

Transfer # 73426.

Aug. 28, 2007.

Applicants, Sheldon Hatley. self.
Jack Hatley.

Protestants, Emory. Nestor self. - Applicant's exhibit, #
Protestant " Alpha.

- Explains purpose of tape -
 - creates record
 - used for appeal. -
- Not familiar with issues - help hearing officer understand.
- Contested case - factors to consider under 42-222.
 - reviewed factors - (4 main). -
 - applicant bears the burden of proof.
- Protestant can cross exam after applicant's testimony.
- rebuttal testimony..

- Water District Records - Garden Creek 29B.
- 17 yrs. -

* Maintain "proper candor."

(V:25)
- Sheldon Hatley -

propose to dry up 13 & 3 acres and transfer to
an adjoining 16 acres - 13 acres were plowed 2 yrs ago,
3 to be plowed this year. -

16 acres just below the north lateral ditch - marked
in blue.

- Expects to get better production on 16 acres.

- will install a 21" culvert in North lateral
(with slider gate).

- Divert into open ditch that will parallel
North lateral.

2 miles from P.O.D to 16 acres.

New diversion will be from North lateral west on
Meadow Brook.

- Presented proposal at March annual meeting. -

(check minutes), - no objection by those present.

- Read protest letter.

- not requesting more water or adding dates to rotation.

- applicant will pay for project.

- water distribution - flows have declined over past 20 yrs.

- 7 share holder in Garden Creek. - for first
200" of water.

"718" - introduced applicants exhibit #2.

900's - accepted exhibits 1, 2 & 3.

↓
1000.

1056 - 4 rights being transferred -

1125 - Distribute water - by rotation -

Freshett rights - 1896 $\div$ 1895.

begin irrigation around 4-1.

high water gone by 7-1.

- users pool rights & rotate by time based on shares

- 1800 priorities entitle user to 2 days.
(freshett.)

- 1 day for 30 shares in Garden Creek Irrigation.

- 4 days for freshett rights,

5 days to Hattleys.

- 3 users on North lateral -

- Hattley

- Wester

- Diamond T.

- water rotated on laterals in times of plenty

- " " " creek " " " shortage.

- When flow declines to 200" the water is rotated
between 7 users

1639 - Garden Creek Irrigation is appurtenant to
16 acres covered by transfer. Consequently
not a transfer -

1790 - Mr. Nester - didn't use water this year because he has failed to pay water district assessment.

1835 - Introduce Exhibit 5, 2006.

- left hand column is number of days water delivered.
- Nester received water for 36 days.

2058 - New diversion on N. lat. is about $\frac{1}{4}$ mi above existing diversion.

N. lat. is a losing stream.

Inflammatory remarks.

2310

- X-exom by Emery Nester.

- flow in Garden Creek is less than 75".

- Hatley had turn in last 10 days.

- 75" did not get to Hatley ditch heading in 24 hours.

- Not enough water to irrigate 113 acres.

- Nester wants a "spillway" not a culvert.

- Nine members were present at 100 years meeting.

- This year irrigated around 55 acres, with approximately 250".

- Allen Christensen's property is in CRP.

- Total amount of water in North lateral. - excluding 13 cfs.
+ 4 cfs of Garden Creek irrigation.

- 6' apiletti were at P.O.D. North lateral. - usually put in around 4-1.

4282 - went off record so Gray could explain process.

(3:25) - There is a watermark on Garden Creek Hwy. -

1922 45

3:35

0139 -

end of X exam -

Sheldon - rebuttal testimony.

- directions - testimony limited questions.

209 - Jack has known Emery N. since he moved into Robin.

- change in P.O.U. will not impact other users on North lateral.

- fair and equitable distribution of water.

509

4:05

- Hatley's have used ditcher to clean ditch.

619

- X-exam - no questions.

- 629 - Testimony by Emily Nestor -

992 } - - admitted exhibits 4:5.

1000 - started testimony.

- wants a spillway diversion rather than culvert.

- Some users have not used water - so there is excess water for distribution.

- wants watermaster to also regulate water on laterals.
- Nester & Hatley's split water at existing ditch diversion.
- Measuring devices is not installed until high water is gone.

1352 → X-examin by Sheldon.

- new diversion will harm delivery of Nester's right.
- Nester states there is no rotation prior to the ~~ditch~~ Q in creek declining to 200'.

Nester owes \$900+ to W.D.

4:40.

1719-

87.5" in Garden Creek
Nester has 1.75 cfs - .10 cfs groundwater.

