

SWNE
2.6

SENE
1.6

NWSE
36.0

NESE
33.1

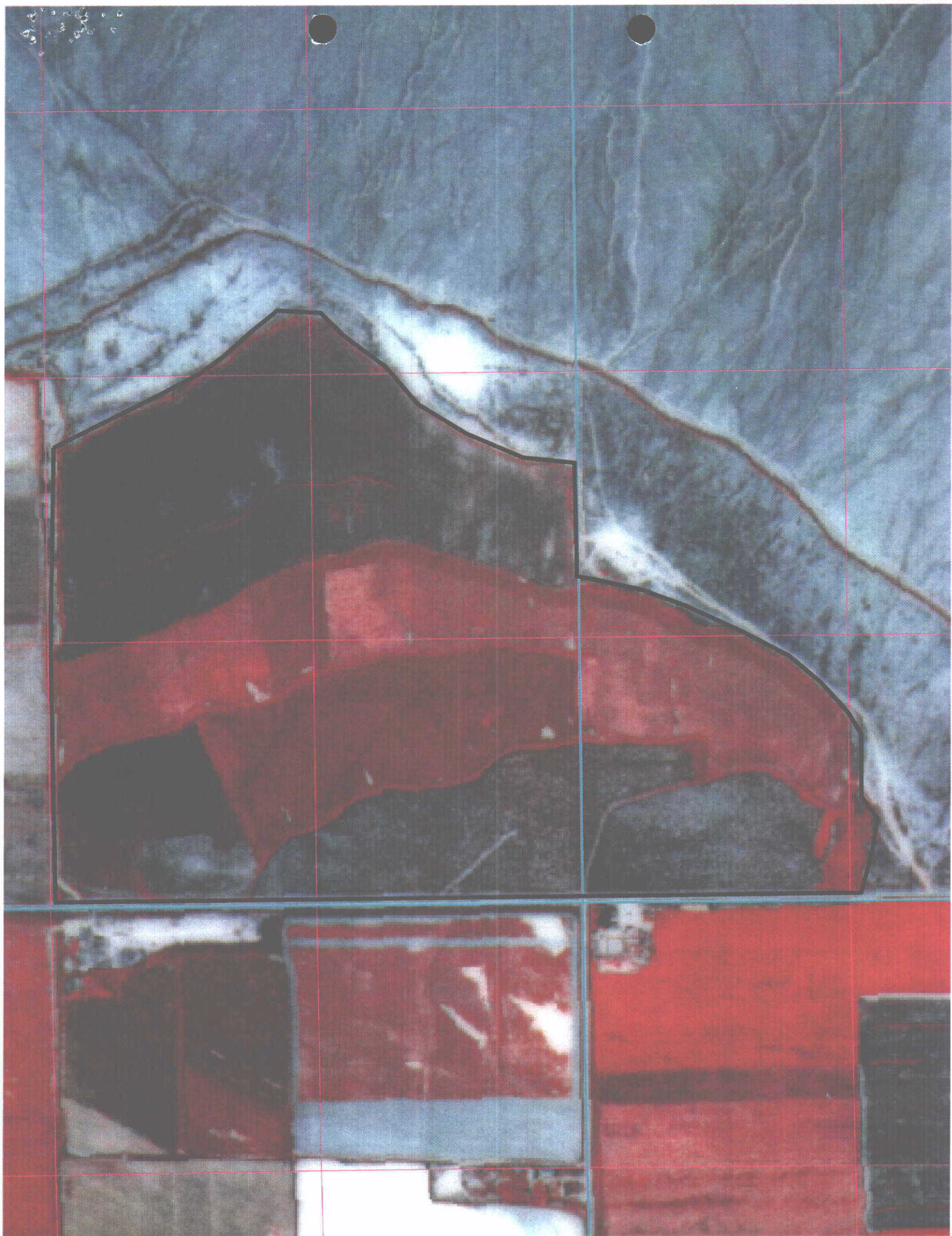
NWSW
3.4

SWSE
38.4

SESE
38.9

SWSW
37.1

SESW
1.6



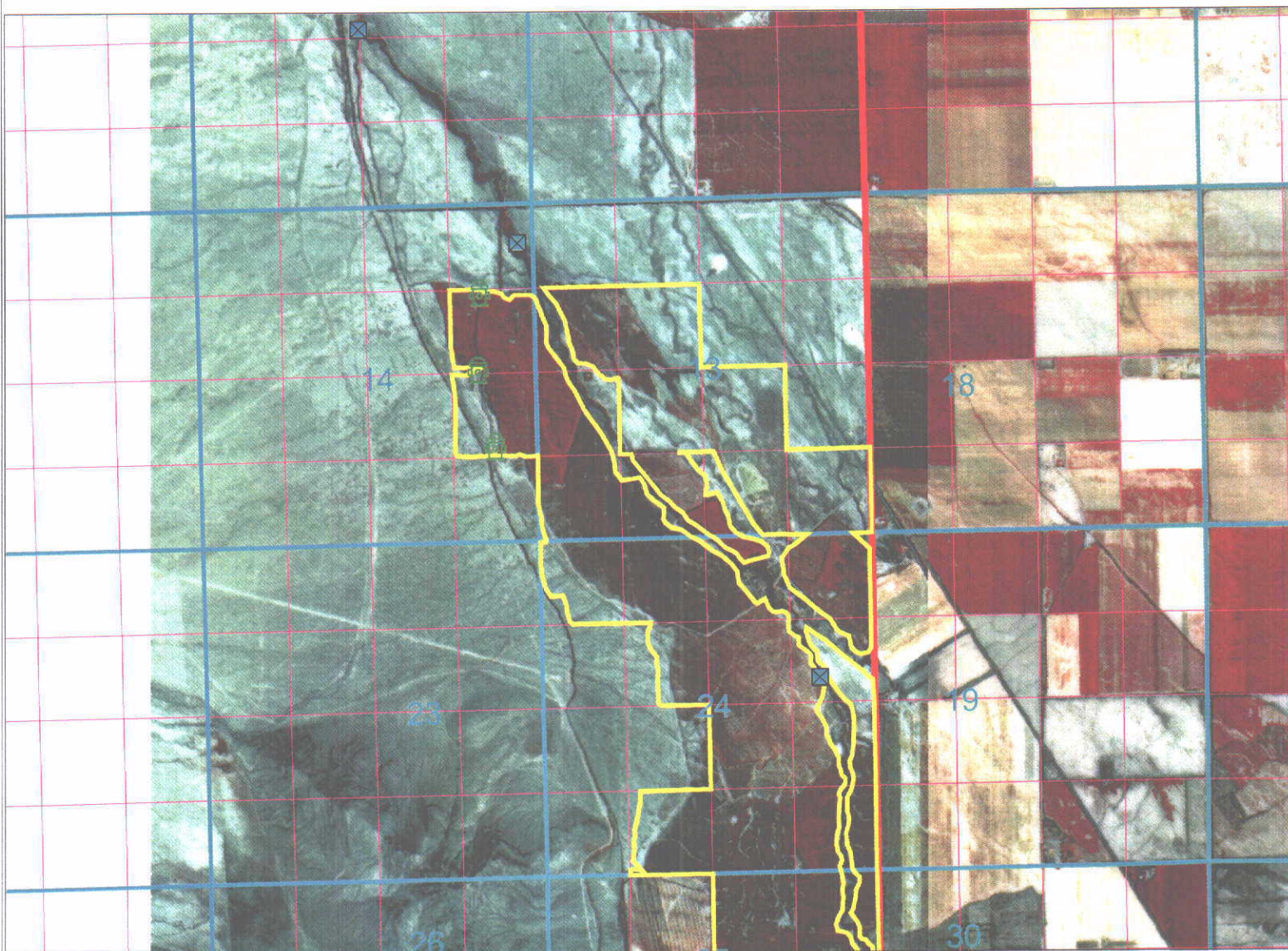


State of Idaho

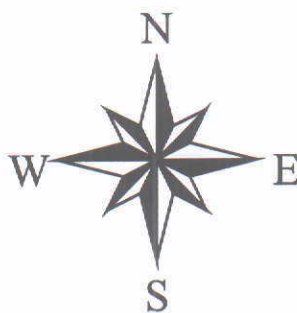
