

06/30/2006

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

RIGHT NUMBER: 67-398
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: 0.320 CFS
PRIORITY DATE: 12/31/1891
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	0.320 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 25.6 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:

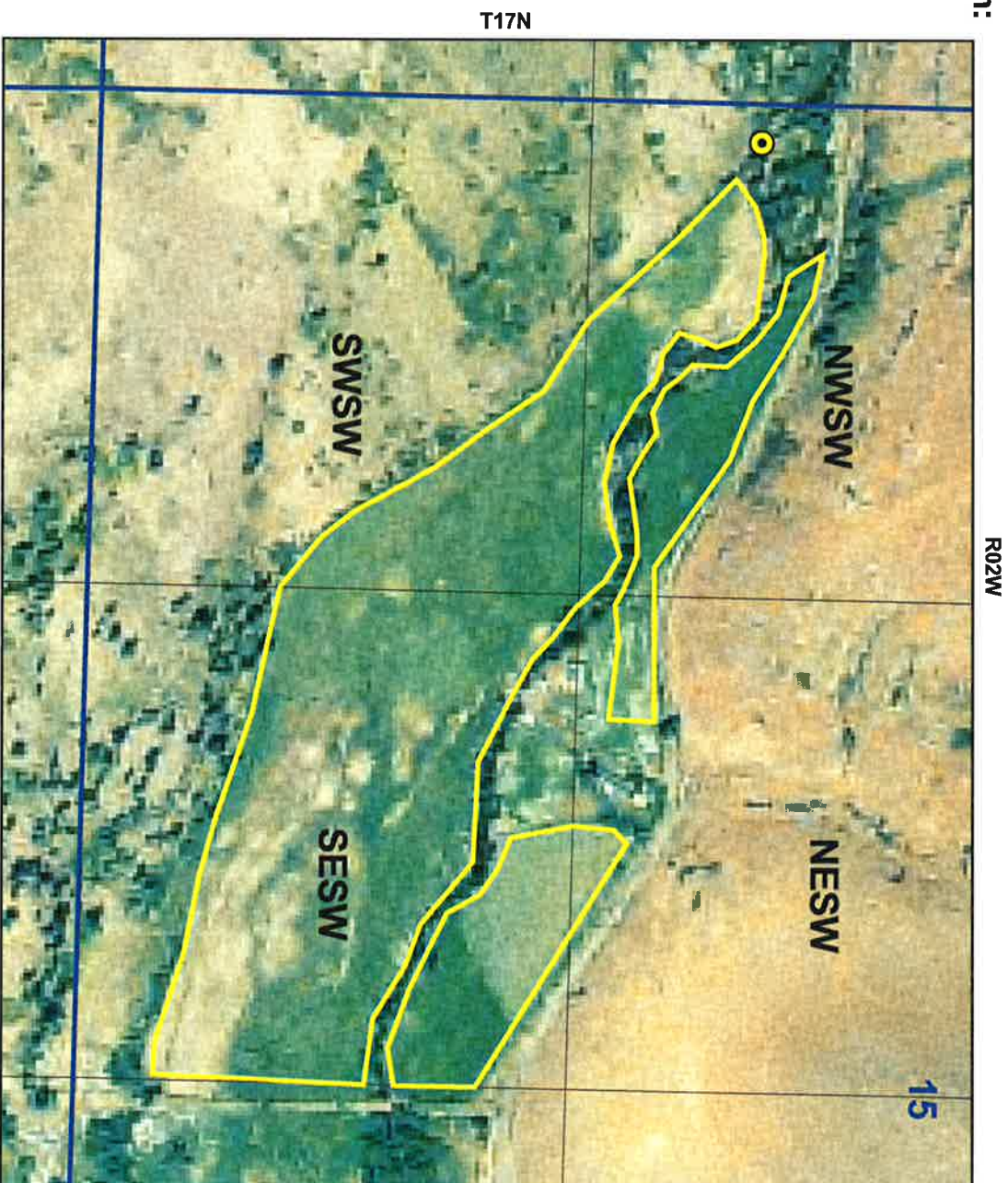
67-398

Legend

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



Adams County
IDWR Basin 67



T17N

R02W



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-398 V1

WATER RIGHT NUMBER: 67-398 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
Current Owner	LEE F COLE 2565 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-4857
Original Owner	MATTIE M KEYS , ID

Priority Date: 12/31/1891

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	0.320 CFS	
	<u>Total Diversion:</u>	0.320 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 25.6 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. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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4. 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

Remarks:Comments:

1. csaxton 6/30/2006 Delivery

Comment: Water master records show delivery to claimed POU. No competing claims.

