

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: 67-4072

MILDRED M HORTON
2574 SCHOOL RD
MIDVALE ID 83645

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

*Name Change Required, Point of diversion
Changed in 1996. Irrigation Period of use should be 3-15 - 11-15
Water is now Comingled With Middle Valley Ditch - Map should include The rest of NVNW Sec 9 and
Part of NENE Sec 8*

2. Describe the changes you wish to make in the proposed recommendation:

*Name on Claim - Period of use - Map, Place of use
Point of diversion*

3. Give a brief explanation as to why you disagree with these portions:

*Your recommendation do not match original right
Point of diversion has changed, Area of use changed due to Comingles
With MVDC. Ownership change in 1995*

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

DATE: 11-29-06

SIGNATURE: *Harmon H. Horton*

Please print your name: Harmon H. Horton

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

*Talked w/ Harmon Horton and verified that the recommendation
was good as that's how the system was in 1987. Advised
him to file a transfer when he gets the partial
decree. Ownership change processed. JD. 12/15/06*

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
<u>67-4072</u>	<u>67-4072</u>	<u>N</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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) or claim(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 OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Mildred M. Horton
4. New Owner/Claimant(s) 36 N. Greenleaf, Nampa, ID 83651
Harmon H. & or Terry L. Horton
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 2574 School Rd
- City, State and ZIP Code Midvale, ID 83645
- New Telephone Number 208 355-2315
5. Date you acquired the property Dec. 20, 1995

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 a 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 _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (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 _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (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) *Terry X. Horton*

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 _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by JD AJ Date 12/15/06 WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR, describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s).** Please enter the number(s) at **Item 1.** Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3.**
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4.** Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

Approved by:
Initials MSH

WARRANTY DEED

FOR VALUE RECEIVED, MILDRED HORTON MILLER, formerly Mildred H. Horton, a widow, dealing with her sole and separate property, the Grantor, does hereby, grant, bargain, sell and convey unto HARMON H HORTON and TERRY L. HORTON, husband and wife, the Grantees, whose address is 2204 Valley Road, Midvale, ID 83645, the following described real estate situated in Washington County, State of Idaho, to-wit:

TOWNSHIP 13 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN:

Section 4: SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Section 5: That part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying southeasterly of Weiser River; and a tract described as follows: Beginning at a point 20 rods West of the northeast corner of the NW $\frac{1}{4}$ of Section 8, Twp 13 N, R 3 W BM; thence East along the North line of said Section 8 to the center of the Weiser River; thence northwesterly along the center of the Weiser River to a point north of the place of beginning; thence South to the place of beginning;

Section 8: NE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Section 9: NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SAVE AND EXCEPT the following described parcel: Commencing at a point where the centerline of Snapp Road intersects the North line of the NW $\frac{1}{4}$ of said Section 9; Thence South along the centerline of said road a distance of 68 feet to the point of beginning; Thence continuing South along the centerline of Snapp Road, a distance of 200 feet; Thence West, parallel to the north line of said NE $\frac{1}{4}$, a distance of 175 feet; Thence North, parallel to the centerline of Snapp Road, a distance of 200 feet; Thence East, parallel to the north line of said NW $\frac{1}{4}$, a distance of 175 feet to the point of beginning.

SUBJECT TO the lien of the following:

Financing Statement covering pumps, wheel line sprinklers, Middle Valley Ditch Corp. water certificates.

Recorded: May 12, 1992, Instrument No. 154397.

Debtor: Mildred M. Horton.

Secured Party: Beneficial Mortgage Co. of Idaho.

Deed of Trust dated October 25, 1993, to secure an indebtedness in the original principal sum of \$71,500.00, and any other amounts and/or obligations secured thereby.

Recorded: October 29, 1993, Instrument No. 158371.

Grantor: Mildred M. Horton, a widow.

Beneficiary: Beneficial Mortgage Co. of Idaho, a Delaware corporation.

Real Estate Mortgage dated October 25, 1993, to secure an indebtedness in the original principal sum of \$71,500.00, and any other amounts and/or obligations secured thereby.

