

12/12/2006

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

RIGHT NUMBER: 67-400

NAME AND ADDRESS: JOHN C BROWN
2730 COUNCIL CUPRUM RD
COUNCIL ID 83612

MARY L BROWN
2730 COUNCIL CUPRUM RD
COUNCIL ID 83612

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.200 CFS

Right Nos. 67-387, 67-397, 67-400, 67-14805 and 67-14806 are limited to a total combined diversion rate of 3.26 cfs.

PRIORITY DATE: 06/30/1895

POINT OF DIVERSION:

T17N R02W S5 SWNE Within ADAMS County

T17N R02W S5 NWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.200 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R02W S04 Lot 4 NWNW	16.00	T17N R02W S04	SWNW	13.00
T17N R02W S04 NWSW	30.00	T17N R02W S05 Lot 1 NENE		40.00
T17N R02W S05 Lot 2 NWNE	11.00	T17N R02W S05	SWNE	35.00
T17N R02W S05 SENE	39.00	T17N R02W S05	SWNW	0.50
T17N R02W S05 SENW	18.00	T17N R02W S05	NESE	16.00
T17N R02W S05 NWSE	0.50			

219 ACRES TOTAL

This right is limited to the irrigation of 16 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

Use of this right is combined with water from Hornet Creek Water Users Association.



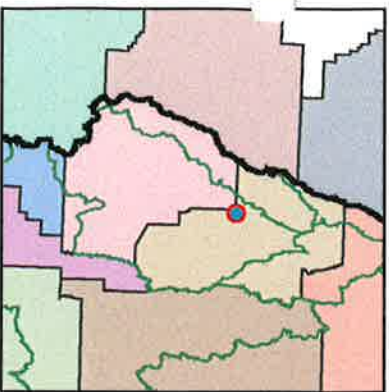
Idaho Department of Water Resources

SRBA Recommendation:

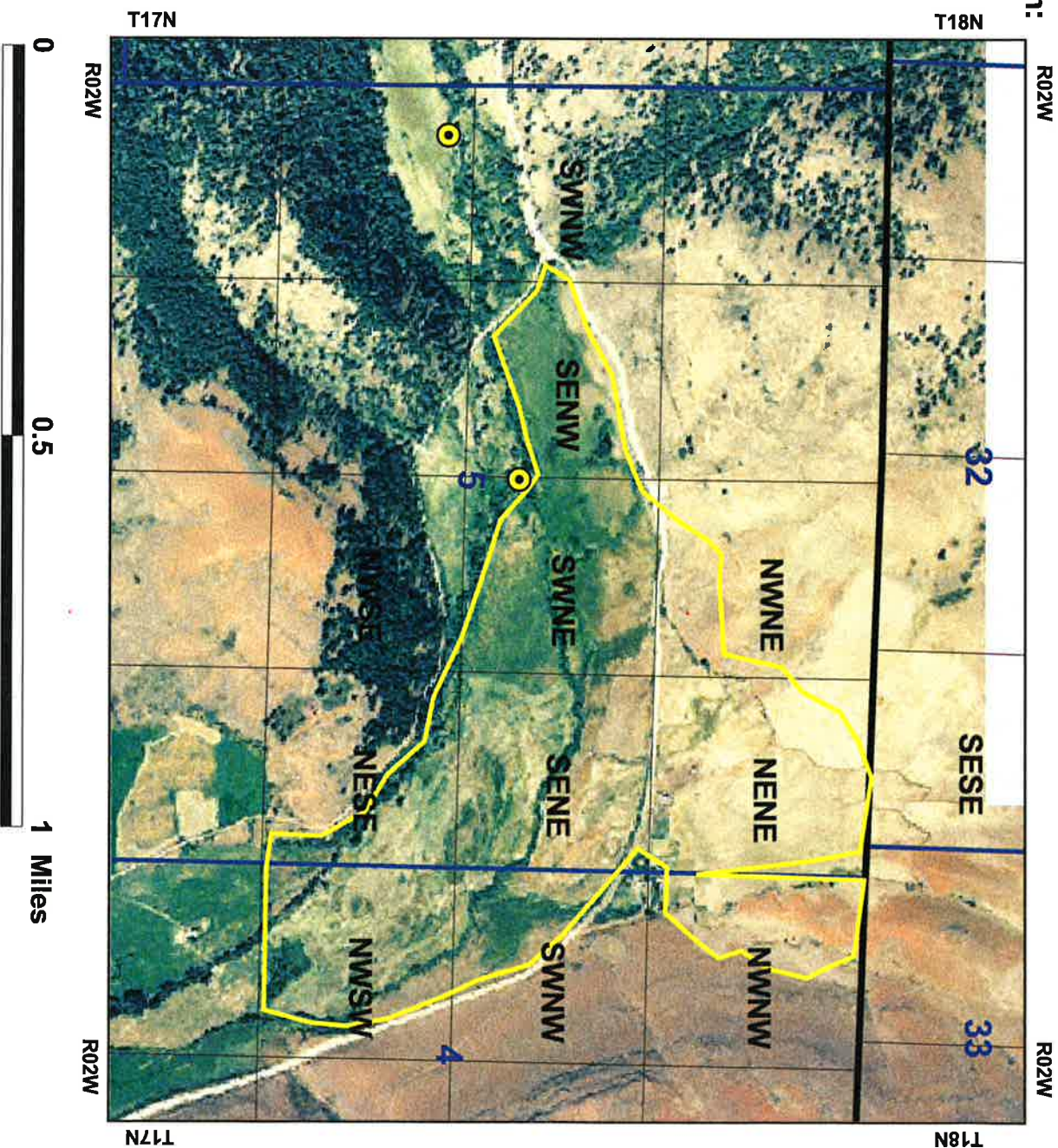
67-400
(Irrigation)

