

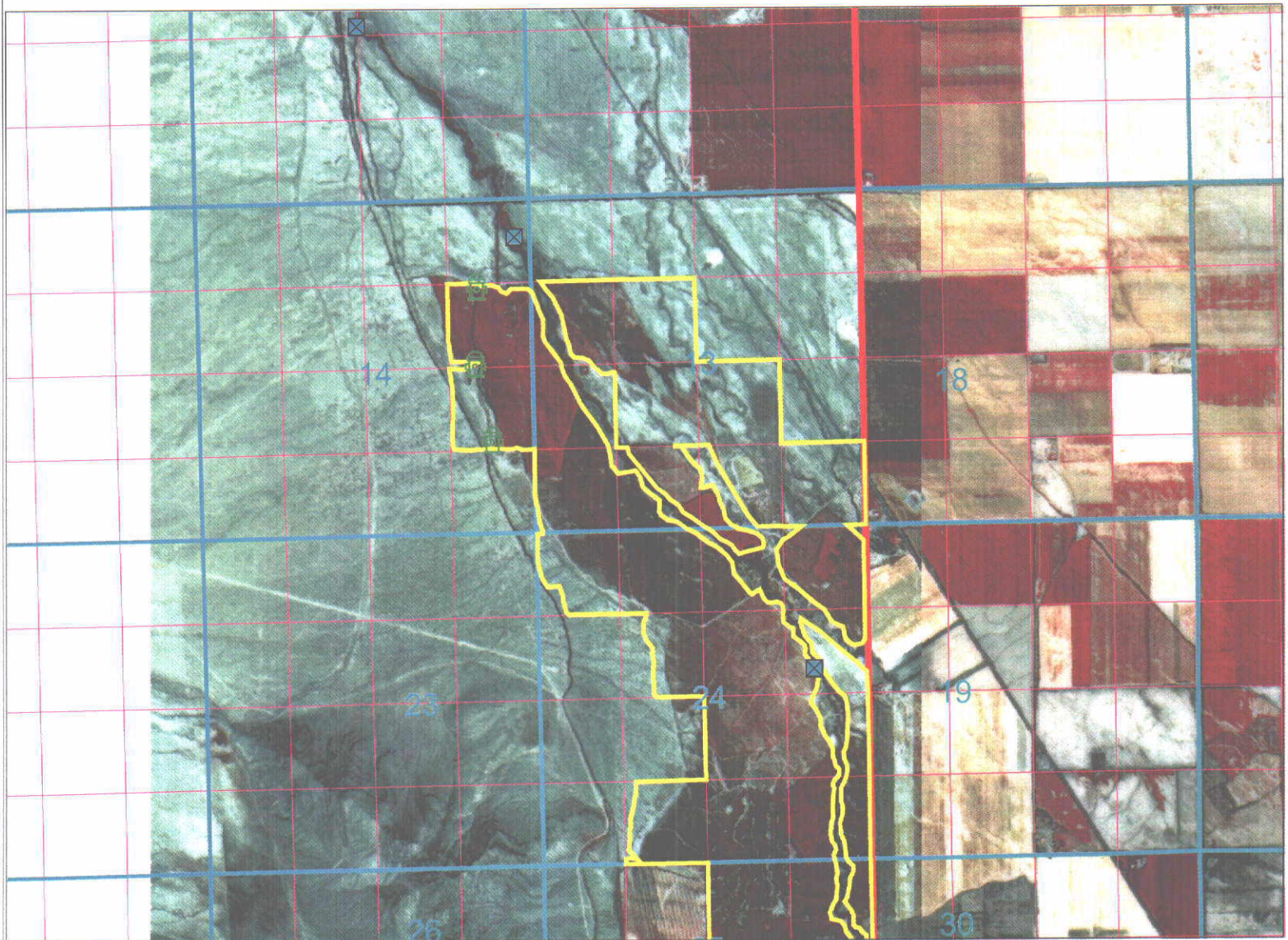


State of Idaho

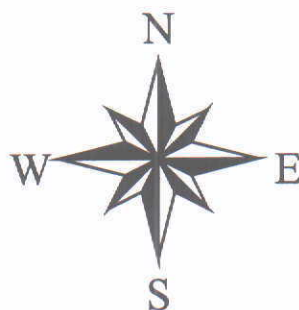
Department of Water Resources

Claim No.: 33-51, 33-52, 33-53, 33-54,
33-55, 33-56, 33-57, 33-58,
33-59, 33-60, 33-10995, 33-10996,
33-2101A and 33-2101B

T06N R28E



-  Well.shp
-  Diversion.shp
-  Place of use.shp
-  Township/Range
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: February, 2004



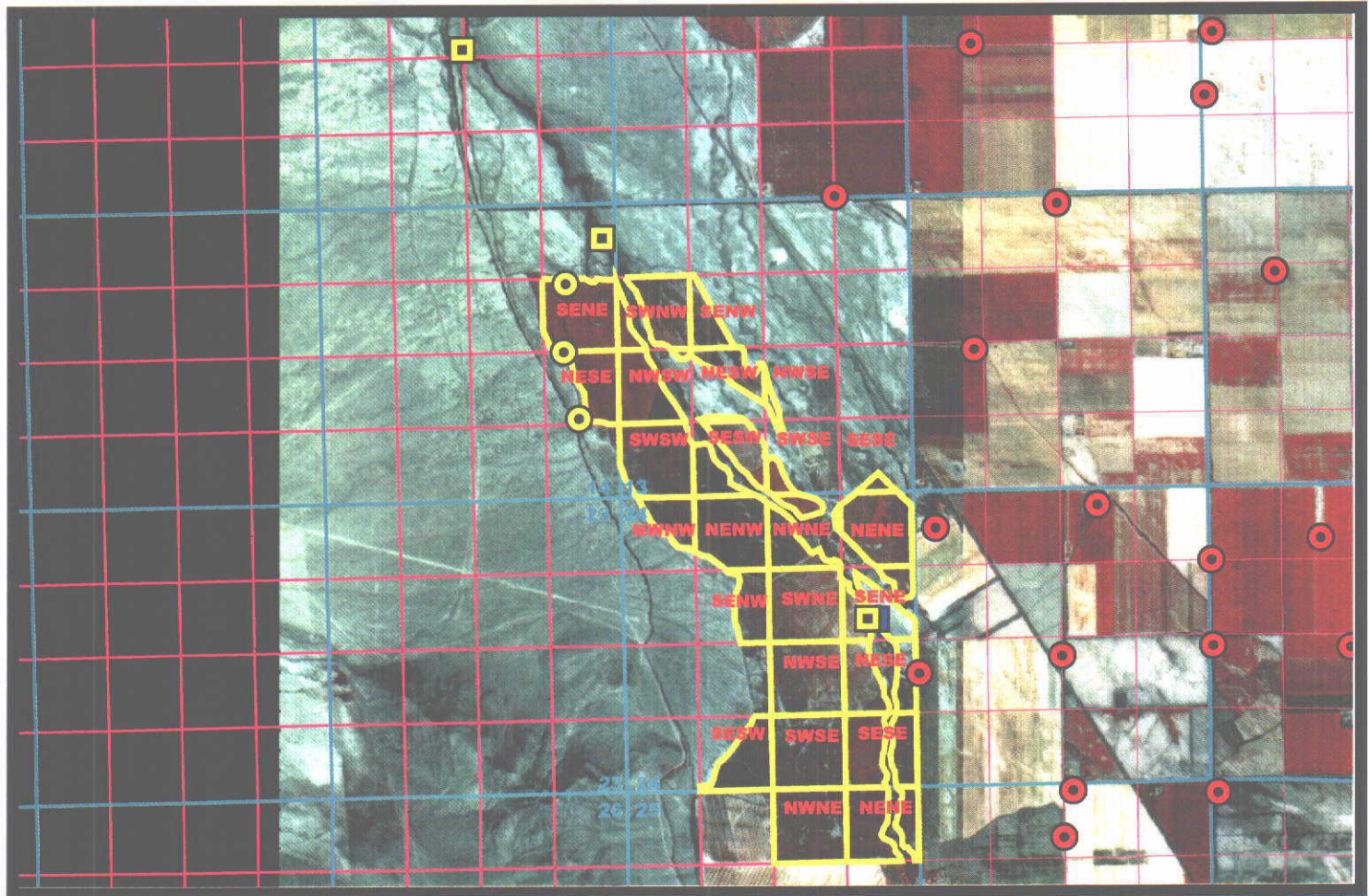
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Hawley Ranch