Department of Water Resources

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



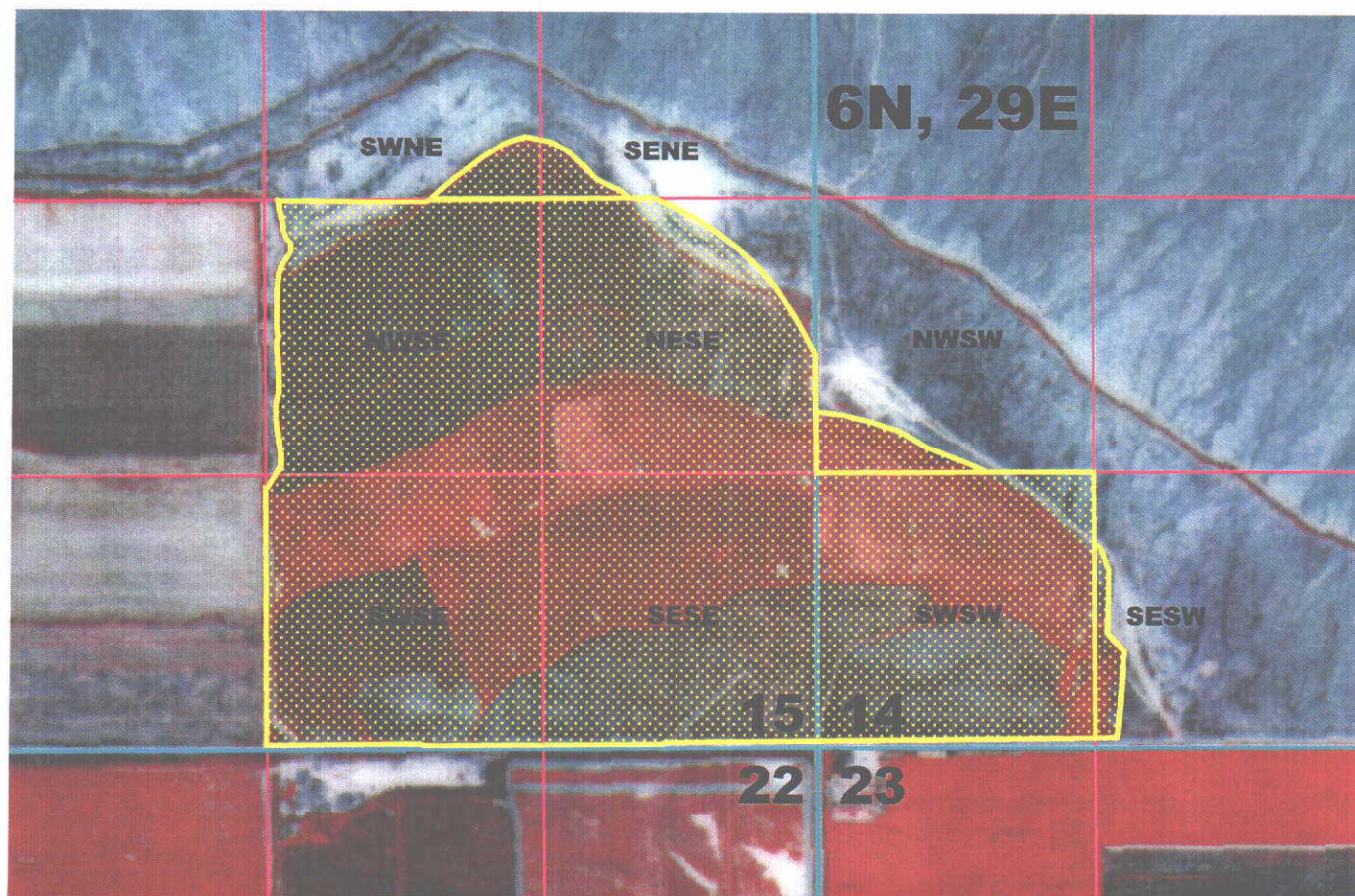
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: February, 2004



