

05/08/2008

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

RIGHT NUMBER: 67-391

NAME AND ADDRESS: TERRENCE W ANDRADE
1651 GRAVEYARD POINT RD
HOMEDALE ID 83628

DEBRA L ANDRADE
1651 GRAVEYARD POINT RD
HOMEDALE ID 83628

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 05/01/1900

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	0.800 CFS
PLACE OF USE:	<u>IRRIGATION in ADAMS County</u>		
	T16N R01W S05 NWNW	19.00	T16N R01W S05 SWNW 33.00
	T16N R01W S06 NENE	30.00	T16N R01W S06 SENE 15.00
	T16N R01W S06 NESE	3.00	T17N R01W S31 SWSE 1.00
	T17N R01W S31 SESE	38.00	T17N R01W S32 SWSW 6.00

145 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 145.0 acres in a single irrigation season. Combined Right Nos.: 67-390, 67-391, and 67-392

This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-391 V1

16N 01W 5				19.0	33.0						52.0
16N 01W 6		30.0		15.0				3.0			48.0
17N 01W 31								1.0	38.0		39.0
17N 01W 32						6.0					6.0

Total Acres: 145

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 145.0 acres in a single irrigation season. Combined Right Nos.: 67-390, 67-391, and 67-392
2. K06 This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.
3. 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 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.

Water Supply Bank:

08/30/2006

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

RIGHT NUMBER: 67-391
NAME AND ADDRESS: JAMES W HASTIE
PO BOX 444
COUNCIL ID 83612
CLYDEA N HASTIE
PO BOX 444
COUNCIL IN 83612

SOURCE: HORNET CREEK TRIBUTARY: WEISER RIVER
QUANTITY: 0.800 CFS
PRIORITY DATE: 05/01/1900
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	0.800 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S05	NWNW	19.00	T16N R01W S05	SWNW	33.00
T16N R01W S06	NENE	30.00	T16N R01W S06	SENE	15.00
T16N R01W S06	NESE	3.00	T17N R01W S31	SWSE	1.00
T17N R01W S31	SESE	38.00	T17N R01W S32	SWSW	6.00

145 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 145.0 acres in a single irrigation season. Combined Right Nos.: 67-390, 67-391, and 67-392

This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.

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

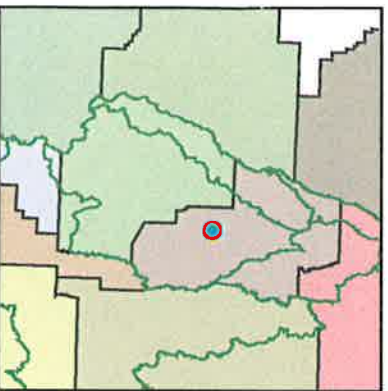
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

