

12/12/2006

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

RIGHT NUMBER: 67-14805

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: 3.260 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: 04/01/1946

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	3.260 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

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 - Beneficial Use



Idaho Department of Water Resources

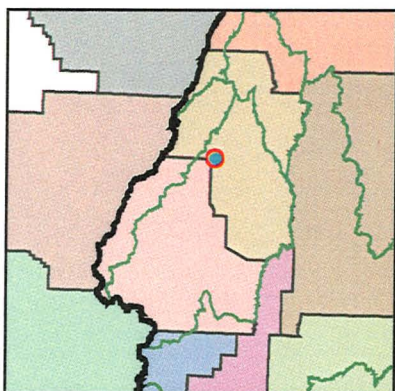
SRBA Recommendation:

67-14805

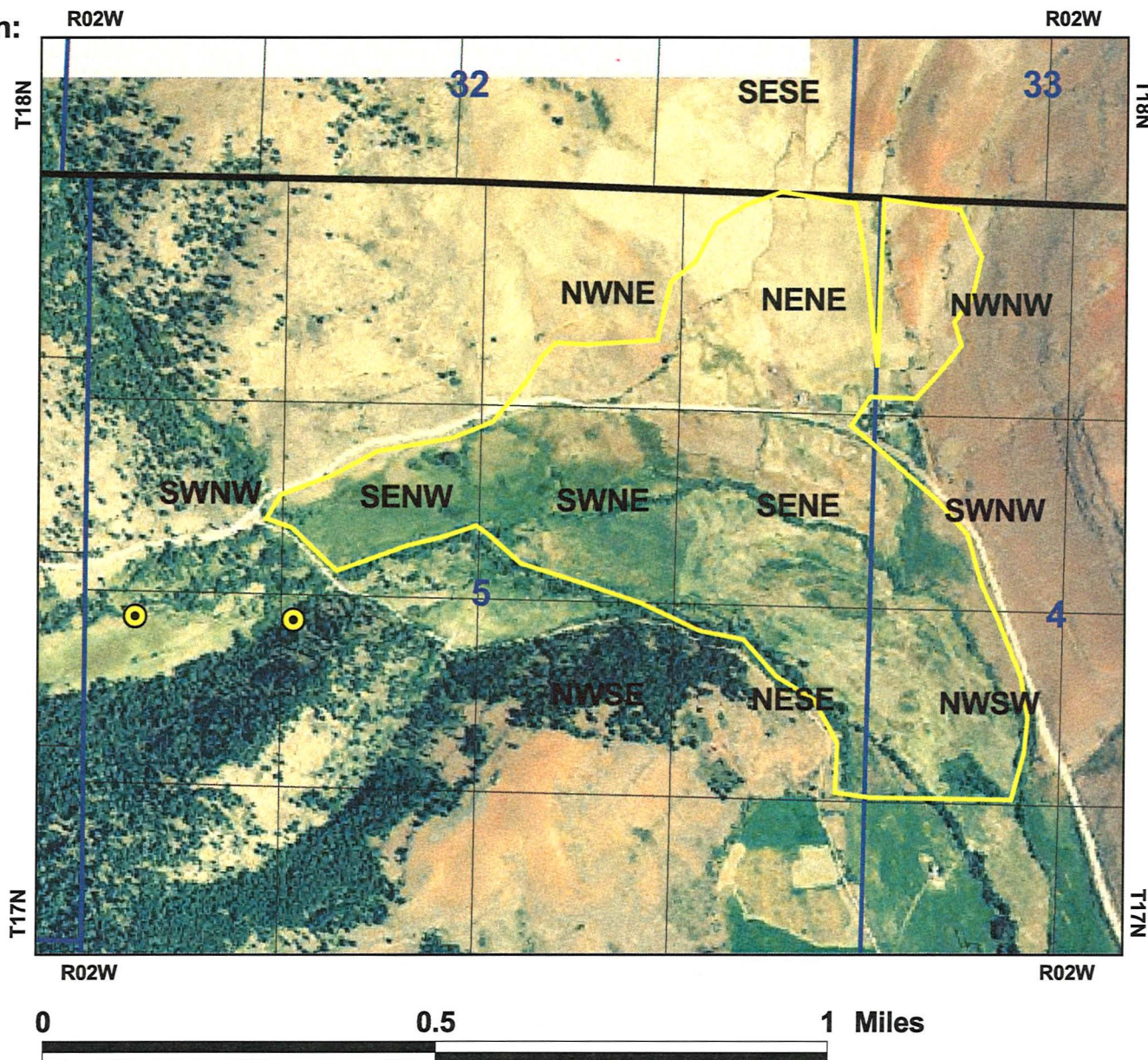
(Irrigation)

