

RECEIVED

APR 08 1993

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

Department of Water Resources  
Southern Region Office

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: A43-00232A  
Date Received: 6/ 1/1989  
Receipt No: M003812  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RYAN HAWKER 208-638-5584  
Address: BOX 433  
ELBA ID 83326

2. Date of Priority: APR 30, 1882

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 14S      | 24E   | 12      | NW     | NE     | NW     |     | CASSIA |
|          | 25E   | 6       | SE     | SW     | NW     |     | CASSIA |

5. Description of diverting works:  
WOODEN DIV. WORKS WITH DITCHES AND FLOOD IRR. AND SPRINKLER IRR.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.800  |      |        |

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

8. Total consumptive use is 450.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 14S      | 25E   | 6       | SW     | NE     |     | IRR | 40.0  |
|          |       |         | SE     | NW     |     | IRR | 40.0  |

10. Place of Use: Continued

Section Acres 80.0

Total Acres 80.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

43-00475, 43-00371, 43-07107

14. Remarks:

THERE ARE TWO POINTS OF DIVERSION WHICH CAN BE USED. THE FIRST IS ON CROSS CREEK AND DIRECTS THE WATERS THROUGH THE BARKER DITCH THE SECOND IS ON CASSIA CREEK ADJACENT TO THE PROPERTY. THIS CLAIM IS BASED ON DECREED WATERS AS HISTORICALLY DELIVERED BY THE WATER MASTER AND IS DOCUMENTED IN HIS COPIES OF THE DECREE LISTS.

###CLAIM AMENDED TO CORRECT THE DESCRIPTIONS OF POINTS OF DIVERSION AND PLACE OF USE. THEY ARE ALL IN T14S. RVW 3/23/93

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS 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): Ryan Hamlin Date: 4/1/93  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 1st day  
of April 19 93 Robert T. Horstelt  
Notary Public

Seal

Residing at Twin Falls, Idaho  
My Commission Expires January 13, 1995

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

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8. Total consumptive use is 450.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township      | Range | Section | 1/4 | of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|-----|--------|-----|-----|-------|
| 13S           | 25E   | 6       | SW  | NE     |     | IRR | 40.0  |
|               |       |         | SE  | NW     |     | IRR | 40.0  |
| Section Acres |       |         |     |        |     |     | 80.0  |

A43-00232A

Page 1

Date: 06/01/89

MICROFILMED  
MAR 02 1993

10. Place of Use: Continued

Total Acres 80.0

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Decree Plaintiff

vs

JOBE ADAMS ET AL

Decree Defendant

MICROFILMED  
MAR 02 1993

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Number of attachments:   1  

For Individuals:

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

Signature of Claimant(s):   Ryan Hawsh  

Date:   6-1-89  

Date:           

State of Idaho )

County of   Carson   )

SS.

Subscribed and sworn (or affirmed) before me this        day

of   June   19   89  

  Bruce A. Smith    
Notary Public

Seal

Residing at   BRUCE A. SMITH, 1011 2nd St.  

  RESIDING AT BOISE, IDAHO  

My Commission Expires   MY COMMISSION EXPIRES APRIL 11, 1995  

MICROFILMED

MAR 02 1993

As per watermaster sheet

|                |                  |     |                   |                       |
|----------------|------------------|-----|-------------------|-----------------------|
| MARGENE OTTLEY | Wells HADFIELD   |     | 75 IN.            | 7 VOTES               |
| 43-0124        | 4-15-1880        | 1.4 |                   |                       |
| 43-0125        | 4-15-1883        | .1  |                   |                       |
| MERLIN OTTLEY  | J.H. OTTLEY      |     |                   |                       |
| 43-0228        | 4-10-1883        | .8  | 48 IN             | 4 VOTES               |
| 43-0229        | 4-30-1887        | .16 |                   |                       |
| REX OTTLEY     | Fred H. OTTLEY   |     | 210 IN.           | 21 VOTE               |
| 43-0232        | 4-30-1882        | .8  | green Canyon      | for sec 6 T.M.<br>R 2 |
|                | Chas. VAN KIRK   |     |                   |                       |
| 43-0371        | 4-30-1880        | 1.3 | green Canyon      |                       |
| 43-0475        | 4-30-1880        | .05 | ANTELOPE SPR.     |                       |
|                | W.A. WARD        |     |                   |                       |
| 43-0336        | 5-26-1906        | 1.6 | Cotton wood Creek |                       |
| GLEN PARK      | ETHER PARK       |     |                   |                       |
| 43-0233        | 3-1-1879         | 2.0 |                   |                       |
| ROBINSON BOB   | Charles L. SEARS |     | 150 IN.           | 15 VOTE               |
| 43-0288        | 4-30-1874        | .3  |                   |                       |
| 43-0289        | 4-30-1874        | 1.5 |                   |                       |
| 43-0290        | 4-30-1882        | 1.2 |                   |                       |
| 43-0291        | 4-30-1886        | .6  |                   |                       |
| 43-0292        | 4-30-1892        | .4  |                   |                       |
| RODOCKER Nick  | D.E. TRACY       |     | 5 IN              | 0 VOTES               |
| 43-0323        | 4-1-1912         | .1  |                   |                       |
| SEARS Wallace  | Sadie Beecher    |     | 121 IN.           | 12 VOTES              |
| 43-0070        | 4-30-1872        | .62 | 31.               |                       |
| 43-0071        | 4-30-1873        | .6  | 30                |                       |
| 43-0072        | 4-30-1879        | 1.2 |                   |                       |

