

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 47-17107
Date Received: 1/9/2004
Receipt No:
Received By: *5026391*
CAF

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

1. Name of Claimant(s)

MARGARET HORTON Phone: (208)543-4413

1898 E 4500 N #C
BUHL ID USA 83316

SCOT HORTON Phone: (208)543-4413

1898 E 4500 N #C
BUHL ID USA 83316

2. Date of Priority: 12/31/1953

3. Source: WASTE WATER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	18E	4	NE SE	TWIN FALLS	

5. Description of diverting works:

DITCHES.
THE SOURCE OF THE WASTE WATER IS THE TWIN FALLS CANAL SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.4	
STOCKWATER	03/15	11/15	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 20 HEAD OF CATTLE

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	18E	3	NW NW	SW SW	IRRIGATION STOCKWATER	5
					Section Acres	5
10S	18E	4	NE NE	SE SE	STOCKWATER IRRIGATION	15
					Section Acres	15
					Total Acres	20

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

14. Remarks:

REMARKS FROM CLAIMANT:
WE PURCHASED PROPERTY OCT 15, 2003 FROM GENE AND KATHLEEN RANDELL. SEE ATTACHED AFFIDAVIT SHOWING WASTE WATER HAS BEEN USED TO IRRIGATE PASTURE FOR 50+ YEARS BY HIS FAMILY. ALSO SEE ENCLOSED PHOTOGRAPH OF PASTURE IN SEPT 2003 SHOWING DITCH SYSTEM AND ENCLOSED COPY OF 1987 AERIAL MARKED BY FARM SERVICE AGENCY OF DITCH SYSTEM.

RECEIPT NO. S026391

15. Basis of Claim: Beneficial Use

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:

Ident. Number

Date Received

Receipt Number

39576

47-17017

1-9-2004

5026391

UH

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Scot and/or Margaret Horton Phone (208) 543-4413Mailing Address 1898 E 4500 Nth C Buhl ID Zip 833162. Date of Priority (Only one (1) per claim) 19533. Source of water supply (a) Twin Falls Canal Waste Water
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 10 S Range 18 E Section 4,
1/4 of NE 1/4 of SE 1/4, Govt. Lot, 6 B.M., County of Twin Falls, Idaho

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 10 S Range 18 E Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,Govt. Lot 6 B.M., County of Twin Falls, Idahoending point is: Township 10 S Range 18 E Section _____, _____ 1/4 of _____ 1/4 of_____ 1/4, Govt. Lot 6 B.M., County of Twin Falls, Idaho5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. ditches

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3-15 to 11-15 amount .4 or present

For stockwater purposes from 3-15 to 11-15 amount .02 or present

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater: 20 head cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	18E	3										^s 5							5
10S	18E	4													^s 15				15

Total number of acres irrigated 20

11. In which county (ies) are lands listed above as place of use located? Twin Falls County

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: We purchased property Oct 15, 2003 from Gene and Kathleen Randell. See Attached Affidavit showing wastewater has been used to irrigate pasture for 50+ years by their family. Also see enclosed photograph of pasture in Sept 2003 showing ditch system And enclosed Copy of 1987 aerial marked by Farm Services Agency of ditch system.