Recorded: October 29, 1993, Instrument No. 158370.
Mortgagor: Mildred M. Horton, a widow.
Mortgagee: Beneficial Mortgage Co. of Idaho, a corporation.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that said premises are free from all incumbrances EXCEPT AS NOTED ABOVE, and that she will warrant and defend the same from all lawful claims whatsoever.

DATED this 20 day of December, 1995.

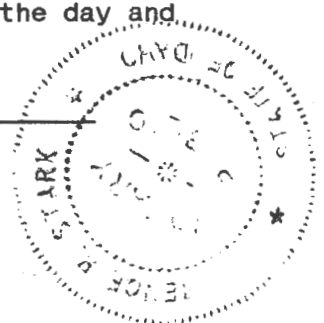
Mildred Horton Miller
Mildred Horton Miller

STATE OF IDAHO)
 : ss
County of Washington)

On this 20 day of December, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared MILDRED HORTON MILLER known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Clarence R. Stark
Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires 9/3/99



INSTRUMENT NO. 165027
STATE OF IDAHO, COUNTY OF WASHINGTON ss,
Filed for record at the request of

WASHINGTON COUNTY TITLE
55 Min. past FIFTEEN o'clock P. M.
This 21ST day of DECEMBER 19 95
Index to: DEEDS
SHARON WIDNER, Recorder Fee: \$6.00
By Sharon Widner Deputy
WASHINGTON COUNTY TITLE

☒ Comp. Index
☒ Comp. Rel.
☒ Film
☒ Compare
☒ Card Rel.
☒ Bk. Rel.
☒ Up-date
☒ Return
☒ Copy



Idaho Department of Water Resources

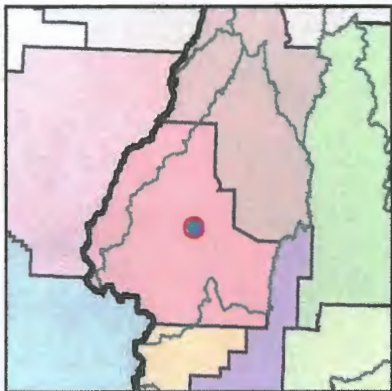
SRBA Recommendation:

67-4072

(Irrigation)

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 IDWR State Office
On Tuesday, November 14, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

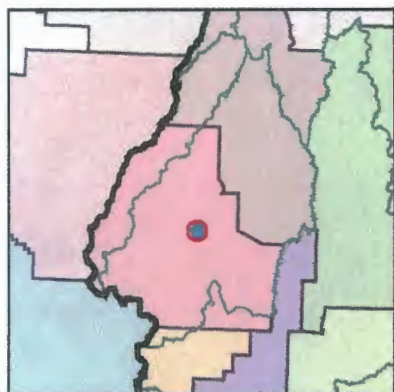
SRBA Recommendation:

67-4072

(Irrigation)

Legend

-  Point of Diversion
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Washington County
IDWR Basin 67



0 0.2 0.4 Miles

Prepared by IDWR State Office
On Tuesday, November 14, 2006
1987/88 Aerial Photography

09/08/2006

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

RIGHT NUMBER: 67-4072

NAME AND ADDRESS: MILDRED M HORTON
2574 SCHOOL RD
MIDVALE ID 83645

SOURCE: SPRINGS

TRIBUTARY: WEISER RIVER

QUANTITY: 1.790 CFS

PRIORITY DATE: 03/01/1941

POINT OF DIVERSION:

T13N R03W S4 SWSWSW Within WASHINGTON County

T13N R03W S8 NWNENE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS
IRRIGATION	03/15 10/31	1.740 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T13N R03W S04	SWSW	40.00	T13N R03W S05	SESE	7.00
T13N R03W S08	NENE	26.00	T13N R03W S08	NWNE	1.00
T13N R03W S09	NWNW	13.00			

STOCKWATER same as IRRIGATION

87 ACRES TOTAL

Place of use is within the area served by Middle Valley Ditch Corporation.

