

- 318 DOESN'T MATCH LEGAL OR WARRANTY
 → 408 - BELONGS TO HORNET CREEK STORAGE ASSN.
 NOT ABLE TO CHANGE OWNERSHIP IS
 IN ASSN.

LAND LIST

(NO IRRIG IN)
 16N 2W

T16N, 1W, S5

NW NW, SW NW, SWSW, N1/2 SE SW, S1/2 S1/2 N1/2 SW

T16N, 1W, S6

NW4, NE4, SE4, NESW, SE SW

T17N 1W S31

SW NW, NWSW, SE SW, SW SE, SE SE

T17N 1W S32

SW NW, SE NW, NWSW, SW SW

* SEE ORIGINAL OWNER MAPS &
 DRAFT MAPS IN FILE

RIGHTS

67-390, 391, 392 = S5 NW NW, SW NW

S6 NE NE, NE SE

S31 SW SE, SE SE

S32 SW SW

4584 1

SW4 SW NW

S5

S6

NE4

67-381 (Not Listed)

S5

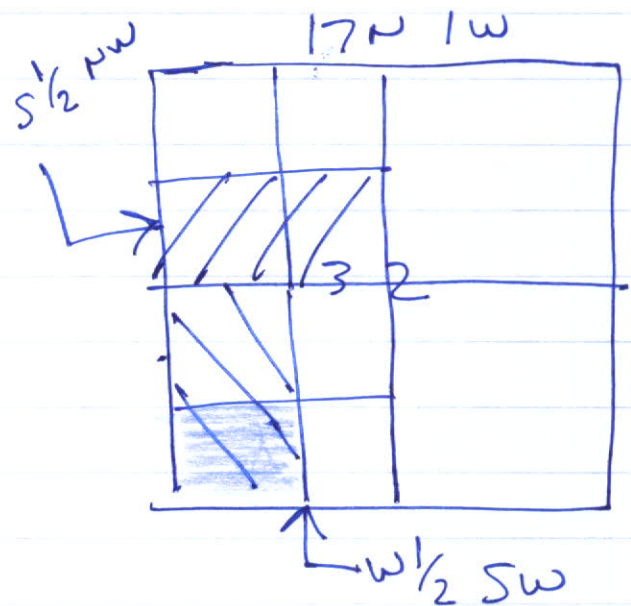
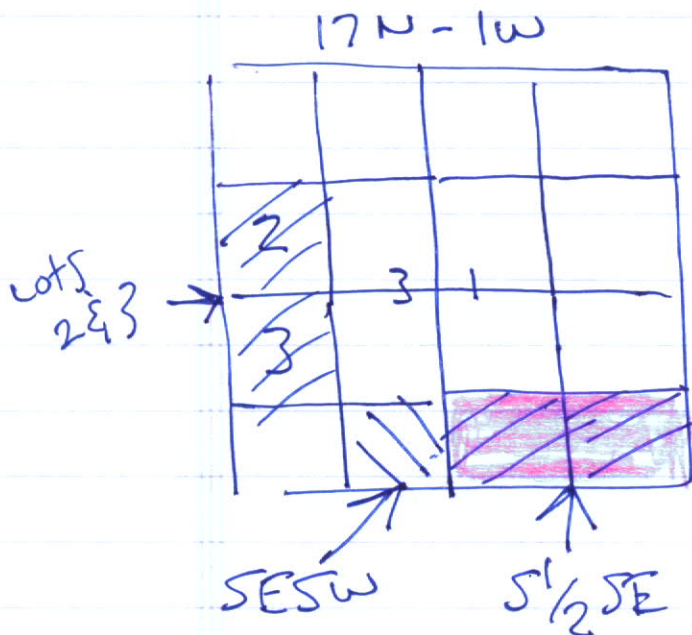
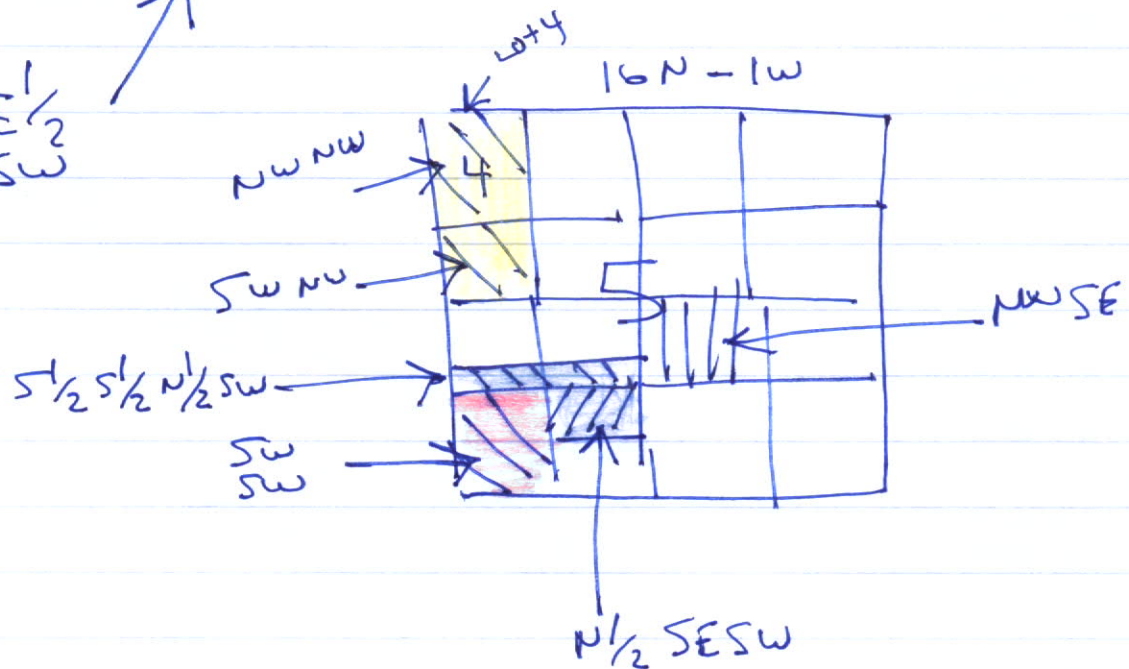
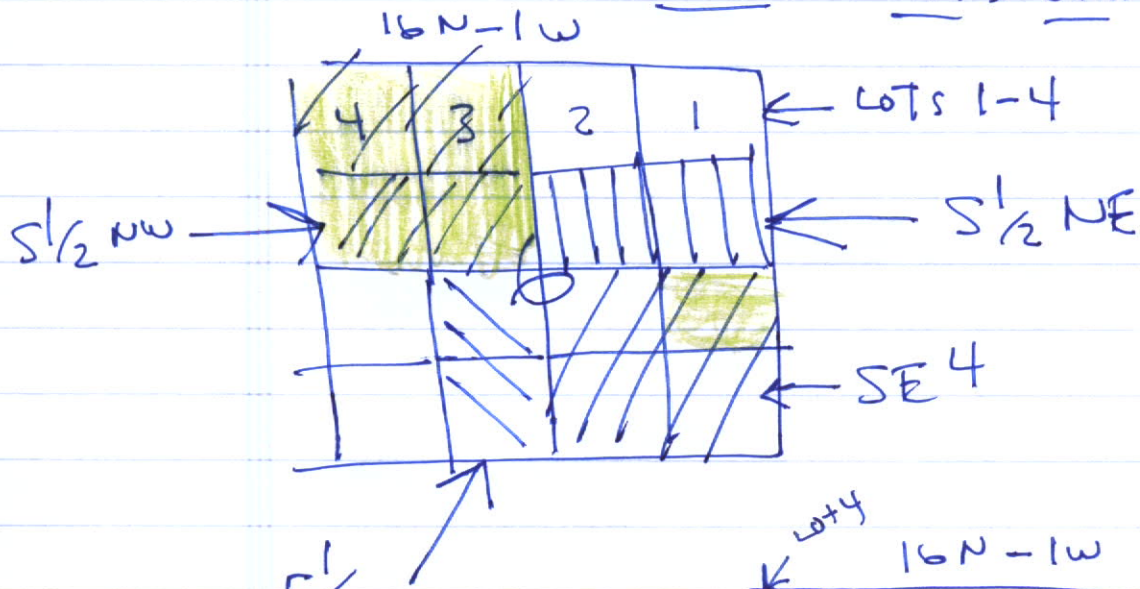
SW SW N1/2 SE SW

