

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: A25-13029
Date Received: 9/14/1989
Receipt No: C013073
Received By: C. Wong

RECEIVED

NOV 28 1989

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: STAN HAWKINS
Address: P.O. BOX 367
UCON, ID

208-523-2880

83454

2. Date of Priority: NOV 08, 1917

3. Source: SPRING

Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	40E	21	SW	SW	SW		BONNEVILLE
			SE	SW	SW		BONNEVILLE

5. Description of diverting works:

EARTH DAM, 125' LONG, 15' HIGH ON DOWN STREAM SIDE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			30.00
IRRIGATION FROM STORAGE	04/01	11/01			30.00
RECREATION STORAGE	01/01	12/31			30.00

7. Total Quantity Appropriated is:

C.F.S. (and/or) 30.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

R/ USED FOR FISHING AND BOATING.

A25-13029

Page 1

Date: 09/21/89

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NOV 12 1992

A2513029

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	40E	21	NW	NW		IRR FS	26.0
			SE	NW		IRR FS	4.0
			NE	SW		IRR FS	12.0
			SW	SW		REC S	
					Section Acres		42.0
					Total Acres		42.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE DAM WAS ORIGINALLY BUILT BY BEAVERS, THEN IMPROVED BY WALTER KEPLINGER, WHO HOMESTEADED THE PROPERTY. HE RELIED ON THE STORAGE WATER TO SUPPLEMENT NATURAL FLOW FROM CANYON CREEK FOR IRRIGATION OF THE 42 ACRES (SEE A2502077).

15. Basis of Claim: BENEFICIAL USE

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): [Signature] Date: Nov 13 1989
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of November 19 89 Anthony B. Olmsted
Notary Public

Seal

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

Log for claim 25-13029

Spatial Dynamics CAT

11/9/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01s40e	21	NWNW	26	28	
01s40e	21	SEnw	4	6	
01s40e	21	NESW	12	9.2	
Totals:			42	43.2	

AJ5809NP
No. A25-13029

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 71

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STAN HAWKINS PO BOX 367 UCON ID 83454 (208) 523-2880	11/08/1917	IRRIGATION STORAGE	01-01 12-31		30.00 AFA
			IRRIGATION FROM STORAGE	04-01 11-01		30.00 AFA
			RECREATION STORAGE	01-01 12-31		30.00 AFA
TOTAL DIVERSION:						30.00 AFA

Water Source: SPRING

Tributary to: WILLOW CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T01S R40E S21 SWSWSW SESWSW BONNEVILLE County

Place of use Legal Description for: IRRIGATION FROM STORAGE

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
01S	40E	21	:							26		04		12						:
TOTAL ACRES																			42.0	

Place of use Legal Description for: RECREATION STORAGE

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
01S	40E	21	:											R						:

POU County: BONNEVILLE

Non-Irrigation Uses: R/ USED FOR FISHING AND BOATING.

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A25-02077

Other Water Rights Listing Overlapping Place(s) of Use:
A25-00071B A25-02077

Remarks: GEN THE DAM WAS ORIGINALLY BUILT BY BEAVERS, THEN IMPROVED BY WALTER
KEPPLINGER, WHO HOMESTEADED THE PROPERTY. HE RELIED ON THE
STORAGE WATER TO SUPPLEMENT NATURAL FLOW FROM CANYON CREEK FOR
IRRIGATION OF THE 42 ACRES (SEE A2502077).

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. A25-13029

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 72

Audit: 12/14/89 CARLSEN 03/29/95 POST-STD

RECEIVED

JUL 3 - 1991

July 1, 1991

Department of Water Resources
Eastern District Office

file

Dear Ernest,

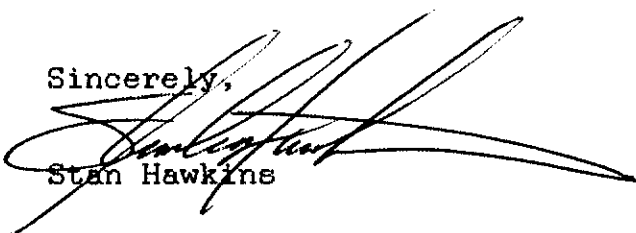
As I mentioned to you, my claim # A 25-13029 is not capable of being evidenced by affidavits, etc. Those persons who could have provided first hand knowledge of beneficial use are either deceased or are prevented by advanced age and poor health from being able to help.

