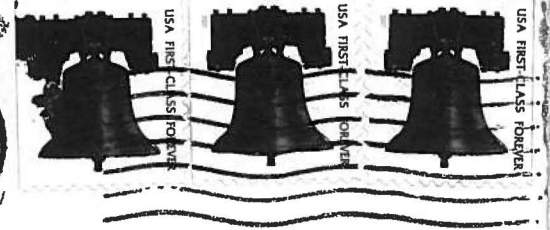




Lee F Cole
2565 Council Cuprum Rd
Council ID 83612-5009

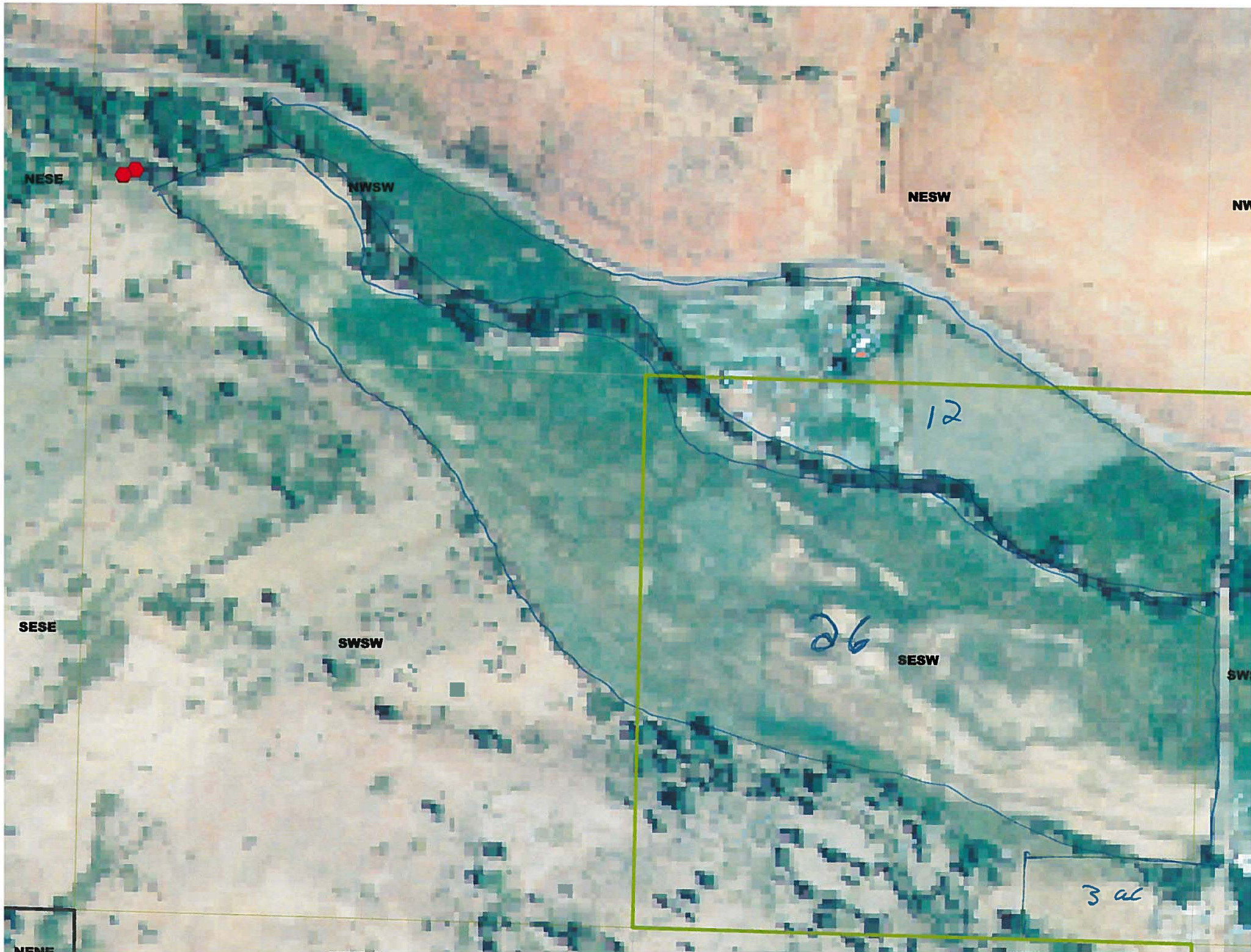


State of Idaho
Department of Water Resources
322 East Front Street

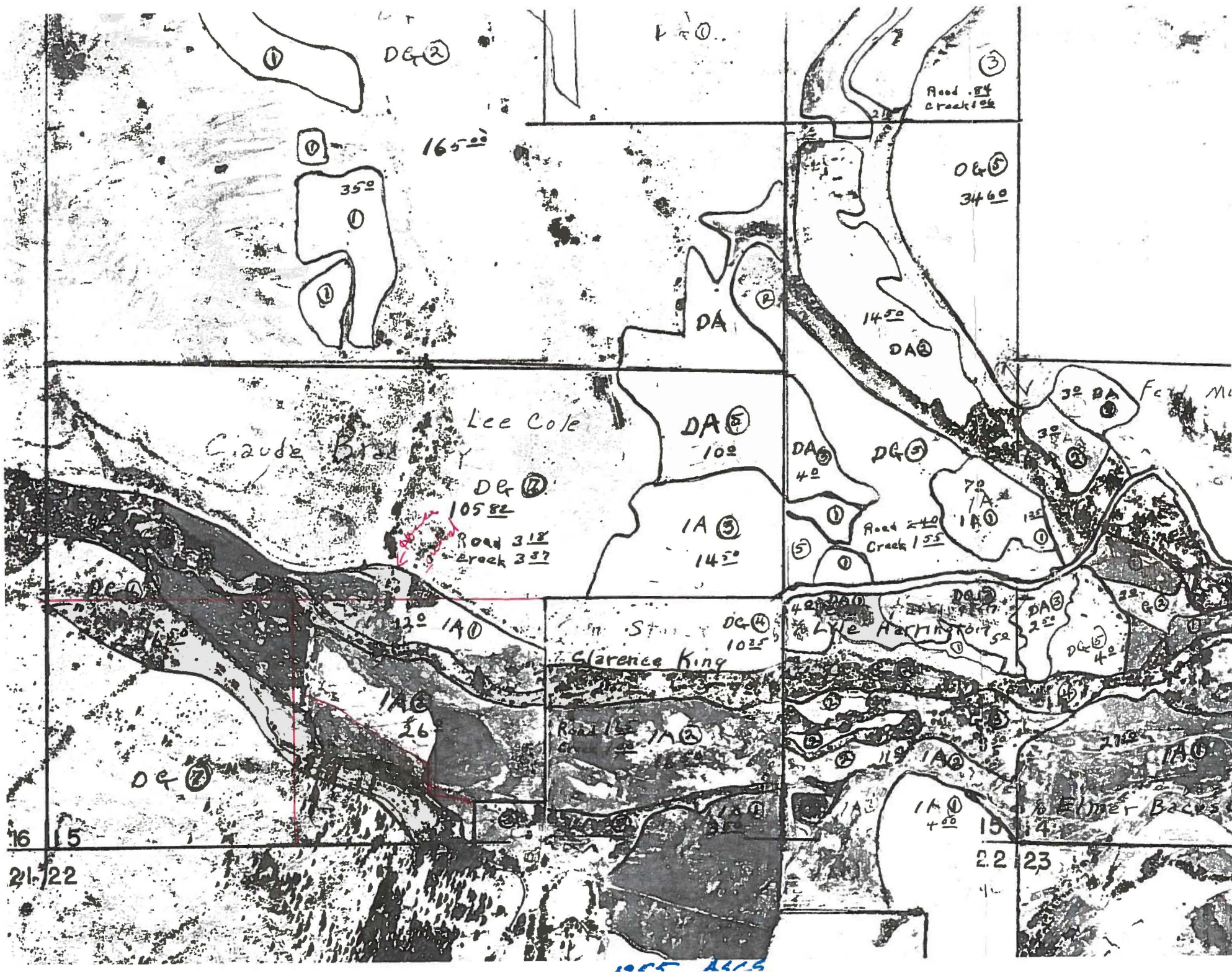
P. O. Box 83720
Boise, Idaho

% Craig L. Saxton





1955 ACS map



From a 1955 map

See got in 1955



Photo taken in 1962 by PHOTOMAPS BELLEVILLE, KANSAS ©
AERIAL PHOTOS SINCE 1930 Mass produced oblique photos, miniature order, 5 prints
All references shall include the photo number appearing in white on the print

96 K
G

Hornet Creek.

A I Freshafer, adm of the estate of Thomas J
Stutsman 6070 PG 45

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 6070 PG 45

Henry E Warner and Earl Walston 6070 45

B M Holt 6070 20

J E Lawrence and Clark Adams 6070 46

J A Darland

Rebecca Wilson sub for Walter Wilson

A Kampeter

William Hanson

Mattie M Keys

W J Wilson - 6070 46

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 B Whitehead

6070 46

Hornet Creek Water Storage Association

Little Weiser River.

Anderson-Lindsay-Linder-Corriell Ditch.

Leander Lindsay

E H Richardson 6070 PG 46 For POU

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

15

28

9 1/2

31 1/2

10

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, 1883 67 0382

June 30, 1883 67 0383

May 1, 1885 67 0384

May 30, 1885 67 0385

Dec 31, 1892 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, 1905 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 1896

A L FRIEDLAENDER AND MARGARET E PIKE: The West half of the Southeast Quarter, the East half of the Southwest Quarter and a strip of land in the West half of the Southwest Quarter adjoining lands above described, all in Section 23, Township 17 North, Range 1, West Boise Meridian.

see From PG 20 6070 PG 97 Dummelly 321.00

A L FRIEDLAENDER, ADMINISTRATOR OF THE ESTATE OF THOMAS J STUTSMAN: The Southwest Quarter of the Southeast Quarter Section 30, the West half of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter Section 31, Township 17 North, Range 1 West Boise Meridian.

FRANK RICHARDSON: The South half of the Southeast Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 16 North Range 1 West Boise Meridian.

MARK C FULLER: The Northeast Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 8, and the Northwest Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 9, Township 16 North, Range 1 West Boise Meridian, excepting therefrom a tract of 22 acres of high ground owned by H C Stever on the East side of the Northeast Quarter of the Northeast Quarter of Section 8.

A J DUFFUS: The Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, the West half of the Southeast Quarter of Section 9, Township 16 North, Range 1 West Boise Meridian.

E E SHANNON AND ED SHANNON: The Southwest Quarter of the Southwest Quarter, the West half of the Southeast Quarter of the Southwest Quarter, the South half of the Northeast Quarter of the Southwest Quarter of Section 5, Township 16 North, Range 1 West Boise Meridian.

Home Co.

REBECCA WILSON: The Northeast Quarter of the Southwest Quarter, the West half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 24, Township 17 North, Range 2 West Boise Meridian.