MICROFILMED  
MAR 02 1993

| P.C. NO. | DECEASED OWNER | NAME             | PRESENT OWNER | ACRES | PRIORITY | DIVERSION    |      |     | REMARKS, LAND TO BE IRRIGATE |
|----------|----------------|------------------|---------------|-------|----------|--------------|------|-----|------------------------------|
|          |                |                  |               |       |          | SUBDIV.      | SEC. | TWR | RE                           |
| 81       | ✓              | Cecil Beecher    | Robertson     | 1     | 4-30-82  | Cassia Creek |      |     | See April 30, 1874 right     |
| 80       | ✓              | Sarah Boulware   |               | 51    | 4-30-82  | Cassia Creek |      |     | Lots 4 & 5 Sec. 6-13S-27E    |
| 79       | ✓              | J. E. Darrington | Robertson     | 1.6   | 4-30-82  | Cassia Creek |      |     | Land in Sec. 32-13S-27E      |
| 78       | ✓              | Geo. Heworth     |               | all   | 4-30-82  | Cassia Creek |      |     | See April 30, 1875 right     |
| 77       | ✓              | Ellen Hoarland   |               | 12    | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 76       | ✓              | I. J. Neebo      |               | 13    | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 75       | ✓              | J. S. Hutchinson | Robertson     | 26    | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 74       | ✓              | Fred H. Ottley   |               | 26    | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 73       | ✓              | Asel J. Parish   | Robertson     | 194   | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 72       | ✓              | C. L. Sears      |               | 38    | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 71       | ✓              | W. A. Ward       | Robertson     | 25    | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 70       | ✓              | Hannah McFarland | Robertson     | 19    | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 69       | ✓              | Hannah McFarland | Robertson     | 19    | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 68       | ✓              | Ed Whitaker      | Robertson     | 42    | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 67       | ✓              | Shelton Payne    | Robertson     | 19    | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 66       | ✓              | F. W. Parish     | Robertson     | 8     | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 65       | ✓              | Wm. H. Robertson |               | 26    | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 64       | ✓              | J. H. Ottley     |               | 26    | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 63       | ✓              | Wells Hadfield   | Robertson     | 3     | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 62       | ✓              | Charles Shaw     | Robertson     | 19    | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |
| 61       | ✓              | Cecil Beecher    | Robertson     | 2     | 4-30-82  | Cassia Creek |      |     | See April 1, 1901 right      |

43 00232

TITLE  
OF  
CASE

FORM in case of  
Albion-Idaho Land Co.

SOURCE Cassia Creek

WATER DIST R-C

COUNTY

JUDICIAL DIST. U.S. DECRET

CREATED

DATE OF DECREE Oct. 25, 1928

RECORDED IN BOOK NO. 5 AT PAGE 75

| PL. DN. | DECEASED OWNER | NAME                                                   | PRESENT OWNER | ACRES | PRIORITY | DIVERSION    | REMARKS, LAND TO BE IRRIGATED, ETC.                                                               |
|---------|----------------|--------------------------------------------------------|---------------|-------|----------|--------------|---------------------------------------------------------------------------------------------------|
| 10      | ✓              | 43 00 33 2 description owned<br>Fred L. Otter 6 1/2 32 |               | 7     | 4-30-80  | Cassia Creek | Lots 2 & 3, Sec. 31, T. 13S, R. 25E, SW 1/4 Sec. 6, T. 14S, R. 25E.                               |
| 1       | ✓              | Asel B Parish 2 1/2 14                                 |               | 3     | 4-30-80  | Cassia Creek | NE 1/4 Sec. 32-133-25E<br>NW 1/4 Sec. 31-13S-25E, less an irregular tract                         |
| 2       | ✓              | A. L. Parish 1 1/2 9                                   |               | 2     | 4-30-80  | Cassia Creek | SE 1/4 Sec. 32-133-25E, less an irregular tract                                                   |
| 3       | ✓              | E. C. Parish 1 1/2 14                                  |               | 3     | 4-30-80  | Cassia Creek | See des. in '72 right                                                                             |
| 4       | ✓              | Ada C. Rice 1 1/2 6 1/2                                |               | 1.5   | 4-30-80  | Cassia Creek | Lot 1, SW 1/4, NE 1/4 Sec. 1, T. 13S, R. 26E.                                                     |
| 5       | ✓              | George N. Scott 7 1/2 83                               |               | 1.5   | 4-30-80  | Cassia Creek | Lots 3 & 4<br>E 1/4 Sec. 31, 12S, 27E.<br>E 1/4 Sec. 25, 12S, 26E, lots 3 & 4, Sec. 30, 12S, 27E. |
| 6       | ✓              | Harry Shaw 7 1/2 129                                   |               | 2.8   | 4-30-80  | Cassia Creek | NE 1/4, SW 1/4 Sec. 36, 12S, 26E.<br>NW 1/4 Sec. 32, SW 1/4 Sec. 29, less an irregular tract      |
| 7       | ✓              | Harry Shaw 7 1/2 129                                   |               | 4     | 4-30-80  | Cassia Creek | SW 1/4 Sec. 14, NW 1/4 Sec. 23, T. 14S.                                                           |
| 8       | ✓              | Harry Shaw 1 1/2 19                                    |               | 4     | 4-30-80  | Cassia Creek | Same as above                                                                                     |
| 9       | ✓              | H. A. Ward 1 1/2 19                                    |               | 4     | 4-30-80  | Cassia Creek | Irreg. tract in Sec. 6, T. 14S, R. 25E.                                                           |
| 10      | ✓              | Joseph L. 1 1/2 19                                     |               | 4     | 4-30-80  | Cassia Creek | Irreg. tract in Sec. 6, T. 14S, R. 25E.                                                           |
| 11      | ✓              | Joseph L. 1 1/2 3                                      |               | 4     | 4-30-80  | Cassia Creek | Same as above                                                                                     |
| 12      | ✓              | Chas. Van Kirk 1 1/2 60                                |               | 1.3   | 4-30-80  | Cassia Creek | Same as above                                                                                     |
| 13      | ✓              | Chas. Van Kirk 1 1/2 23                                |               | 5     | 4-30-80  | Cassia Creek | Same as above                                                                                     |
| 14      | ✓              | North Amer. Mfg. Co. 1 1/2 19                          |               | 4     | 4-30-80  | Cassia Creek | Same as above                                                                                     |
| 15      | ✓              | H. N. Dearborn 1 1/2 91                                |               | 3.4   | 4-30-80  | Cassia Creek | Same as above                                                                                     |
| 16      | ✓              | Henry E. Bigler 1 1/2 41                               |               | 1.1   | 4-30-80  | Cassia Creek | Same as above                                                                                     |
| 17      | ✓              | Henry E. Bigler 1 1/2 7                                |               | 4     | 4-30-80  | Cassia Creek | Same as above                                                                                     |
| 18      | ✓              | I. L. Neddo 1 1/2 33                                   |               | 4     | 4-30-80  | Cassia Creek | Same as above                                                                                     |
| 19      | ✓              | I. L. Neddo 1 1/2 15                                   |               | 4     | 4-30-80  | Cassia Creek | Same as above                                                                                     |