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 - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



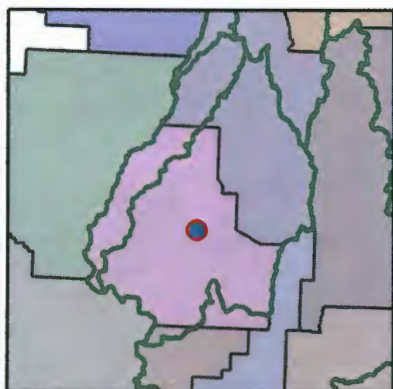
Idaho Department of Water Resources

SRBA Recommendation:

67-4072

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 J. Dean
On Friday, September 8, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4072 V1

WATER RIGHT NUMBER: 67-4072 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PHILIP E HORTON
Current Owner	MIDVALE, ID 83645 MILDRED M HORTON 2574 SCHOOL RD MIDVALE, ID 83645

Priority Date: 03/01/1941

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.050 CFS	
IRRIGATION	03/15 to 10/31	1.740 CFS	
	<u>Total Diversion:</u>	1.790 CFS	

Location of Point(s) of Diversion

SPRINGS	NW1/4NE1/4NE1/4	Sec. 8,	Twp 13N,	Rge 03W, B.M.
WASHINGTON County				
SPRINGS	SW1/4SW1/4SW1/4	Sec. 4,	Twp 13N,	Rge 03W, B.M.
WASHINGTON County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	03W	4											40.0						40.0
13N	03W	5																7.0	7.0
13N	03W	8	26.0	1.0															27.0
13N	03W	9						13.0											13.0

Total Acres: 87

STOCKWATER same as: IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4072 V1

Conditions of Approval:

1. C18 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.
2. 129 Place of use is within the area served by Middle Valley Ditch Corporation.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:

1. jdean 9/8/2006 POU

Comment: From the field exam (8/16/06), there are roughly 150 acres that can be irrigated from the pumps that pump spring water. The acres for this claim were recommended from the map that was filed with the statutory claim. Some acres were shifted because the Weiser River has shifted somewhat.

2. jdean 9/8/2006 Source

Comment: The water used under this claim comes from springs on the Horton property. The springs may be supplemented by groundwater "runoff" from irrigation on lands above the Horton property. This water comes primarily from the Middle Valley Ditch Company.

3. jdean 9/8/2006 System

Comment: The system consists of 2 springs that feed a common ditch. The ditch feeds a small pond where there is a pump station with 2 pumps. These pumps feed the sprinkling system. The system was changed in the 1990s from having 2 pumps at different locations in the ditch. The springs seemed to be in the same location as they were previously.

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>
Contacts	9/8/2006 12:52:57 PM	jdean			Active
Priority Date	9/8/2006 1:00:26 PM	jdean			Active
Contacts	9/8/2006 1:01:24 PM	jdean			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4072 V1

POD	9/8/2006 1:04:47 PM	jdean	Active
Source	9/8/2006 1:05:51 PM	jdean	Active
POU	9/8/2006 1:12:52 PM	jdean	Active
Use	9/8/2006 1:21:57 PM	jdean	Active
Season	9/8/2006 1:24:33 PM	jdean	Active
Quantity	9/8/2006 1:26:52 PM	jdean	Active
Summary		09/08/2006 jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	8/31/2006 4:57:12 PM	jdean	Updated shape for Active POU
POU	8/31/2006 5:04:35 PM	jdean	Updated shape for Active POU
Contacts	9/8/2006 12:52:57 PM	jdean	(Yes) 1. Do you want to schedule an appointment? (No) 2. Do you want to update the field exam contact information? Contact Person: Harmon Horton Contact Phone Number: 208-355-2315 Date of Field Exam: 8/16/06 AM Directions to Property:
POD	9/8/2006 1:01:53 PM	jdean	Updated shape
POD	9/8/2006 1:03:19 PM	jdean	Updated PLS
Contacts	9/8/2006 1:01:25 PM	jdean	(Yes) 1. Do you want to schedule an appointment? (No) 2. Do you want to update the field exam contact information? Contact Person: Harmon Horton Contact Phone Number: 208-355-2315 Date of Field Exam: 8/16/06 9:30 AM Directions to Property:
POD	9/8/2006 1:02:19 PM	jdean	Updated PLS
POD	9/8/2006 1:02:42 PM	jdean	Updated shape
POD	9/8/2006 1:04:48 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	9/8/2006 1:08:50 PM	jdean	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4072 V1

