

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on February 26, 2008, with sufficient first-class postage to the following:

DANNY VAN HORN
VALERIE VAN HORN
Represented by:
JOHN E. ROBERTSON
PO BOX 1906
TWIN FALLS, ID 83303
Phone: 208-734-0700

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is positioned to the right of the printed text "Deputy Clerk".

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 FORM THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 37-2131
Date Received
Receipt Number

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

2007 NOV 14 PM 4 25
FILED
DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO TWIN FALLS COUNTY

Please type or print clearly

1. Name of Claimant (s) DANNY & VALERIE VANHORN Phone (208) 764-2137
Mailing Address PO BOX 345 FAIRFIELD, ID Zip 83327

2. Date of Priority (Only one (1) per claim) 04/03/1909

3. Source of water supply (a) MC MAHAN CREEK
which is tributary to (b) THREEMILE CREEK

4. a. Location of existing point of diversion is: Township 01N Range 13E Section 15
1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of CAMAS

Additional points of diversion if any: Willow spring 1N 13E Sec 15 NESW

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

Township Range Section, 1/4 of 1/4 of 1/4,
Govt. Lot B.M., County of

ending point is: Township Range Section, 1/4 of 1/4 of 1/4,
Govt. Lot B.M., County of

5. 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. Headgate 2'x3' and ditch 2' bottom.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For IRRIGATION purposes from 4/15 to 10/31 amount 0.6 or _____

For DOMESTIC purposes from 1/01 to 12/31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.6 (cfs) and / or (b) _____ (acre feet)

8. Total consumptive use claimed is 0.6 acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: list number of households served; Stockwater: type and number of livestock, etc.) 1

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
			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	
01N	13E	15															40		40

Total number of acres irrigated 40

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

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

14. Remarks:

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____

If applicable provide IDWR Water Right Number 37-2131

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) [Signature] Date 11-14-07
[Signature] Date 11-14-07

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 Cama) ss.

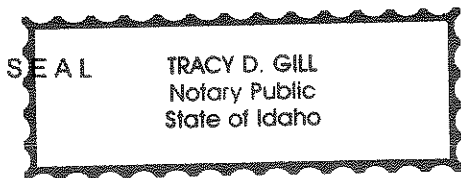
_____)

Subscribed and sworn (or affirmed) before me this 14th day of November, 2007.

Notary Public [Signature]

Residing at Fairfield

My Commission Expires 5-6-2010



Please Print Name

17. Notice of Appearance: Notice is hereby given that I, J Evan Robertson 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 [Signature]

Address POB 1906 Twin Falls ID 83303

Date 11-14-07

Last Name _____ Ident. Number _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No.(s)	Adjudication Claim No.(s)	Split	Water Right No.(s)	Adjudication Claim No. (s)	Split
37-2131	_____	<input type="checkbox"/>	_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	_____	_____	<input type="checkbox"/>

2. The following REQUIRED information must be submitted with this form:
- A. The appropriate FILING FEE. See instructions for fee amounts.
 - B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
 - C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): MARY MC MAHON
CORRAL, ID 83322
4. New Owner/Claimant(s): DANNY & VALERIE VANHORN
New Mailing Address: PO BOX 345
City, State, Zip Code: FAIRFIELD, ID. 83327-0345
New Telephone Number: (208) 764-2139
5. Date you acquired the property: AUGUST 31 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: _____

<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other: _____	_____	_____
TOTAL	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: _____

<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other: _____	_____	_____
TOTAL	_____	_____

7. Signature of New Owner(s) or Claimant(s):
(include title, if applicable)



D. J. Horn

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

FOR OFFICE USE ONLY

Received by: _____
Received by: _____
Processed by: _____ AJ

Date: _____
Date: _____
Date: _____

Fee: _____
Receipt No: _____
WR: _____ Date: _____

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

06/10/2005

WATER RIGHT NO. 37-2131

Owner Type	Name and Address
Current Owner	MARY MC MAHON CORRAL, ID 83322

Priority Date: 04/03/1909
Basis: License
Status: Active

Source	Tributary
MC MAHAN CREEK	THREEMILE CREEK
UNNAMED STREAM	MC MAHAN CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	/	/	0.6 CFS	
DOMESTIC	/	/		
Total Diversion			0.6 CFS	

Location of Point(s) of Diversion:

MC MAHAN CREEK	SWNW	Sec. 15	Township 01N	Range 13E	BLAINE County
UNNAMED STREAM	NESW	Sec. 15	Township 01N	Range 13E	BLAINE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	13E	15		SWSE	40									