Water for North Lateral is measured at the gap.

1921 -  1

4:55 "2318" -
2371 - direct testimony to questions.

How will adding another diversion cause a drastic change to the distribution of water on the N lateral?"

2622 - 4 other culverts already on ditch.

- decision ~~is~~ will hopefully be made within 60 days.

TESTIMONY LOG

**IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 73426 IN THE
NAME OF SHELDON OR JACK HATLEY**

August 28, 2007
Hearing Officer: Gary Spackman

TAPE NUMBER 1

[illegible]

**IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 73426 IN THE
NAME OF SHELDON OR JACK HATLEY**

NAME _____

REPRESENTING

Sheldon Hatley 13589 S. Thacker Rd Armon ID 83214 Hatley Farm + Ranch
 Emory Norton 1789 W. Stinger Rd Mc Conn ^{83750 EN} Ranch
 Jack Hatley

169
N. Armstrong
CAP: CN #105
88-97
F-5
111.3

CN #105
F-7
34 32 5.2

HEL

N

35
Emergency Nesting

Emergency Nesting

12.4
Dry up

Grass +
Alfalfa 4
57.8

Watson
place

25.9

HEL
Hay
Ground
17.9

#1050
Calvin Monso
CAP: CN #150
86-96
F-1
39.3

NHE

#1050
Leland Armstro

8 NHE
22.2

9 NHE
10.5

3 NHE
38.5

Leland Armstrong
T348 #1050

10 NHE
1.6

3 NHE
6.8

4 NHE
8.1

NHE
14.5

T392
Meadowbrook

3.4 NHE

5
8 9

EXHIBIT



COPY

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you wish to search both active and inactive water rights, please check the box below.

☐ Search for both active and inactive water right records.

Search Results

Type of Query

USAGE INSTRUCTION

☒ All SRBA & Water Rights	
SRBA ☐ Claims ☐ Recommendations ☐ Both	Water Rights ☐ Applications ☐ Permits ☐ Decrees, Licenses and Statutory Claims ☐ Transfers ☐ All of the above

Basin Who What When Where Clear Search Help

Query parameters:

OrganizationName = garden creek irrigat

Search for: active Records

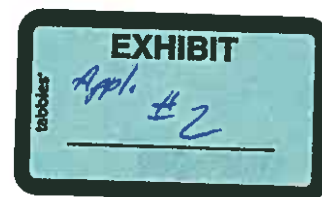
Information for type: Statutory Claim, Decree and License

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List	Water Uses	Owner List
Details Related Documents General Provision	1	29	362			Decreed	Active	1877-06-01	4	GARDEN CREEK	IRRIGATION, STOCKWATER	GARDEN CREEK IRRIGATION CO (Current)

Number of records = 1

200'

30 shares



COPY

IDWR Water Right and Adjudication Search

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Basin Who What When Where

Clear Search Help

Query parameters:

lastName = hatley

FirstName = sheldon

Search for: active Records

Information for type: Statutory Claim, Decree and License

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List	Water Uses	Owner List
Details Related Documents General Provision	1	29	403			Decreed	Active	1896-05-01	0.75	GARDEN CREEK	IRRIGATION	HATLEY, CHERYL (Current); HATLEY, JACK (Current); HATLEY, SHELDON (Current)
Details Related Documents General Provision	2	29	404			Decreed	Active	1904-05-01	1	GARDEN CREEK	IRRIGATION	HATLEY, CHERYL (Current); HATLEY, JACK (Current); HATLEY, SHELDON (Current)
Details Related Documents General Provision	3	29	405			Decreed	Active	1895-05-01	0.75	GARDEN CREEK	IRRIGATION	HATLEY, CHERYL (Current); HATLEY, JACK (Current); HATLEY, SHELDON (Current)
Details Related Documents General Provision	4	29	406			Decreed	Active	1904-05-01	1	GARDEN CREEK	IRRIGATION	HATLEY, CHERYL (Current); HATLEY, JACK (Current); HATLEY, SHELDON (Current)
												HATLEY,

