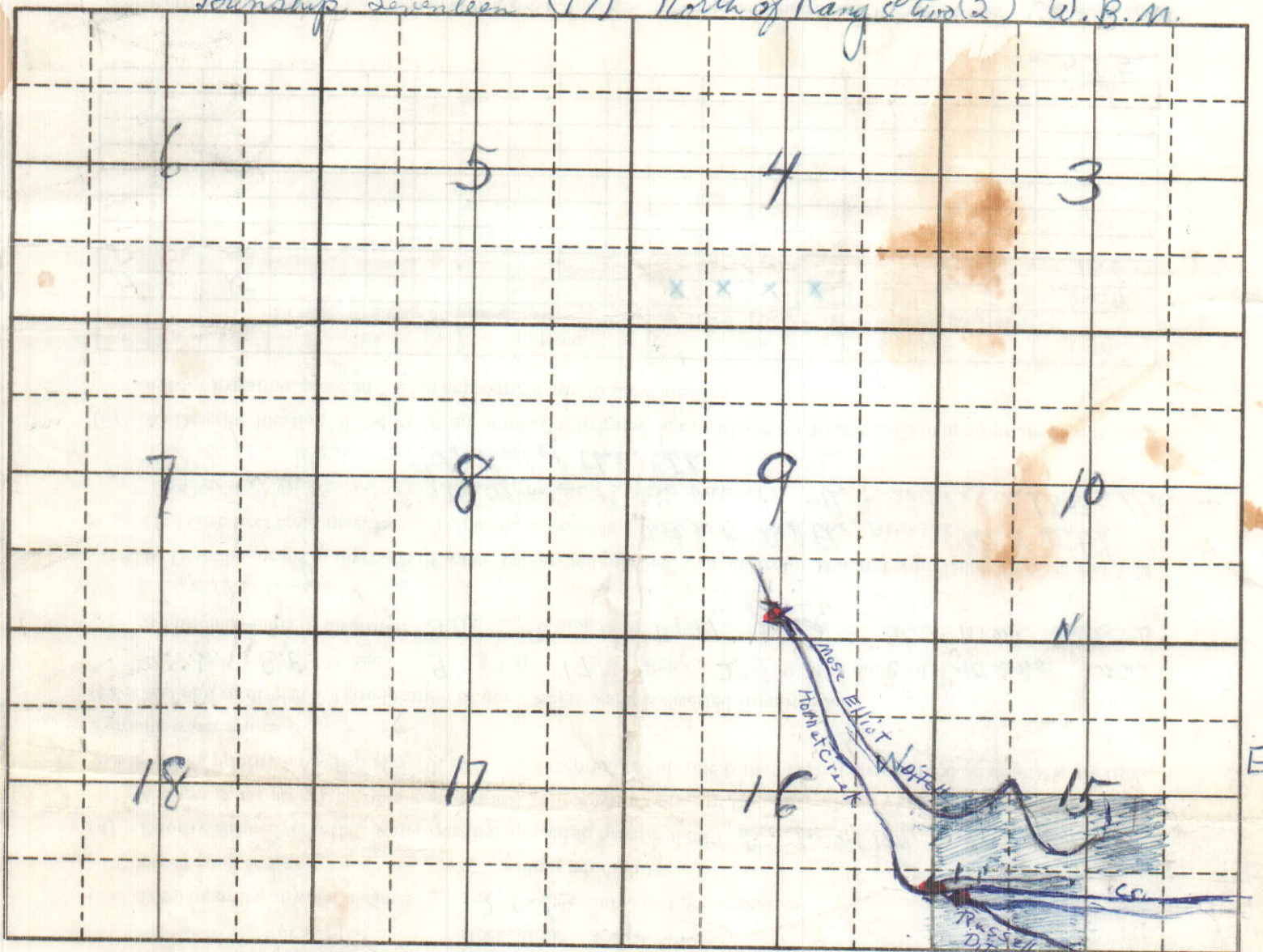


(8) Remarks

Township Seventeen (17) North of Range Two (2) W.B.M.



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.

Dora V. Cole
(Claimant)

Sworn to before me this 3RD day of MAY, 19 74.

Russell Ditch
Notary Public

Residing at Camel Idaho

My commission expires 6-22-76

For Department Use Only

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

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Claim to

No. 67-4145

as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated September 18, 1975

and the last in the issue dated September 25, 1975 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Bert J. Rogers

Subscribed and sworn to before me this 26TH

day of September, 1975

Paul Braun

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 67-4145

Notice is hereby given that LEE F. COLE and DORA V. COLE Council, ID has filed a claim to a water right established by diversion and application to beneficial use of 2 cubic feet per second of water from Horner Creek trib. to the Weiser River with the point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, SW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 15, T. 17 N, R. 2 W, B.M. Adams County.

The water is claimed to be used from April 1 to Oct. 31 for domestic and irrigation of 52 $\frac{1}{2}$ acres with a priority of Dec. 31, 1891 and June 30, 1983; the place of use is within the SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 17 N, R. 2 W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the Adams County Leader, Council on Sept. 18, 1975 and Sept. 25, 1975.

OK
CK
9-29-75
10-10-75

RECORDED

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 Doris V. Cole
(name of claimant)
of Council, IDAHO 83612, 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 Weiser 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 <u>105</u>	Use <u>dom. irri.</u>	Period of Use: From <u>April 1</u> To <u>October 31</u>
Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a/f)	(dom., irri., stock, etc.) <u>domestic & irrigation</u>	(both dates inclusive)

- (3) Total quantity of water claimed: 2 cubic cubic feet per second, or 10.5 acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) December 31, 1891 and 1914 6-30-83

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, long ditch and field, etc.) Give sizes and capacities; be as specific as possible. Ditch called the Mose Elliott Ditch
approx. 2 miles in length, 2 ft across 1 1/2' 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 _____

Township Seventeen (17) North of Range Two (2) W.B.M.



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.

Dora V. Cole
(Claimant)

Sworn to before me this 3rd day of MAY, 19 74.

Paul Brown
Notary Public
Residing at Council Bluffs

My commission expires 6-22-76

For Department Use Only

Received by <u>CL</u>	Date <u>8-25-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CL</u>	Date <u>8-25-75</u>		claimant by:	
\$10.00 fee received by <u>CL</u>	Date <u>8-25-75</u>			
Approved for publication by <u>CL</u>	<u>OK 9-29-75</u>			
Published in <u>Adams County Leader</u>				
Dates <u>9-18 & 25</u>				

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the " Notice of Claim to

No. 67-4145 as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated September 18, 1975

and the last in the issue dated September 25, 1975 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Bert J. Rogers

Subscribed and sworn to before me this 26TH

day of

September, 1975

Paul H. Brown

Notary Public for Idaho,
Residing at Council, Idaho



OW
CKB
9-29-75



ACTION

N	OWNER LAST NAME - COLE	FIRST NAME - LEE F.
N	OWNER LAST NAME - COLE	FIRST NAME - DORA V.
N		CITY - COUNCIL
N	SOURCE - HORNET CREEK	STATE - ID ZIP CODE - 83612
N	STAGE - STATRY CLM	TRIBUTARY OF - WEISER RIVER
N	DIVERSION POINT - SWSE 09 17N 02W	PRIORITY - 06-30-1883 COUNTY - ADAMS
N	FROM - 04-01 TO - 10-31 USE - IRRIGATION	SWNW 15 17N 02W
N	FROM - 01-01 TO - 12-31 USE - DOMESTIC	USE DIV. RATE - 2.0000CFS
N	USE - IRRIGATION	PLACE OF USE - TWN 17N RNG 02W SEC 15
N		TRACT NESW
N		TRACT SWSW
N		TRACT SESW
N		TRACT NWSE

** W ** MISSING ACRES FOR IRRIGATION WATER USE
** W ** MISSING ACRES FOR IRRIGATION WATER USE
** W ** MISSING ACRES FOR IRRIGATION WATER USE
** W ** MISSING ACRES FOR IRRIGATION WATER USE
** W ** MISSING ACRES FOR IRRIGATION WATER USE

N REMARKS - AC. IRR.=52.5.
N PRIORITIES 12-31-1891 & 6-30-1883.

IDENT. NO. 67-4145

WATER RIGHT
DATA ENTRY LOG[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 67-4145
Old No. New No.

Record

1. Original Owner: Lee J. + Nora V. Cole

Present Owner: _____

2. Address: _____

3. City: Council State: ID Zip: 83610

4. A. Source of Water: Hornet Creek

B. Tributary of: Weiser River

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: ~~10-31-1891~~ 6-30-1883

D. County: 03

E. Total Diversion Rate: 2.

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SW SE</u>	<u>9</u>	<u>17N</u>	<u>2W</u>		
	<u>SW NW</u>	<u>15</u>	<u>17N</u>	<u>2W</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 10-31 for A purposes. Amount 2.
(cfs or AC-FT/yr)

from 1-1 to 12-31 for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: *A*

pf 11879

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<i>17N</i>	<i>2W</i>	<i>15</i>									<i>A</i>					<i>A</i>			<i>52</i>
		<i>1</i>																	

*17
35
52*

9. A. Decree Name:

B. Decree Date:

10. Remarks: *A. ac. inv. = 52.5*
B. Priorities: 12-31-1891 & 6-30-1883.
 C.
 D.
 E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

October 8, 1975

Mr. Lee F. Cole
Council, Idaho 83612

RE: Claim No. 67-4145

Dear Mr. Cole:

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of further assistance, please feel free to call upon us.