Water Right(s): 33-00051 through 33-00060, 33-02101A, 33-02101B



LEGEND



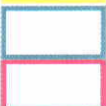
Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line



Quarter-section line

Place(s) of Use: T.6N., R.28E.
(parts of) Sections 13, 14, 24, & 25

Point(s) of Diversion: T.6N., R.28E.
Sec. 11 SESENE, Sec. 14 NENENE
Sec. 24 SWSENE (surface)
Sec. 14 NWSENE, SWSENE,
SWNESE (wells)



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: January 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 6, 2004

VANCE & SUNNY HAWLEY
HC 65 BOX 1069
HOWE ID 83244

ESTATE OF L R & VANCE HAWLEY
578 E 4900 S
IDAHO FALLS ID 83404

RE: Transfer #66861 for water right(s) 33-51, 33-52, 33-53, 35-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-2101A, 33-2101B, 33-10995, & 33-10996 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir:

On January 15, 2004, the Idaho Department of Water Resources (IDWR) approved Transfer #66861, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Kristen Forsgren
Office Specialist 1

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 33-51, 33-52, 33-53,
33-54, 33-55, 33-56, 33-57, 33-58,
33-59, 33-60, 33-2101A, 33-2101B,
33-10995, 33-10996

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer 66861
 - ☒ point of diversion ☒ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Feb 4, 2004

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on February 6, 2004, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:	
VANCE & SUNNY HAWLEY	ESTATE OF L R & VANCE HAWLEY
HC 65 BOX 1069	578 E 4900 S
HOWE ID 83244	IDAHO FALLS ID 83404

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record
BLAIR GROVER
GROVER & ARACHIBALD LAW OFFICE
PO BOX 36
RIGBY ID 83442

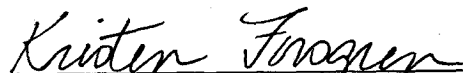
UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

2001

MAY 23 PM 3:09
DISTRICT COURT

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Subcases: See Exhibit A
)
)

Case No. 39576

) ORDER GRANTING MOTIONS TO
) FILE LATE OBJECTIONS AND
) SETTING SUBCASE DEADLINES
)

On March 19, 2001, *Motions to File Late Objection* were filed in the subcases listed on the attached Exhibit A . A hearing was held on the *Motions* on April 27, 2001. No objections were filed to the *Motions* and there was no opposition to the *Motions* at hearing. Therefore, the *Motions to File Late Objection* are **granted**. IT IS ORDERED that the Objections previously lodged shall be deemed filed as of **April 27, 2001**. IT IS FURTHER ORDERED the following deadlines shall govern proceedings in this subcase:

May 25, 2001 5:00 pm Responses to Objection due.

October 19, 2001 11:00 am Telephone Status Conference
Location: SRBA District Court
253 Third Avenue North
Twin Falls, ID 83301

DATED April 30, 2001.

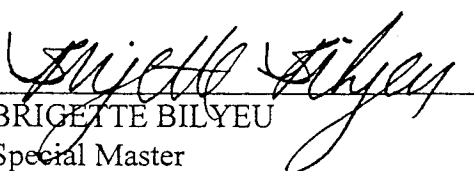

BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

EXHIBIT A

33-00051
33-00052
33-00053
33-00054
33-00055
33-00056
33-00057
33-00058
33-00059
33-00060
33-02101A
33-02101B
33-10995
33-10996

EXHIBIT A
ORDER GRANTING MOTION TO
FILE LATE OBJECTIONS
4/30/01

RECEIVED

MAR 19 2001

East

BLAIR GROVER
GROVER & ARCHIBALD
215 Farnsworth Way
P.O. Box 36
Rigby, Idaho 83442-0036
(208) 745-6653

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

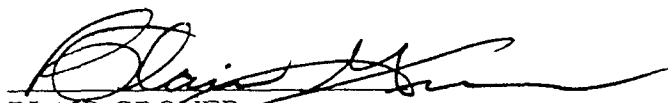
) Subcase:(See Attached Exhibit A)
)
)
)
)
)

MOTION FOR LEAVE TO FILE LATE
OBJECTION

COMES NOW, Vance Hawley, Sunny Hawley, individually and as Personal Representative of the Estate of Venice Hawley, by and through their attorney of record, and moves this court for an Order Granting Leave to File Late Objection. This motion is based upon the affidavit of counsel filed herewith.

DATED this 14 day of March, 2001.

GROVER & ARCHIBALD


BLAIR GROVER

MOTION FOR LEAVE TO FILE LATE OBJECTION

Page 1

CERTIFICATE OF SERVICE

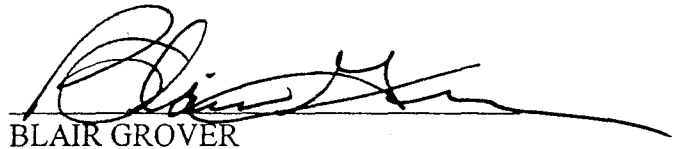
I HEREBY CERTIFY that I am a duly licensed attorney in the State of Idaho, with my office in Rigby, Idaho; that I served a copy of the foregoing document or pleading upon the following person(s) at the addresses below their names either by hand delivering, by facsimile transmission (Fax), or by mailing said document in the United States mail with the correct postage thereon, a true and correct copy thereof this 14 day of March, 2001.