STATE OF IDAHO

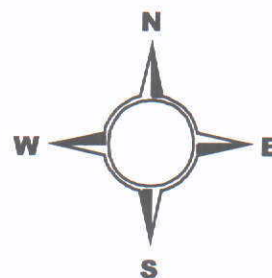
Department of Water Resources
Eastern Region

WR No(s): 33-10995



1320 0 1320 2640 Feet

Total Irrigated Acres: 192.7



-  Place of Use
-  Quarter Quarter
-  Sections

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: C. Saxton
Date: May 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

Eric T. 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
HC 65 BOX 1069
HOWE ID 83244

ESTATE OF L R & VANCE HAWLEY
578 E 4900 S
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

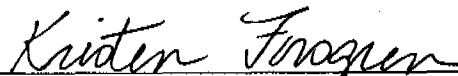
UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

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

L-11

APR 23 PM 3:27

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

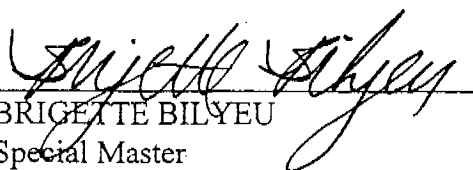
) ORDER GRANTING MOTIONS TO
) FILE LATE OBJECTIONS AND
) SETTING SUBCASE DEADLINES
)

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

RECEIVED

MAR 19 2001

Cost

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

) Subcase:(See Attached Exhibit A)

Case No. 39576

)
) 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

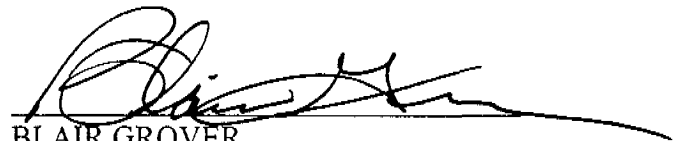
I HEREBY CERTIFY that I am a duly licensed attorney in the State of Idaho, with my office in Rigby, Idaho; that I served a copy of the foregoing document or pleading upon the following person(s) at the addresses below their names either by hand delivering, by facsimile transmission (Fax), or by mailing 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



11 April 2020

From: BLM Eastern Region

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).

*See ATTACHED
LIST of Saws
CR 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"

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: 33-10995 &
33-10996

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** (Amended)

☐ 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: Nov 2000

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-9, 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:

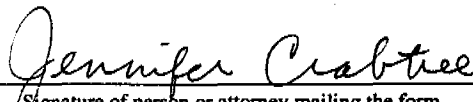
Each party in the subcase, or attorney of record
N/A

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 27 2000

Department of Water Resources
Eastern Region

LAW OFFICES

GROVER & ARCHIBALD

CHARTERED

215 FARNSWORTH WAY

P.O. BOX 36

RIGBY, IDAHO 83442-0036

PHONE (208) 745-6653

FAX (208) 745-6655

R. JAMES ARCHIBALD

BLAIR GROVER

October 26, 2000

Allen Ruberry
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402

Re: Hawley Transfer Application

Dear Allen:

The Hawley Transfer Application seeking changes in place of use from the dry farm to the home ranch lists 193 acres which includes 9.2 acres of BLM lands. Apparently, the application does not include the legal description of those BLM lands. The description is as follows:

33-10995	T06N R29E	S14	NWSW	3.4 acres
(Butte County)			SESE	1.6 acres
		S15	SWNE	2.6 acres
			SENE	<u>1.6 acres</u>
				9.2 acres on BLM

This letter is a request that the Application be amended to indicate the transfer of use from those legally described BLM lands.

I am enclosing a copy of a letter dated October 19, 2000 from Larry Brown, U.S. Dept. Of Justice, addressing this issue. If we need to do something further, would you please let me know.

Sincerely,

GROVER & ARCHIBALD



BLAIR GROVER

BG:jn
enclosure
cc:client

Fax

COPY

October 19, 2000

TO: Blair Grover, Attorney at Law, (208) 745-6655 fax

FROM: Larry Brown, U.S. Dept. of Justice, ENRD, (208) 331-5941 ph.