B E DARE AND FLORENCE G DARE: The Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section 15, and the Northwest Quarter of the Northeast Quarter, and 20 acres off of the West side of the Northeast Quarter of the Northeast Quarter of Section 22, all in Township 17 North, Range 2 West Boise Meridian.

ELIAS HARTLEY: The Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 23, and the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 24, all in Township 17 North, Range 2 West Boise Meridian.

SE NE
NE NE
NW SW
SW NW

C M GILMER AND FRANK PECK: The South half of the Northeast Quarter of Section 5, the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 4, Township 17 North, Range 2 West Boise Meridian.

DALE DONNELLY: The North half of the Northeast Quarter and the Southwest Quarter of the Northeast Quarter of Section 31, Township 17 North, Range 1 West Boise Meridian. From PG 20, 6070 PG 97

NE NE SW NE
NW NE

MINNIE E WAINWRIGHT AND EARL WALSTON: The Southwest Quarter of the Southwest Quarter of Section 19, and the North half of the Southwest Quarter of Section 30, all in Township 17 North, Range 1 West Boise Meridian.

PG 45 6070 97

JUL 24 1996

46 HORNET CREEK

46 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
45 Henry A. Warner and Earl Salston	374	June 1. 1886
46 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 <i>fm 46</i>	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	32	" " "
Preston G. Anderson (D. K. Lindsay is his Guardian)	25	May 1. 1898
45 <i>fm pc</i> A. L. Freehafer, administrator of the estate of Thomas J. Stuttsman	384	" " 1880
P. H. Miller	384 25	Apr 2. 1895 " 30. 1895
D. M. Holt <i>fm 46</i>	624 40 30	" 1. 1886 May 1. 1900 Apr 1. 1905
Dale Donnelly <i>From 45</i>	90	May 1. 1884
S. E. Bare and Florence B. 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 1906

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-383A

NAME AND ADDRESS:

DORA V COLE
2565 COUNCIL CUPRUM RD
COUNCIL ID 83612-5009

LEE F COLE
2565 COUNCIL CUPRUM RD
COUNCIL ID 83612

SOURCE: Source:
HORNET CREEK

Tributary:
WEISER RIVER

QUANTITY: 0.300 CFS ~~0.410 CFS~~
0.000 AFY

PRIORITY DATE: 06/30/1883

POINT OF DIVERSION:

T17N R02W S15 SWNWSW
Within ADAMS County

**PURPOSE AND
PERIOD OF USE:**

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	<u>0.300 CFS</u> ~~0.410 CFS~~

PLACE OF USE: IRRIGATION within ADAMS County

T17N R02W S15 NESW 1.3
T17N R02W S15 NWSW 7.4
T17N R02W S15 SWSW 6.3
T17N R02W S15 SESW 24.0

39 ACRES TOTAL

This right is limited to the irrigation of ~~39.2~~ 24.0 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 39.0 acres in a single irrigation season. Combined Right Nos.: 67-383A & 67-398

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 includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

August 29, 2007

LEE F COLE
DORA V COLE
2565 COUNCIL CUPRUM RD
COUNCIL ID 83612-2009

Subject: Proportioning decreed rights 67-383 and 67-384

Dear Mr. and Ms. Cole,

After our meeting on 8-8-07, I continued to research the documents you gave me. The letter in particular that I was looking into was the Jun 7, 1988 letter from Jan Shurte states *"...that Lee Cole will now be assessed for 20.6 inches of the 72.5" of water listed under water right numbers 67-383 and 67-384."*

The following shows how the two water rights could be proportioned based on knowing that you had 20.6 inches out of the two water rights:

67-383 was decreed for 56.5 inches of water.