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 67-14805 V1

WATER RIGHT NUMBER: 67-14805 V1

<u>Owner Type</u>	<u>Name and Address</u>
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: 04/01/1946

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>
IRRIGATION	04/01 to 10/31	3.260 CFS	
	<u>Total Diversion:</u>	3.260 CFS	

Location of Point(s) of Diversion

HORNET CREEK	SW1/4NE1/4	Sec. 5, Twp 17N, Rge 02W, B.M.
ADAMS County		
HORNET CREEK	NW1/4SW1/4	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:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14805 V1

2. 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. mvanbussum 12/12/2006 Quantity

Comment: Per Hornet Creek Deputy Water Master Nello Jenkins, claimants diversion from Hornet Creek can carry 3.26 cfs. Recommend combined flow limited of 3.26 cfs.

2. mvanbussum 12/12/2006 Overlap with decreed

Comment: This is for more acreage than was originally decreed, so not a direct overlap and additional evidence of priority was needed. Affidavit from Dora Cole in file provides evidence of priority to 1946.

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:

Owner Name Connector: AND

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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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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>
Contacts	12/12/2006 10:11:16 AM	mvanbussum			Active
Priority Date	12/12/2006 10:12:17 AM	mvanbussum			Active
POD	12/12/2006 10:12:34 AM	mvanbussum			Active
Source	12/12/2006 10:14:59 AM	mvanbussum			Active
POU	12/12/2006 10:15:21 AM	mvanbussum			Active
Use	12/12/2006 10:17:39 AM	mvanbussum			Active
Season	12/12/2006 10:17:55 AM	mvanbussum			Active
Quantity	12/12/2006 10:19:22 AM	mvanbussum			Active
Summary			12/12/2006	mvanbussum	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14805 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	12/12/2006 10:13:40 AM	mvanbussum	Updated shape
POU	12/12/2006 10:16:53 AM	mvanbussum	Updated shape for Active POU
POD	12/12/2006 10:13:17 AM	mvanbussum	Updated shape
POU	12/12/2006 10:17:00 AM	mvanbussum	Updated PLS for Active POU
Contacts	12/12/2006 10:11:07 AM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
General	12/12/2006 10:12:08 AM	mvanbussum	(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? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from Dora Cole provides evidence of priority to 1946.
POD	12/12/2006 10:12:26 AM	mvanbussum	(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?
Source	12/12/2006 10:14:53 AM	mvanbussum	(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 - Imagery and field exam conducted 7-1-2005.

RECEIVED

NOV 21 2006

DEPARTMENT OF
WATER RESOURCES

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

NEW CLAIM

Ident. Number 67-14805
Date Received:
Receipt No:
Received By:

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

1. Name of Claimant(s)

JOHN C BROWN Phone: (208)253-6018

2730 COUNCIL CUPRUM RD
COUNCIL ID USA 83612

MARY L BROWN Phone: (208)253-6018

2730 COUNCIL CUPRUM RD
COUNCIL ID USA 83612

2. Date of Priority: 05/01/1884

3. Source: Hornet Creek Trib. to: Weiser River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	02W	5	SW NE	ADAMS	
17N	02W	5	NW SW	ADAMS	

5. Description of diverting works:

DITCH, HEADGATE, DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	4.66	

7. Total Quantity Appropriated is:
4.66 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	4	NW	NW		IRRIGATION	26
			SW	NW		IRRIGATION	16
			NW	SW		IRRIGATION	27
17N	02W	5	NE	NE		IRRIGATION	38
			NW	NE		IRRIGATION	32
			SW	NE		IRRIGATION	32
			SE	NE		IRRIGATION	35
			SE	NW		IRRIGATION	14
			NE	SE		IRRIGATION	12
			NW	SE		IRRIGATION	1
					Total Acres	233	

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: 67-387, 67-397 and 67-400

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

~~67-387~~ 67-14805

10/26/2006

SCANNED
DEC - 6 2006

(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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

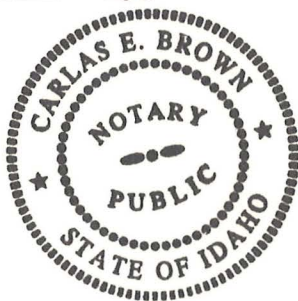
For Individuals:

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

Signature of Claimant(s): John C Brown Date: 11-15-06
Mary L Brown 11-15-06 Date:

State of Idaho)
County of Gem) SS.

Subscribed and sworn (or affirmed) before me this 15th
of November 2006 Carlos E. Brown



Notary Public

Residing at Gem County
My commission Expires March 11, 2008