

12/14/2006

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

RIGHT NUMBER: 67-381
NAME AND ADDRESS: JAMES HINSON
PO BOX 1417
MC CALL ID 83638

ROBERTA HINSON
PO BOX 1417
MC CALL ID 83638

SOURCE: HORNET CREEK TRIBUTARY: WEISER RIVER
QUANTITY: 0.500 CFS
PRIORITY DATE: 06/01/1881
POINT OF DIVERSION:

T17N R01W S31 NWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.500 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T16N R01W S05	NESW	9.00	T16N R01W S05	NWSW	5.10
T16N R01W S05	SWSW	6.90	T16N R01W S05	SESW	19.00

40 ACRES TOTAL

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 - Decreed



RIGHT NUMBER: 67-381

NAME AND ADDRESS: JAMES W HASTIE
PO BOX 444
COUNCIL ID 83612

CLYDEA N HASTIE
PO BOX 444
COUNCIL IN 83612

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

0.500 CFS

T16N R01W S05	NESW	9.00	T16N R01W S05	NWSW	5.10
T16N R01W S05	SWSW	6.90	T16N R01W S05	SESW	19.00

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



Idaho Department of Water Resources

SRBA Recommendation:

67-381

(Irrigation)

Legend

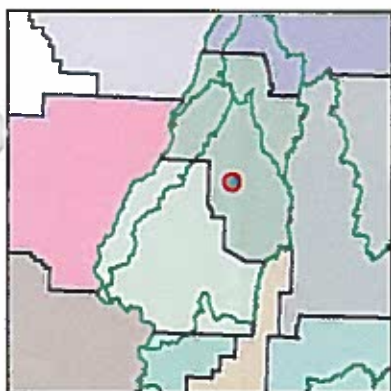
● Point of Diversion

Place of Use

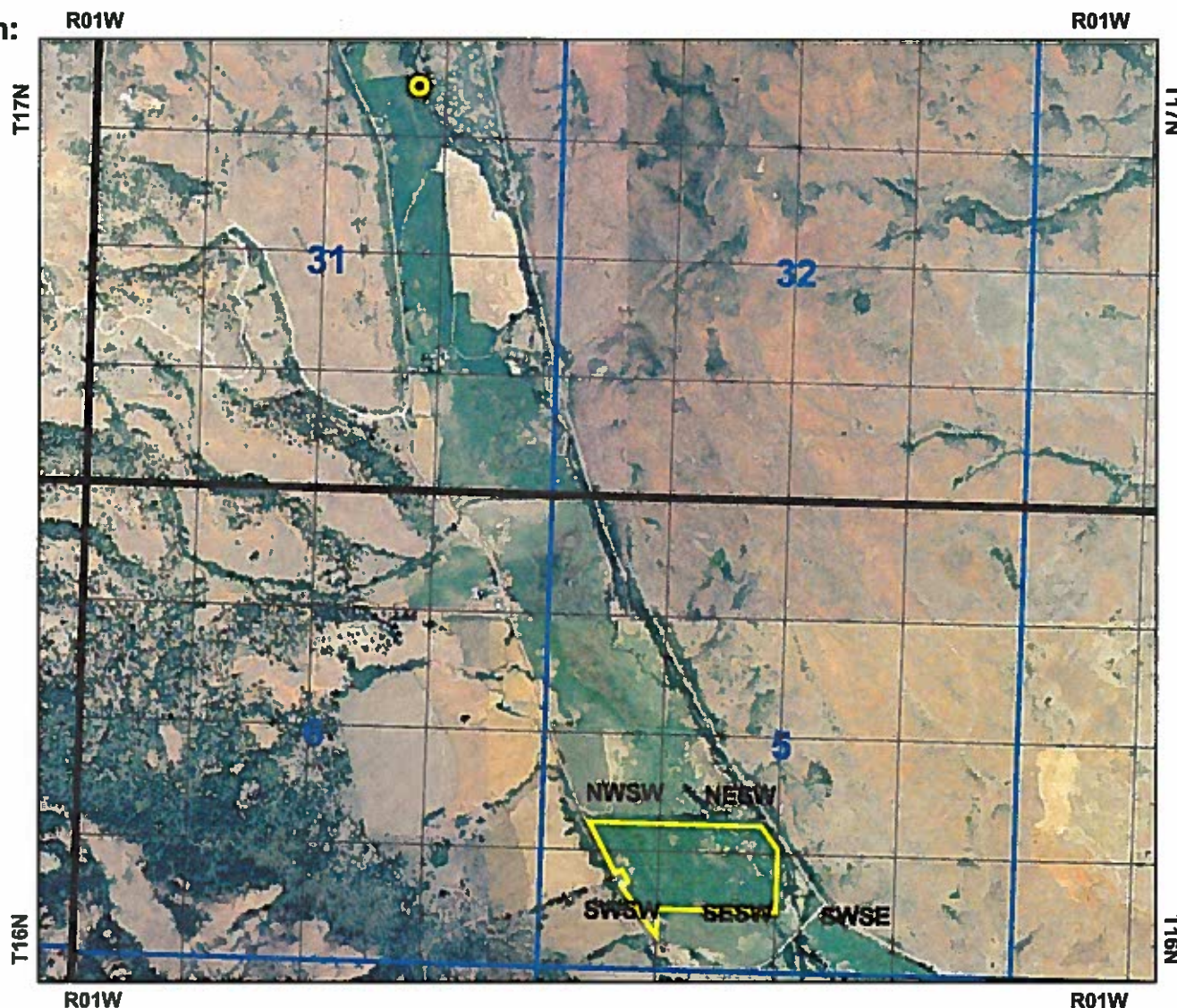
Townships

PLS Sections

Quarter Quarters



Adams County
IDWR Basin 67



0 0.8 1.6 Miles

Prepared by C. Saxton
On Wednesday, August 30, 2006
1987/88 Aerial Photography

67-381



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-381 V1

WATER RIGHT NUMBER: 67-381 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	E E SHANNON
	, ID
Original Owner	DEWEY MORITZ PO BOX 85 COUNCIL, ID 83612 (208)253-4717
Original Owner	JESSIE J MORITZ PO BOX 85 COUNCIL, ID 83612 (208)253-4717
Current Owner	JAMES W HASTIE PO BOX 444 COUNCIL, ID 83612 (208)253-6402
