

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

Ident. Number 37-21654
Date Received: 11/8/1989
Receipt No:
Received By:

1

02N	13E	32	SE	NE	CAMAS
01N	13E	5	SE	SW	CAMAS
01N	13E	16	SW	NE	CAMAS
01N	13E	4	NE	SE	CAMAS
02N	13E	32	SW	NE	CAMAS
02N	13E	32	NE	NW	CAMAS
02N	13E	32	NE	SE	CAMAS
02N	13E	32	NE	NE	CAMAS
01N	13E	9	NE	NW	CAMAS
01N	13E	8	NW	SW	CAMAS
02N	13E	33	NE	SE	CAMAS
01N	13E	4	NW	NE	2 CAMAS
01N	13E	9	SW	SE	CAMAS
02N	13E	32	SW	SE	CAMAS
01N	13E	16	SE	SE	CAMAS
01N	13E	16	NW	SW	CAMAS
01N	13E	5	SW	NE	CAMAS
01N	13E	8	NW	NW	CAMAS
01N	13E	17	SE	NW	CAMAS
01N	13E	8	SE	NE	CAMAS
01N	13E	5	SW	SE	CAMAS
01N	13E	4	NW	SW	CAMAS
01N	13E	5	NW	SW	CAMAS
02N	13E	32	NW	NE	CAMAS
02N	13E	33	SE	NE	CAMAS
01N	13E	16	NW	NE	CAMAS
02N	13E	33	NE	SW	CAMAS
01N	13E	16	NE	NE	CAMAS
01N	13E	9	NE	NE	CAMAS

02N	13E	32	NW	SE	CAMAS
01N	13E	4	SW	SW	CAMAS
01N	13E	5	SE	SE	CAMAS
02N	13E	32	SE	SW	CAMAS
01N	13E	20	NW	NE	CAMAS
02N	13E	33	SW	SE	CAMAS
01N	13E	9	NE	SE	CAMAS
02N	13E	33	NE	NW	CAMAS
01N	13E	4	SW	NE	CAMAS
01N	13E	17	NE	NW	CAMAS
01N	13E	8	NE	SE	CAMAS
01N	13E	9	SE	SW	CAMAS
01N	13E	16	NW	SE	CAMAS
01N	13E	17	SE	SE	CAMAS
02N	13E	33	SE	NW	CAMAS
01N	13E	8	SE	SE	CAMAS
01N	13E	4	SE	SE	CAMAS
02N	13E	32	NE	SW	CAMAS
01N	13E	4	SE	NE	CAMAS
01N	13E	4	NE	SW	CAMAS
01N	13E	5	NW	SE	CAMAS
01N	13E	8	SE	SW	CAMAS
01N	13E	20	NE	NW	CAMAS
01N	13E	5	NE	SE	CAMAS
01N	13E	4	SE	SW	CAMAS
01N	13E	8	SW	NE	CAMAS
02N	13E	33	NE	NE	CAMAS
01N	13E	17	SW	NE	CAMAS

01N	13E	8	NE	NE	CAMAS
01N	13E	16	SE	NW	CAMAS
01N	13E	9	NW	SE	CAMAS
01N	13E	16	SE	SW	CAMAS
02N	13E	33	NW	NE	CAMAS
01N	13E	8	SE	NW	CAMAS
01N	13E	8	NE	SW	CAMAS
01N	13E	17	NE	NE	CAMAS
01N	13E	16	NW	NW	CAMAS
01N	13E	8	NE	NW	CAMAS
01N	13E	16	SW	NW	CAMAS
02N	13E	32	SE	NW	CAMAS
01N	13E	16	SW	SW	CAMAS
01N	13E	17	NE	SE	CAMAS
02N	13E	33	NW	NW	CAMAS
02N	13E	33	SW	NE	CAMAS
01N	13E	9	SW	NW	CAMAS
01N	13E	8	SW	SW	CAMAS
01N	13E	4	SE	NW	CAMAS
01N	13E	5	NE	NW	3 CAMAS
01N	13E	17	SW	SE	CAMAS
01N	13E	5	SE	NW	CAMAS
01N	13E	5	SW	SW	CAMAS
01N	13E	9	SE	NE	CAMAS
01N	13E	20	SE	NE	CAMAS
01N	13E	4	NW	NW	4 CAMAS
01N	13E	9	SE	NW	CAMAS
01N	13E	9	SW	NE	CAMAS
01N	13E	5	SE	NE	CAMAS

