

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



Authorized time
for forward has expired

IDAHO DEPARTMENT OF WATER RESOURCES

Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

To
~~THOMAS D GASTON
2425 24TH AVE W
SEATTLE WA 98199~~

Authorized time
for forward has expired

FIRST CLASS



UNITED STATES POSTAGE
02 12 \$00.870
0004310839 10/12/2006
MAILED FROM ZIP CODE 83702

RECEIVED

JAN 16 2007

WATER RESOURCES
WESTERN REGION

67-394



11/20/2006

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

RIGHT NUMBER: 67-394

NAME AND ADDRESS: THOMAS D GASTON
2425 24TH AVE W
SEATTLE WA 98199

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.500 CFS

PRIORITY DATE: 06/01/1888

POINT OF DIVERSION:

T17N R02W S9 SWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.500 CFS

PLACE OF USE:

IRRIGATION in ADAMS County

T17N R02W S16

NWNE

18.00

T17N R02W S16

SWNE

7.00

25 ACRES TOTAL

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

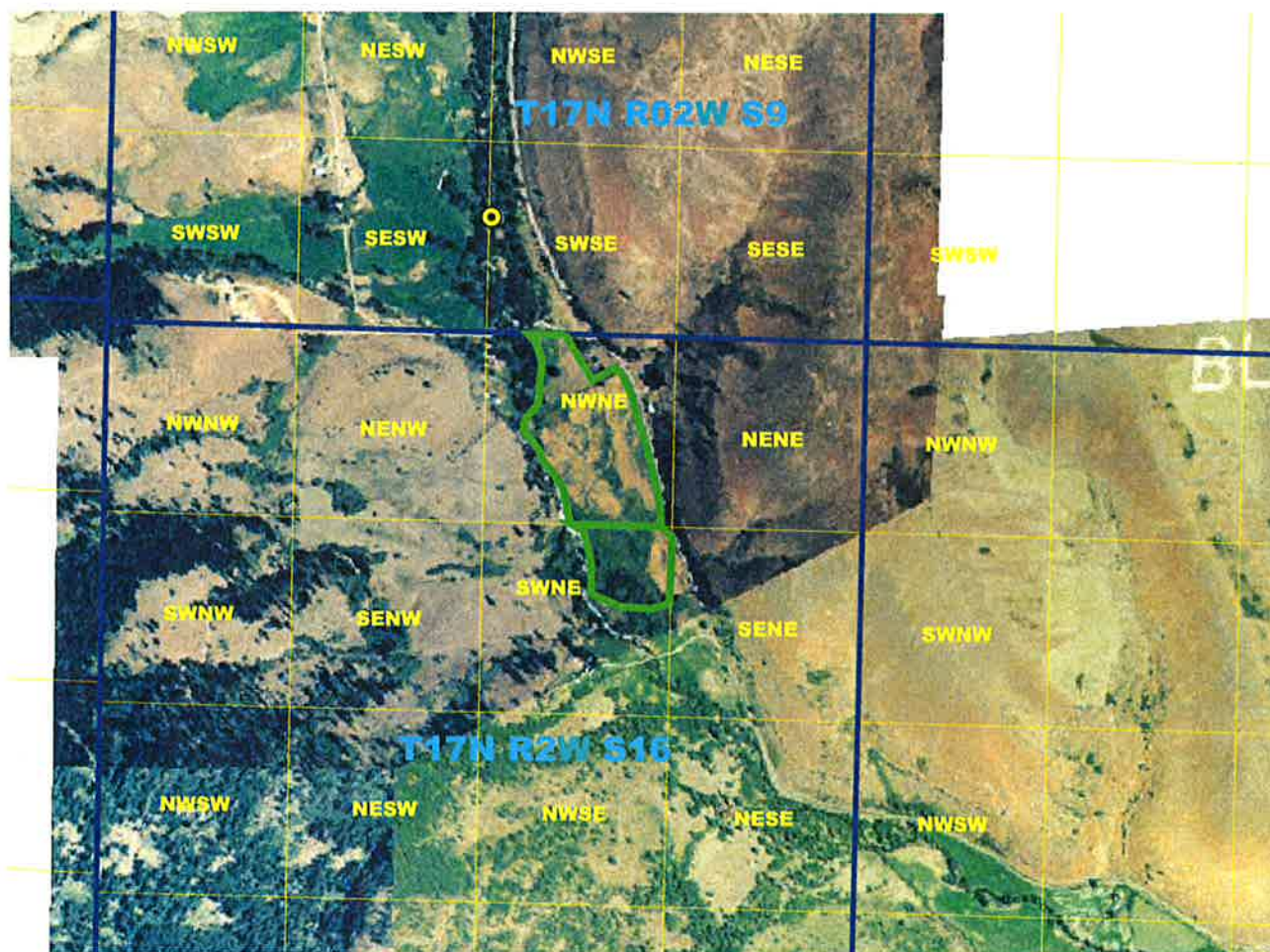
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