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

IDWR Documents Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

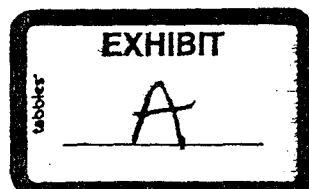
United States Department of Justice
Environmental and Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



BLAIR GROVER

Subcase Nos.

33-00051
33-00052
33-00053
33-00054
33-00055
33-00056
33-00057.
33-00058
33-00059
33-00060
33-02101A
33-02101B
33-10991
33-10992
33-10993
33-10994
33-10995
33-10996



RECEIVED

MAR 19 2001

Department of Water Resources

RECEIVED

APR 23 2001

Department of Water Resources
Eastern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

A. Subcase (See Attached Exhibit A)

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Vance Hawley, Sunny Hawley, Estate of Venice Hawley

Address: Vance: 578 E 4900 S, Idaho Falls, ID 83404

Sunny: Box 1069 HC 65, Howe, ID 83244

Daytime Phone: 526-7421

Name & Address of Attorney, if any:

Blair Grover

Box 36, Rigby, ID 83442

(208) 745-6653

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Vance Hawley, Sunny Hawley, Estate of Venice Hawley

Address: (See above)

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address

Should be: _____

2. ☐ Source

Should be: _____

3. ☐ Quantity

Should be: _____

4. ☐ Priority Date

Should be: _____

5. ☐ Point(s) of Diversion

Should be: _____

6. ☐ Instream Flow Description

Should be: _____

7. ☐ Purpose(s) of Use

Should be: _____

8. ☐ Period of Year

Should be: _____

9. ☒ Place of Use See Attached Exhibit B

Should be: _____

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): In approximately 1945, Applicants predecessor used part of the decreed rights described herein to irrigate 200 acres (Township 6 North, Range 29 EBM, Section 14:SW1/4SW1/4, Section 15:SE1/4 and 9.2 acres on BLM) without benefit of formal transfer. In 1989, said water was transferred back to the lands described herein without formal transfer.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Jefferson

Vance Hawley & Sunny Hawley, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Sunny Hawley
Sunny Hawley as Personal
Representative of the Estate
of Venice Hawley

Sunny Hawley
(Signature of person filing objection)

Vance Hawley
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: By Sunny Hawley, individually and Sunny Hawley as personal Representative on March 15, 2001

Robert J. Hagg

Notary Public for Idaho

Residing at: Blackfoot Idaho

My Commission Expires: 01-19-2004

Subscribed and sworn to before me on: Vance Hawley

Robert J. Hagg

Notary Public for Idaho

Residing at: Blackfoot Idaho

My Commission Expires: 10/24/2003

CERTIFICATE OF SERVICE

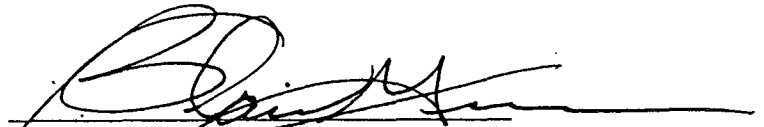
I HEREBY CERTIFY that I am a duly licensed attorney in the State of Idaho, with my office in Rigby, Idaho; that I served a copy of the foregoing document or pleading upon the following person(s) at the addresses below their names either by hand delivering, by facsimile transmission (Fax), or by mailing said document in the United States mail with the correct postage thereon, a true and correct copy thereof this 14th day of March, 2001.

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

IDWR Documents Depository
P.O. Box 83720
Boise, ID 83720-0098

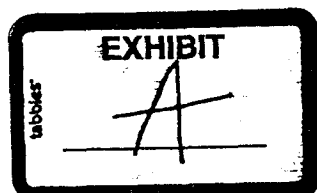
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


BLAIR GROVER

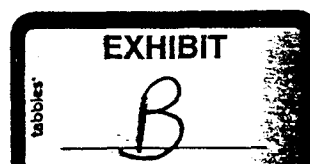
Subcase Nos.

33-00051
33-00052
33-00053
33-00054
33-00055
33-00056
33-00057.
33-00058
33-00059
33-00060
33-02101A
33-02101B
33-10991
33-10992
33-10993
33-10994
33-10995
33-10996



TWP	RGE	SEC	NE				NW				SW				SE				ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	28E	13							30	40	39	27	39	32		40	30	36	313
		14				38									38				76
		24	34	23	39	26	39	34.3		28				35	29	40	40	34	401.3
		25	32	40															72

TOTAL ACRES OF PERMISSIBLE PLACE OF USE = 862.3



To: Fred Price, BLM-ISO

CC: Candice McHugh, IDWR ADJUD.

From: A. Ruberry, IDWR Eastern Region

Re: B33 Irr POD's objected to by BLM

POD LOCATION

T11N R26E S10 NWNENE

This legal description defines the beginning of a channelized portion of Sawmill Creek. Apparently back in the 1920'-1930's there were several attempts tried to preserve water from Sawmill Creek because the stream would "break". Among them were things like a canal dug from Sawmill Creek to Summit Creek and a channelization project aimed at cleaning and to some extent straightening the Sawmill Creek channel as it flowed across Mud Flats (ref: OQ U-82).

*SAS ATTACHED
LIST OF SAs
AL RIGHT S.*

In review of the adjudication claims from Sawmill Creek and the Little Lost River, it was initially considered that the source(s) could all be Little Lost River since it was difficult to determine where Little Lost River started and Sawmill Creek ended. Seeing no difference in source recommendations of Sawmill Creek claims were changed to Little Lost River. The Preliminary Director's Report was filed only to find that Sawmill Creek now occasionally breaks at the shearing corrals, which is about half-mile upstream from the confluence of Sawmill Creek and Summit Creek; The beginning of the Little Lost River. This new information seriously impacted recommendations since the Sawmill Creek claims, now changed to Little Lost River, became senior to the junior Little Lost River rights, causing injury to the junior Little Lost River appropriators.