RE: 33-10995, 10996 Hawley

SUBCASE	CLAIMANT OBJECTOR	ISSUES
33-10995	Est. of Venice Hawley Est. of L. R. Hawley	BLM Ag Trespass 9.2ac out of 192.7ac tot 4 POU's on BLM out of 9.
33-10996	Vance & Sunny Hawley Est. of Venice Hawley	BLM Ag Trespass 19.3 ac (entire claim)

POUs on BLM are as follows (there are no shared POU's):

33-10995	T06N R29E	S14	NWSW	3.4 acres
			SESE	1.6 acres
		S15	SWNE	2.6 acres
			SENE	1.6 acres
33-10996	T06N R28E	S14	NENE	0.6 acres
			NWNE	1.7 acres
			SWNE	8.0 acres
			SESE	1.8 acres
		S24	NESW	7.2 acres
				19.3 acres on BLM (entire claim)

The BLM objected to get the POU's above, representing Ag Trespass on federal public land, removed from the claims. A deletion of the acres can be accomplished via SF-5, but would necessitate a reduction in quantity for 33-10995 and a dismissal of 33-10996 altogether (as the entire claim describes public land). Rather than do that, the Hawley's are exploring moving the water identified for use on public land to private land via an administrative transfer.

Hawley has filed an application for transfer (#5441) with IDWR, however there are problems with the transfer. The transfer does not list 33-10995 nor 33-10996. It does not resolve BLM's objection to 33-10995 and does not include any changes to 33-10996 at all (other than a vague reference in a remark to a need to move 19 acres but doesn't identify specific POU's).

The transfer needs to be amended to include water claim numbers 33-10995 and 33-10996, and to specifically identify all of the POU's on BLM for moving to private land. The BLM POU's that need to be included in the transfer are listed above. The amendment cannot be initiated by the U.S., so the claimant will need to do this.

Transfer #5441 has been protested by Ed Dumke of Sage Willow, Inc., which complicates things and will delay final resolution of these subcases.

2/20/00
copy to Vance

OCT 25 2000

CLERK

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(s): 33-10995

33-10996

ORDER SETTING HEARING

The court sets the following hearing in the above subcase(s):

- ☒ Status Conference
- ☐ Settlement Conference
- ☐ Scheduling Conference

Date: November 1, 2001 10 am

Location: SRBA Court phone

DATED: 10/25/ 2000.

Brigitte Bilyeu
BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF SERVICE

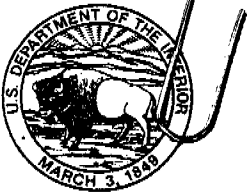
I certify that a true and correct copy of this Order was hand delivered to the following:

Representative of:
Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Blair Grover

Representative of:
United States Dept. of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

John H. Hance
Deputy Clerk



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Upper Snake River District
Idaho Falls Field Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401-2100

RECEIVED

OCT 12 2000

Department of Water Resources
Eastern Region

In Reply Refer To:

7250

October 11, 2000

Harold Jones
Eastern Region Office
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402

RE: Amended Transfer #5441 Filed by Vance Hawley (related to water right numbers 33-10095 & 33-10096)

Dear Mr. Jones:

By this letter I state that I have the authority to act on behalf of the United States, Department of Interior, Bureau of Land Management (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that Vance Hawley wishes to transfer water under the above water right from federal public property to land which he owns as private property. The federal public property legal descriptions are as follows:

T.06N, R.28E, S.14 NENE (0.6 acres)
T.06N, R.28E, S.14 NWNE (1.7 acres)
T.06N, R.28E, S.14 SWNE (8 acres)
T.06N, R.28E, S.14 SESE (1.8 acres)
T.06N, R.28E, S.24 NESW (7.2 acres)
T.06N, R.29E, S.14 NWSW (3.4 acres)
T.06N, R.29E, S.14 SESW (1.6 acres)
T.06N, R.29E, S.15 SWNE (2.6 acres)
T.06N, R.29E, S.15 SENE (1.6 acres)

Home Place 10996

Day Farm 10995
7.2 (192?) inclosed

I understand that the Idaho Department of Water Resources cannot complete such a transfer of water under a water right without the notarized consent of the land owner where the water right describes land not owned by the transfer applicant.

On behalf of the United States and the U.S.D.I., BLM, my notarized signature below provides the necessary consent to facilitate the transfer, which will result in the discontinuance of water being applied to federal public land. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

If there are questions regarding any statements above, please do not hesitate to contact Deena Teel at (208) 524-7533 or at the address provided above.

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 33-10995

(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 L. R. Hawley

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

Name: Representative: Sunny Hawley

Address: ;

Name: Estate of Venice Hawley

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

Name: Representatives: Vance and Sunny Hawley

Address: ;

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**
Should be: See attached

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 POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

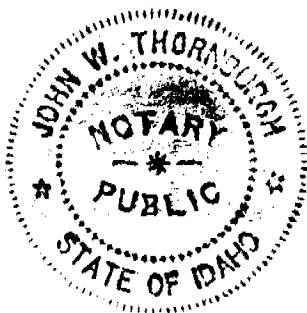
Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 ccpy to the claimant of the water right at the following address:

Name: Estate of L. R. & 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: 33-10995

NAME & ADDRESS: ESTATE OF VENICE HAWLEY
SUNNY HAWLEY REPRESENTATIVE
BOX 1069 HC 65
HOWE ID 83244

ESTATE OF L R HAWLEY
VANCE HAWLEY REPRESENTATIVE
SUNNY HAWLEY REPRESENTATIVE
BOX 1069 HC 65
HOWE ID 83244

SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS
QUANTITY: 3.85 CFS
PRIORITY DATE: 04/01/1948
POINT OF DIVERSION: T06N R28E S02 (SESWSW) BLM Within BUTTE County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 10-31 3.85 CFS