Details Related Documents General Provision	5	29	419			Decreed	Active	1895-05-01	0.75	GARDEN CREEK	IRRIGATION	CHERYL (Current); HATLEY, SHELDON (Current)
Details Related Documents General Provision	6	29	420			Decreed	Active	1904-05-01	1	GARDEN CREEK	IRRIGATION	HATLEY, CHERYL (Current); HATLEY, SHELDON (Current)
Details Related Documents General Provision	7	29	4102			Decreed	Active	1942-06-01	0.2	SPRING	IRRIGATION, STOCKWATER	HATLEY, CHERYL (Current); HATLEY, JACK (Current); HATLEY, SHELDON (Current)
Details Related Documents General Provision	8	29	4187			Decreed	Active	1942-06-01	0.73	LITTLE GAP CREEK	IRRIGATION, STOCKWATER	HATLEY, CHERYL (Current); HATLEY, JACK (Current); HATLEY, SHELDON (Current)
Details Related Documents General Provision	9	29	4365			Decreed	Active	1908-06-01	0.04	UNNAMED STREAM	STOCKWATER	HATLEY, CHERYL (Current); HATLEY, JACK (Current); HATLEY, SHELDON (Current)
Details Related Documents General Provision	10	29	13422			Decreed	Active	1877-05-01	0.02	UNNAMED STREAM	STOCKWATER	HATLEY, CHERYL (Current); HATLEY, JACK (Current); HATLEY, SHELDON (Current)
Details Related Documents General Provision	11	29	13423			Decreed	Active	1877-04-01	0.02	GARDEN CREEK	STOCKWATER	HATLEY, CHERYL (Current); HATLEY, JACK (Current); HATLEY, SHELDON (Current)

Information for type: Transfer

	Record	Application ID	Applicant	Existing Water Right Nos.	Proposed Water Right Nos.	Status	Received Date	Total Div. Rate (cfs)	Total Div. Vol (af)	Total Acres	Protest Deadline
Details Related Documents	12	73426	JACK HATLEY (Transfer Applicant), SHELDON	29-403, 29-404, 29-405, 29-406, 29-	29-403, 29-404, 29-405, 29-406, 29-	Active	3/6/2007	2.35		117.3	6/11/2007

General Provision		HATLEY (Transfer Applicant).	4102, 29-4187,	4102, 29-4187,						
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Number of records = 12