General	9/8/2006 1:00:26 PM	jdean	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - There is an affidavit by Mildred Horton and a letter by Harmon Horton that supply evidence of priority date back to 3-1-41.
Source	9/8/2006 1:05:52 PM	jdean	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Source was verified as per field exam (8/16/06).
POU	9/8/2006 1:09:03 PM	jdean	Updated PLS for Active POU
POU	9/8/2006 1:12:52 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - The Weiser river changed between the filing of the statutory claim in 1974 and the 1987 aerial photography. The acres that were originally developed right along the river were transferred to another field on the Horton property. Description for Question 13 - POU was verified as per 1987 aerial photography, 2006 field exam, 1974 statutory claim map.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4072 V1

Use	9/8/2006 1:21:58 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Purpose of use was verified as per field exam.
Quantity	9/8/2006 1:26:53 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - A theoretical calculation of the lift was made with sufficient to divert 1.94 cfs.
Summary	9/8/2006 1:32:22 PM	jdean	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Season	9/8/2006 1:24:33 PM	jdean	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4072 V1

Period of Use and Quantity Data Entry Form

Claim Number 67-4072

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	1.74	
STOCKWATER	1/01	12/31	0.05	

Overall Diversion Rate 1.79

Overall Diversion Volume

Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	1.74	
STOCKWATER	1/01	12/31	0.05	

Overall Diversion Rate 1.79

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate

Overall Diversion Volume

Document how the Period of Use and/or Diversion Rate were verified:

From field exam, it seems that there is sufficient water collected from the springs to recommend the claimed diversion rate, although the springs appear to be significantly supplimented by Middle Valley Ditch wastewater, ie water is wasted by Middle Valley Ditch irrigation and then comes back up in Horton's springs. Using the theoretical capacity based on horsepower and lift, there is sufficient diversion capacity for the claimed diversion rate. See attached calculations.

Reviewer: JLDDate: 8/25/06

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 67-4072
 Examiner: Jennifer Dean
 Date of Field Exam: 8/16/2006

P/D No.:	Pump 1	Pump 2
PUMP HORSEPOWER	30	15
BOOSTER HORSEPOWER		
PUMPING LEVEL	16	16
DISCHARGE PRESSURE	55	55
RATE OF FLOW (cfs)	1.29	0.65 1.94

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: %70 efficiency.
 No Friction

Examiners Notes: See notes in the file



Pumps for 67-4072 8/16/06 Exam

State of Idaho
Department of Water Resources
Adjudication Section
Claim Verification Field Exam Sheet

CLAIM NO(s): 67-4072

1 ☐ No Change NAME IS SAME

☒ NEW OWNER

Harmon (Terry?) Horton (son & daughter in-law)

☐ No Change ADDRESS

☒ NEW ADDRESS

2574 School Road Midvale, ID 83645

2 ☒ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant is: 3-1-41
(If this date seems questionable, explain below)

3 ☒ No Change ---SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4 ☒ No Change --- POINT OF DIVERSION - claimed springs which have not significantly changed. What has changed is the collection & re diversion point.

☐ Point of diversion is different than the claim and/or new P/D's:

Re-diversion pump station

GPS Site Tag No.: A0017604

Township
Township

Range
Range

Section
Section

1/4's
1/4's

5 ☐ No Change - DESCRIPTION OF DIVERTING WORKS

☒ Incomplete description, list below:

The diversion system has changed in that all the water is now lifted at one pumping station rather than 2 different locations as previously claimed. See map from field exam.