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	8/31/2004 10:52:58 AM	segbert			Active
Source	8/31/2004 10:53:51 AM	segbert			Active
POU	8/31/2004 10:55:23 AM	segbert			Active
Use	8/31/2004 10:58:32 AM	segbert			Active
Season	8/31/2004 10:58:48 AM	segbert			Active
Quantity	8/31/2004 10:59:33 AM	segbert			Active
POD	8/31/2004 11:01:32 AM	segbert			Active
Contacts	6/30/2006 9:02:01 AM	csaxton			Active
Priority Date	6/30/2006 9:02:34 AM	csaxton			Active
POD	6/30/2006 9:03:22 AM	csaxton			Active
Source	6/30/2006 9:03:46 AM	csaxton			Active
POU	6/30/2006 9:04:42 AM	csaxton			Active
Use	6/30/2006 9:05:27 AM	csaxton			Active
Season	6/30/2006 9:06:21 AM	csaxton			Active
Quantity	6/30/2006 9:06:56 AM	csaxton			Active

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Summary

06/30/2006

csaxton

Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	6/30/2006 9:11:02 AM	csaxton	(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? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 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?
POU	6/30/2006 9:05:08 AM	csaxton	Updated PLS for Active POU
Contacts	6/30/2006 9:02:01 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
General	6/30/2006 9:02:35 AM	csaxton	(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? (No) 16. Is a Priority Date remark and/or condition required?
POD	6/30/2006 9:02:50 AM	csaxton	Updated shape
POD	6/30/2006 9:02:59 AM	csaxton	Updated PLS
POD	6/30/2006 9:03:23 AM	csaxton	(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?

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Source	6/30/2006 9:03:46 AM	csaxton	(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	6/30/2006 9:04:42 AM	csaxton	(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? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - Recommended as PPU with 67-383A. Description for Question 13 - Desktop Review
POU	6/30/2006 9:04:58 AM	csaxton	Updated shape for Active POU
Use	6/30/2006 9:05:27 AM	csaxton	(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?
Season	6/30/2006 9:06:21 AM	csaxton	(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?

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Quantity	6/30/2006 9:06:56 AM	csaxton	(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?
Source	8/31/2004 10:53:50 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?
POU	8/31/2004 10:55:23 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? (No) 6. Can the claimed POU be verified using the water right file? (No) 7. Is there evidence that there has been a change in the POU?
Priority Date	8/31/2004 10:52:58 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?
Use	8/31/2004 10:58:31 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 10:58:47 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-398 V1

Quantity	8/31/2004 10:59:32 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 10:56:35 AM	segbert	Created polygon from PLS
POD	8/31/2004 11:01:31 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD?

Water Supply Bank:

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 WATE	DOMESTIC, STD	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 WATE	DOMESTIC, STD	COLE, DORA	wrWaterRight

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

Hornet Creek.

A I Freshner, adm of the estate of Thomas J
Stuteman

Frank Richardson

Mark C Fuller, sub for C H Davis

A J Duffus

E E Sharnon and Ed Shannon

Rebecca Wilson

B 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

R 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, 1881 67 0382

June 30, 1881 67 0383

May 1, 1885 67 0384

May 30, 1885 67 0385

Dec 31, 1891 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, 1901 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 1898

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 KINGS: 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 LAKKEY: 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 13 North, Range 1 West Boise Meridian.

JUL 24 1936

HORNET CREEK

J. J. Shaw and D. S. Whitcomb	314 10	May 1. 1900 1901
Ellis Hartley	47 124	" 30. 1883 Dec 31. 1899
Rebecca Wilson	624	May 30. 1883
C. M. Gilmer and Frank Peck	374	" 1. 1884
Henry A. 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
P. H. Miller	384 25	Apr 2. 1895 " 30. 1895
B. M. Holt	624 40 30	" 1. 1886 May 1. 1900 Apr 1. 1905
Dale Donnelly	50	May 1. 1884
S. E. Bare and Florence 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