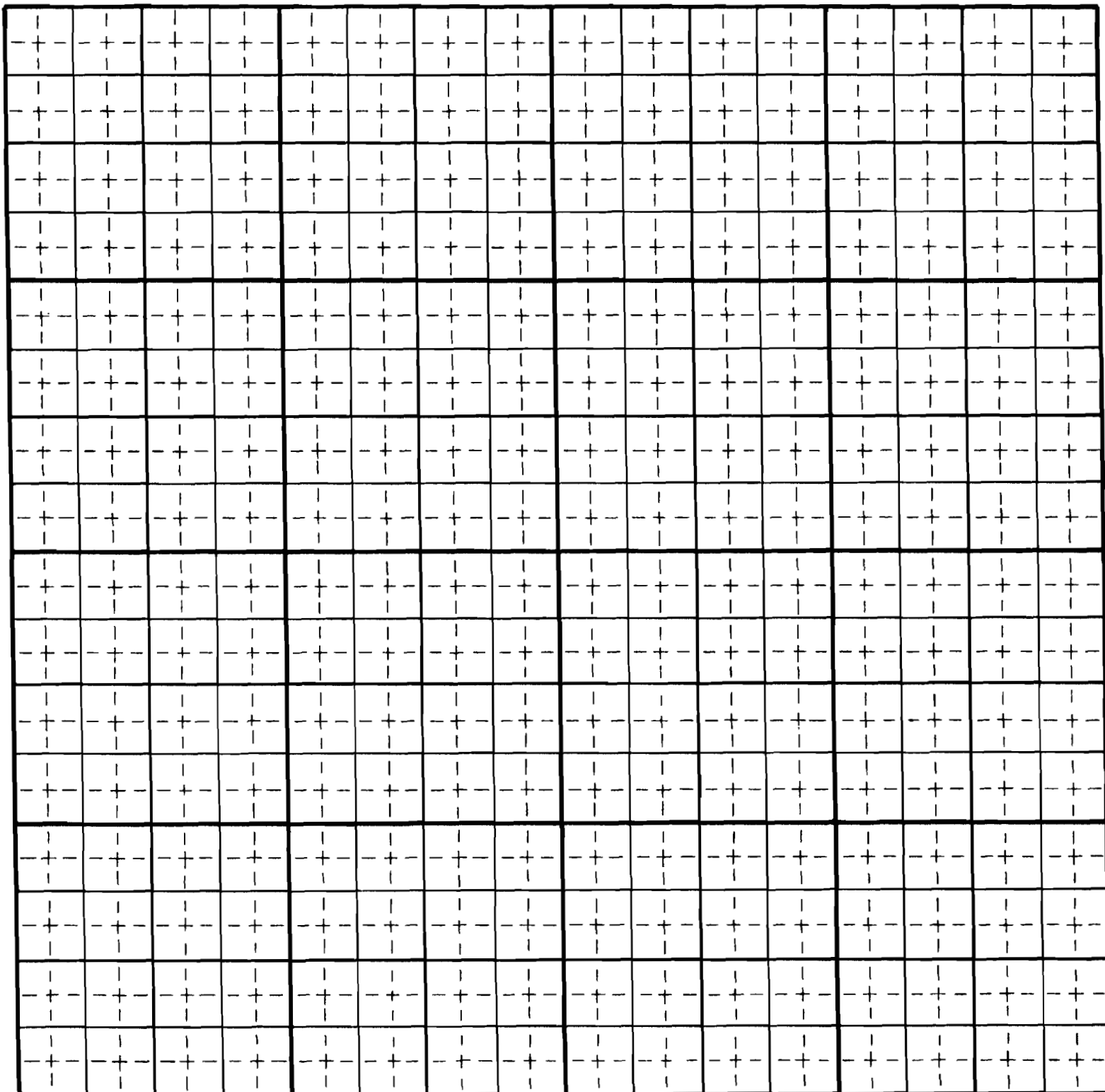
Last Name Horton Ident No. 47-17107

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See attachments (maps + photos)



Last Name Horton

Ident No. 47-17107

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) *Scott Horton* Date 1-9-04

Margaret Horton Date 1-9-04

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

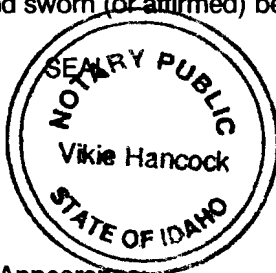
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of *Lewiston*) SS.

MARGARET Signature only

Subscribed and sworn (or affirmed) before me this 9th day of January 2004



Notary Public *Vikie Hancock*

Residing at *Bull, Idaho*

My Commission Expires 5-7-2009

Please Print Name

17. Notice of Appearance.

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Horton Ident. Number 47-17017

Copies White-State, Yellow-Claimant

TWIN FALLS

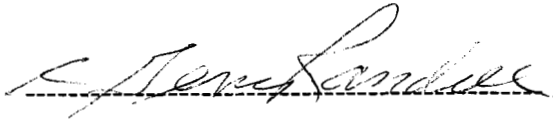
T3016
F1716

10.9 NW

Gene and Kathleen Randell
3568 E. 4000 N.
Kimberly, ID 83341

To Whom It May Concern:

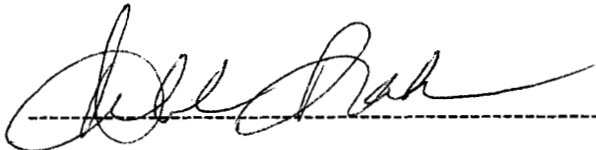
This letter is being written for the purpose of showing that for the past 50+ years our family has used waste water to irrigate 20+ acres of pasture on property referenced in attachment A..