Ultimately, the source issue was changed back to Sawmill Creek. Now a problem arose where a Point of Diversion had to be defined for the Sawmill Creek claims since actual deliveries are made from Little Lost River (except 33-00107 which is a true Sawmill Creek right, but, Decreed as a Little Lost River right). The 1927 Decree states "at the mouth of Sawmill Creek". However, there were no rights diverted at the mouth of Sawmill Creek. And, the dilemma of where was the mouth of Sawmill Creek. In consideration of the channelization project aimed at preserving waters of Sawmill Creek it was determined that the channelization had in-fact changed the streambed to a canal, saving water. Therefore, the beginning of the channelization would now become the Point of Diversion and the ending of the channelization would be a Point of injection back into the Sawmill Creek stream channel. The Point of Injection is near the shearing corrals, about half-mile upstream from the confluence of the streams. The Sawmill Creek claims Point(s) of Diversion are recommended as Points of Re-diversion from Little Lost River at or near their respective Place(s) of Use. This recommendation preserves both the source and the Sawmill Creek priority dates and, forgoes the injury issue of junior Little Lost River rights.

T9N R27E S4 SWNWNE

This objection is a true error. Apparently a typographical error was made during the recommendation process. The TRUE Point of Diversion should read T9N R26E S4 SWSWNE. The claimant, Mr. Waymire has been notified and is now aware of the issue.

33-00036
00037
000930

T11NR27E S31 NESESE

BLM believes this POD should read S31 SENESE based on GPS data. However, during the field exam of these claims several Points of Diversion were identified to include the one in question. The recommended POD in-question is an actual Point of Diversion where an unnamed stream intersects with the collector ditch and can be verified using OQ V-32. The site proposed by the BLM is a drainage that was dry during the field exam, thus no recommended POD.

33-00065
33-7087

T6N R28E S2 SESWSW

Specifically named is SRBA claim 33-10995. This claim identifies private lands historically irrigated by the Hawley's, later sold without water. The Point of Diversion used during the irrigation era is on BLM but is now longer used. The claimant filed this SRBA claim and Transfer No. 4551 in an effort to preserve the acreage irrigated by surface water. The transfer is in-place awaiting the BLM objection to prompt IDWR to review and act. However, the transfer is currently protested.

33-00051 Thru
33-00060

T6N R 28E S11 SESENW

This is an historic Point of Diversion dating back to the late 1800's (according to the water right priority dates, 1885-1891) and is one of three serving the ranch. One of which previously mentioned above, T6N R28E S2 SESWSW. The other is within the private holding of the ranch.

33-10996 is an enlargement claim for acres on BLM lands that were historically irrigated by the Hawley's and is part of the Transfer No. 4551 aforementioned. BLM is aware of this claim and supports the transfer of acreage to private lands. As mentioned previously, the transfer is protested.

T7N R28E S21 NWNWSW

According to the Proof of Beneficial Use filed for this right (33-07010) this well dates to the 1940's. However, the Licensed date of priority was March 19, 1971, but then Transfer No. 3809 was filed to "unstack" surface and groundwater rights. As a result, the priority date of the well was advanced to July 2, 1990. Surface water decreed to this ranch date to 1885 to 1891.

This particular well dating to the 1940's (unsupported evidence of prior claimant) was located according to the initial survey dating to July 9, 1890, which no doubt established fence lines. A resurvey of the East line of Section 21 was done in August 1941. Then, in 1978, another resurvey was done as, evidenced by the monument caps. This 1978 resurvey puts the TRUE Point of Diversion of the 33-07010 well in the NENWSW (a BLM QQ). However, this matter was discussed with Ms Deena Teal, BLM, Idaho Falls District Office, in October of 1996, shortly after the discrepancy was found. Ms Teal indicated, at

Rocky Ross

that time, that since the well predated some 1976 ruling, by which BLM operated, they (BLM) would not protest the actual POD.

This basically explains the history of the well and the recommendation; however, the listing of the POD as NWNWSW is clearly an error. The CVR shows the POD to be located as NENWSW Sec. 21, which is accurate.

T8N R28E S31 SWNWSE

This POD defines a well used solely for mitigation and is defined as an amendment to the 1927 decree as a Judgement against Orville Nicholson, 1954. The recommendation does define a Place of Use; however, this POU is by exchange with surface waters as defined in the Judgement. The period of use is 4/1 to 7/15 annually, when all this well does is deliver water to the river. The Objection is not to the Point of Diversion, but rather to the Point of Injection. And, in-fact, as recommended this Point of Injection is accurate.

T6NR29E S31 NWSWNW

This is another typographical error. The recommended POD should read T6N R29E Section 30 NWSWNW. There is a pending Transfer to correct the actual POD location to T6N R28E Section 25 NESENE.

33-02128
31B
48B
49B
50B
83C

Contor, Bryce

From: Contor, Bryce

Sent: Wednesday, January 19, 2000 4:27 PM

To: Ruberry, Allen; Carlsen, Ernie

Subject: Sawmill Creek Rights

This morning we met via teleconference with Dave Tuthill and Peter Anderson. One of the things we discussed was the Sawmill recommendations. During our call, Bill Stauffer called and reported that he had discussed the Sawmill recommendations with others, including Don Isham, James Andreason, and David Andreason. They all concur with the proposals in the January 6 letter. James Mays has sent us written concurrence.

Per Dave Tuthill's instructions to Al and me, I have gone ahead and changed the source of Sawmill Creek rights back to "Sawmill Creek, tributary to Little Lost River." The point of diversion is 11N 26E section 10, NWNENE, and the point of injection is 10N 27E section 18, NWSESW. The former points of diversion have been identified as points of redirection. I removed any comments relating to change of source and I removed condition C02.

The rights I changed were:

R33-00023B
R33-00030
R33-00043
R33-00077
R33-10070
R33-10073
R33-10084
R33-10086

I'll put a new profile report and a copy of this memo in each file.

There were other Sawmill rights which I did not change. These are:

R33-00038 1927 decree & claim list source as
Little Lost River
R33-00096B Recommended w/ source "Summit Creek"
R33-00107 Recommended originally w/ source
"Sawmill Creek"

33-10464 Stockwater claim already PD w/ source
"Sawmill Creek"



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 16, 2000

VANCE & SUNNY HAWLEY
578 E 4900 S
IDAHO FALLS ID 83404

RE: Application for Transfer #5441 (33-51, 52, 53, 54, 55, 56, 57, 58,
59, 60, 33-2101) and Notice of Administrative Proceeding (NAP)

Dear Mr. & Mrs. Hawley:

The Idaho Department of Water Resources (IDWR) received an Application for Transfer for the above referenced water right(s).