01N	13E	8	NW	SE	CAMAS
01N	13E	17	SE	SW	CAMAS
02N	13E	33	SE	SW	CAMAS
01N	13E	20	NE	NE	CAMAS
01N	13E	17	NE	SW	CAMAS
01N	13E	5	NE	SW	CAMAS
01N	13E	9	NE	SW	CAMAS

5. Description of diverting works:

NATURAL SPRINGS WHERE CATTLE DRINK AND FOUR SPRINGS WITH TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	0.14	

7. Total Quantity Appropriated is:
0.14 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		
01N	13E	4	NW	NE	2	STOCKWATER			
			SW	NE		STOCKWATER			
			SE	NE		STOCKWATER			
			NE	NW	3	STOCKWATER			
			NW	NW		4		STOCKWATER	
			SW	NW	STOCKWATER				
			SE	NW	STOCKWATER				
			NE	SW	STOCKWATER				
			NW	SW	STOCKWATER				
			SW	SW	STOCKWATER				
			SE	SW	STOCKWATER				
			NE	SE	STOCKWATER				
			SE	SE	STOCKWATER				
			01N	13E	5	NW		SW	STOCKWATER
						SW		SW	STOCKWATER

			SE	SW	STOCKWATER
			NE	SE	STOCKWATER
			NW	SE	STOCKWATER
			SW	SE	STOCKWATER
			SE	SE	STOCKWATER
			SW	NE	STOCKWATER
			SE	NE	STOCKWATER
			NE	NW	3 STOCKWATER
			SE	NW	STOCKWATER
			NE	SW	STOCKWATER
01N	13E	8	NE	SW	STOCKWATER
			NW	SW	STOCKWATER
			SW	SW	STOCKWATER
			SE	SW	STOCKWATER
			NE	SE	STOCKWATER
			NW	SE	STOCKWATER
			SE	SE	STOCKWATER
			NE	NE	STOCKWATER
			SW	NE	STOCKWATER
			SE	NE	STOCKWATER
			NE	NW	STOCKWATER
			NW	NW	STOCKWATER
			SW	NW	STOCKWATER
			SE	NW	STOCKWATER
01N	13E	9	NE	NE	STOCKWATER
			SW	NE	STOCKWATER
			SE	NE	STOCKWATER
			NE	NW	STOCKWATER
			SW	NW	STOCKWATER
			SE	NW	STOCKWATER
			NE	SW	STOCKWATER
			SE	SW	STOCKWATER
			NE	SE	STOCKWATER
			NW	SE	STOCKWATER
			SW	SE	STOCKWATER
01N	13E	16	NE	NE	STOCKWATER
			NW	NE	STOCKWATER
			SW	NE	STOCKWATER
			NW	NW	STOCKWATER
			SW	NW	STOCKWATER
			SE	NW	STOCKWATER
			NW	SW	STOCKWATER
			SW	SW	STOCKWATER
			SE	SW	STOCKWATER
			NW	SE	STOCKWATER
			SE	SE	STOCKWATER
01N	13E	17	NE	NE	STOCKWATER
			NW	NE	STOCKWATER
			SW	NE	STOCKWATER
			NE	NW	STOCKWATER
			SE	NW	STOCKWATER
			NE	SW	STOCKWATER
			SE	SW	STOCKWATER