PLACE OF USE: IRRIGATION Within BUTTE County
T06N R29E S14 (NWSW 3.4) BLM (SWSW 37.1) (SESW 1.6) BLM
S15 (SWNE 2.6) BLM (SENE 1.6) BLM NESE 33.1 NWSE 36
SWSE 38.4 SESE 38.9
192.7 ACRES TOTAL

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 THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.5 CFS. COMBINED RIGHT NOS.:
33-00053, 33-00056, 33-00059.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Issue:① Point of diversion on BLM

② Places of use on BLM

→ Farming on public land is not authorized

RIGHTS FROM: SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 33-10995

NAME & ADDRESS: ESTATE OF VENICE HAWLEY
SUNNY HAWLEY REPRESENTATIVE
BOX 1069 HC 65
HOWE ID 83244

ESTATE OF L R HAWLEY
VANCE HAWLEY REPRESENTATIVE
SUNNY HAWLEY REPRESENTATIVE
BOX 1069 HC 65
HOWE ID 83244

SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

QUANTITY: 3.85 CFS

PRIORITY DATE: 04/01/1948

POINT OF DIVERSION: T06N R28E S02 SESWSW Within BUTTE County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 10-31 3.85 CFS

PLACE OF USE: IRRIGATION Within BUTTE County
T06N R29E S14 NWSW 3.4 SWSW 37.1 SESW 1.6
S15 SWNE 2.6 SENE 1.6 NESE 33.1 NWSE 36
SWSE 38.4 SESE 38.9
192.7 ACRES TOTAL

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 THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.5 CFS. COMBINED RIGHT NOS.:
33-00053, 33-00056, 33-00059.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

SWNE
2.6

SENE
1.6

KWSE
3.0

KESE
3.0

SW
3.4

SWSE
3.4

SESE
3.0

SWSE
3.4

SESW
1.6



CERTIFICATE OF ENTRY

Entry No. 109

Boise, Idaho, April 22, 1948.

It is hereby certified that, under the provisions of an Act of the Legislature of the State of Idaho, approved March 2, 1899, entitled, "An Act to provide for a State Engineer, Defining his Duties and Regulating his Compensation, and to provide for the acceptance by the State of Idaho from the United States of certain Lands, and to provide for the Reclamation, Occupation and Disposal of the same,"

Lawrence R. Hawley

whose postoffice address is Howe, Idaho

made application the 13th day of February, 1948, to enter the following described land, to-wit: West Half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 15; and the Southwest Quarter of the Southwest Quarter of Section 14, all in Section 6-North, Range Twenty-nine-East, of Boise Meridian, and that he has paid to the State of Idaho the sum of Forty-one & No/100 - - - - - Dollars, being at the rate of twenty-five (25) cents per acre, and \$1.00 filing fee.

Approved this 22nd day of April, 1948, subject to the restoration of the lands to the Segregation, inasmuch as the lands are at this time pending reconveyance to the United States under Reconveyance Deed dated 12/20/44.

DEPARTMENT OF RECLAMATION.

By

Mark R. Kulp
Commissioner of Reclamation.
State Reclamation Engineer.

ASSIGNMENTS

Assigned

to

Filed and approved

Commissioner of Reclamation.

Assigned

to

Filed and approved

Commissioner of Reclamation.

Assigned

to

Filed and approved

Commissioner of Reclamation.

Assigned

to

Filed and approved

Commissioner of Reclamation.

TO WHOM IT MAY CONCERN

Howe, Idaho, Feb. 2, '48.

We, the undersigned, members of the board of directors of the Blaine County Canal Co., Ltd., hereby give our approval and consent to Mr. Lawrence Hawley to cultivate the lands Section 14 and in/Section 15, Township 6 north, Range 29 east B. M., in Butte county.

We give this approval to Mr. Hawley's request because we believe it is better for our community to have the land tilled, rather than to permit it to grow up to ~~weeds~~ weeds.

Respectfully,

G. G. Harrell

Robert Z. Rich

John Dietrich
Directors,
Blaine County Canal Co.,

J. M. Hansen
Secretary

C. A. BOTTOLFSEN
PARLIAMENTARY LAW
ARCO, IDAHO

April 20, 1949

Mr. Lawrence (Slim) Hawley
Howe, Idaho

Dear Slim:

I am happy to enclose a letter that I just received from Mr. Kulp, State Reclamation Engineer, which authorizes you, so far as the State is concerned, to operate the land you have in question.

I will be here for some time and if there is anything further that you have for me to do, get in touch by addressing me in Boise in care of Hotel Boise.

I am happy to have lined this up for you, Slim, and there is every reason now for you to go ahead.

Very sincerely yours,

Bott

CAB:j

Crestline, Calif.
June 15, 1949

Mr L. Hawley

Dear Sir:

Dont remember what month you harvest, but please send me a ck. I think the agreement was $\frac{1}{6}$ of Crop for rent, and also let me know if you ~~do~~ want to rent next yr. as I have others that would like to rent it but would just as soon rent to you but let me know right away, so I can let them know. I am

Sincerely yours

Mrs Gertrude Gider
Crestline Calif.
Gen Del.

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. Hodge
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. Hodge
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

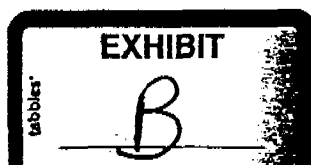
Subcase Nos.

