

12/18/2006

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

RIGHT NUMBER: 67-14634

NAME AND ADDRESS: WANDA HORTON
2525 N FORK HORNET CREEK RD
COUNCIL ID 83612

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.230 CFS

PRIORITY DATE: 11/15/1969

POINT OF DIVERSION:

T17N R02W S5 NWNESE Within ADAMS County

T17N R02W S5 NENESE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.220 CFS
STOCKWATER	01/01 12/31	0.010 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R02W S04 SWSW 2.00 T17N R02W S05 SESE 23.00

STOCKWATER same as IRRIGATION

25 ACRES TOTAL

Right Nos. 67-14631 and 67-14634 are limited to the irrigation of a combined total of 25 acres in a single irrigation season.

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

The following rights are diverted through point of diversion described above: 67-14631, 67-14632, 67-14633, 67-14634, & 67-14635.

This right is a split from former right 67-4144.

11/17/2006

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: 67-14634

WANDA HORTON
2525 N FORK HORNET CREEK RD
COUNCIL ID 83612
Telephone Number: (208)253-6039

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

same as claim # 67-14635

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:

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

DATE: _____

SIGNATURE: _____

Wanda Horton

Please print your name: _____

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

*could not change the priority date because the affidavit they wanted to use was specific to another portion of the property. Reviewed again the diversion and acres and changed diversion rate slightly. JH
12/18/06*

09/11/2006

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

RIGHT NUMBER: 67-14634

NAME AND ADDRESS: WANDA HORTON
2525 N FORK HORNET CREEK RD
COUNCIL ID 83612

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.240 CFS

PRIORITY DATE: 11/15/1969

POINT OF DIVERSION:

T17N R02W S5 NWNESE Within ADAMS County

T17N R02W S5 NENESE Within ADAMS County

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PERIOD OF USE:

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T17N R02W S04 SWSW 2.00 T17N R02W S05 SESE 23.00

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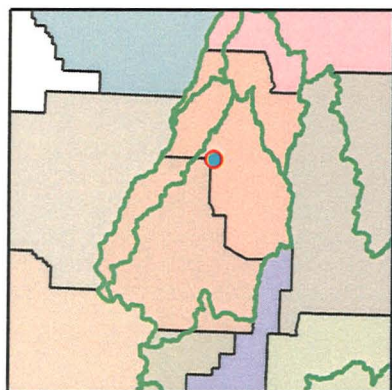
Idaho Department of Water Resources

SRBA Recommendation:

