls does.

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source.

Yes. 14.1 c.f.s., Permit #17608, Nov. 24, 1931, Rueger Springs.
STATE OF IDAHO, Fish and Game Department

Signed Robert L. Salter

Robert L. Salter, Asst. Director

Applicant

STATE OF IDAHO,

County of

I,

Watermaster of

Water District No

County of

State of Idaho, whose postoffice address

is

have read or heard read the foregoing affidavit and petition

of

and of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons: