

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: A43-10594
Date Received: 6/07/1989
Receipt No: C007298
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: APR 30, 1880

3. Source: POISON HOLLOW Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	24E	14	SE	SW	SW		CASSIA
	25E	7	SW	SE	NE		CASSIA
		12	NW	NE	NW		CASSIA

5. Description of diverting works:
DITCHES AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

7. Total Quantity Appropriated is:
2.000 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
14S	25E	6	NE	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							80.0

A43-10594

Page 1

Date: 08/03/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	25E	7	NE	NE		IRR	40.0
			SE	NE		IRR	40.0
						Section Acres	80.0
						Total Acres	160.0

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:
A43-00475 ANTELOPE SPROINGS 0.5CFS

14. Remarks:
THIS WATER IS THE EARLY SPRING RUN-OFF OUT OF POISON HOLLOW WHERE ANTELOPE SPRINGS IS LOCATED. ALL OF THIS WATER RUNS IN THE SAME DITCH AND IS SPLIT WITH ONE OTHER RIGHT HELD BY RAY ANDERSON AT THIS TIME. THE HIGH WATERS WHICH WE CALL IT, HAVE BEEN USED IN THIS FASHION SINCE THE DIVERSIONS HAVE BEEN BUILT. THE SPLIT IS 50/50.

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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 143-10594Date Received 6-7-89Receipt Number C007298

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
JUN 07 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Ryan Hawker Phone (208) 638 5584Mailing Address Box 433 Elba, Idaho Zip 833262. Date of Priority (Only one (1) per claim) 1880 4-303. Source of water supply (a) Poison Hollow Spring Run off
which is tributary to (b) Cassia Creek4. a. Location of existing point of diversion is: Township 14 S Range 25 E Section 12,
NW 1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 14 S Range 25 E Section 14, SE 1/4 of SW 1/4 of SW 1/4,Govt. Lot _____ B.M., County of Cassiaending point is: Township 14 S Range 25 E Section 7, SW 1/4 of SE 1/4 ofNE 1/4, Govt. Lot _____ B.M., County of Cassia5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. ditches and Pipelines

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14S	25E	6	~~10~~	~~10~~	~~10~~	~~10~~									~~10~~	~~10~~	~~10~~	~~10~~	~~80~~
14S	25E	7	~~10~~	~~10~~	~~10~~	~~10~~									~~10~~	~~10~~	~~10~~	~~10~~	~~80~~
14S	25E	6													40			40	80
14S	25E	7	40			40													80

Total number of acres irrigated 160

11. In which county (ies) are lands listed above as place of use located? CASSIA

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None ()

R 43-00475 Antelope Springs .5 cfs.

14. Remarks:

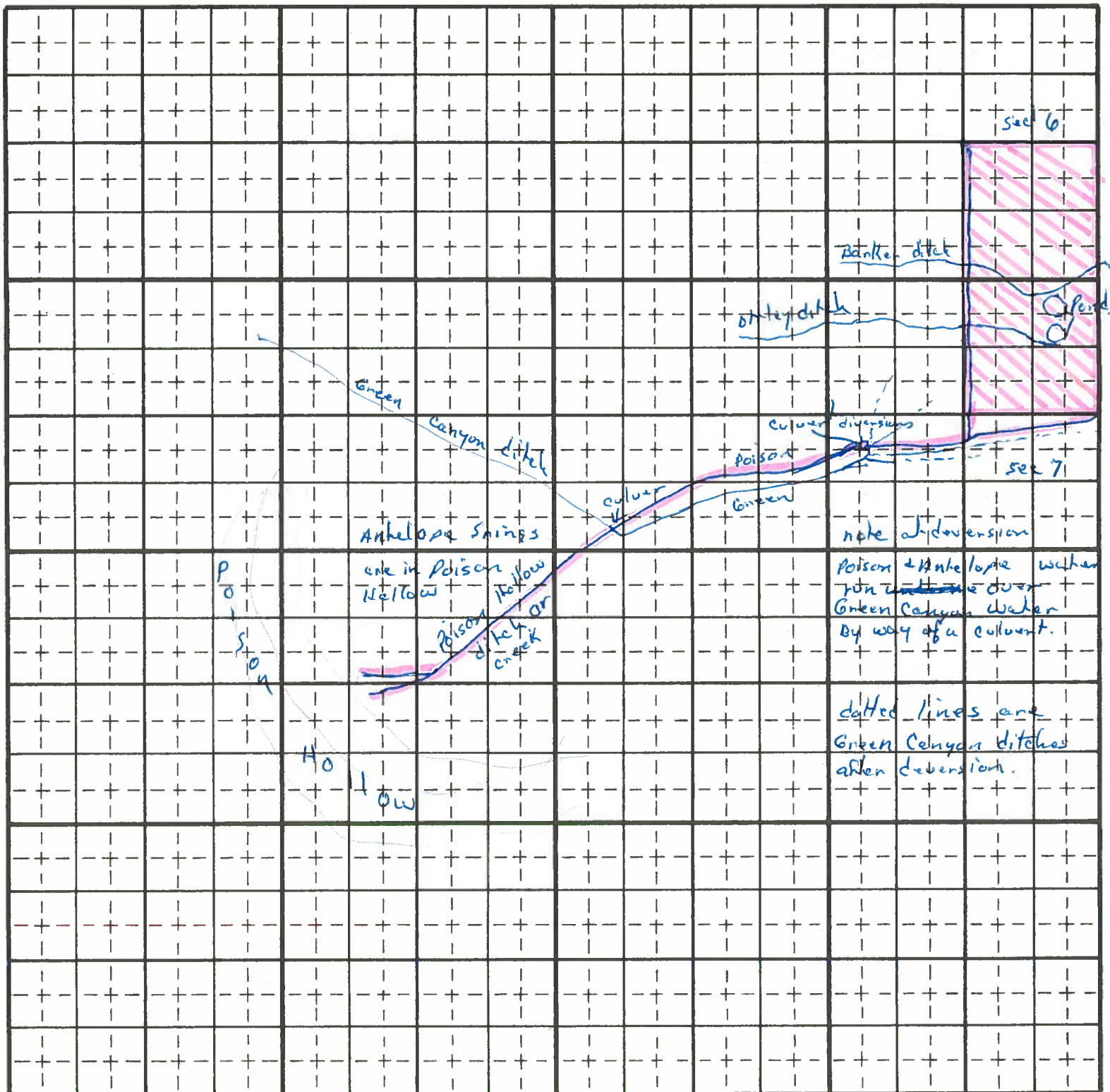
This water is the Earley Spring runoff out of Poison Hollow where Antelope Springs is located. All of this water runs in the same ditch and is split with one other right, held by Ray Anderson at this time, the High water which we call it, have been used in this fashion since the diversions have been built. The split is 50/50

Last Name Hawker Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Hawker

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Ryan Hawker Date 6-6-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 6th day of June 19 89

SEAL

Notary Public Cindy J. Manning

Residing at Burley, ID

My Commission Expires 12-09-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be 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 _____

Address _____

Date _____

Last Name Hawker Ident. Number _____

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Copies White-State, Yellow-Claimant
MAR 6 5 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 7, 1989

Mr. Ryan Hawker
Box 433
Elba, Idaho 83326

RE: Snake River Basin Adjudication SRBA
Claim #A43-04101 - Cassia County

Dear Mr. Hawker:

When the fees for your Notice of Claim to a water right #A43-04101 for your property in Cassia County were calculated an error was made. The correct fees are a \$50.00 flat fee plus an \$8.00 variable fee for the fish propagation (\$10.00 per cfs) making the total fees \$58.00. As you have submitted \$130.00 in fees for this claim on Receipt #C007298 a refund for \$72.00 is being processed.

We have data-entered two other claims, A43-00336 and A43-10594, copies of all three claims are enclosed for your files. Do not hesitate to contact this office if you have any questions or concerns.

