

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 01 2006

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-4145

LEE F COLE
2565 COUNCIL CUPRUM RD
COUNCIL ID 83612
Telephone Number: (208)253-4857

DORA V COLE
2565 COUNCIL CUPRUM RD
COUNCIL ID 83612-5009
Telephone Number: (208)253-4857

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

yes I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-30-06 SIGNATURE: Lee F. Cole Dora V. Cole
Please print your name: LEE F COLE DORA V. COLE

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC - 4 2006

06/29/2006

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

RIGHT NUMBER: 67-4145

NAME AND ADDRESS: LEE F COLE
2565 COUNCIL CUPRUM RD
COUNCIL ID 83612

DORA V COLE
2565 COUNCIL CUPRUM RD
COUNCIL ID 83612-5009

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.800 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T17N R02W S9 SWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS
IRRIGATION	03/15 11/15	0.750 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R02W S15 NWSE 21.00

STOCKWATER same as IRRIGATION

21 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 - Beneficial Use
Stockwater use is for 150 range cattle.



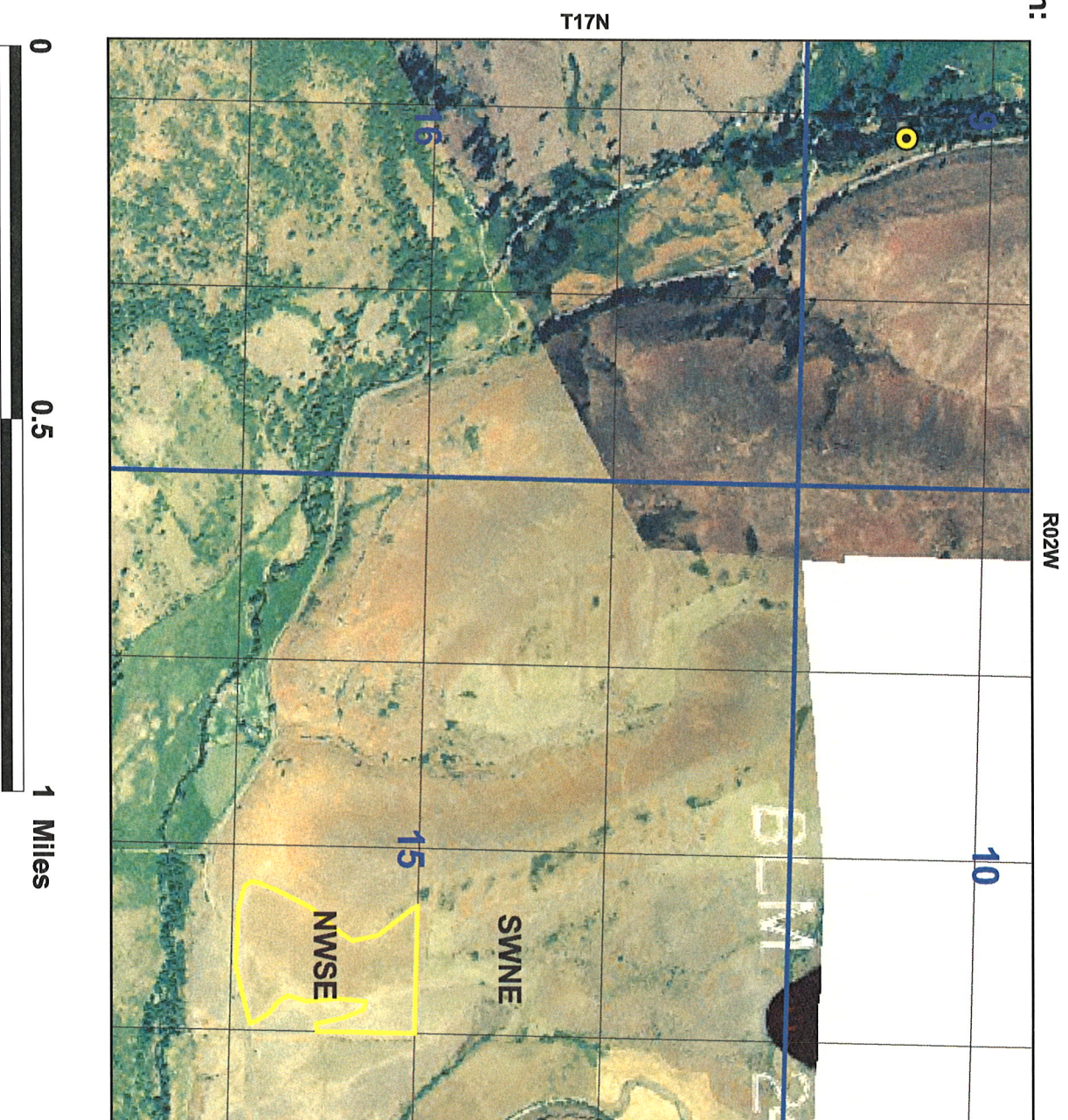
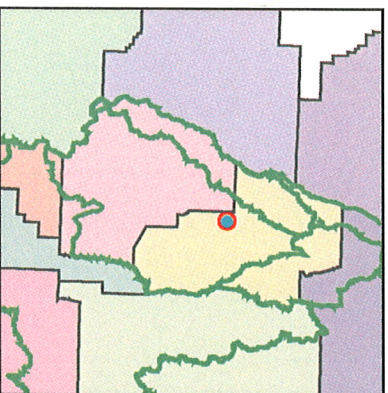
Idaho Department of Water Resources

SRBA Recommendation:

67-4145

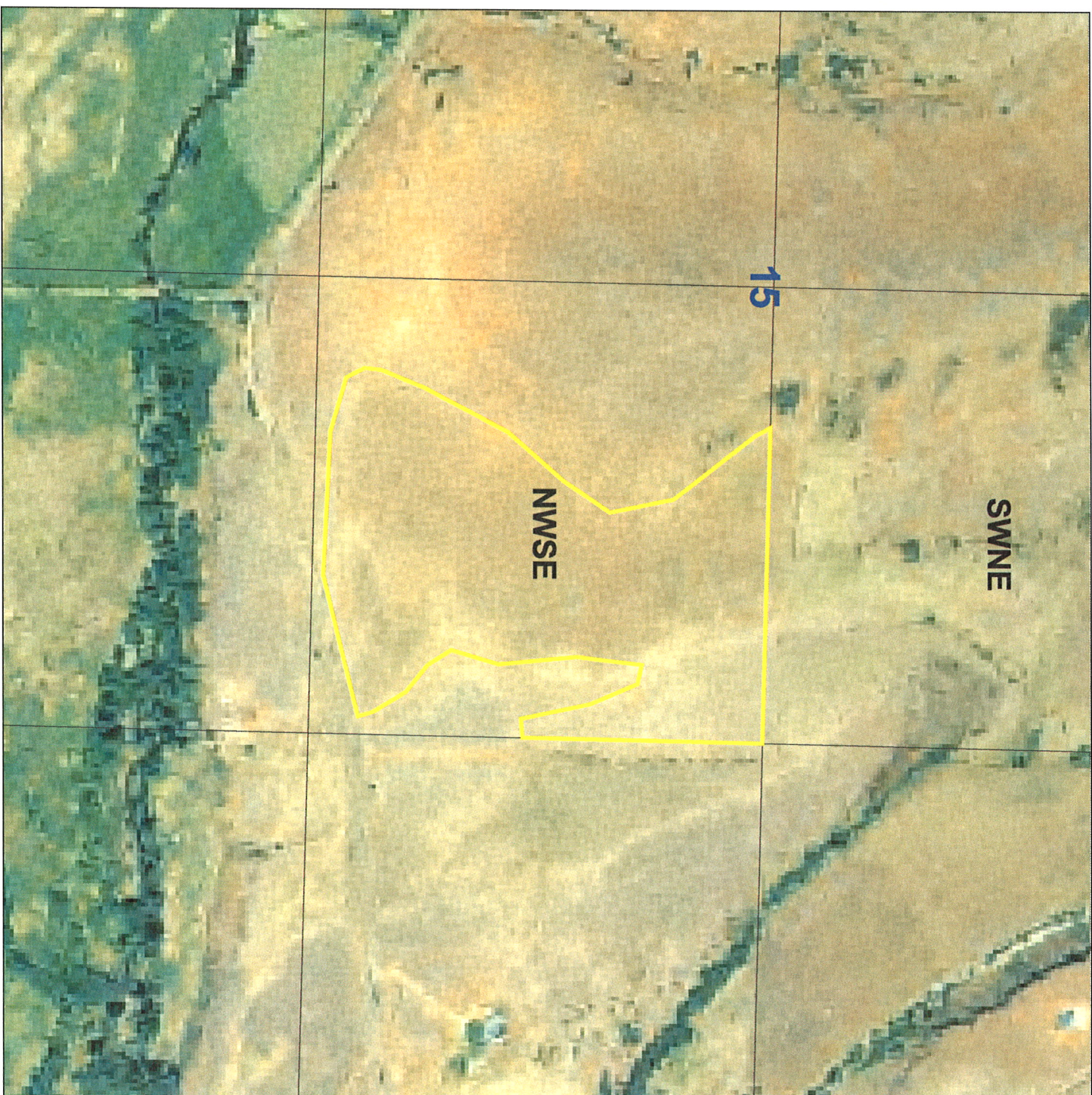
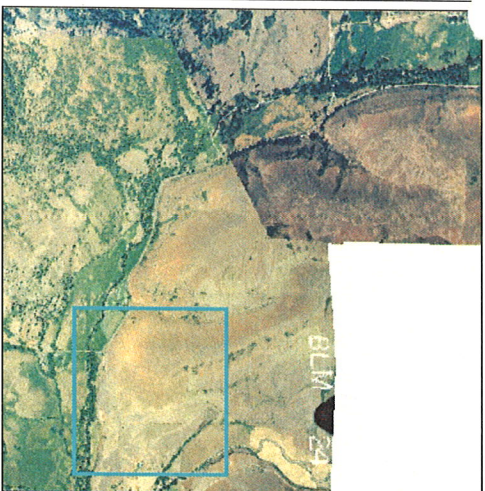
Legend

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



Prepared by C. Saxton
On Thursday, June 29, 2006
1987/88 Aerial Photography

67-4145



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4145 V1

WATER RIGHT NUMBER: 67-4145 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEE F COLE 2565 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-4857
Current Owner	DORA V COLE 2565 COUNCIL CUPRUM RD COUNCIL, ID 83612-5009 (208)253-4857

Priority Date: 05/10/1918

Basis: Beneficial Use

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>
STOCKWATER	01/01 to 12/31	0.050 CFS	
IRRIGATION	03/15 to 11/15	0.750 CFS	
<u>Total Diversion:</u>		0.800 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	15															21.0		21.0

Total Acres: 21

STOCKWATER same as IRRIGATIONConditions of Approval:

1. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
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. X02 Stockwater use is for 150 range cattle.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-4145 V1

Remarks:Comments:

1. csaxton 6/29/2006 POU

Comment: Notes from Melanie Vinings field exam read that this claim is not overlapping with the decreed water.

2. csaxton 6/29/2006 Priority Date

Comment: Despit that the evidence appears to show use dating back to 1912, this water use was not recognized in the Muir v. Allison. Best priority I can recommend is one day after the decree.

3. csaxton 6/29/2006 Ditch Loss

Comment: Recommended diversion rate includes ditch loss of 0.33 cfs.

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:

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>
POU	6/14/2005 10:36:47 AM	mvanbussum			Active
Contacts	6/29/2006 4:13:31 PM	csaxton			Active
Priority Date	6/29/2006 4:18:35 PM	csaxton			Active
POD	6/29/2006 4:18:49 PM	csaxton			Active
Source	6/29/2006 4:19:11 PM	csaxton			Active
POU	6/29/2006 4:19:24 PM	csaxton			Active
Use	6/29/2006 4:19:49 PM	csaxton			Active
Season	6/29/2006 4:20:04 PM	csaxton			Active
Quantity	6/29/2006 4:21:22 PM	csaxton			Active
Summary			06/29/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4145 V1

POU	6/14/2005 10:36:47 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (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?
POU	6/14/2005 10:37:59 AM	mvanbussum	Edited shape boundary
POD	6/29/2006 4:18:47 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (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?
POD	6/29/2006 4:26:25 PM	csaxton	Updated PLS
Contacts	6/29/2006 4:13:32 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam by Melanie Vining on 6-29-06.
Summary	6/29/2006 4:28:42 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4145 V1

General	6/29/2006 4:18:34 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Deed that mentions the diversion works or the ditch that carries the water.
Source	6/29/2006 4:19:09 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam by Melanie Vining on 6-29-06.
POU	6/29/2006 4:19:22 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (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 - Field Exam by Melanie Vining on 6-29-06.
Use	6/29/2006 4:19:46 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam by Melanie Vining on 6-29-06.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4145 V1