6 ☒ No Change - WATER USES

☐ Different uses, (list uses found): Use for 3000 sheep. fall pasture. Drink from spring feed ditches yearround.

Use _____ From _____ To _____ CFS _____ AFA _____

Use _____ From _____ To _____ CFS _____ AFA _____

Use _____ From _____ To _____ CFS _____ AFA _____

7 ☒ No Change - TOTAL VOLUME - system capacity sufficient for claimed - check acres.

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8 ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # 3000 List types: sheep - rarely pasture cattle now.

Additional comments: _____

9 ☐ No Change ---PLACE OF USE (If changed, list below) check acres with GIS - more found than claimed.

Use: <u>irrig</u> Township <u>13N</u>	Range <u>3W</u>	Section <u>4</u>	1/4's	<u>SW</u>	<u>SW</u>	<u>38</u>
Use: <u>irrig</u> Township <u>13N</u>	Range <u>3W</u>	Section <u>8</u>	1/4's	<u>NW</u>	<u>NE</u>	<u>more acres</u>
Use: _____ Township _____	Range _____	Section _____	1/4's	_____	_____	_____
Use: _____ Township _____	Range _____	Section _____	1/4's	_____	_____	_____

Remarks: (Comments pertinent to field exam) ☒ See additional attachment - relates to pump ^{system} information

☒ SYSTEM DIAGRAM INCLUDED

☒ Shown on GIS layout

☐ IN OFFICE EXAM

DATE EXAM CONDUCTED 8/16/06

FIELD EXAMINER: Jennifer Dean & Misty Mount

2 Pumps @ same locat. Lift = 4 ft to pump
① → 30 HP to pivot = ~~[24-26 ft from]~~
② → 15 HP [→ 16 elev lift to top of pivot]
→ 10 horse hydraulic pump on the pivot pump
pivot is hydraulic driven (not electric)

3 phase power - of phase converter
- is buried fr. pumps to pivot

pivot / wheel line / gun

there used to be 2 ponds - now there is only
1 - is in same gg as old pond - no
transfer needed. Same acres irrigated.