67-384 was decreed for 16.0 inches of water.

The total number of inches decreed under 67-383 and 67-384 is = 72.5 inches

In 1988 the water master said that Mr. Cole was being billed for 20.6 inches of that 72.5 inches originally decreed. Or, 20.6 inches divided by 72.5 inches = 28.4 % of the total water.

So based on the above calculation, you would have 28.4% of each of the two water rights (67-383 and 67-384).

- 28.4 % of the 56.5 inches of the 67-383 water is 16.1 inches (0.32 cfs)
- 28.4 % of the 16.0 inches of the 67-384 water is 4.5 inches (0.09 cfs)
20.6 inches (0.41 cfs)

There are a couple of things to note; The first, and most important thing, is this is just a theory. I have no real evidence that this was the intent of how 67-383 and 67-384 should be split up. It just seemed like the fair way to split them up. The other thing is you have not claimed any portion of 67-384. You would need to file another claim for a portion 67-384 and that would include a \$200 filing fee.

With the information I have available, this is the best I could come up with. Sorry I don't have something more definitive.

Respectfully submitted,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

RECEIVED

AUG 06 2007

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

A. Subcase 67-383A

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Larry Walling

Address: P.O. Box 356

Council, ID 83612

Daytime Phone: (208)253-4726

Name & Address of Attorney, if any:

Julie K. Fischer, White Peterson, P.A.

5700 E. Franklin Rd., Suite 200

Nampa, ID 83687

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Lee and Dora Cole

Address: 2565 Council Cuprum Road

Council, ID 83612-5009

COPY

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: .27 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): The recommendation of the Department was based on a mistaken belief as to the actual amount claimed, as recognized in the attached Memorandum of Craig Saxton.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Canyon)

Julie Klein Fischer, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 2, 2007



Chelsea Greene
Notary Public for State of Idaho
Residing at: Canyon County
My Commission Expires: 09/08/2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on August 2, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Lee and Dora Cole

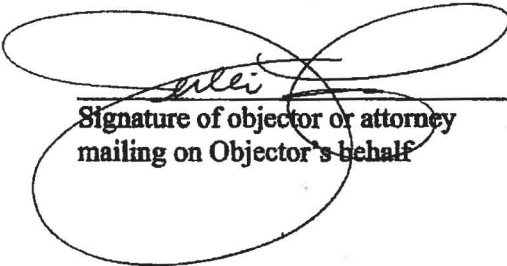
Address: 2565 Council Cuprum Rd.
Council, ID 83612-5009

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

Memorandum

April 27, 2007

To: File 67-383A and 67-383B

Cc: Larry Walling

From: Craig L. Saxton *C. Saxton 4-27-07*

Subject: In office meeting

Monica Van Bussum and I met with Larry Walling and Barb Felty in my office today. Larry disagreed with the recommended diversion rate for 67-383A and 67-383B. I had recommended 20.5 inches of water under 67-383A claimed by Cole. Larry felt that Cole only had right to 12 inches.

The original decree 67-383 was decreed for 56.5 inches or 1.13 cfs. Reviewing my notes it appeared that I recommend 36 inches of water to Larry Walling and recommended the remaining amount to Mr. Cole. I believe that I recommended the 36 inches of water to Mr. Walling because I thought that was what he had claimed. In reality, Mr. Walker claimed 43 inches.

Bosco Boslers water master record show delivery of 67-383 to Mr. Walling, however, Mr. Cole does own part of the property that 67-383 was originally decreed to.

Based on the water master records, I told Mr. Walling that if he filed an objection, I would support recommending the 43 inches of water claimed by Mr. Walling.

Part of Mr. Wallings concerns was that the decreed water recommended under 67-383A was recommended on property not original spoke of in the decree. The reason for this is that 67-383A was recommended as a permissible place of use with 67-398.

At this time, Mr. Walling left with copies of the objection forms and was planning on speaking with an attorney.



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

Try to figure out
how the 20.6"
was split up.

June 7, 1988

Clarence Cole
Hornet Creek RD.
Council, ID 83645

8/16/07

See Memo

Dear Mr. Cole:

Enclosed are copies of two letters sent concerning an inquiry by Mr. and Mrs. Lee Cole. Please read these copies before proceeding with this letter.

Gerald Myers, Watermaster, phoned stating that after discussing the matter with Mr. Cole and Lawson Howland, former watermaster, that you have been assessed for water which was being delivered to Mr. and Mrs. Cole. Therefore, this letter is to inform you that Lee Cole will now be assessed for 20.6 inches of the 72.5" of water listed under water right numbers 67-0383 and 0384. Copies of these water rights are enclosed for your review.

If you have any questions concerning this matter, please contact me.

Sincerely,

Jan Shurte
Water Rights Supervisor

JS:sl
Enclosures

cc: Cole and Myers
Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 14, 1988

Lee & Dora Cole
HC 67, 2380
Council, ID 83612

Dear Mr. & Mrs. Cole:

Enclosed is a copy of the decree for Water Right No.'s 67-0383, 67-0384, 67-0393 and 67-4065. These rights were found to be appurtenant to the SE1/4SW1/4, Sec. 15, Twp. 17N, Rge. 2W.

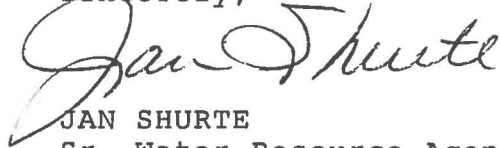
In order to determine how much water is allotted to you, the number of acres in that 1/41/4 originally irrigated under these rights would need to be determined. You have indicated that approximately 18 acres have been irrigated and are irrigated in this quarter-quarter. The Muir-Allison decree was issued for 5/8ths of an inch per acre, which would give the 18 acres in question approximately 11.8 inches of water. I did call the Adams County assessor's office and they told me that there are a total of 33 acres now being irrigated under the ditch in this quarter-quarter. If all of these were irrigated at the time of the decree and in the past years since, then 20.6 inches of water could be allotted.

I also checked the watermaster's records to see who is billed and who is delivered the water under these rights. A copy of this report page is enclosed for your review. It appears that C. King receives all of the water under 67-0383 and 67-0384 with the land description listed as Sec. 22. However, no transfer has been filed with our Department showing a change in the place of use for these two rights. Water Right No. 67-0393 is shown to be delivered to Elmer Baccus in Sec. 15, however, a portion of this right is still appurtenant to the SE1/4SW1/4, and no transfer has been filed to change the place of use on this right either. Since a decreed water right is appurtenant to the land it covers, then only the party now owning that property can transfer the water right to another piece of ground. In this watermaster report it does show you as receiving 16" of water under Water Right No. 67-0398 in Sec. 15. This water right covers other lands in Sec. 15 and not the SE1/4SW1/4. Enclosed is a copy of this water right no. 67-0398 for your records. Claim No. 67-4065 (copy enclosed), is also appurtenant to the SE1/4SW1/4, Sec. 15, from Hornet Creek. Most likely this water right was filed for flood waters over and above the decreed right.