			NE	SE	STOCKWATER
			SW	SE	STOCKWATER
			SE	SE	STOCKWATER
01N	13E	20	NE	NE	STOCKWATER
			NW	NE	STOCKWATER
			SE	NE	STOCKWATER
			NE	NW	STOCKWATER
02N	13E	32	NE	NE	STOCKWATER
			NW	NE	STOCKWATER
			SW	NE	STOCKWATER
			SE	NE	STOCKWATER
			NE	NW	STOCKWATER
			SE	NW	STOCKWATER
			NE	SW	STOCKWATER
			SE	SW	STOCKWATER
			NE	SE	STOCKWATER
			NW	SE	STOCKWATER
			SW	SE	STOCKWATER
			SE	SE	STOCKWATER
02N	13E	33	NE	NE	STOCKWATER
			NW	NE	STOCKWATER
			SW	NE	STOCKWATER
			SE	NE	STOCKWATER
			NE	NW	STOCKWATER
			NW	NW	STOCKWATER
			SE	NW	STOCKWATER
			NE	SW	STOCKWATER
			NW	SW	STOCKWATER
			SE	SW	STOCKWATER
			NE	SE	STOCKWATER
			NW	SE	STOCKWATER
			SW	SE	STOCKWATER

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

THIS FILING ENCOMPASSES ONE PASTURE MANAGEMENT UNIT.

THE LANDS OUTLINED IN YELLOW ON THE ATTACHED MAP IS BLM PROPERTY, THE LANDS OUTLINED IN BLUE IS STATE PROPERTY, ALL OTHER LANDS IN THE PASTURE ARE PRIVATELY OWNED BY THE CLAIMANT. THE PURPLE DOTS INDICATE SPRING LOCTIONS. THE "X"S ARE THE DEVELOPED SPRINGS WITH TROUGHS.

This right is a split from former right 37-13289 .

15. Basis of Claim: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21654

NAME AND ADDRESS:

DANNY VAN HORN
PO BOX 345
FAIRFIELD ID 83327-0345
VALERIE VAN HORN
PO BOX 345
FAIRFIELD ID 83327-0345

SOURCE:

Source:
SPRING

Tributary:
SINKS

Source:
SPRING

Tributary:
UNNAMED STREAM

QUANTITY:

0.140 CFS
0.000 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE:

12/31/1880

POINT OF DIVERSION:

T01N R13E S4 NESENE
Within CAMAS County

~~T01N R13E S5 SWSWSW
Within CAMAS County
T01N R13E S5 NESWSE
Within CAMAS County~~

T01N R13E S16 SWNWSW
Within CAMAS County

~~T01N R13E S5 SWSWSW
Within CAMAS County
T01N R13E S5 NESWSE
Within CAMAS County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use
STOCKWATER

Period of use:
01/01 12/31

Quantity:

0.140 CFS

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

PLACE OF USE: STOCKWATER within CAMAS County

T01N R13E S04 SENE

~~T01N R13E S05 SWSW~~

~~T01N R13E S05 SWSE~~

T01N R13E S16 NWSW

ACRES TOTAL

OTHER PROVISIONS 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.

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

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

Case No. 39576

A. Subcase 37-21654
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: Danny & Valerie Van Horn
Address: P.O. Box 345; Fairfield, Idaho 83327-0345

Name: _____
Address: _____ ;

Name: _____
Address: _____ ;

Name: _____
Address: _____ ;

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:

2. ☐ **Source**
Should be:

3. ☐ **Quantity**
Should be:

4. ☒ **Priority Date**
Should be: See attached.

5. ☒ **Point(s) of Diversion**
Should be: See attached.

6. ☐ **Instream Flow Description**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☒ **Period of Year**
Should be: See attached.

9. ☒ **Place of Use**
Should be: See attached.