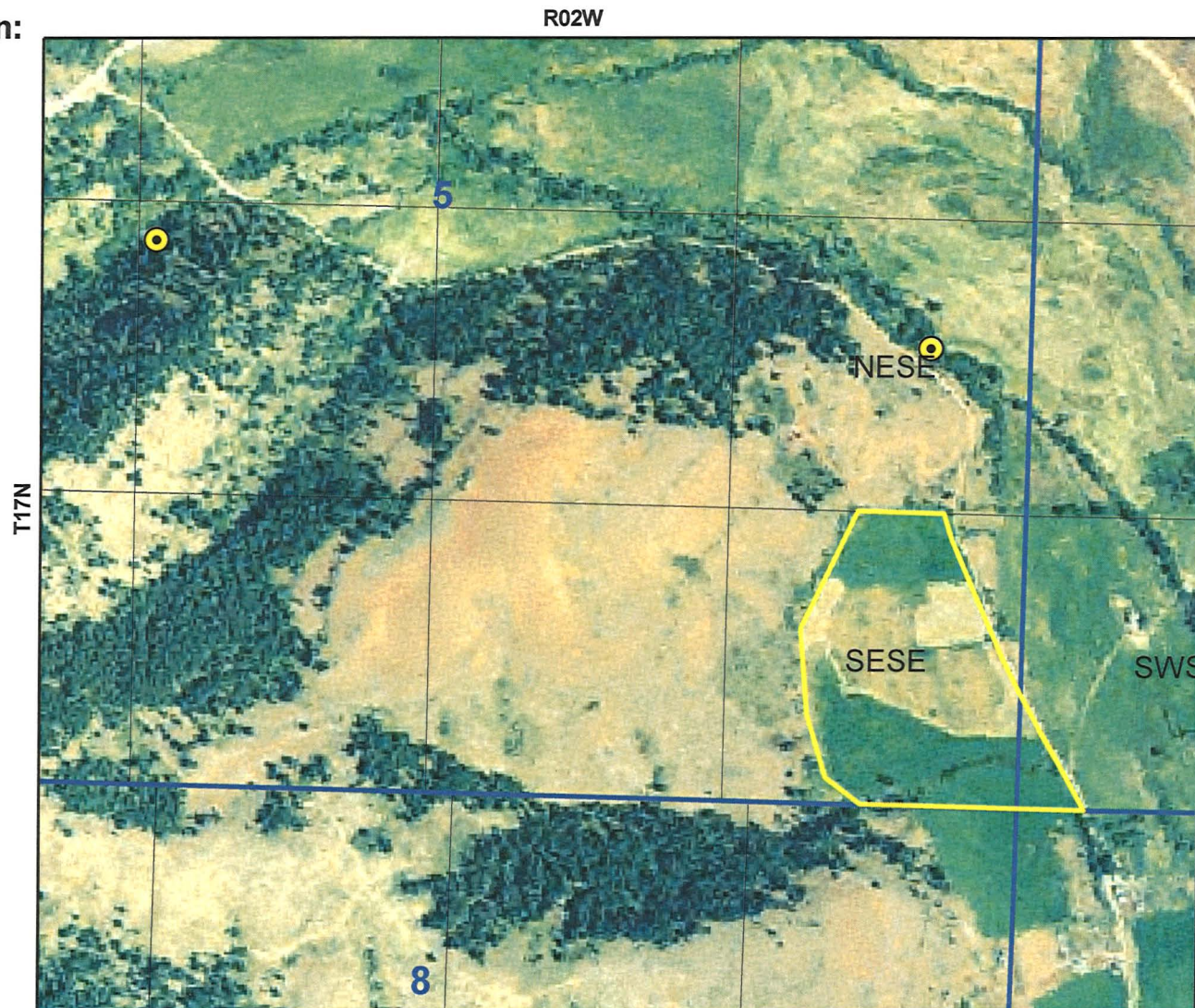
67-14634

Legend

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



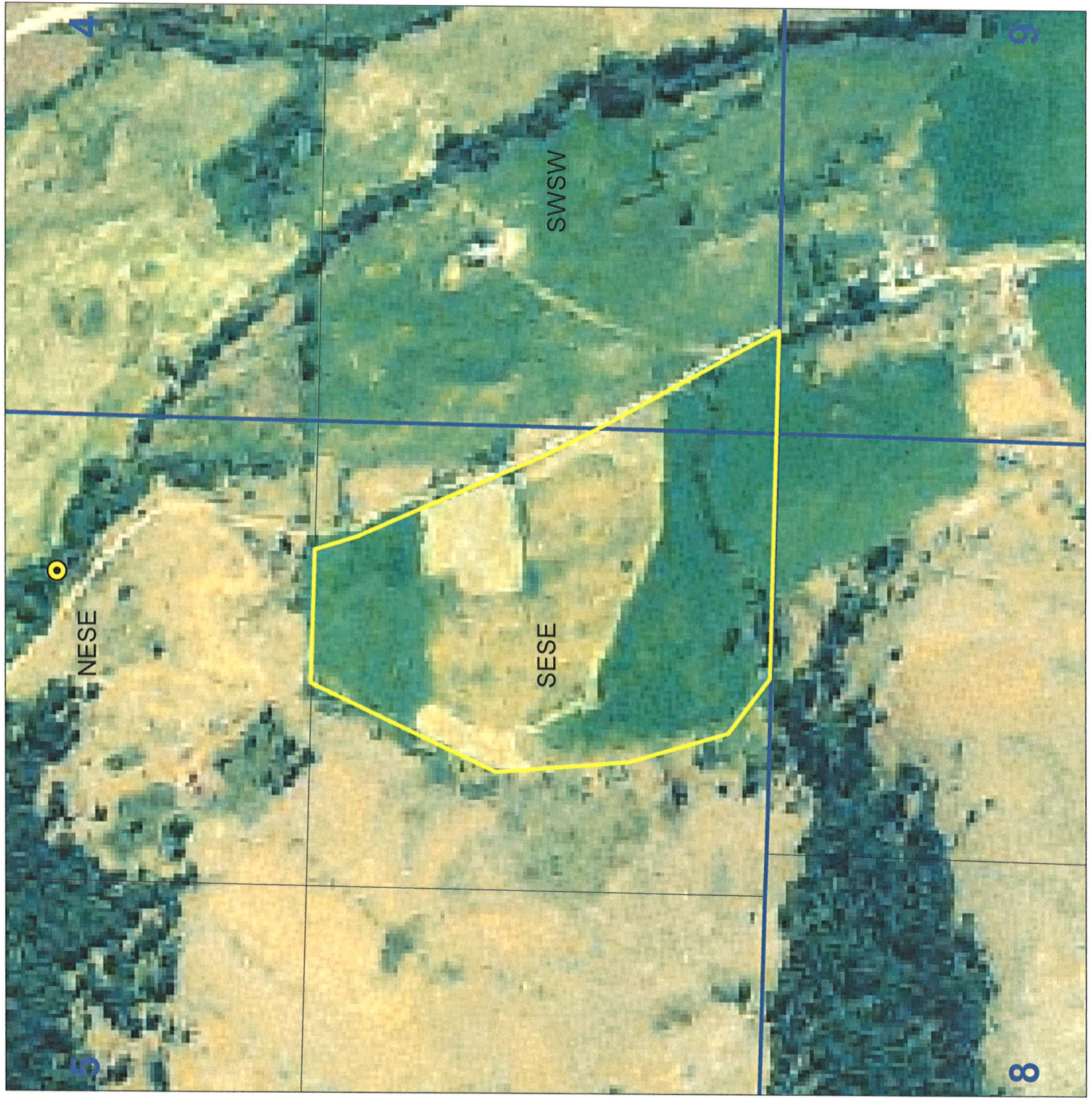
Adams County
IDWR Basin 67



0 0.3 0.6 Miles

Prepared by J. Dean
On Monday, September 11, 2006
1987/88 Aerial Photography

67-14634

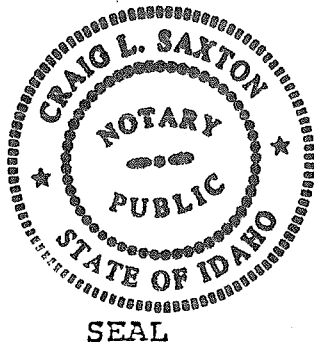


IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
_____)
_____)
_____)
State of Idaho)
County of _____)

AFFIDAVIT

David M Gossard being first duly sworn,

deposes and says: In The late 1960's, I Believe 1968,
I was on this property helping the Then owner Bill
Kampeter gather and work his cattle. I was 13 years
old. My father bought this property in 1970: Moving to
This property and working - (Farming - irrigating) This place
I can state that all acres listed were in use at the
Time I first saw the property. It was in June and
irrigation water was running and the fields were almost
ready to harvest.



David M Gossard
(Signature)

Subscribed and sworn to before me this
day 11th of September, 2006.

Craig L. Saxton
(Notary Public)

Residing at Ada Co.

My Commission Expires 8/14/07.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

September 1, 2006

WANDA HORTON
2525 N FORK HORNED CREEK RD
COUNCIL ID 83612

RESPONSE DEADLINE
SEPTEMBER 15, 2006

67-14634

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. **Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.**

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit. A form is provided for your convenience.

This claim overlaps a claim for decreed water on a portion of your property. Evidence of priority is needed for the acres and water that are in addition to the decreed right. **PLEASE NOTE:** If no evidence is submitted, IDWR will recommend the SRBA Court decree this claim be limited to the acres covered by decreed water. It will be to your advantage to provide clear and convincing evidence.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. If you wish to call, our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the Adjudication.

Sincerely,

Jennifer Dean
Jennifer Dean
Engineer in Training
Adjudication Bureau

Enclosures

09/01/2006

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

RIGHT NUMBER: 67-14634

NAME AND ADDRESS: WANDA HORTON
2525 N FORK HORNET CREEK RD
COUNCIL ID 83612

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.170 CFS

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T17N R02W S5 NWNESE Within ADAMS County

T17N R02W S5 NENESE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.160 CFS
STOCKWATER	01/01 12/31	0.010 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R02W S04 SWSW 1.00 T17N R02W S05 SESE 21.00

STOCKWATER same as IRRIGATION

22 ACRES TOTAL

Right Nos. 67-14631 and 67-14634 are limited to the irrigation of a combined total of 22 acres in a single irrigation season.