Legend

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



Adams County
IDWR Basin 67



Prepared by IDWR State Office
On Tuesday, December 12, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-400 V1

WATER RIGHT NUMBER: 67-400 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FRANK PECKA RT 1 BOX 270 KAMIAH, ID 83536 (208)935-1157
Current Owner	JOHN C BROWN 2730 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-6018
Current Owner	MARY L BROWN 2730 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-6018

Priority Date: 06/30/1895

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	04/01 to 10/31	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

HORNET CREEK	NW1/4SW1/4	Sec. 5, Twp 17N, Rge 02W, B.M.
ADAMS County		
HORNET CREEK	SW1/4NE1/4	Sec. 5, 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	4						16.0	13.0			30.0							59.0
								L 4											
17N	02W	5	40.0	11.0	35.0	39.0			.5	18.0					16.0	.5			160.0
			L 1	L 2															

Total Acres: 219

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-400 V1

1. Use of this right is combined with water from Hornet Creek Water Users Association.
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. K06 This right is limited to the irrigation of 16 acres within the place of use described above in a single irrigation season.
4. E51 Right Nos. 67-387, 67-397, 67-400, 67-14805 and 67-14806 are limited to a total combined diversion rate of 3.26 cfs.

Remarks: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. mvanbussum 10/23/2006 POU
Comment: It appears there is more acreage irrigated than there is a water right for. We tried to recreate the decreed POU because that is what we had to go on. POU is recommended based on decreed information and continuity of land.

5. mvanbussum 10/23/2006 Source
Comment: Pearl Creek is claimed as a source, but was not included in the Muir v. Allison decree. Therefore, Pearl Creek is not recommended as a source. The field exam conducted on 1 July 2005 by Melanie Vining states Pearl Creek water is used.

6. mvanbussum 10/23/2006 Quantity
Comment: Recommended as decreed.

7. mvanbussum 10/23/2006 SOU
Comment: Recommended standard season of use.