Season	6/29/2006 4:20:01 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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	6/29/2006 4:23:46 PM	csaxton	Updated PLS for Active POU
Quantity	6/29/2006 4:21:17 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (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? Description for Question 7 - Note from water master state that the ditches are capable of serving all users with full duties of water.
POU	6/29/2006 4:23:38 PM	csaxton	Updated shape for Active POU
POD	6/29/2006 4:26:15 PM	csaxton	Updated shape
POU	6/14/2005 10:38:16 AM	mvanbussum	Edited PLS

Water Supply Bank:

06/29/2006

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

RIGHT NUMBER: 37-678D

NAME AND ADDRESS: LARA V WILLIAMS
20 W 64TH ST APT 35L
NEW YORK NY 10023

JON H GOLDBERG
20 W 64TH ST APT 35L
NEW YORK NY 10023

SOURCE: SOLDIER CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.110 CFS

PRIORITY DATE: 11/30/1882

POINT OF DIVERSION:

T01N R14E S9 NWNWNW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.110 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T01N R14E S09

SESW 3.20

T01N R14E S09

SWSE 2.20

5.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 5.4 acres in a single irrigation season. Combined Right Nos.: 37-678D and 37-21417.

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

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

This right when combined with all other rights shall provide no more than 4.0 afa per acre for irrigation of the lands above.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

ESTIMATING CONVEYANCE LOSS

FIELD EXAMINER: Craig L. Saxton

FIELD EXAM DATE: 6/27/2006

FOR CLAIM(S) 67-4145

FORMULA: $S = (W)(i)(0.0667)$

i TABLE:

S = Loss in CFS per Mile

W = The top width of the high water mark in feet

i = The loss rate in feet per day (see table)

0.0667 is a factor used to convert to CFS per mile

Type of Soil	Loss Rate i (Ft/Day)
Medium clay loam.....	0.5 to 1.5
Impervious clay.....	0.5
Medium soils.....	1
Somewhat pervious soils.....	1.5 to 2.0
Gravel.....	2.5 to 5.0

WORK SHEET

W = 2 FT

i = 1 FT/DAY

S = 0.1334 CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (CFS/MILE)(MILE)

LENGTH OF DITCH IN MILES = FT / 5280 ft

Measured feet = 13185
Miles = 2.50

CONVEYANCE LOSS = 0.33312 CFS

TOP OF DITCH = W

Section 1 = 2
Section 2 = 0
Section 3 = 0

Total... = 2

/2or 3... = 2 =W feet

MAP MEASUREMENT
Length in Inches = _____ = A
Map Scale: _____ In. = 1 Mile = B
A/X: B/5,280 = Ft./5,280 = Mile

Notes: Ditch width taken from Stat claim. Length caclulated using ArcView
Assumed Medium soils
* i value was assumed.

KEY
Data Entry Cells
Ditch Loss in CFS

Overlaps w/ Stat.

383A & B

67-4145 - Cole

known but will
be on the
edge of
the
section

17N02W15 NESW 4.0
NWSW 5.0
SWSW 10.0
SESW 20.0
NWSE 20.0
59.0

- only difference b/n 383A
#4145

2.050 cfs - 2.0 irrigation
0.050 stockwater
2.050

$$\frac{2.00 \text{ cfs}}{0.02} = 100'' \times$$

claiming almost 2" to the acre

67-4065 - Walling

17N02W15 SESW 3.0
SWSE 22.0
17N02W22 NENE 12.0
NWNE 22.0
59.0 ac

$$\frac{1.120 \text{ cfs}}{0.02} = 56''$$

claiming just under 1" ac (0.950"/ac.)

67-4334 - Harrington

17N02W15 SWSE 2.0
SESE 4.0
6.0
17N02W14 NESW 10.0
NWSW 7.0
SWSW 7.0
SESW 14.0
38.0
44.0

$$\frac{0.960 \text{ cfs}}{0.02} = 48''$$

claiming 1.09"/ac.

67-4136B - Bacus

17N02W15 SESE 15.0
17N02W22 NENE 18.0
17N02W14 SWSW 20.0 SESW 5.0

$$\frac{1.160 \text{ cfs}}{0.02} = 58'' \text{ claiming } 1'' \text{ to the ac}$$

7:30
West
Boise

flow injection
analyzer (FIA)

Add'l Comments

67-383B, 4065 59 acres

Both

Added div. rate comment in QuickLook.

383B

Added. C05
E52
K06

1.18 cfs

4065

~~E05~~

✓ Added E52.

✓ Added K06

✓✓ 67-383A, ~~4065~~ 4145 50 acres 1.0 cfs.

○ Need to add div. rate comment in QuickLook depending on FE.

✓ Added C05 for 383A

~~Need to add E52 depending on FE~~

~~Need to add K06 to both. 383A.~~

✓ Added E52. to both.

✓ Added K06 to both.

Notes

67-4145

GPS'd
by
Bob
Bosler

{ PODs - #A0014055 - S heredu/Shellhorn, (northern POD)
Hamington

#A0014053 - Cole (Southern POD)
on SW side creek

NE side creek served by a diversion almost directly
across from A0014053

⊕ Per watermaster, ditches capable of serving all
users with free duties of water - no flow measurement
needed

6/7/05 field exam -

6/15/05 - need to provide evidence that northern portion
of claim was irrigated b/tw 1984-89.
Source?

6/21/05 - field exam follow-up: travelled to Pou in
question w/ Lee Cole (See photos) He showed me old
ditch scar; portion of the ditch washed out in
1997 floods, so hasn't been used since. Water does
travel a long way up from the POD (see original
claim by Lee Cole + map) but ditch scar is clearly
visible from hillside across Hornet Creek. In summary,
this piece of property seems irrigable and looks to
have been farmed w/in claim timeframe.

Priority Date Data Entry Form

Claim Number 67-4145

Claimed Priority Date: 6/30/1883

Claimed Basis: Statutory Claim

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 6/30/1883

Water Right Basis: Statutory Claim

Recommended Priority Date Recommended Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

claimants are aware that evidence of
priority needs to be submitted for 20 acres of
this claim not overlapping w/ 67-3832 (decreed)
POU

*** submitted deed + affidavit 6/21/05

Reviewer: mvDate: 6/7/05

William Lozier, —

QUIT CLAIM DEED.

To — the following

George T. Russell and
William Hanson.