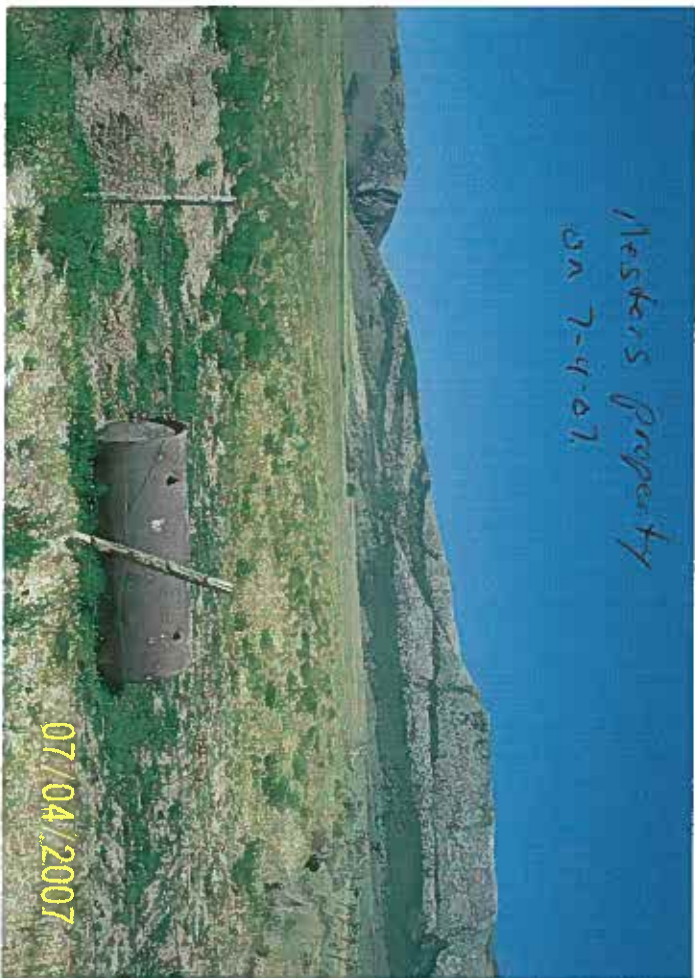
Nesters Property
on 7-4-07

07/04/2007



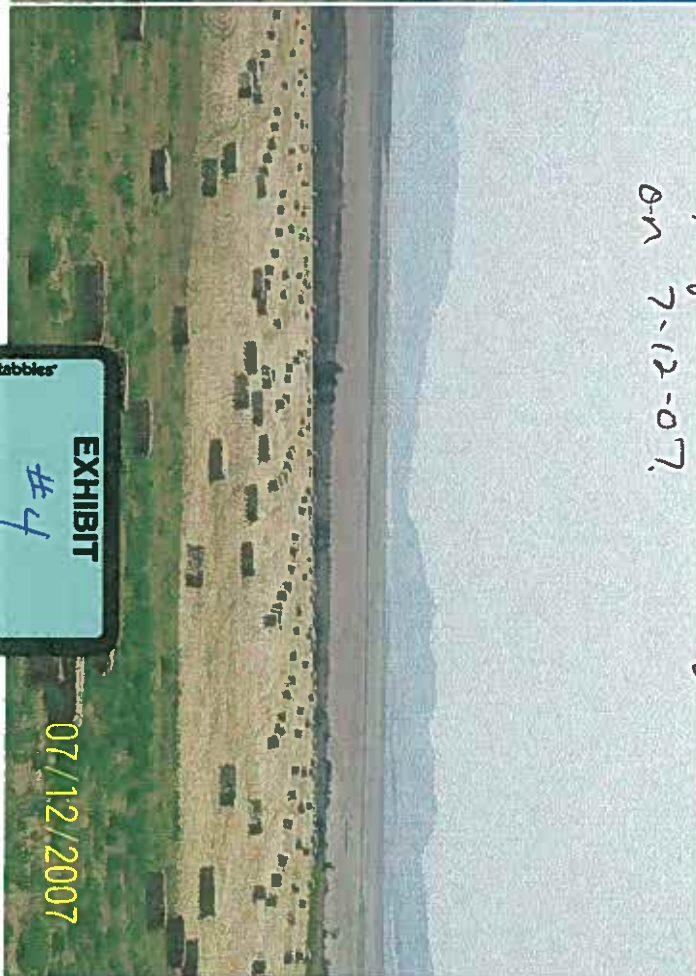
07/12/2007

↓ Hatter's production off irrigated Acres
on 7-12-07.



Nesters Property
on 7-4-07

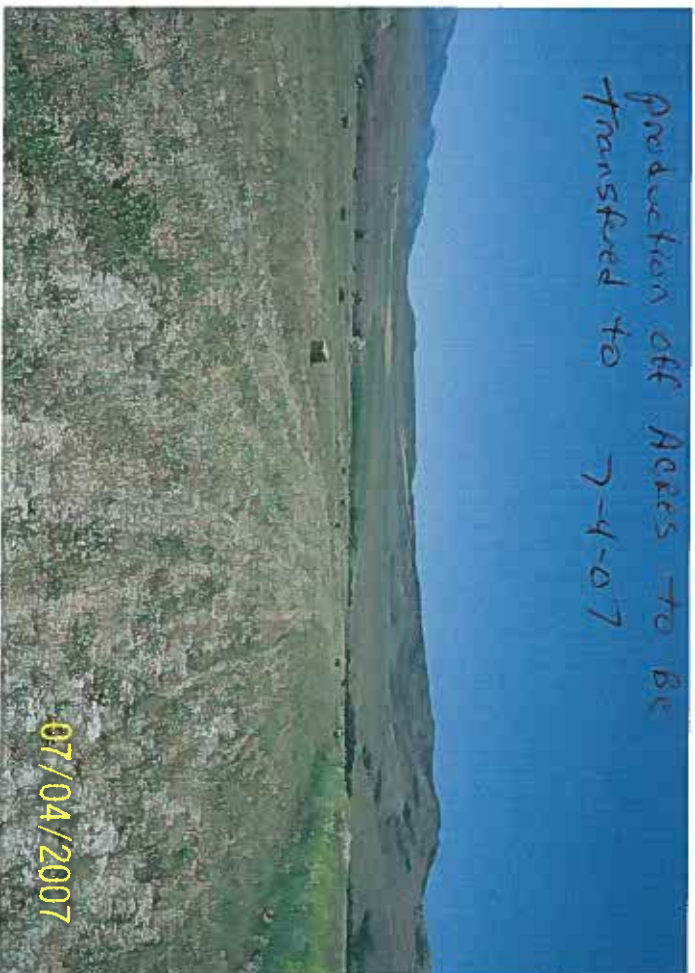
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07/12/2007

