

05/08/2008

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

RIGHT NUMBER: 67-392

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: 0.600 CFS

PRIORITY DATE: 04/01/1905

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	0.600 CFS
PLACE OF USE:	<u>IRRIGATION in ADAMS County</u>		
	T16N R01W S05 Lot 4 NWNW	20.00	T16N R01W S05 SWNW 38.00
	T16N R01W S06 Lot 1 NENE	31.00	T16N R01W S06 SENE 12.00
	T17N R01W S31 SWSE	1.00	T17N R01W S31 SESE 39.00
	T17N R01W S32 SWSW	4.00	

145 ACRES TOTAL

This right is limited to the irrigation of 48 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 145.0 acres in a single irrigation season. Combined Right Nos.: 67-390, 67-391, and 67-392

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 67-392 V1

WATER RIGHT NUMBER: 67-392 V1

<u>Owner Type</u>	<u>Name and Address</u>
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
Directors Report Owner	JAMES W HASTIE PO BOX 444 COUNCIL, ID 83612 (208)253-6402
Directors Report Owner	CLYDEA N HASTIE PO BOX 444 COUNCIL, IN 83612 (208)253-6402
Original Owner	B M HOLT
	, ID
Current Owner	TERRENCE W ANDRADE 1651 GRAVEYARD POINT RD HOMEDALE, ID 83628 (208) 337-5767
Current Owner	DEBRA L ANDRADE 1651 GRAVEYARD POINT RD HOMEDALE, ID 83628 (208) 337-5767

Priority Date: 04/01/1905

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.600 CFS	
	<u>Total Diversion:</u>	0.600 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	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-392 V1

16N 01W 5				20.0 38.0				58.0
				L 4				
16N 01W 6		31.0		12.0				43.0
		L 1						
17N 01W 31								
						1.0 39.0		40.0
17N 01W 32								
						4.0		4.0

Total Acres: 145

Conditions of Approval:

1. K06 This right is limited to the irrigation of 48 acres within the place of use described above in a single irrigation season.
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 145.0 acres in a single irrigation season. Combined Right Nos.: 67-390, 67-391, and 67-392

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: 67-392
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: 0.600 CFS
PRIORITY DATE: 04/01/1905
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	0.600 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S05 Lot 4 NWNW	20.00	T16N R01W S05	SWNW	38.00
T16N R01W S06 Lot 1 NENE	31.00	T16N R01W S06	SENE	12.00
T17N R01W S31	SWSE 1.00	T17N R01W S31	SESE	39.00
T17N R01W S32	SWSW 4.00			

145 ACRES TOTAL

This right is limited to the irrigation of 48 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 145.0 acres in a single irrigation season. Combined Right Nos.: 67-390, 67-391, and 67-392

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



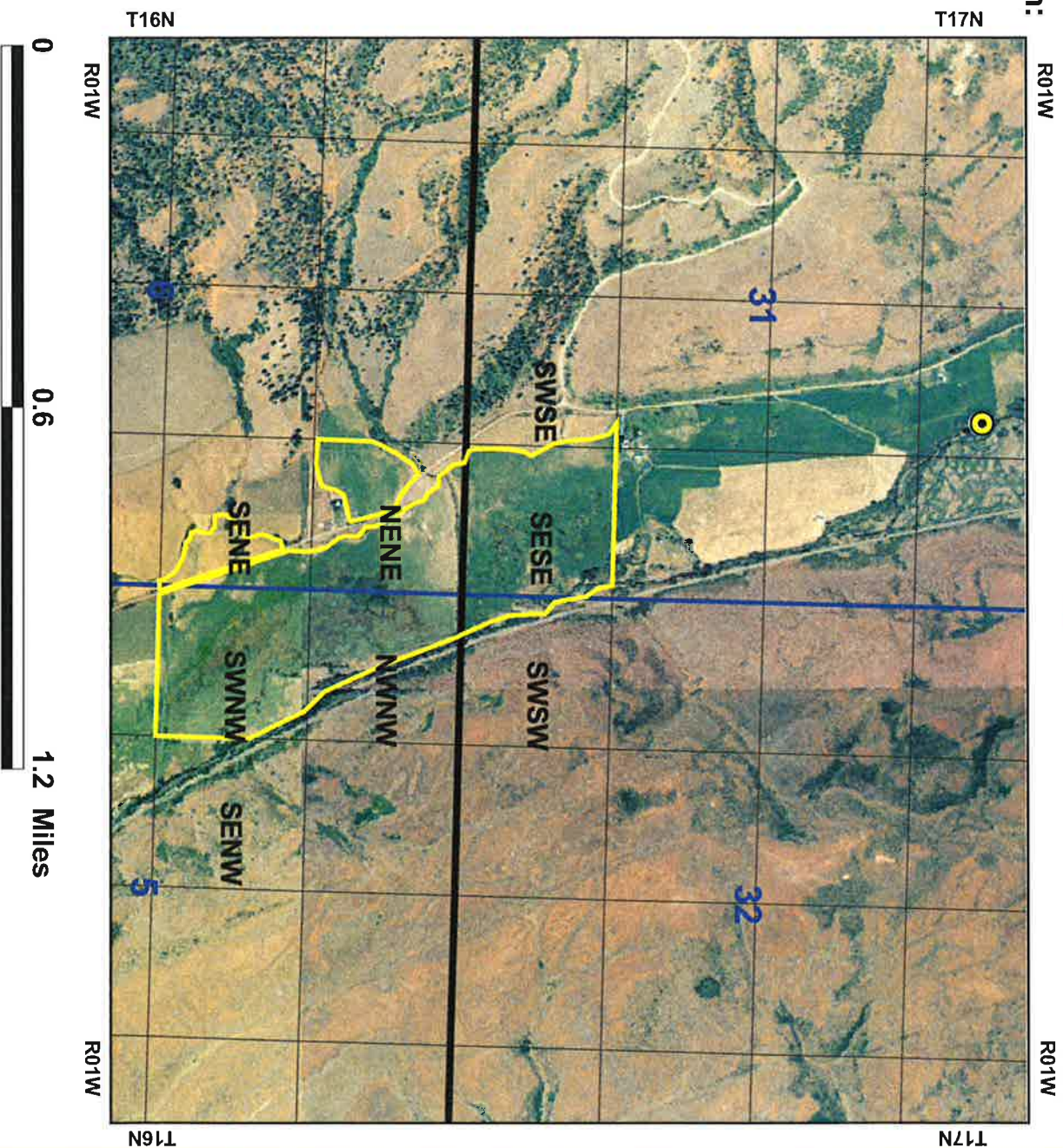
SRBA Recommendation:
67-392
(Irrigation)