03/13/2001

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

RIGHT NUMBER: 43-232A

NAME AND ADDRESS: RYAN HAWKER  
BOX 433  
ELBA, ID 83326

VERIFIED BY KKC

SOURCE: CASSIA CREEK  
CROSS CREEK

TRIBUTARY: RAFT RIVER  
CASSIA CREEK

QUANTITY: 0.8 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE  
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-232A, 43-371,  
43-475, 43-7107, 43-10594, AND 43-10320.

PRIORITY DATE: 04/30/1882

|                     |               |       |        |                      |
|---------------------|---------------|-------|--------|----------------------|
| POINT OF DIVERSION: | T14S R24E S12 |       | NWNENW | Within CASSIA County |
|                     | T14S R25E S6  | LOT 5 | SESWNW | Within CASSIA County |
|                     | T14S R25E S6  | LOT 5 | SESWNW | Within CASSIA County |

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04-01 10-31          | 0.80 CFS        |

PLACE OF USE:

| <u>IRRIGATION Within CASSIA County</u> |      |     |              |      |     |
|----------------------------------------|------|-----|--------------|------|-----|
| T14S R25E S6                           | SWNE | 30  | T14S R25E S6 | SENW | 36  |
| T14S R25E S6                           | NESW | 3.9 | T14S R25E S6 | NWSE | 5.1 |

209 updated 9-14-01  
KKC

75 ACRES TOTAL

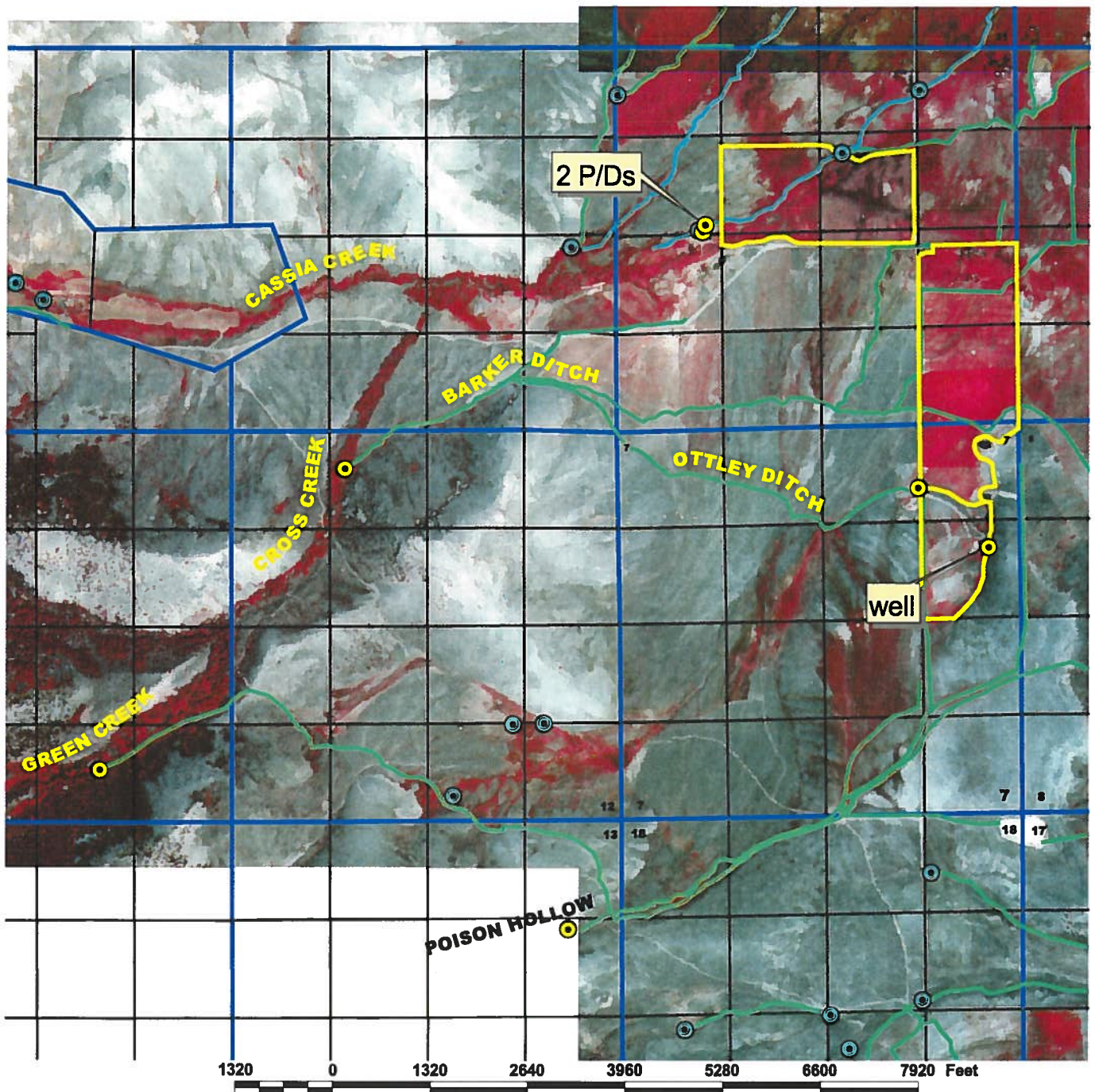
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 201 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED  
RIGHT NOS. 43-232A, 43-371, 43-475, 43-7107, 43-10594, AND 43-10320