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



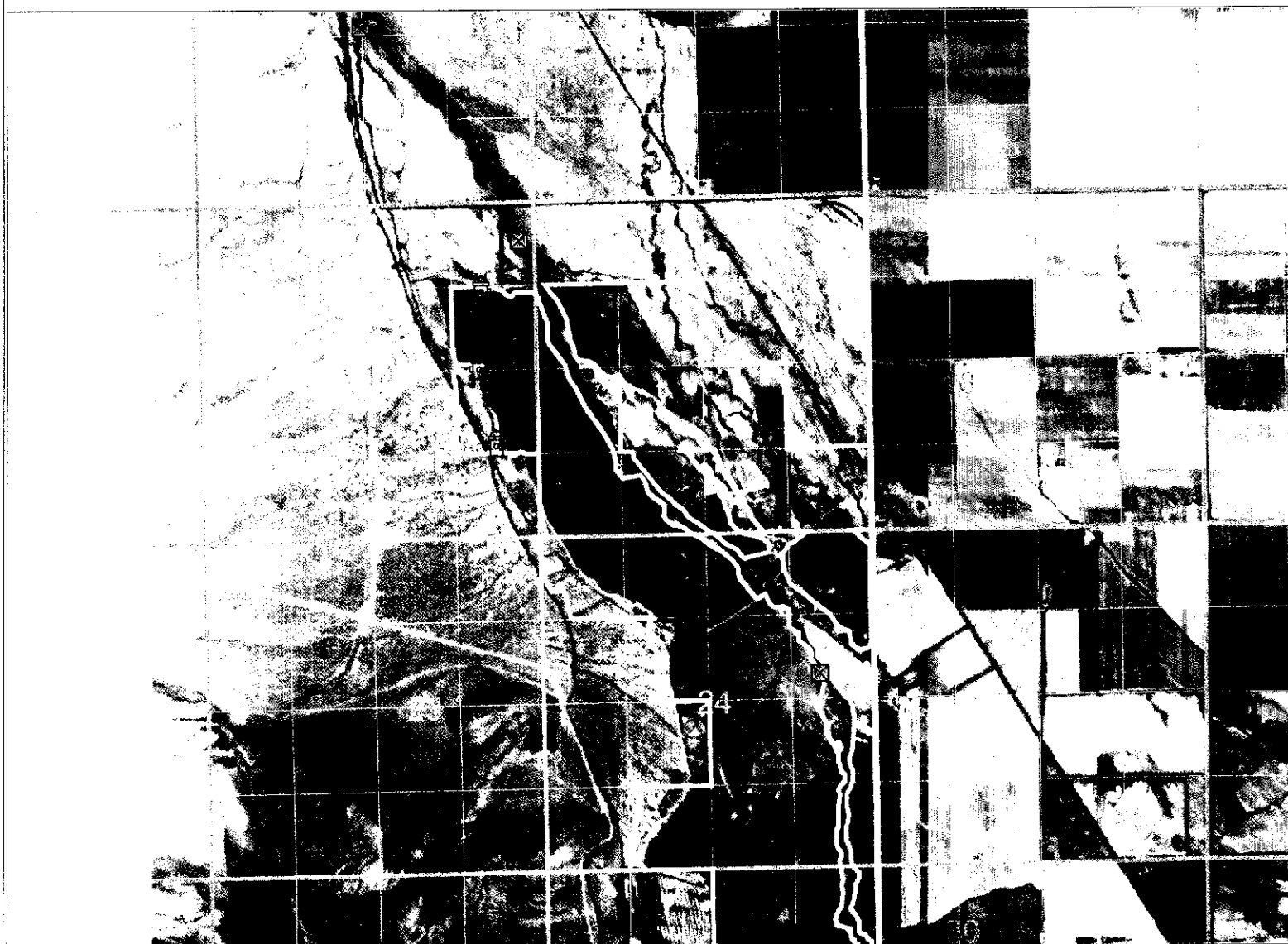


State of Idaho

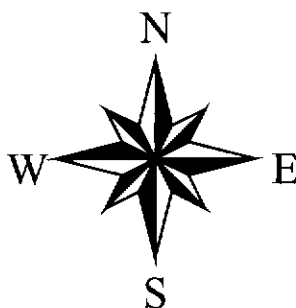
Department of Water Resources

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: 33-10995

NAME AND ADDRESS:

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

~~ESTATE OF LAWRENCE R HAWLEY~~
~~VANCE HAWLEY REPRESENTATIVE~~
~~SUNNY HAWLEY REPRESENTATIVE~~
~~BOX 1069 HC 65~~
~~HOWE ID 83244~~

~~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 L HAWLEY
HC 65 BOX 1069
HOWE ID 83244

SOURCE:

Source:
LITTLE LOST RIVER

Tributary:
SINKS

QUANTITY:

3.850 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.

PRIORITY DATE:

04/01/1948

POINT OF DIVERSION:

T06N R28E S2 SESWSW Within BUTTE County
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
IRRIGATION

Period of use:
4/01 10/31

Quantity:
3.850 CFS

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

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 NWSW 27.0
T06N R28E S13 SWSW 39.0
T06N R28E S13 SESW 32.0
T06N R28E S13 NWSE 40.0
T06N R28E S13 SWSE 30.0
T06N R28E S13 SESE 36.0
T06N R28E S14 SENE 38.0
T06N R28E S14 NESE 38.0
T06N R28E S24 NENE 34.0
T06N R28E S24 NWNE 23.0
T06N R28E S24 SWNE 39.0
T06N R28E S24 SENE 26.0
T06N R28E S24 NENW 39.0
T06N R28E S24 NWNW 34.3
T06N R28E S24 SENW 28.0
T06N R28E S24 SESW 35.0
T06N R28E S24 NESE 29.0
T06N R28E S24 NWSE 40.0
T06N R28E S24 SWSE 40.0
T06N R28E S24 SESE 34.0
T06N R28E S25 NENE 32.0
T06N R28E S25 NWNE 40.0

T06N R29E S14 NWSW 3.4
T06N R29E S14 SWSW 37.1
T06N R29E S14 SESW 1.6
T06N R29E S15 SWNE 2.6
T06N R29E S15 SENE 1.6
T06N R29E S15 NESE 33.1
T06N R29E S15 NWSE 36.0
T06N R29E S15 SWSE 38.4
T06N R29E S15 SESE 38.9

862.3 ACRES TOTAL

192.7 ACRES TOTAL

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 192.7 acres within the place of use described above in a single irrigation season.