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Total Acres: 40

Conditions of Approval:

1.	P/D INCORRECTLY DESCRIBED AS SWNW, S15, T1N, R13E. ON LIC. SOURCES ARE UNNAMED STREAM & WILLOW SPRING. LIC. IDENTIFIES UNNAMED STREAM AS W. FK. THREEMILE CK.
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Dates:

Licensed Date: 05/08/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 37C

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

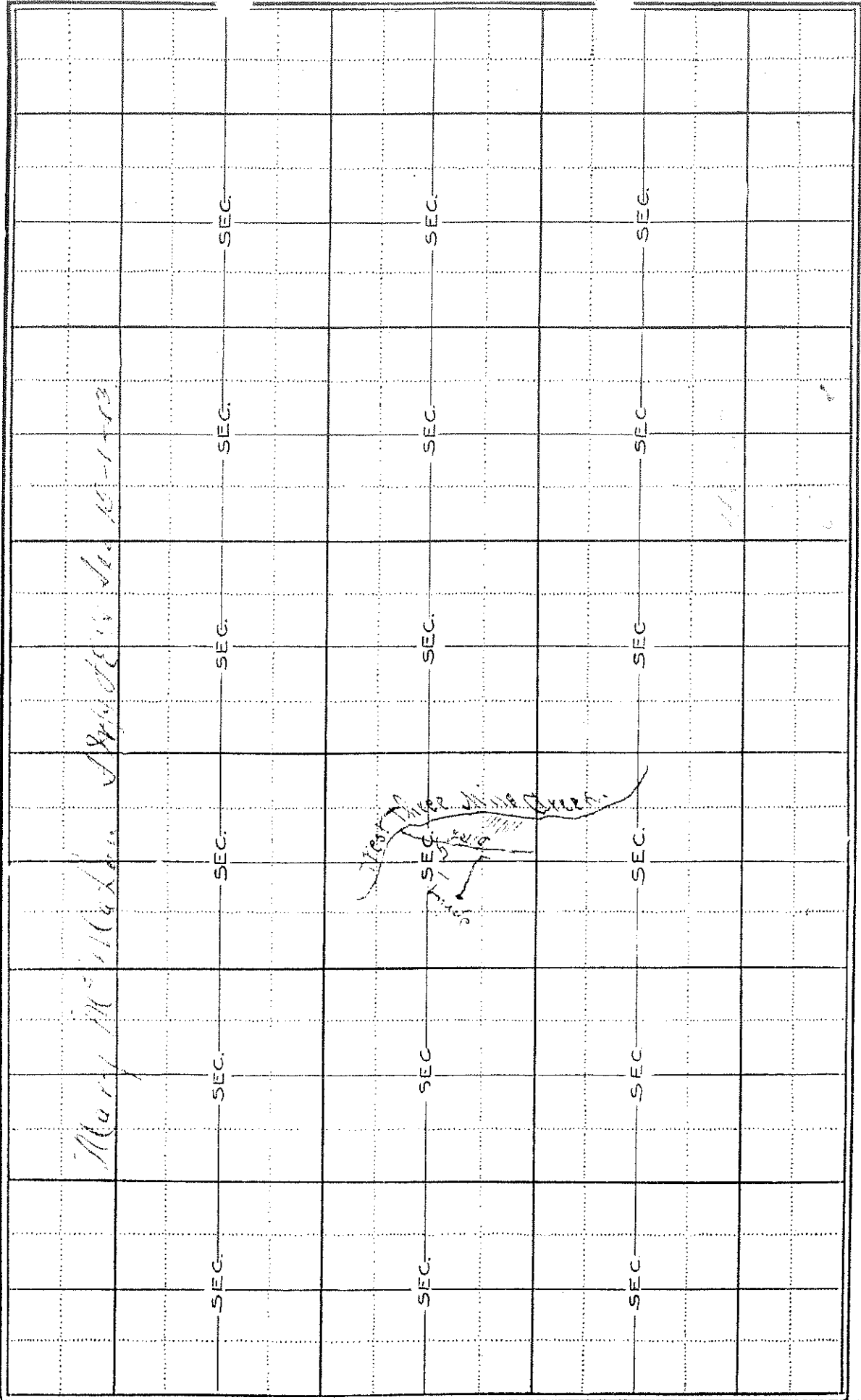
Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



37-2131

pt. of div. on west golf
of Threemile Creek has been
platted in SWNW⁴ of Sec. 14
rather than Sec. 15, T 1N,
R 13E.