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 - Decreed

# RECOMMENDED PLACE OF USE FOR 43-232A, 43-371, 43-475, 43-7107, 43-10594, AND 43-10320



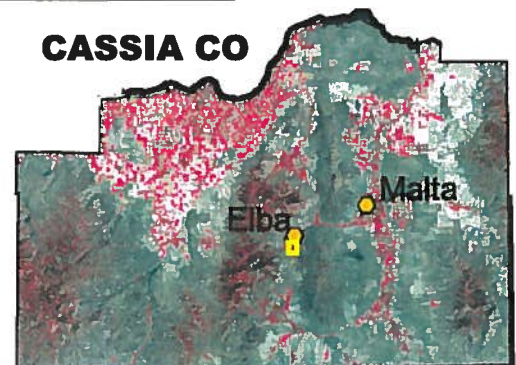
PLACE OF USE  
TWP 14S, RNG 25E, SEC 6 & 7  
Data entry on March 13, 2001

GIS PLACE OF USE PRESENTATION  
1987/1988 NAPP AERIAL PHOTOGRAPHY  
DATA ENTRY BY KELLY K CHRISTENSEN

-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES



CASSIA CO



Idaho Dept of Water Resources  
Claims review notes and narrative

Date: 9-19-2000

File: 43-232A Hawker system analysis all claims

Prepared by Kelly K Christensen

|         |                   |          |               |
|---------|-------------------|----------|---------------|
| 43-232A | Cassia Creek      | 43-4101  | Springs*      |
| 43-252  | Cassia Creek*     | 43-7107  | Ground water  |
| 43-336  | Cottonwood Creek* | 43-10320 | Waste water   |
| 43-371  | Green Creek       | 43-10594 | Poison Hollow |
| 43-475  | Antelope Springs  |          |               |

- \*Claims disallowed.

**43-252** was determined to be appurtenant to different ground owned by someone else. Claim recommended as disallowed, no lawful appropriation shown.

**43-336** no irrigation found. Recommended as disallowed forfeited/abandoned.

**43-4101** was loosely based upon a permit (43-07064) that the former owner relinquished in 1984. The 6-27-1994 field exam found ponds but no use. Based upon information relating to 43-07064, the use was never developed by the time the permit was relinquished. I found no use and even if a use were developed after the permit was relinquished, the use would then be in violation of the mandatory permit statutes. Recommend disallow, no beneficial use found.

---

#### 43-475 and 43-10594 analysis

Both rights are diverted from the same point of diversion. Antelope Springs is a seep area located on or near the natural drainage identified as Poison Hollow. There is only one point of diversion in this drainage and therefore the source for all rights from this ditch is being recommended with the same source. Ryan indicated that he was using water from the spring location and water coming down the Poison Hollow channel west (upstream) of the point of diversion. As both sources are co-mingled upstream from the point of diversion I am not differentiating between the two sources. I am recommending the decreed source as Poison Hollow even though Antelope Springs normally provides a majority of the water flowing in the Poison Hollow channel. Raymond Anderson also has a claim based upon this source. It is 43-00054. The decree identified the source as Antelope Springs although the allocation database only lists the source as springs. I did not find evidence of any spring development.

The found place of use under the decreed place of use was 126 acres.

|          |                                                        |
|----------|--------------------------------------------------------|
| 43-475   | 0.50 cfs                                               |
| 43-10594 | 2.00 cfs (claimed rate)                                |
| total    | 2.50 cfs (2.50cfs/ 126 acres = 0.0198 ≈ 0.02 cfs/acre) |

The beneficial use claim 43-10594 brings the rate per acre to 1 inch per acre. Under normal circumstances the diversion works now carry all of the channel flow. I am recognizing both rights at their claimed rates. The drainage will normally supply the full claimed rates during spring runoff or a summer storm. As the spring runoff and the diversion system was capable of carrying the water at the time of the decree I am recognizing a priority date of 11-19-1928 or one day after the Jobe Adams decree.

---

#### 43-371 analysis

The Green Canyon delivery system is a shared system that goes from the point of diversion southeast and crosses the Antelope Springs ditch near the section line between sec 13 and 18 along the Rng 24E – Rng 25E. The ditch then parallels the Poison Hollow ditch to the section line between Sec 7 and 18. At this point the ditch splits into three separate ditches to supply water to other users. Ryan diverts his portion of the Green Creek water into the Poison Hollow ditch which carries water to the recommended place of use. The place of use for this right is identical with the place of use as recommended under 43-475 and 43-10594.

---

### **43-10320 analysis**

This right claims wastewater coming from ground irrigated south and west of his property. The majority of the water would come from Halford's property (43-281 et.al.) and Stan Lloyd's property (43-192 et.al.). The water comes off their property and flows into the Ottley ditch. The ditch then carries the water east to the Hawker property. The Ottley ditch comes out the Barker ditch and runs south of that ditch.