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

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.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
A TOTAL COMBINED DIVERSION RATE OF 4.5 CFS. COMBINED

RIGHT NOS.: 33-00053, 33-00056, 33-00059.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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.

WATER RIGHT NO. 33-10995
As Modified by Transfer No. 66861

In accordance with the approval of Transfer No. 66861, Water Right No. 33-10995 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: April 01, 1948

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 10/31	3.85 CFS	
			3.85 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, 33-10995, 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.
3. This right is limited to the irrigation of 192.7 acres within the place of use described above in a single irrigation season.

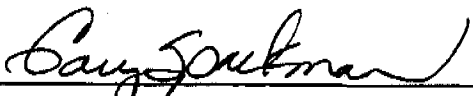
WATER RIGHT NO. 33-10995
As Modified by Transfer No. 66861

CONDITIONS OF APPROVAL

4. 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.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.
9. 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



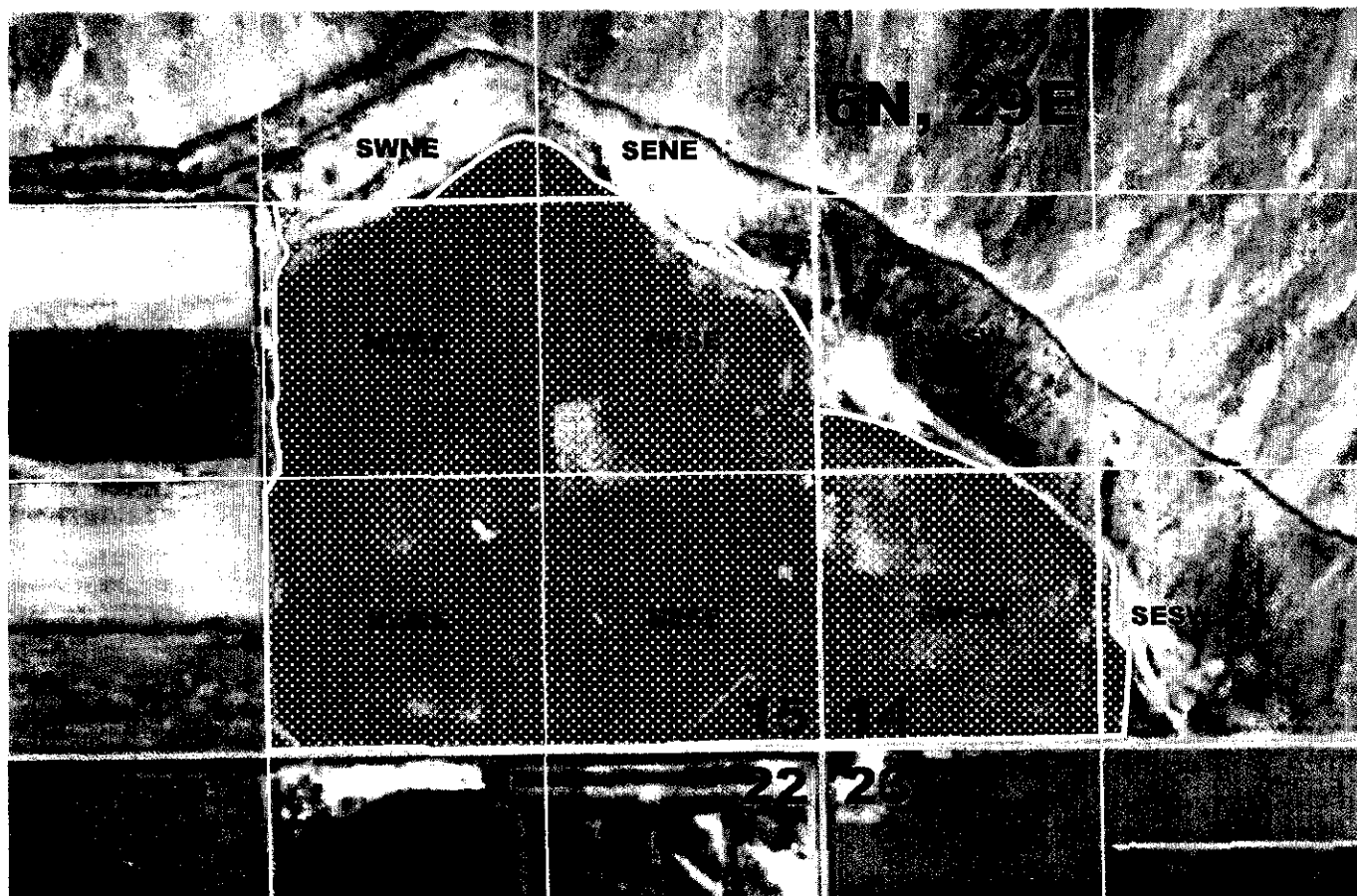
Chief, Water Allocation Bureau



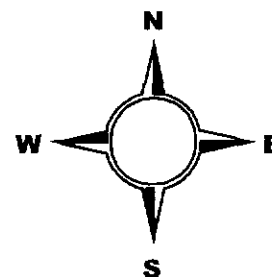
STATE OF IDAHO

Department of Water Resources
Eastern Region

WR No(s): 33-10995



1320 0 1320 2640 Feet



Place of Use
Quarter Quarter
Sections

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: C. Saxton
Date: May 2000

DATE: 01/19/00
PAGE: 1

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

[illegible]