As I indicated when I filed this claim, the only way to utilize the water right pertaining to this land, was to divert it out of this storage pond and into a system of ditches. While doing repairs to the dam I have uncovered the old diversion works. It consisted of a pipe and a headgate that was installed in an existing beaver dam to provide for water to enter a ditch which then followed along a hillside for some distance and was ultimately used to irrigate pasture and hay. Because the old diversion works is located away from the old stream channel, and because of the features of the area and the original system of water delivery, it would have been impossible to irrigate without the use of the storage pond.

For the above mentioned reasons the priority date of storage pond should be the same or nearly the same as the water right appurtenant to the land.

I would appreciate being advised to the status of this storage right.

Sincerely,


Stan Hawkins

*Notary Public for City of Ucon, Idaho.
Expires 3-15-96*

Julie C. Miller

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NOV 12 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

RECEIVED

May 2, 1991

JUL 3 - 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Stan Hawkins
P.O. Box 367
Ucon, ID 83454

Department of Water Resources
Eastern District Office

RE: Evidence of Priority

Dear Mr. Hawkins:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by June 3, 1991, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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Stan Hawkins

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All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,



Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-13029
STAN HAWKINS
P.O. BOX 367

UCON

ID 88454

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
A25-13029	STAN HAWKINS P.O. BOX 367 UCON ID 83454	11/08/1917	IRRIGATION STORAGE IRRIGATION FROM STORAGE RECREATION STORAGE	01-01 12-31 04-01 11-01 01-01 12-31	30.00 AFA 30.00 AFA 30.00 AFA 0.00 CFS TOTAL 30.00 AFA TOTAL	BENEFICIAL USE

SOURCE: SPRING
OTHER RIGHTS: NONE
CONDITIONS OF APPROVAL:

TRIBUTARY: WILLOW CREEK

REMARKS: THE DAM WAS ORIGINALLY BUILT BY BEAVERS, THEN IMPROVED BY WALTER
KEPPLINGER, WHO HOMESTEADED THE PROPERTY. HE RELIED ON THE
STORAGE WATER TO SUPPLEMENT NATURAL FLOW FROM CANYON CREEK FOR
IRRIGATION OF THE 42 ACRES (SEE A2502077).

POINT OF DIVERSION:
T01S R40E S21

SWSWSW
SESWSW

PLACE OF USE: IRRIGATION STORAGE
SAME AS OTHER USE

PLACE OF USE: IRRIGATION FROM STORAGE
T01S R40E S21 NW1/4 26.0
42.0 ACRES TOTAL

SENW 4.0

NESW 12.0

PLACE OF USE: RECREATION STORAGE
T01S R40E S21 SWSW

DO NOT FILM

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REC'D

NOV 28 1989

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

STAN HAWKINS () 524-1586
Name of Claimant Phone Number

BOX 367 UCON IDAHO 83454
Mailing Address City State Zip

DONNEUCE SEPT 29 1984
County(s) where place of use is located Date claim originally due

A-25-0738502077 13021 13036 04308 13025 13029
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

NOTHING WAS STATED AT THE TIME ADJUDICATION
WORK WAS DONE (9-14-89) TO INDICATE
A LATE PENALTY WOULD APPLY. ERNEST CARLSON
INDICATED HE WOULD MAIL THE COMPLETED FORMS
TO ME LATER BUT DID NOT POINT OUT ANY URGENCY IN MAILING.

Claimant requests an extension to NOV 13 1989, 19

Signature Date of request NOV 13 1989, 19

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [X] granted [] denied for the following reasons:

There was a misunderstanding, apparently, which
resulted in the delayed filing of these claims.

and if granted the filing deadline is extended to November 29, 19 89

Signed this 8 day of December, 19 89

Norman C. Young
Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

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NOV 12 1992