Legend

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

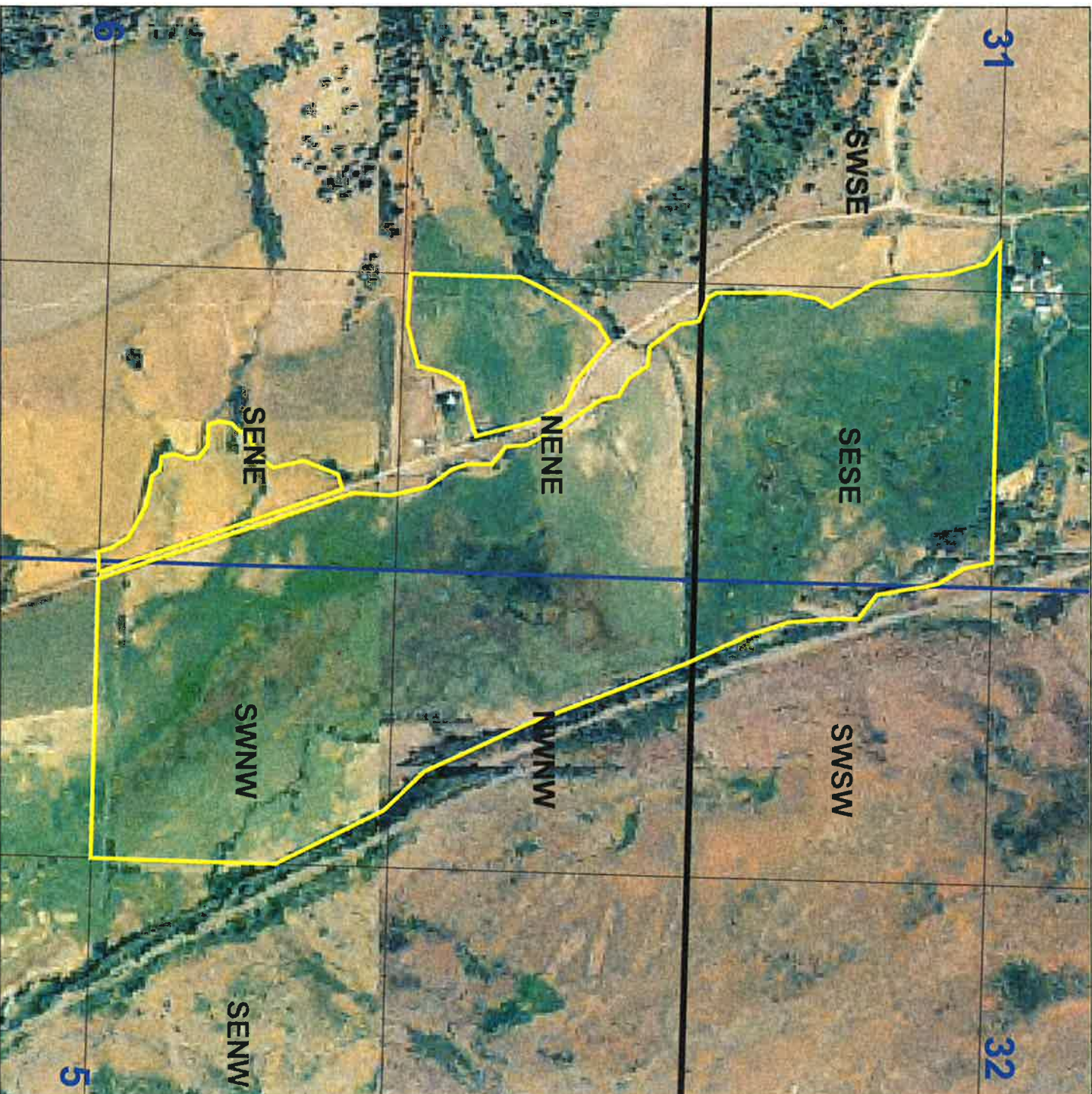
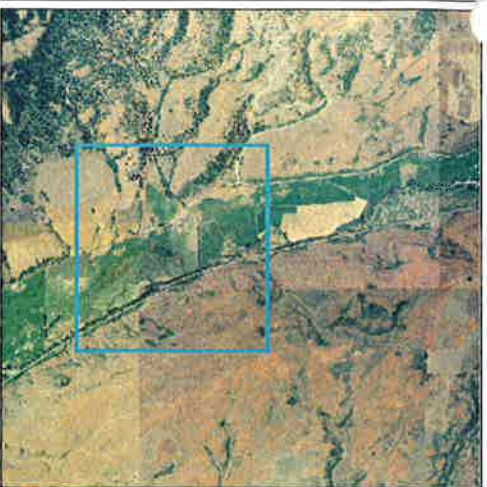