Current Owner	CLYDEA N HASTIE PO BOX 444 COUNCIL, IN 83612 (208)253-6402
Original Owner	ED SHANNON
	, ID

Priority Date: 06/01/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HORNET CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

HORNET CREEK	NW1/4NE1/4	Sec. 31, Twp 17N, Rge 01W, B.M.
ADAMS 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	
16N	01W	5									9.0	5.1	6.9	19.0					40.0

Total Acres: 40

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-381 V1

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:Comments:

1. csaxton 8/30/2006 POU
Comment: POU shape and land list updated.

2. csaxton 8/30/2006 POD
Comment: POD shape and legal updated.

3. csaxton 8/30/2006 Overlap
Comment: This right might overlap with 67-4584. For now it is recommended without overlap as I do not have EOP for 67-4584. But if EOP is submitted, overlap conditions will need to be added and this comment deleted.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	8/10/2004 7:43:41 AM	segbert			Active
POD	8/10/2004 7:44:19 AM	segbert			Active
Source	8/10/2004 7:51:16 AM	segbert			Active
POU	8/10/2004 7:53:00 AM	segbert			Active
Use	8/10/2004 8:00:16 AM	segbert			Active
Season	8/10/2004 8:00:45 AM	segbert			Active
Quantity	8/10/2004 8:01:14 AM	segbert			Active
Summary			08/30/2006	csaxton	Active

POD - same as 67-390, 391, 392

(GPS pt A0014046)

POU - need to double check on location, acreage

all @ Ray

6-9-06: 25" deep - @ 5/8" per acre = 40cc

Jim Hastie

need to confirm field boundaries for
all decreed rights - map in 67-381
is a draft from old owner (Montz)

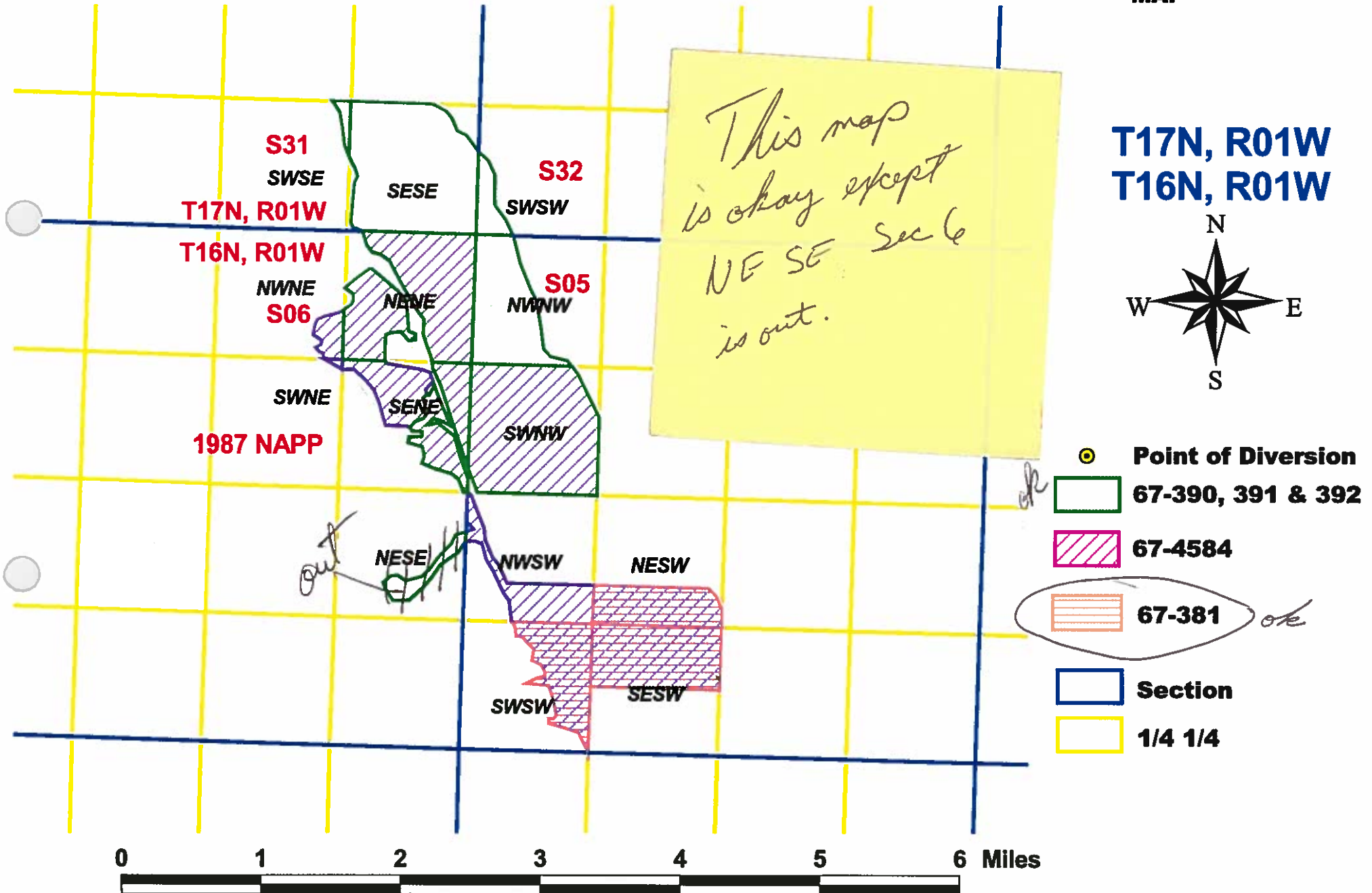
67-4584 - POB from Pole Cr - ~~has~~ already GPSd
but need to confirm irrigated acreage/
field boundaries.