S1/2 S1/2 SW

S56 S57
 TOPOS

WARRANTY DEED REVIEW

SHADING MATCHES CLAIM TRACTS



S05

NESW

NWSW

SWSW

SESW

12.0

19.0

13.0

1987 NAPP

T16N, R01W

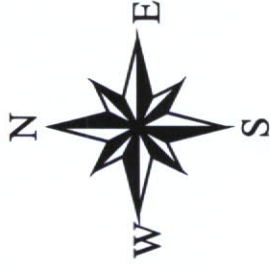
DRAFT
67-381
44 Acres



IDAHO DEPARTMENT OF WATER RESOURCES

DRAFT
OVERLAP
MAP

T17N, R01W
T16N, R01W



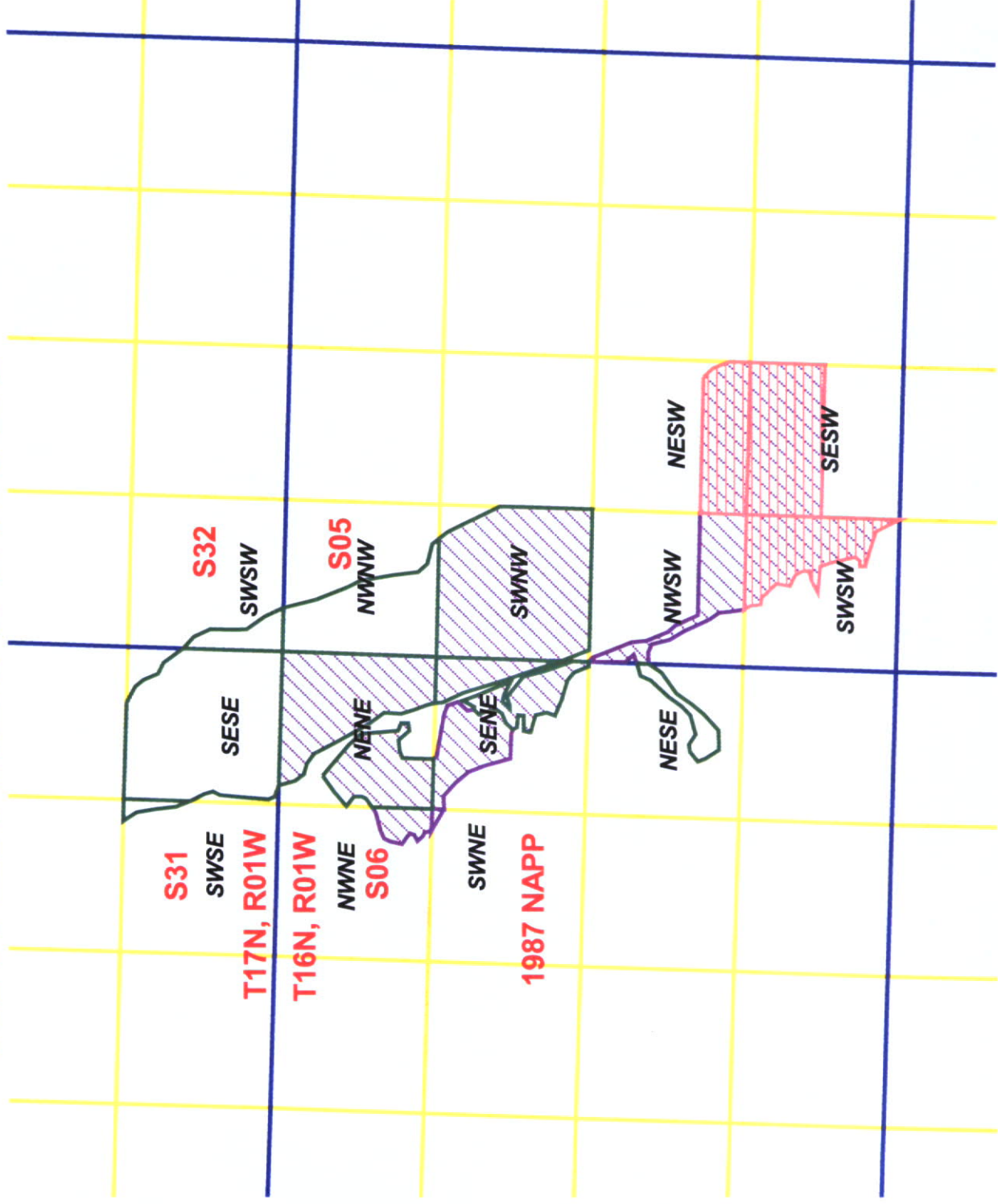
Point of Diversion
67-390, 391 & 392

67-4584

67-381

Section

1/4 1/4



0 1 2 3 4 5 6 Miles

Twp. 16N R1W Sec. 31
 SE 1/4 SW 4 S 2 SE 1/4
~~1645~~ lots 2 & 4
 ↓

Twp 17N R1W Sec
 S 2 NW 4 . W 2 SW 4
 Lines not accurate



67-381

GIS

ORIGINAL CLAIMANTS BOUNDARY OF CLAIM
 44 ACRES WITHIN AREA CLAIMED OF 48

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 67-381
Date Received: 11/2/1989
Receipt No: W006606
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES W HASTIE
PO BOX 444
2150 OLD HORNET RD
COUNCIL ID USA 83612