8. mvanbussum 12/12/2006 POU
Comment: Claimant filed two additional beneficial use claims to claim property as a permissible place of use.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-400 V1

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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.26		

Combined Water Rights: 67-387 , 67-397 , 67-400 , 67-14805 , 67-14806

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 11:26:01 AM	segbert			Active
POD	8/31/2004 11:26:40 AM	segbert			Active
Source	8/31/2004 11:31:48 AM	segbert			Active
POU	8/31/2004 11:32:02 AM	segbert			Active
Use	8/31/2004 11:34:36 AM	segbert			Active
Season	8/31/2004 11:34:56 AM	segbert			Active
Quantity	8/31/2004 11:35:48 AM	segbert			Active
Contacts	10/23/2006 10:55:08 AM	mvanbussum			Active
Priority Date	10/23/2006 10:55:20 AM	mvanbussum			Active
POD	10/23/2006 10:55:33 AM	mvanbussum			Active
Source	10/23/2006 10:57:23 AM	mvanbussum			Active
POU	10/23/2006 10:57:36 AM	mvanbussum			Active
Use	10/23/2006 10:58:35 AM	mvanbussum			Active
Season	10/23/2006 10:58:50 AM	mvanbussum			Active
Quantity	10/23/2006 10:59:06 AM	mvanbussum			Active
Summary			10/23/2006	mvanbussum	Active
Summary			10/23/2006	mvanbussum	Active
POU	12/12/2006 10:30:38 AM	mvanbussum			Active
POU	12/12/2006 10:30:41 AM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-400 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/23/2006 10:57:07 AM	mvanbussum	Updated shape
Contacts	10/23/2006 10:55:11 AM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam conducted 1 July 2005.
General	10/23/2006 10:55:23 AM	mvanbussum	(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	10/23/2006 10:55:36 AM	mvanbussum	(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?
Source	10/23/2006 10:57:26 AM	mvanbussum	(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	10/23/2006 10:57:39 AM	mvanbussum	(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? (No) 14. Is a POU remark and/or condition required?
POU	10/23/2006 10:58:10 AM	mvanbussum	Updated shape for Active POU
Use	10/23/2006 10:58:38 AM	mvanbussum	(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?

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Adjudication Recommendation Report 67-400 V1

Season	10/23/2006 10:58:53 AM	mvanbussum	(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?
Quantity	10/23/2006 10:59:09 AM	mvanbussum	(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?
Summary	10/23/2006 11:00:06 AM	mvanbussum	(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? (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?
POD	10/23/2006 10:56:48 AM	mvanbussum	Updated shape

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Adjudication Recommendation Report 67-400 V1

Summary	10/23/2006 11:35:07 AM	mvanbussum	(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?
POU	10/23/2006 10:58:23 AM	mvanbussum	Updated PLS for Active POU
Use	8/31/2004 11:34:36 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 11:34:55 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?
Source	8/31/2004 11:31:47 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 11:32:02 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?
Quantity	8/31/2004 11:35:48 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?

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Adjudication Recommendation Report 67-400 V1

Priority Date	8/31/2004 11:26:00 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 11:26:40 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?
POU	8/31/2004 11:32:50 AM	segbert	Created polygon from PLS
POU	12/12/2006 10:30:38 AM	mvanbussum	(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? (No) 14. Is a POU remark and/or condition required?
POU	12/12/2006 10:30:41 AM	mvanbussum	(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? (Yes) 14. Is a POU remark and/or condition required?
POU	12/12/2006 10:31:56 AM	mvanbussum	Updated shape for Active POU
POU	12/12/2006 10:32:12 AM	mvanbussum	Updated PLS for Active POU

Water Supply Bank:

CONVERSATION MEMORANDUM

Date: November 8, 2006

To: Monica Van Bussum

From: Craig L. Saxton

Re: Telephone call from Mrs. John C. Brown.

I received a message from Mrs. Brown at about 1:20 pm 11-8-06. She said that you had sent a letter, her husband had the paper work and was talking to his attorney, but the issue was regarding her Peral Creek Water. She gave me water right number 67-11215 which is a partially decreed stockwater right with the sources of Pearl Creek and Hornet Creek.

I told her that if you had questions it probably wasn't related to 67-11215. Looking through the files I recognized that you and I had discussed them and pieced it together... it think.

I told her that it looked like she had water rights from Hornet Creek, but that even though they had claimed Pearl Creek, it was not listed on the decreed rights so they needed to file a separate claim. And you were probably soliciting a new claim.

After getting off the phone I found your letter in the file and now know that you had spoke with Mr. Brown and sent him two blank claims.

When getting off of the phone, Mrs. Brown said she mostly wanted us to know that they are taking action in accordance to your letter. I did tell Mrs. Brown that she could file another claim, **but it would not go into the preliminary mailing**. But that it was not too late to file new claims. She understood.

I



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

October 26, 2006

JOHN C BROWN
MARY L BROWN
2730 COUNCIL CUPRUM RD
COUNCIL ID 83612

RESPONSE DEADLINE
November 10, 2006

RE: Claims for Hornet Creek and Pearl Creek water

Dear Claimants:

Per my conversation with Mr. Brown this morning, I am sending two new SRBA Beneficial Use claims for your approval. As we discussed, the claims for decreed rights 67-387, 67-397 and 67-400 could be recommended for 95.2 acres from Hornet Creek, but acreage above that and irrigation from Pearl Creek were not included in the prior decree (Muir v. Allison). I have included a copy of the original decree for 67-387, 67-397 and 67-400.

The two new claims are each for 233 acres from both Hornet Creek and Pearl Creek. Since these two claims do not directly overlap the decreed rights, proof of the first date water was applied to beneficial use on the land will need to be submitted.

Two things need to be done by you at this time:

1. Look over the two new claims. If they meet your approval, please sign them, have them notarized and send them to me. The cost for filing one new Beneficial Use claim in the SRBA is \$100, so a total of \$200 will be needed for both claims. Once I get the claims, I or another field examiner will contact you to schedule a field exam to do a measurement and look at your diversion system and acreage irrigated so we can write an accurate recommendation.
2. Acquire evidence of a priority date for the two new claims. Mr. Brown and I discussed affidavits this morning. I am including two blank affidavit forms. Please be sure to have the affidavits notarized before returning them to me. In case you will need further evidence of priority, and to help you with the affidavits, I am including a brochure titled "Evidence of Priority."

Please feel free to call me at (208) 287-4907 with any questions.

Respectfully submitted,

MUB
10-26-2006

Monica P. Van Bussum
Water Resource Agent/GIS Technician
Adjudication Bureau

October 23, 2006

JOHN C BROWN
MARY L BROWN
2730 COUNCIL CUPRUM RD
COUNCIL ID 83612

RESPONSE DEADLINE
November 8, 2006

RE: Claims for Hornet Creek and Pearl Creek water, 67-387, 67-397 and 67-400

Dear Claimants:

The Notices of Claim to a Water Right (claims) identified with the numbers shown above have been filed in the Snake River Basin Adjudication (SRBA). We have begun our review of claims in the Weiser River Basin, known as Basin 67. I have been reviewing the claims mentioned above, which list you as claimants, and felt the need to contact you.

Water rights 67-387, 67-397 and 67-400 were decreed in Muir v. Allison on June 20, 1921. The Muir v. Allison decision set forth water rights for the Weiser River and its tributaries, including places of use (POU), sources and priority dates. The Muir v. Allison decision also set the duty of water at 5/8 miner's inches to the acre. We are reviewing the SRBA claims based on the water rights from the Muir v. Allison decision, which include 67-387, 67-397 and 67-400.

Water rights 67-387, 67-397 and 67-400 were decreed in Muir v. Allison for a total of 1.19 cfs and 95.2 acres from Hornet Creek. Claims 67-387, 67-397 and 67-400 were filed for a total of 1.19 cfs and 233 acres from Pearl Creek and Hornet Creek. Because recommendations based on water rights from Muir v. Allison will mimic the court decision, these claims will be recommended for 1.19 cfs and 95.2 acres from Hornet Creek. Pearl Creek was not included in the Muir v. Allison decree and, therefore, will not be recommended as a source under these claims.

Based on my initial review, it appears you have some options.

Option 1

Do nothing. As mentioned above, claims 67-387, 67-397 and 67-400 will be recommended for 1.19 cfs and 95.2 acres from Hornet Creek.

Option 2

In addition to claims 67-387, 67-397 and 67-400, you can file a Beneficial Use claim for waters from Pearl Creek for 233 acres at 1 miner's inch to the acre. Most SRBA Beneficial Use claims are for a duty of 1 miner's inch to the acre. Beneficial Use water rights are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. If you decide to claim the waters of Pearl Creek, proof must be provided by you to support the priority date claimed and the historic use of the water. If no evidence of priority is received, the Beneficial Use claim will be recommended as disallowed to the SRBA court.