State of Idaho
Idaho Department of Water Resources
Western Region

T17N R2W SECTION(S) 9 & 16
WATER RIGHT(S) : 67-394



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

Total Irrigated Acres = 25 acre(s)

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: November 2006



TO: ADJUDICATION CLAIM FILE 67-394

FROM: DANIEL A. NELSON

DATE: 11/20/06

SUBJECT: CLAIM REVIEW

This claim is based on a decreed water right from the Muir, v Allison decree. The decree was vague as to the place of use and there is no description of the point of diversion. Therefore, the claim with this right was based on what was being done at the time the claim was filed on 1/3/1990. From the watermaster records and aerial photography it appears as though the 0.50 cfs has been fully delivered to the claimant. The claimant states that he only has 25 acres. The Muir, v. Allison decree allotted 5/8 of an inch or 0.0125 cfs of water per acre. Therefore, 0.50 cfs divided by 0.0125 would allow irrigation of 40 acres.

Whereas the claimant has claimed the full allocation of the original decreed diversion rate for his 25 acres, it is assumed that the remainder of the decreed right was abandoned, and the full allocation of water was consolidated on the 25 acres. This is a common practice, since it would allow the claimant to have an inch per acre or current department standards allowing better irrigation of the property. I am recommending this claim for 0.50 cfs for the 25 acres being irrigated. The land being irrigated is slightly different than the land description listed on the claim, but there are 25 acres total being irrigated. I found 18 acres in the NWNE and 7 acres in the SWNE in S9.

The claim lists two points of diversion, but only shows one point on the map. The aerial photography is consistent with the claim map, and it appears as though the point of diversion is actually in the SWSE S9 T17N R2W instead of what was claimed. The original decree does not describe the point of diversion, so I am recommending the point of diversion as being in the SWSE S9 instead of what was listed on the claim.

The season of use was listed as 4/1 to 10/31, which was the department standard at the time the claim was filed. However, the current season of use allowed by the department allows a season from 3/15 to 11/15. There was no season of use determined by the original decree, so the current standard used by the department will be used.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-394 V1

WATER RIGHT NUMBER: 67-394 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS D GASTON 2425 24TH AVE W SEATTLE, WA 98199 (206)284-1310
Original Owner	J A DARLAND , ID

Priority Date: 06/01/1888

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	SW1/4SE1/4	Sec. 9, 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	16		18.0	7.0														25.0

Total Acres: 25

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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-394 V1

Comments:

1. segbert 8/31/2004 POD
Comment: Updated shape

2. segbert 8/31/2004 POD
Comment: Updated shape

3. segbert 8/31/2004 POD
Comment: Updated shape

4. segbert 8/31/2004 POD
Comment: Updated shape

5. segbert 8/31/2004 POU
Comment: Updated Shape

6. dnelson 11/20/2006 Claim Review

Comment: This claim is based on a decreed water right from the Muir, v Allison decree. The decree was vague as to the place of use and there is no description of the point of diversion. Therefore, the claim with this right was based on what was being done at the time the claim was filed on 1/3/1990. From the watermaster records and aerial photography it appears as though the 0.50 cfs has been fully delivered to the claimant. The claimant states that he only has 25 acres. The Muir, v. Allison decree allotted 5/8 of an inch or 0.0125 cfs of water per acre. Therefore, 0.50 cfs divided by 0.0125 would allow irrigation of 40 acres.

Whereas the claimant has claimed the full allocation of the original decreed diversion rate for his 25 acres, it is assumed that the remainder of the decreed right was abandoned, and the full allocation of water was consolidated on the 25 acres. This is a common practice, since it would allow the claimant to have an inch per acre or current department standards allowing better irrigation of the property. I am recommending this claim for 0.50 cfs for the 25 acres being irrigated. The land being irrigated is slightly different than the land description listed on the claim, but there are 25 acres total being irrigated. I found 18 acres in the NWNE and 7 acres in the SWNE in S9.

The claim lists two points of diversion, but only shows one point on the map. The aerial photography is consistent with the claim map, and it appears as though the point of diversion is actually in the SWSE S9 T17N R2W instead of what was claimed. The original decree does not describe the point of diversion, so I am recommending the point of diversion as being in the SWSE S9 instead of what was listed on the claim.