★ Jim Hastie is developing/subdividing
a portion of his land. May want to talk
to him re: whether any of these W.F.
POBs will be affected.

25-
62.5-
40
30
15-
7.5-

IDAHO DEPARTMENT OF WATER RESOURCES

DRAFT
OVERLAP
MAP



S05

NESW

DRAFT
67-381
44 Acres

NWSW

12.0

SWSW

19.0

13.0

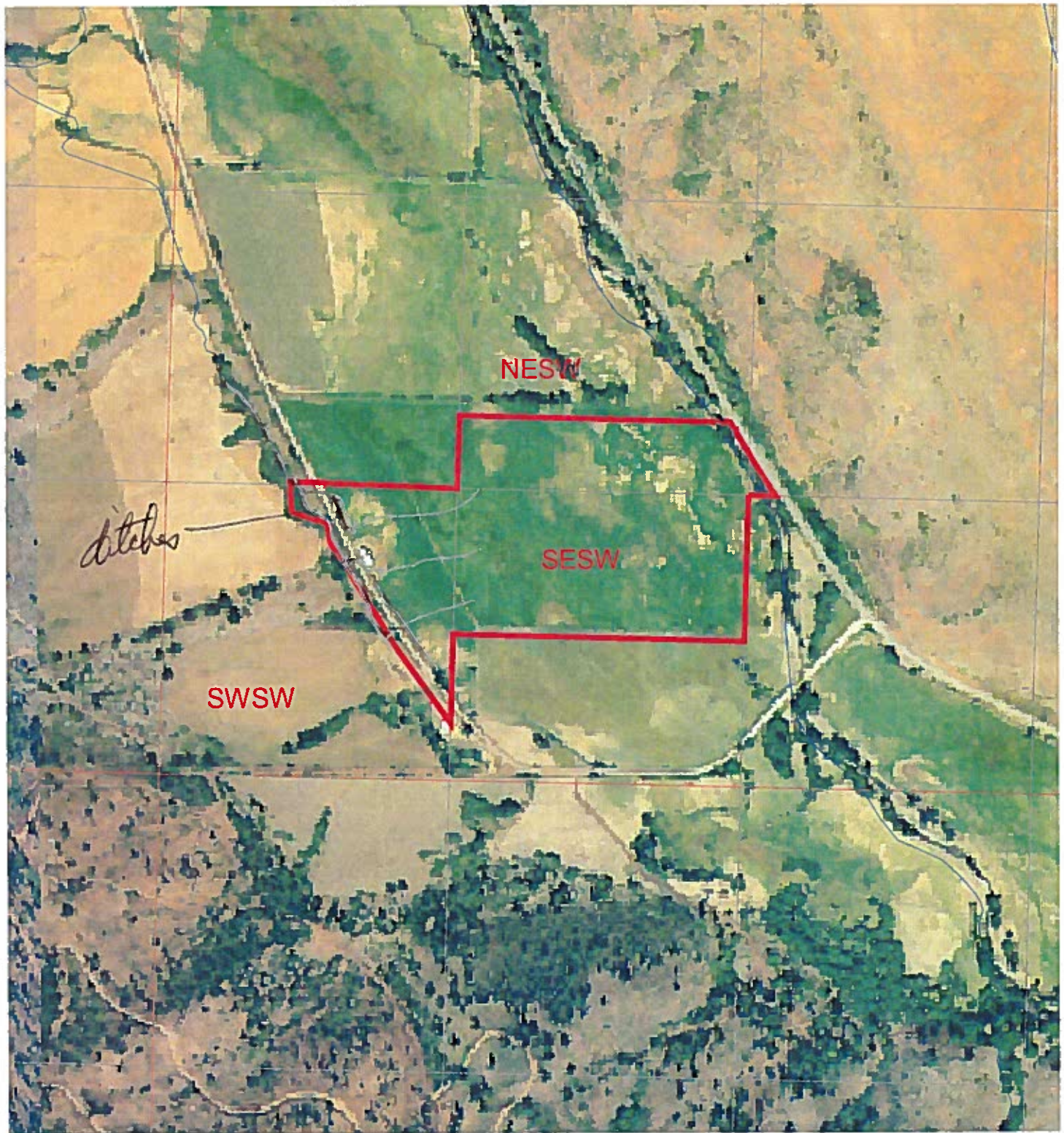
SESW

1987 NAPP

T16N, R01W

Idaho Department of Water Resources

67-381



T16N R01W S5



500 0 500 1000 Feet

Prepared by Sandy Egbert
8-10-04
1987 NAPP Photography

Hornet Creek.

A I Freshafer, adm of the estate of Thomas J
Stutman

Frank Richardson

Mark C Fuller, sub for C H Davis

A J Duffus

E E Shannon and Ed Shannon

Rebecca Wilson

S E Dare and Florence G Dare

Ellis Hartley

O M Gilmer and Frank Peck

Dale Donnelly

Henry E Warner and Earl Walston

B M Holt

J E Lawrence and Clark Adams

J A Darland

Rebecca Wilson sub for Walter Wilson

A Kampeter

William Hanson

Mattie M Keys

W J Wilson

Frank Peck

P H Miller

Hornet Creek. (Con)

Preston G Anderson (D K Lindsay is his guardian)

Lydia Brauer, Otto Brauer and Dorothy Lakey

J J Shaw and D G Whitehead

Hornet Creek Water Storage Association

Little Weiser River.

Anderson-Lindsay-Linder-Corriell Ditch.

Leander Lindsay

E H Richardson

Annie Carson

J W Fraiser

Willette L Fraiser, sub for J W Fraiser

Chris Behnen

John Hutchinson

J A Lemons

38 1/2

22

40

32

25

62 1/2

56 1/2

16

47

12 1/2

37 1/2

50

37 1/2

62 1/2

40

30

56 1/2

25

50

35 1/2

12

16

47

10

38 1/2

25

1250

1250

17

29

35

31

42

8

30

30

May 1, 1880 67 0377

June 1, 1880 67 0378

June 1, 1881 67 0379

June 1, 1881 67 0380

June 1, 1881 67 0381

May 30, 1881 67 0382

June 30, 1881 67 0383

May 1, 1885 67 0384

May 30, 1885 67 0385

Dec 31, 1899 67 0386

May 1, 1884 67 0387

May 1, 1884 67 0388

June 1, 1886 67 0389

April 1, 1886 67 0390

May 1, 1900 67 0391

April 1, 1900 67 0392

Aug 31, 1887 67 0393

June 1, 1888 67 0394

Dec 1, 1888 67 0395

Dec 31, 1889 67 0396

Dec 31, 1891 67 0397

Dec 31, 1891 67 0398

June 1, 1893 67 0399

June 30, 1895 67 0400