In response to the Application, this office is sending the enclosed NAP to the SRBA Court and other parties listed on page 2 of the form. The intent of this mailing is to notify those parties of the requested change.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Jennifer Crabtree
Technical Records Specialist

Enclosure

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 33-51, 52, 53, 54,
55, 56, 57, 58, 59, 60, 33-2101 A+B

Case No. 39576)

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above water
right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated
below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ I.C. § 42-222 transfer 5441

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than: **OCTOBER 18,
2001**

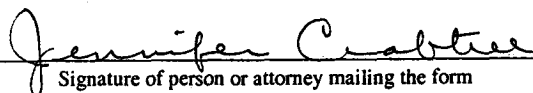
DATED: Oct 17, 2000

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10-19, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
VANCE & SUNNY HAWLEY
578 E 4900 S
IDAHO FALLS ID 83404
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
N/A
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

RECEIVED

OCT 19 2000

Department of Water Resources

OCT 17 AM 11:03

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

) Subcase No. 33-00056

Case No. 39576

)
) **ORDER GRANTING MOTION TO
DISMISS OBJECTION**

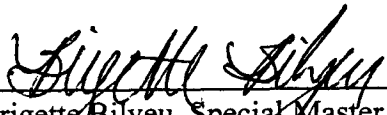
On October 12, 2000, the United States of America filed a Motion to Dismiss Objection in Subcase Number 33-00056. The Motion states:

Settlement negotiations with Mr. Vance Hawley resulted in BLM agreeing to dismiss the objection.

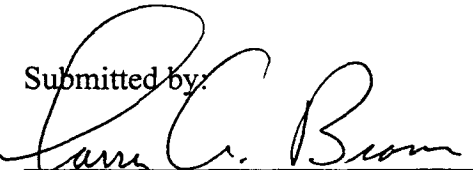
Based upon the Motion of the United States, the record herein, and there appearing to be good cause, it is

ORDERED that the United States Department of the Interior, Bureau of Land Management's objection to Subcase 33-00056 is dismissed with prejudice. It appearing that all objections are resolved, the Initial Hearing set for October 25, 2000 is hereby vacated.

DATED this 17th day of October, 2000.


Brigitte Bilyeu, Special Master
Snake River Basin Adjudication

Submitted by:


Larry A. Brown

Of Attorneys for the United States

CERTIFICATE OF SERVICE

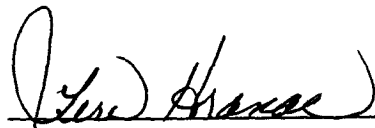
I certify that on Oct 17, 2000, I served a true and correct copy of the foregoing **ORDER GRANTING MOTION TO DISMISS OBJECTION; SUBCASE 33-00056** by placing the document in the United States Mail in Twin Falls, Idaho, postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Mr. Blair Grover
Attorney at Law
Grover & Archibald
P.O. Box 36
Rigby, Idaho 83442-0036
Of Counsel for Claimants



Deputy Clerk

RECEIVED

APR 17 2000

Department of Water Resources
Eastern Region

RECEIVED

APR 10 2000

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 33-00056

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Estate of Venice Hawley

Address: Box 1069 HC 65; Howe, ID. 83244

Name: Representative: Sunny Hawley

Address: ;

Name: Vance Hawley

Address: 578 E. 4900 S.; Idaho Falls, ID. 83404

Name: Sunny Hawley

Address: Box 1069 HC 65; Howe, ID. 83244

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point(s) of Diversion**

Should be: See attached

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POD. Claimant's water right should not include this POD.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 6, 2000

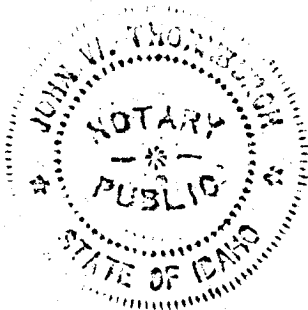
John W. Thornburgh

John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 05-16-2003



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 7, 2000, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Estate of ~~ESTATE~~ Venice Hawley

Address: Box 1069 HC 65 Howe, ID. 83244

Name: Representatives: Vance & Sunny Hawley

Address:

Name:

Address:

Name:

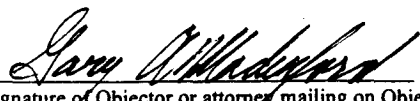
Address:

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449


Signature of Objector or attorney mailing on Objector's behalf

RIGHTS FROM: SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 33-00056

NAME & ADDRESS: VANCE HAWLEY
578 E 4900 S
IDAHO FALLS ID 83404

SUNNY HAWLEY
BOX 1069 HC 65
HOWE ID 83244

ESTATE OF VENICE HAWLEY
SUNNY HAWLEY REPRESENTATIVE
BOX 1069 HC 65
HOWE ID 83244

SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.6 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 21.86 CFS. COMBINED RIGHT NOS.:
33-00051, 33-000523 THROUGH 33-00060, 33-02101A AND 33-02101B.

PRIORITY DATE: 05/01/1891

POINT OF DIVERSION: T06N R28E S11
S14
S24

SESENW
NENENE
SWSENE

BLM POD NOT USED
BLM

Within BUTTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 11-01

QUANTITY
0.6 CFS

PLACE OF USE:

IRRIGATION
T06N R28E S13

Within BUTTE County

S14
S24

SWNW 31.5
SWSW 37.1
SESE 2.8
SENE 38.4
NENE 32.8
NENW 36.9
NESE 29.4
NENE 32

SENE 13.2
SESW 28
NESE 21.2
NENE 22.3
NENW 14.6
NWSE 40
NWNE 40

NESW 15.4
NWSE 2.3
SWNE 39.5
SENE 17.8
SWSE 40

NWSW 25.9
SWSE 5.4
SENE 26.4
SESW 23.3
SESE 34.5

S25
650.9 ACRES TOTAL

Issue:

Points of diversion on BLM

RIGHTS FROM: SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 33-00056 (CONT)

PLACE OF USE: (CONT)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 650.9 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00051, 33-00052 THROUGH
33-00060, 33-02101A AND 33-02101B.

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: BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
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: 33-00051, 33-00053, 33-00054, 33-00055,
33-00052, 33-00057, 33-00058, 33-00059, 33-00060.

A33-00056

LAWRENCE R HAWLEY

☐ 16005 CVR

SAME CONTENT AS 33-00057

P

November 24, 1999

RECEIVED

DEC 10 1999

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: December 10, 1999

Water right number: 33-00056

ESTATE LAWRENCE R HAWLEY
BOX 1069 HC65
HOWE ID 83244

Daytime Telephone Number: 526-7421

Evening Telephone Number: 524-7099

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period or use, source):

Place of use. See application for transfer # T5441

There has been irrigation of substantially more acreage as related in application T5441

2. Describe the changes you wish to make in the proposed recommendation:

To be consistent with transfer application T5441.

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

Transfer application T5441 sets out accomplished transfers. This recommendation does not reflect those accomplished transfers and historical use.

^{PD NOT}
I AGREE with this proposed recommendation; ~~no changes need to be made.~~

DATE: 12/4/99 SIGNATURE: Vance Hawley

Please print your name: Vance Hawley, Individually and as co-executor of the L.R. Hawley estate.