67-391

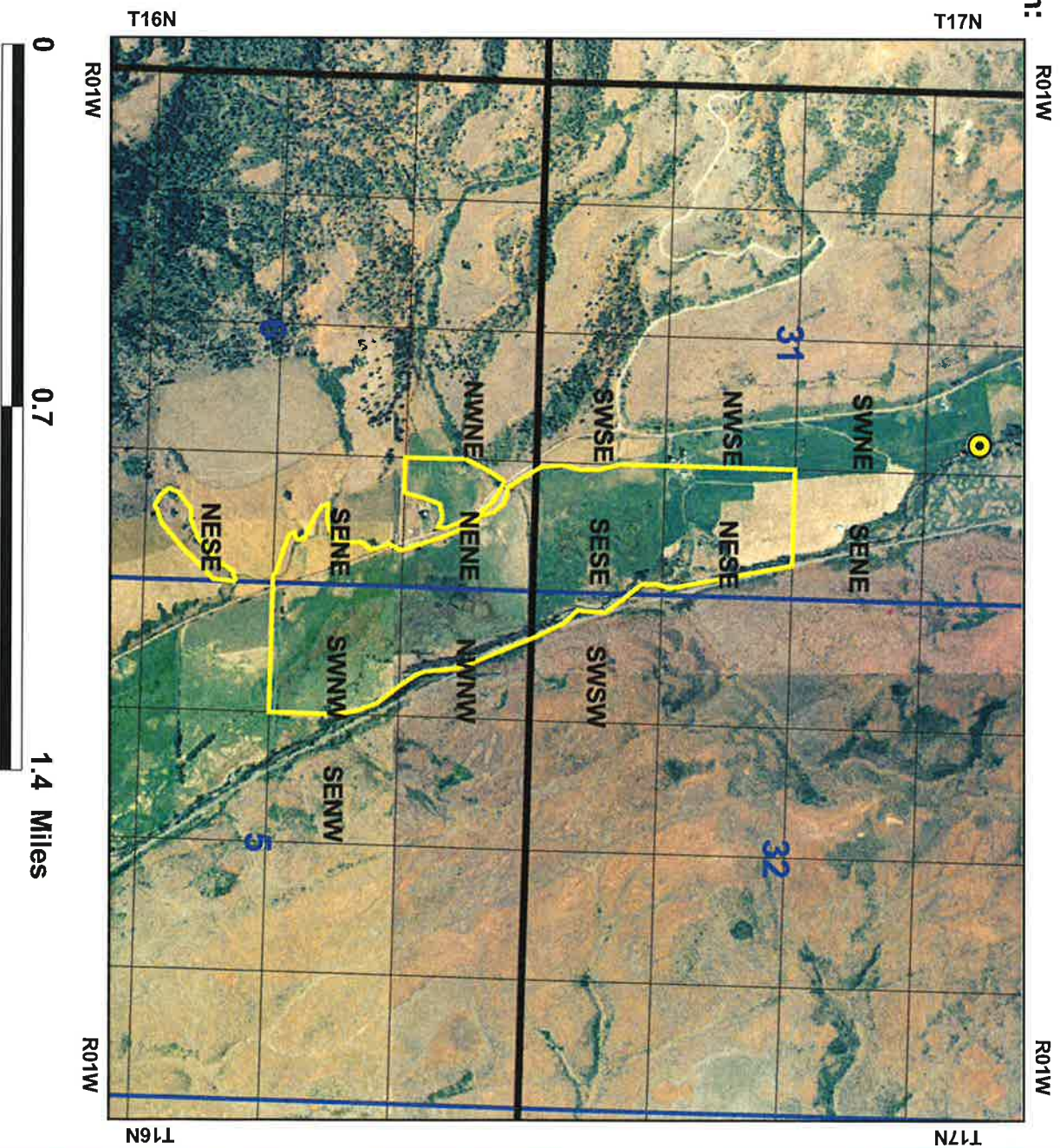
(Irrigation)

	Point of Diversion
	Place of Use
	Townships
	PLS Sections
	Quarter Quarters



**Adams County
IDWR Basin 67**

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



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-391 V1

WATER RIGHT NUMBER: 67-391 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DEWEY 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	B M HOLT , ID
Original Owner	JESSIE J MORITZ PO BOX 85 COUNCIL, ID 83612 (208)253-4717

Priority Date: 05/01/1900

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	0.800 CFS	
	<u>Total Diversion:</u>	0.800 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						19.0	33.0										52.0
16N	01W	6	30.0			15.0								3.0					48.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-391 V1

17N 01W 31					1.0	38.0	39.0
17N 01W 32				6.0			6.0

Total Acres: 145

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 145.0 acres in a single irrigation season. Combined Right Nos.: 67-390, 67-391, and 67-392
2. K06 This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.
3. 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 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	8/31/2004 8:43:46 AM	segbert			Active
POD	8/31/2004 8:44:06 AM	segbert			Active
Source	8/31/2004 8:44:55 AM	segbert			Active
POU	8/31/2004 8:45:10 AM	segbert			Active

-POD - shared headgate w/ Herrington
Land LLC (GPS pt #A0014046)

Double ✓ POU -

14 N old 4

NE SE

3 out

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.