Option 3

File a Beneficial Use claim for waters from Pearl Creek and Hornet Creek for all 233 acres at 1 miner's inch to the acre. Because these would be Beneficial Use claims, proof must be provided by you that supports the priority date claimed and the historic use of the water. If no evidence of priority is received, the Beneficial Use claim will be recommended as disallowed to the SRBA court. If you choose this option, we will recommend claims 67-387, 67-397 and 67-400 along with the two Beneficial Use claims, as a

permissible place of use (PPU). A PPU is where the water right holder can use the allotted right (in this case, it applies to the 95.2 acres recommended under the decreed rights) anywhere within the PPU, which would be the entire 233 acres, or the acreage found during our final review.

If I have received no further correspondence from you by the date above, I will assume you have chosen Option 1. I realize this is a lot of information and you may have questions. Please feel free to call me at (208) 287-4907.

Respectfully submitted,

Monica P. Van Bussum
Water Resource Agent/GIS Technician
Adjudication Bureau

Date: 11/1/03

Point of Diversion and Source Data Entry Form

Claim Number 67-400

Claimed Point of Diversion and Source

T17N R02W S5 SWNE Within ADAMS County ✓ A0014058

T17N R02W S5 SENW Within ADAMS County ~ see notes

T17N R02W S5 NWSW Within ADAMS County ✓ A0014059

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Pearl Creek

Hornet Creek

Tributary To

Hornet Creek

Weiser River

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD?

67-387, 397

Document how the POD and Source were verified:

Field exam- The above tagged PODs are accurate and came directly off of Hornet Creek. Pearl Creek is named as a source and is used, but not sure if this would be a true POD or not. Pearl Creek flows from the north and ~~into~~ into Mr. Brown's ditch (see map) just upstream from ~~his~~ his headgate. ^{a gated culvert.} The headgate is on the ditch itself, which continues out to irrigate Mr. Brown's land. On the south side of the ditch, before the headgate, is a culvert pipe w/ a gate that can be adjusted to allow water to pass out of the ditch and down a short channel, then back into Hornet Creek (see map).

Reviewer: MVDate: 7/1/05

The GPS pt of ~~where~~ where Pearl Cr. enters the ditch, & of the 2 gated headgate/pipe is: 2293653
1518727

named 67-387, 397, 400 ~~as~~
the ~~new~~ ~~specific~~

Place Of Use Data Entry Form

Claim Number 67-400

Claimed Place Of Use

T17N R02W S04	NWNW	26.0	T17N R02W S04	SWNW	16.0
T17N R02W S04	NWSW	27.0	T17N R02W S05	NENE	38.0
T17N R02W S05	NWNE	32.0	T17N R02W S05	SWNE	32.0
T17N R02W S05	SENE	35.0	T17N R02W S05	SENE	14.0
T17N R02W S05	NESE	12.0	T17N R02W S05	NWSE	1.0

Total Acres 233

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

T17N R02W S05 SENW

Total Acres

Recommended Place of Use

See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres

Document how the POU was verified:

field exam - most irrigated land north of road is on somewhat shallow, silty country. Claimant pointed out how ditch leaves POU A0014059, runs under Council Cypress Rd to north side, then flows on backside of pastureland, behind house - visible on west side aerial photo, and back under road.

Reviewer: MVDate: 7/01/05

Purpose of Use Data Entry Form

Claim Number 67-400

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

Document how the Purpose of Use was verified:

field exam

Reviewer: mwDate: 7/1/05

Period of Use and Quantity Data Entry Form

Claim Number 67-400

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.2	

Overall Diversion Rate 0.2

Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	/	/	0.2	

Overall Diversion Rate 0.2

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

period - IDWR reviewer, pls. verify

quantity - per Nello Jenkins (Hornet Creek Deputy watermaster)
 John Brown's 2 PODs are capable of carrying
 63" + 100", much more water than is
 (southern) (northern)
 claimed by all claimants for these ditches

