

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: April 30, 1997

PAGE: 1

RIGHT NUMBER: 72-10479

NAME AND ADDRESS: SCOT HORTON
MARGARET HORTON
RT 4 BOX 319
BUHL ID 83316

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY-DATE: 08/19/1987

POINT OF DIVERSION T11N R16E S30 SENE Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within CUSTER County
T11N R16E S30 SENE

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RPH011N16E5700A
TRACTS 1685, 76-40 FHE NUMBER 322.RECEIVED
JUN 09 1998
Department of Water
Southern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

April 30, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

72-10479
SCOT HORTON
MARGARET HORTON
RT 4 BOX 319
BUHL ID 83316

RE: Recommended Water Rights Acquired Under State Law
Snake River Basin Adjudication (SRBA)
Domestic and/or Stockwater Rights in Reporting Area 4, Basins 71 and 72

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basins 71 or 72 (the Upper Salmon River Drainage Basin). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in basins 71 and 72 will be recommended in a later process.

Note that you have 120 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the Custer County courthouse in Challis, the Blaine County courthouse in Hailey, and all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed later this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl J. Dreher', written over a horizontal line.

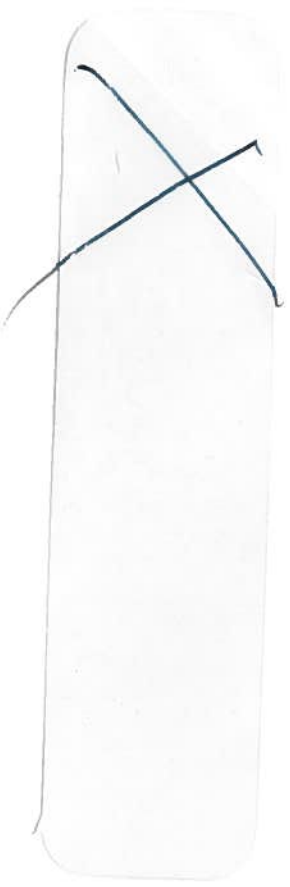
Karl J. Dreher
Director

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

JUN 09 1997
DEPARTMENT OF WATER RESOURCES
Boise, Idaho

IMPORTANT WATER RIGHT INFORMATION



RECEIVED

MAY 5 - 1997

Department of Water Resources

PRESORTED
FIRST CLASS

BOISE
MAY-1997
ID
6061002
U.S. POSTAGE
0295

NOT DELIVERABLE
AS ADDRESSED -
RETURN TO SENDER
FORWARD

MAR-03-1997
0033

RIGHT NUMBER: 72-10479

NAME AND ADDRESS:

SCOT HORTON
MARGARET HORTON
RT 4 BOX 319
BUHL ID 83316

SOURCE:

GROUNDWATER

QUANTITY:

0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE:

08/19/1987

POINT OF DIVERSION:

T11N R16E S30

SENE

Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC 1 HOME

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS

PLACE OF USE:

DOMESTIC
T11N R16E S30

Within CUSTER County
SENE

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RPH011N16E5700A
TRACTS 1685, 76-40 FHE NUMBER 322.

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: A72-10479
Date Received: 3/05/1990
Receipt No: 5011391
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SCOT HORTON 208-543-4413
Address: RT. 4 BOX 319
BUHL, ID 83316

AND
Name: MARGARET HORTON 208-543-4413
Address: RT. 4 BOX 319
BUHL, ID 83316

2. Date of Priority: AUG 19, 1987

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	16E	30	SE	NE			CUSTER

5. Description of diverting works:
6"X 80' WELL, 1/2 HP SUBM. PUMP

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:
D/1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	16E	30	SE NE		DOMEST	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:

TRACTS 1685, 76-40 FHE #322.

DWR NOTE

1/4-1/4 DESCRIPTION NOT GIVEN BUT DETERMINED FROM MAP GIVEN.

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)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
MAR 11 1990

RECEIVED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources
Southern Region Office

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A72-10479

Date Received

Receipt Number 5011391

RECEIVED

JAN 11 1990

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use Is less than 13,000 gallons per day.

