

12/17/2006

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

RIGHT NUMBER: 67-408

NAME AND ADDRESS: HORNET CREEK WATER STORAGE ASSN LTD
C/O JACK RUBELT SECRETARY
2280 OLD HORNET RD
COUNCIL ID 83612-5033

(208) 253-6963

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 270.000 AFY

PRIORITY DATE: 05/28/1909

POINT OF DIVERSION:

T17N R03W S20 SWNW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	05/01 10/15	270.00 AFY
IRRIGATION STORAGE	01/01 12/31	270.00 AFY

PLACE OF USE:

Place of use is within Adams County and Washington County.

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
Upper Hornet Creek Reservoir.

To: Hornet Cr. Water Storage Assn. Claim Files

Nos. 67-408

409

7016

2033

2035

From: D. Tuttle

DATE: 11/16/06

RE: Review Questions

Based on my initial review of these water right claims, I have a number of observations and questions. It appears that we need to conduct a face-to-face meeting with Association representatives to sort this out. These notes provide some of the questions to be asked, and some pertinent background.

Decreed Rights

67-408 & 67-409 were decreed in the Muir v. Allison decree (see Attachment 1). Note that elements are as follows.

67-408 1250" (25cfs) May 28, 1909

67-409 1250" (25cfs) July 6, 1909

It is not clear to me that the Hornet Cr. Water Storage Assn (HCWSA) delivers live flow. Here are some reasons:

1. The name of the assn.
2. On P. 5 of the attachment, 67-408 & 67-409 are listed under the title of "Storage Water."

3. Under item 8.c. of the application for permit No. 67-7016, I find this language:
Describe any other water rights used for the same purposes: "Two decreed rights dated 5-28-09 and 7-6-09 for 25 cfs each. Each & individual user has own stream flow right."

In 1971, in an effort to dispose of old permits, IDWR conducted a process of allowing permit holders to provide late proof of beneficial use. Accordingly, 67-2033 was ultimately licensed. Note in Attachment 2 that this water right was originally filed as an App for Permit on May 28, 1909 for 25 cfs (clearly with the same origin as 67-408. In a similar way the genesis of 67-2035 was 67-409 (see Attachment 3). It appears that these two licenses are duplicates of the decreed rights to which they correspond.

I also have a concern about 67-7016. Attachment 4 describes raises to the two reservoirs. This is the basis for the 188 af requested in the App for Permit No. 67-7016 (Attachment 5). ~~WATER BARRIERS~~

Result of Meeting on 11/29/06 at the Grubsteak:

Jack Rubelt and members of the Hornet Creek Water Storage Assn confirmed that only storage water is delivered ~~on~~ under these rights. $\therefore$ Recommend for disallowal 67-2033, 67-2035 & 67-7016.

DW

DAM SUMMARY INVENTORY SHEET

HORNET CK UPPER NORTH

Printed: Nov 07, 2005

67 - 7016A1

Updated: Nov 07, 2005

STATUS _____ A
BASIN _____ 67
DAM_NUMBER _____ 7016A1
FEDERAL ID NUMBER _____ ID00133
DAM NAME _____ HORNET CK UPPER NORTH
COUNTY _____ WASHINGTON
STREAM _____ HORNET CREEK
REGION _____ W
PURPOSE _____ I
RISK CATEGORY _____ 2
SIZE CATEGORY _____ 2
Q_Q_SECTION _____ SWNW
SECTION _____ 20
TOWNSHIP _____ 17N
RANGE _____ 03W
LATITUDE DEC _____ 44.7976
LONGITUDE DEC _____ -116.7333
DAM TYPE _____ EARTH
STORAGE CAPACITY _____ 270 AcFT
HEIGHT _____ 17 Ft
DRAINAGE AREA _____ 0.6 SqMi
RESERVOIR AREA _____ 32 Ac
YEAR COMPLETED _____ 1913
CREST ELEVATION _____ 7064 Msl
CREST LENGTH _____ 440 Ft
SPILLWAY TYPE _____ RKCHAN
SPILLWAY DEPTH _____ 3.7 Ft
SPILLWAY CAPACITY _____ 67 Cfs
SPILLWAY CONDITION _____ GD
SPILLWAY GATE COND _____ NA
OUTLET TYPE _____ MPENCN
OUTLET SIZE _____ 24 In
OUTLET CAPACITY _____ 45 Cfs

OUTLET CONDITION _____ GD
OUTLET GATE CONDITION _____
LAST OUTLET EXAM _____
OUTLET INSP INTERVAL _____
IDF _____ Q500
IDF MAGNITUDE _____ 66 Cfs
RELEASE CAPACITY _____ 112 Cfs
OVERALL COND _____ GD
MAINTENANCE _____ ROUTINE
INSPECTION DATE _____ 10/26/2005 Mo/Yr
CERT ISSUE DATE _____ 2/12/2004 Mo/dd/yr
STORAGE AUTH DATE _____ 11/04/2005 Mo/dd/yr
STORAGE EXP DATE _____ 11/01/2007 Mo/dd/yr
SURVEY DATE _____ 7/18/2001 Mo/dd/yr
CALL UP DATE _____ Mo/dd/yr
INSP INTERVAL _____ 2 Yr
PHASE 1 INSP DATE _____
OPERATION PLAN _____ N
STATIC STABILITY _____
SEISMIC STABILITY _____ N
RESTRICTED _____
BOND _____ NA
JOINT INSPECTION _____ USFS
QUAD NUMBER _____ S55
QUAD NAME _____ CROOKED RIVER POINT
DAM OWNER _____ HORNET CREEK WATER STOR ASSN
ADDRESS-1 _____ C/O ROB HARRINGTON, PRESIDENT
ADDRESS-2 _____ 2535 COUNCIL CUPRUM RD
CITY _____ COUNCIL
STATE _____ ID
ZIP CODE _____ 83612
ZIP SUFFIX _____
PHONE _____ 2536806
AREA CODE _____ 208

GEN_REMARK _____ DAM RAISED IN 1919 AND 1969. NO CHANGED FROM 67-2035A. SPILLWAY IS LOCATED BETWEEN NORTH AND SOUTH DAMS. DRAIN AREA = 375 ACRES.

TEC_REMARK _____ SPILLWAY HAS CONCRETE CREST. SPILLWAY & RELEASE CAP ARE WITH 2.8' FREEBOARD ON NORTH AND SOUTH DAM AND 2.6' FREEBOARD ON DIKE. OUTLET HAS TWO UPSTREAM GATES, AN UPPER AND LOWER.

RESTRICT _____

ALT_CONT _____ JACK RUBELT, SECRETARY, PH = 253-6963.

BOND_SUM _____

DAM SUMMARY INVENTORY SHEET

HORNET CK UPPER SOUTH

Printed: Nov 07, 2005

67 - 7016A2

Updated: Nov 07, 2005

STATUS _____ A
BASIN _____ 67
DAM_NUMBER _____ 7016A2
FEDERAL ID NUMBER _____
DAM NAME _____ HORNET CK UPPER SOUTH
COUNTY _____
STREAM _____
REGION _____ W
PURPOSE _____ AUXDAM
RISK CATEGORY _____ 2
SIZE CATEGORY _____ 2
Q_Q_SECTION _____ SWNW
SECTION _____ 20
TOWNSHIP _____ 17N
RANGE _____ 03W
LATITUDE DEC _____ 44.7958
LONGITUDE DEC _____ -116.7322
DAM TYPE _____ EARTH
STORAGE CAPACITY _____ 0 AcFT
HEIGHT _____ 15 Ft
DRAINAGE AREA _____ 0.6 SqMi
RESERVOIR AREA _____ 32 Ac
YEAR COMPLETED _____
CREST ELEVATION _____ 7064 Msl
CREST LENGTH _____ 400 Ft
SPILLWAY TYPE _____ RKCHAN
SPILLWAY DEPTH _____ 3.7 Ft
SPILLWAY CAPACITY _____ 67 Cfs
SPILLWAY CONDITION _____ GD
SPILLWAY GATE COND _____ NA
OUTLET TYPE _____ NONE
OUTLET SIZE _____ 0 In
OUTLET CAPACITY _____ 0 Cfs

OUTLET CONDITION _____ NA
OUTLET GATE CONDITION _____
LAST OUTLET EXAM _____
OUTLET INSP INTERVAL _____
IDF _____ Q500
IDF MAGNITUDE _____ 66 Cfs
RELEASE CAPACITY _____ 112 Cfs
OVERALL COND _____ GD
MAINTENANCE _____ ROUTINE
INSPECTION DATE _____ 10/26/2005 Mo/Yr
CERT ISSUE DATE _____ 2/12/2004 Mo/dd/yr
STORAGE AUTH DATE _____ Mo/dd/yr
STORAGE EXP DATE _____ 11/01/2007 Mo/dd/yr
SURVEY DATE _____ 7/18/2001 Mo/dd/yr
CALL UP DATE _____ Mo/dd/yr
INSP INTERVAL _____ 2 Yr
PHASE 1 INSP DATE _____
OPERATION PLAN _____
STATIC STABILITY _____
SEISMIC STABILITY _____
RESTRICTED _____
BOND _____ NA
JOINT INSPECTION _____ USFS
QUAD NUMBER _____ S55
QUAD NAME _____ CROOKED RIVER POINT
DAM OWNER _____ HORNET CREEK WATER STOR ASSN
ADDRESS-1 _____
ADDRESS-2 _____
CITY _____
STATE _____
ZIP CODE _____
ZIP SUFFIX _____
PHONE _____
AREA CODE _____

GEN_REMARK _____ SEE 67-7016A1 FOR ADDITIONAL INFO. SPILLWAY DEPTH BASED ON NORTH DAM. ACTUAL FREEBOARD = 4.0 FT ON SOUTH DAM.

TEC_REMARK _____

RESTRIC _____

ALT_CONT _____

BOND_SUM _____

DAM SUMMARY INVENTORY SHEET

HORNET CK UPPER DIKE

67 - 7016A3

Printed: Nov 07, 2005

Updated: Nov 07, 2005

STATUS _____ A
BASIN _____ 67
DAM_NUMBER _____ 7016A3
FEDERAL ID NUMBER _____
DAM NAME _____ HORNET CK UPPER DIKE
COUNTY _____
STREAM _____
REGION _____ W
PURPOSE _____ AUXDAM
RISK CATEGORY _____ 3
SIZE CATEGORY _____ 2
Q_Q_SECTION _____ NWNW
SECTION _____ 20
TOWNSHIP _____ 17N
RANGE _____ 03W
LATITUDE DEC _____ 44.7971
LONGITUDE DEC _____ -116.7322
DAM TYPE _____ EARTH
STORAGE CAPACITY _____ 0 AcFT
HEIGHT _____ 3.9 Ft
DRAINAGE AREA _____ 0.6 SqMi
RESERVOIR AREA _____ 32 Ac
YEAR COMPLETED _____
CREST ELEVATION _____ 7064 Msl
CREST LENGTH _____ 350 Ft
SPILLWAY TYPE _____ CHNAFD
SPILLWAY DEPTH _____ 3.5 Ft
SPILLWAY CAPACITY _____ 67 Cfs
SPILLWAY CONDITION _____ GD
SPILLWAY GATE COND _____ NA
OUTLET TYPE _____ NONE
OUTLET SIZE _____ 0 In
OUTLET CAPACITY _____ 0 Cfs

OUTLET CONDITION _____ NA
OUTLET GATE CONDITION _____
LAST OUTLET EXAM _____
OUTLET INSP INTERVAL _____
IDF _____ Q500
IDF MAGNITUDE _____ 66 Cfs
RELEASE CAPACITY _____ 112 Cfs
OVERALL COND _____ GD
MAINTENANCE _____ ROUTINE
INSPECTION DATE _____ 10/26/2005 Mo/Yr
CERT ISSUE DATE _____ 2/12/2004 Mo/dd/yr
STORAGE AUTH DATE _____ Mo/dd/yr
STORAGE EXP DATE _____ 11/01/2007 Mo/dd/yr
SURVEY DATE _____ 7/18/2001 Mo/dd/yr
CALL UP DATE _____ Mo/dd/yr
INSP INTERVAL _____ 2 Yr
PHASE 1 INSP DATE _____
OPERATION PLAN _____
STATIC STABILITY _____
SEISMIC STABILITY _____
RESTRICTED _____
BOND _____ NA
JOINT INSPECTION _____ USFS
QUAD NUMBER _____ S55
QUAD NAME _____ CROOKED RIVER POINT
DAM OWNER _____ HORNET CREEK WATER STOR ASSN
ADDRESS-1 _____
ADDRESS-2 _____
CITY _____
STATE _____
ZIP CODE _____
ZIP SUFFIX _____
PHONE _____
AREA CODE _____

GEN_REMARK _____ SEE FILE D67-7016A1 FOR ADDITIONAL INFORMATION.

TEC_REMARK _____

RESTRICT _____

ALT_CONT _____

BOND_SUM _____

Muir v. Allison

① IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR
THE COUNTY OF WASHINGTON.
D E C R E E . (6-20-21)

John T Muir and Wm H Muir, Partners doing business under firm name of Muir Brothers.
vs. Plaintiffs.

William Allison, Joseph Allison, Alex Allison, Ruhama Allison, Joseph Allison, William Allison and Alex Allison, as executors of the last will and testament of W B Allison, deceased, Albert Adams, J M Atwell, Harry Abernathy, C A Amadon, Asa Adams, Reilly Atkinson, H W Anderson, Jeff Anderson, Fred Anderson, Preston Anderson, D W Bradshaw, L T Braden, S H Burns, C O Burt, Newton Adamson, F L Adamson, J A Adamson, Jake Ader, Eva Barber, Stella Beigh, Mrs E F Barker, William Beeson, _____ Beeson, whose first name is unknown, A L Barclay, Fannie M Barker, Nelson Buhl, Enoch Bloomstrom, O L Myers, L L Burtonshaw, W F R Brown, C H Elise, W P Briggs, Otto Brewer, James O Brunt, _____ Brunt and Jenkins, whose first names are unknown, a partnership doing business under the firm name and style of Brunt & Jenkins, Charles Barber, E W Deier, Thomas Book, Carrie Clayton, T B Biggerstaff, Mrs Lydia Brauer, Irvin Cox, Andy Combs, Fanny F Carriok, Jerome B Cox, W L Craddock, D H Clare, Riley Cox, H M Coon, Frank Courtwright, James H Crull, D F Coultis, John Cornett, William Carson, Robert Cornett, Fred Cove, J A Carr, W H Camp, W T _____, A. Carville, Minta Dugger, J D Donart, Frank C Downs, J N Davis, O C _____, A. Davidson, J W Davis, C H Davis, C D Davis, Mrs D S Davis, D C _____, Chas J Downs, Dale Donnelly, Charles Edwards, David Edwards, E E Edwards, Elledge, James Evans, Thomas Evans, W A Ford, E M Fuller, C O Findies, A L Frechafer, Albert Ferguson, J D Forsythe, Pearl E Fetherstone, _____ Fisk, whose first name is unknown, M P Gifford, C P Gillespie, Emily Glenn, George Gould, Jowl Glenn, Thomas Glenn, Andy Gallant, Forrest Gamut, Geo Gilderoy, C S Gibbs, Frank Galey, Wm Gladheart, Peter Gladheart, Charles R Gray, T O Galloway, Anoma Hutchison, John Hutchison, Thomas Hutchison, Henry Jeimsoth, P W Higgins, W R Haines, Frank Hahn, Mary E Houston, Millie Houston, Ben Houston, Harvey Houston, E Hinkle, C W Holmes, C L Bain, Ellis Harily, Wm Hanson, Walter Hopper, John Hopper, Victor Hopper, Nelson Hanson, J S Hamilton, B M Holt, Joseph Hunstock, Phoebe Harland, Joseph Hutchins, George Hall, Edwin Hill, Charles Hulett, Margaret Haller, Moses F Hopper, E W Hinchaw, Moses H Hopper, Roy Howland, George Henley, O S Herbert, H J Imler, John Ingram, W G Jenkins, W P James, C A Jefferson, _____ Johnson, whose first name is unknown, F M Jewell, Jonas O Johnson, C E Kennedy, J L Kauffman, M E Krigbaum, John Kesuler, Chas Kuntz, E D Koontz, J E Lawrence, C Dell Keyes, Aug Kampeter, Effie Keithly, James Keithly, Chloee Keithly, James Lapiash, _____ Kruck, whose first name is unknown, Harold Kinney, Archie E Kester, A L Kingsbury, J J Linden, D K Lindsay, America Lindway, G W Lewis, Sam Logan, Sarah Lane, Irvin Lichtliter, Chris Larsen, J L Lewis, Carl Lewis, F W Levander, E E Lorton, Hattie Macey, Henry Rosaman, W D Morey, Jacob Nortiz, Albert Moritz, Toney Nortiz, R H Martin, Andrew Miller, W A McKenzie, May M Moon, Arthur Moon, A R McDonald, Frank Lurphey, Edgar Moser, Grant Moore, C E Meisse, Mrs A R McBirdney, Chester Martin, Jessa McMahon, A P MacLure, J A Morrow, Van Morrison, J A Marquess, Albert McDowell, _____ McCannon, whose first name is unknown, Ed P Muir, M R Morris, Noel Moore, R T Muir, Elizabeth Norton, John Norton, William _____

JUL 24 1996

Attachment 1

HONNET CREEK

J. J. Shaw and D. S. Whitehead	314 10	May 1. 1900 1901
Ellis Martley	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 Lahey	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

Honnet Creek Water Storage Association

1250
1250

July 6. 1909
May 28. 1909

Robert Harrington

JUL 24 1909

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 Keye

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 D 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 1/2 384

Dec 31, 1899 67 0386 1/2 384

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 1/2 384

Dec. 31, 1899 67 0405 1/2 384

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

Mark O Muller	40	9.00	6.50	2.50	
A J Duffus	32	7.26	6.00	1.26	
B E Shannon and Ed Shannon	25	5.68	4.00	1.68	
Rebecca Wilson	62½	14.29	14.00	.29	
B E Dare and Florence O Dare	72½	16.56	14.60	1.96	
Ellis Hartley	59½	13.61	9.50	4.11	
O M Gilmer and Frank Peck	37½	8.64	6.00	2.64	
Dale Dannelly	50	11.35	0.00	3.35	
Henry E Warner and Earl Walston	37½	8.64	6.00	2.64	
B M Holt	132½	30.18	40.00		17.82
J E Lawrence and Clark Adams	56½	12.93	9.00	3.93	
J A Darland	25	5.68½	4.00	1.68	
Rebecca Wilson	50	11.35	10.50	.85	
A Kampeter	35½	8.15	8.70		.55
William Hanson	12	2.72	1.80	.92	
Mattie M Keys	16	3.62	1.40	2.22	
W J Wilson	47	10.67	4.00	6.67	
Frank Peck	10	2.27	1.50	.77	
P H Miller	63½	14.52	13.00	1.52	
Preston G Anderson	15	3.41	6.00		2.59
Lydia Brauer et al	37½	8.64	9.00		.36
J J Shaw and D B Whitehead	41½	9.44	10.00		.56
Hornet Creek Water Storage Association	320	72.64		72.64	
Leander Lindsay	17	3.86	4.00		.14
B H Richardson	29	6.58	10.00		3.42
Annie Carson	35	7.95	4.00	3.95	
J W Fraiser	31½	7.04	6.51	.53	
Willette L Fraiser	42	9.53	5.49	4.04	
Chris Dehnen	8	1.82	4.00		2.18
John Hutchinson	30	6.81	3.70	3.11	
J A Lemons	30	6.81	4.00	2.81	
May Burger	19	4.32	2.00	2.32	
Fred Anderson	38	8.65	6.80	1.85	
Thomas Hutchinson	25	5.60	5.25	.43	
Anna Hutchinson	38	8.65	10.00		1.35
J W Corriell	26	5.90	8.90		2.10
America Lindsay	52½	12.02	12.00	.02	
J I Linder	104½	23.83	27.00		3.17
Edward Manning	37½	8.64	2.00	6.64	
Elizabeth Anderson	25	5.68	5.00	.68	
Q W Lewis	97	22.02	20.00	2.02	
Cara Hutchinson	27	6.13	8.75		2.62
Ella Imler	35	7.95	3.00	4.95	
Georgine Ludwig	137	31.10	12.00	19.10	
L A Thompson	85	19.30	16.00	3.30	
A M Hutchinson	45	10.22	16.00		5.78

Priority No.	Name of User	Description of Land	Source of Supply	Priority Date	Priority Inches
130.	A. C. Hatley	NW 1/4 SW 1/4	Little Weiser	5 1 11	19.00
130.	C. E. Roper	SW 1/4 NW 1/4 SW 1/4	Middle Fork	5 1 11	7.50
130.	Ashlin Roby	SW 1/4 SW 1/4 NW 1/4	Goodrich Creek	5 1 11	4.00
131.	Louis Harp		Fort Hall Creek	5 1 11	11.00
132.	Coushott Valley Orchards		Mill Creek	7 8 11	100.00
133.	C. B. Schmitt		Pine Creek	5 1 11	5.50
133.	Augusta Kinney	SW 1/4 SW 1/4	Pine Creek	5 1 11	12.50
134.	C. W. Holmes	2 Acres NW 1/4 NW 1/4	Mill Creek	5 10 11	10.00
135.	Frank A. Galey	SW 1/4 NW 1/4 NW 1/4 SW 1/4	Mill Creek	5 17 11	20.00
136.	G. T. Hamill		Main Weiser	5 1 11	5.00

MANN CREEK WATER RIGHTS

1	Otto Cornwall	W 1/4 SW 1/4, E 1/4 SW 1/4, S 1/4 NW 1/4, NE 1/4 NW 1/4 NW 1/4 SW 1/4		1874	51.000
1	Otto Strobel	W 1/4 SW 1/4, NE 1/4 SW 1/4, SE 1/4 NW 1/4, tract in NW 1/4 NW 1/4			51.5
1	J. A. Tarter	SW 1/4 SW 1/4			55.404
		N 30 Acres of NW 1/4 NW 1/4			
		Part SW 1/4 SW 1/4, Part SW 1/4 SW 1/4			
		Part SW 1/4 SW 1/4			
		Part NW 1/4 NW 1/4			
1	John Michael	NW 1/4 NW 1/4			10.270
1	John Saling	Lot 3			22.339
1	D. W. Adams	NE 1/4 SW 1/4, E 1/4 NW 1/4 SE			21.475
1	Mabel Jackson	Lot 2			22.165
1	B. Dick Hartley	Lot 4			22.370
1	Mary A. Sater	East 17 Acres SE 1/4 SW 1/4			30.037
1	Al Carlson	N 1/4 NW 1/4			22.715
1	Jas. A. Gerwick	N 1/4 SW 1/4, SW 1/4 NW 1/4, S 1/4 NW 1/4, E 1/4 NW 1/4 NW 1/4 SW 1/4			22.470
1	J. T. Call & N. Coats	SW 1/4 SW 1/4, W 30 Acres NW 1/4 SW 1/4, NW 1/4 SW 1/4			16.0
1	El. D. Jewell	N 60 Acres of NW 1/4			32.7
1	Mary A. Sater	Tract in NW 1/4			22.470
1	C. E. Gubinson	E 1/4 NW 1/4		1891	16.0
2	M. N. Webb	N 1/4 SW 1/4			32.7
2	Harry Wishart	W 1/4 SW 1/4			17.5
2	J. P. Ogilvie	S 1/4 NW 1/4 Lot 1, NE 1/4 SW 1/4			24.5
2	B. A. Spears & Augusta Spears	SE 1/4 SW 1/4			40.2
2	Jess Morgan & Hollis Matthews	Lot 2 and 3			17.5
2	Roy Brent	NE 1/4 SW 1/4			42.0
2	O. V. Brent	SW 1/4 SW 1/4			14.0
2	C. L. Geer	SE 1/4 SW 1/4			45.5
2	Chas. H. Dohrer	NE 1/4 NW 1/4			10.50
2	Thos. M. Higgenbotham	SW 1/4 NW 1/4			49.452
4	S. W. Spangler	SW 1/4 NW 1/4		1884	31.154
4	John Michael Admr	SW 1/4 NW 1/4		1884	87.590
4	Henry T. Barker	SW 1/4 NW 1/4		1884	104.4785
4	Ruth Ellen Sater	SW 1/4 NW 1/4		1884	34.0798
6	J. B. Lolley	SW 1/4 NW 1/4		1886	24.5
6	Samuel S. Newmon	SW 1/4 NW 1/4		1886	14.0
6	D. L. Dice	SW 1/4 NW 1/4		1886	10.5
6	S. W. Spangler	SW 1/4 NW 1/4		1884	10.75
7	A. J. Mathewson	SW 1/4 NW 1/4		1906	8.85
8	Marshall Brown	SW 1/4 NW 1/4		1906	4.90

CRANE CREEK WATER RIGHTS

1	J. N. Harris	SW 1/4 NW 1/4, SE 1/4 NW 1/4, E 1/4 SW 1/4			27.25
2	J. K. Martin	SW 1/4 NW 1/4			9.57
		W 1/4 NW 1/4			
		SE 1/4 NW 1/4			
2	M. Theurer	SW 1/4 NW 1/4, SW 1/4 NW 1/4			13.50
3	Wash Hines	SW 1/4 NW 1/4, Lots 2 and 3			9.45
4	G. W. Tripkow	SW 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4			44.88
4	Applegate Bros	N 1/4 SW 1/4			13.47
4	O. A. Purcell	SW 1/4 NW 1/4, SE 1/4 NW 1/4			42.85
		NW 1/4 NW 1/4			
		NE 1/4 NW 1/4			
5	Ed Wilburn	SW 1/4 NW 1/4			4.0
6	Geo. W. Kiser	SW 1/4 NW 1/4, NW 1/4 SW 1/4			29.24
7	Ed Wilburn	N 1/4 NW 1/4, NW 1/4 SW 1/4			22.00
8	Crane Creek I. L. & P. Co.	N 1/4 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4			11.75

POWER WATER

Isaac McMahon	Main Weiser	7 1 06	490.00
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STORAGE WATER

Owner	Supply	Date	Acres Feet
Orchards Water Company	Lost Valley Reservoir	5-27-10	6250.0
A. L. Frechhofer	Lost Valley Reservoir	5-27-10	300.0
Frechhofer & Pike	Lost Valley Reservoir	5-27-10	40.0
J. A. Carr	Lost Valley Reservoir	5-27-10	300.0
Hornet Creek Water Storage Association	Hornet Creek Reservoir	5-28-09	1250.0
Hornet Creek Water Storage Association	Hornet Creek Reservoir	7-6-09	1250.0

NOTES.

Duty of Water in District.

The Mann Creek Decree fixes the duty at .7 of an inch per acre, the Crane Creek Decree at 1 inch per acre, while the Weiser River Decree fixes the duty at 1/2 of an inch per acre for flood water, which amount is to be reduced as the flow of water decreases until the duty reaches 1/4 of an inch per acre, at which point priority begins.

Decrees on Record.

All water decrees for District 41 are recorded at the Washington or Adams County Recorder's office and at the office of the State Commissioner of Reclamation at Boise, Idaho.

Extracts from the Weiser River Decree:

Court costs in the suit, including Referee, Reporters, transcript, hall rent, etc., are \$5784.05, which make the cost per acre \$.21.

Water Allotted to be Appurtenant to and for use upon the Lands Designated.

Headgates and measuring weirs to be constructed and maintained and to be so placed as not to unnecessarily impede the flow of water in the streams.

Water is allotted on basis of 1/2 of an inch per acre for lands irrigated and must not be diverted except for beneficial use, and the Water Master is ordered

to shut off all ditches where the water is not put to a beneficial use or where the parties diverting the water permit wastage.

The Water Master shall rotate the water in the ditches whenever he believes the duty and efficiency may be materially increased thereby.

Any questions regarding the water rights of the District should be referred to A. Flournoy Galloway, Water Master, or to W. G. Swendsen, Commis-

sioner of Reclamation, at Boise, Idaho.

Weiser, Idaho, April 1, 1919.

MICROFILMED
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J N Donart	76	17.25	16.00	1.25	
Heirs of R H Martin	90	20.43	11.10	9.33	
Samuel A Mentzer	94	21.34	20.00	1.34	
J A Carr	25	5.60	2.85	2.83	
Caldwell Commercial Bank	58	13.17	5.00	8.17	
A L Froehafer	5	1.13	2.00		.87
Emma Arrington	5	1.13		1.13	
Wash. Co. L. & D. Co.	25	5.60		5.60	
Frank E Brown	2 1/2	.67	4.00		3.33
Winkler & Weid	23 3/4	5.45	.70	4.75	
Crystal Foust	5	1.13	.50	.63	
William M Woods	17 1/2	3.97		3.97	
O E McDonald	34	7.72		7.72	

It is hereby adjudged and decreed that each of the parties to this action named in the foregoing list pay the said sum opposite their respective names as their unpaid costs in this action and that the proceeds of the said judgment for costs when collected be applied in satisfaction of the remaining costs of the action and for the re-imbursement of those parties to the action who are over paid their taxable costs herein as shown by the finding of fact filed in this action.

It is further ordered, adjudged and decreed that the Butterfield Live Stock Company take nothing by its complaint herein and that judgment be and the same is hereby given against said company for its share of the costs of this action amounting to \$45.00 as above set forth.

It is further ordered, adjudged and decreed, that the Orchards Water Company be and the same is hereby permitted to commingle the waters from the Lost Creek or the Lost Valley Reservoir with the Main Weiser, and substitute the same for water diverted by said Orchards Water Company from the Middle Fork of the Weiser River, provided, however, that a sufficient added amount shall be turned into the stream from the said reservoir to insure the delivery at the mouth of the said Middle Fork of an equal amount of water to that diverted as aforesaid from the said Middle Fork, and it is further ordered, adjudged and decreed that A L Froehafer, J A Carr and Margaret Pike be and that they are hereby permitted to commingle Seven Hundred acre feet of the waters of Lost Creek or Lost Valley Reservoir with the waters of the Weiser River and recover the same as follows: A L Froehafer and Margaret Pike, 40 acre feet through the diversion works of the Robertson-Deavey Ditch; A L Froehafer, 360 acre feet and J A Carr 300 acre feet respectively, which last named waters have not yet been applied to a beneficial use but the right to the use of which exists by reason of permit and license issued by the State Engineer the period for proof of beneficial use not having yet expired.

It is further ordered, adjudged and decreed that the Hornet Creek Waters Storage Association be and hereby is permitted to commingle the waters from its storage reservoirs near the head waters of Hornet Creek with the waters of Hornet Creek and commingle the same with the waters of Hornet Creek and afterwards recover the same for use upon the lands of the respective owners of said water provided, however, that all of the stored waters hereby distributed with a view of commingling the same with the waters of the natural stream and thereafter reclaim the same for use shall be distributed under

the direction of the water commissioner or other officers charged by law with the execution of this decree and the waters of the said Hornet Creek Reservoir are to be distributed by the said water commissioner or other officers to the stockholders of the said Hornet Creek Water Storage Association according to their respective rights of said stockholders as the same shall appear by notice given said water commissioner for said water storage association at the commencement of each irrigation season.

It is further ordered, adjudged and decreed that the said Weiser Irrigation District may divert all of the waters flowing in said river during the low water period at the head of its canal upon delivery to the said Weiser City Water Ditch & Irrigating Company 450 inches of water, said delivery to be made at the gate or diversion point now connecting the two canals and where water has heretofore been diverted from the canal of the said Weiser Irrigation District into the canal of the said Weiser City Water Ditch and Irrigating Company.

As used in this decree the high water period shall include all that portion of the irrigation season when the river and its tributaries discharge sufficient water to supply all the allotments herein decreed on the basis of five-eighths ($\frac{5}{8}$) of an inch to the acre and the low water period shall consist of all that portion of the irrigation season when the discharge of the river and its tributaries is insufficient to supply the last named amount of water, and the foregoing allotments are made upon the basis of five-eighths ($\frac{5}{8}$) of an inch per acre, or its equivalent in irrigation heads. During the low water period, which is the maximum duty of water for said lands from said river and its tributaries, and whenever the commissioner, or other officer charged with the execution of this decree, finds the water in said river insufficient to supply the allotments as heretofore made on the basis of five-eighths ($\frac{5}{8}$) of an inch per acre, measured at the various diversion points, then and in that event the last appropriator in point of time shall be denied the use of said water.

Whenever the water flow in said river and tributaries shall be insufficient to supply the allotments as heretofore made, on the basis of five-eighths ($\frac{5}{8}$) of one miners' inch or its equivalent in irrigation heads, then and in that event the latest appropriator in order of time shall be denied the use of said water, and so on up the line of latest appropriators, dropping them out in chronological order, of the use of said water flow, so that the supply of water to said prior users shall be maintained in the distributing heads to five-eighths of a miners' inch per acre to the prior appropriators in the order of their priority, and the water commissioner having control of the distribution of said waters under this decree shall enforce the foregoing mentioned system and shall require measuring devices to be constructed at the various diversion points by the said appropriators so the water commissioner may be enabled to determine the measurement of the flow at such distributing points at all times.

It is further ordered, adjudged and decreed, that each of the parties hereto to whom water is allotted and decreed are hereby required to provide for the diversion of water from the said Weiser River and its tributaries in irrigating heads during the low water period, which said irrigating heads shall be the equivalent of five-eighths of a miners' inch to the acre continuous flow, and it is hereby decreed, and declared to be the duty of the water commissioner, or such other officer as is charged with the execution of this decree, to make or cause to be made necessary rules and regulations for the distribution of said water in irrigating heads during the low water period and to shut off said water supply from all ditches diverting the same whenever and wherever the parties