7-19-79

-JP

Blaine County *
Three Mile Cr, Willow Sp. *
.6 of 1 second foot *
Irrigation and domestic *
Priority 4-3-1909 *

S T A T E O F I D A H O

Water License No 4495.

WHEREAS, On the 3rd day of April, A.D. 1909, MARY McMAHON, of Corral, County of Blaine, State of Idaho, duly made application (No. 6428) to me for a permit to use .4 of 1 cubic foot per second of the waters of West Fork of Three Mile Creek and .2 of 1 cubic foot per second of the waters of Willow Spring County of Blaine, State of Idaho, for irrigation and domestic purposes: and

WHEREAS, On the 3rd day of April A.D. 1909, Permit no. 4495 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 3rd day of April, A.D. 1911, and for the application to beneficial use of said water on or before the 3rd day of April, A.D. 1911, and,

WHEREAS, On the 3rd day of June A.D. 1909, MARY McMAHON, the holder of said permit duly made proof of the completion of adequate works for the diversion of .6 of 1 cubic foot per second of said waters, as evidenced by my Certificate no. 4495, dated June 23, 1909, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use, .6 of 1 cubic foot per second of said waters, with date of priority of April 3, 1909. and

WHEREAS, On the 3rd day of June A.D. 1909 MARY McMAHON, the holder of said permit duly made proof of the application to beneficial use of .6 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho I hereby grant and confirm to MARY McMAHON, of Corral, County of Blaine, State of Idaho, the holder and owner of said permit no. 4495 a perpetual right, dating from April 3, 1909, to the use of .6 of 1 cubic foot per second of the waters of the West fork of Three mile Creek and Willow Spring, in the County of Blaine, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point on the west fork of Three Mile Creek in the southwest quarter of northwest quarter and from Willow Spring in northeast quarter of southwest quarter of section 15, township 1 north, range 13 east of the Boise meridian, and conducted to and upon about (40 acres in the southwest quarter of southeast quarter of section 15, township 1 north, range 13 east of the Boise meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral, from which sub water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 23rd day of June A.D.

Nineteen hundred and nine.

Jas. Stephenson, Jr.

State Engineer

(SEAL) Recorded June 23, 1909

37-2131

No. 6428.

37-2131

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Mary M. Mahon,
Postoffice address: Corral.
County: Blaine State: Idaho
2. The quantity of water claimed is six-tenths cubic feet per second.
3. Source of water supply: West fork Three Mile Creek .4 sec. ft., and Willow Spring .2 sec. ft.,
County of Blaine Idaho.
4. Location of point of diversion: .4 sec. ft., SW4 NE4 Sec. 15 T. 1 N.R. 13 E.
.2 Sec. ft., NE4 SW4 Sec. 15
5. To be used for:
 - I. Irrigation and domestic use:
 - (a) Amount of land to be irrigated: 40 acres.
 - (b) In the following legal subdivisions: SW4 SE4 Sec. 15, T. 1 N.R. 13 E. S. E.
6. Estimated cost of works: \$50.00
7. Description of works for diversion:
 - I. Kind of works: Ditch
 - II. Dimensions of works:
 - (c) Size of headgate: Width two feet, height three feet.
 - (d) Conduit ditch, width at bottom 2 feet, width at water line 2½ feet, depth of water one foot. Average grade per mile is 10 feet. Length of conduit is 1/2 mile, and it crosses the following quarter sections: SW4 NE4, the NW4 SE4 and the NE4 SW4 Sec. 15, T. 1 N.R. 13 E., to land described in 5 I (b) above which is the point of intended use.
8. Time required for the completion of the construction of such work is two years.
9. Time required for the complete application of the water to the proposed use is no additional years.

BE IT KNOWN, The undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Mary M. Mahon,

Applicant.

By. H.L. Childs..Agent.

APPROVAL OF STATE ENGINEER

The number of this permit is 4495.

Date of first receipt of application: 9.00 a.m. April 3, 1909

Recorded in Book 12. Page 4495. Approved April 3, 1909.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before June 2, 1909, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before April 3, 1910.

The whole of said work to be completed on or before April 3, 1911.

The time for proof of beneficial use of water appropriated in accordance herewith to extend to April 3, 1911.

Witness my hand this third day of April, 1909.

Jas. Stephenson, Jr.

State Engineer.

Notice for proof of completion and beneficial use received April 29, 1909, fixing

June 3, 1909, as date and Soldier as place of proof.