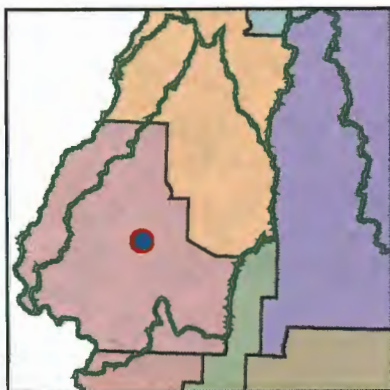
Idaho Department of Water Resources

Adjudication Claim Number: **67-4072**

T13N R03W

Legend

- PLS Sections
- GCDBQuarter Quarters



Washington County
IDWR Basin 67



Prepared by M. Van Bussum
On Wednesday, August 31, 2005
1987 Aerial Photography

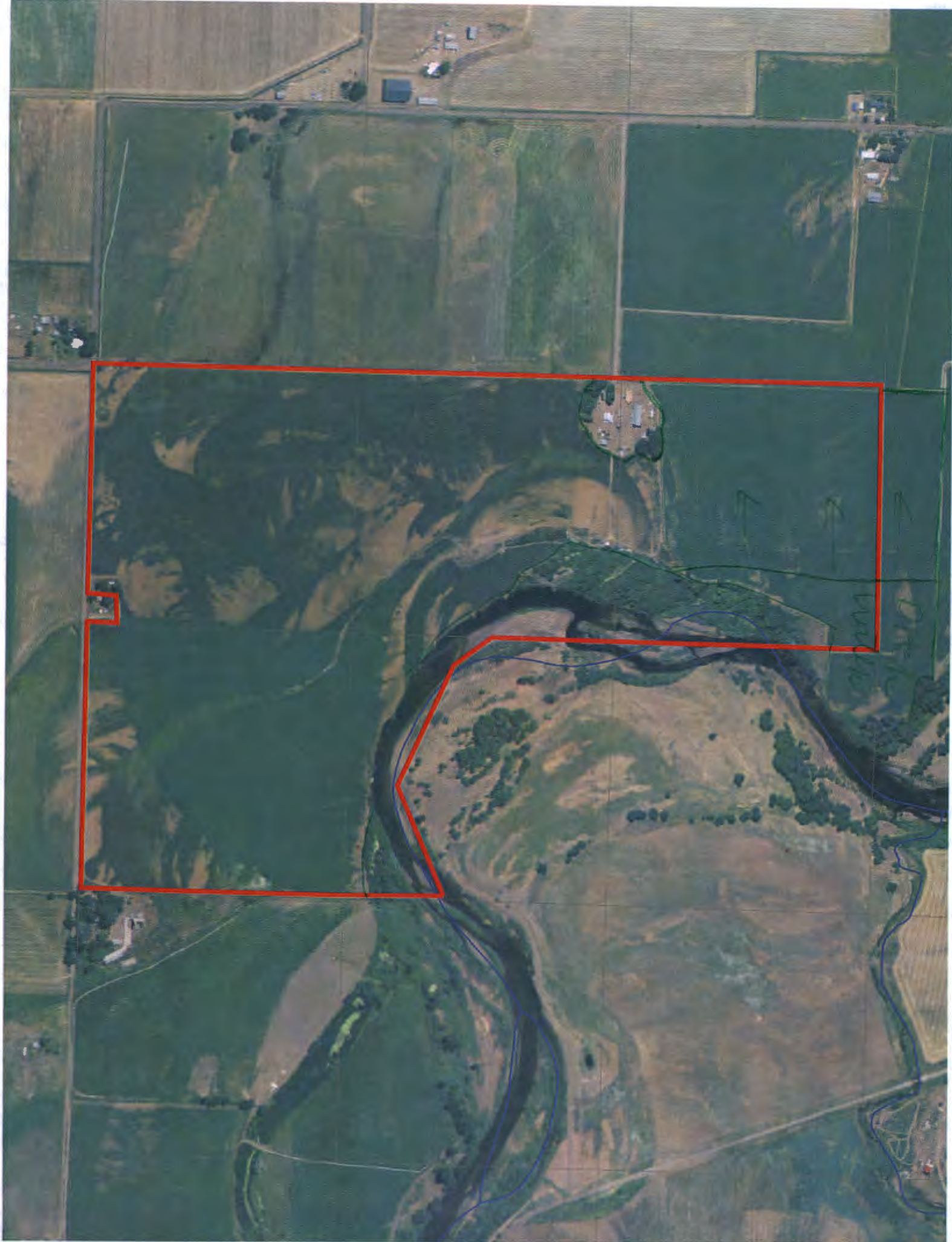
SCANNED
DEC 07 2005



0 0.3 0.6 Miles

Points of diversion
marked by: ●









Leave By 6:30 am

S. of Council

21/22

WED → ~~9 am~~ 9³⁰ am

Midvale R off 95

X bridge

1st Left (School Rd)

N 1/2 mi, turn (R)

(East) 1/2 mi

② Horton Ln

1/4 mi back

dead end.

2574 School Rd.

Verify POU - POD

- diversion works -

NO OVERLAP w/ other IRR

Have GW.

D.V. Middle Valley Ditch Co.

claimed 2 pts of
diversion

HORTON FARMS

Harmon, Terry & Brandi

2574 School Road

Midvale, Idaho 83645

(208) 355-2315

Fax: (208) 355-4082

RECEIVED

DEC 07 2005

DEPARTMENT OF
WATER RESOURCES

Dept. of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, Idaho 83720-0098

To Whom It May Concern:

Water Right #67-4072

The above named water right in question has been in my family and used for irrigation and stock water since or before the 3-1-41 filing date. This portion of my farm has been in the family for over 100 years.

The original owner you list "Philip E. Horton" was my father who died April 15, 1989.