JAN 30 1990

Department of Water Resources
Southern Region Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Scot Horton and/or Margaret Horton Phone (208) 543-4413Mailing Address Rt 4 Box 319 Buhl ID Zip 833162. Date of Priority (Only one per claim) 8-19-87 Month/Day/Year3. Source of water supply (Check one) ☒ Groundwater or Other ☐ (a) well

Name or kind of source

which is tributary to (b) N/A4. Location of point of diversion is: Township 11N Range 16ESection Tracts 1685, 76-40 1/4 of Fraction of HES # 322 1/4 of 1/4, Govt. Lot 1/4, BM.,County of Custer

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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 60 ft of 8" casing + 20 ft of 6" casing 1/2 hp submersible pump, pipe to house

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1/1 Month/Day to 12/31 Month/Day amount .04 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 (cfs)8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: give number of head of livestock and Number of livestock) one domestic unit

RECEIVED
MAR 2 1990
MICROFILMED

10. Place of use is: Township: 11 N Range 16 E Tracts 1685, 76-40
Section _____ 1/4 of _____ 1/4, Govt. Lot _____, B.M., FHE # 322

for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

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

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.
(X) None or N/A

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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) Margaret Horton Date 1-9-90

Margaret Horton Date 1-9-90

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

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or Idaho)
County of Twin Falls) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 9th day of Jan 19 90

SEAL

Notary Public Bill R. Pantin

Residing at Buhl, Idaho

My Commission Expires 2/21/91

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

APR 13 1990

R. 16 E.

R. 15 E.

R. 14 E.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Scot Horton

FEB 9 1990

RECEIVED

MAR 2 1990

(2 of 2 claims)

RE: SRSA Claim

Department of Water Resources
Southern Region Office

Dear Claimant:

Please find enclosed your claim and your check # 5476 for \$ 50.00 which you submitted to our office. I am returning these pursuant to Rule 10.4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification:

- ☒ Item #2 Priority *SEE REMARKS on PAGE 1 (Attached to claim)*
- ☒ Item #4 Point of Diversion Legal Description
- ☒ Item #6 Uses descriptions
- ☒ Item #9 Description of Non-irrigation Uses *if NO USE EXISTS A CLAIM already in use MAY BE Disallowed*
- ☒ Item #10 Place of Use Legal Description
- ☒ Item #16 Signature & Notorization
- ☒ Improper fee (THE CORRECT FEE IS \$ _____)
- ☒ Other or Remarks

#4 & #10 - NEED TO GIVE 1/4-1/4 LEGAL DESCRIPTIONS.
I could not supply a map; NEED SECTION #

~~If you wish to continue to press your claim please find enclosed instructions and another claim form to use.~~ If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed an additional \$50.00 late fee.

Sincerely,

Allen Merritt
Allen Merritt, P.E.
Water Rights Supervisor

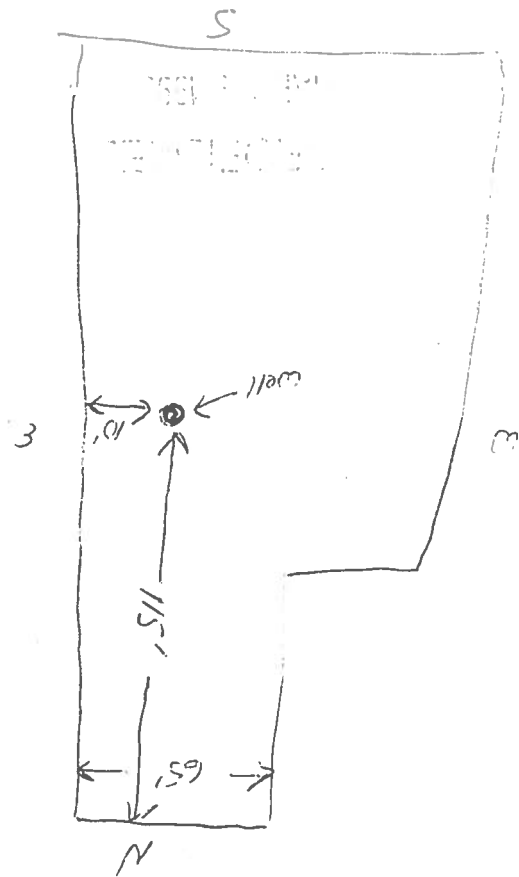
ADM:adm
Enclosures:

SCC

MICROFILMED

MAR 1 1990

Well location
on 11N 16E Tracts 1685,
76-40 FHE #322



WARRANTY DEED

For Value Received We, Max P. Kroeger and Katherine D. Kroeger, husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto Scot Horton and Margaret Horton, husband and wife,

the grantee s , whose current address is

the following described premises, in Custer County Idaho, to-wit:

A fraction of H.E.S. No. 322 in Custer County, Idaho described as follows:

Beginning at corner No. 4 of said H.E.S.; thence South 43°05' West along the Southerly boundary line of said H.E.S., 150.1 feet to the TRUE POINT OF BEGINNING; thence continuing South 43°05' West along said Southerly boundary line 157.6 feet; thence North 14°23' West, 168.6 feet; thence North 64°31' East, 20 feet; thence North 14°23' West, 120 feet, more or less, to a point on the Southerly Right-of-Way line of U.S. Highway 93; thence North 64°31' East along said Highway Right-of-Way line 65 feet; thence South 25°29' East, 209.5 feet to the True Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s , their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees , that they the owner s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: July 22, 1985

Max P. Kroeger Katherine D. Kroeger
MAX P. KROEGER KATHERINE D. KROEGER

STATE OF IDAHO, COUNTY OF

On this 22nd day of JULY, 1985, before me, a notary public in and for the said State, personally appeared MAX P. KROEGER AND KATHERINE D. KROEGER, husband and wife.

known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

David B. Jurey
Notary Public
Residing at _____, Idaho
Comm. Expires 2-7-88

STATE OF IDAHO, COUNTY OF Custer

I hereby certify that this instrument was filed for record at the request of Custer County Clerk

at 30 minutes past 2 o'clock P. M.,
this 26th day of July, 1985, in my office, and duly recorded in Book
of Deeds at Page

Eddy M. Peck
Ex-Officio Recorder

By Lutz Robinson Deputy.

Fees \$2.00
Mail to:



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

. Mar. 9, 1990

Re: A71-10161
A72-10479

. SCOT HORTON
. RT 4 BOX 319
. BUHL ID 83316

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 19 1990

WATER RIGHT NUMBER - A72-10479

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

[illegible]

*** C - CURRENT COVER ***
HORTON

100

1 - 2T. 4 30X 213

STAT-- ID 112- 3131-

[illegible]

THE

i - 27. 4 BOX 319

STATE- ID ZIP- 93313

100

[illegible]

PRIORITY DATE - - +
08/19/1987

J - BENEFICIAL USE

	+ - - - -	SOURCE	- - - - +	
	+ - - - -	TRIBUTARY	- - - - +	

GROUNDWATER

[illegible]

11N	16E	30	SSE NF	(37) CUSTER
-----	-----	----	--------	-------------

[illegible]

0.040

TC/TS

12/31

[illegible]

C + C = 0

•

[illegible]

43 UCMESTIC

(37) CUSTEE

+ - - DIVERSION MEANS - 6"X 10' WELL, = HP SUM. PUMP

+ - - NON-IRRIGATION USE - 3/1 HOUSE

+ - - OTHER RIGHTS FOR SAME USE - NONE

$$Z = M \Delta D \Delta C$$

TRACTS 1695, 75-40 FHE #322.

[illegible]

CMR NOTE
 << DESCRIPTION NOT GIVEN BUT DETERMINED FROM MAP GIVEN.

NO OLD WATER RIGHT NUMBERS FOUND.

+ - DEGREE DATE - +
00/00/0000

NO COMMENTS FOUND

CIVIL CASE NUMBER	-	39573
OLD CASE NUMBER	-	
OLD JUDICIAL DISTRICT	-	
TEMPORARY RIGHT	-	P
WATER DISTRICT	-	
FEDERAL/STATE INDICATOR	-	S
PRESUMPTION FLAG	-	
NOTICE OF ERROR FLAG	-	

1280260

VERIFIED
AUG 08 1992

CERTIFIED
AUG 28 1992
WATER EXAMINER

RECEIVED

AUG 01 1997

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A. Subcase: 72-10479

Case No. 39576

DOMESTIC AND
STOCK WATER RIGHT
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Scot Horton and Margaret Horton

Address: ~~Rt. 4, Box 319~~ 604 Parnell Dr.

Buhl, Idaho 83316

Daytime Phone: 208-543-4413

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Scot Horton and Margaret Horton

Address: Rt. 4, Box 319

Buhl, Idaho 83316

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: Scot Horton and Margaret Horton 604 Parnell Dr Buhl, ID 83316
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: T11N, R16E, Section 30 NESE
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: T11N, R16E, Section 30 NESE

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): _____

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Twin Falls)

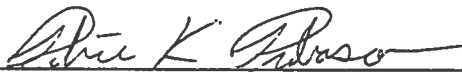
Scott Horton, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 7-28-97


Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 10-16-98

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.



CERTIFICATE OF MAILING

I certify that on 7-28, 1997, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: _____

Address: _____

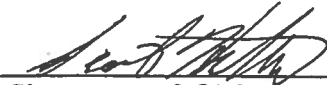
3. Copies to:

IDWR Document Depository ✓
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

USDA Forest Service
Attn: David Brown
Boise Adjudication Team
380 Parkcenter Blvd Suite 330
Boise ID 83706



Signature of Objector or attorney
mailing on Objector's behalf