Publication notice mailed "amas Prairie Courier April 29, 1909

Deposition blanks mailed applicant April 29, 1909

Jas. McMillian notified to make proof, April 29, 1909

Depositions, fees, affidavit of publication: received June 7, 1909

Report of engineer received : June 9, 1909

Certificate of Completion and water License issued June 23, 1909.

PERMIT NO. 4495.

CERTIFICATE OF COMPLETION OF WORKS.

To ALL Whom it May Concern:

This is to certify that Mary McMahon, of Corral, County of Blaine, and State of Idaho, the holder of Permit No. 4495, issued upon Application No. 6428, bearing date of priority of April 5, 1909, authorizing the diversion of .4 of 1 second foot of the waters of the west fork of Three Mile Creek and .2 of 1 second foot of the waters of Willow Spring, County of Blaine, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .6 of 1 second foot of the waters of the west fork of Three Mile Creek and Willow Spring, that the point of Diversion of said waters is at a point from the West Fork of Three Mile Creek in the southwest quarter of northeast quarter of Section 15, and from Willow Spring in the northeast quarter of southwest quarter of section 15, township 1 north, range 13 east of the Boise meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: The southwest quarter of the southeast quarter of section 15, township 1 north, range 13 east of the Boise Meridian.

Witness my hand this 25th day of June, A. D. 1905.

Jas. Stephenson, Jr.

State Engineer of the State of Idaho.

License issued for 8.110 second feet.

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MEMORANDUM

Date: November 07, 2002
To: Water Right File 37-2131
From: dgibson *dg*
Re: Review of Multiple PODs

During my review to clarify the multiple PODs of this right I found that the source name was not correct. The source according to the license was referred to as the West Fork of Three Mile Creek. The correct source is McMahan Creek which is tributary to Three Mile Creek. Additionally, the location of the source was platted in July of 1979 to reflect the SWNW of Sec. 14. From my review which locates the POD on McMahan Creek, I believe the correct location is in the SWNW, Sec. 15, T1N, R13E, which is according to the license as recorded 6/23/1909.

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 4499 137-2131
Old No. New No.

Record

1. Original Owner: Mary Mc Mahon

Present Owner: _____

2. Address:

3. City: Cornal State: Id Zip: _____

4. A. Source of Water: three mile creek + willow Springs.

B. Tributary of: _____

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

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

C. Priority Date: 4-3-09

D. County: 13

E. Total Diversion Rate: .6

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>SWNW</u>	<u>15</u>	<u>1N</u>	<u>13E</u>		
	<u>SWNW</u>	<u>15</u>	<u>1N</u>	<u>13E</u>		
	<u>NESW</u>	<u>15</u>	<u>1N</u>	<u>13E</u>		

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

- from _____ to _____ for A purposes. Amount .6
(cfs or AG-ft/yr)
- from _____ to _____ for D purposes. Amount _____
- from _____ to _____ for _____ purposes. Amount _____
- from _____ to _____ for _____ purposes. Amount _____
- from _____ to _____ for _____ purposes. Amount _____
- from _____ to _____ for _____ purposes. Amount _____

Western District Office

July 24, 1972

RE: 37-2025, 37-2103, 37-7021, 37-2023, (37-2131),
37-2048, 37-2157, 37-2786, 37-2076

Mr. Peter Jans
Box 688
Ketchum, Idaho 83340

Dear Mr. Jans:

Pursuant to your request, you will find enclosed copies of the permits and licenses that we have recorded on Three Mile Creek and Willow Creek.

The fee for these copies will be \$4.20.

If you should have any further questions, please feel free to call us.