I am sending a copy of this letter to the Watermaster, Gerald Myers, in hopes that he can help figure out what has been occurring over the years and why no delivery of these water rights to you has

been made. I will contact you when any information is received.
Please feel free to call if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jan Shurte".

JAN SHURTE
Sr. Water Resource Agent

JS:j
Enclosures

cc: Gerald Myers, Watermaster
Enclosures

April 14, 1988

Gerald Myers, Watermaster
HC 70, Box 2010
Mdivale, ID 83645

Dear Mr. Myers:

Enclosed is a letter I am sending to Mr. & Mrs. Lee Cole in response to a visit to my office and inquiry they made into their water rights. The parcel of land in question is the SE1/4SW1/4, Sec. 15, Twp. 17N, Rge. 2W.

I believe my letter explains the problems involved. If you could just do some checking for us to see what has been happening in the past, such as when the water was taken from Sec. 15 to Sec. 22, along with why all the water under 67-0393 is delivered to Mr. Baccus when a portion is owned by Mr. Cole. If there is some documentation of these changes it would probably be useful to document our files in case of any problems. At the present only the landowner can transfer any water off of the quarter-quarter in question, which would be Mr. and Mrs. Cole.

If you can shed some light on this, maybe we can get the water rights figured out. Feel free to call if you have any questions. I'll send Lawson Howland a copy of this correspondence, so if you have any questions about past delivery he will know of the situation.

Sincerely,

JAN SHURTE
Sr. Water Resource Agent

JS:j
Enclosures

cc: Lawson Howland
Enclosures

Chester O. Whittekiend and Dorothy
L. Whittekiend, husband and wife,

to

Claud S. Bradbury and Dora V. Brad-
bury, husband and wife, and Raymond
L. Magnuson, a bachelor.

W A R R A N T Y DEED

Dated August 11, 1945
Recorded Sept. 29, 1947
Book 20, Deeds
Page 419

Consideration \$1400.00

Grant, bargain, sell, convey and confirm

All of the following described real estate, situated in the
County of Adams, State of Idaho, to-wit:

The Southeast Quarter of the Southwest Quarter of Section
Fifteen (15) in Township Seventeen (17) North of Range Two
(2) West of Boise Meridian, But excepting therefrom, a
tract of land described as follows: commencing at the South-
west corner of said Southeast Quarter of the Southwest Quar-
ter and running thence North on the West line thereof 200
feet; thence East, at right angles, 400 feet; thence South
200 feet to the South line of said Southeast Quarter of the
Southwest Quarter; thence West on said South line 400 feet
to the place of beginning;

but including all water and water rights, ditches and ditch rights and
irrigating works of whatever nature, used upon, connected with or ap-
purtenant to said premises and particularly including Twenty Five (25)
shares of the Hornet Creek Water Storage Association and the water
rights thereby represented.

COVENANTS: Quiet and peaceable possession will warrant and defend
against all lawful claims.

First parties agree to pay State and County taxes and irrigation
district assessments for the year 1945 and second parties agree to pay
such State and County taxes and irrigation district assessments for the
year 1946, and thereafter.

Witness: John H. Morris.

Chester O. Whittekiend (Seal)
Dorothy L. Whittekiend (Seal)

(\$1.65 U.S. I.R. Doc. Stamps affixed and cancelled)

Acknowledged August 11th, 1945 in Payette County, Idaho, by
Chester O. Whittekiend and Dorothy L. Whittekiend, husband
and wife, known to be the persons whose names are subscribed
to the within instrument, before John H. Morris, Notary Pub-
lic for the State of Idaho, residing at Payette, Idaho. Seal.

George T. Russell, and
Mary A. Russell, his wife.

WARRANTY DEED.

Dated March 21st, 1914.
Ack'd. March 21st, 1914.
Filed May 7th, 1914.
Book "4" of Deeds page 69-70
Consideration \$7000.00

13. _____ To _____

Mattie M. Keys.

Grant, bargain, sell, convey and confirm all the following described real estate, situated in Adams County, State of Idaho, to-wit:-

The West half of the South west quarter, the North east quarter of the South west quarter, and the North west quarter of the South east quarter of Section 15, Township 17, North of Range 2, West of the Boise Meridian, containing 160 acres more or less.

Excepting therefrom the right of way of the P. & I. N. R. R. Co., heretofore deeded to it through said lands by grantor.

Together with all water and water rights and ditches thereunto belonging or in anywise appertaining, used or appurtenant to said lands, together with all rights of way for ditches used to convey water to said lands. Together with 35.75 shares of stock of the Hornet Creek Water Storage Association, the said above named water rights being evidenced in addition to said shares of stock by State Engineer's permit No. 8066 and certificate of completion of works thereunder, dated February 14th, 1914, and 25 inches of decreed water right in suit of James I. Linder et al, vs. Frank Peck, et al, in District Court of the 3rd, Jud. Dist. State of Idaho in and for Washington County. Also notice of water right dated April 4th, 1901, and recorded April 8th, 1901 in Book "2" of water rights of Washington County, Idaho, page 64.

Subject to mortgage for \$800.00 in favor of the Oregon Mortgage Co., which second party assumes and agrees to pay with accrued interest thereon.

Acknowledged by George T. Russell and Mary A. Russell his wife, before L. L. Burtenshaw, Notary Public, Adams County, Idaho. Seal com. ex. August 7th, 1917.

File No. and Original Owner	File Date	Present Owner	Land Description	Amount of Water	Actual Charge ~~198~~ 1991	Proposed Charge ~~194~~ 1992	Notes
67- 396 A. Kampeter	12-31-89	M. Gossard	17N02W093000	35.5"	19.54	17.75	
67- 394 J.A. Darland	6-1-88	Alan Larson	17N02W161000	25"	13.76	12.50	
67- 403 P.G. Anderson	5-1-98	Eena Moritz	16N01W091200	15"	8.26	7.50	
67- Storage 268AF		Hornet Creek Water Storage	000000000244	125"	68.74	62.50	
67- 399 W.J. Wilson	6-1-93	K. Ivey	17N02W211800	47"	25.86	23.50	
67- 393 J.E. Lawrence	8-31-87	Elmer Bacus	17N02W159000	56.5"	31.08	28.25	
67- 383 S.E.&F. Dare	6-30-83	C. King	17N02W220300	56.5"	31.08	28.25	
67- 384 S.W.&F. Dare	5-1-85	"	17N02W220300	16"	8.80	8.00	
67- 406 Shaw & Whitehead	5-1-00	"	17N02W210001	31"	17.04	15.50	
407 Shaw & Whitehead	5-1-01	"	17N02W210001	10"	5.50	5.00	
67- 386 E. Hartley	12-31-99	Clinton Yates	17N02W230001	12.5"	7.50	7.50	
67- 385 E. Hartley	5-30-83	"	17N02W243000	37"	20.36	18.50	
67- 385 E. Hartley	5-30-83	Orrin Lake	17N02W230307	10"	7.50	7.50	
67- 398 M. Keys	12-31-91	Lee Cole	17N02W154800	16"	8.80	8.00	