Yours Truly,

Anna Baumhoff
Anna Baumhoff
Water Rights Agent

AB:mcc:south

Enclosures:

Claims #A43-04101, 43-10594, 43-00336
Receipt #C007298

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MAR 05 1993

CLAIMANT'S NAME

Hawke

CLAIM IDENT. NO.

A43-10594

DATE RECEIVED

6/7/89

JK #

007298

AMOUNT \$

0 fee

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A ☐ NO *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A ☐ NO *
- Is the consumptive use correct? ☒ YES ☐ NO N/A ☐ NO *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A ☐ NO *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by:

Date:

Claim must be returned to claimant:

(Yes) (No)

Claimant must be notified of modifications:

(Yes) (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date: 8/3/89

Date: 3/4/89

Checked by:

Date:

pd on MOD3812

Comments:

overlapping across w/ 43-00371, -00475, -07107, -10320

the 160# pd on MOD3812 claim #

A43-00475

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MAR 15 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-10594
RYAN HAWKER
BOX 433

ELBA

ID 83326

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by February 3, 1992, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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Affidavit of Louis Ottley
Sworn 1898.

R.C. Water Right 443-10594

Since the decree was made in 1880 the waters
out of Bison Hollow and Antelope Springs have
been used as the same waters, the two existing
water rights ~~has~~ ^{have} used all water out of Bison Hollow.
since the decree was made.

Jan 28 1992

date

Louis M. Ottley
Louis Ottley

1/28/92

date.

Ryan Hawker
Ryan Hawker

Subscribed and sworn to before me this 28th day of January, 1992.

Marate & Edwards
Commission expires 9/93

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MAR 05 1993

Water Right Number - A43-10594

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

*** C - CURRENT OWNER ***
HAKKER

RYAN

1 - Box 433

2 -

3 -

City- ELBA
Phone - 208-638-5584

State- ID Zip- 83326

Priority Date - 04/30/1880

Region - 17 SOUTHERN

Stage - J - BENEFICIAL USE

Status -

Source - POISON HOLLOW

Tributary - CASSIA CREEK

Point of Diversion - Stream Index (Blank if no Index Code)

Twn	Rng	Sec	Tract	Lot	Rflg	County
14S	24E	14	SE SW SW		(31)	CASSIA
14S	25E	7	SW SE NE		(31)	CASSIA
14S	25E	12	NW NE NW		(31)	CASSIA

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01	IRRIGATION	03/15	11/15		2.000	

Total Div. Rate - 2.000
Total Div. Volume - 0.0
Total Consumptive Use - 0.0
KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
14S	25E	6	NE SE		40.0	01	IRRIGATION		(31) CASSIA
14S	25E	6	SE SE		40.0	01	IRRIGATION		(31) CASSIA
14S	25E	7	NE NE		40.0	01	IRRIGATION		(31) CASSIA
14S	25E	7	SE NE		40.0	01	IRRIGATION		(31) CASSIA
Total Acres:						160.0			

- - - Diversion Means - DITCHES AND PIPELINE

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - A43-00475 ANTELOPE SPRINGS 0.5CFS

Remarks - THIS WATER IS THE EARLY SPRING RUN-OFF OUT OF POISON HOLLOW WHERE ANTELOPE SPRINGS IS LOCATED. ALL OF THIS WATER RUNS IN THE SAME DITCH AND IS SPLIT WITH ONE OTHER RIGHT HELD BY RAY ANDERSON AT THIS TIME. THE HIGH WATERS WHICH WE CALL IT, HAVE BEEN USED IN THIS FASHION SINCE THE DIVERSIONS HAVE BEEN BUILT. THE SPLIT IS 50/50.