Reviewer: _____

mv

Date: _____

7/1/05

Contacts Data Entry Form

Claim Number: 67-400

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	JOHN C BROWN	2730 COUNCIL CUPRUM RD	COUNCIL	ID	83612	(208)253-6018
Current Owner	MARY L BROWN	2730 COUNCIL CUPRUM RD	COUNCIL	ID	83612	(208)253-6018
Original Owner	FRANK PECKA	RT 1 BOX 270	KAMIAH	ID	83536	(208)935-1157

Date of Field Exam: 7/1/05 Time: 9:30 amAccompanied By: John Brown Phone Number: _____Relationship to Claimant: n/a

Directions to Property (if different from above) and/or update owner information:

Reviewer: mmDate: 7/1/05



Idaho Department of Water Resources

Adjudication Claim Number: **67-400**

T18N R02W
T17N R02W

Legend

-  PLSS Section LinesGcdB_sections.shp
-  GCD818N02W GCD8
-  GCD817N02W GCD8
-  B-67 streams.shp



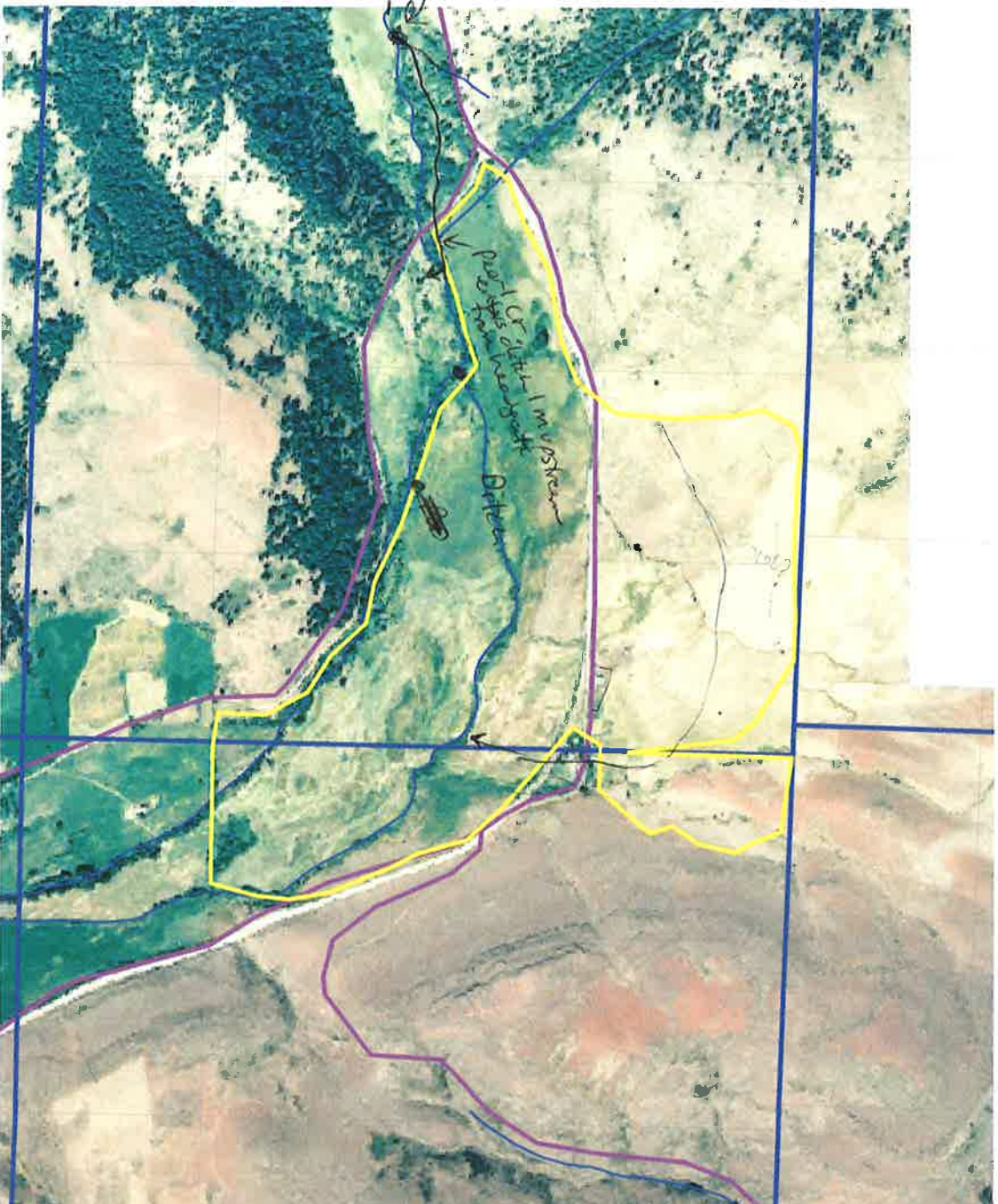
Adams County
IDWR Basin 67



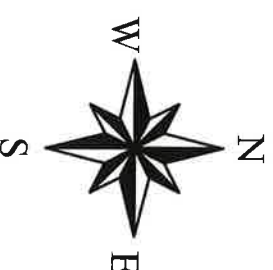
Prepared by M. Van Bussum
On Tuesday, June 28, 2005
1987 Aerial Photography

See map for
on others

67-387,397,400



-  67-387_397_400.shp
-  T_r_sections.shp
-  Quarterquarters.shp
-  Roads.shp
-  Streams.shp
-  Basinoutlines.shp



Decrees

10-18-06 MUB

6125

67-387

5-1-1884

$$0.75 \text{ cfs} \times \frac{\text{in}}{0.02 \text{ cfs}} \times \frac{\text{ac}}{0.625 \text{ in}} = 60 \text{ ac}$$

Hornet Creek



POU: S $\frac{1}{2}$ NE Sec 5
SWSW Sec 4
NWSW Sec 4

T17N R2W

60 ac



67-397

12-31-1891

$$0.24 \text{ cfs} \times \frac{\text{in}}{0.02 \text{ cfs}} \times \frac{\text{ac}}{0.625 \text{ in}} = 19.2 \text{ ac}$$

Hornet Creek

POU: NENE Sec 5
NWNW Sec 4

T17N R2W

~~0.24 ac~~
~~10.02~~
~~70.55~~
~~36.81~~

67-400

6-30-1895

$$0.2 \text{ cfs} \times \frac{\text{in}}{0.02 \text{ cfs}} \times \frac{\text{ac}}{0.625 \text{ in}} = 16 \text{ ac}$$

Hornet Creek

POU: SENW Sec 5 T17N R2W

T17N R2W Sec 4 SWSW
NWSW
NWNW