Dated March 11th 1912.
Ack'd March 11th 1912.
Filed February 3rd 1914.
Book 2 of Deeds page 619.
Consideration, \$1.00

Remise, release and forever quit claim all the following described real estate situated in the County of Adams, and State of Idaho, to-wit:-

A right to enlarge and to carry through that certain irrigation ditch known as the Mose Elliott Ditch heading in Hornet Creek, in the SW 1/4 of SE 1/4 of Section 9, Township 17, North of Range 2, W.B.M. and passing through land now owned by said party of the first part, described as the West half of the North east Quarter of Section 16, said Township and Range, two cubic feet of water per second of time for the irrigation of lands belonging to said parties of the second part described as the North east Quarter of South west Quarter, North half of South east Quarter and South east Quarter of North east Quarter of Section 15, and North west Quarter of South west Quarter of Section 14, all in said Township and Range, together with the right to enter in and upon said ditch for the purpose of enlarging, repairing or cleaning same, with perpetual right of way over said lands.

Said property is not community property between grantor and wife, is not occupied as a home and is not a homestead.

Acknowledged by William Lozier, — before James A. Stinson,
Notary Public, Adams County, Idaho, Seal. one witness.

June 16, 2005-

Dear Sirs:

The ditch I'm writing about is known as "the Mose Elliot Ditch" which was filed on about March 11, 1912. by George T. Russell and William Hanson.

this ditch's diversion out of Hornet Creek come out above the old Upper Dale School House in Sec. 9 Township 17, North Range 2 and runs over a mile down to our place which is the old George T. Russell and Bill Hanson place.

The water is used on ground in Sec. 15 Township 17 North Range 2

Edwin Schreff lived below us next to North Hornet Creek. Water ran all summer to irrigate and water animals.

We Lee F. and Dora V. Cole have lived here since Nov 1955

Point of Diversion and Source Data Entry Form

Claim Number 67-4145

Claimed Point of Diversion and Source

T17N R02W S9 SWSE Within ADAMS County Source: HORNET CREEK WEISER RIVER

T17N R02W S15 NWSW Within ADAMS County Source: HORNET CREEK WEISER RIVER

☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T17N R02W S9 SWSE Within ADAMS County

T17N R02W S15 NENW Within ADAMS County

T17N R02W S15 NWNW Within ADAMS County

T17N R02W S15 SWNW Within ADAMS County

T17N R02W S15 SENW Within ADAMS County

T17N R02W S15 NESW Within ADAMS County

T17N R02W S15 NWSW Within ADAMS County

T17N R02W S15 SWSW Within ADAMS County

T17N R02W S15 SESW Within ADAMS County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

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

Other rights from this POD? _____

Document how the POD and Source were verified:

Bosco Bosler tagged and GPS'd 2 PODs.

Section 9 POD: # A0014055

Section 15 POD: # A0014053

— this serves SW side of creek
land on NE side served by POD directly across
creek from A0014053 — claimant
map in file

— this POD serves upper (northern) 20 acres of this Poll.
See map for approx. travel of line as designated by
claimant → notes cont next pg.

Reviewer: MMV

Date: 6/7/05

Visited headgate (POD) in Section 9 SWSE on 6/9/05. It is conceivable that water could be delivered from this POD to the northern 20 acres of this claim's POA. Water leaves Hornet Creek, travels to north side of rd. via culvert, and ditch parallels rd. on north side. Did not visit 20 acres or follow ditch, but aerial photos do not depict irrigated land -
...? May want to follow up by requesting claimant submit proof of use w/in 5 yrs of filing date.



West-Slick
 ditches in farm
 flows in general
 west - in general
 winds in and out
 of a dry drainage
 on way to pan
 from 24 miles
 up Hornet Creek.



north
 ↓

↓ irrigated land



water flows
 in from
 western

Place Of Use Data Entry Form

Claim Number 67-4145

Claimed Place Of Use

T17N R02W S15	NESW	4.0	T17N R02W S15	NWSW	5.0
T17N R02W S15	SWSW	10.0	T17N R02W S15	SESW	20.0
T17N R02W S15	NWSE	20.0			

Total Acres 59



Use Claimed POU as Recommended POU

Water Right Place Of Use

T17N R02W S15	NESW		T17N R02W S15	NWSW	
T17N R02W S15	SWSW		T17N R02W S15	SESW	
T17N R02W S15	NWSE				

Total Acres

Recommended Place of Use

_____ See corrections to claimed POU above

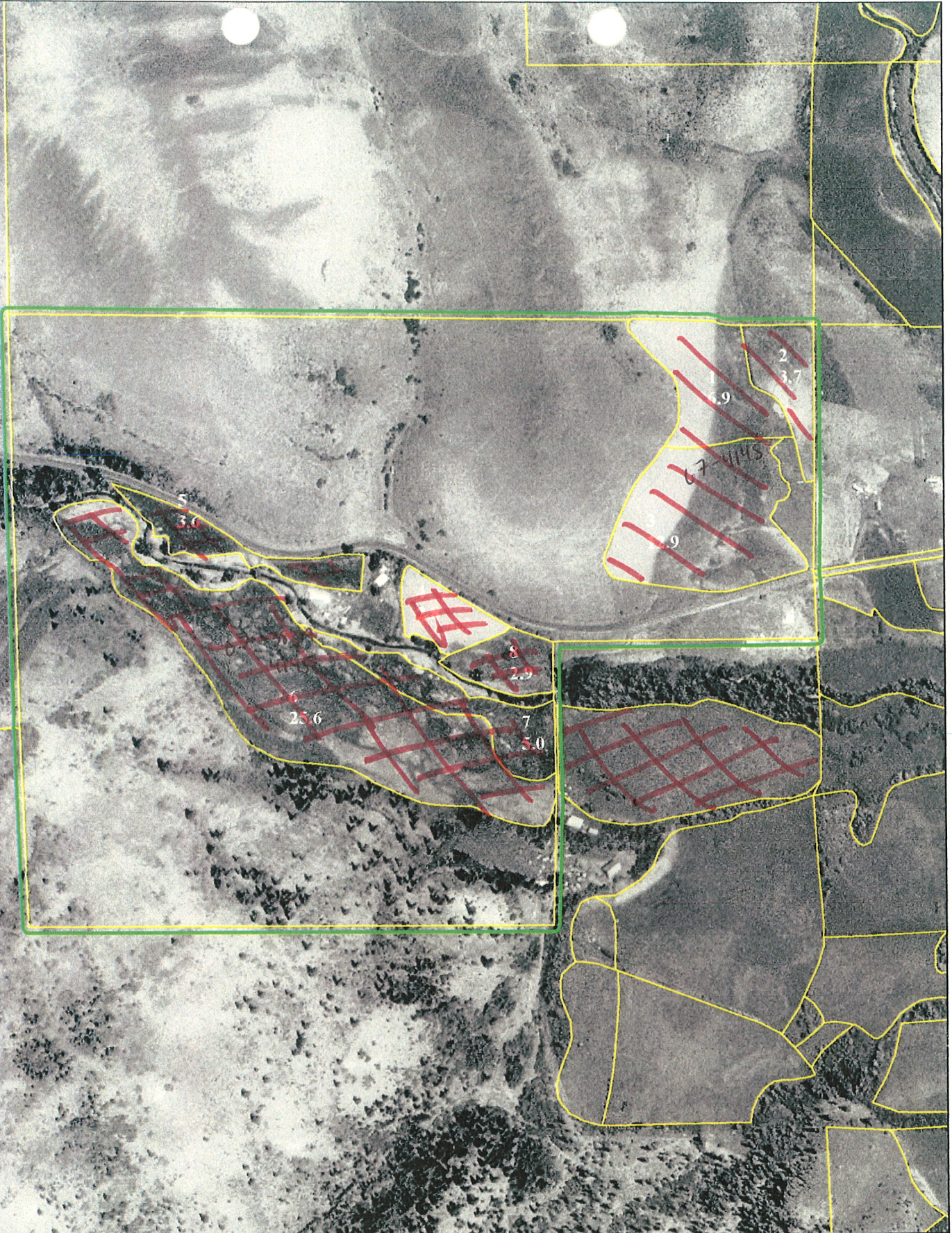
Twtp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