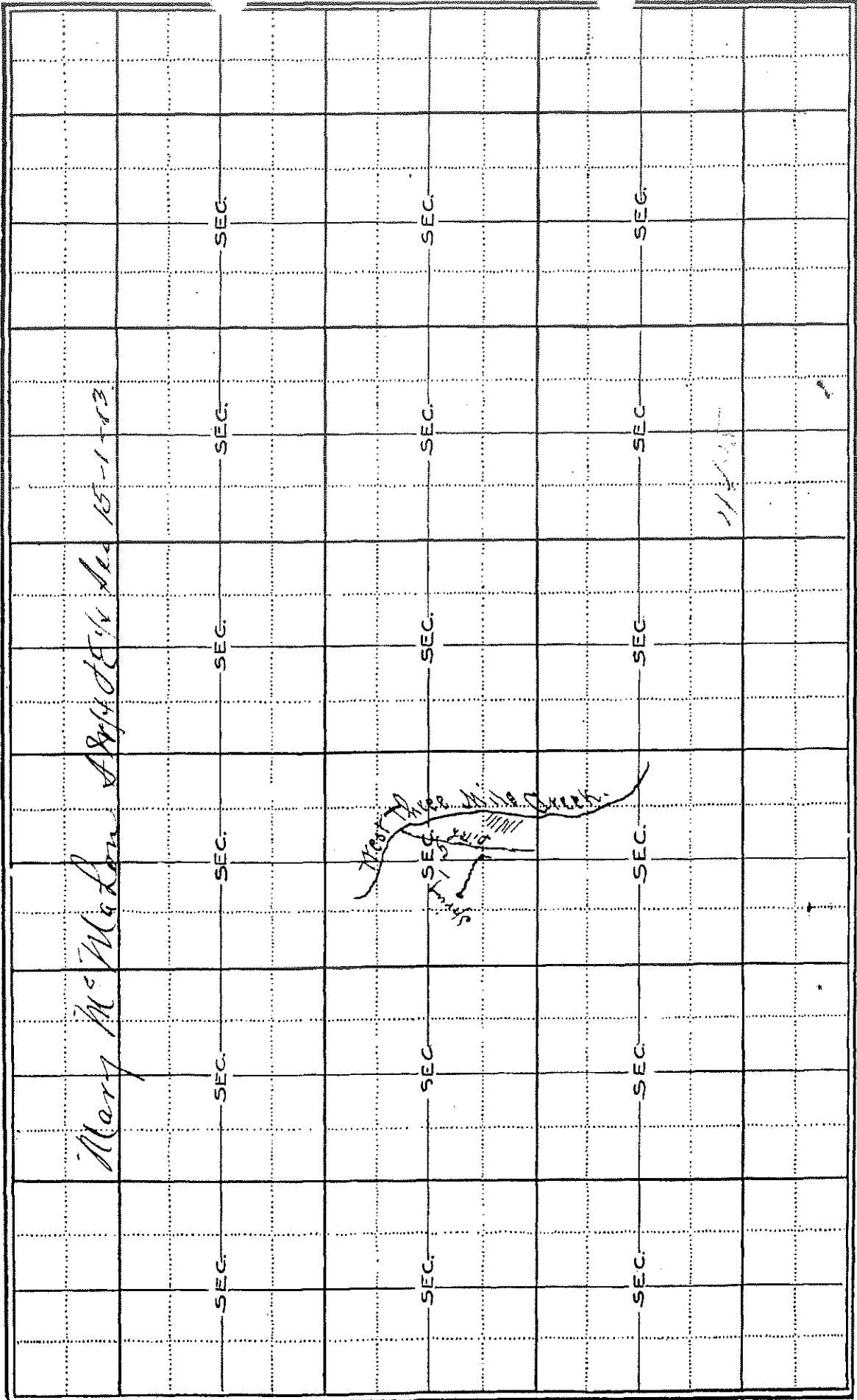
Sincerely,

DORIAN CLAY
Water Resource Examiner

DC:mkp

Enclosures

37-2131

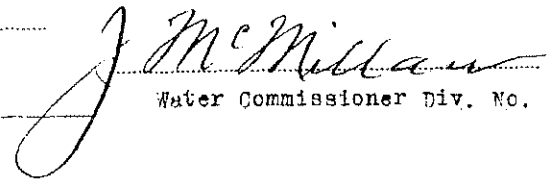


Report of Engineer

1. State name of applicant and number of permit: Mary McMillan, Permit No. 4495
2. State source of water supply: West Fork Three Mile creek and Willow spring
3. Location of point of diversion: West Fork Three Mile Creek SW4 NE4 Sec. 15 and Willow Spring NE4 SW4 Sec. 15, Tp. 1 N., R. 13 E. B. 1.
4. State whether or not the works of diversion are *fully* completed and in accordance with terms of permit: Yes.
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: 15"
 - (b) Width at water line: 50"
 - (c) Depth of water: 8"
 - (d) Grade per mile: 50'
6. State whether or not water has been turned into works of diversion and if so, to what extent: Yes, as above.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: SW 1/4 of SE 1/4 Sec 15-1-13.
8 acres in alfalfa, 4 acres in garden.
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

Examination made June 3rd, '09


Water Commissioner Div. No. 2.

STATE OF IDAHO,

County of } "

....., being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this..... day of..... 190.....

My Commission Expires.....

Notary Public.

4495