April 2, 1895 67 0401

April 30, 1895 67 0402

May 1, 1898 67 0403

Dec 31, 1899 67 0404

Dec. 31, 1899 67 0405

May 1, 1900 67 0406

May 1, 1901 67 0407

May 28, 1909 67 0408

July 6, 1909 67 0409

June 1, 1885 67 0410

June 1, 1885 67 0411

June 1, 1895 67 0412

June 1, 1895 67 0413

June 1, 1895 67 0414

June 1, 1895 67 0415

May 1, 1897 67 0416

June 1, 1900 67 0417

JUL 24 1936

B M HOLT: The North half of the Northeast Quarter and the West half of the Southwest Quarter of Section 32 and the South half of the Southeast Quarter of Section 31, all in Township 17 North, Range 1 West Boise Meridian; the West half of the Northwest Quarter, Section 5, and the North half, and the North half of the Southeast Quarter of Section 6, all in Township 16 North, Range 1 West Boise Meridian, and the East half of the Northeast Quarter, Section 1, Township 16 North, Range 2 West Boise Meridian.

J E LAWRENCE AND CLARK ADAMS: The South half of the Southwest Quarter and the Southeast Quarter of the Southeast Quarter of Section 15, and twenty acres off the east side of the Northeast Quarter of the Northeast Quarter of Section 30, Township 17 North, Range 2 West Boise Meridian.

J A DARLAND: The East half of the Northwest Quarter and the West half of the Northeast Quarter of Section 16, in Township 17 North, Range 2 West Boise Meridian.

REBECCA WILSON: The East half of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter Section 9 Township 17 North, Range 2 West Boise Meridian.

A KAMPETER: The South half of the Southeast Quarter of Section 5, the Southwest Quarter of the Southwest Quarter Section 4, and the Northwest Quarter of the Northwest Quarter, Section 9, Township 17 North, Range 2 West Boise Meridian.

WILLIAM HANSON: The Northeast Quarter of the Northeast Quarter, Section 5, and the Northwest Quarter of the Northwest Quarter, Section 4, Township 17 North, Range 2 West Boise Meridian.

MATTIE M KEYS: The West half of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Southeast Quarter, Section 15, Township 17 North, Range 2 West Boise Meridian.