File No. and Original Owner	File Date	Present Owner	Land Description	Amount of Water	Actual Charge 1986	Proposed Charge 1987	Notes
67-396 A. Kampeter	12-31-89	M. Gossard	17N02W093000	35.5"	7.50	7.50	
67-394 J.A. Darland	6-1-88	Alan Larson	17N02W161000	25"	7.50	7.50	
67-403 P.G. Anderson	5-1-98	Edna Moritz	16N01W091200	15"	7.50	7.50	
67-Storage 268 AF		Hornet Creek Water Storage	000000000244	125"	12.50	12.50	
67-399 W.J. Wilson	6-1-93	K. Ivey	17N02W221800	47"	7.50	7.50	
67-393 J.E. Lawrence	8-31-87	Elmer Bacus	17N02W159000	56.5"	7.50	7.50	
67-383 S.E. & F. Dare	6-30-83	C. King	17N02W220300	56.5"	7.50	7.50	
67-384 S.E. & F. Dare	5-1-85	"	17N02W220300	16"	1.60	1.60	
67-406 Shaw & Whitehead	5-1-00	"	17N02W210001	31"	3.10	3.10	
67-407 Shaw & Whitehead	5-1-01	"	17N02W210001	10"	1.00	1.00	
67-386 E. Hartley	12-31-99	Clinton Yates	17N02W230001	12.5"	1.30	1.30	
67-385 E. Hartley	5-30-83	"	17N02W243000	40" /47"	4.00	4.00 4.70	
67-385 E. Hartley	5-30-83	Orrin Lake	17N02W230300	7"	7.50	7.50	
67-398 M. Keys	12-31-91	Lee Cole	17N02W154800	16"	7.50	7.50	

Memorandum

April 27, 2007

To: File 67-383A and 67-383B

Cc: Larry Walling

Subject: In office meeting

Monica Van Bussum and I met with Larry Walling and Barb Felty in my office today. Larry disagreed with the recommended diversion rate for 67-383A and 67-383B. I had recommended 20.5 inches of water under 67-383A claimed by Cole. Larry felt that Cole only had right to 12 inches.

The original decree 67-383 was decreed for 56.5 inches or 1.13 cfs. Reviewing my notes it appeared that I recommend 36 inches of water to Larry Walling and recommended the remaining amount to Mr. Cole. I believe that I recommended the 36 inches of water to Mr. Walling because I thought that was what he had claimed. In reality, Mr. Walker claimed 43 inches.

Bosco Boslers water master record show delivery of 67-383 to Mr. Walling, however, Mr. Cole does own part of the property that 67-383 was originally decreed to.

Based on the water master records, I told Mr. Walling that if he filed an objection, I would support recommending the 43 inches of water claimed by Mr. Walling.

Part of Mr. Wallings concerns was that the decreed water recommended under 67-383A was recommended on property not original spoke of in the decree. The reason for this is that 67-383A was recommended as a permissible place of use with 67-398.

At this time, Mr. Walling left with copies of the objection forms and was planning on speaking with an attorney.

06/30/2006

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

RIGHT NUMBER: 67-383A

NAME AND ADDRESS: DORA V COLE
2565 COUNCIL CUPRUM RD
COUNCIL ID 83612-5009

LEE F COLE
2565 COUNCIL CUPRUM RD
COUNCIL ID 83612

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.410 CFS

PRIORITY DATE: 06/30/1883

POINT OF DIVERSION:

T17N R02W S15 SWNWSW 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	0.410 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R02W S15	NESW	1.30	T17N R02W S15	NWSW	7.40
T17N R02W S15	SWSW	6.30	T17N R02W S15	SESW	24.00

39 ACRES TOTAL

This right is limited to the irrigation of 32.8 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 39.0 acres in a single irrigation season. Combined Right Nos.: 67-383A & 67-398

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 includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



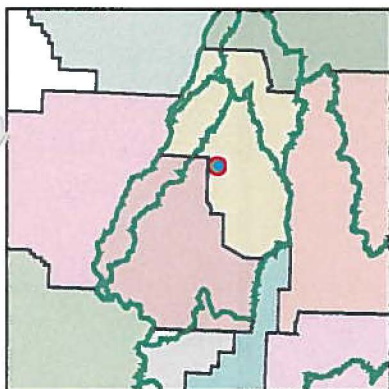
Idaho Department of Water Resources

SRBA Recommendation:

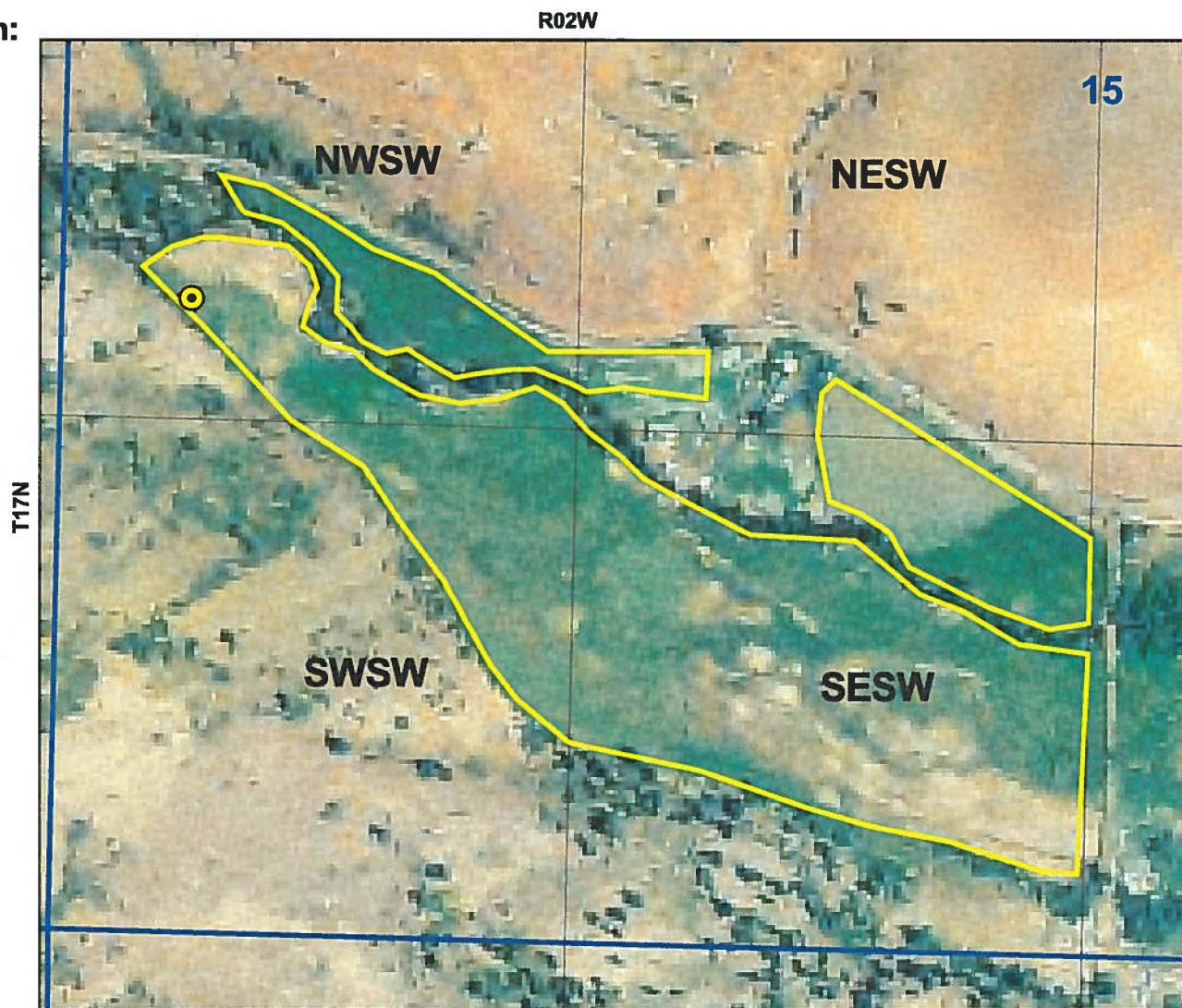
67-383A

Legend

-  **Point of Diversion**
-  **Place of Use**
-  **Townships**
-  **PLS Sections**
-  **Quarter Quarters**



Adams County
IDWR Basin 67



0 0.2 0.4 Miles



Prepared by C. Saxton
On Friday, June 30, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-383A V1

WATER RIGHT NUMBER: 67-383A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DORA V COLE 2565 COUNCIL CUPRUM RD COUNCIL, ID 83612-5009 (208)253-4857
Original Owner	S E DARE , ID
Original Owner	FLORENCE G DARE , ID
Current Owner	LEE F COLE 2565 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-4857

Priority Date: 06/30/1883

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	0.410 CFS	
	<u>Total Diversion:</u>	0.410 CFS	

Location of Point(s) of Diversion

HORNET CREEK	SW1/4NW1/4SW1/4	Sec. 15, Twp 17N, Rge 02W, 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	
17N	02W	15									1.3	7.4	6.3	24.0					39.0

Total Acres: 39

Conditions of Approval:

1. K06 This right is limited to the irrigation of 32.8 acres within the place of use described above in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-383A V1

2. 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.
3. E56 The rights listed below are limited to the irrigation of a combined total of 39.0 acres in a single irrigation season. Combined Right Nos.: 67-383A & 67-398
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:

1. segbert 8/10/2004 POU
Comment: Updated Shape
2. segbert 8/10/2004 POD
Comment: There is no map to tell where to place the POD
3. segbert 8/10/2004 POU
Comment: There are QQs listed on the claim that are not in the decree for this right
4. segbert 8/10/2004 Quantity
Comment: Cannot verify quantity

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: OR
 Water District Number: 67
 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 9:42:34 AM	segbert			Active
POD	8/10/2004 9:42:51 AM	segbert			Active
Source	8/10/2004 9:43:24 AM	segbert			Active
POU	8/10/2004 9:45:13 AM	segbert			Active
Use	8/10/2004 9:52:23 AM	segbert			Active
Season	8/10/2004 9:52:42 AM	segbert			Active
Quantity	8/10/2004 9:53:09 AM	segbert			Active

Claim

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	383	A	Decreed	Active	1883-06-30	0.41	39	HORNET CREEK	IRRIGATION	COLE, DORA	Claim
67	398		Decreed	Active	1891-12-31	0.32	39	HORNET CREEK	IRRIGATION	COLE, DORA	Claim
67	4145		Statutory	Active	1883-06-30	2		HORNET CREEK	IRRIGATION, ST	COLE, DORA	Claim
67	10637		Beneficial	Active	4/4/1901	0.45		LAKEY CREEK	IRRIGATION, ST	COLE, DORA	Claim

Recommendation

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	383	A	Decreed	Active	1883-06-30	0.41	32.8	HORNET CREEK	IRRIGATION	COLE, DORA	Recommendation
67	398		Decreed	Active	1891-12-31	0.32	25.6	HORNET CREEK	IRRIGATION	COLE, DORA	Recommendation
						0.73	39				
67	4145		B-use	Active	5/10/1918	0.75	21	HORNET CREEK	IRRIGATION, ST	COLE, DORA	Recommendation
						Ditch Loss =		0.33			
67	10637		B-use	Active	4/4/1901	0.45	20	LAKEY CREEK	IRRIGATION, ST	COLE, DORA	Recommendation

WR

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	10638		Decreed	Active	11/1/1947	0.09		GROUND WATER	DOMESTIC, STC	COLE, DORA	wrWaterRight
67	10639		Decreed	Active	1/1/1912	0.05		SPRING	STOCKWATER	COLE, DORA	wrWaterRight
67	10640		Decreed	Active	11/1/1977	0.09		GROUND WATER	DOMESTIC, STC	COLE, DORA	wrWaterRight

Page	Parcel #	Name	Inches	File #	Original Owner	Priority Date
18	17N02W220	VALLING, LARR	56.5	383	SE & F DARE	6/30/83
18	17N02W154	COLE, LEE	16	398	M KEYS	12/31/91

Notes 06/13 MB

67-383A_{claim} - Cole

$$1 \text{ found } 32.8 \text{ ac} = 20.5'' = 0.410 \text{ cfs}$$

OK.

$$0.410 \text{ cfs} = 20.5''$$

35.9 ac POU: - NESW 4.0
in Arroyo. NW SW 5.0
SWSW 10.0
SESW 20.0

Under 383A, limited to 33.50 ac.
ac w/n POU described above.
KOB if claimed at 1"/ac.

$$39.0 \text{ ac} \rightarrow 39'' = 0.780 \text{ cfs}$$

Claiming 0.52"/ac

$$.625 - .52 = .105 \text{ too low}$$

67-383B_{claim} - Walling

$$0.860 \text{ cfs} = 43'' = 68.8 \text{ ac} \quad | \text{ found } 57.6 \text{ ac} = 36'' = 0.720 \text{ cfs}$$

17N02W15 SESW 3.0
SW SE 22.0
17N02W22 NENE 12.0
NWNE 22.0

KOB Under 383B, limited to 58 ac.
if claimed @ 1"/ac

$$59.0 \text{ ac} \rightarrow 59'' = 1.18 \text{ cfs}$$

Claiming: 0.73"/ac

$$.73 - .625 = .105 \text{ too high}$$

Acreage: $59.0 + 39.0 = 98 \text{ ac}$
So: they're underclaiming 1" to the acre
Decree

383

30 Jun 188

decree - COS - accomplished transfer in POU

$$56.5'' = 1.13 \text{ cfs}$$

$$56.5'' \times \frac{1 \text{ ac}}{5/8 \text{ in}} = 90.4 \text{ ac}$$

Each verb. using H₂O rt.
all 4 (dec & BU) limiting total div. rate to 1"/ac.
These rights can not exceed — cfs
Rights listed below are...

POU: for 383 & 384

SWSE } 15
SESW }

NWNE } 22
NENE (20 ac. @ W side) }

T17N02W

Comments

look for ac.