Phone: (208) 253-6402

CLYDEA N HASTIE
PO BOX 444
2150 OLD HORNET RD
COUNCIL ID USA 83612

Phone: (208) 253-6402

2. Date of Priority: 06/01/1881

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	01W	31	NW NE	ADAMS	

5. Description of diverting works:

HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.5	

7. Total Quantity Appropriated is:
0.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	5	NE	SW	IRRIGATION	9
			SW	SW	IRRIGATION	13
			SE	SW	IRRIGATION	26
					Section Acres	48
					Total Acres	48

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 9/17/2002

ADDED THE NUMBER OF ACRES PER QUARTER, QUARTERS. SHOWED STOCK AND NUMBER AS A USAGE.

INDICATED THE LOCATION OF THE POINT OF DIVERSION.

15. Basis of Claim: Decreed

10/14/98

ACCOUNT NUMBER

1

ENCLOSED IS NOTICE OF CHANGE OF WATER CHANGE AND A COPY OF THE
RECORDED WARRANTY DEED.

IDR WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082

TIMBERLINE TITLE & ESCROW, INC
ESCROW COLLECTION DEPT.
P.O. BOX 6, 204 ILLINOIS
COUNCIL ID 83612



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

OCT 16 1998

WATER RESOURCES
DEPARTMENT

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
 Assigned by IDWR: ND A67-00318, A67-00408, A67-11212, A67-00390, ^{P.D.}
 A67-00391, A67-00392, A67-04584

☐ Name and Address of Former Owner/Claimant(s)(Seller): JESSIE J. MORITZ

☐ New Owner/Claimant (Purchaser): JAMES W. HASTIE and CLYDEA N. HASTIE,

☐ New Mailing Address: P.O. Box 444 2150 Old Hornet Rd
 Council, IDAHO 83612 Council 83612

☐ New Telephone Number: (208) 253 - 6402

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) James W. Hastie Date 6-4-91

☐ Signature of New Owner/Claimant(s) Clydea N. Hastie Date 6-4-91

☐ Signature of Former Owner/Claimant(s): Jessie J. Moritz Date 6/4/91

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

WARRANTY DEED

FOR VALUE RECEIVED, JESSIE J. MORITZ, a widow, the grantors, hereby grant, bargain, sell and convey unto

JAMES W. HASTIE and CLYDEA N. HASTIE, husband and wife

the grantee(s), whose current address is: P.O. Box 444 Council Bluffs, IA 53612
the following described premises, being situate in Adams County, Idaho, to-wit:

In Township 16 North, Range 1 West, Boise Meridian:

Section 5: $S\frac{1}{2}S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, Lot 4

Section 6: Lots 1, 2, 3, 4, $S\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$, $E\frac{1}{4}SW\frac{1}{4}$

In Township 16 North, Range 2 West, Boise Meridian:

Section 1: Lots 1, 2, 3, 4, $S\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$

In Township 17 North, Range 1 West, Boise Meridian:

Section 31: $S\frac{1}{2}SE\frac{1}{4}$, Lots 2 and 3, $SE\frac{1}{4}SW\frac{1}{4}$, Lot 4

Section 32: $S\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{4}SW\frac{1}{4}$

EXCEPTING from the above described land that certain tract of land deeded to the State of Idaho recorded August 24, 1940, as Instrument No. 25645 in Book 17 of Deeds at page 18 and also recorded September 6, 1940 as Instrument No. 25693 in Book 17 of Deeds at page 45 of official records of Adams County, Idaho.

Including all water and ditch rights appurtenant thereto or used in connection therewith, and including any easements or rights of ways appurtenant to or used for the benefit of, or dedicated to said described premises. Subject to easements, rights of ways, reservations and exceptions, if any.

Said property is conveyed "as is" under existing boundary fences, if any, after reasonable inspection by the grantee, and grantor does not make any representations or warranties as to the qualifications or suitability of said land or premises for water or electrical power, or as to said land or improvements meeting any Federal, State, or local laws, rules or regulations pertaining to zoning, building, subdividing, platting, surveys, planning and use, health, ecology, drainage, irrigation, water quality, sewage or disposal systems, hazardous materials and toxic wastes. Grantor makes no warranties as to surveys, boundaries, or any matter mentioned in this paragraph. There are no warranties, express or implied, as to merchantability, in a general sense or for a particular purpose, except as herein contained in writing, if any.