W J WILSON: The North half of the Northwest Quarter, and the Southwest Quarter of the Northwest Quarter, Section 23, and the Southeast Quarter of the Northeast Quarter, Section 22, Township 17 North, Range 2 West Boise Meridian.

FRANK PECK: The Southeast Quarter of the Northwest Quarter Section 5, Township 17 North, Range 2 West Boise Meridian.

P H MILLER: The Southeast Quarter of the Southwest Quarter, Section 4, the east half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter, Section 9, Township 17 North, Range 2 West Boise Meridian.

PRESTON O ANDERSON: The South half of the Northeast Quarter, the East half of the Southeast Quarter, Section 9, Township 16 North, Range 1 West Boise Meridian.

LYDIE BRAUER, OTTO BRAUER AND DOROTHY LAKY: The West half of the Northeast Quarter of Section 23, and the South half of the Southeast Quarter of Section 14, Township 17 North, Range 2 West Boise Meridian.

J J BILAW AND D S WHITEHEAD: Lots 1, 2, 3, 4, 5 and 6 the Southeast Quarter of the Northwest Quarter, and the Northwest Quarter of the Southeast Quarter, and the Southwest Quarter of the Northeast Quarter of Section 21, Township 17 North, Range 2 West Boise Meridian.

LEANDER LINDSEY: The Southeast Quarter, Section 22, Township 14 North, Range 1 West Boise Meridian.

E H RICHARDSON: Lot 2, the South half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter, Section 1, Township 13 North, Range 1 West Boise Meridian.

JUL 24 1936

HORNET CREEK

J. J. Shaw and D. S. Whitehead	314 10	May 1. 1900 1901
Ellis Hartley	47 124	" 30. 1883 Dec 31. 1899
Rebecca Wilson	624	May 30. 1883
C. M. Gilmer and Frank Peck	374	" 1. 1884
Henry A. Farner and Earl Walston	374	June 1. 1886
J. E. Lawrence and Clark Adams	564	Aug 31. 1887
J. A. Darland	25	June 1. 1888
Rebecca Wilson substituted for Walter Wilson	50	Dec 1. 1888
A. Kampeter	354	" 31. 1889
W. J. Wilson	47	June 1. 1893
Frank Peck	10	" 30. 1895
Lydia Brauer, Otto Brauer and Dorothy Lakey	28 94	Dec 31. 1899
William Hanson	12	" " 1891
Mattie M. Keys	16	" " "
Frank Richardson	22	June 1. 1881
Mark C. Fuller sub. for C. H. Davis	40	" " "
A. J. Duffus	34	" " "
Preston G. Anderson (D. K. Lindsay is his Guardian)	25	May 1. 1898
A. L. Freehafer, administrator of the estate of Thomas J. Stuttsman	384	" " 1880
F. H. Miller	384 25	Apr 2. 1895 " 30. 1895
B. M. Holt	624 40 30	" 1. 1886 May 1. 1900 Apr 1. 1905
Dale Donnelly	50	May 1. 1884
S. E. Bare and Florence D. Bare	564 16	June 30. 1883 May 1. 1885
E. E. Shannon and Ed Shannon	25	June 1. 1881
Hornet Creek Water Storage Association	1250 1250	July 6. 1909 May 28. 1909

Robert Harrington

JUL 24 1896

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)

ROBERTA HINSON Phone: (208) 634-9734
PO BOX 1417
MC CALL ID USA 83638

JAMES HINSON Phone: (208) 634-9734
PO BOX 1417
MC CALL ID USA 83638

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? No

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

NOV 24 2006

DEPARTMENT OF
WATER RESOURCES

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
67-381		no			

RECEIVED

NOV 21 2006

WATER RESOURCES
WESTERN REGION

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
 - B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
 - C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)	<u>James W. & Clyde N. Hastie</u> <u>P.O. Box 444, Council, ID 83612</u>
4. New Owner/Claimant(s)	<u>James & Roberta Hinson</u> Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address	<u>P.O. Box 1417</u>
City, State and ZIP Code	<u>McCall, ID 83638</u>
New Telephone Number	<u>(208) 634-9734</u>
5. Date you acquired the property	<u>10/18/2006</u>

SCANNED
NOV 30 2006

6.

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

James T. Henson
Roberta Henson

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by <i>[Signature]</i>	AJ Date <i>12-14-06</i>	WR _____ Date _____

SCANNED

For Value Received, HASTIE LAND, LLC, an Idaho limited liability company
the grantor, does hereby grant, bargain, sell and convey unto
HINSON HOLDINGS, LLC, an Idaho limited liability company
the grantee, whose current address is P.O. Box 1417, McCall, ID 83638
the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF

DEED RESTRICTION: NO MOBILE OR MANUFACTURED HOMES ARE TO BE PLACED ON
SUBJECT PROPERTY

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee,
their heirs and assigns forever. And the said Grantor does hereby covenant to and with the
said Grantee, that they are the owners in fee simple of said premises; that they are free
from all encumbrances excepting for all easements of record, rights of way, matters
visible, and all matters of record and title and that they will warrant and defend the
same from all lawful claims whatsoever.