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**Idaho Dept of Water Resources
Claims review notes and narrative**

Date: 9-14-2001

File: 43-371 and others hawker chg in recom

Prepared by Kelly K Christensen

**CHANGE IN RECOMMENDATION FOR
43-371, 43-475, 43-10320, AND 43-10594**

Ryan Hawker met with Doug Jones and discussed my recommendations. Doug agreed to change the place of use in two different areas and after reviewing Ryan's argument with Doug I have changed the recommendations as follows.

Place of use between storage ponds

Ryan requested all of the area between the ponds and east to the fence that is north of a ditch coming off of the southern most reservoir. I recalled and it is shown in photos taken on 6-27-1994 that a portion of that ground was being used as an equipment storage area. A portion of that area has also been excavated to be used at some other location. (Photos in file 43-371) I have therefore excluded an approximation of that area. I do not recall seeing any irrigation in that area at the time of my exam but accept Ryan's assertion that it was irrigated.

Place of use in SE corner of property

I walked the area to the west of the claimed ground and recommended it as valid under the Green Canyon and Poison Hollow claims. I observed that ground from approximately 1/8th of a mile and did not observe any ground that appeared to be irrigated. I also conducted the field examination for the ground bordering this ground to the east. I entered the Anderson property at his southwest corner (the southeast corner for Hawker. I did not observe any vegetation on the Hawker property that would indicate that significant irrigation had occurred but I was not specifically checking the Hawker property at that time and did not seek out any ditches or evidence of irrigation on that property. Based upon the information that Ryan presented to Doug that there is a ditch that runs along the fenceline (to the north) I changed my recommendation to include the hill top acreage that is somewhat flat. There is a sharp draw that runs northward through roughly the middle of that 40 acre tract. Some of that area is visible in the background of one of the 6-27-94 photos taken to show the well. That ground is very steep and is heavily vegetated with short sagebrush. There is no indication that irrigation water reaches this ground.

Ryan asserted that this ground is only irrigated when high water is available and is to be included in 43-10594. I have added the recognized as irrigated acres to the recommendation for this right. The recommended priority date is one day after the decree or 10-19-1928. It is possible that this date is too early for the added acres but lacking contrary information I have accepted those acres with that priority date also.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-10594 V1

WATER RIGHT NUMBER: 43-10594 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RYAN HAWKER BOX 433 ELBA, ID 83326 (208)638-5584

Priority Date: 10/19/1928

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
POISON HOLLOW	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

POISON HOLLOW	NW1/4SE1/4NE1/4	Sec. 13, Twp 14S, Rge 24E, B.M.
CASSIA 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	
14S	25E	6													33.0			40.0	73.0
14S	25E	7	32.0			29.0													61.0

Total Acres: 134

Conditions of Approval:

1. 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:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 209 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-232A, 43-371, 43-475, 43-7107, 43-10594, AND 43-10320
2. Quantity 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.

03/13/2001

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

RIGHT NUMBER: 43-10594
NAME AND ADDRESS: RYAN HAWKER
BOX 433
ELBA, ID 83326

VERIFIED BY *KKC*

SOURCE: POISON HOLLOW CREEK TRIBUTARY: SINKS

QUANTITY: 2 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: 10/19/1928

POINT OF DIVERSION: T14S R24E S13 NWSENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	2.00 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County			
T14S R25E S6	NESE	33	T14S R25E S6 SESE 40
T14S R25E S7	NENE	29	T14S R25E S7 SENE 24

134
126 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 - Beneficial Use

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

43-202A	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 Ottely 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.

P/O Analysis:

145-24E-14 SE SW SW appears to reference head waters of
Poison Hollow

• 25E-7 SW SENE appears to reference the SW corner
of the P/U.

25E-12 P/O for ditch coming from Cross Creek
if the range were to be changed to 24E. otherwise
the legal does not identify any drainage.

P/U $\approx$ 126 ac

$$\begin{array}{r} .02 \\ \hline 2.52 \text{ CFS @ } 1''/\text{Ac} \end{array}$$

43-10594	B/U	Antelope Sp./Poison Hollow	2.00 CFS
43 475		Antelope Sp	<u>0.50 CFS</u>