

SEP 15 2005

Department of Water Resources

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

A67-03163

A67-10336

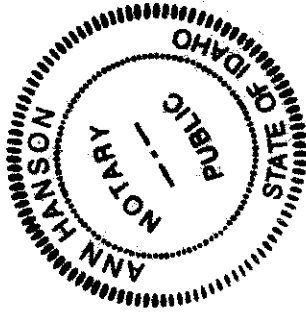
A67-10339

State of Idaho

County of Washington

AFFIDAVIT

I Wendell Horn being first duly sworn,
deposes and says: all persons knowing of past
Water uses are dead at this time. Except
for myself: (Wendell Horn) have spent
about 80% of my life on this property,
and the Diversion and Ditches have
all been used for irrigation.
My father (Ernest Horn) purchased this
property in 1943. I grew up on the property
and returned to live here full time
in October of 1979. So I can vouch
for the fact that water has been
used for irrigation



SEAL

Wendell Horn
(Signature)

Subscribed and sworn to before me this
day 14th of September, 19 2005

Ann Hanson
(Notary Public)

Residing at Cambridge

My Commission Expires 3-31-10

WR-NUMBER:	67-0206	CURRENT OWNER:	DENBRAE SHEEP COMPANY	PRIORITY DATE:	1-Jun-1891	STAGE:	DEGREE
COUNTY:	WASHINGTON	SOURCE:	PINE CREEK	TRIBUTARY:	WEISER RIVER	DIVERSION-RATE:	
WATER USE:		DIVERSION-RATE:				DIVERSION-VOLUME:	
IRRIGATION							
TOTAL RATE:	0.300	CFS		TOTAL VOLUME:	0.00	AF	
PLACE OF USE:	Township 16N	Range 04W	Section 32	Tract SENW			
PLACE OF USE:	Township 16N	Range 04W	Section 32	Tract SENW			
PLACE OF USE:	Township 16N	Range 04W	Section 32	Tract SENW			
PLACE OF USE:	Township 16N	Range 04W	Section 32	Tract SENW			
CURRENT OWNER:	CHARLES E. OVER	PRIORITY DATE:	24-Jul-1933	STAGE:	LICENSE		
COUNTY:	WASHINGTON	SOURCE:	MILL CREEK, NORTH FORK	TRIBUTARY:	MILL CREEK	DIVERSION-RATE:	
WATER USE:		DIVERSION-RATE:				DIVERSION-VOLUME:	
IRRIGATION							
DOMESTIC							
TOTAL RATE:	0.700	CFS		TOTAL VOLUME:	0.00	AF	
PLACE OF USE:	Township 16N	Range 04W	Section 32	Tract SWNE			
WR-NUMBER:	69-4100	CURRENT OWNER:	WENDELL HORN	PRIORITY DATE:	1-Apr-1958	STAGE:	STATUTORY CLAIM
COUNTY:	WASHINGTON	SOURCE:	MILL CREEK	TRIBUTARY:	PINE CREEK	DIVERSION-RATE:	
WATER USE:		DIVERSION-RATE:				DIVERSION-VOLUME:	
IRRIGATION							
TOTAL RATE:	0.300	CFS		TOTAL VOLUME:	0.00	AF	

67

69

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: A67-02163
Date Received: 9/26/1989
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WENDELL HORN
Address: HC 69, BOX 3590
CAMBRIDGE, ID 83610
208-257-3870

2. Date of Priority: JUL 24, 1933

3. Source: MILL CREEK, NORTH FORK Trib. to: MILL CREEK
MILL CREEK, SOUTH FORK MILL CREEK
MILL CREEK PINE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
16N	04W	32	SW	NE	WASHINGTON
			SW	NW	WASHINGTON
			SE	NW	WASHINGTON

5. Description of diverting works:

DIV. DAMS IN CK./DITCHES TO POND W/PUMP & GRAVITY FOR SPRINK. IRR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.700		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 45 HD.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	04W	32	SW	NE	IRR	18.0
			SW	NE	STOCK	
			SE	NW	IRR	17.0
			SE	NW	STOCK	
Section Acres						35.0
Total Acres						35.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

CLAIM NO. A67-10326 FOR 15 ADDITIONAL ACRES.

14. Remarks:

NOTE: MILL CREEK IS SHOWN AS AN ADDITIONAL SOURCE BECAUSE THE NORTH FORK AND SOUTH FORK MILL CREEK FLOW TOGETHER ON THIS PROPERTY AND FORM THE MAIN MILL CREEK WHERE THERE IS A POINT OF DIVERSION TO IRRIGATE THE SAME PROPERTY AS THIS CLAIM. NO ADDITIONAL WATER IS DIVERTED, ONLY AN ADDITIONAL DIVERSION PT.