Date: OCTOBER 16, 2006

HASTIE LAND, LLC, an Idaho limited
liability company

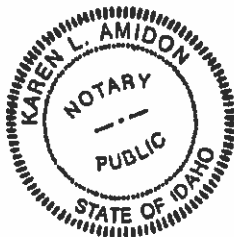
BY: [Signature]
JAMES WATSON HASTIE, Member

Instrument # 112875
COUNCIL, ADAMS, IDAHO
2006-10-18 83:33 50 No. of Pages: 2
Recorded for: TIMBERLINE TITLE & ESCROW
MICHAEL FISK Fee: 6.00
Ex-Officio Recorder Deputy
Index to: DEED

JTH
RCH

STATE OF Idaho,
COUNTY OF Adams; ss

On this 16th day of October, in the year of 2006, before me, a Notary Public in and for said State, personally appeared
JAMES WATSON HASTIE
known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument as one of the Members
of HASTIE LAND, LLC, an Idaho limited liability company, which is known or identified to me to be the entity whose name is
subscribed to the within instrument and acknowledged to me that he executed the same in HASTIE LAND, LLC's name.



[Signature]
Notary Public
Residing at: Cambridge, ID
Commission expires: 1/26/2009

#06-690

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 5: A tract of land in portions of the SW1/4SW1/4, N1/2SE1/4SW1/4, S1/2S1/2NE1/4SW1/4 and S1/2S1/2NW1/4SW1/4 lying Northeasterly of Old Hornet Road and Southwesterly of the Council-Cuprum Road, more particularly described as:

Beginning at the Southeast corner of the N1/2SE1/4SW1/4 of Section 5, T16NR1WBM, Adams County, Idaho;

Thence N 89° 48'42" W 1320.73 feet along the South line of the N1/2SE1/4SW1/4 to the Southwest corner of the N1/2SE1/4SW1/4;

Thence S 00° 40'40" E 421.53 feet along the East line of the SW1/4SW1/4 of Section 5 to a point on the Northeasterly right-of-way limit of Old Hornet Road;

Thence along the Easterly right-of-way limit of Old Hornet Road through the following six courses:

- 1) N 40° 01'55" W 183.93 feet;
- 2) Along a 1175.00 foot radius curve to the right an arc distance of 58.37 feet (chord N 38° 36'31" W 58.37 feet);
- 3) N 37° 11'08" W 228.08 feet;
- 4) Along a 2775.00 foot radius curve to the right an arc distance of 353.33 feet (chord N 33° 32'16" W 353.09 feet);
- 5) N 29° 53'25" W 535.44 feet;
- 6) Along a 5208.86 foot radius curve to the right an arc distance of 320.25 feet (chord N 28° 07'44" W 320.20 feet) to a point on the North line of the S1/2S1/2NW1/4SW1/4 of Section 5;

Thence S 89° 53'18" E 1930.61 feet along the North line of the S1/2S1/2NW1/4SW1/4 and S1/2S1/2NE1/4SW1/4 of Section 5 to a point on the Southwesterly right-of-way limit of the Council-Cuprum Road;

Thence S 34° 24'00" E 253.87 feet along the Southwesterly right-of-way limit of the Council-Cuprum Road;

Thence along a 1392.40 foot radius curve to the right and along the Southwesterly right-of-way limit of the Council-Cuprum Road an arc distance of 298.66 feet (chord S 28° 15'19" E 298.09 feet) to a point on the North-South midsection line of Section 5;

Thence S 00° 40'11" E 516.14 feet along the North-South midsection line of Section 5 to the REAL POINT OF BEGINNING.

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:

SCANNED
APR 02 2004

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
WESTERN DIVISION

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: A67-00318, A67-00408, A67-11212, A67-00390,
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
Council, IDAHO 83612

2150 Old Hornet Rd
 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

Clydea N. Hastie Date 6-4-91

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

Date

(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

RECEIVED

OCT 16 1991

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 $\frac{1}{2}$ 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.

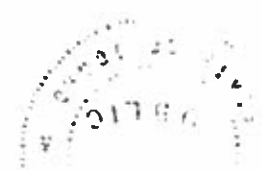
Jessie J. Moritz

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. Mink
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
Fees \$6.00

WARRANTY DEED

- 318 don't match LEGAL OR WARRANTY
 → 408 - BELONGS TO HORNET CREEK STORAGE ASSN.
 NOT ABLE TO CHANGE OWNERSHIP IS
 LAND LIST IN ASSN.

(NO IRREG IN
 16N 2W)

T16N, 1W, S5

NW NW, SW NW, SWSW, NE 1/2 SE SW, S 1/2 S 1/2 NE 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
 *

LISTS

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

S4 NE NE, NE SE

S31 SW SE, SE SE

S32 SW SW

4584

SW 4, SW NW

S5

S6

NE 4

67-381 (Not Listed)