Adams County
IDWR Basin 67



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

67-392



Adjudication Recommendation Report 67-392 V1

<u>Owner Type</u>	<u>Name and Address</u>
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	B M HOLT

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	0.600 CFS	
	<u>Total Diversion:</u>	0.600 CFS	

<u>Location of Point(s) of Diversion</u>		
HORNET CREEK	NW1/4NE1/4	Sec. 31, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use
IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-392 V1

17N 01W 31					1.0	39.0	40.0
17N 01W 32				4.0			4.0

Total Acres: 145

Conditions of Approval:

1. K06 This right is limited to the irrigation of 48 acres within the place of use described above in a single irrigation season.
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 145.0 acres in a single irrigation season. Combined Right Nos.: 67-390, 67-391, and 67-392

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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		145

Combined Water Rights: 67-390 , 67-391 , 67-392

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 8:52:50 AM	segbert			Active

- Double check POU

16 Nov 4 5 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.

SCANNED
APR 02 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-392

WATER RIGHT NUMBER: 67-392

Owner Type Name and Address

Current Owner B M HOLT

, ZZ

Priority Date: 04/01/1905

Basis: Decreed

Status: Active

Source

HORNET CREEK

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

0.600 CFS

Annual VolumeTotal Diversion: 0.600 CFSLocation of Point(s) of Diversion

HORNET CREEK

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 01W 5						X	X										
16N 01W 6	X	X	X	X	X	X	X	X					X	X			
16N 02W 1	X			X													
17N 01W 31															X	X	
17N 01W 32	X	X							X	X							

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-392 V1

WATER RIGHT NUMBER: 67-392 V1

Owner Type
Original Owner
Name and Address
DEWEY MORITZ
PO BOX 86
COUNCIL, ID 83612
(208)253-4717
JESSIE J MORITZ
PO BOX 86
COUNCIL, ID 83612
(208)253-4717
Current Owner
JAMES W HASTIE
PO BOX 444
COUNCIL, ID 83612
(208)253-6402
CLYDEA N HASTIE
PO BOX 444
COUNCIL, IN 83612
(208)253-6402
Current Owner
Original Owner
B M HOLT
. ID

Priority Date: 04/01/1905
Basis: Deeded
Status:

Source
HORNET CREEK

Beneficial Use
IRRIGATION

From To
03/15 to 6/15
Total Diversion: 0.600 CFS
Annual Volume
0.600 CFS

Location of Points of Diversion
HORNET CREEK
ADAMS County

Sec. 31, Twp 17N, Rge 01W, B.M.