15. Basis of Claim: LICENSE

Water Right Number: 17793

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 _____ 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): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____ Notary Public _____

Seal

Residing at _____

My Commission Expires _____

State of Idaho License and Certificate of Water Right

Water License No. 17793
Water District No. _____
Amount 0.7 Sec. Ft.
Priority July 24, 1933

THIS IS TO CERTIFY that

of Cambridge, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 19, 1933; that Permit No. 17793

was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.6 second feet, was issued thereunder on August 7th, 1934, showing that said works were completed on the 10th day of July, 1936,

CHARLES E. OVER

of Cambridge, State of Idaho, made proof to the satisfaction of the

Commissioner of Reclamation of South Forks of Mill Creek, a tributary of Mill Creek, for the purpose of irrigation and domestic use, under Use Permit No. 17793 of the Commissioner of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7

of Licenses, at page 3895, on the 18th day of April, 1938; The right hereby confirmed dates from July 24, 1933;

The Points of Diversion are located in the (1-0.4) SW 1/4 NW 1/4, Sec. 32, Tp. 16 N., R. 4 W., B. M., Washington County. (2-0.3) SE 1/4 NW 1/4, Sec. 32, Tp. 16 N., R. 4 W., B. M., Washington County.

The right hereby confirmed dates from July 24, 1933;

The Points of Diversion are located in the SW 1/4, Sec. 32, Tp. 16 N., R. 4 W., B. M., Washington County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.7 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 N	4 W	32	SW 1/4 NE 1/4 SE 1/4 NW 1/4 NW 1/4 SE 1/4	40 20 20 80	18 17 0 35

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 18th day of April, 1938.

(SEAL)
 Commissioner of Reclamation
 R. W. FARIS

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: A67-10329
Date Received: 9/26/1989
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WENDELL HORN
Address: HC 69, BOX 3590
CAMBRIDGE, ID 83610
208-257-3870
2. Date of Priority: MAY 01, 1947
3. Source: SPRING
Trib. to: MILL CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County |
|----------|-------|---------|-------------------|-----|------------|
| 16N | 04W | 32 | SE SE NW | | WASHINGTON |
5. Description of diverting works:
SEE REMARKS.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|----------|-------|-------|-------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.040 | | |
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is
Acre Feet Per Annum.
9. Non-irrigation uses:
DOMESTIC USE FOR 1 HOME W/LAWN & GARDEN IRRIG.
10. Place of Use:
- | Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|--------|-------|
| 16N | 04W | 32 | SW NE | | DOMEST | |
11. Place of use in counties: WASHINGTON
- A67-10329 Page 1 Date: 09/26/89

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

13. Other Water Rights Used:
NONE.

14. Remarks:

DESC. OF DIVERTING WORKS - PERFORATED CUVLERT PIPE IN SPRING WITH
PIPELINE TO 300 GAL. STORAGE TANK FOR GRAVITY FLOW TO HOME AND
LAWN & GARDEN IRRIGATION.

15. Basis of Claim: BENEFICIAL USE

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 _____ 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): _____ Date: _____

_____ Date: _____

State of Idaho)

) SS.

County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

_____ Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A67-10326
Date Received: 9/26/1989
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

208-257-3870

1. Name: WENDELL HORN
Address: HC 69, BOX 3590
CAMBRIDGE, ID

83610

2. Date of Priority: APR 01, 1958

3. Source: MILL CREEK
MILL CREEK, NORTH FORK
MILL CREEK, SOUTH FORK

Trib. to: PINE CREEK
MILL CREEK
MILL CREEK

4. Point of Diversion:

Township 16N	Range 04W	Section 32	1/4 of 1/4 of 1/4	Lot NE NW NW	County WASHINGTON WASHINGTON WASHINGTON
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5. Description of diverting works:
DIV. DAMS IN CK./DITCHES TO POND W/PUMP & GRAVITY FOR SPRIN. IRR.

6. Water is used for the following purposes:

Purpose IRRIGATION	From 04/01	To 11/01	C.F.S (or) 0.300	A.F.A.
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7. Total Quantity Appropriated is:
0.300 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A67-10326

Page

1

Date: 09/26/89

10. Place of Use:

Township 16N	Range 04W	Section 32	1/4 of 1/4 SW NE	Lot	Use IRR	Acres 15.0
					Section Acres	15.0
					Total Acres	15.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

CLAIM NO. A67-02163 - ADDITIONAL 35 ACRES.

14. Remarks:

THIS CLAIM WAS ORIGINALLY FILED AS CLAIM NO. 69-04100, HOWEVER, SINCE THE BASIN NUMBER IS WRONG(69) AND IT SHOULD BE BASIN 67, THIS CLAIM HAS BEEN RENUMBERED TO THIS CLAIM NO. REFERENCE HAS BEEN MADE ON 69-04100 TO THIS CLAIM NO.

15. Basis of Claim: BENEFICIAL USE

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 _____ 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): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

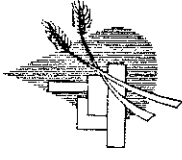
Notary Public

Seal

Residing at _____

My Commission Expires _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Wendell &/or Jan Horn
(Name of Claimant)

Heath Star Rt. Cambridge, ID 83610 Telephone No. 257-3870
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1958

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

(3) Mill Creek tributary to Pine Creek
Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af) (Domestic, Irrigation, Stock, Etc.)