Sincerely,

Glen Saxton, P. E.
Western District Engineer

JS:dlr



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

Sept. 12, 1975

Adams County Leader
Council, ID
83612

Re: Claim to a Water Right No. 67-4145, Lee F. Cole and Dora V. Cole
67-4146, Otto Bodmer or Auba Bodmer
67-4147, Otto Bodmer or Auba Bodmer

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear in the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(Signature of Claimant)

Sincerely,

Bill submitted
9-29-75
cks

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4145

Notice is hereby given that L. F. COLE and DORA V. COLE

Council, ID

has filed a claim to a water right established by diversion and application
to beneficial use of 2 cubic feet per second acre feet of water

from ~~XXXXXXXXXXXX~~ Hornet Creek trib. to the Weiser River

with the point of diversion in the ~~SW¹/₄, Sec. 9, SW¹/₄, NW¹/₄, Sec. 15,~~

T. 17 N, R. 2 W, E.H. Adams County

The water is claimed to be used from April 1 to Oct. 31 for

domestic & irrigation of 32 1/2 acres

with a priority of Dec. 31, 1991 and June 30, 1983

the place of use is within the ~~SW¹/₄, NW¹/₄, Sec. 15, T. 17 N, R. 2 W, E.H.~~

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the Adams County Leader, Council

on Sept. 13, 1975 and Sept. 25, 1975



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

Sept. 8, 1975

Dora V. Cole
Council, ID
83612

Re: Claim to a Water Right No. 67-4145

Dear Ms. Cole:

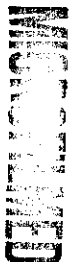
Enclosed is your Receipt No. 1283 in the amount of \$ 10.00 for
1 claim to a water right which was received in this office
on Aug. 25, 1975.

Sincerely,


JANE GRIDLEY
Stenographer

JG:jg

Enclosure





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT

STATE HOUSE BOISE, IDAHO 83720

August 26, 1975

Lee F. Cole
Council, ID 83612

RE: Claim to a Water Right

Dear Mr. Cole:

In reviewing your claim to a water right, it is noted that you have claimed 2.0 c.f.s. of water with two priority dates. We feel it would be advisable for you to also show how much of the 2.0 c.f.s. is claimed for each of the priority dates claimed.

Please supply the above information and we will proceed with the processing of your claim.

Sincerely,

Robert W. Hamilton
cls

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:cls

RECEIVED

SEP 2 1975

Department of Water Resources

RECEIVED

Dear Sir:

This filing was suppose to be on flood water and at the Court house they said that 2.0 c.f.s. of water would be about right for both water rights - but I am no expert on this. Different people have been filed for different amounts. Please feel free to call us 253-4857. We went to Boise and saw Mr. Lyle Saxton on this subject. Thank You, Mrs Lee Cole

August 26, 1975

Lee F. Cole
Council, ID 83612

RE: Claim to a Water Right

Dear Mr. Cole:

In reviewing your claim to a water right, it is noted that you have claimed 2.0 c.f.s. of water with two priority dates. We feel it would be advisable for you to also show how much of the 2.0 c.f.s. is claimed for each of the priority dates claimed.

Please supply the above information and we will proceed with the processing of your claim.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:cls

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.)

priority
6-30-83

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

67-0398

Keys, Mattie M

0.32 cfs (16")

priority 12-31-91

(all of this water right)

W²SW, NESW, NWSE - Sec 15

T17N, R2W

King owns the 200ft three South, 400ft
wells its on these Copy if you can
figure it out.

- Who owns SESW - Sec 15
T17N, R2W

King or Cole

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

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

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

RECORDED

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

to

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

W A R R A N T Y D E E D

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 subdivision, 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, connected 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 Association, and the water and reservoir rights thereby represented.

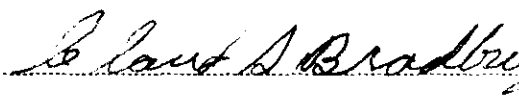
This conveyance is made subject to taxes on said premises for 1956, and to the lien of a Mortgage in the amount of \$5500.00, held by Anna F. Mink, all to be assumed by second parties.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging 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

		[SEAL]
		[SEAL]
		[SEAL]
		[SEAL]