Twp Rge Sec	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	Totals
16N 01W 5																	52.0
16N 01W 6																	48.0
17N 01W 31																	39.0

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-392 V1

17N 01W 32

Total Acres: 145

Conditions of Approval:

Remarks:

Comments:
1. segment 8/31/2004 POD
Comment: Did not do POD- no map
2. segment 8/31/2004 POU
Comment: Updated Shape

Dates and Other Information:

Decreed Date:
Engagement Use Priority Date:
Engagement 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:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False
Combined Use Limits:

Element Reviewed/Verified Dates:

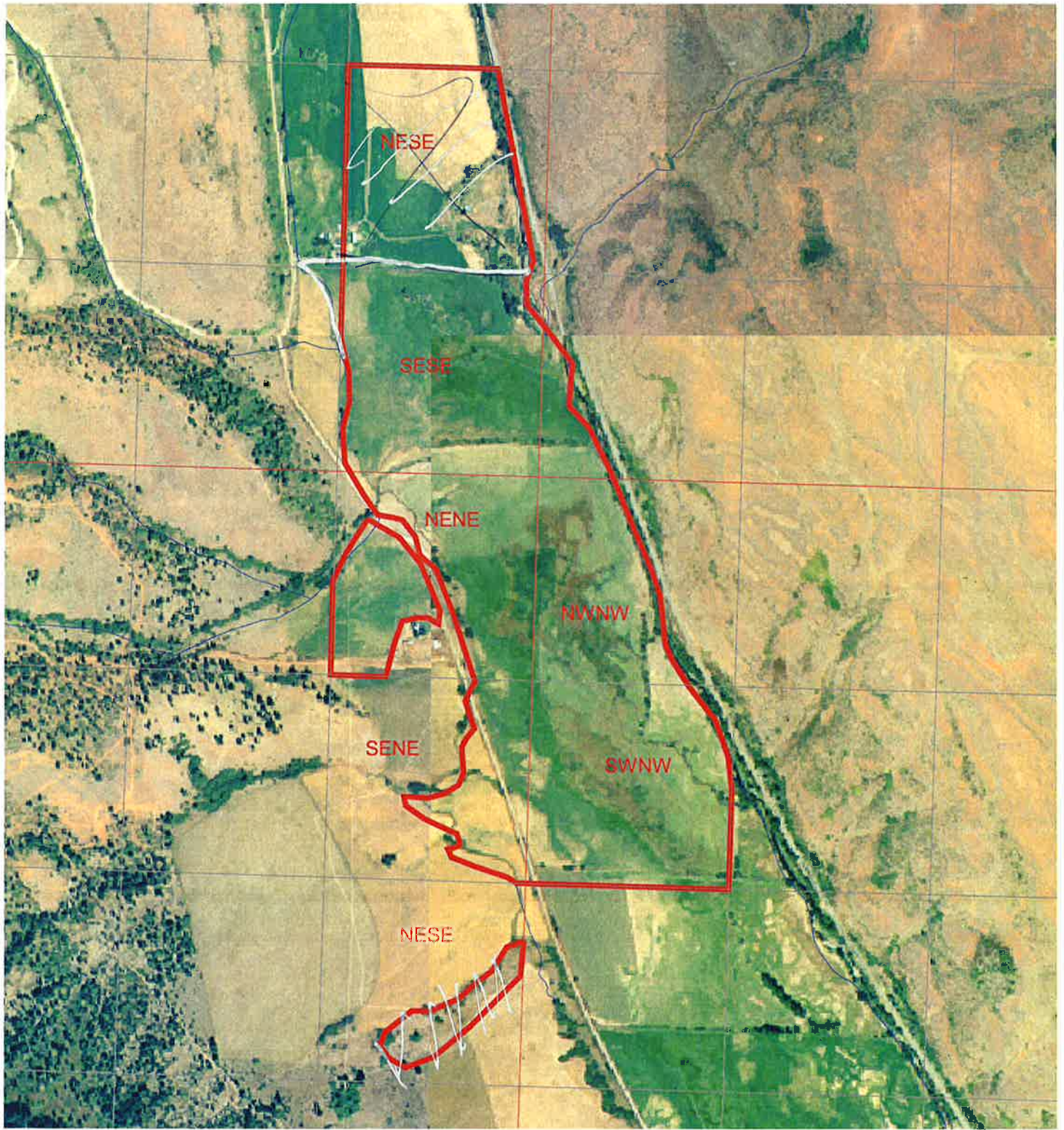
Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	8/31/2004 8:52:50 AM	segbert			
POD	8/31/2004 8:53:00 AM	segbert			
Source	8/31/2004 8:53:30 AM	segbert			
POU	8/31/2004 8:53:53 AM	segbert			
Use	8/31/2004 8:55:04 AM	segbert			
Season	8/31/2004 8:55:28 AM	segbert			
Quantity	8/31/2004 8:56:09 AM	segbert			

Verification Log:

Element Date Time Stamp Reviewer Log text

Idaho Department of Water Resources

67-392



T17N R01W S31, 32
T16N R01W S 5, 6

500 0 500 1000 Feet



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