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):

The recommendation describes PODs and POUs on private land, state & federal lands with a priority date of 12-31-1880 and a year-round season of use. Use of stockwater on federal land is limited to spring & summer. There does not appear to be a basis for an 1880 priority on private, state, or federal lands. The "base property" associated with the use on federal land was patented in 1939 and the recommendation does not describe the land to which the use on federal land is appurtenant as required by I.C. 42-1402.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

Fredric W. Price, Water Rights Specialist, 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.

Fredric W. Price
(Signature of person filing objection)

Lang A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 22, 2007



Jacqueline L. Simmons

Jacqueline L. Simmons

Notary Public for State of Idaho

Residing at: Boise, Idaho

My Commission Expires: 04-07-2011

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.

G.

CERTIFICATE OF MAILING

I certify that on May 22nd, 2007, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Name: Danny & Valerie Van Horn
Address: P.O. Box 345; Fairfield, Idaho 83327-0345

Name:
Address: ;

Name:
Address: ;

Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. 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


Signature of Objector or attorney mailing on Objector's behalf

12/02/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21654
NAME AND ADDRESS: DANNY VAN HORN
PO BOX 345
FAIRFIELD ID 83327-0345

VALERIE VAN HORN
PO BOX 345
FAIRFIELD ID 83327-0345

PODs/POUs on BLM:
-Place of Use on BLM needs to be described
consistent with I.C. 42-1402.

SOURCE: SPRING
SPRING
QUANTITY: 0.140 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

TRIBUTARY: SINKS
TRIBUTARY: UNNAMED STREAM

PRIORITY DATE: 12/31/1990

POINT OF
DIVERSION: T01N R13E S4 NSENE Within CAMAS County
T01N R13E S5 SWSWS Within CAMAS County
T01N R13E S5 NESWSE Within CAMAS County
T01N R13E S16 SNNWSW Within CAMAS County

BLM

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.140 CFS

PLACE OF USE: STOCKWATER in CAMAS County

T01N R13E S04	SENE	T01N R13E S05	SWSW	BLM
T01N R13E S05	SWSE	T01N R13E S16	NWSE	

BLM

OTHER PROVISIONS 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.

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

SHOSHONE DISTRICT SEC 3

MT PLAT

[illegible]

SG 7/13/1908 Wd1 USFS Acm S
Secs 2, 3: W88

T 09919 Del PL 167 (Act of Cong 7/23/1955)
completed 3/12/1962. All AF surface Wgs: by USFS