IDWR Eastern Regional Office, 900 N. Skyline Drive, Suite A, Idaho Falls, ID 83402-1718, (208) 525-7161

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: E024751

Date: 2/ 2/1999 08:48:12
Time:

Received From: HAWLEY, VANCE

ADJUDICATION FEE	Type of Payment	41503	Program Acct	1155	Amount	50.00
------------------	-----------------	-------	--------------	------	--------	-------

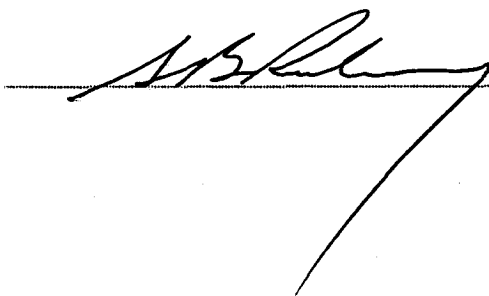
CHECK	1649			\$	50.00
-------	------	--	--	----	-------

Total

A33-00056

Water Right Numbers

Region: EASTERN

Signature: 

PAYMENT CHECK FROM
BLAIR J. GROVET CHARTERED P.A.

LAW OFFICES

GROVER & ARCHIBALD

CHARTERED

215 FARNSWORTH WAY

P.O. BOX 36

RIGBY, IDAHO 83442-0036

PHONE (208) 745-6653

FAX (208) 745-6655

January 22, 1999

R. JAMES ARCHIBALD

BLAIR GROVER

RECEIVED
JAN 25 1999
Department of Water Resources
Eastern District Office

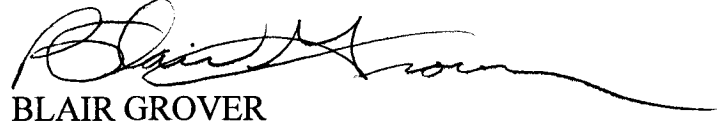
Allen Ruberry
Idaho Department of Water Resources
900 N Skyline
Idaho Falls, ID 83402-1718

Dear Mr. Ruberry:

Enclosed please find a new SRBA claim including Water Right No. 33-00057 together with the \$50 filing fee. Thanks for your consideration.

Yours very truly,

GROVER & ARCHIBALD


BLAIR GROVER

BG:jn
enclosure
cc:Robert M. Kerr, Esq.
Vance Hawley

Grover and Archibald Law Offices
215 Farnsworth Way
PO Box 36
Rigby ID 83442-0036

Re: Snake River Basin Adjudication (SRBA) claim for 33-00056

Dear Mr. Grover:

We are in receipt of your request for transfer of the water rights appurtenant to the Hawley Ranch in the Little Lost River valley. As we have discussed, at an earlier meeting the historic water right, referenced above, was overlooked at the time of filing of the other Hawley (Estate) Ranch water right claims in the SRBA.

I have taken the liberty of addressing that issue and have founded a claim for 33-00056 based on SRBA claim A33-00057, which has the same Place of Use, Point(s) of Diversion, etc. I am forwarding that claim on to you so that you and Mr. Vance Hawley can peruse it for the content and elemental correctness. Please review it carefully. Should there be a point of concern, make whatever corrections are needed in ink, initial it, and return the claim to me. The filing fee due is \$50.00. The acreage fee was paid under 33-00057 and others on receipt no. E011670.

Before we can proceed with the proposed transfer this claim must be filed and fees paid. Please sign under a Notary and return the completed form to this office. We look forward to your timely response.

Respectfully submitted,

Allen Ruberry
Sr. Water Resource Agent
Adjudications Bureau

CC: file

Enclosure: SRBA claim for 33-00056



State of Idaho

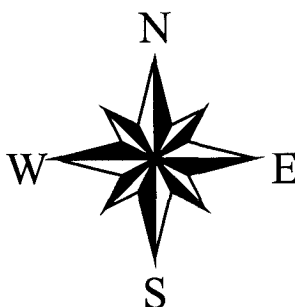
Department of Water Resources

Claim No.: 33-51, 33-52, 33-53, 33-54,
33-55, 33-56, 33-57, 33-58,
33-59, 33-60, 33-10995, 33-10996,
33-2101A and 33-2101B

T06N R28E



-  Well.shp
-  Diversion.shp
-  Place of use.shp
-  Township/Range
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: February, 2004

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 33-56

NAME AND ADDRESS:

ESTATE OF L R & VANCE HAWLEY
578 E 4900 S
IDAHO FALLS ID 83404

ESTATE OF VENICE HAWLEY
SUNNY HAWLEY REPRESENTATIVE
HC 65 BOX 1069
HOWE ID 83244

SUNNY ANN HAWLEY
HC 65 BOX 1069
HOWE ID 83244

VANCE HAWLEY
578 E 4900 S
IDAHO FALLS ID 83404

VANCE L HAWLEY
HC 65 BOX 1069
HOWE ID 83244

SOURCE:

Source:
LITTLE LOST RIVER

Tributary:
SINKS

QUANTITY:

0.600 CFS

0.000 AFY

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60,
33-10995, 33-10996, 33-2101A and 33-2101B when combined shall not exceed a total
diversion rate of 21.86 cfs.

The total instantaneous diversion of water from all points of diversion under Rights
33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-10995 and
33-10996 shall not exceed 13.60 cfs.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 21.86 CFS. COMBINED RIGHT NOS.:
33-00051, 33-000523 THROUGH 33-00060, 33-02101A AND 33-02101B.

PRIORITY DATE: 05/01/1891

POINT OF DIVERSION:

T06N R28E S11 SESENW	Within BUTTE County
T06N R28E S14 NENENE	Within BUTTE County
T06N R28E S24 SWSENE	Within BUTTE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	4/01 11/01	0.600 CFS

PLACE OF USE:

IRRIGATION within BUTTE County
T06N R28E S13 SWNW 30.0
T06N R28E S13 SENW 40.0
T06N R28E S13 NESW 39.0