The claim contains an affidavit submitted by Lewis M Ottley indicating that the ditch and pond system was developed in 1925.

I questioned Stan Lloyd and he stated that the ditch system was built with equipment used to build the Elba-Almo road in the 1950s.

I discussed this ditch system with Paul Ward and he stated that he could remember swimming in the pond when he was in high school. He could not remember the year that the pond was built but thought that it was between 1953 and 1955.

I called Lynn Pettingill and discussed the system with him. He could not remember just when the ditch and pond was developed but stated that it had to be after 1949.

Based upon the information currently available I am recommending this right with a 4-1-1955 priority date.

### **P/D analysis**

The water collects through a reach of the Ottley ditch that is also being used by Boden (43-146B et.al) and/or Ward (43-146A et.al). This same wastewater would be available for their use also. It is not my understanding that the Ottley ditch was built to strictly capture wastewater only especially since it ties into the Barker Ditch and carries other decreed water to irrigate Boden and Ward decreed ground. I am recognizing that Hawker takes control of the water at the point where the ditch enters his property, not along the reach of the ditch as claimed. The recommended point of diversion is TWP 14S, RNG 25E, SEC 7 SWNE.

### **P/U analysis**

The claimed place of use consists of two separate parcels, one in the N½ of sec 6 and the other in the E½SE¼ of sec 6 and E½NE¼ of sec 7. I am not recommending the ground in the N½ of sec 6. For that ground to receive the waste water that collects in the Ottley ditch, that water would have to be diverted from the Ottley ditch to the Barker ditch and then to the N½ ground. There is no ditch between the two ditches. 43-7107 was licensed for irrigation on both parcels from a well but that water is delivered to the N½ ground through a pipeline system. That system has a 1977 priority date and would not have been available to deliver wastewater to the N½ at the recommended priority date.

### **Quantity analysis**

There is no specific channel that is diverted and under normal circumstances there is decreed water in the ditch making a measurement of wastewater independently impossible. The ditch has the capacity to deliver in excess of one inch per acre. Although there is normally only a small amount of wastewater available, I am recommending this right at one inch per acre for the ground irrigated from the ditch.

**DECREED RIGHTS BY ORIGINAL SYSTEM**

| <b>SYSTEM 1</b>                                                           | <b>SYSTEM 2</b>                                                 | <b>SYSTEM 3</b>                |
|---------------------------------------------------------------------------|-----------------------------------------------------------------|--------------------------------|
| <b>PORTIONS<br/>CLAIMED BY<br/>HAWKER &amp;<br/>HUTCHISON</b>             | <b>PORTIONS<br/>CLAIMED BY<br/>GARDINER &amp;<br/>HUTCHISON</b> | <b>CLAIMED BY<br/>GARDINER</b> |
| 43-00230                                                                  | 43-00332                                                        | 43-00058                       |
| 43-00231                                                                  | 43-00333                                                        | 43-00059                       |
| 43-00232                                                                  | 43-00334                                                        | 43-00060                       |
|                                                                           | 43-00335                                                        | 43-00061                       |
| <b>ANALYSIS FROM FIELD VERIFICATION MEETINGS WITH ALL THREE CLAIMANTS</b> |                                                                 |                                |

**SYSTEM 1**

According to both claimants, predecessors reached an agreement to split the use of SYSTEM 1 with 43-00232 being appurtenant to the ground currently claimed by Hawker and 43-00230 and 43-00231 being appurtenant to the ground currently claimed by Hutchison. Delivery since that date has been based upon that agreement.

**RECOMMENDATION ANALYSIS FOR SYSTEM 1**

**DECREED RIGHT 43-00232**

Based upon §42-1426 and that the changes have been made with the knowledge of other users I accept the changes as an unrecorded transfer that unstacked the decreed rights, with 43-00232 being appurtenant to the property now owned and claimed by Ryan Hawker under A43-00232A. As the use represents all of the decreed right I am recommending that right to be renumbered as A43-00232 and recommended as described in the CVR. Claim A43-00232B is being recommended for disallowal based upon remark code P01 {NO LAWFUL APPROPRIATION SHOWN}.

**DECREED RIGHTS 43-00230 AND 43-00231**

Based upon §42-1426 and that the changes have been made with the knowledge of other users I accept the changes as an unrecorded transfer that unstacked the decreed rights, with these rights being appurtenant to the property now owned and claimed by Tommy Hutchison. I recognize those rights as valid as described in the CVR.

**SYSTEM 2 & 3**

Two combined rights systems were decreed to adjoining parcels and were decreed independent of the other system. One system consisted of rights 43-00058 through 43-00061 and the other system consisted of rights 43-00332 through 43-00335. Although not sequential, each individual right under the first system has a corresponding right in the second system with a matching priority date. (see table below)

According to claimants, historically the two systems were under one ownership for some time and operated as one delivery system. When the property was split, the intent was for

the ground now claimed by Gardiner to receive fifty percent of each right based upon priority date and the property claimed by Hutchison receiving the other fifty percent.

### SPLIT ANALYSIS BASED UPON THE 50% SHARE AGREEMENT

| Decreed Right | Decreed Rate      | Priority Date    | Claimant  | Claim Number | Claimed Rate | Recommend Rate  |
|---------------|-------------------|------------------|-----------|--------------|--------------|-----------------|
| 43-00058      | 0.2196 cfs        | April 30<br>1874 | Gardiner  | A43-11135    | 0.61 cfs     | 0.50 cfs        |
| 43-00332      | 0.7814 cfs        |                  | Hutchison | A43-00332    | 0.781 cfs    | 0.50 cfs        |
| Total         | <b>1.001 cfs</b>  |                  |           |              | Total        | <b>1.00 cfs</b> |
| 43-00059      | 0.0218 cfs        | April 30<br>1882 | Gardiner  | A43-11136    | 0.413 cfs    | 0.40 cfs        |
| 43-00335      | 0.782 cfs         |                  | Hutchison | A43-00335    | 0.782 cfs    | 0.40 cfs        |
| Total         | <b>0.80 cfs</b>   |                  |           |              |              | <b>0.80 cfs</b> |
| 43-00060      | 0.065 cfs         | April 30<br>1883 | Gardiner  | A43-11137    | 0.183 cfs    | 0.15 cfs        |
| 43-00333      | 0.235 cfs         |                  | Hutchison | A43-00333    | 0.235 cfs    | 0.15 cfs        |
| Total         | <b>0.30 cfs</b>   |                  |           |              |              | <b>0.30 cfs</b> |
| 43-00061      | 0.2626 cfs        | April 30<br>1855 | Gardiner  | A43-11138    | 0.73 cfs     | 0.60 cfs        |
| 43-00334      | 0.9374 cfs        |                  | Hutchison | A43-00334    | 0.9374 cfs   | 0.60 cfs        |
| Total         | <b>1.2000 cfs</b> |                  |           |              |              | <b>1.20 cfs</b> |

### RECOMMENDATION ANALYSIS FOR SYSTEM 2

The original decreed place of use has been split through a sale of that portion of the place of use in sec 31 NESW AND NWSE to Gardiner. The accepted agreement of that sale was that the water rights appurtenant to the 160 acres covered by system 2 and system 3 would be split fifty-fifty

Gardiner's claims for system 2 are claimed within a permissible place of use (PPU) with the rights under system 3. Based upon §42-1426 and that the changes have been made with the knowledge of other users I accept the split as valid as agreed upon between the users and the use within the PPU as an unrecorded transfer.

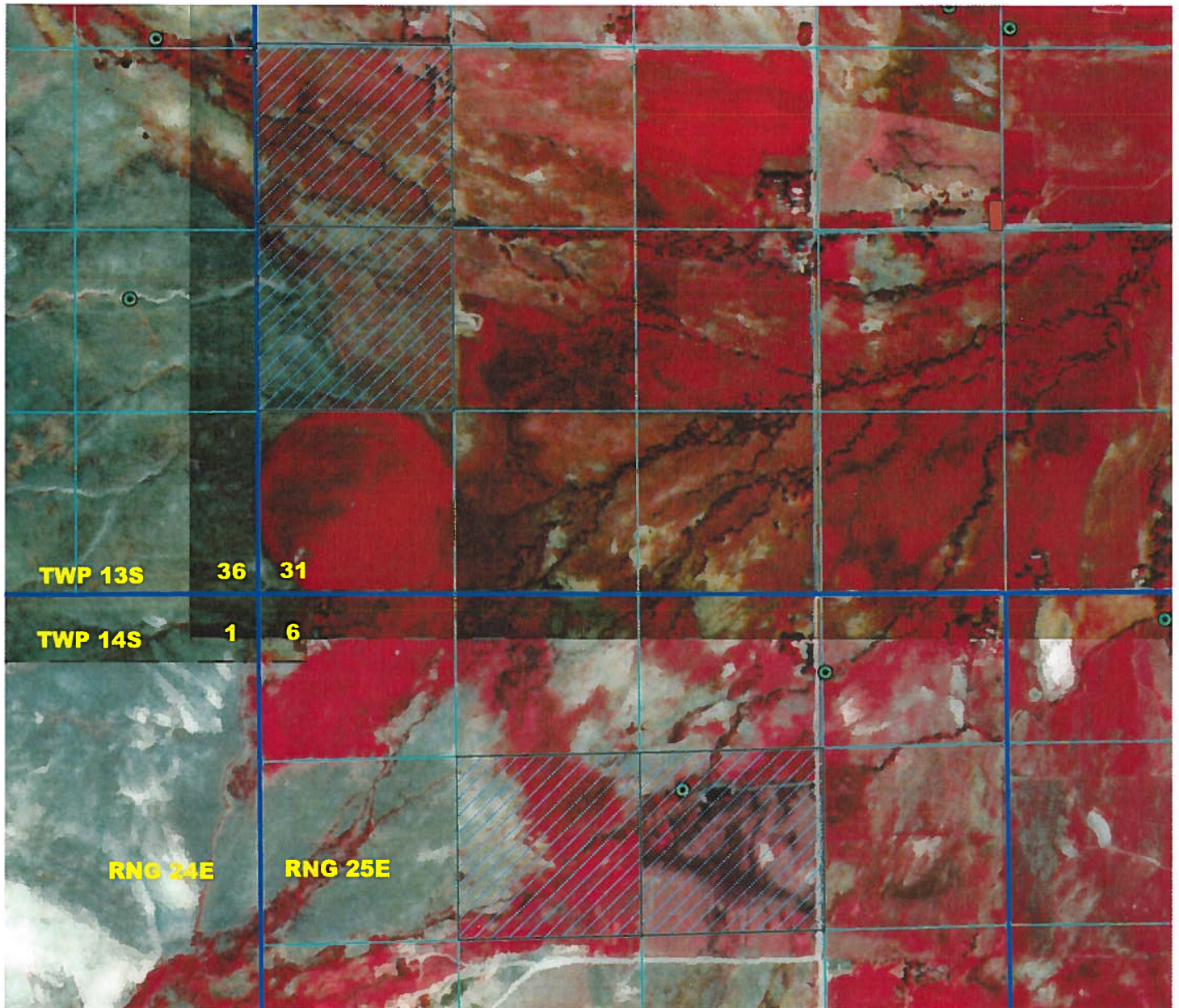
Hutchison's claims for system 2 are also claimed within a PPU but with rights from system 1. During the field verification interview Tommy indicated that he was in agreement with the 50% split agreement. As his claims filed were filed based upon the system 2 decreed rights but for the entire diversion rates, I am recognizing that those claims represent the combined 50% from the matching decreed rights from system 2 and 3. Those claims are renumbered to better identify that they represent combined rights. Based upon §42-1426 and that the changes have been made with the knowledge of other users I accept the split as valid as agreed upon between the users and the use within the PPU as an unrecorded transfer.

### RECOMMENDATION ANALYSIS FOR SYSTEM 3

System 3 was claimed by Gardiner and Hutchison and was verified as valid during the field verification visit. Based upon §42-1426 and that the changes have been made with the knowledge of other users I accept the use within the PPU as an unrecorded transfer. See also the analysis for system 2.

IDAHO DEPARTMENT OF WATER RESOURCES

**DECREED PLACE OF USE FOR  
43-00230, 43-00231, & 43-00232**



TWP 13S, RNG 25E, SEC 31  
TWP 14S, RNG 25E, SEC 6  
JPEG LAYOUT CREATED \_\_\_NO\_\_\_

GIS PLACE OF USE PRESENTATION  
1987 AND/OR 1988 NAPP PHOTOGRAPHY  
DATA ENTRY BY KELLY K CHRISTENSEN

-  POINT OF DIVERSION
-  DECREED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES



## FIELD EXAM ATTACHMENT

DATE: 7-14-94PAGE: 1/AGENT: KKCFILES: A43-00232A00232BATTACHMENT SUBJECT: Historical Use

Three Rights (43-00230, 43-00231, & 43-00232) were decreed to two separate parcels under one ownership. The system stayed under one ownership until sometime around 1975. The then owner (Lew Otley) split the parcels with one of his children receiving All of the Ground in Sec 31 (as identified in the decreed rights) & another the ground in Sec 6. At that time an agreement (verbal) was reached with which split the water rights based upon priority dates. The Ground in Sec 31 received 43-00230 & 00231 and the ground in Sec 6 received the 43-00232 right. Apparently water has been delivered in this manner since that date.

The current use is identified as an unrecorded transfer of portions of each of the 3 rights. Each claim requires a CØ5. The decree does not identify P/Ds & therefore I am assuming that the existing P/Ds are as decreed. No evidence to the contrary was Found.

Claims A43-00230 & 00231 are recognized as Valid for the ground in Sec 31. A43-00232B is recon. for disallowal for the same ground.

Claim A43-00232A is recognized as valid for the ground in Sec 6 (in full) 43-00230; & 43-00231 were not claimed in full or in part for the decreed P/Ds in Sec 6.

Info based upon conversations during a 6-27-94 field Exam for Ryan Hawker see Attached notes.



6-27-94

Ryan Hawker. at his home.

232 trans; Split from Fred Otley  
Hawker purchased 7 yrs ago.

Whittaker (2) from S. Canon  
Stan Floyd  
Halford  
Beckett  
Hawker

P/U in Sec 7 & SE  $\frac{1}{4}$  of Sec 6.  
Water enters prop on SW corner and at approx 100 yds  
goes into a 10 in pipeline that follows the

claim A43-00232A

- NE P/U ① also claimed by Hutchison/OTTLEY  
verify history of split of decreed rights  
along Cassia Cr (any info in deeds)? (Also related 230, 231)
- ② claimed overlap of 252.  
identify date of unrecorded transfer

- ③ claim 10320. **waste water**  
Identify sources P/Ds & P/U Note: if collecting  
own waste water claim not necessary.

- ④ claim 7007 verify delivery system.

Southern P/U verify northern boundary. currently overlaps  
⑤ with A43-00124 OTTLEY (claimed wrong?)  
otherwise 371/475 claimed as decreed.

misc ⑥ → NOTE 43-00125 is not claimed under that number.

- ⑦ claim 10594 **Poison Hollow** lay out delivery system.  
P/Ds identify Divisions covered by other claims.
- b) sec 14 = Poison Hollow
  - c) sec 7 = corner of prop.
  - d) sec 12 = cross cr. if from 24E rather than 25E.

8 go through waste water system. 10320

Notes- 6-27-94

KKC

Prop Sec 6      230, 231, 232  
§ 31

Prop was under 1 ownership until Lou Otley split by giving Sec 31 prop to Thurston & the Sec 6 prop to Rep.

Prop Separated in 1975

Talked with Lou Otley, Ryan Hawken, Brenden

5420

was low tide

built in 2059

ottery ditch

(AKA HIGHLINE)

from NE corner

6" in

4" in

6" in

15" in

15" in

15" in

15" in

15" in

15" in

15" in

15" in

15" in

15" in

15" in

15" in

15" in

15" in

5698

Green Canyon

Whitaker

5698

5698

5698

5330

5323

55

CLAIM

T. R. S. Q/Q

P/D

PHOTO

DT. & ID.

enlarged

0786 DD-30

Flight

200%

See map of site for more information

field plan on 6-27-94 KRC

Indian side Antelope/Panther

Antelope/Panther

AKA

AKA

AKA

AKA

AKA

AKA

AKA

AKA

AKA

AKA

AKA

AKA

AKA

AKA

CLAIM # A43-00232  
DATE PHOTO TAKEN; 6-27-94  
PICTURE # 1

This photo shows one of the diversion points from Cassia Creek. You are looking south in this photo. This diversion irrigates ground south of Cassia Creek and to the east from this point. The farm buildings on the right are the Hoggan/Stephens farmstead.