The season of use was listed as 4/1 to 10/31, which was the department standard at the time the claim was filed. However, the current season of use allowed by the department allows a season from 3/15 to 11/15. There was no season of use determined by the original decree, so the current standard used by the department will be used.

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:
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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-394 V1

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 9:00:45 AM	segbert			Active
POD	8/31/2004 9:00:57 AM	segbert			Active
POD	8/31/2004 9:02:02 AM	segbert			Active
Source	8/31/2004 9:10:45 AM	segbert			Active
POU	8/31/2004 9:12:18 AM	segbert			Active
Use	8/31/2004 9:21:00 AM	segbert			Active
Season	8/31/2004 9:21:25 AM	segbert			Active
Quantity	8/31/2004 9:22:04 AM	segbert			Active
Contacts	11/20/2006 3:49:48 PM	dnelson			Active
Priority Date	11/20/2006 3:50:51 PM	dnelson			Active
POD	11/20/2006 3:51:20 PM	dnelson			Active
Source	11/20/2006 3:51:41 PM	dnelson			Active
POU	11/20/2006 3:52:22 PM	dnelson			Active
Use	11/20/2006 3:52:56 PM	dnelson			Active
Season	11/20/2006 3:53:45 PM	dnelson			Active
Quantity	11/20/2006 3:54:33 PM	dnelson			Active
Summary			11/20/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/20/2006 3:46:43 PM	dnelson	Updated shape
POD	11/20/2006 3:51:21 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Use	11/20/2006 3:52:56 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-394 V1

Summary	11/20/2006 3:55:49 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	11/20/2006 3:49:48 PM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: Decreed water right, will recommend as claimed.
General	11/20/2006 3:50:51 PM	dnelson	(Yes) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 2. Was the owner or the owners predecessor in interest of the place of use joined in the later decree? (No) 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Source	11/20/2006 3:51:42 PM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	11/20/2006 3:52:22 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (No) 5. Does the Decree or License have a POU? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Claim file has a map clearly showing the pou.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-394 V1

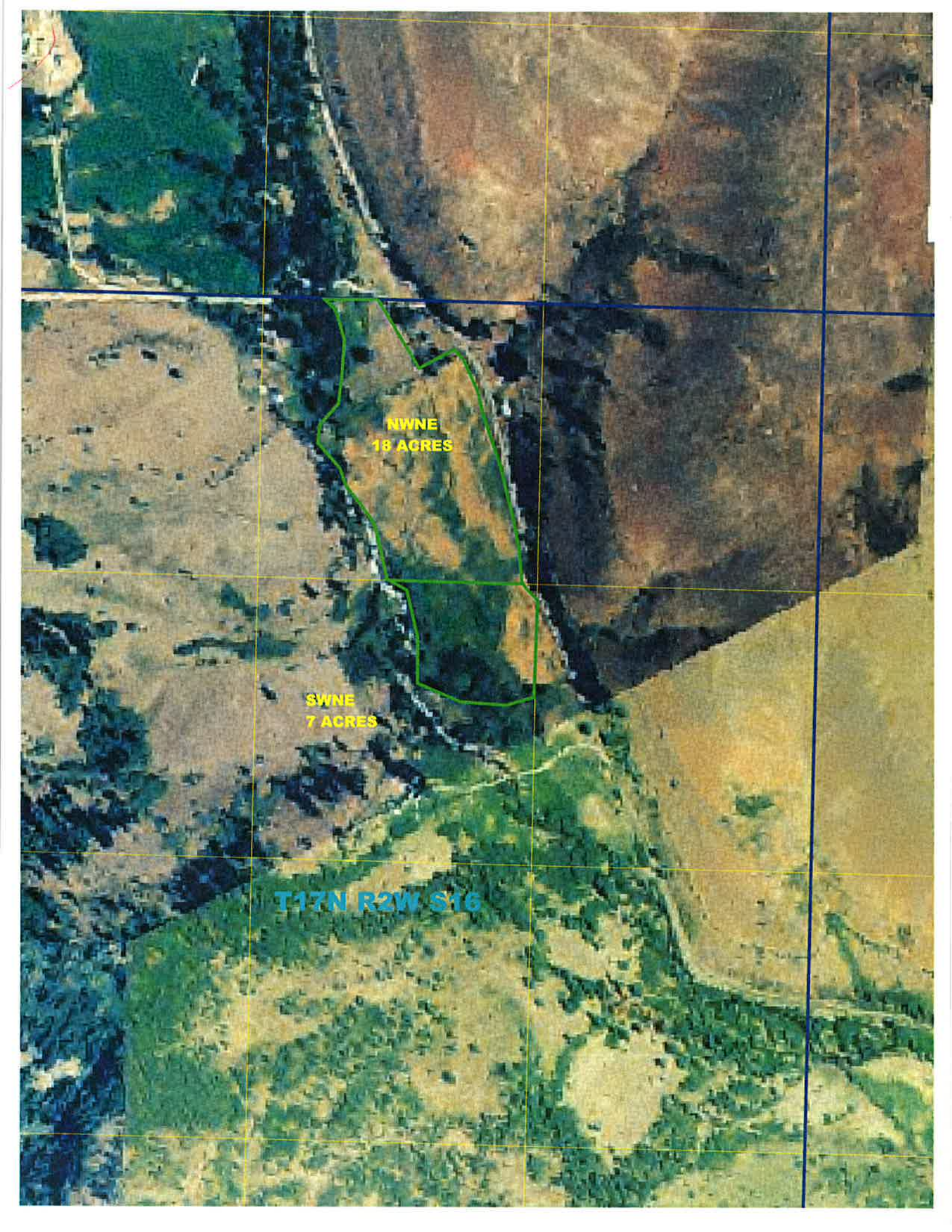
Season	11/20/2006 3:53:45 PM	dnelson	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	11/20/2006 3:47:58 PM	dnelson	Updated shape for Active POU
Quantity	11/20/2006 3:54:34 PM	dnelson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Priority Date	8/31/2004 9:00:45 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POD	8/31/2004 9:00:57 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
POD	8/31/2004 9:02:01 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Source	8/31/2004 9:10:45 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-394 V1