The current owner you list "Mildred M. Horton" is my mother who has supplied me with an affidavit confirming her knowledge of this water right. I bought this farm from my mother in December 1995. I should be listed as the current owner.

We have always used this water for irrigation and stock water and will continue to do so.

Thank you,



December 4, 2005

SCANNED

DEC 07 2005

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-4072

RECEIVED

DEC 07 2005

DEPARTMENT OF
WATER RESOURCES

WATER RIGHT NUMBER: 67-4072

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PHILIP E HORTON
	MIDVALE, ID 83645
Current Owner	MILDRED M HORTON
	2574 SCHOOL RD
	MIDVALE, ID 83645

Priority Date: 03/01/1941

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to	12/31	0.050 CFS	
IRRIGATION	3/15 to	11/15	1.740 CFS	
	<u>Total Diversion:</u>		1.790 CFS	

Location of Point(s) of Diversion

SPRINGS	NW1/4NE1/4NE1/4	Sec. 8,	Twp 13N,	Rge 03W, B.M.
WASHINGTON County				
SPRINGS	SW1/4SW1/4SW1/4	Sec. 4,	Twp 13N,	Rge 03W, B.M.
WASHINGTON County				

Place of UseIRRIGATION Within WASHINGTON County

T13N R03W S04	SWSW	40.0	T13N R03W S05	SESE	10.0
T13N R03W S08	NENE	23.0	T13N R03W S08	NWNE	1.0
T13N R03W S09	NWNW	13.0			

Total Acres: 87

STOCKWATER same as IRRIGATIONConditions of Approval:

- DESC. OF DIVERTING WORKS - TWO SPRINGS, BOTH FLOW INTO A DITCH TO A SMALL POND WITH PORTABLE PUMP FOR IRRIGATION. THE OVERFLOW FROM THE FIRST POND FLOWS INTO ANOTHER POND FOR STOCKWATER AND WHICH ALSO HAS A PUMP FOR IRRIGATION.

Remarks:

SCANNED

DEC 07 2005

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

67-4072)
)
)
)
)

State of Idaho)
County of Washington)

AFFIDAVIT

RECEIVED
DEC 07 2005
DEPARTMENT OF
WATER RESOURCES

Mildred M. Horton Charring being first duly sworn,
deposes and says: The above referenced water right
has been continually used for irrigation
and stock water according to the above
water right filing.

I married Philip E. Horton November
25, 1951. (Philip E. Horton died April 15,
1989) He was using the water for
livestock on that date. This water was
used for irrigation by flood irrigation
and by electric and portable pumps.



Mildred M. Horton Charring
(Signature)

Subscribed and sworn to before me this
day 2 of December, 192005.

[Signature]
(Notary Public)

Residing at Baie, ID

My Commission Expires 6/8/2011

SCANNED
DEC 07 2005

SCANNED
DEC 07 2005

(Use typewriter and/or black ink)

STATE OF IDAHO

County of CANYON

Marriage License

County File No. 36678

KNOW ALL PERSONS BY THIS CERTIFICATE: That any regularly ordained minister of the Gospel, authorized by the rites and usages of the church or denomination of Christians, Hebrews, or religious body of which said minister is a member, or any judge or magistrate, or competent officer to whom this may come, not knowing of any lawful impediments thereto, is hereby authorized and empowered to solemnize the rites of Matrimony between:

GROOM

AND

BRIDE

1. Name: **HAROLD FRANK GHARRING**
2. Address: NAMPA, CANYON COUNTY, IDAHO
3. Age: 66 4. Race: W Status: 6. WIDOWED
8. Birthplace: NELSON, NEBRASKA

9. Name: **MILDRED HORTON**
10. Address: NAMPA, CANYON COUNTY, IDAHO
11. Age: 63 12. Race: W Status: 14. WIDC
16. Maiden Name if previously married MCDONOUGH
17. Birthplace: ONTARIO, OREGON



And to certify the same to said parties, or either of them under the signature and seal, of said minister or official capacity, and thereupon is required to deliver the original to the parties so married.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at CALDWELL, CANYON County, Idaho, this 24th day of May, A.D. 1996.

