

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-2163

WENDELL HORN
3645 MILL CREEK RD
CAMBRIDGE ID 83610
Telephone Number: (208)257-3870

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE:

11-29-06

SIGNATURE:

Wendell Horn

Please print your name:

Wendell Horn

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 9 2006

08/30/2006

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

RIGHT NUMBER: 67-2163

NAME AND ADDRESS: WENDELL HORN
3645 MILL CREEK RD
CAMBRIDGE ID 83610

SOURCE: NORTH FORK MILL CREEK TRIBUTARY: MILL CREEK
SOUTH FORK MILL CREEK TRIBUTARY: MILL CREEK

QUANTITY: 0.700 CFS

PRIORITY DATE: 07/24/1933

POINT OF DIVERSION:

T16N R04W S32 SWNW Within WASHINGTON County
T16N R04W S32 SENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.700 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE:

IRRIGATION Within WASHINGTON County
T16N R04W S32 SWNE 18.00 T16N R04W S32 SENW 17.00
STOCKWATER Within WASHINGTON County
T16N R04W S32 SWNE T16N R04W S32 SENW

35 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The following rights are also diverted through point of diversion described above: 67-2163, 67-10326



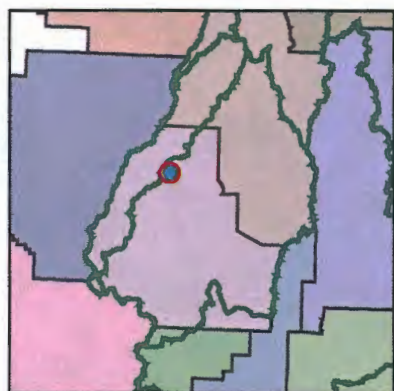
Idaho Department of Water Resources

SRBA Recommendation:

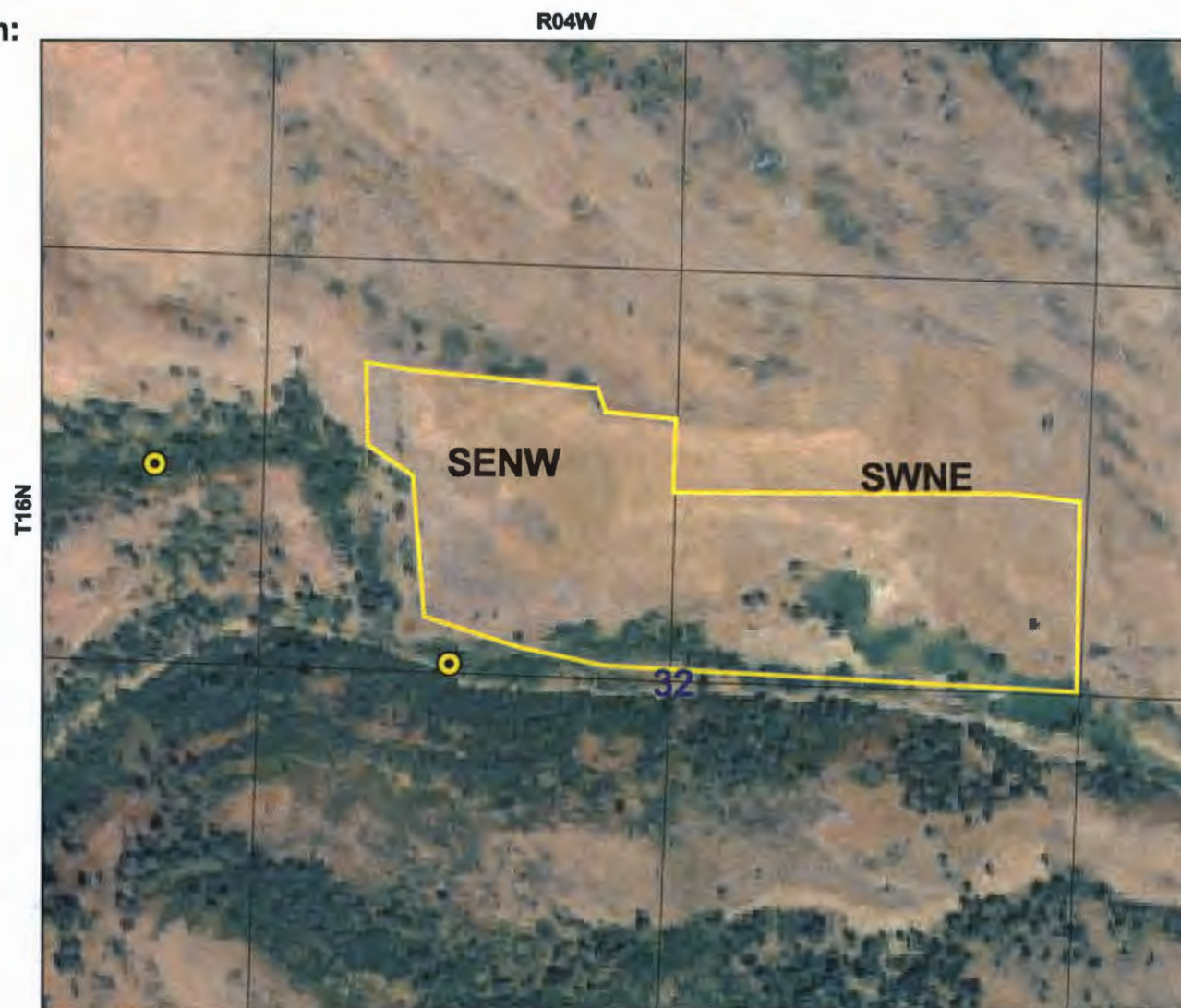
67-2163

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



0 0.2 0.4 Miles



Prepared by M. Mount
On Wednesday, August 30, 2006
1987/88 Aerial Photography

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: M004702
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: WENDELL HORN
Address: 3645 MILL CREEK RD
CAMBRIDGE ID

208-257-3870

83610

2. Date of Priority: JUL 24, 1933

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

Trib. to: 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.

|
ADDRESS CHANGE BY CLAIMANT LETTER 5/5/99 SS.

15. Basis of Claim: LICENSE

Water Right Number: 17793

MAY - 5 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

April 29, 1999

KARL J. DREHER
DIRECTORWENDELL HORN
3645 MILL CREEK RD
CAMBRIDGE ID 83610Re: Snake River Basin Adjudication (SRBA)
Water Rights #67-10329, A67-02163 & A67-10326
Change of Address

Dear Water Right Holder:

*records changed, NCAP prepared,
on 5-5-99*

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by May 17, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.*Wendell Horn*
Claimant Signature*208-257-3870*

Telephone No.

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: MOBY 702

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

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 of	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 _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): Wendell Horn Date: 9-26-89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 26th day