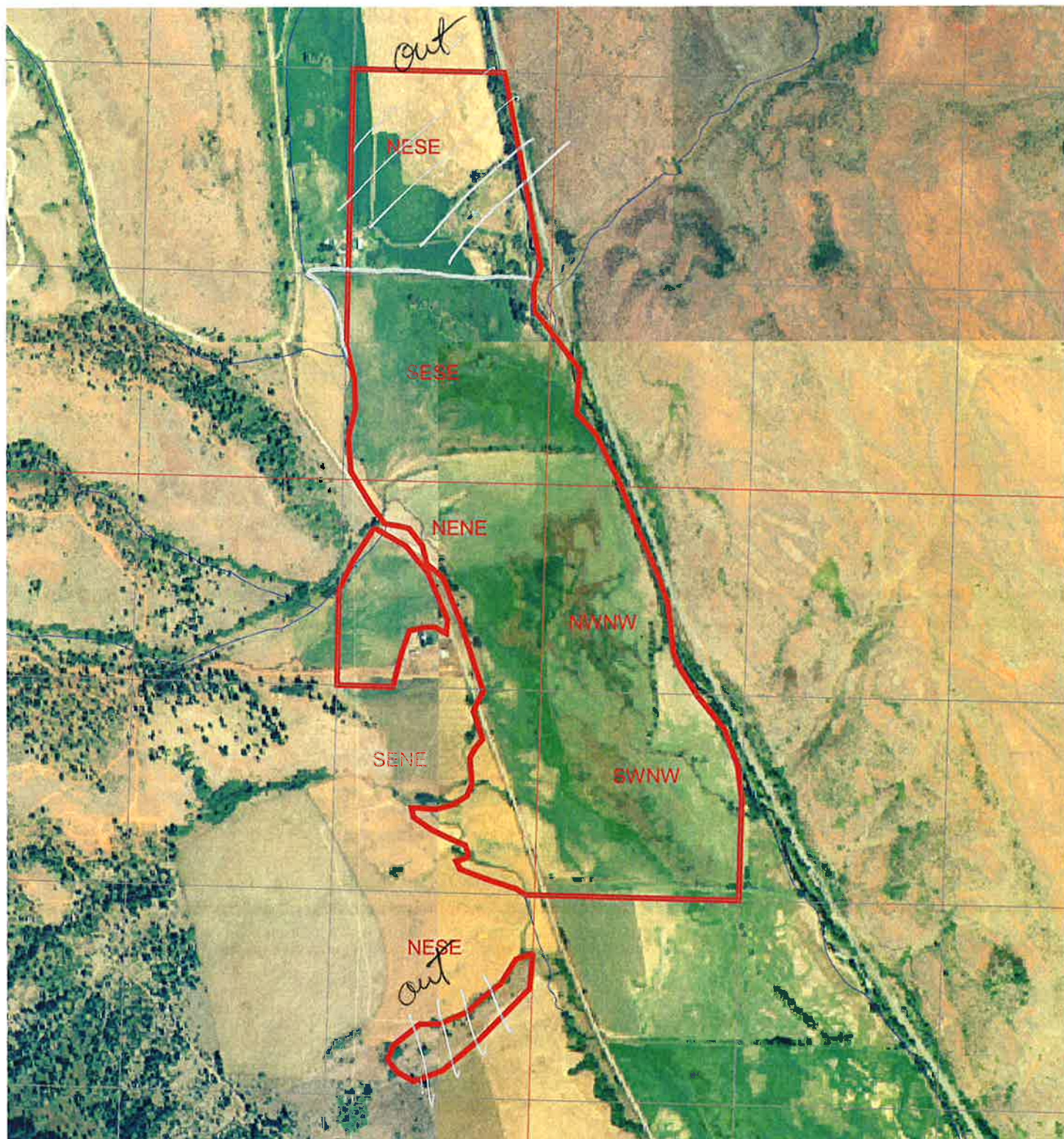
The legal descriptions described in the Warranty Deed from Moritz to Hastie do reflect enough evidence to change the ownership. The decreed claims, 67-381, 67-390, 67-391, 67-392 are ambiguous because the number of acres were not decreed. Statutory claim 67-4584 is also ambiguous in the number and location.

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.

Idaho Department of Water Resources

67-391



T17N R01W S31, 32
T16N R01W S 5, 6

500 0 500 1000 Feet



Prepared by Sandy Egbert
8-31-04
1987 NAPP Photography

Hornet Creek.

A L Freshafer, adm of the estate of Thomas J Stutsman

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

C 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 1/2 324

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 1896

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 KAMPETTER: 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 HANBON: 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 G 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 LAKEY: 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 SHAW 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 133 North, Range 1 West Boise Meridian.

JUL 24 1936

RECAPITULATED H. MOTT

VERMONT, KINNEA

BIRCH CREEK (CONT.)

31

31

1888

1895

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. Freehafer, administrator of the estate of Thomas J. Stuttsman	384	" " 1880
F. H. Miller	384 25	Apr 2. 1895 " 30. 1895
D. M. Holt	624 40 30	" 1. 1886 May 1. 1900 Apr 1. 1905
Dale Donnelly	50	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