WESTERN BOUNDARY OF THE P/U



PICTURE # 2

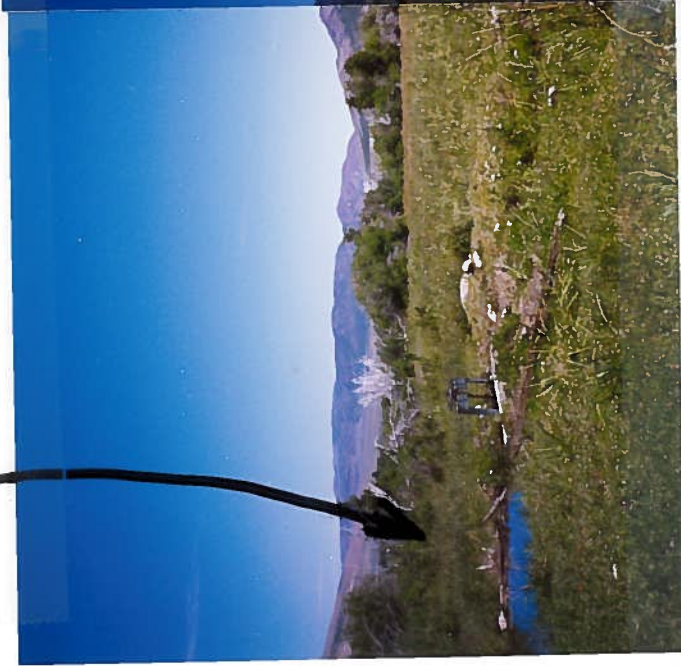
This is the measurement device associated with the above diversion. This is the standard parshall flume used in this area. It is a SCS designed 9" flume. You are looking north in this photo.



CLAIM # A43-00232  
DATE PHOTOS TAKEN; 6-27-94  
PICTURE SET # 3

This photo set shows the same diversion and measurement device as photos 1 & 2 but you are looking east toward the P/U. The main ditch follows the grade at the base of the knob on the right and carries water east.

CASSIA CREEK



KNOB



CLAIM # A43-00232

DATE PHOTO TAKEN; 6-27-94

PICTURE # 4

This photo shows the measurement device for the second diversion from Cassia Creek along the western border of the P/U. You are looking northeast in this photo. This is the standard 9" parshall flume for this area. I found a .43 ft reading on the staff gage on this date. This is .84 cfs using Table 7 from the University of Idaho WATER MEASUREMENT handbook.



PICTURE # 5

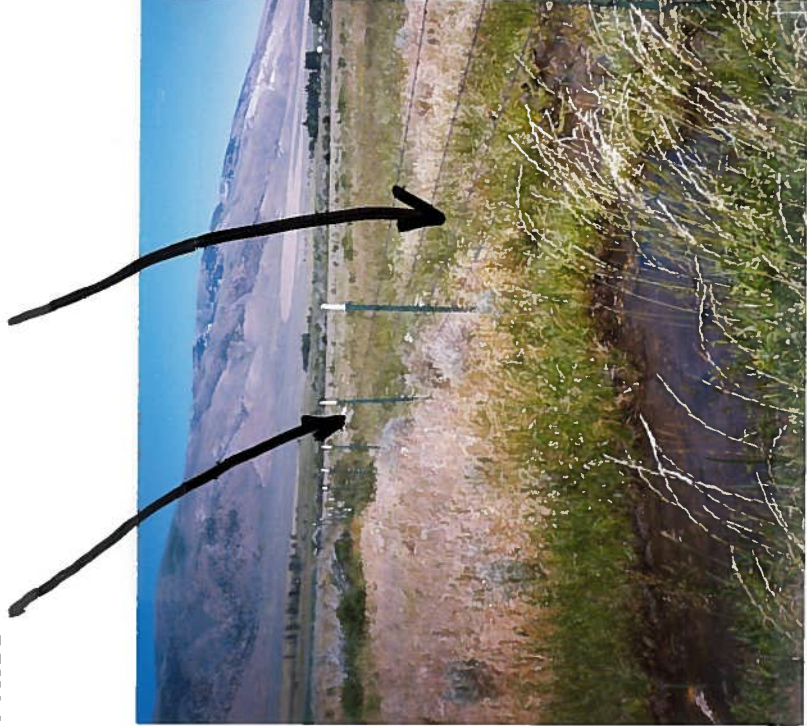
This photo was taken at the measurement device and is looking southwest toward the headgate. The buildings in the background is again the farmstead for Hoggan/Stephens. This location is west of the P/U boundary fence by three to four hundred feet. This diversion point supplies water to ground north of Cassia Creek.



CLAIM # A43-00232  
DATE PHOTOS TAKEN; 6-27-94  
PICTURE SET # 6

This photo set shows the point where the ditch enters the P/U and then divides with one leg going east and one ditch going north along the fenceline. You are looking north on the left to east on the right.

PICTURE # 7  
NORTH  
DITCH  
LOCATION



CASSIA CREEK  
CHANNELS  
HAYSTACK ON KNOB  
SHOWN IN PICTURE # 3



CLAIM # A43-00232  
DATE PHOTO TAKEN; 6-27-94  
PICTURE # 7

This photo shows the collapsed pipeline that used to carry water to the northwest corner of the P/U. The pipe has rusted out in several spots and cannot carry water. You are looking southwest in this photo.



PICTURE SET 8

This photo set was taken from a point approximately 200 yards south of the northwest corner of the property and you are looking southeast on the left to south on the right. This triangular corner (bounded by the fence on the north and west and a small swale running northeast across the corner) is not being recommended as a portion of the irrigated P/U.

PICTURE # 7 LOCATION



from a point just north of the Cassia Creek road where the supply  
arker ditch enters the P/U. The ditch is diverted either east or  
itch that runs west swings to the north of the stackyard shown on  
west on the left to northeast on the right.

#### CLYDE CREEK