Recommend 67-383B @ 5/8"/ac

Any rate weiser Basin
WM base conf. ditch
correct flow capacity
to carry 100".

$$0.39 \text{ cfs} + 0.5625 \text{ cfs} = 1.13 \text{ cfs}$$

update split tree & put a copy in
the file
update the pedigree



**Map of Adams Farm 194
Tract 433**

/// = irrigated by decreed 67-383a
/// = 67-4145



Map Printed: Feb 18, 2004

Hornet Cr.

map supplied by claimant - yellow outlines
designated historic ownership only - no relation
to water rights at this point.

Notes 67-383A

POD - GPSd by Bosco Bosler #A0014053
(section 18)

SOURCE OF WATER	TRIBUTARY TO	PRIORITY DATE	NAME	O C	WATER RIGHT NUMBER	STG STA
HORNET CREEK	WEISER RIVER	05/01/1880	STUTSMAN , EST. OF THOMAS J. FREEHAFFER , A. L. MOORE , RAY H. MOORE , E. LUCILLE	O C C C	A67-00377	D/
HORNET CREEK	WEISER RIVER	05/15/1900	MAGNUSON , RAYMOND L. MAGNUSON , HESTER E. MOORE , RAY H. MOORE , E. LUCILLE	O C C C	A67-04229	S/
HORNET CREEK	WEISER RIVER	12/01/1888	WILSON , REBECCA WILSON , WALTER SNORGRASS , FLOYD A. SNORGRASS , REBECCA K.	O C C C	A67-00395	D/
HORNET CREEK	WEISER RIVER	06/01/1885	SNORGRASS , FLOYD A. SNORGRASS , REBECCA K.	C C	A67-04225	S/
HORNET CREEK	WEISER RIVER	06/01/1881	HENDERSON RANCHES	C	A67-10498	D/
HORNET CREEK	WEISER RIVER	06/30/1883	COLE , DORA V. DARE , S. E. DARE , FLORENCE G. COLE , LEE F.	C O O C	A67-00383A	D/
HORNET CREEK	WEISER RIVER	12/31/1891	KEYS , MATTIE M. COLE , LEE F. COLE , DORA V.	O C C	A67-00398	D/
HORNET CREEK	WEISER RIVER	06/30/1883	COLE , LEE F. COLE , DORA V.	C C	A67-04145	S/
HORNET CREEK	WEISER RIVER	06/01/1934	STEPHENSON , CATHERINE THOMAS , DENNIS J. THOMAS , DEBRA L.	O C C	A67-04096	S/
HORNET CREEK SPLIT RIGHT	WEISER RIVER	06/30/1883	BACUS , ELMER L. SPLIT RIGHT	O C	A67-04136	/Z
HORNET CREEK	WEISER RIVER	06/30/1883	BACUS , ELMER L. WATSON , JACK P. WATSON , WILMA M.	O C C	A67-04136A	S/
HORNET CREEK PEARL CREEK	WEISER RIVER HORNET CREEK	06/30/1895	PECK , FRANK BROWN , JOHN C. BROWN , MARY L.	O C C	A67-00400	D/
HORNET CREEK	WEISER RIVER	07/06/1909	HORNET CREEK WATER STORAGE ASSN.	C	A67-00409	D/
HORNET CREEK, N. FORK HORNET CREEK, W. FORK	WEISER RIVER WEISER RIVER	05/01/1884	BROWN , JOHN C. BROWN , MARY L.	C C	A67-11214	J/

MICROFILMED
OCT 01 1992

SOURCE OF WATER	TRIBUTARY TO	PRIORITY DATE	NAME	O C	WATER RIGHT NUMBER	STG STA
PEARL CREEK HORNET CREEK	HORNET CREEK WEISER RIVER	05/01/1884	BROWN , MARY L. BROWN , JOHN C.	C C	A67-11215	J/
HORNET CREEK	WEISER RIVER	06/01/1881	SHANNON , E. E. SHANNON , ED MORITZ , DEWEY MORITZ , JESSIE	O O C C	A67-00381	D/
HORNET CREEK PEARL CREEK	WEISER RIVER HORNET CREEK	05/01/1884	GILMER , C. M. PECK , FRANK WARNING-BOGUS POD FOR UPDATE PURPOSES BROWN , JOHN C. BROWN , MARY L.	O O O C C	A67-00387	D/
HORNET CREEK	WEISER RIVER	04/01/1886	HOLT , B. M. MORITZ , DEWEY MORITZ , JESSIE J.	O C C	A67-00390	D/
HORNET CREEK	WEISER RIVER	05/01/1900	HOLT , B. M. MORITZ , DEWEY MORITZ , JESSIE J.	O C C	A67-00391	D/
HORNET CREEK	WEISER RIVER	04/01/1905	MORITZ , JESSIE J. HOLT , B. M. MORITZ , DEWEY	C O C	A67-00392	D/
HORNET CREEK PEARL CREEK	WEISER RIVER HORNET CREEK	12/31/1891	HANSON , WILLIAM BROWN , JOHN C. BROWN , MARY L.	O C C	A67-00397	D/
HORNET CREEK	WEISER RIVER	06/30/1883	BACUS , ELMER L. BACUS , RUTH E.	C C	A67-04136B	J/
HORNET CREEK	WEISER RIVER	03/01/1963	BACUS , ELMER L. BACUS , RUTH E.	C C	A67-11228	J/
COMBINED RIGHT HORNET CREEK	WEISER RIVER	06/01/1881	RICHARDSON , FRANK COMBINED RIGHT	O C	A67-00378	/Z
COMBINED RIGHT HORNET CREEK	WEISER RIVER	06/01/1881	FULLER , MARK C. DAVIS , C. H. COMBINED RIGHT	O O C	A67-00379	/Z
HORNET CREEK	WEISER RIVER	06/01/1886	WARNER , HENRY E. WALSTON , EARL GLEMSEY , F. FRED GLEMSEY , SHIRLEY M.	O O C C	A67-00389	D/
HORNET CREEK DELETE CLAIM	WEISER RIVER	06/01/1886	GLEMSEY , F. FRED GLEMSEY , CHERYL R. DELETE CLAIM	O O C	A67-04120	/Z

MICROFILMED
00011992

SOURCE OF WATER	TRIBUTARY TO	PRIORITY DATE	NAME	O C	WATER RIGHT NUMBER	STG STA
HORNET CREEK	WEISER RIVER	05/01/1880	RUBELT , JACK HARRINGTON , JOHNNIE	C C	A67-00377A	D/ C
HORNET CREEK	WEISER RIVER	05/01/1884	RUBELT , JACK DONNELLY , DALE HARRINGTON , JOHNNIE	C O C	A67-00388	D/ C
HORNET CREEK	WEISER RIVER	06/01/1900	HARRINGTON , JOHNNIE HARRINGTON , VERA	C C	A67-04111	S/ C
HORNET CREEK	WEISER RIVER	03/15/1900	RUBELT , JACK HARRINGTON , JOHNNIE	C C	A67-11281	J/ C
HORNET CREEK	WEISER RIVER	05/30/1883	HARTLEY , ELLIS BRAUER , LYDIA LAKEY , DOROTHY LAKE , ORRIN	O O O C	A67-00385A	D/ C
HORNET CREEK	WEISER RIVER	04/02/1895	MILLER , P. H. GREENWOOD , DALLAS E. GREENWOOD , ELVA M.	O C C	A67-00401	D/ C
HORNET CREEK	WEISER RIVER	04/30/1895	MILLER , P. H. GREENWOOD , DALLAS E. GREENWOOD , ELVA M.	O C C	A67-00402	D/ C
HORNET CREEK	WEISER RIVER	06/01/1900	GREENWOOD , DALLAS E. GREENWOOD , ELVA M.	C C	A67-04157	S/ C
COMBINED RIGHT HORNET CREEK	WEISER RIVER	06/01/1881	DUFFUS , A. J. COMBINED RIGHT	O C	A67-00380	/Z C
HORNET CREEK	WEISER RIVER	12/31/1889	KAMPETER , A. GOSSARD , MAC	O C	A67-00396	D/ C
HORNET CREEK SPLIT RIGHT	WEISER RIVER	06/30/1883	DARE , S. E. DARE , FLORENCE G. SPLIT RIGHT	O O C	A67-00383	/Z C

MICROFILMED
OCT 01 1992

Hornet Creek.