POU County: BUTTE
Other Rights: 33-00053, 33-00056, 33-00059

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

Remarks: GEN USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.5 CFS. COMBINED RIGHT NOS.: 33-00053, 33-00056, 33-00059.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption flag:	E

Mo 685

Pending

五

AJ0749NP
No. R33-10995

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

DATE: 01/19/00
PAGE: 2

Audit: 01/19/00 ARUBERY

Division Picked

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: A33-10995

Date Received: 1/4/2000

Receipt No: E025538

Received By: *[Signature]* 4/4/00

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ESTATE OF L R HAWLEY
Address: VANCE HAWLEY REPRESENTATIVE
SUNNY HAWLEY REPRESENTATIVE
BOX 1069 HC 65
HOWE ID 83244

208-524-7099

AND

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

*Original
Sent to
Court.
4-20-00*

2. Date of Priority: APR 1, 1948

3. Source: LITTLE LOST RIVER

Trib. to: SLINGS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	28E	2	SE	SW	SW		BUTTE

5. Description of diverting works:
HEADGATE FROM RIVER TO OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	3.850		

7. Total Quantity Appropriated is:
3.850 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	29E	14	NW		SW		IRR	3.4
			SW		SW		IRR	37.1
			SE		SW		IRR	1.6
							Section Acres	42.1
		15	SW		NE		IRR	2.6
			SE		NE		IRR	1.6
			NE		SE		IRR	33.1
			NW		SE		IRR	36.0
			SW		SE		IRR	38.4
			SE		SE		IRR	38.9
							Section Acres	150.6
							Total Acres	192.7

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
33-00053, 33-00056, 33-00059

14. Remarks:
CLAIM AMENDED TO CLAIRIFY PRIORITY DATE, 1/14/2000.

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: _____

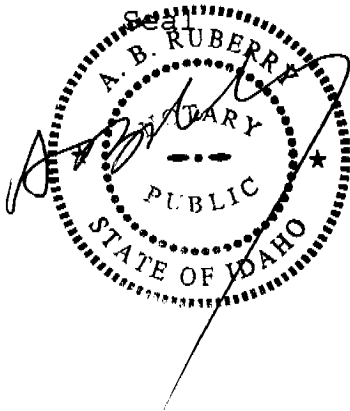
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Vanner Hank Date: 01/14/00
_____ Date: _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of January 20 00 Aaron B. Ruberry
Notary Public



Residing at Boanohaus Co
My Commission Expires 09/23/03

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: A33-10995
Date Received: 12/21/1999
Receipt No: EQ25538
Received By: Don 1/4/00

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ESTATE OF L R HAWLEY 208-524-7099
Address: VANCE HAWLEY REPRESENTATIVE
SUNNY HAWLEY REPRESENTATIVE
BOX 1069 HC 65
HOWE ID 83244

AND

Name: ESTATE OF VENICE HAWLEY 208-524-7099
Address: SUNNY HAWLEY REPRESENTATIVE
BOX 1069 HC 65
HOWE ID 83244

2. Date of Priority: JUN 1, 1891

3. Source: LITTLE LOST RIVER Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	28E	2	SE	SW	SW		BUTTE

5. Description of diverting works:
HEADGATE FROM RIVER TO OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	3.850		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

FEES: \$50 CLAIM
\$50 LATE
193 (\$1/Ac)
\$293 DUE

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: A33-10995
Date Received: 12/21/1999
Receipt No: ED 25538
Received By: More 1/1/00

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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Address: VANCE HAWLEY REPRESENTATIVE
SUNNY HAWLEY REPRESENTATIVE
BOX 1069 HC 65
HOWE ID 83244

AND

Name: ESTATE OF VENICE HAWLEY 208-524-7099
Address: ~~VANCE HAWLEY REPRESENTATIVE~~
SUNNY HAWLEY REPRESENTATIVE
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			SE	SW		IRR	1.6
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			NE	SE		IRR	33.1
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			SW	SE		IRR	38.4
			SE	SE		IRR	38.9
				Section Acres	150.6		
				Total Acres	192.7		

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
33-00053, 33-00056, 33-00059

14. Remarks:
~~THIS IS AN ENLARGEMENT OF DECREEED RIGHTS 33-00053, 33-00056,~~
~~33-00059.~~ *Walter Van Hare* 1/14/2000

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): Vern Haus Date: 12/30/99
Robert M. Kerr, Jr. atty for Sunny Hawley Date: 01/03/2000
12/31

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 30 day
of Dec 19 99
Blair Grover
Notary Public

Seal

Residing at Rigby Idaho
My Commission Expires 10/24/2003

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 Blair Grover
Address Box 36 Rigby Id 83442
Date Dec 30, 99

State of Idaho)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me by Robert M. Kerr, Jr., to the best of his knowledge and belief this 3rd day of January, 2000.

Julie J. Martin
Julie J. Martin
Notary Public for Idaho
Residing at Blackfoot, Idaho
My com expires 11/23/2000