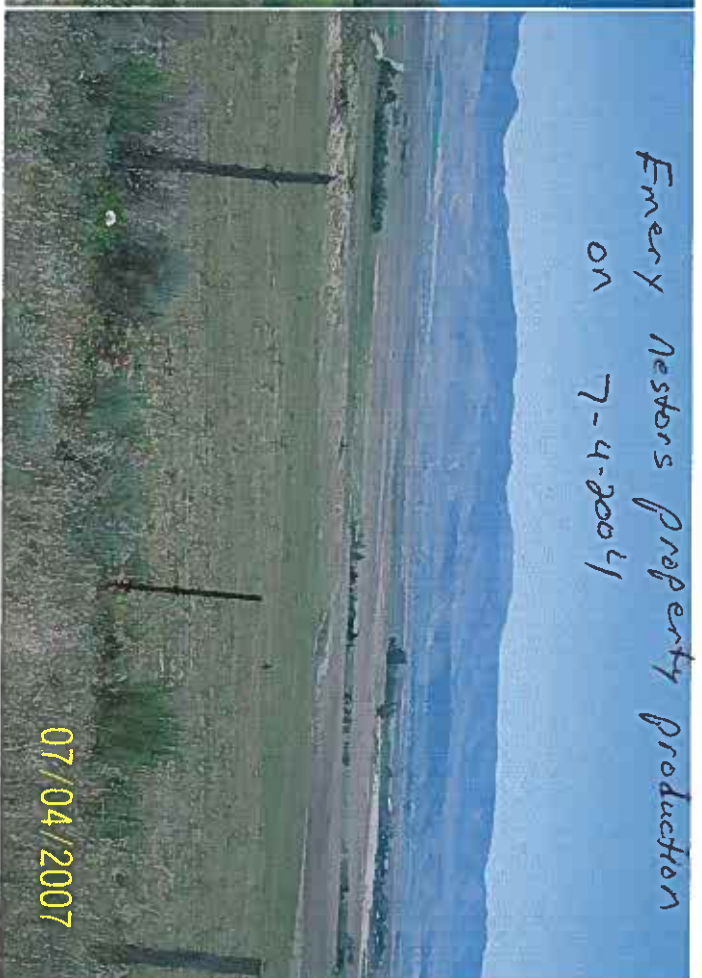
tabbles
EXHIBIT
#4

production off Acres to be
transferred to 7-4-07



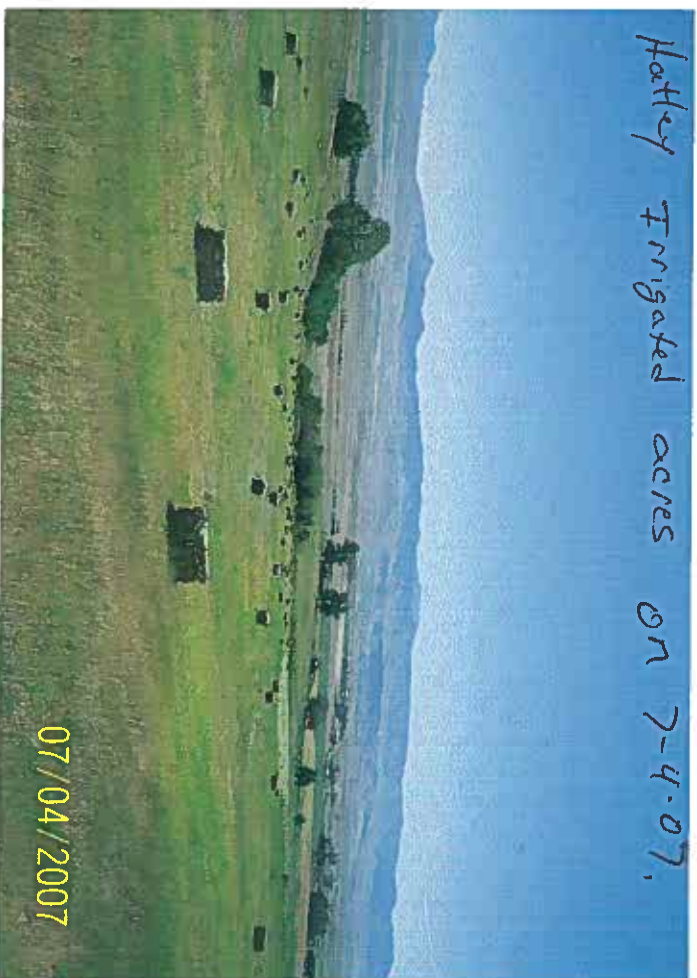
07/04/2007

Energy nesters property production
on 7-4-2007



07/04/2007

Hattery Irrigated acres on 7-4-07.



07/04/2007

[illegible]