A L Freshafer, adm of the estate of Thomas J

Stutuman

Frank Richardson

Mark C Fuller, sub for C H Davis

A J Duffus

E E Shannon and Ed Shannon

Rebecca Wilson

E 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 B 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

15

28

9 1/2

31 1/2

10

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, 1883 67 0382

June 30, 1883 67 0383

May 1, 1885 67 0384

May 30, 1885 67 0385 1/2 334

Dec 31, 1899 67 0386 1/2 334

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, 1905 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 1/2 334

Dec. 31, 1899 67 0405 1/2 334

May 1, 1900 67 0406

May 1, 1901 67 0407

May 28, 1909 67 0408 1/2 334

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

A L FRIEDHAFFER AND MARGARET E PIKE: The West half of the Southeast Quarter, the East half of the Southwest Quarter and a strip of land in the West half of the Southwest Quarter adjoining lands above described, all in Section 23, Township 17 North, Range 1, West Boise Meridian.

5 see Donnelly below
A L FRIEDHAFFER, ADMINISTRATOR OF THE ESTATE OF THOMAS J STUTSMAN: The Southwest Quarter of the Southeast Quarter Section 30, the West half of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter Section 31, Township 17 North, Range 1 West Boise Meridian.

FRANK RICHARDSON: The South half of the Southeast Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 16 North Range 1 West Boise Meridian.

MARK C FULLER: The Northeast Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 8, and the Northwest Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 9, Township 16 North, Range 1 West Boise Meridian, excepting therefrom a tract of 22 acres of high ground owned by H C Stever on the East side of the Northeast Quarter of the Northeast Quarter of Section 8.

A J DUFFUS: The Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, the West half of the Southeast Quarter of Section 9, Township 16 North, Range 1 West Boise Meridian.

E E SHANNON AND ED SHANNON: The Southwest Quarter of the Southwest Quarter, the West half of the Southeast Quarter of the Southwest Quarter, the South half of the Northeast Quarter of the Southwest Quarter of Section 5, Township 16 North, Range 1 West Boise Meridian.

REBECCA WILSON: The Northeast Quarter of the Southwest Quarter, the West half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 24, Township 17 North, Range 2 West Boise Meridian.

Home Co.
S E DARR AND FLORENCE G DARR: The Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section 15, and the Northwest Quarter of the Northeast Quarter, and 20 acres off of the West side of the Northeast Quarter of the Northeast Quarter of Section 22, all in Township 17 North, Range 2 West Boise Meridian.

ELLIS HARTLEY: The Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 23, and the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 24, all in Township 17 North, Range 2 West Boise Meridian.

C M GILMER AND FRANK PECK: The South half of the Northeast Quarter of Section 5, the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 4, Township 17 North, Range 2 West Boise Meridian.

DALE DONNELLY: The North half of the Northeast Quarter and the Southwest Quarter of the Northeast Quarter of Section 31, Township 17 North, Range 1 West Boise Meridian.

HENRY E WAINER AND EARL WALSTON: The Southwest Quarter of the Southwest Quarter of Section 19, and the North half of the Southwest Quarter of Section 30, all in Township 17 North, Range 1 West Boise Meridian.
JUL 24 1996

HORNET CREEK

J. J. Shaw and D. S. Whitehead	314 10	May 1. 1900 " 1. 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. Warner and Earl Salston	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	32	" " "
Preston G. Anderson (D. K. Lindsay is his Guardian)	25	May 1. 1898
A. L. Frechafer, administrator of the estate of Thomas J. Stuttsman	384	" " 1880
F. H. Miller	384 25	Apr 2. 1895 " 30. 1895
E. M. Holt	624 40 30	" 1. 1886 May 1. 1900 Apr 1. 1905
Dale Donnelly	90	May 1. 1884
S. E. Darr and Florence D. Darr	564 16	June 30. 1883 May 1. 1885
H. 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 1906

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 67-383A
Date Received: 10/6/1989
Receipt No: W006171
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DORA V COLE Phone: (208)253-4857

2565 COUNCIL CUPRUM RD
COUNCIL ID USA 83612-5009

LEE F COLE Phone: (208)253-4857

2565 COUNCIL CUPRUM RD
COUNCIL ID USA 83612

2. Date of Priority: 06/30/1883

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	02W	15	SW NW SW	ADAMS	

5. Description of diverting works:

DIV. DAM IN CK. W/DITCHES, FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.41	

7. Total Quantity Appropriated is:
0.41 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
17N	02W	15	SE	SW	IRRIGATION	20
			SW	SW	IRRIGATION	10
			NW	SW	IRRIGATION	5
			NE	SW	IRRIGATION	4
					Section Acres	39
					Total Acres	39

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:

15. Basis of Claim: Decreed

16. Signature(s)

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: A67-00383A
Date Received: 10/06/1989
Receipt No: 4006/71
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEE F. COLE 208-253-4857
Address: HC 67, BOX 2380
COUNCIL, ID 83612
OR
Name: DORA V. COLE 208-253-4857
Address: HC 67, BOX 2380
COUNCIL, ID 83612

2. Date of Priority: JUN 30, 1883

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	02W	15	SW	NW	SW		ADAMS

5. Description of diverting works:
DIV. DAM IN CK. W/DITCHES, FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.410		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
17N	02W	15	NE		SW		IRR	4.0
			NW		SW		IRR	5.0
			SW		SW		IRR	10.0
			SE		SW		IRR	20.0
							Section Acres	39.0
							Total Acres	39.0

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:

A67-00393, A67-04145(FLD.RTS.), A67-04145(STOR. RTS.)

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

MICROFILMED
OCT 01 1992

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): Lee F. Cole Date: 10/6/89

Date: _____

State of Idaho)
County of AOA) SS.

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

Notary Public

Seal

Residing at Meridian ID
My Commission Expires 9-14-94

9 10
16 15

B-301

V. HARRINGTON

us

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17.6

8.8

NWSW

NWSW

WELL 10631

5.8

1.9

11.8

B-125

L. COLE

E 6.0

DIVERSION
POINT
OF PIPE LINES
FLOWS NORTH

16 15
21 22

Plot 67 - Plot 7

MICROFILME

OCT 4 1992

B-26

L. WALLING

Plot 6 - Plot 7