Date 10-15-03

STATE OF IDAHO, COUNTY OF TWIN FALLS

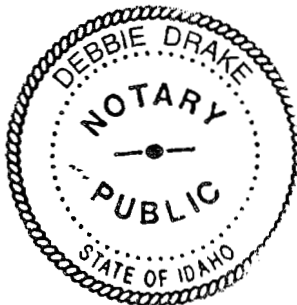
On this 15th day of October, 2003 before me, a notary public in and for said state, personally appeared C. Gene Randell known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



-----Notary Public

residing at Twin Falls, Idaho

Residing at: Jerome, Idaho
Commission Expires: 04-13-2006



Parcel 1

A tract of land located in Government Lot 6 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4 and Government Lot 6 of Section 3, Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of said Section 4;

Thence North 00°19'08" East a distance of 1320.51 feet along the easterly boundary of said Section 4 to the Southeast corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the TRUE POINT OF BEGINNING;

Thence North 89°24'34" West a distance of 314.85 feet along the southerly boundary of the NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence North 00°19'07" East a distance of 1181.38 feet parallel with the easterly boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ to the southerly boundary of a private 35.00 feet wide access road;

Thence South 76°05'49" East for a distance of 100.59 feet along the southerly boundary of said access road;

Thence North 63°52'56" East for a distance of 70.99 feet along the southerly boundary of said access road;

Thence North 47°44'16" East for a distance of 208.50 feet along the southerly boundary of said access road to the easterly boundary of said Lot 6, Section 4;

Thence North 00°26'56" East a distance of 21.75 feet along the easterly boundary of said Lot 6, Section 4 to the rim of the Snake River Canyon;

Thence Southeasterly along said rim of the Snake River Canyon the following courses and distances;

South 39°23'38" East for a distance of 84.16 feet;

Thence South 46°24'14" East a distance of 101.66 feet;

Thence South 38°22'16" East a distance of 136.86 feet;

Thence South 01°49'41" West a distance of 120.16 feet;

Thence South 36°54'01" East a distance of 144.04 feet;

Thence South 31°55'28" East a distance of 78.20 feet;

Thence South 02°21'07" East a distance of 174.73 feet;

Thence South 13°37'48" East a distance of 175.82 feet;

Thence South 35°48'59" East a distance of 398.89 feet;

Thence South 54°00'03" East a distance of 114.03 feet;

Thence South 08°41'22" East a distance of 77.86 feet to the southerly boundary of said Lot 6, Section 3;

Thence South 89°44'17" East a distance of 72.60 feet to a point on the rim of the Snake River Canyon;

Thence Easterly along the rim of said canyon the following courses and distances North 63°16'54" East a distance of 146.25 feet;

Thence North 04°33'09" West a distance of 79.21 feet;

Thence North 71°09'21" East a distance of 23.86 feet;

Thence South 27°53'58" East a distance of 84.74 feet;

Thence North 49°47'40" East a distance of 62.41 feet;

Thence South 44°48'10" East a distance of 164.81 feet;

Thence South 75°34'53" East a distance of 10.15 feet to the southerly boundary of said Lot 6, Section 3;

Thence North 89°44'17" West a distance of 1162.46 feet along the southerly boundary of said Lot 6, Section 3 to the TRUE POINT OF BEGINNING.

Parcel 2

An easement for the purpose of ingress and egress over a 35.00 feet wide strip of land located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence North 89°23'08" West a distance of 390.42 feet along the southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING;

Thence North 89°23'08" West a distance of 35.00 feet along the southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence North 00°19'52" East a distance of 283.11 feet;

Thence North 14°08'01" East a distance of 282.50 feet;

Thence North 00°27'34" West a distance of 259.75 feet;

Thence North 08°56'08" West a distance of 154.15 feet;

Thence North 09°01'31" East a distance of 354.67 feet to a point on the northerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence South 89°24'34" East a distance of 35.38 feet along the northerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence South 09°01'31" West a distance of 354.33 feet;

Thence South 08°56'08" East a distance of 151.21 feet;

Thence South 00°27'34" East a distance of 266.83 feet;

Thence South 14°08'01" West a distance of 282.74 feet;

Thence South 00°19'52" West a distance of 279.05 feet to the TRUE POINT OF BEGINNING.