Quantity	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)	(both dates inclusive)
Quantity	.30 cfs	Use Irrigation	Period of Use From 4/1	To 11/1	

Quantity 30 cfs Use Irrigation

Quantity	Use
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Quantity	Use
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(4) 30 TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32 Twp. 16N Rge. 4W B.M., County of Washington
Additional points of diversion: SENW Sec. 32 T16N R4W

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. gravity 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]

UNPROFILING

No. of acres 15

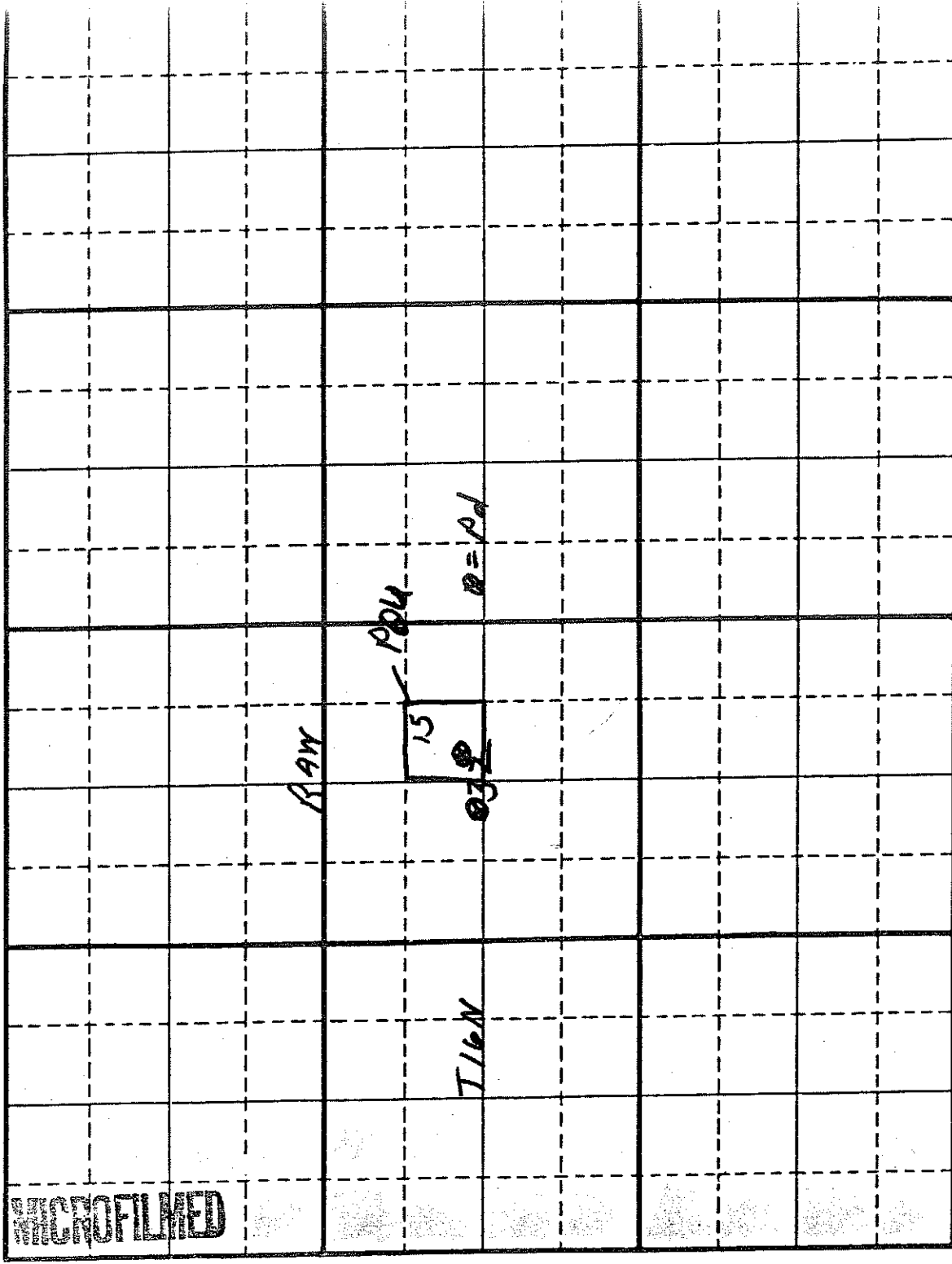
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks

MICROFILMED



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)
County of Ada) ss.

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 affiant's knowledge.

Sworn to before me this 10 day of March

1983.

Wardell S. Horn
(Claimant)

Nancy M. Mathway
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by 625 Date 3/10/83 Exception filed by:
Prelim. check by 15 Date 3/23/83
\$30.00 fee received by 15 Date 3/10/83 # 27844
Published in Upper County News Reporter
Dates 3/31 & 4/7/83

Forwarded to
claimant by:

Date