S5

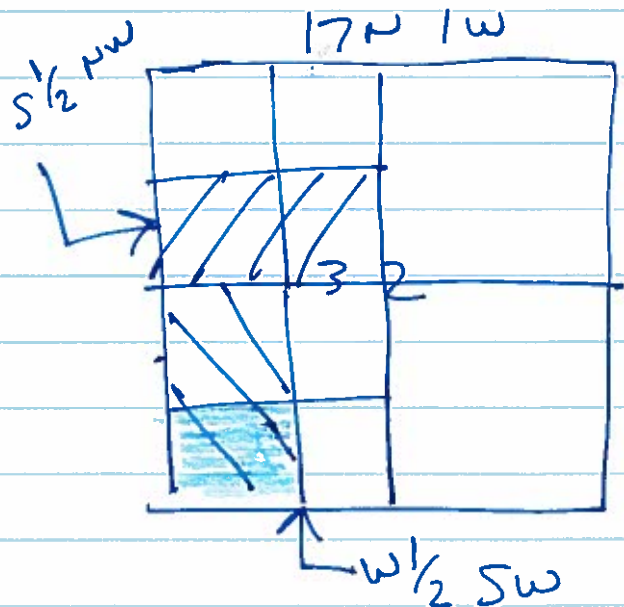
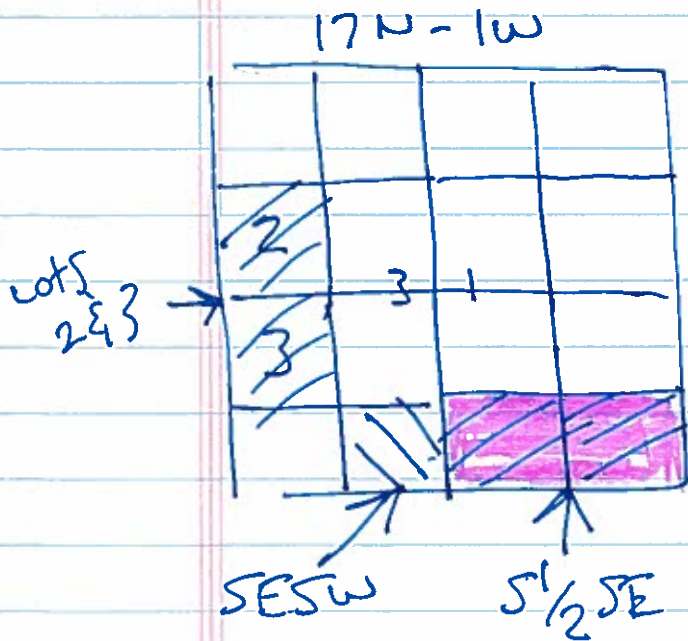
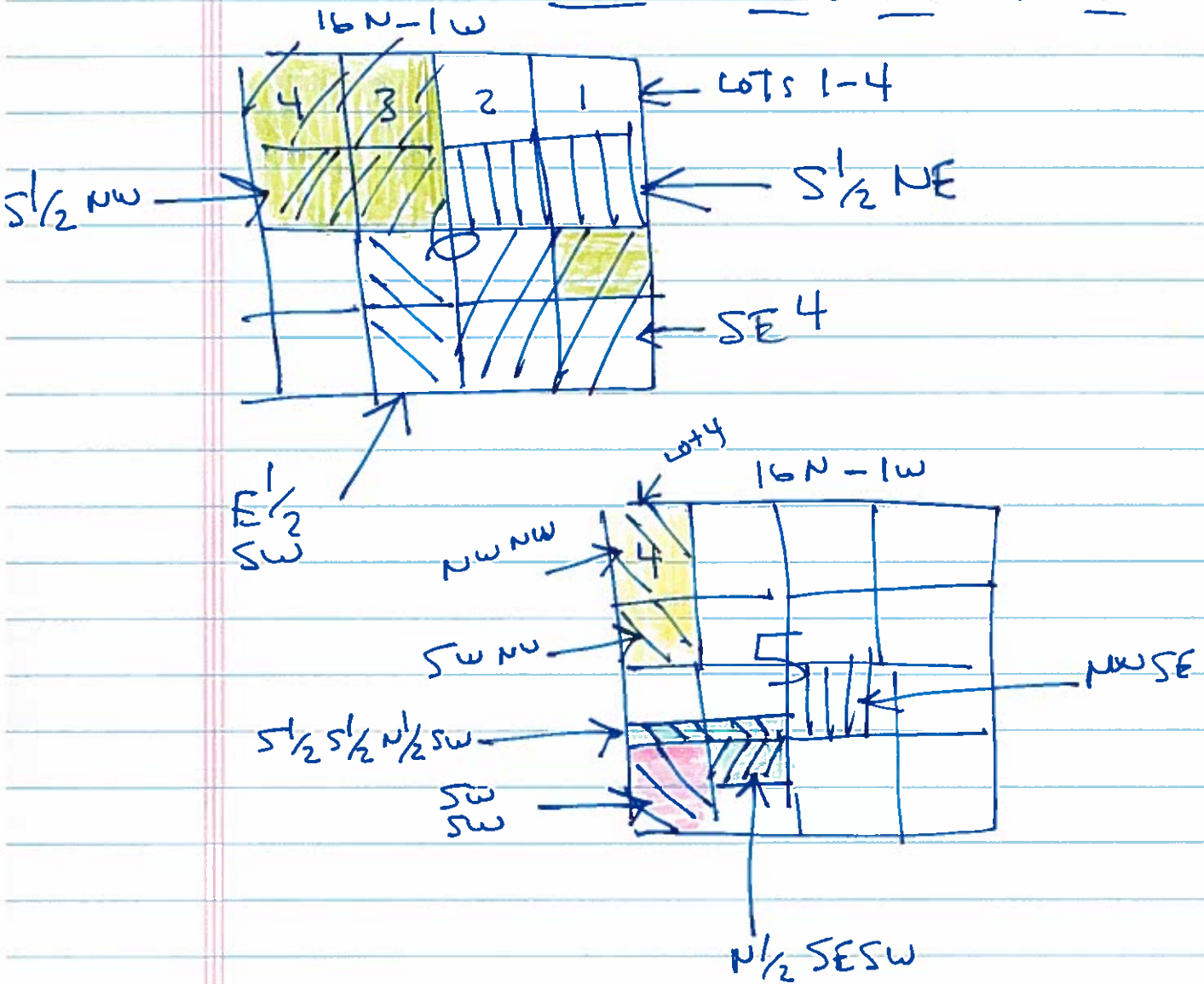
SW SW NE 1/2 SE SW