9/12/03

543-4413 Home

308-4123 cell

Margaret Horton
or

Scot Horton

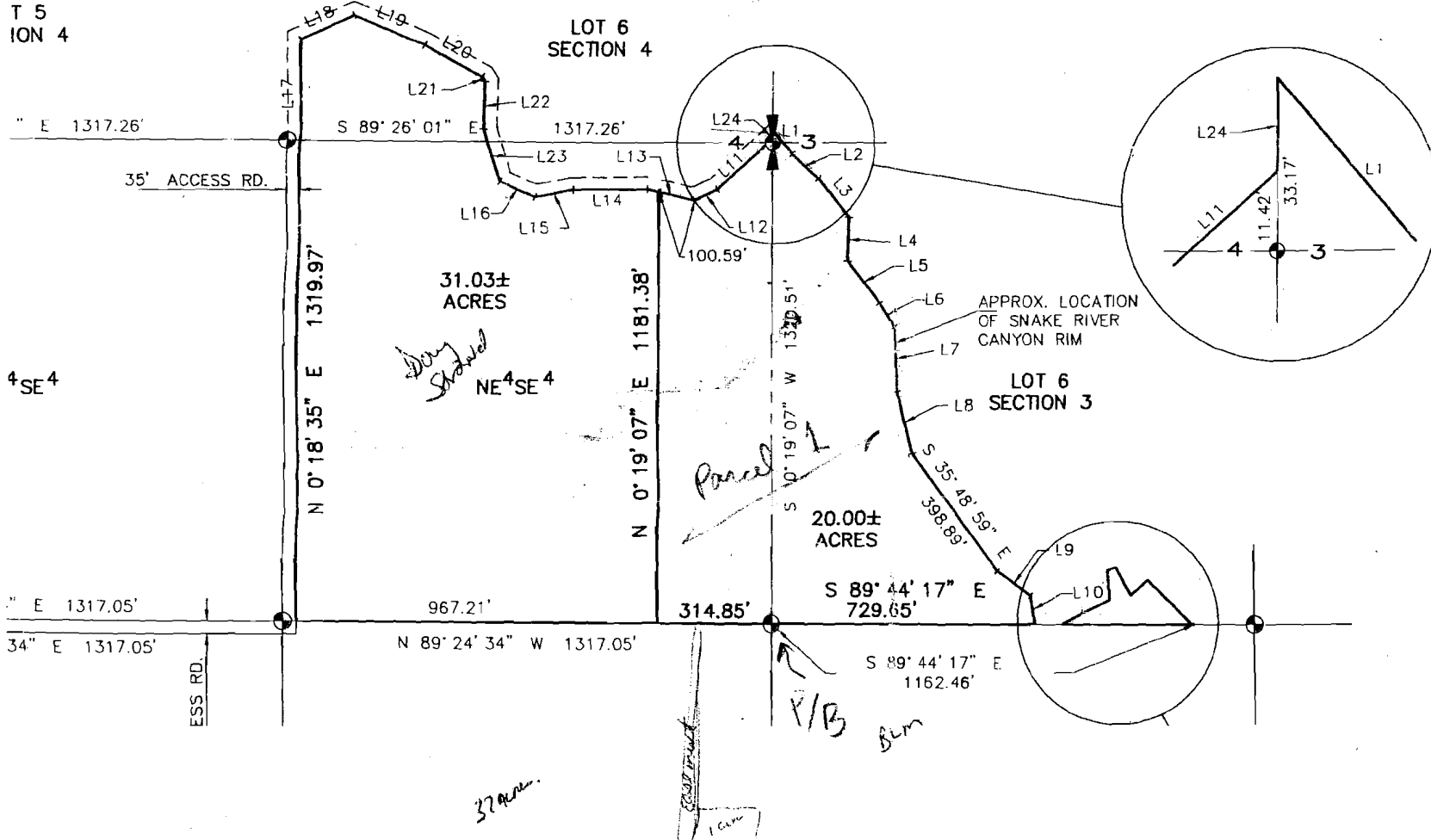
* Free-70's copy

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
1	S 39° 23' 38"	84.16'	25	N 63° 16' 54"	146.25'
2	S 46° 24' 14"	101.66'	26	N 4° 33' 09"	79.21'
3	S 38° 22' 16"	136.86'	27	N 71° 09' 21"	23.86'
4	S 1° 49' 41"	120.16'	28	S 27° 53' 58"	84.74'
5	S 36° 54' 01"	144.04'	29	N 49° 47' 40"	62.41'
6	S 31° 55' 28"	78.20'	30	S 44° 48' 10"	164.81'
7	S 2° 21' 07"	174.73'	31	S 75° 34' 53"	10.15'
8	S 13° 37' 48"	175.82'			
9	S 54° 00' 03"	114.33'			
10	S 8° 41' 22"	77.86'			
11	S 47° 44' 16"	208.50'			
12	N 63° 52' 56"	70.99'			
13	S 76° 05' 49"	132.36'			
14	S 89° 48' 23"	201.58'			
15	S 78° 47' 45"	105.70'			
16	N 64° 44' 01"	104.01'			
17	N 0° 27' 35"	273.27'			
18	N 65° 29' 40"	156.34'			
19	S 66° 59' 57"	204.74'			
20	S 60° 56' 00"	175.57'			
21	S 30° 48' 32"	15.32'			
22	S 2° 04' 28"	130.27'			
23	S 17° 40' 52"	154.51'			
24	N 0° 26' 56"	21.75'			



0 150 300
SCALE: 1" =



CERTIFICATE

I do hereby certify that I am a
licensed by the State of Iowa
prepared from an actual survey
my direct supervision, and
representation of said survey
the Corner Perpetuation and

02/10/2006

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

RIGHT NUMBER: 47-17107

NAME AND ADDRESS: MARGARET HORTON
1898 E 4500 N #C
BUHL ID 83316

SCOT HORTON
1898 E 4500 N #C
BUHL ID 83316

KKC

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.130 CFS

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

PRIORITY DATE: 12/31/1953

POINT OF DIVERSION:

T10S R18E S3 SWSWSW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.110 CFS
STOCKWATER	03/15 11/15	0.020 CFS

PLACE OF USE: IRRIGATION Within TWIN FALLS County

T10S R18E S03 Lot 6 NWSW 1.60 T10S R18E S04 NESE 4.10

STOCKWATER Within TWIN FALLS County

T10S R18E S03 Lot 6 NWSW T10S R18E S04 NESE

5.7 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.