met w/ claimant, he designated on
 map/photos. Visited POU 6/21/05. See photos.
 All land appears irrigable and is currently green
 (but then again its sure of a rainy spring :))

Reviewer: MVDate: 6/8/05



Map of Adams Farm 194
Tract 433

/// = irrigated by decree 67-383a
/// = 67-4145



Map Printed: Feb 18, 2004

Hornet Cr.

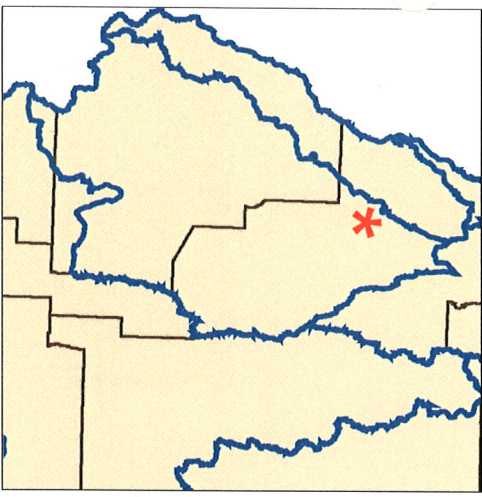
map supplied by claimant - yellow outlines
designated historic ownership only - no relation



See shapes
in ArcView
(CO)

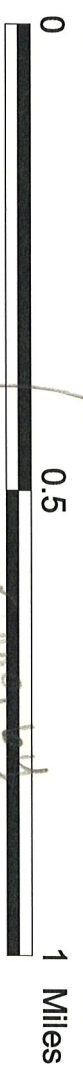
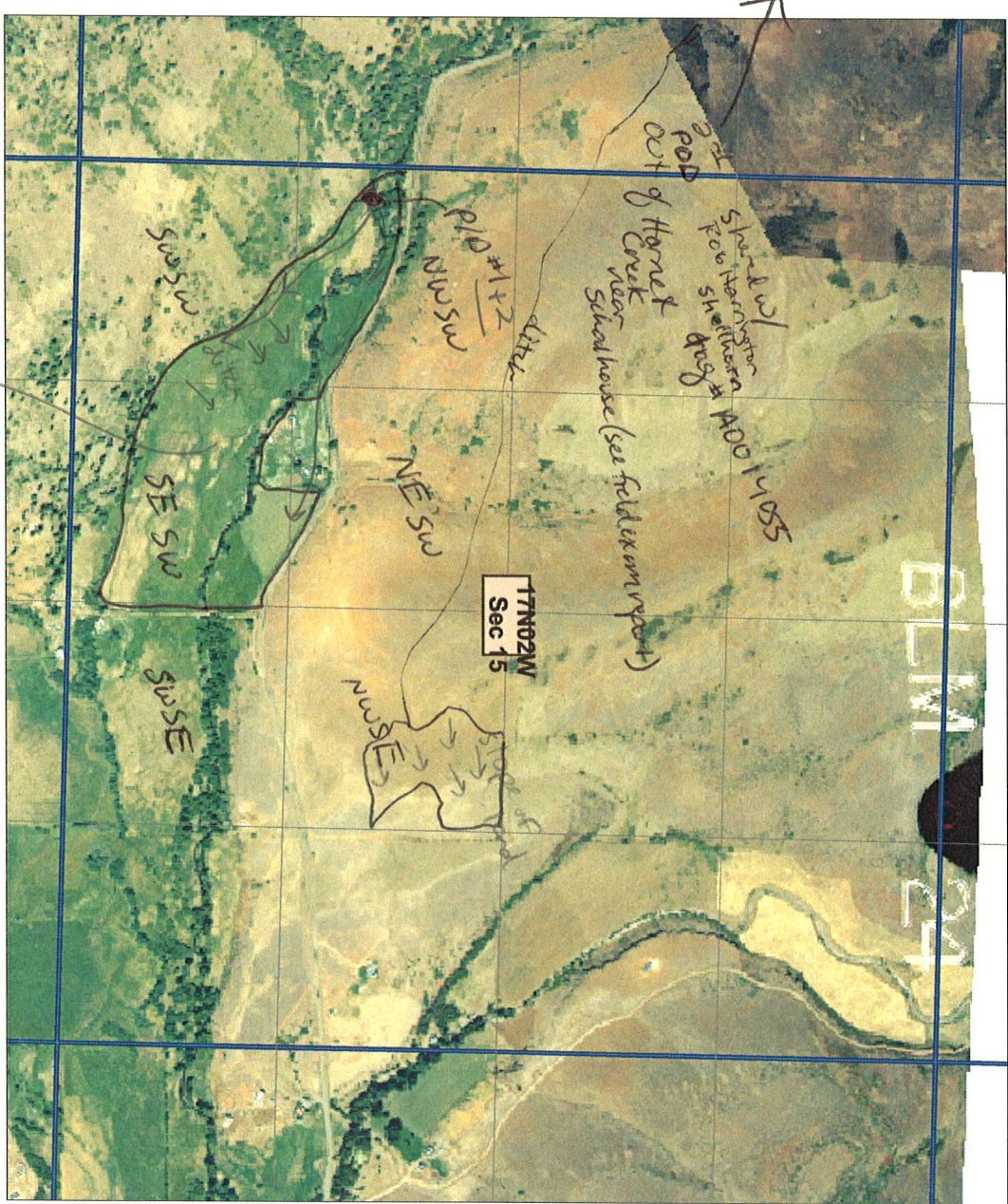
Idaho Department of Water Resources

Adjudication Claim Number: **67-4145**



Legend

- GCDB17N02W GCDB
- PLSS Section LinesGcdb_sections.shp



Prepared by M. Van Bussum
On Tuesday, May 31, 2005
1987 Aerial Photography

Purpose of Use Data Entry Form

Claim Number 67-4145

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

STOCKWATER
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
DOMESTIC

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:

meeting w/ claimant - stock in lower pasture
(southern portion of pou)

Reviewer: mmDate: 6/7/05

Period of Use and Quantity Data Entry Form**Claim Number 67-4145**

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/31	2	105
STOCKWATER	1/01	12/31	0.05	

Overall Diversion Rate 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	4/01	10/31	2	105
DOMESTIC	1/01	12/31		

Overall Diversion Rate 2

Overall Diversion Volume 105

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:

determined by reviewer @ IDWR

Reviewer: _____

mv

Date: _____

6/8/05

Contacts Data Entry Form

Claim Number: 67-4145

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	LEE F COLE	2565 COUNCIL CUPRUM RD	COUNCIL	ID	83612	(208)253-4857
Current Owner	DORA V COLE	2565 COUNCIL CUPRUM RD	COUNCIL	ID	83612-500 9	(208)253-4857

Date of Field Exam: 6/8/05 Time: 8:45 amAccompanied By: Lee & Dora Cole Phone Number: 253-4857

Relationship to Claimant: _____

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

Reviewer: MVDate: 6/8/05

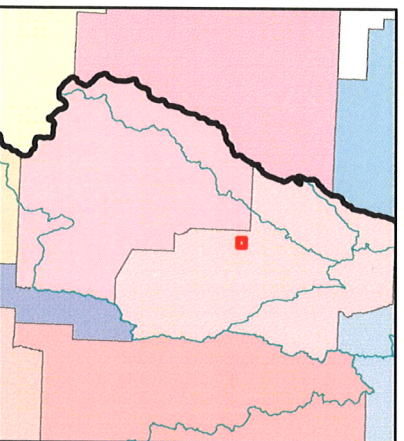
Idaho Department of Water Resources



SRBA Recommendation
67-4145
(IRRIGATION)

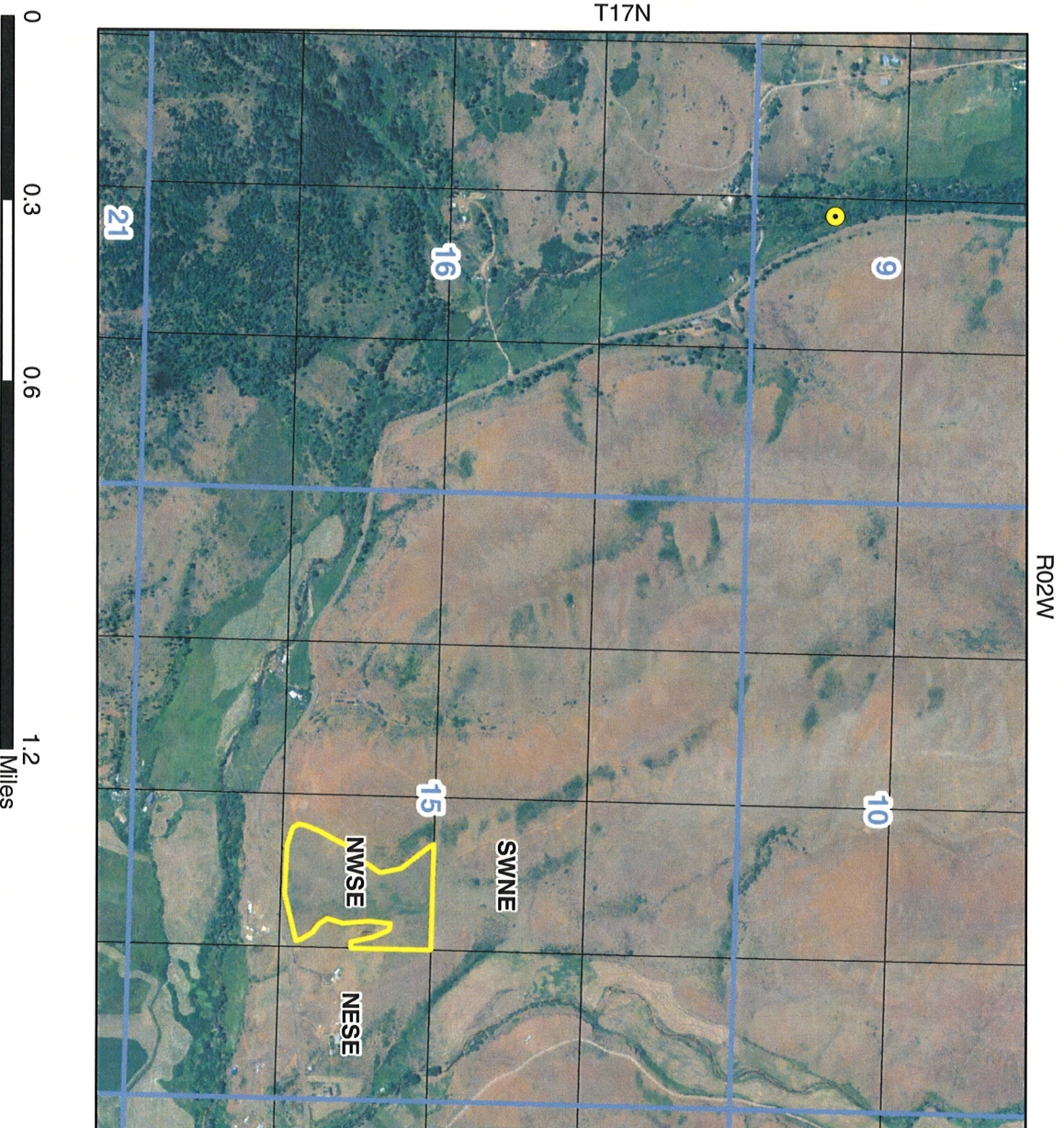
Legend

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



Adams County
IDWR Basin 67

Prepared by Craig Saxton
On August 26, 2008
2004 Aerial Photography



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-4145
Date Received: 10/6/1989
Receipt No: W006171
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

LEE F COLE Phone: (208)253-4857

2565 COUNCIL CUPRUM RD
COUNCIL ID USA 83612

DORA V COLE Phone: (208)253-4857

2565 COUNCIL CUPRUM RD
COUNCIL ID USA 83612-5009

2. Date of Priority: 06/30/1883

3. Source: HORNET CREEK , HORNET CREEK Trib. to: WEISER RIVER , WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	02W	15	NW SW	ADAMS	
17N	02W	9	SW SE	ADAMS	

5. Description of diverting works:

DIV. DAM IN CK. W/DITCHES, FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	2	105
STOCKWATER	1/01	12/31	0.05	

7. Total Quantity Appropriated is:
2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
17N	02W	15	NE	SW		IRRIGATION	4
			NW	SW		IRRIGATION	5
			SW	SW		IRRIGATION	10
			SE	SW		IRRIGATION	20
			NW	SE		IRRIGATION	20
						Section Acres	59
						Total Acres	59

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

16. Signature(s)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-04145
Date Received: 10/06/1989
Receipt No: W0008171
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEE F. COLE 208-253-4857
Address: HC 67, BOX 2380
COUNCIL, ID 83612
OR
Name: DORA V. COLE 208-253-4857
Address: HC 67, BOX 2380
COUNCIL, ID 83612

2. Date of Priority: JUN 30, 1883

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	02W	9	SW	SE			ADAMS
		15	NW	SW			ADAMS

5. Description of diverting works:
DIV. DAM IN CK. W/DITCHES, FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.000		105.00
STOCKWATER	01/01	12/31	0.050		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 177.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 150 HD.

A67-04145

Page 1

Date: 10/06/89

SCANNED
MAY 10 2004

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
17N	02W	15	NE		SW		IRR	4.0
			NW		SW		IRR	5.0
			SW		SW		IRR	10.0
			SE		SW		IRR	20.0
			NW		SE		IRR	20.0
							Section Acres	59.0
							Total Acres	59.0

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A67-00383A, A67-00398, HORNET CK. STOR. RTS.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0 MAP FILED IN A67-00383A

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Lee F. Cole Date: 10/6/89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of October 19 89

Jan Thunte
Notary Public

Seal

Residing at Meridian ID
My Commission Expires 9-14-94

AUG 25 1975

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Lee F. Cole and Dana V. Cole (name of claimant)
of Council, IDAHO 83610, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Weiser River;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Hornet Creek
Tributary to the Wisconsin River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 105 Use dom. irr. Period of Use: From April 1 To October 3,
 Amount _____ Use _____ Period of Use: From _____ To _____
 Amount _____ Use _____ Period of Use: From _____ To _____
 (cfs, gpm (dom., irri., domestic & (both dates inclusive)
 or a/f) stock, etc.) irrigation

- (3) Total quantity of water claimed: 2 cubic cubic feet per second, or 105 acre feet
per annum, and/or _____ gallons per minute. 6-30.83

- (4) Priority claimed: (the date water was first applied to beneficial use) December 31, 1891 and 1914
A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
S.W. ¼ S.E. ¼, Sec. 9 Twp. 17N Rge. 2W B. M. County of Adams also
 Additional points of diversion: S.W. Section 15 Twp 17 Rge 2 also N.W. Section 15
Twp 17 Range 2

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, levee, ditch and field, etc.) Give sizes and capacities; be as specific as possible. Ditch called the moss Elliott Ditch
approx. 2 miles in length, 2 ft across 1 1/2 ft deep varies. the Russell Ditch 3-3 1/2 ft across
2 ft deep. We are at the head of this ditch

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

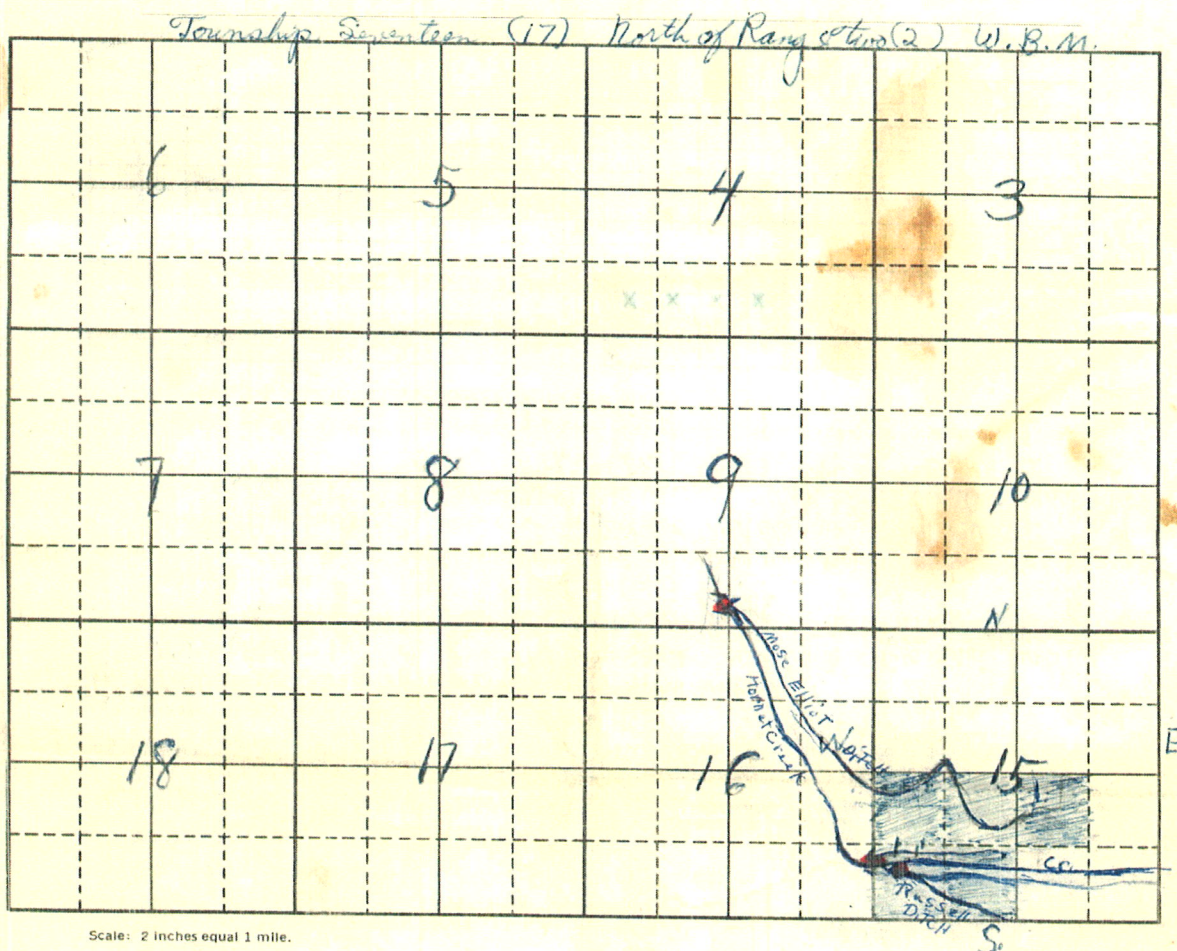
[illegible]

Total No. of acres 52 1/2

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Stock water

If you are claiming water as a member of an organization, list name of organization: Hornet Creek Water Association

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

ss.

County of ADAMS

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 3RD day of MAY

Don V. Cole
(Claimant)

19 74

Paul H. Brown
Notary Public
Residing at Camille Idaho

My commission expires 6-22-76

For Department Use Only

Received by CLB Date 8-25-75 Exception filed by: Forwarded to Date
Prelim. check by CLB Date 8-25-75 claimant by:
\$10.00 fee received by CLB Date 8-25-75 #283
Approved for publication by CLB Date 9-29-75
Published in Adams County Leader
Dates 9-18-75

these were the right water rights.

If there anything else you need to know our phone is 253-4887

67-0384

Dave S.E. & Florence G.

1.13 cfs (56 1/2") ← (approx. 20" of the water right.)

SWSE, SESW - Sec 15, NWNE, part NENE -
Sec 22, T17N, R2W

priority
6-30-83

67-0398

Keys, Mattie M

0.32 cfs (16")

priority 12-31-91

W²SW, NESW, NWSE - Sec 15

T17N, R2W

King = own the 200ft three South, 400ft wells in on these Cows if you can figure it out.

- Who owns SESW - Sec 15

T17N, R2W

King or Cole

- Which part of the above etc do you own.
(How many inches?)

We have 20" water right from above 56 1/2" and all of
Mattie Keys 16" which gives us a total of 36" -

thank you for your help -
Sincerely, Mrs. Sue Cole

RECORDED

Chester O. Whittekiend and Dorothy
L. Whitekiend, husband and wife,

to

Clawd S. Bradbury and Dora V. Brad-
bury, husband and wife, and Raymond
L. Magnuson, a bachelor.

W A R R A N T Y DEED

Dated August 11, 1945
Recorded Sept. 29, 1947
Book 20, Deeds
Page 419

Consideration \$1200.00

Grant, bargain, sell, convey and confirm

All of the following described real estate, situated in the
County of Adams, State of Idaho, to-wit:

The Southeast Quarter of the Southwest Quarter of Section
Fifteen (15) in Township Seventeen (17) North of Range Two
(2) West of Boise Meridian, But excepting therefrom, a
tract of land described as follows: commencing at the South-
west corner of said Southeast Quarter of the Southwest Quar-
ter and running thence North on the West line thereof 200
feet; thence East, at right angles, 400 feet; thence South
200 feet to the South line of said Southeast Quarter of the
Southwest Quarter; thence West on said South line 400 feet
to the place of beginning;

but including all water and water rights, ditches and ditch rights and
irrigating works of whatever nature, used upon, connected with or ap-
purtenant to said premises and particularly including Twenty Five (25)
shares of the Hornet Creek Water Storage Association and the water
rights thereby represented.

COVENANTS: Quiet and peaceable possession will warrant and defend
against all lawful claims.

First parties agree to pay State and County taxes and irrigation
district assessments for the year 1945 and second parties agree to pay
such State and County taxes and irrigation district assessments for the
year 1946, and thereafter.

Witness: John H. Norris.

Chester O. Whittekiend (Seal)
Dorothy L. Whittekiend (Seal)

(\$1.65 U.S. I.R. Doc. Stamps affixed and cancelled)

Acknowledged August 11th, 1945 in Payette County, Idaho, by
Chester O. Whittekiend and Dorothy L. Whittekiend, husband
and wife, known to be the persons whose names are subscribed
to the within instrument, before John H. Norris, Notary Pub-
lic for the State of Idaho, residing at Payette, Idaho. Seal.

THIS INDENTURE, made this 11th day of August, 1956,
between CLAUD S. BRADBURY, widower,
of Council, County of Adams, State of Idaho,
the part Y of the first part and LEE F. COLE and DORA V. COLE, husband and
wife

of Council, County of Adams, State of Idaho, the parties of the second part,
WITNESSETH, that the said party of the first part, for and in consideration of the sum of
FIFTEEN THOUSAND AND NO/100 Dollars
lawful money of the United States of America

to him in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged,
has granted, bargained, sold, and by these presents, does grant, bargain, sell and convey and confirm unto
the said parties of the second part, and to their heirs and assigns, forever, all the following described
real estate, situated in the County of Adams, State of Idaho, to-wit: The Southwest Quarter and the Northwest Quarter of the
Southeast Quarter of Section Fifteen (15) in Township Seventeen (17)
North, Range Two (2) West of Boise Meridian, But Excepting therefrom a
tract of land described as commencing at the Southeast corner of the
Southeast Quarter of the Southwest Quarter of said Section, Township
and Range, and running thence North along the East line of said sub-
division, 200 feet; thence West and parallel to the South line of said
subdivision, 400 feet; thence South 200 feet to the South line of said
subdivision; thence East 400 feet to the point of beginning of such
excepted tract: But Including all water and water rights, ditches and
ditch rights and irrigating works of whatever nature, used upon, con-
nected with or in anywise appurtenant to said premises, including, but
not limited to, 36 inches of water from Hornet Creek, decreed to said
lands, and 83 shares of stock of the Hornet Creek Water Storage Asso-
ciation, and the water and reservoir rights thereby represented.

This conveyance is made subject to taxes on said premises for
1956, and to the lien of a Mortgage in the amount of \$5500.00, held by
Anna F. Mink, all to be assumed by second parties.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belong-
ing or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues
and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity,
of the said part Y of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together
with the appurtenances unto the parties of the second part, and to their heirs and assigns forever.
And the said part Y of the first part, and his heirs, the said premises in the quiet and peaceable
possession of the said parties of the second part, their heirs and assigns, against the said part Y
of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set his hand
and seal the day and year first above written.

Executed and Delivered in the Presence of

Claud S. Bradbury [SEAL]

[SEAL]

[SEAL]

[SEAL]