Quantity	8/31/2004 9:22:03 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
POU	8/31/2004 9:12:18 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
Use	8/31/2004 9:20:59 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	8/31/2004 9:21:24 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?

Water Supply Bank:



NWNE
18 ACRES

SWNE
7 ACRES

T17N R2W S16

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-394

WATER RIGHT NUMBER: 67-394

Owner Type Name and Address
 Current Owner THOMAS D GASTON
 2425 24TH AVE W
 SEATTLE, WA 98199
 (206)284-1310
 Original Owner J A DARLAND
 , ID

OK

Priority Date: 06/01/1888

Basis: Decreed

Status: Active

3-15 TO 11-15

Source
 HORNET CREEK

Tributary
 WEISER RIVER

Beneficial Use
 IRRIGATION

From To
 4/01 to 10/31

Diversion Rate
 0.500 CFS

Annual Volume

Total Diversion: 0.500 CFS

Location of Point(s) of Diversion

HORNET CREEK NE1/4SW1/4NE1/4 Sec. 16, Twp 17N, Rge 02W, B.M.
 ADAMS County
 HORNET CREEK SW1/4NW1/4NE1/4 Sec. 16, Twp 17N, Rge 02W, B.M.
 ADAMS County

S W S E S-9 T17N 2W

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N	02W	16			15.0	10.0													25.0
					18	7													

OK

Total Acres: 25

Conditions of Approval:

1. NONE

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-394

WATER RIGHT NUMBER: 67-394

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J A DARLAND
	, ID

Priority Date: 06/01/1888

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	/ to /	0.500 CFS	
	<u>Total Diversion:</u>	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	
17N	02W	16	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

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

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

B 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

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, 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

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 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 LARNEY: 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 WHITHEAD: 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

Parcel Number	Name	New Charge		Water in Inches	File #	Original Owner	Priority Date
		2005	2003				
RP17N02W093002	GOSSARD, ETHEL	\$ 28.40	\$24.86	35.5	396	A KAMPTER	12/31/89
RP17N02W161000	GASTON, THOMAS	\$ 20.00	\$17.50	25	394	JA DARLAND	6/1/88
RP16N01W091200	MORITZ, KARYN	\$ 12.00	\$10.50	15	403	PG ANDERSON	5/1/98
RP17N03W023400	HORNET CREEK WATER	\$ 74.40	\$42.00	93		420 AF STG	
RP17N02W221800	COPHER, WILLIAM	\$ 37.60	\$32.90	47	399	WJ WILSON	6/1/93
RP17N02W159000	BACUS, ELMER	\$ 45.20	\$39.56	56.5	393	JE LAWRENCE	8/31/87
RP17N02W220300	WALLING, LARRY	\$ 45.20	\$39.56	56.5	383	SE & F DARE	6/30/83
RP17N02W220300	WALLING, LARRY	\$ 12.80	\$11.20	16	384	SW & F DARE	5/1/85
RP17N02W210001	WALLING, LARRY	\$ 24.80	\$21.70	31	406	SHAW & WHITEHEAD	5/1/00
RP17N02W210001	WALLING, LARRY	\$ 8.00	\$7.00	10	407	SHAW & WHITEHEAD	5/1/01
RP17N02W230005	FLYING Y PARTNERSHIP	\$ 10.00	\$8.76	12.5	386	E HARTLEY	12/31/99
RP17N02W243003	FLYING Y PARTNERSHIP	\$ 29.60	\$25.90	37	385	E HARTLEY	5/30/83
RP17N02W230311	LAKE, ORRIN	\$ 10.00	\$7.50	10	385	E HARTLEY	5/30/83
RP17N02W154800	COLE, LEE	\$ 12.80	\$11.20	16	398	M KEYS	12/31/91
		\$ 370.80	\$300.14	461			