T06N R28E S13 SWNW 31.5
T06N R28E S13 SENW 13.2
T06N R28E S13 NESW 15.4

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

T06N R28E S13 NWSW 27.0	T06N R28E S13 NWSW 25.9
T06N R28E S13 SWSW 39.0	T06N R28E S13 SWSW 37.1
T06N R28E S13 SESW 32.0	T06N R28E S13 SESW 28.0
T06N R28E S13 NWSE 40.0	T06N R28E S13 NWSE 2.3
T06N R28E S13 SWSE 30.0	T06N R28E S13 SWSE 5.4
T06N R28E S13 SESE 36.0	T06N R28E S13 SESE 2.8
T06N R28E S14 SENE 38.0	T06N R28E S14 SENE 38.4
T06N R28E S14 NESE 38.0	T06N R28E S14 NESE 21.2
T06N R28E S24 NENE 34.0	T06N R28E S24 NENE 32.8
T06N R28E S24 NWNE 23.0	T06N R28E S24 NWNE 22.3
T06N R28E S24 SWNE 39.0	T06N R28E S24 SWNE 39.5
T06N R28E S24 SENE 26.0	T06N R28E S24 SENE 26.4
T06N R28E S24 NENW 39.0	T06N R28E S24 NENW 36.9
T06N R28E S24 NWNW 34.3	T06N R28E S24 NWNW 14.6
T06N R28E S24 SENW 28.0	T06N R28E S24 SENW 17.8
T06N R28E S24 SESW 35.0	T06N R28E S24 SESW 23.5
T06N R28E S24 NESE 29.0	T06N R28E S24 NESE 29.4
T06N R28E S24 NWSE 40.0	
T06N R28E S24 SWSE 40.0	
T06N R28E S24 SESE 34.0	T06N R28E S24 SESE 34.5
T06N R28E S25 NENE 32.0	
T06N R28E S25 NWNE 40.0	

862.3 ACRES TOTAL

650.9 ACRES TOTAL

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-2101A and 33-2101B when combined shall not exceed the irrigation of 650.9 acres.

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when combined shall not exceed the irrigation of 862.3 acres.

This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 650.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 33-00051, 33-00052 THROUGH 33-00060, 33-02101A AND 33-02101B.~~

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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within State Water District No. 33.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by transfer 66861 by January 15, 2005.

Failure of the right holder to comply with the conditions of transfer 66861 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under transfer 66861, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion.

The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 33-00051, 33-00053, 33-00054, 33-00055,
33-00052, 33-00057, 33-00058, 33-00059, 33-00060.

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

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

WATER RIGHT NO. 33-56
As Modified by Transfer No. 66861

In accordance with the approval of Transfer No. 66861, Water Right No. 33-56 is now described as follows.

Right Holder: ESTATE OF L R & VANCE HAWLEY
 578 E 4900 S
 IDAHO FALLS ID 83404

And

VANCE L HAWLEY And
 SUNNY ANN HAWLEY
 HC 65 BOX 1069
 HOWE ID 83244

Priority Date: June 01, 1891

Source: LITTLE LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	11/01	0.60 CFS	
			0.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LITTLE LOST RIVER	SESENW	Sec. 11 Twp 06N	Rge 28E	BUTTE County
LITTLE LOST RIVER	NENENE	Sec. 14 Twp 06N	Rge 28E	BUTTE County
LITTLE LOST RIVER	SWSENE	Sec. 24 Twp 06N	Rge 28E	BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
06N	28E	13									30.0	40.0	39.0	27.0	39.0	32.0			40.0	30.0	36.0	313.0
06N	28E	14				38.0													38.0			76.0
06N	28E	24	34.0	23.0	39.0	26.0	39.0	34.3		28.0					35.0		29.0	40.0	40.0	34.0		401.3
06N	28E	25	32.0	40.0																		72.0

Total Acres: 862.3

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-10995 and 33-10996 shall not exceed 13.60 cfs.
2. Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-2101A and 33-2101B when combined shall not exceed the irrigation of 650.9 acres.
3. Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when combined shall not exceed a total diversion rate of 21.86 cfs, and the irrigation of 862.3 acres.

WATER RIGHT NO. 33-56
As Modified by Transfer No. 66861

CONDITIONS OF APPROVAL

4. This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 33.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 15th day of January, 2004



Chief, Water Allocation Bureau

PART 2

TRANS NO. 544

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 33-00056

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.60 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
LITTLE LOST RIVER	SINKS

Priority: 06/01/1891

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	28E	13	SWSW	SESW		
		24	NWNE	NENW	NWNW	

CONDITIONS/REMARKS:

1. P/D & P/U INCOMPLETE.



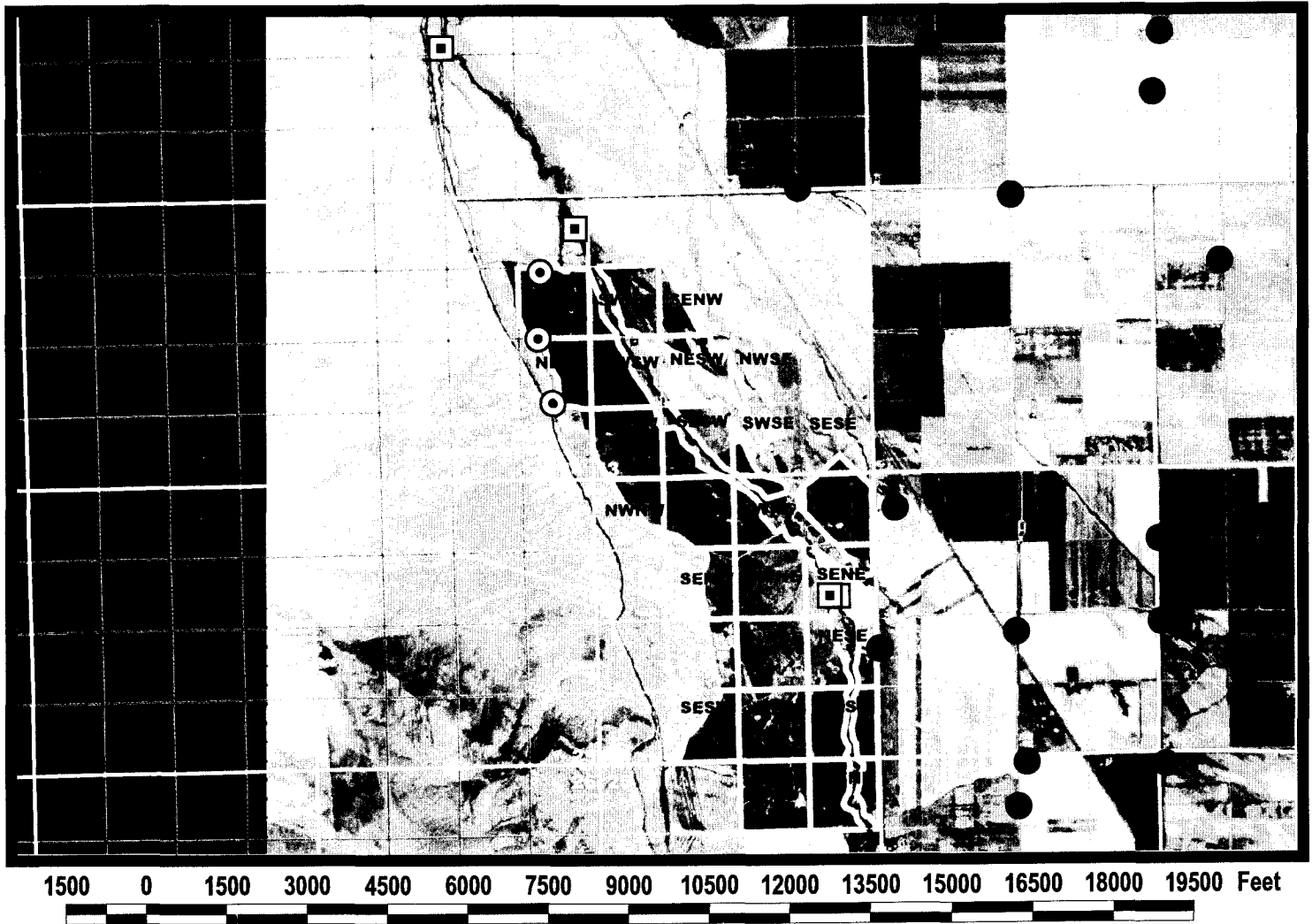
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Hawley Ranch

