



State of Idaho
DEPARTMENT OF WATER RESOURCES

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WD 74-6

RECEIVED

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 4, 1995

Dan Smith
Box 22
Leadore, ID 83464

OCT 10 1995

Department of Water Resources
Eastern District Office

Re: Hawley Creek Water Rights

Dear Dan:

Enclosed you will find a water right listing for Hawley Creek. The listing shows each water right on the creek which is on record with the Department. Priority dates, priority rank and IDWR water right numbers are shown, along with the current and original ownership names, rates of diversion and diversion name for each right.

This list reflects the original water right information as well as adjudication claim information. Other than ownership and diversion name information, this listing is much the same as the original rights and adjudication claims. I found no difference between the decreed rights and the adjudication claims in terms of rates of diversion, diversion locations and priority dates. I have noticed that the decreed and claimed rights of Isom include the Lower Oxbow location as a point of diversion, along with the actual ditch located downstream. My attached list however only includes the lower location, which we concluded is the true point of diversion for the Isom rights. The attached list also matches the information which you have as watermaster, except for the following items:

1) Priority right no. 2, 74-0029 for 35 inches owned by Whitworth and Hirschy. You told me that this right is delivered with the no. 1 priority right to the Lower Oxbow Ditch. The decreed point of diversion and the adjudication claim show that the no. 2 priority right is diverted at the Upper Oxbow Ditch.

2) Priority right no. 5, 74-0028 for 165 inches owned by Whitworth and Hirschy. You told me that this right is delivered with the no. 4 and no. 6 priority rights to the Upper Oxbow Ditch. The decreed point of diversion and the adjudication claim show that this right is diverted at the Lower Oxbow Ditch.

3) Priority rights no. 8 and 9, 74-0011 and 74-0016, both owned by Whitworth and Hirschy. Your records showed rates of diversion different than both the decreed and claimed rates of diversion. I believe your records showed a total of 232 inches under the 8 and 9 priority rights, whereas our records show 80 inches for the number 8 right, and 320 inches for the number 9 right, a total of

400 inches. You also reported that the 232 inches is delivered at the Lower Oxbow, whereas the decreed and claimed points of diversions for both rights show the location as the Upper Oxbow Ditch.

4) Priority right no. 12, 74-2326 owned by Beyeler. We never really discussed this right and where it is diverted during my visit, or at least I don't have a recollection about the use and diversion location for this right. Please tell me what you know about this right.

The discrepancies between your records and those of the Department need to be resolved. I would prefer that we try to resolve these differences before you complete your watermaster report. The Department is sending new watermaster report forms this year. The new forms will allow for proper identification of IDWR administrative water right numbers and local diversion names. I feel it is important that you identify water right numbers and diversion names in your report. If this can not be done on the report form itself, then a list like the one attached needs to accompany the report. We also need to develop similar listings for the other creeks in the water district.

Please contact me at your earliest convenience. We need to get on with completing the other listings and making annual report improvements.

Sincerely,



Tim Luke

cc: Skip Jones, Eastern Region

WATER DISTRICT 74-W
WATER RIGHTS LISTING FOR HAWLEY CREEK

Water Rt Priority Number	Water Rt Priority Date	IDMR Water Rt Number	Current Owner	Original Owner	Rate of Diversion (cfs)	Rate of Diversion (inches)	Diversion Name	Point of Diversion	Source
1	04/01/79	74-00027	WHITWORTH, SCOTT	SKELTON RANCH	0.70	35.00	LOWER OXBOW	15N 27E 3	SENE HAWLEY CK
2	04/01/81	74-00029	WHITWORTH, SCOTT	ELLSWORTH, JAMES	0.70	35.00	UPPER OXBOW	15N 27E 2	SENE HAWLEY CK
3	04/15/83	74-00026	ISOM, CHARLES	SIMS, RALPH	1.50	75.00	ISOM DITCH	16N 27E 31	NWNW HAWLEY CK
4	08/01/83	74-00030	WHITWORTH, SCOTT	ELLSWORTH, JAMES	5.00	250.00	UPPER OXBOW	15N 27E 2	SENE HAWLEY CK
5	08/15/83	74-00028	WHITWORTH, SCOTT	SKELTON RANCH	3.30	165.00	LOWER OXBOW	15N 27E 3	SENE HAWLEY CK
6	10/16/08	74-00012	WHITWORTH, SCOTT	ELLSWORTH, JAMES	2.00	100.00	UPPER OXBOW	15N 27E 2	SENE HAWLEY CK
7	07/23/09	74-00013	ISOM, CHARLES	SIMS, RALPH	0.42	21.00	ISOM DITCH	16N 27E 31	NWNW HAWLEY CK
7	07/23/09	74-00014	ISOM, CHARLES	SIMS, RALPH	0.66	33.00	ISOM DITCH	16N 27E 31	NWNW HAWLEY CK
7	07/23/09	74-00015	ISOM, CHARLES	SIMS, RALPH	0.42	21.00	ISOM DITCH	16N 27E 31	NWNW HAWLEY CK
8	03/27/11	74-00011	WHITWORTH, SCOTT	ELLSWORTH, JAMES	1.60	80.00	UPPER OXBOW	15N 27E 2	SENE HAWLEY CK
9	04/13/11	74-00016	WHITWORTH, SCOTT	ELLSWORTH, JAMES	6.40	320.00	UPPER OXBOW	15N 27E 2	SENE HAWLEY CK
10	04/01/14	74-00022	KAGEL, RAY	SKELTON RANCH	2.00	100.00	KAGEL DITCH	16N 28E 31	NESE 2 HAWLEY CK
10	04/01/14	74-01621	KAGEL, RAY	SKELTON RANCH	0.05	2.50		16N 28E 31	NWNW UNNAMED STREAM
11	04/01/39	74-00023	ISOM, CHARLES	SIMS, RALPH	1.00	50.00	ISOM DITCH	16N 27E 31	NWNW HAWLEY CK
11	04/01/39	74-00024	ISOM, CHARLES	SIMS, RALPH	1.50	75.00	ISOM DITCH	16N 27E 31	NWNW HAWLEY CK
11	04/01/39	74-00025	WHITWORTH, SCOTT	SKELTON RANCH	2.50	125.00	LOWER OXBOW	15N 27E 3	SENE HAWLEY CK
12	04/11/60	74-02326	BEYELER, MERRIL	BEYELER, MAX	1.36	68.00		16N 26E 35	SNW HAWLEY CK
					31.11	1555.50			