Nelson, Dan

From: Saxton, Craig
Sent: Friday, November 17, 2006 9:28 AM
To: Nelson, Dan
Subject: RE: Another Basin 67 question

Ok:

A Muir v. Allison right can be consolidated. So we can recommend a duty of water on a MvA right ranging from 5/8" thru 1" per acre. Thus, you can recommend 0.50 cfs on 25 acres as claimed.

However, if you want to recommend more acres, he will need to amend the claim to add acres and yes it is \$2 per acre. However, you might want to check and see if anybody else claimed that acreage like a company or something so he doesn't have to pay.

Does that answer the question?

c

-----Original Message-----

From: Nelson, Dan
Sent: Thursday, November 16, 2006 3:54 PM
To: Saxton, Craig
Subject: Another Basin 67 question

Hi Craig,

water right # 67-394

Since it is almost time to go home, I thought I would email so you could answer at your minimal leisure. I have a decreed right for 0.50 cfs. $0.50 \text{ cfs} / 0.0125 = 40$ acres of irrigation allowed. The claimant only claimed 25 acres, but claimed the full 0.50 cfs. Anita's shape file found 35 acres. I could probably tweak the shape file to get another 5 acres out of it if I had too. So, here is the question. Do I need to get the claim amended to cover the entire 40 acres or do I just recommend it for the 25 acres claimed at a reduced rate? With their help I think that I can get the full 40 acres. The rest of the acres appears to be on State of Idaho land. There was also a change in ownership involved, but the original claim still only claimed 25 acres. Should we treat this as a split even though no real split occurred?

From looking at the aerial photography, I think I am going to need to call the guy in. So, either way will work. If I go from 25 acres to 40 acres I will need to get an additional 15 acres X \$2.00 upgrade for a total of \$30.00 fee upgrade correct? I would like him to claim the ground on the State of Idaho land, and let them protest it, but I don't know if he would want to spend the extra money.

Thanks

Dan Nelson
Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

13-Jan-1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

THOMAS D GASTON
2525 24TH AVE W
SEATTLE WA 98199

RE: SRBA CHANGE OF OWNERSHIP
ADAMS COUNTY:IDAHO

Dear Mr. Gaston:

This letter is in reference to the Change of Ownership you submitted to this office for water right 67-00394.

The above mentioned water right is a decreed irrigation right, however our records show no evidence of this water right being claimed in the Snake River Basin Adjudication.

Idaho Code 42-1409 requires all persons owning decreed irrigation water rights within the Snake River Basin water system in Idaho to file a Notice of Claim with the Idaho Department of Water Resources.

The change of ownership form is for claims that have been filed by a former owner and is not necessary for this right. I am returning the change of ownership form and enclosing a Notice of Claim and instructions to be completed by you.

Please complete the enclosed forms and return them to me as soon as possible. Please remember that failure to file a required Notice of Claim to your existing water right will result in a determination by the court that the water right no longer exists.

If you have any questions or if I can be of any assistance feel free to call me at (208) 327-7881.

Sincerely,

Robert E Foster
Water Rights Agent
Adjudication Bureau

RF
enc.
Notice of Claim
Change of Ownership

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APR 02 2004

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State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

September 29, 1983

Alan L. Larsen
P. O. Box 594
Eagle River, AK 99577

Dear Mr. Larsen:

Unfortunately, your letter was misplaced in the shuffle of our June 30th deadline and was found recently.

Your water rights have been located and are filed accordingly with our Department. Water right No. 67-0394 is for 25 inches of water covering the E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 16, T 17N Rge. 2W, BM. This water right is in the name of J. A. Darland, but once it was decreed it becomes appurtenant to the land covered, and whoever owns the land then owns the water right. The water rights through Hornet Creek Water Storage Association are covered by that association's water rights.

If you have any further questions, please do not hesitate to contact us.

Sincerely,


Jan Grover
Senior Water Resource Agent

MICROFILMED
OCT 22 1996

LARSON