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

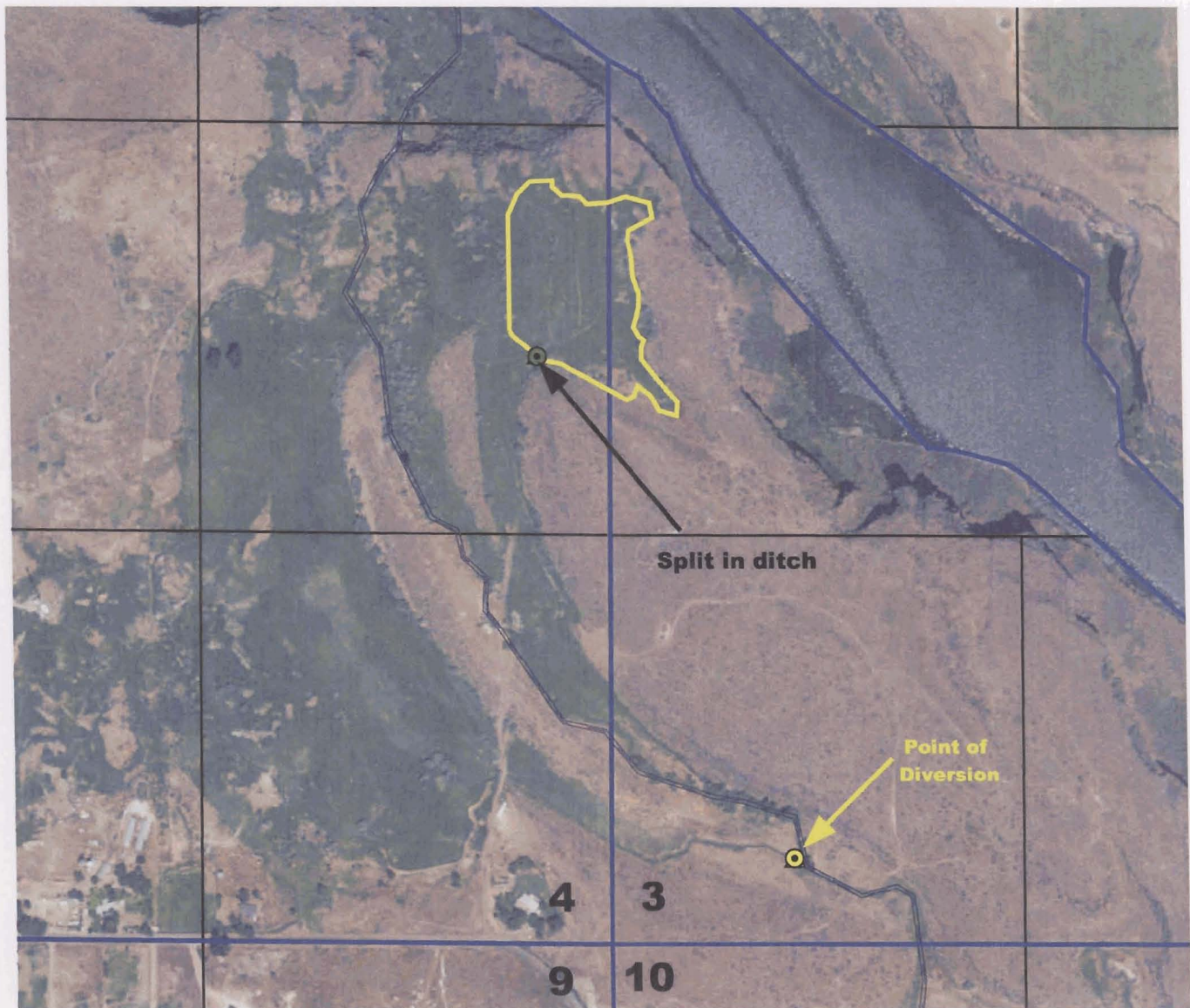
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

Source is also known as Twin Falls Coulee.

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
47-17107**



660 0 660 1320 1980 Feet

PLACE OF USE
TWP 10S, RNG 18E, SEC 3 & 4
Data entry on February 10, 2006

● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

TOWNSHIP LINES

SECTION LINES

QUARTER/QUARTER LINES



LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

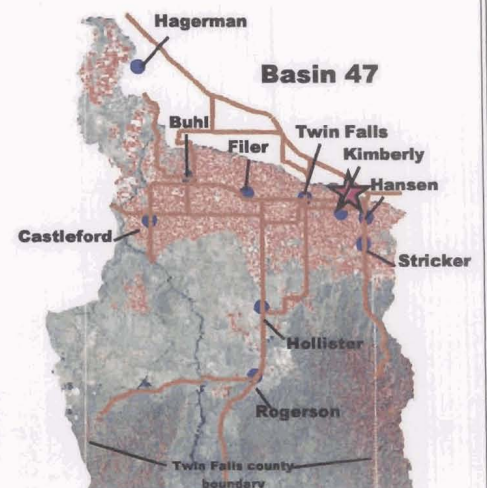




Photo 468 Gene1. Looking down stream mostly North-Northwest.
Tag A0016122
10S, 18E Sec 3 SWSWSW



Photo 469 Scot1. Looking up stream mostly Southwest.
Just a split in the delivery system. Tag, none
10S, 18E Sec 4 SENESE

2/16/05

scot & Margaret Norton
 mailing 1898 E 4500 N Prop 3568 E 4000 N
 Buhl Kimberly

I met C. GENE to go thru his file and scot Norton file because GENE sold property to scot and he knew the system (and Mrs Norton approved). GENE said the the property line on black & white photo appears good and the areas in yellow within each owner looks very close where water is used on color photo's all lands are flood irrig around rocks & high ground and is all pasture - grass, trees & etc. he marked out approx where ditches and Pod's are on photo then we went down thru property to locate Pod's = GPS:

GENE 1	2471834	1264217	Acc/6122	1040468 - NW
scot 1	2471587	1264712	NONE	469 SW

Photo 468 I was looking down stream mostly N - with W.
 " 469 " " " up " S. W.

RECEIVED

FEB 18 2005

Department of Water Resources
Southern Region

LEE Peterson

2/16/05