

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: A45-00286A
Date Received: 6/07/1989
Receipt No: 5007625
Received By: FD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRED HAWKER 208-678-2014
Address: RT 2 BOX 2232
BURLEY, ID 83318

2. Date of Priority: SEP 01, 1880

3. Source: HOWELL CR. Trib. to: MARSH CR.

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	25E	21	SE	NW	SW		CASSIA

5. Description of diverting works:
ROCK CHECK, HEADGATE TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	25E	21	SW	NE		IRR	40.0
			NE	SW		IRR	15.0
			NW	SE		IRR	40.0
Section Acres							95.0

10. Place of Use: Continued

Total Acres 95.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

45-00284A, 45-00517C, 45-00256B

14. Remarks:

ENTIRE RIGHT IS ROTATED AMOUNG USERS.

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: 1

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): Fred Hawker Date: June 7 - 89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of June 19 88
[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/92

E32

E213

17

20

15

22

E202

E213

E43

BLM

PD

N

114.3

20

29

28

7.6

21

22

28

27

ORLAND
07 1993

BLM



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

RECEIVED

NOV 19 1998

Department of Water Resources
Southern Region

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

☐ Water Right Number(s):

00256B, 00286A, 00517C

45-00284A, 02500, 02507, 07339A, 00240A

45-11242, 11243, 11244

☐ Old Mailing Address:

Rt 2-Box 2232

Burley, ID 83318

☐ New Mailing Address:

361 W 400 S

Burley, ID 83318

☐ New Telephone Number: () 678 - 2014

☐ Signature of Claimant(s):

Fred Hawker

Date:

11-19-98

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: 12/7/98

By: CS

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data Entry

Date:

By:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

November 2, 1999

FRED HAWKER
361 W 400 S
BURLEY ID 83318

RE: Snake River Basin Adjudication (SRBA)

Notice of Claim No. A45-00240A, 00256B, 00284A, 00286A,
00517C, 02500, 02507, 07339A, 11242, 11243, 11244

Change of Address Notification

Dear Claimant(s):

Thank you for notifying us of your change in Address on the water right claim(s) referenced above. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

Cheryl E. Timm
SRBA Records Clerk

CT:ct

07/16/2003

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

RIGHT NUMBER: 45-286A
NAME AND ADDRESS: FRED HAWKER
361 W 400 S
BURLEY ID 83318

SOURCE: HOWELL CREEK
QUANTITY: 0.400 CFS

TRIBUTARY: MARSH CREEK

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN
.02 CFS PER ACRE. COMBINED RIGHT NOS. 45-284A, 45-286A, 45-256B and
45-517C.

PRIORITY DATE: 09/01/1880

POINT OF DIVERSION:

T12S R25E S21 SENWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.400 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R25E S21	SWNE	41.0	T12S R25E S21	NESW	12.0
T12S R25E S21	NWSE	37.0			

90 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 90 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-284A and 45-286A.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 235 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-284A, 45-286A, 45-256B and 45-517C.