TO HAVE AND TO HOLD, the said premises, with their appurtenances, unto the said Grantees, their heirs or assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances, except as may be otherwise agreed, and they will warrant and defend the same from all lawful claims whatsoever.

DATED this 4 day of June, 1991.

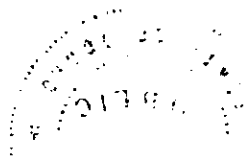
Jessie J. Moritz

WARRANTY DEED

STATE OF IDAHO,)
) ss.
County of Adams.)

On this 4 day of June, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared JESSIE J. MORITZ, a widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.


Anna M. Misk
Notary Public for State of Idaho;
Residing at Council, Idaho.

INSTRUMENT NO. 93254
State of Idaho)
County of Adams) ss.

Filed for record at the request of
Timberline Title & Escrow
50 min. past 2 o'clock P.M.
this 30 day of Dec, 1997
MICHAEL FISK, RECORDER
by Deputy
Fee \$6.00

→ 318 DOESN'T MATCH LEGAL OR WARRANTY
 → 408 - BELONGS TO HORNET CREEK STORAGE ASSN.
 NOT ABLE TO CHANGE OWNERSHIP IS
 IN ASSN.

LAND LIST

(NO IRRIG IN)
 16N 2W

T16N, 1W, S5

NW NW, SW NW, SW SW, NE 1/2 SE SW, S 1/2 S 1/2 N 1/2 SW

T16N, 1W, S6

NW 4, NE 4, SE 4, NESW, SE SW

T17N 1W S31

SW NW, NWSW, SESW, SW SE, SE SE

T17N 1W S32

SW NW, SE NW, NWSW, SW SW

* SEE ORIGINAL OWNER MAPS &
 DRAFT MAPS IN FILE

RIGHTS

67-390, 391, 392 = S5 NW NW, SW NW

S6 NE NE, NE SE

S31 SW SE, SE SE

S32 SW SW

4584 1

SW 4 / SW NW

S5

S6

NE 4

67-381 (Not Listed)