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

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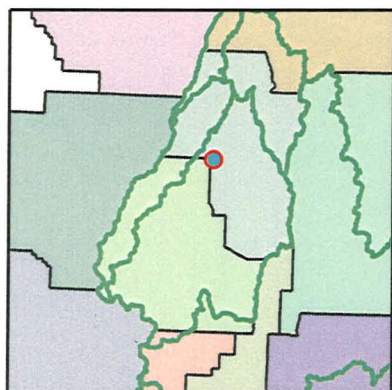
Idaho Department of Water Resources

SRBA Recommendation:

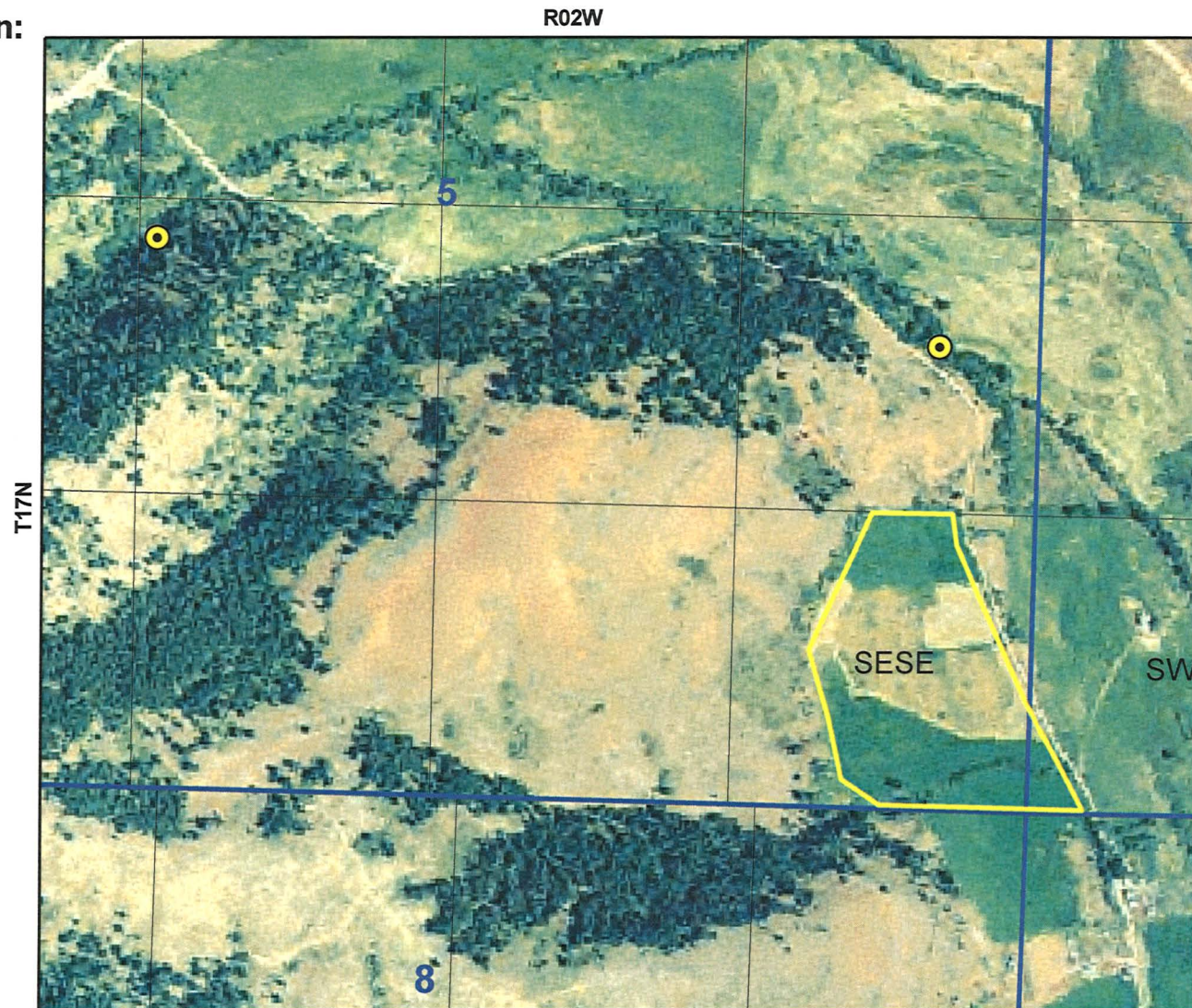
67-14634

Legend

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



Adams County
IDWR Basin 67

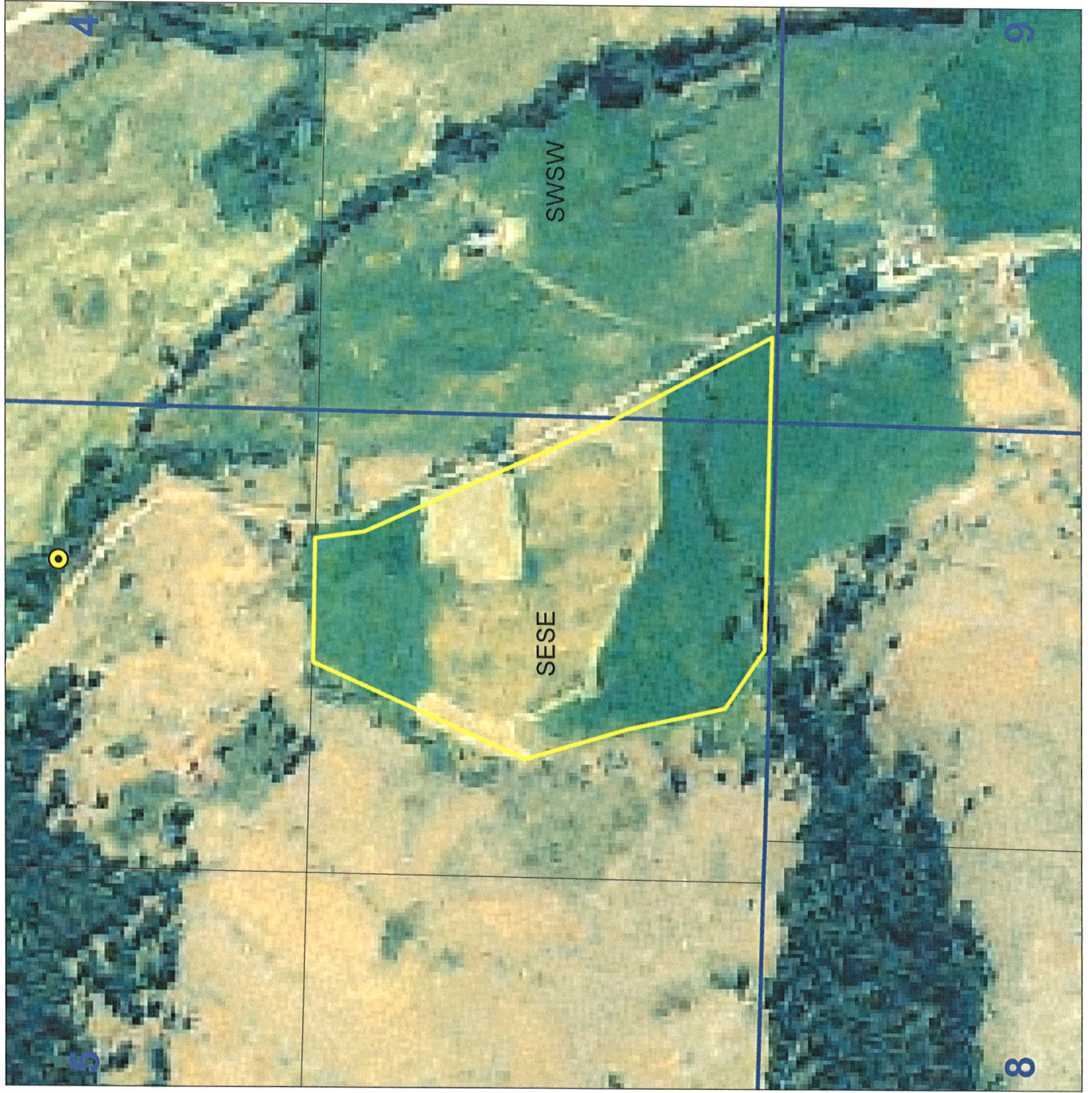


0 0.3 0.6 Miles



Prepared by J. Dean
On Friday, September 1, 2006
1987/88 Aerial Photography

67-14634



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14634 V1

WATER RIGHT NUMBER: 67-14634 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ETHEL GOSSARD C/O WANDA HORTON 2525 N RK HORNET CREEK RD COUNCIL, ID 83612 (208)253-6039
Previous Owner	MAC GOSSARD 2694 UPPER DALE RD COUNCIL, ID 83612-5039 (208)253-4318
Current Owner	WANDA HORTON 2525 N FORK HORNET CREEK RD COUNCIL, ID 83612 (208)253-6039