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

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 10-11-2001

File: 45-286 decree split analysis

Prepared by Kelly K Christensen

ANALYSIS OF 45-286
9-1-1880 source = Howell Creek
1.60cfs on four 40 ac tracts

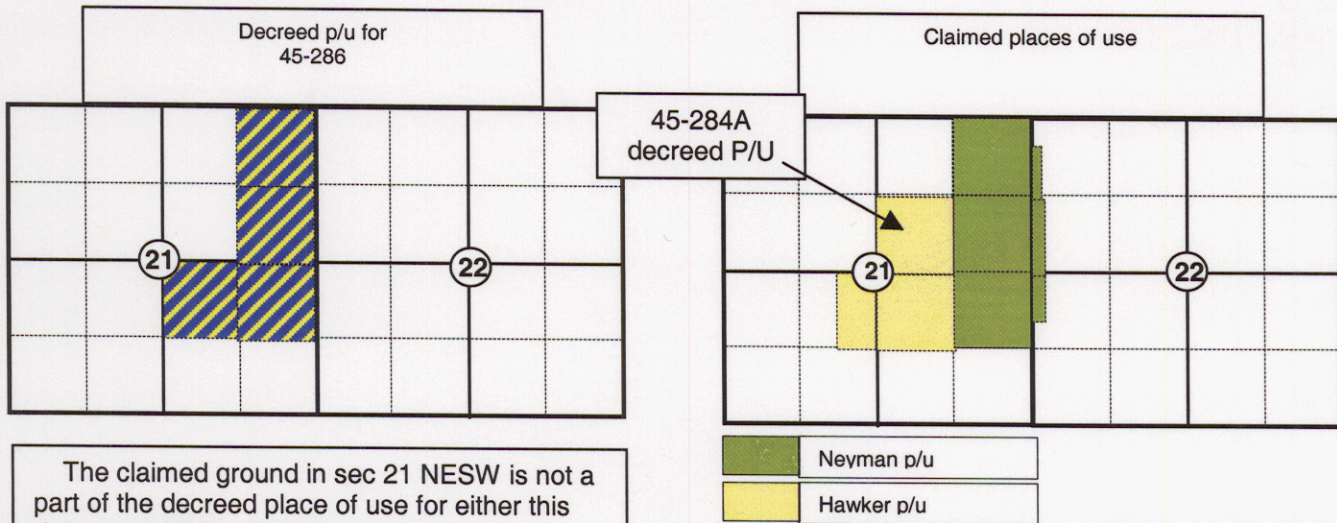
This right was claimed as follows

45-286	Neyman	1.60 cfs	claim includes 3 of the decreed 40 acre tracts (claim remarks indicates that this claim is for 40 inches or 0.80 cfs)
45-286A	Hawker	0.40 cfs	claim includes 1 of the decreed 40 acre tracts
	total	2.00 cfs	decreed right is overclaimed.

Remark in the Hawker claim states that the full right is rotated among all users.

It appears that the entire decreed place of use is irrigated. Therefore the split analysis based upon the decreed acres. $1.60 \text{ cfs} / 4 \text{ 40-acre tracts} = 0.40 \text{ cfs per tract}$.

Hawker owns 1 40 acre tract, therefore his share is	$0.40 \text{ cfs} * 1 \text{ tract}$	= 0.40 cfs
Neyman owns 3 tracts, therefore his share is	$0.40 \text{ cfs} * 3 \text{ tracts}$	= 1.20 cfs



The claimed ground in sec 21 NESW is not a part of the decreed place of use for either this right or 45-284A. Only those two rights are currently claimed on that ground.
45-256 is appurtenant to that ground.

Neyman's claim includes a small sliver of ground outside of the decreed place of use. I am recommending this right for ≈ 120 acres within the permissible place of use. Other overlapping rights are 45-256A, 45-284C, and 45-2663.

Hawker has claimed this right within a 95-acre permissible place of use along with 45-284A.
This right would be limited to 40 acres within that ppu.

Hawker

1 priority { 45-284A } Howell Cr claimed 95
 45-286A }
 45-256B } P/u $\approx$ 90ac

Recommend 90ac P/u when 284A & 286A
~~are~~ are combined limit to 90ac

284A recom @ .67 CFS decree includes domestic
 105 CFS purposes. Recognize Stockwater

286A recom @ .40 CFS

combined rates are 1.07 CFS which is less
 than 1" per acre for the 90 found acre P/u.

45-256B - 1892 priority date (Decreed @ 10.00 CFS)

Recognize an unrecorded transfer to Sec 28, NW NE & NENW.
 Claimed on 152ac The entire P/u. $\approx$ ~~235~~ ²³⁵ ac

★ P/u does not appear to well match the actual
 irrigated ground.

Possible to amend to cover all ground? Initial
 claim fee included 238 acre variable fee, therefore
 no additional fees would be due.

Possible to include Howell Cr as a 3rd Source?

$$235 \text{ ac} \times 0.02 = \underline{4.70 \text{ CFS}}$$

45-517C amend P/u to 16 ac?

45-240A Decreed Source = Rose Cr. claim = Howell Cr

P/u does not appear to be irrigated.

Black Jack Ranch has claimed the entire right.

45-707 Decreed to P/u fm Broad Hollow Creek (also claimed
 in full by Black Jack ranch)

Hawker Ponds?

45-284A. Claimed 3 ways. Claimants in agreement to the way the right is to be split. Found the Delivery ditch just North of Q Q line. therefore the found P/A = 90ac rather than the claimed 95ac.
 9000
 .67 cfs
 * GPS P/D claim legal looks OK. Done
 * Determine the Overall P/A boundary.

45-240A. is ground irrigated? no
 What 400ac
 Howell Cr
 Diff System
 * Claimed source = Howell Cr. Ever = Rose Cr.
 * Entire right claimed by Black Jack.
 { 45-707 also apparently claimed to source = Broad Hollow. Black Jack has also claimed all of this right. }

45-256B. Antone/Erin
 Decreed at 10.0 cfs calculates out to $\approx 1"$ per acre
 2.50 cfs claimed when spreading decreed ground east of the highway.
 claim 152ac The entire P/A is approx 236ac. @ $1"/ac$ this would give 4.72 cfs

* P/D locations different than shown on 3 P/Ds. Claim. Per the 9-19-03 meeting

* GPS P/Ds - Determine Capacity

* P/D: Point of injection into Antone Cudone 6-30-03

45-286A Howell Cr
 , 40 cfs
 90ac
 1.80 cfs = $1"/ac$
 Shows the same system as 284A, same P/A
 Decreed right over claimed Neyman/Clark
 claimed entire right. Hawker's share = 0.40 cfs.
 See 284A for field work needed.

cont.