NED J KERR, Recorder

Virginia Chang
Deputy

Marriage Certificate

I, DAROL G. ADY, a MINISTER
residing in the city of MERIDIAN, in the County of ADA, in the State of Idaho
do certify that in accordance with the authority on me conferred by the above license, I did on this 24TH
day of MAY in the year A.D. 1996 in the city of MERIDIAN in
the County of ADA in the State of Idaho, solemnize the rites of matrimony between
HAROLD FRANK GHARRING of NAMPA, in the County of CANYON of the State of IDAHO,
and MILDRED HORTON MILLER of NAMPA, in the County of CANYON of the State of IDAHO,
in the presence of Ozro Waterman and Emlyn H. Waterman.
WITNESS My Hand at the County aforesaid, this 24TH day of MAY A.D. 1996.
In the presence of:
Ozro Waterman Officials Signature Darol G. Ady
and Emlyn H. Waterman Mailing Address 2824 W. LEROY CT.
MERIDIAN, ID. 83642

(This copy for the Bride and Groom)

CONVERSATIONAL MEMORANDUM

Date: September 13, 2005

To: File 67-4072

From: Craig L. Saxton

Subject: Phone Call - Evidence of Priority

Called to tell me that he would be late with EOP. I have notes that say to look for change of ownership from Mildred M. Horton to Harmon Horton. I can't find one in the file or in the scanned documents.

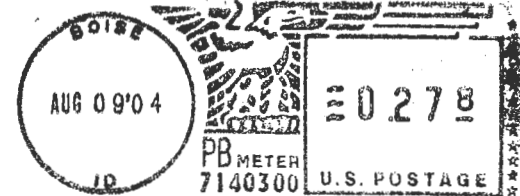
I do not have a phone number for Harmon Horton. I checked the Dex web page and nothing came up in the name of Horton. If he calls back, we need to let him know that he needs to submit a change of ownership.

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

~~Return Service Requested~~

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



2574 School Rd

NOT DELIVERABLE
AS ADDRESSED
UNABLE
TO FORWARD

MILDRED M HORTON
RT 1 BOX 12
MIDVALE ID 83645

FUE

RECEIVED
AUG 12 2004
DEPARTMENT OF
WATER RESOURCES

SCANNED
AUG 17 2004

67-4072
67-10756
67-10757 P.O.
67-10758

cc: W.A.
Re cards modified
8-15-04 - ns

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: A67-04072

Date Received: 10/11/1989

Receipt No: m4926

Received By: ew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILDRED M. HORTON
Address: RT. 1, BOX 12
MIDVALE, ID

83645

2. Date of Priority: MAR 01, 1941

3. Source: SPRINGS

Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	03W	4	SW	SW	SW		WASHINGTON
		8	NW	NE	NE		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.
IRRIGATION	03/15	11/15	1.740		
STOCKWATER	01/01	12/31	0.050		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE, 2500 SHEEP.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13N	03W	4	SW	SW		IRR	40.0
Section Acres							40.0

A67-04072

Page

1

Date: 10/12/89

SCANNED
MAY 17 2004

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	03W	5	SE	SE		IRR	10.0
						Section Acres	10.0
		8	NE	NE		IRR	23.0
			NW	NE		IRR	1.0
						Section Acres	24.0
		9	NW	NW		IRR	13.0
						Section Acres	13.0
						Total Acres	87.0

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:
MIDDLE VALLEY DITCH

14. Remarks:

DESC. OF DIVERTING WORKS - TWO SPRINGS, BOTH FLOW INTO A DITCH TO A SMALL POND WITH PORTABLE PUMP FOR IRRIGATION. THE OVERFLOW FROM THE FIRST POND FLOWS INTO ANOTHER POND FOR STOCKWATER AND WHICH ALSO HAS A PUMP FOR IRRIGATION.

15. Basis of Claim: STATUTORY CLAIM

(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.

MICROFILMED
OCT 02 1992