Sec 5 S $\frac{1}{2}$ NE
NENE
SENW

Totals
1.19 cfs
95.2 ac

Claims

* Pearl Creek was not included
in Muir v. Allison

67-387

Mary & John Brown

5-1-1884

0.75 cfs

unlisted source POD: unlisted -

could be Pearl Creek
read comments
add'l POD Horset Creek

POU: 17N 2W 4

NWNW 26

SWNW 16

NWSW 27
69

17N 2W 5

NENE 38

NWNE 32

SWNE 32

SENE 35

SENW 14

NESE 12

NWSE 1
164

= 233 ac

67-397

Mary & John Brown

0.24 cfs 12-31-1891

unlisted source *POD -

could be Pearl Creek - add'l POD Horset Creek
read comments

Same 233 ac as above

67-400

6-30-1895

0.2 cfs

unlisted source & POD - could be Pearl Creek

Same 233 ac as above

BUse? no B - Use claims - sent letter 10/18/06

highlighting showing decreed POU

SWSW Sec 4 from 67-387 not claimed

Acreage claimed on decreed acres = 172

172 - 95.2 = 76.8

claimed decreed

Brown decreed rights on Hornet Creek

Hornet Creek.

A I Freshafer, adm of the estate of Thomas J
Stutman

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

July 6, 1909 67 0409

June 1, 1885 67 0410

June 1, 1885 67 0411

June 1, 1895 67 0412 1/2 322

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 FRIEDHAFER 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.

500
Donnelly
below

A L FRIEDHAFER, 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 DIEBUS: 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.

ROBERTA 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 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.

ELIIS 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.

387 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 1906

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.

397 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.

V400 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 B 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 1956