S5

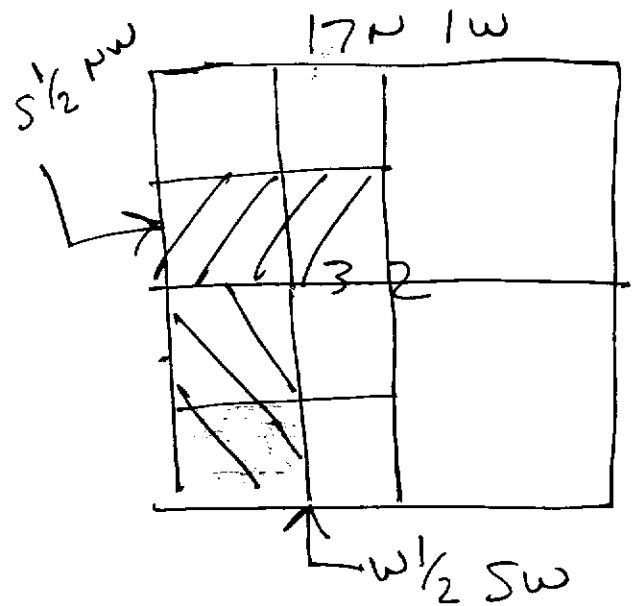
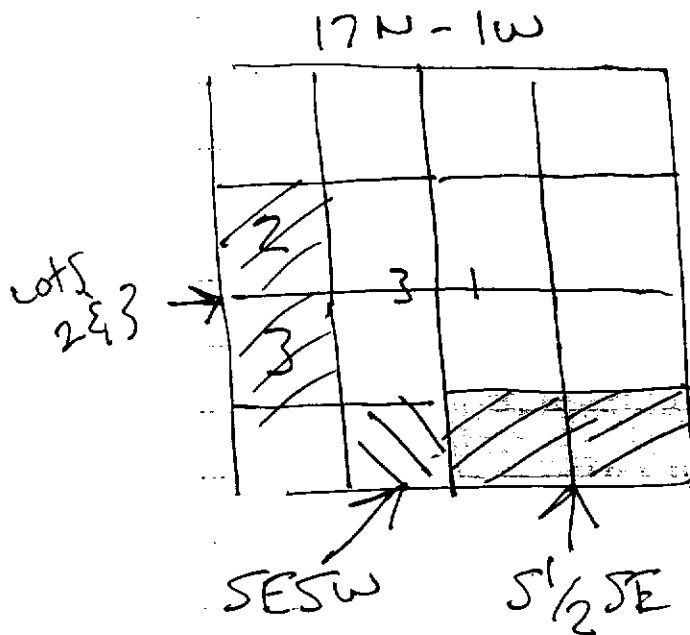
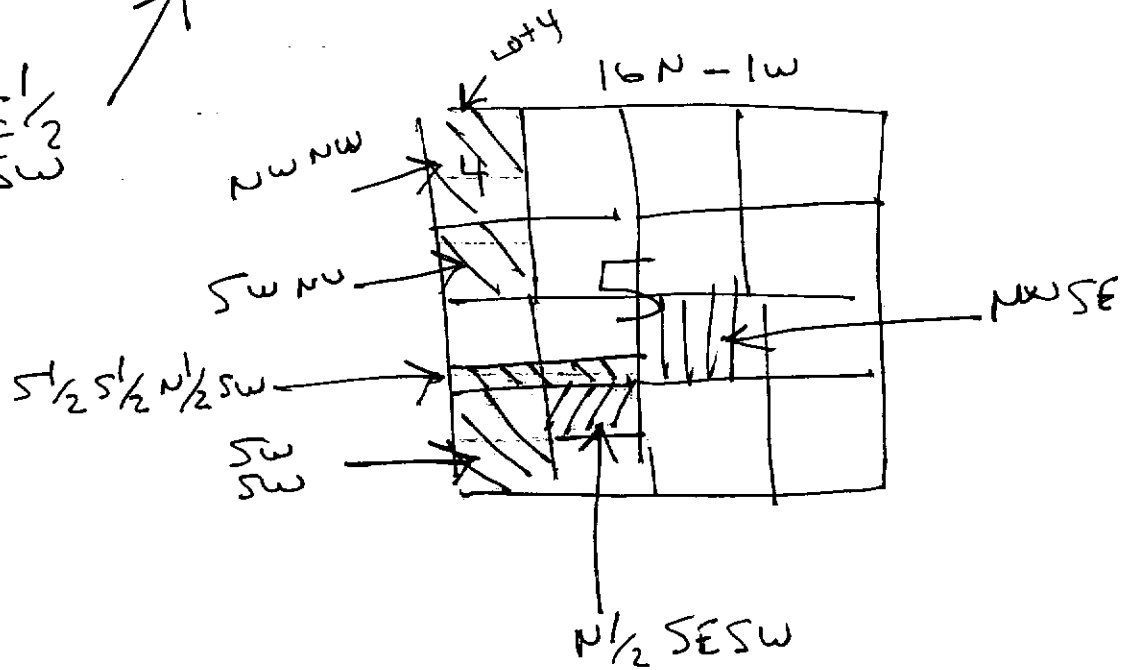
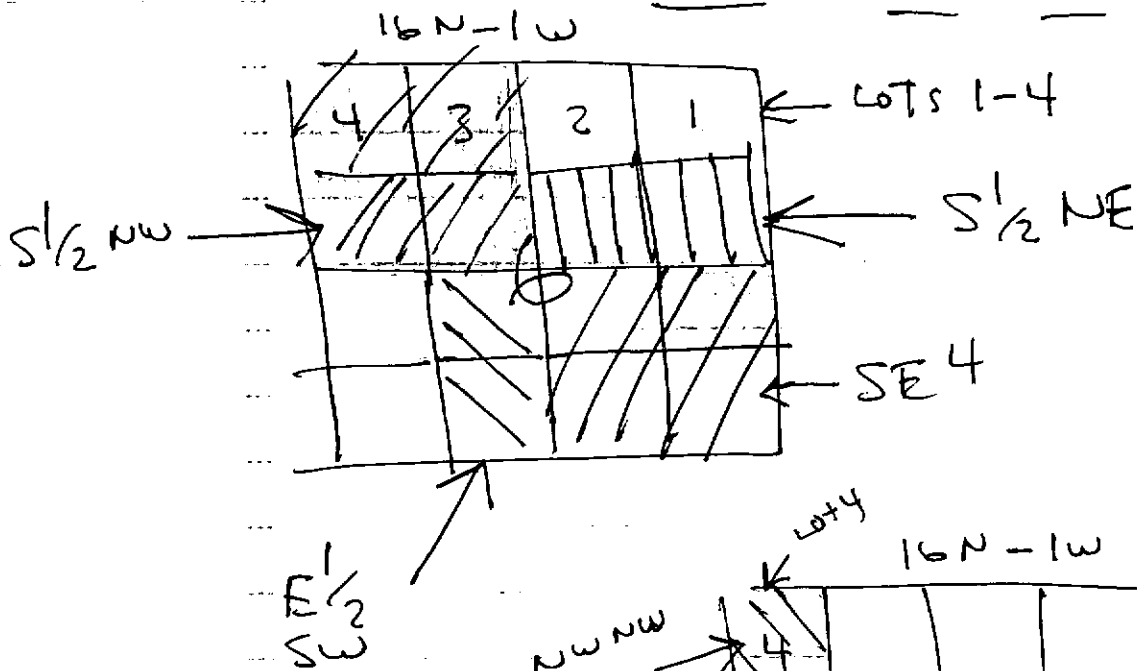
SW SW 1/2 SE SW