Priority Date: 05/10/1918

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
HORNET CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.160 CFS	
STOCKWATER	01/01 to 12/31	0.010 CFS	
	<u>Total Diversion:</u>	0.170 CFS	

Location of Point(s) of Diversion

HORNET CREEK	NE1/4NE1/4SE1/4	Sec. 5,	Twp 17N,	Rge 02W, B.M.
ADAMS County				
HORNET CREEK	NW1/4NE1/4SW1/4	Sec. 5,	Twp 17N,	Rge 02W, B.M.
ADAMS 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	
17N	02W	4											1.0						1.0
17N	02W	5															21.0		21.0

Total Acres: 22

STOCKWATER same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14634 V1

Conditions of Approval:

1. E55 Right Nos. 67-14631 and 67-14634 are limited to the irrigation of a combined total of 22 acres in a single irrigation season.
2. F06 The following rights are diverted through point of diversion described above: 67-14631, 67-14632, 67-14633, 67-14634, & 67-14635.
3. This right is a split from former right 67-4144.
4. 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.

Remarks:Comments:

Season of Use comment added. Season based on lower Hornet Creek.

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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		22
Combined Water Rights: 67-14631 , 67-14634		

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	9/1/2006 3:36:48 PM	jdean			Active
Priority Date	9/1/2006 3:38:55 PM	jdean			Active
POD	9/1/2006 3:42:38 PM	jdean			Active
Source	9/1/2006 3:43:42 PM	jdean			Active
POU	9/1/2006 3:51:04 PM	jdean			Active
Use	9/1/2006 3:53:55 PM	jdean			Active
Season	9/1/2006 3:55:29 PM	jdean			Active
Quantity	9/1/2006 3:56:41 PM	jdean			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14634 V1

Summary

09/01/2006

jdean

Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/1/2006 3:36:48 PM	jdean	(Yes) 1. Do you want to schedule an appointment? Contact Person: WANDA HORTON - Contact Phone Number: 253-6039 Date of Field Exam: 6/6/05 10:30 AM Directions to Property:
POD	9/1/2006 3:40:22 PM	jdean	Updated shape
POD	9/1/2006 3:40:37 PM	jdean	Updated PLS
POD	9/1/2006 3:42:38 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	9/1/2006 3:49:17 PM	jdean	Updated shape for Active POU
POU	9/1/2006 3:49:27 PM	jdean	Updated PLS for Active POU
POD	9/1/2006 3:41:12 PM	jdean	Updated shape
Source	9/1/2006 3:43:42 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 and decreed water rights.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14634 V1

General	9/1/2006 3:38:55 PM	jdean	(Yes) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 2. Was the owner or the owners predecessor in interest of the place of use joined in the later decree? (No) 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? (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 - For the same acres as the decreed right priority date was set at 5/10/1918 (one day after the decree)
POD	9/1/2006 3:41:31 PM	jdean	Updated PLS
POU	9/1/2006 3:51:04 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? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - POU was verified as per aerial photography and field exam.
Use	9/1/2006 3:53:55 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14634 V1

Quantity	9/1/2006 3:56:41 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? (No) 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 - Watermaster (Bosco Bosler) states that ditch is more than capable of serving all water users full duty of water.
Summary	9/1/2006 4:02:19 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? (Yes) 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? (Yes) 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	9/1/2006 3:55:29 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:

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 67-14634
Date Received: 10/27/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WANDA HORTON Phone: (208)253-6039

2525 N FORK HORNET CREEK RD
COUNCIL ID USA 83612

2. Date of Priority: 12/31/1889

3. Source: FIR CREEK , HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
17N	02W	8	SE	SW	SE	ADAMS	
17N	02W	5	SE	SE	SE	ADAMS	
17N	02W	5	NE	SE	SW	ADAMS	

5. Description of diverting works:

HEADGATE AND DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	07/15	0.36	
STOCKWATER	01/01	12/31	0.01	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	02W	4	SW	SW	IRRIGATION	1
					Section Acres	1
17N	02W	5	SE	SE	IRRIGATION	23
					Section Acres	23
					Total Acres	24

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR.=141.

SOURCES ARE HORNET CK. & FIR CK., TRIB. WEISER R.

This right is a split from former right 67-4144.

15. Basis of Claim: Statutory Claim