

06/30/2003

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

RIGHT NUMBER: 74-25

NAME AND ADDRESS: MC FARLAND LIVESTOCK CO INC
C/O TEX J KAUER
PO BOX 50
LEMHI ID 83465

SOURCE: HAWLEY CREEK

TRIBUTARY: EIGHTEENMILE CREEK

QUANTITY: 2.500 CFS

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:

T15N R27E S3 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.500 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T16N R27E S30	SESW	20.0	T16N R27E S30	SWSE	30.0
T16N R27E S30	SESE	34.0	T16N R27E S31	NENE	39.0
T16N R27E S31	NWNE	32.0	T16N R27E S31	NENW	21.0
T16N R27E S31 Lot 1 NWNW		2.0	T16N R27E S32	NWNW	34.0

212 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 74-27 AND 74-28 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 225.2 ACRES IN A SINGLE
IRRIGATION SEASON.

This right authorizes the irrigation of 211.6 total acres.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

Overlap Analysis **74-00025, 74-00027, 74-00028**

These three rights were decreed in the Lemhi adjudication for overlapping lands. The overlap is partial in nature; not all lands were decreed under each of the rights.

It appears the land was originally farmed under 74-00027 in 1879. 74-00028 developed additional water on most of the land irrigated under 74-00027, but developed no new land. 74-00025 was developed in 1939, adding additional water to the same land as 74-00028, plus an additional 34 acres.

The resulting land list for all three rights is as follows:

Twp	Rng	Sec	NE				NW				SW				SE				Acres
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	27E	29											10.6						10.6
		30											3	20.4			29.5	33.5	86.4
		31	39	32.4			21.3	2.0											94.7
		32						33.5											33.5

The total irrigated lands under all three rights is 225.2. In addition, all three rights share the same point of diversion from Hawley Creek and the same delivery system. No other source of irrigation is available for these lands.

These rights will be recommended as claimed in the SRBA, with a remark restricting the total acreage to 225.2 acres. This is consistent with the rights as decreed in the Lemhi adjudication.

Claim No.: 74-25, 27, 28 Agent: R. Brown Date: 5/1/03

Twn	Rng	Sec	NE				NW				SW				SE				Acres
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
74-000	25		(1939)																
16N	27E	32						34											34 0 0
		31	39.31	38.33	32		21.31	21.2											94 94 94
		30									3	20.20	30	34.34					84 87 84
		29									10								10
74-000	27		(1879)																212 191 178
74-000	28		(1885)																
Actual Irr. Acres (from Lambi Adj. map)																			
16N	27E	29									10.6								10.6
		30									3.0	20.4					29.5	33.5	86.4
		31	39.0	32.4			21.3	2											94.7
		32						33.5											33.5
																			225.2

WRD416

05/04/83

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

TRIBUTARY TO: EIGHTEENMILE CREEK

SOURCE: HAWLEY CREEK

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
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STUCKWATER 01-01 12-31

74-1621

.02 CFS

---*AFA
.05*CFS

DECREE

04-01-1939 IRRIGATION 03-15 11-15

1.00 CFS
SENE S03 NWNW(22) S35 T16N R26E
T15N R27E NENE(13)
S34 T16N R26E

74-0023
SIMS, RALPH
SIMS, RUTH
P.O. BOX 192
LEADORE

REMARKS: AC. IRR. = 35.4.
PT. OF INJECTION INTO HAWLEY CK.: NENW, S31, T16N, R27E.
PT. OF REDIVERSION FROM HAWLEY CK.: LOT 1, S31, T16N, R27E.

* 35 ACRES*

04-01-1939 IRRIGATION 03-15 11-15

1.50 CFS
SENE S03 SENW(40) NESW(40) DECREE
T15N R27E SESW(34)
S26 T16N R26E

74-0024
SIMS, RALPH
SIMS, RUTH
P.O. BOX 192
LEADORE

REMARKS: PT. OF INJECTION INTO HAWLEY CK.: NENW, S31, T16N, R27E.
PT. OF REDIVERSION FROM HAWLEY CK.: LOT 1, S31, T16N, R27E.

* 114 ACRES*

04-01-1939 IRRIGATION 03-15 11-15

2.50 CFS
SENE S03 NWNW(34) DECREE
T15N R27E S32 T16N R27E
NENE(39) NWNW(32)
NENW(21)
L101 (NWNW)(02)
S31 T16N R27E
SESW(20) SWSE(30)
SESE(34)
S30 T16N R27E

74-0025
SKELTON RANCH CO. INC.
P.O. BOX 1138
IDAHO FALLS

REMARKS: AC. IRR.=211.6.

04-11-1960 IRRIGATION 03-15 11-15

1.36 CFS
NENW S31 NESW(27) DECREE
T16N R27E S27 T16N R26E

74-2326
BEYELER, MAXWELL F.
BEYELER, REVA S.
P.O. BOX 73
LEADORE

REMARKS: AC. IRR.=26.7.