S 1/2 S 1/2 SW

S56 S57
 TOPOS

WARRANTY DEED REVIEW

SHADING MATCHES CLAIM TRACTS



DRAFT
67-381
44 Acres

NESW

12.0

19.0

MSWS
SESW

NWSW

MSWS
SWSW

13.0

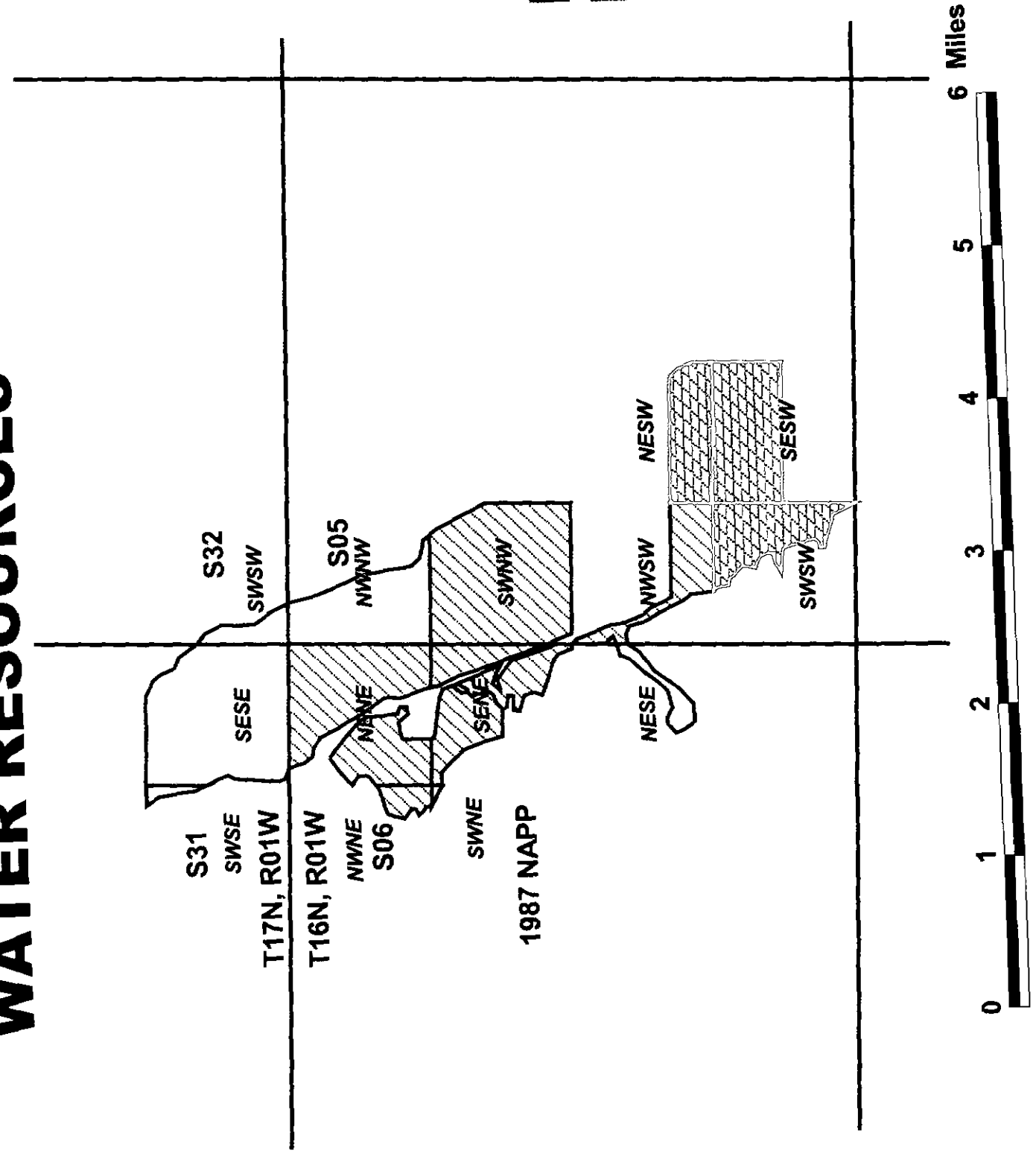
IDAHO DEPARTMENT OF WATER RESOURCES

DRAFT
OVERLAP
MAP

T17N, R01W
T16N, R01W

N E
W S

Point of Diversion
67-390, 391 & 392
67-4584
67-381
Section
1/4 1/4



1987 NAPP

Twp. 16N R1W Sec. 21
 SE 1/4 SW 4 S 2 SE 1/4
 lots 2 & 4
 ↓

Twp 17N R1W Sec
 S 2 NW 4 W 2 SW 4
 Lines not accurate

F#45
 T#18
 D. MO



67-381

ORIGINAL CLAIMANTS BOUNDARY OF CLAIM
 GIS 44 ACRES WITHIN AREA CLAIMED OF 48

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-381

WATER RIGHT NUMBER: 67-381

Owner Type Name and Address

Current Owner ED SHANNON

, ZZ

Current Owner E E SHANNON

, ZZ

Priority Date: 06/01/1881

Basis: Decreed

Status: Active

Source

HORNET CREEK

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

0.500 CFS

Annual VolumeTotal Diversion: 0.500 CFSLocation of Point(s) of Diversion

HORNET CREEK

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	
16N	01W	5									X			X	X				

Conditions of Approval:Remarks:Comments:Dates and Other Information:

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: A67-00381
Date Received: 11/02/1989
Receipt No: W006606
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEWEY MORITZ 208-253-4717
Address: PO BOX 85
COUNCIL, ID 83612

OR
Name: JESSIE MORITZ 208-253-4717
Address: PO BOX 85
COUNCIL, ID 83612

2. Date of Priority: JUN 01, 1881

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	31	NW	NE			ADAMS

5. Description of diverting works:
HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

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

8. Total consumptive use is 144.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100-1000 HD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	5	NE	SW		IRR	9.0
			SW	SW		IRR	13.0
			SE	SW		IRR	26.0
						Section Acres	48.0
						Total Acres	48.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

A67-00390, A67-00391, A67-00392, A67-04584

14. Remarks:

ADDED THE NUMBER OF ACRES PER QUARTER, QUARTERS. SHOWED STOCK
AND NUMBER AS A USAGE.

INDICATED THE LOCATION OF THE POINT OF DIVERSION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