Water Right(s): 33-00051 through 33-00060, 33-02101A, 33-02101B



LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

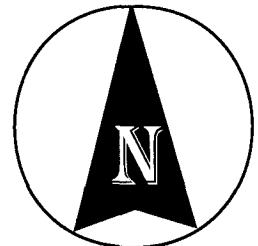
Place of Use

Section Line

Quarter-section line

Place(s) of Use: T.6N., R.28E.
(parts of) Sections 13, 14, 24, & 25

Point(s) of Diversion: T.6N., R.28E.
Sec. 11 SESENW, Sec. 14 NENENE
Sec. 24 SWSENE (surface)
Sec. 14 NWSENE, SWSENE,
SWNESE (wells)



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: January 2000

AJ0749NP
No. R33-00056

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/20/00
PAGE: 1

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME
C VANCE HAWLEY 578 E 4900 S IDAHO FALLS ID 83404 (208) 524-7099 05/01/1891 IRRIGATION 04-01 11-01 0.600 CFS
TOTAL DIVERSION: 0.600 CFS

C SUNNY HAWLEY
BOX 1069 HC 65
HOME ID 83244

C ESTATE OF VENICE HAWLEY
SUNNY HAWLEY REPRESENTATIVE
BOX 1069 HC 65
HOME ID 83244
(208) 524-7099

Water Source: LITTLE LOST RIVER

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion:

T06N R28E S11
S14
S24
SESENW
NENENE
SWSENE

BUTTE County
BUTTE County
BUTTE County

Place of Use Legal Description for: IRRIGATION

T	R	S	NE			NW			SW			SE			SUM
			NENE	NWNE	SWNE	SENE	NENW	SWNW	SESW	NESW	NWSW	SESE	NWSE	SWSE	
06N 28E 13			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
06N 28E 14															
06N 28E 24			32	22	39	26	36	14	17			21	29	40	
06N 28E 25			32	40											
TOTAL ACRES															650.9

POU County: BUTTE

Other Rights: 33-00051,00052, THROUGH 00060,02101A,02101B

Conditions of Approval:

- C18 - 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.
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks: QNT

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A

POD ID #

POU ID #

AJ0749NP
No. R33-00056

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/20/00
PAGE: 2

Remarks:

TOTAL COMBINED DIVERSION RATE OF 21.86 CFS. COMBINED RIGHT NOS.:
33-00051,33-000523 THROUGH 33-00060, 33-02101A AND 33-02101B.

POU1

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 650.9 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.:33-00051, 33-00052 THROUGH
33-00060, 33-02101A AND 33-02101B.

EXP

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE:33-00051,33-00053,33-00054,33-00055,
33-00052,33-00057,33-00058,33-00059,33-00060.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 33

Field Inspection Flag:
Presumption Flag: C

Audit:

01/20/00 ARUBERRY

JAN 25 1999

Department of Water Resources

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: A33-00056

Date Received: 1/12/1990

Receipt No: E024751

Received By: 2/2/99 JBR

Original
Sent to

Court
4-20-00

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ESTATE LAWRENCE R HAWLEY
Address: BOX 1069 HC 65
HOWE ID

208-767-3444

83244

2. Date of Priority: MAY 1, 1891

3. Source: SAW MILL CREEK

Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	28E	11	NE	NE			BUTTE
			SE	NW			BUTTE
		24	SE	NE			BUTTE

5. Description of diverting works:
HEADGATES IN LITTLE LOST RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		

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

A.F.A.

8. Total consumptive use is

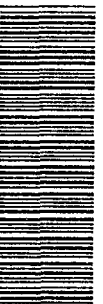
Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	28E	13	SW	NW		IRR	38.0
			SE	NW		IRR	32.0
			NE	SW		IRR	12.0

A3300056



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	28E	13	NW		SW		IRR	26.0
			SW		SW		IRR	36.0
			SE		SW		IRR	30.0
			NW		SE		IRR	2.0
			SW		SE		IRR	6.0
			SE		SE		IRR	4.0
							Section Acres	186.0
		14	SE		NE		IRR	38.0
			NE		SE		IRR	26.0
							Section Acres	64.0
		24	NE		NE		IRR	33.0
			NW		NE		IRR	25.0
			NE		NW		IRR	34.0
			NW		NW		IRR	13.0
			SE		SE		IRR	36.0
							Section Acres	141.0
		25	NE		NE		IRR	36.0
							Section Acres	36.0
							Total Acres	427.0

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:
33-0055/0057

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

BLAINE COUNTY INVESTMENT CO.
Decree Plaintiff

ROBERT G. MAYS, ET. AL.
vs Decree Defendant

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): INDIVIDUAL / & TRUSTE
[Signature] Date: 11/20/98
Sunny Ann Hawley Date: 1/20/99

State of Idaho)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of January 1999 by Sunny Ann Hawley [Signature]
Notary Public

Seal

Residing at Blackfoot Idaho
My Commission Expires 7-19-2004

17. Notice of Appearance:

Notice is hereby given that I, Blair Grover will be
Print Name

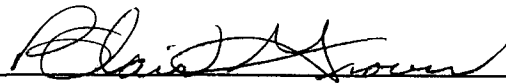
acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]
Address Box 36, Rigby ID 83442
Date Jan 21, 1999

STATE OF IDAHO)
)ss
County of Jefferson)

On this 20th day of November, 1998, before me, the undersigned, a Notary Public in and for said state, personally appeared VANCE HAWLEY, individually and as Trustee of the Lawrence Hawley Trust, whose name is subscribed to the foregoing, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this acknowledgement first above written.



Notary Public for Idaho
Residing at Rigby, Idaho
Commission Expires: 10/24/2003