* 27 ACRES*

08-02-1962 STUCKWATER 03-01 12-31

74-1474

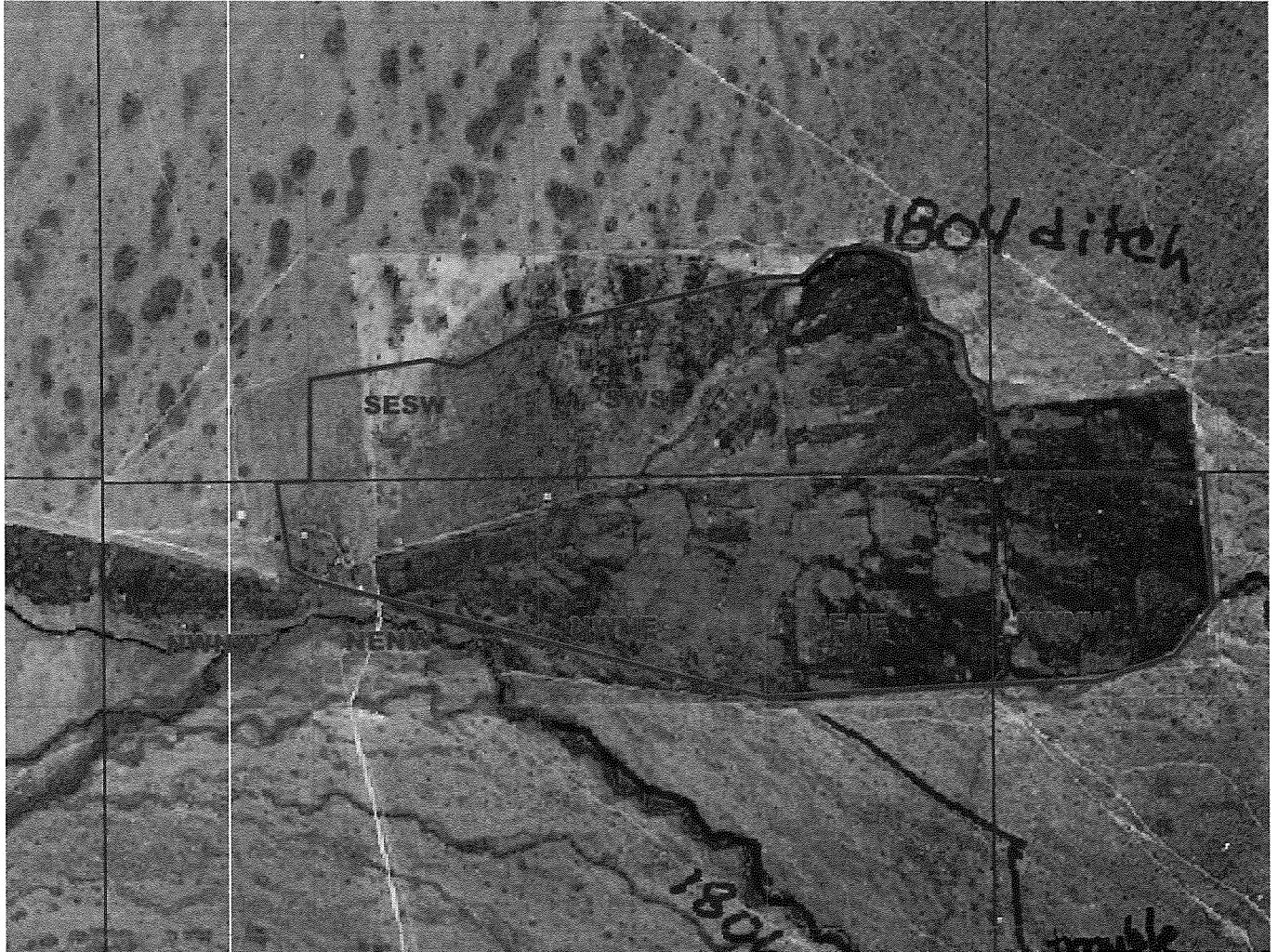
U.S. DEPT. OF INTERIOR

NWSW S02 NWNW

DECREE

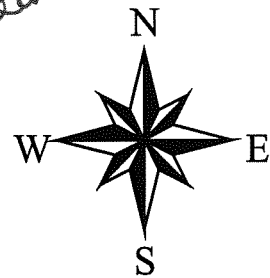
Idaho Department of Water Resources

74-25



0.2 0 0.2 0.4 0.6 Miles

T16N R27E S30, S31, & S32



Prepared by Danni Smith
November 20, 2002
1993/94 True Color Aerial Photo

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-25

WATER RIGHT NUMBER: 74-25

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LYNN HARRINGTON HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Current Owner	MC FARLAND LIVESTOCK CO INC ✓ C/O TEX J KAUER PO BOX 50 LEMHI, ID 83465 (208)768-2711
Original Owner	SCOTT L WHITWORTH C/O SCOTT L WHITWORTH WHITWORTH & HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Original Owner	DIXIE L WHITWORTH C/O SCOTT L WHITWORTH WHITWORTH & HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Original Owner	FREDRICK C HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Original Owner	SKELTON RANCH CO INC PO BOX 1138 IDAHO FALLS, ID 83401
Original Owner	JOHN E PHIPPS PO BOX 3048 TALLAHASSEE, FL 32303 (904)893-1226

OK

Priority Date: 04/01/1939 ✓

Basis: Decreed

Status: Active

Source

HAWLEY CREEK

Tributary

EIGHTEENMILE CREEK

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

2.500 CFS

Annual VolumeTotal Diversion:

2.500 CFS ✓

Location of Point(s) of Diversion

HAWLEY CREEK

SE1/4NE1/4

Sec. 3, Twp 15N, Rge 27E, B.M.

LEMHI County

Place of Use

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-25

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	27E	30												20.0			30.0	34.0	84.0
16N	27E	31	39.0	32.0			21.0	2.0											94.0
								L 1											
16N	27E	32						34.0											34.0

Total Acres: 212

Conditions of Approval:

Remarks:

1. General AC. IRR.=211.6. ✓
CHANGED OWNERSHIP 12/29/95/JT/GT

Dates and Other Information:

Claim Received Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False