of September 19 89

Jan Shute
Notary Public

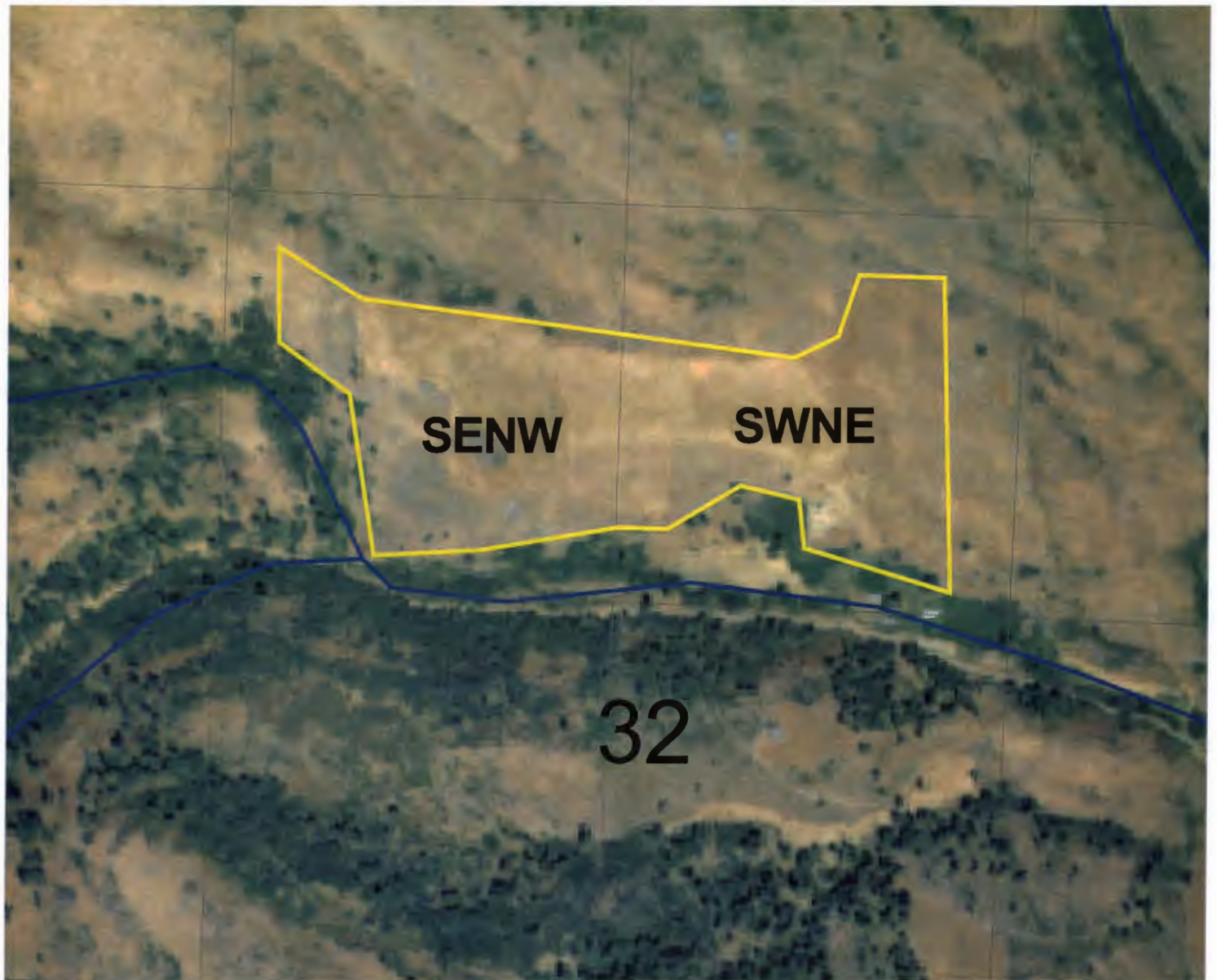
Seal

Residing at Meridian ID

My Commission Expires 9-14-94

Idaho Department of Water Resources

67-2163



1000 0 1000 2000 Feet

T16N, R 04W, S32



**Prepared by Anita L. Warntjes
January 8, 2004
1993/94 True Color Photo**

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2163 V1

WATER RIGHT NUMBER: 67-2163 V1

Owner Type Name and Address
Original Owner CHARLES E OVER

Current Owner CAMBRIDGE, ID
 WENDELL HORN
 3645 MILL CREEK RD
 CAMBRIDGE, ID 83610
 (208)257-3870

Priority Date: 07/24/1933

Basis: License

Status:

Source Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.700 CFS	
STOCKWATER	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
16N	04W	32	18.0	17.0			35.0

Total Acres: 35
STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
16N	04W	32	X	X			

Conditions of Approval:

Remarks:

Draft

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2163 V1

Comments:

1. awamtje 4/29/2004 POD

Comment: SWNE is not listed as a POD on license. It has not been put in ArcView or PLS. Other two PODs have been put in ArcView and PLS.

2. awamtje 4/29/2004 Period of Use

Comment: License does not have period of use

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	4/29/2004 2:35:09 PM	awamtje			
POD	4/29/2004 2:41:37 PM	awamtje			
Source	4/29/2004 2:43:00 PM	awamtje			
POU	4/29/2004 2:43:48 PM	awamtje			
Use	4/29/2004 2:44:13 PM	awamtje			
Season	4/29/2004 2:44:29 PM	awamtje			
Quantity	4/29/2004 2:45:53 PM	awamtje			

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	1/8/2004 9:12:39 AM	awamtje	Edited shape boundary
POD	4/29/2004 2:41:04 PM	awamtje	Edited point location
POD	4/29/2004 2:41:22 PM	awamtje	Edited PLS

DO NOT SCAN

04/29/2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2163 V1

Priority Date	4/29/2004 2:35:10 PM	awamtje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POD	4/29/2004 2:39:01 PM	awamtje	Edited PLS
POU	4/29/2004 2:43:49 PM	awamtje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
Season	4/29/2004 2:44:30 PM	awamtje	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use?
POD	4/29/2004 2:38:39 PM	awamtje	Edited point location
POD	4/29/2004 2:41:38 PM	awamtje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD?
Source	4/29/2004 2:43:01 PM	awamtje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
Use	4/29/2004 2:44:13 PM	awamtje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Quantity	4/29/2004 2:45:54 PM	awamtje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? Description for Question 10 - .7 cfs
POU	1/8/2004 9:11:16 AM	awamtje	Edited shape boundary

AJ0749NP
No. A67-02163

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/05/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WENDELL HORN 3645 MILL CREEK RD CAMBRIDGE ID 83610 (208) 257-3870	07/24/1933	IRRIGATION STOCKWATER	03-15 11-15 01-01 12-31	0.700 CFS 0.040 CFS	
TOTAL DIVERSION:					0.700 CFS	

Water Source: MILL CREEK, NORTH FORK
MILL CREEK, SOUTH FORK
MILL CREEK

Tributary to: MILL CREEK
MILL CREEK
PINE CREEK

Stage: LICENSE

Point(s) of Diversion: T16N R04W S32 SWNE SWNW SENW WASHINGTON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		
16N	04W	32	:					18								17														35.0		
TOTAL ACRES																													35.0			

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE																
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
16N	04W	32	:					S								S																

POU County: WASHINGTON

Non-Irrigation Uses: STOCKWATER FOR 45 HD.

Other Rights: CLAIM NO. A67-10326 FOR 15 ADDITIONAL ACRES.

Remarks: GEN 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.

ADDRESS CHANGE BY CLAIMANT LETTER 5/5/99 SS.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Notice to Mailer of Correction in Address

Addressee's Account Number (All numbers, dates, and letters)

67-10327, A67-02163, A67-10326

☐ No account number on mail

☐ Account number illegible

Addressee's Name

Wendell Horn

Old Address (Include apartment or suite number)

City, State, and ZIP Code

Hc 67 Box 3590

Cambridge, Id 83610

New Address (Include apartment or suite number)

City, State, and ZIP Code

3645 Mill Creek Rd

Cambridge, Id 83610

This card is furnished: ☒ For address correction, as requested (your mailpiece was forwarded).

☐ In place of Form 3579 (see reason for nondelivery below).

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:

☐ Moved, left no address

☐ No such street

☐ No such number

☐ Refused

☐ Attempted, not known

☐ Unclaimed