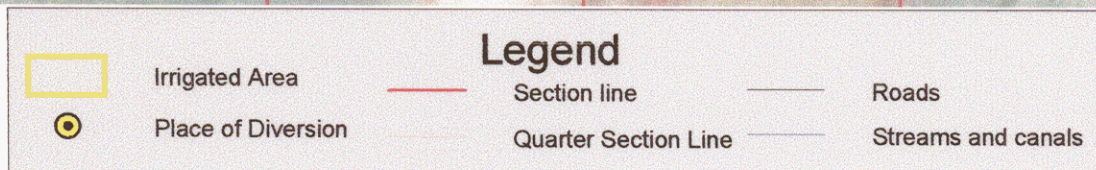
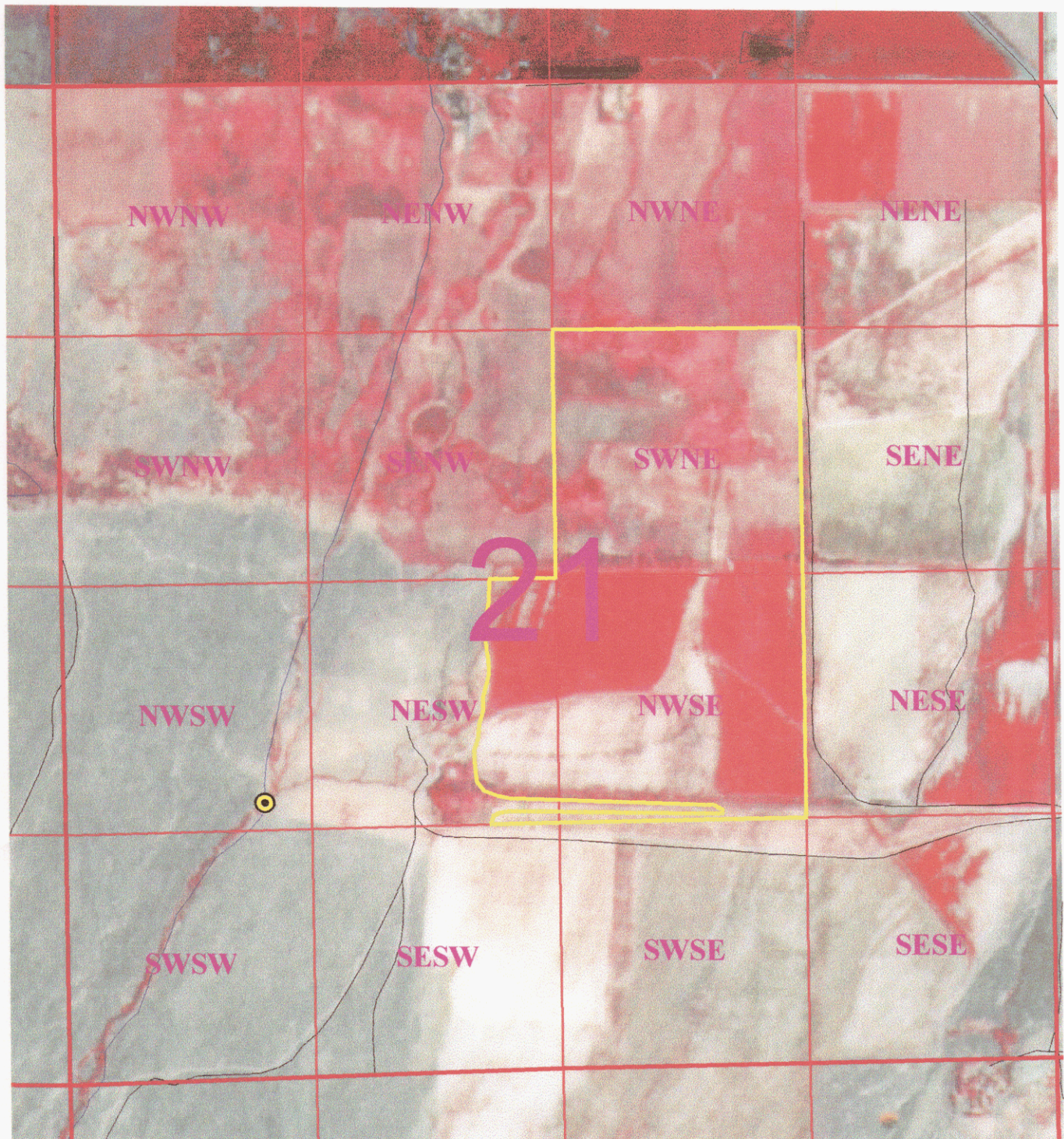
Log for claim A45-00286A

Spatial Dynamics MWY

4/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s25e	21	SWNE	40	41	
12s25e	21	NESW	15	11	
12s25e	21	NWSE	40	39	
Totals:			95	91	

Township , 12S25E



500 0 500 1000 Feet