S 1/2 S 1/2 SW

S56 S57
 TOPOS

WARRANTY DEED REVIEW

SHADING MATCHES CLAIM TRACTS



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.

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 of	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. Marts 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

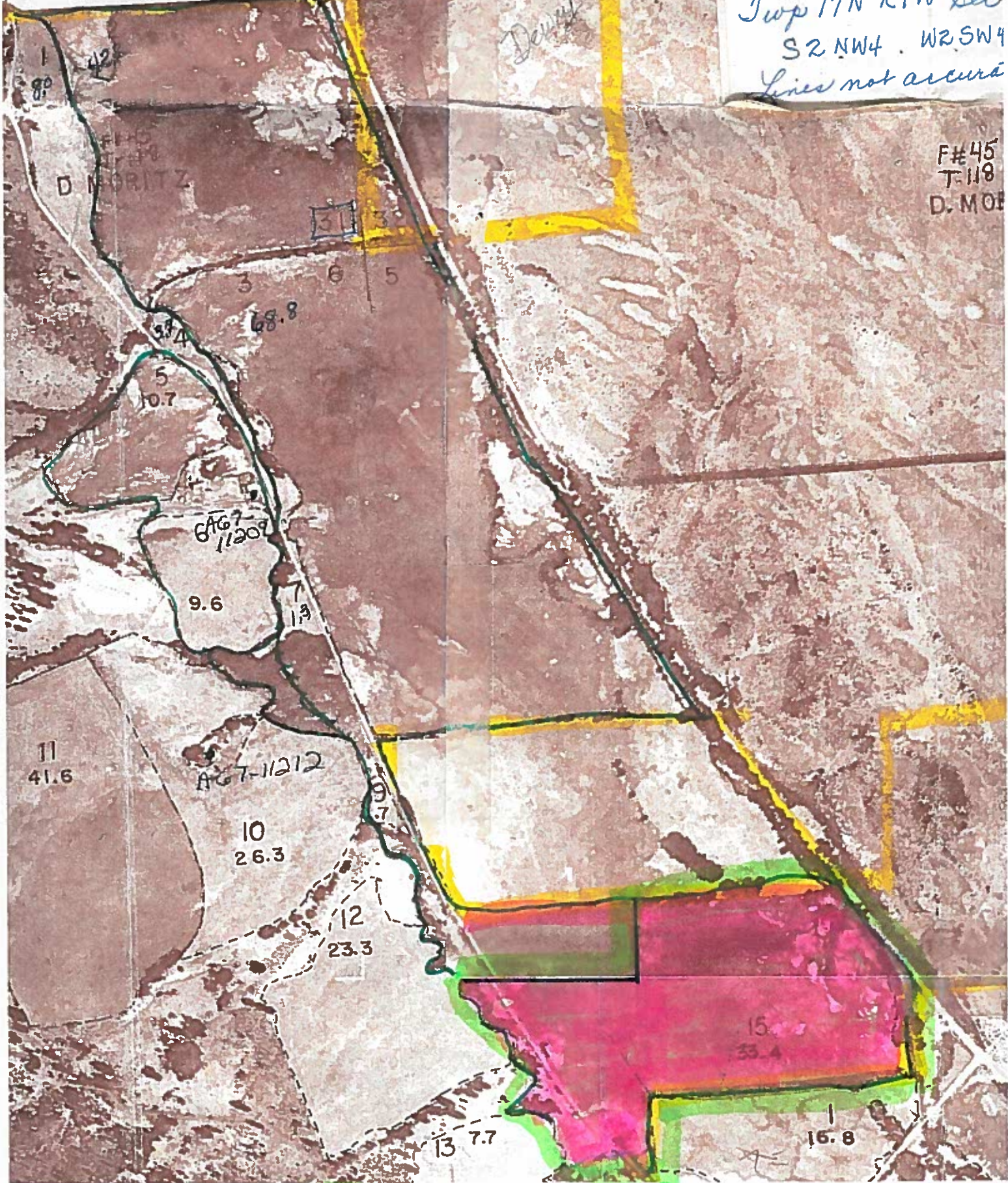
Linda Werner
Notary Public

Seal

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

Twp. 16N R1W
 SE 1/4 SW4 S2 SE
 lots 2 & 4
 ↓

Twp 17N R1W Sec
 S2 NW4 . W2 SW4
 Lines not accurate



67-381

ORIGINAL CLAIMANTS BOUNDARY OF CLAIM
 44 ACRES WITHIN AREA CLAIMED OF 40

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 CFS

Location 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: