

RECEIVED

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 16 2009

Transfer No. 75369APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant HINSON Holdings LLC Phone 208-634-9734
Mailing address P.O. Box 1417 McCall Id. 83638 Email _____

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes TO CONSERVE WATER FROM LOSS IN ditch
AND INSURE DELIVERY

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>67-381-1</u>	<u>06-01-1881</u>	<u>0.500 CFS</u>	<u>IRRIGATION</u>	<u>03-15</u> to <u>11-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.500 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water HORNET CREEK tributary to WEISER RIVER

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
<u>4</u>		<u>NE</u>	<u>NE</u>	<u>5</u>	<u>16N</u>	<u>1W</u>	<u>ADAMS</u>	<u>NEW pump</u>
		<u>NE</u>	<u>SW</u>					

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>16N</u>	<u>1W</u>	<u>5</u>									<u>9</u>		<u>13</u>	<u>26</u>					<u>48</u>

NO CHANGE

Total Acres 78

PART 1

6. General Information:

a. Description of diversion system PUMP FROM HORNET CREEK INSTEAD OF 2m. DITCH
USING PLANS PROVIDED BY NRCS

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No NO Yes _____ If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes & list name of entity : _____

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
WILL BE ABLE TO RECEIVE PROPER AMOUNT OF WATER TO IRRIGATE
WATER DOES NOT REACH PROPERTY USING DITCH SYSTEM

d. Remarks:
WE, JAMES + ROBERTA HINSON ARE THE SOLE MEMBERS OF HINSON
HOLDINGS LLC AND ARE AUTHORIZED TO ACT ON ITS BEHALF

NRCS RECOMMENDS THIS CHANGE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

See Attachment A

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above NONE

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

N/A

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

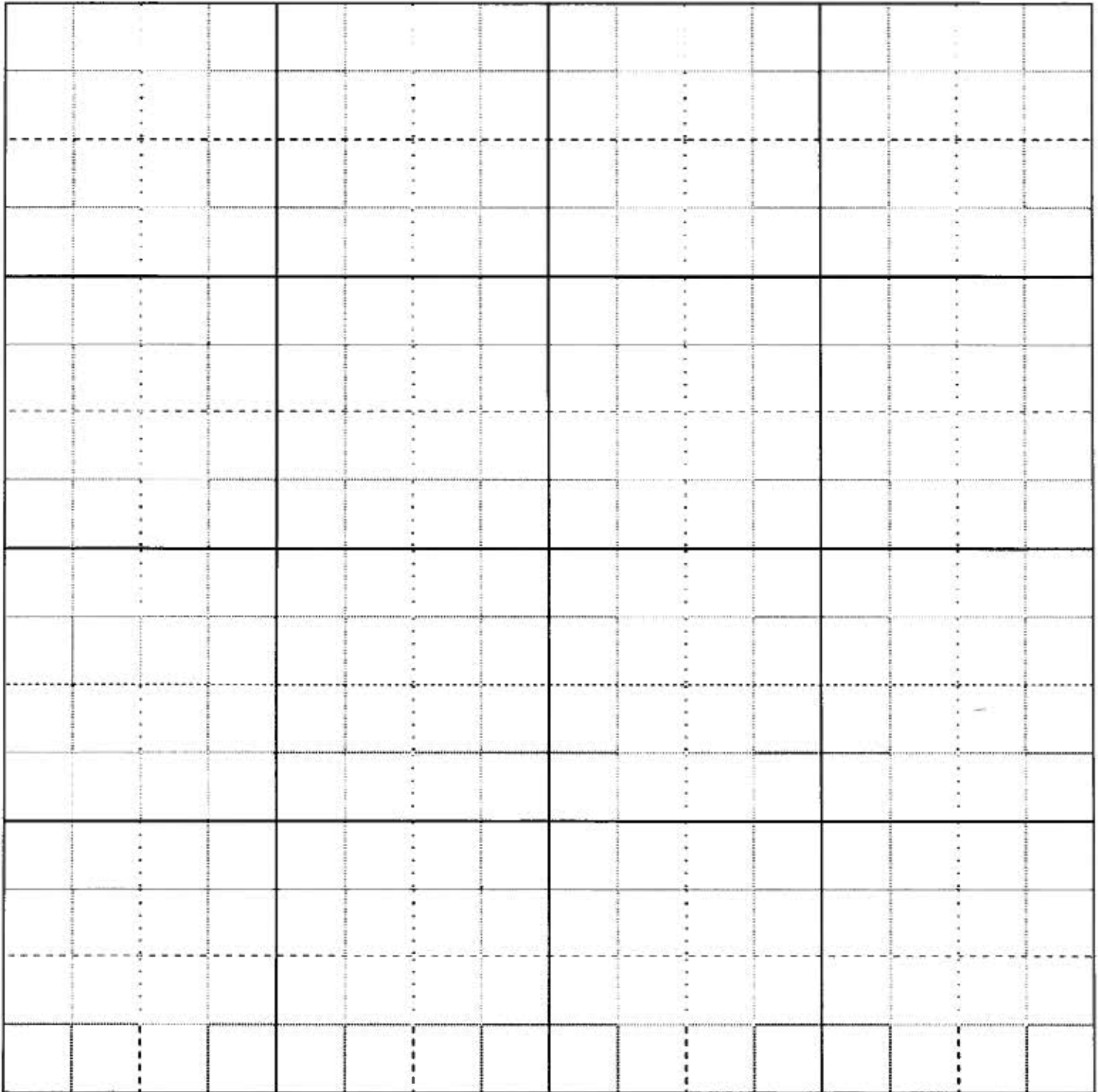
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

See Attachment B

PART 3**B. CHANGES IN NATURE OF USE**

- | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|--------------------------|------------------------|----------------------|
| <u>N/A</u> | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ to _____ |
- Quantity and quality of return flows and location of discharge: _____

- Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

James T. Hinson
 (Signature of Applicant)

JAMES T. HINSON, MANAGING MEMBER
 Print Name (and title, if applicable)

Subscribed and sworn to before me this _____ day of _____, 20____.

 (Notary Public) *

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments
 Received by SL Date 1/16/09 Protest filed by _____
 Prelim. Check by _____ Fee \$250 WD37138
 Received by SL Date 1/16/09
 Published in THE RECORD DB Copies of protest forwarded by _____
 Pub. Dates JUNE 18 & 25, 2009 Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____
 Copy of transfer sent to lien holder _____

* Notary N/A per new (draft) standards, OK to process w/o this.
 Appl. Received with corrections in office visit by James & Robert Hinson.
SL 1/16/09

SRBA PARTIAL DECREE 67-00381

Issued on 10-20-2008.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:

JAMES HINSON
ROBERTA HINSON
PO BOX 1417
MC CALL, ID 83638
HORNET CREEK TRIBUTARY: WEISER RIVER
0.50 CFS
06/01/1881

SOURCE:

QUANTITY:

0.50 CFS

06/01/1881

03-15 TO 11-15

0.50 CFS

PRIORITY DATE:

T17N R01W S31

NWNE

Within Adams County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

PLACE OF USE:

Irrigation

03-15 TO 11-15

0.50 CFS

PERIOD OF USE:

T16N R01W S05

NESW 9.0

Within Adams County

PERIOD OF USE:

T16N R01W S05

NESW 9.0

NWSW 5.1

SESW 19.0

40.0 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. I.C. SECTION 42-1412(6).

[Return to SRBA Home Page](#)

Attachment A
(3 Pgs)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-381 V1

WATER RIGHT NUMBER: 67-381 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES HINSON PO BOX 1417 MC CALL, ID 83638 (208)634-9734
Current Owner	ROBERTA HINSON PO BOX 1417 MC CALL, ID 83638 (208)634-9734
Original Owner	E E SHANNON , ID
Original Owner	DEWEY MORITZ PO BOX 85 COUNCIL, ID 83612 (208)253-4717
Original Owner	JESSIE J MORITZ PO BOX 85 COUNCIL, ID 83612 (208)253-4717
Original Owner	ED SHANNON , ID
Original Owner	JAMES W HASTIE PO BOX 444 COUNCIL, ID 83612 (208)253-6402
Original Owner	CLYDEA N HASTIE PO BOX 444 COUNCIL, IN 83612 (208)253-6402

Priority Date: 06/01/1881

Basis: Decreed

Status: Active

Source

HORNET CREEK

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

0.500 CFS

Annual VolumeTotal Diversion:

0.500 CFS

Location of Point(s) of Diversion

HORNET CREEK

NW1/4NE1/4

Sec. 31, Twp 17N, Rge 01W, B.M.

ADAMS County

A₂

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-381 V1

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
16N	01W	5	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											9.0	5.1	6.9	19.0					40.0

Total Acres: 40

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.

Comments:

1. csaxton 8/30/2006 POU
Comment: POU shape and land list updated.

2. csaxton 8/30/2006 POD
Comment: POD shape and legal updated.

3. csaxton 8/30/2006 Overlap
Comment: This right might overlap with 67-4584. For now it is recommended without overlap as I do not have EOP for 67-4584. But if EOP is submitted, overlap conditions will need to be added and this comment deleted.

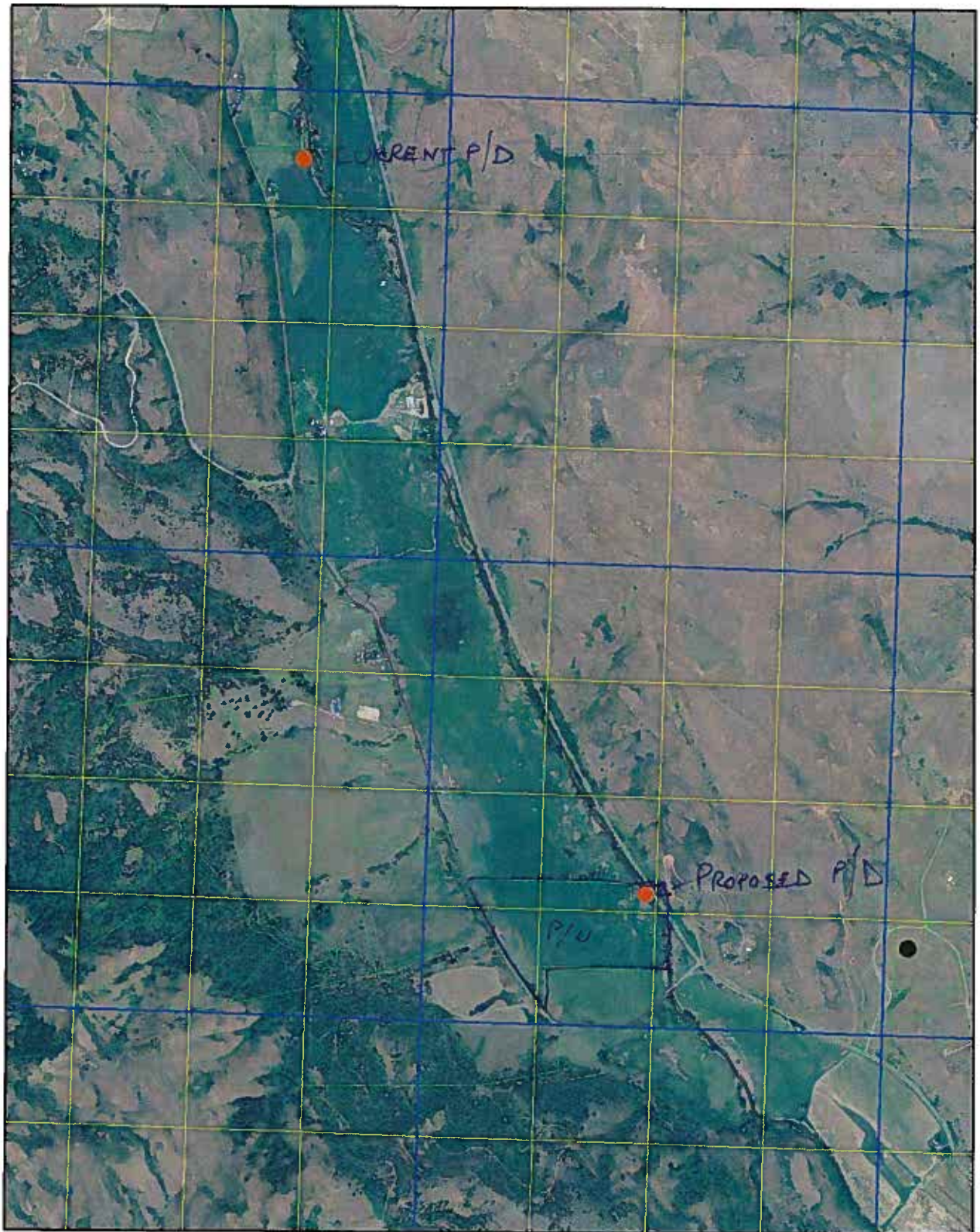
Pole Cr., stockwater

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: 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:

A₃



67-381 -- Transfer to change point of diversion from T17N R1W S31 NWNW to T16N R1W SEC 5 NESW

Attachment B

INSTRUMENT NO. 112875

WARRANTY DEED

For Value Received, HASTIE LAND, LLC, an Idaho limited liability company
the grantor, does hereby grant, bargain, sell and convey unto
HINSON HOLDINGS, LLC, an Idaho limited liability company
the grantee, whose current address is P.O. Box 1417, McCall, ID 83638
the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF

DEED RESTRICTION: NO MOBILE OR MANUFACTURED HOMES ARE TO BE PLACED ON
SUBJECT PROPERTY

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee,
their heirs and assigns forever. And the said Grantor does hereby covenant to and with the
said Grantee, that they are the owners in fee simple of said premises; that they are free
from all encumbrances excepting for all easements of record, rights of way, matters
visible, and all matters of record and title and that they will warrant and defend the
same from all lawful claims whatsoever.

Date: OCTOBER 16, 2006

HASTIE LAND, LLC, an Idaho limited
liability company

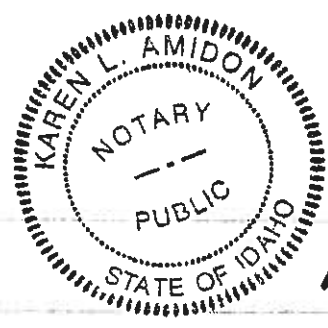
BY: [Signature]
JAMES WATSON HASTIE, Member

Instrument # 112875
COUNCIL, ADAMS, IDAHO
2006-10-18 03:33:50 No. of Pages: 2
Recorded for: TIMBERLINE TITLE & ESCROW
MICHAEL FISK Fee: 6.00
Ex-Officio Recorder Deputy [Signature]
Index to: DEED

JTH
BKH

STATE OF Idaho,
COUNTY OF Adams; ss

On this 16th day of October, in the year of 2006, before me, a Notary Public in and for said State, personally appeared
JAMES WATSON HASTIE
known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument as one of the Members
of HASTIE LAND, LLC, an Idaho limited liability company, which is known or identified to me to be the entity whose name is
subscribed to the within instrument and acknowledged to me that he executed the same in HASTIE LAND, LL's name.



[Signature]
Notary Public
Residing at: Cambridge, ID
Commission expires: 6/26/2009

ATTACHMENT C
(2 pgs)

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 5: A tract of land in portions of the SW1/4SW1/4, N1/2SE1/4SW1/4, S1/2S1/2NE1/4SW1/4 and S1/2S1/2NW1/4SW1/4 lying Northeasterly of Old Hornet Road and Southwesterly of the Council-Cuprum Road, more particularly described as:
Beginning at the Southeast corner of the N1/2SE1/4SW1/4 of Section 5, T16NR1WBM, Adams County, Idaho;
Thence N 89° 48'42" W 1320.73 feet along the South line of the N1/2SE1/4SW1/4 to the Southwest corner of the N1/2SE1/4SW1/4;
Thence S 00° 40'40" E 421.53 feet along the East line of the SW1/4SW1/4 of Section 5 to a point on the Northeasterly right-of-way limit of Old Hornet Road;

Thence along the Easterly right-of-way limit of Old Hornet Road through the following six courses:

- 1) N 40° 01'55" W 183.93 feet;
- 2) Along a 1175.00 foot radius curve to the right an arc distance of 58.37 feet (chord N 38° 36'31" W 58.37 feet);
- 3) N 37° 11'08" W 228.08 feet;
- 4) Along a 2775.00 foot radius curve to the right an arc distance of 353.33 feet (chord N 33° 32'16" W 353.09 feet);
- 5) N 29° 53'25" W 535.44 feet;
- 6) Along a 5208.86 foot radius curve to the right an arc distance of 320.25 feet (chord N 28° 07'44" W 320.20 feet) to a point on the North line of the S1/2S1/2NW1/4SW1/4 of Section 5;

Thence S 89° 53'18" E 1930.61 feet along the North line of the S1/2S1/2NW1/4SW1/4 and S1/2S1/2NE1/4SW1/4 of Section 5 to a point on the Southwesterly right-of-way limit of the Council-Cuprum Road;

Thence S 34° 24'00" E 253.87 feet along the Southwesterly right-of-way limit of the Council-Cuprum Road;

Thence along a 1392.40 foot radius curve to the right and along the Southwesterly right-of-way limit of the Council-Cuprum Road an arc distance of 298.66 feet (chord S 28° 15'19" E 298.09 feet) to a point on the North-South midsection line of Section 5;

Thence S 00° 40'11" E 516.14 feet along the North-South midsection line of Section 5 to the REAL POINT OF BEGINNING.