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: 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): Jessie J. Maitz Date: 11/2/89
Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 2 day
of Nov. 19 89 Linda Werner
Notary Public

Seal

Residing at Linda A. Werner
Residing at Boise, Idaho
My Commission Expires December 8, 1994

MEMO TO FILE

April 9, 2002

REF: OWNERSHIP CHANGES: 67-381, 67-390, 67-391, 67-392 & 67-4584

Agent: Ron Howerton *Rh*

I received an ownership change March 8, 2002 from a backlog of problem ownerships that was received at Western Region October 16, 1998.

Note to agent reviewing these claims for director's report:

- Maps were pre-prepared in a draft status in order to complete an ownership change. Agent review will be needed before final recommendations.

REVIEW OF OWNERSHIP CHANGE REQUEST:

The ownership change listed additional water right numbers, however...

- 67-318: (Doesn't apply) could have been a transposed typo, because I found an additional claim not listed on the ownership form, 67-381.
- 67-408: Ownership not changed nor transferred from Hornet Creek Storage Assn.
- 67-11212 (*Partial* ~~Parcel~~ decreed) ok to be changed at State office for stock water uses.

The legal descriptions described in the Warranty Deed from Moritz to Hastie do reflect enough evidence to change the ownership. The decreed claims, 67-381, 67-390, 67-391, 67-392 are ambiguous because the number of acres were not decreed. Statutory claim 67-4584 is also ambiguous in the number and location.

NOTE: I digitized draft maps for each claim, based upon the original owners map. (Filed in 67-381 file) A draft overlap map is also included. Specific information shown below:

- For prior decreed claims 67-390, 67-391 & 67-392: The number of acres in each $\frac{1}{4}$ $\frac{1}{4}$ tract varies, for the total 145 acres claimed. I have found 145 draft-irrigated acres.
- For prior decreed claim 67-381: The number of acres in each $\frac{1}{4}$ $\frac{1}{4}$ tract varies for the total 48 acres claimed. I have found 44 draft-irrigated acres. The SESW tract appeared to have been over claimed. (Again, digitizing the tract were specific to original claimants map)
- For claim 67-4584: The number of acres in each $\frac{1}{4}$ $\frac{1}{4}$ tract varies, for the 146 total acres claimed. I have found 146 draft-irrigated acres.