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
JUL 19 2000	

☐ USE PLATS

Lat. 43°22'31" N
Long. 118°51' E

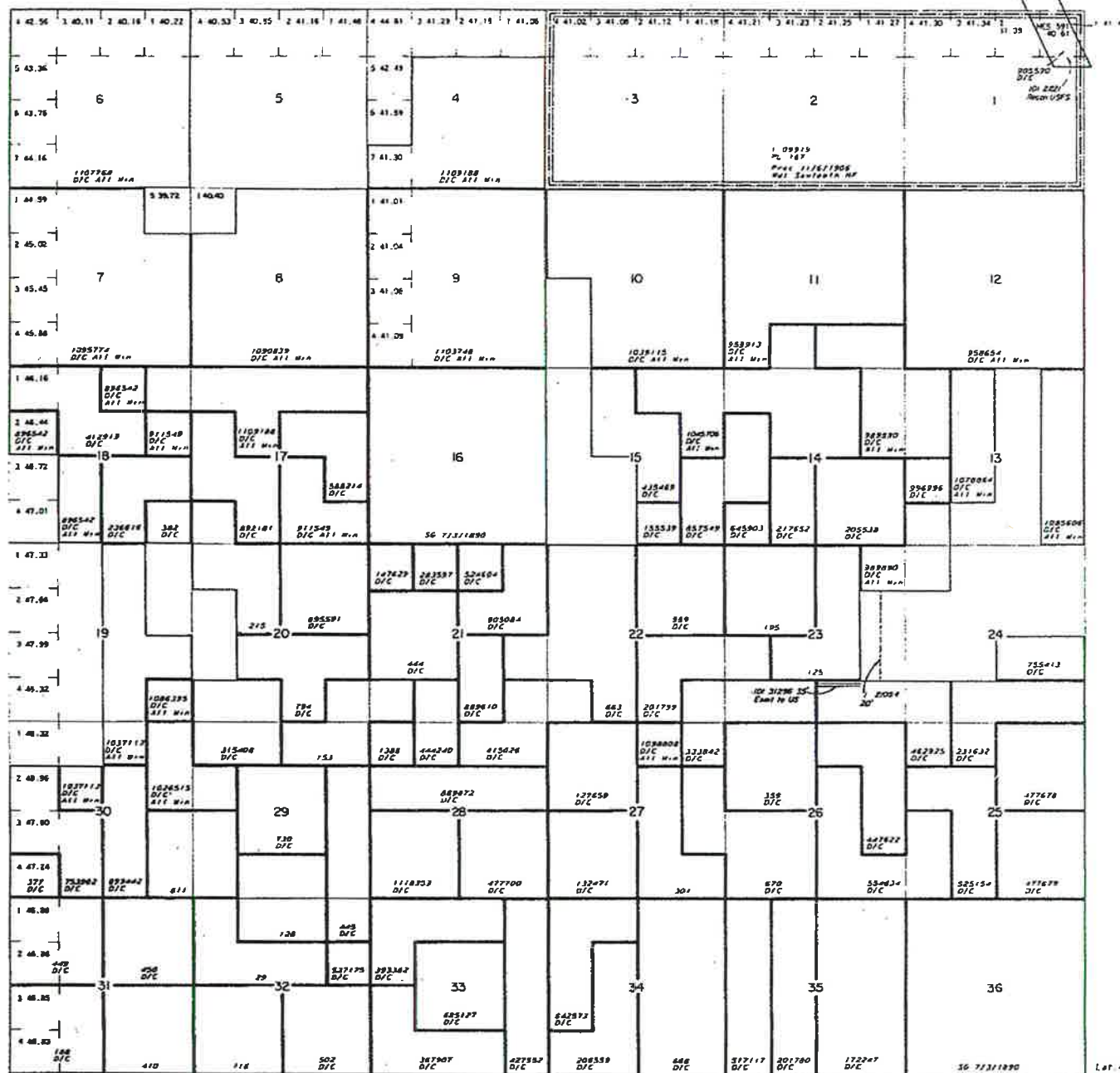
WARNING STATEMENT

WARNING STATEMENT

This plot is the Bureau's Revised of Title, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been effected by lateral encroachments of rivers or other bodies of water.

Bayer Merck

T. 1N
R. 13E



SCALE in Chords

84

3.

37-21654

32

33

T02N R13E

T01N R13E

ROUGH CK

05

04

Patent 1109188
09-09-1940

SWSW
BLM

SWSE
BLM

08

09

Base Property
Patent # 1103748
07/13/1939

17

16

State Land
Lease G-7233
New Hope Road, LLC
Danny Van Horn

11/1/2006

**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: 11/21/2006

Water right number: 37-21654

Danny Van Horn
PO Box 345
Fairfield, Id. 83327-0345
Telephone Number: (208) 764-2139

Valerie Van Horn
PO Box 345
Fairfield, Id. 83327-0345
Telephone Number: (208) 764-2139

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

Place of use amounts, source, points of diversion changes, & diversion rate reductions.

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

Current POU recommended, relocated & rename points of diversion, correct diversion rates

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

Preliminary review indicates many components of the recommendation are incorrect, see note below.

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

DATE: 12/12/06

SIGNATURE: Charles E. Brockway

Please print your name: Charles E. Brockway

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

The preliminary recommendation for which this Notice of Error is submitted is dated November 6, 2006, and requires a reply by November 21, 2006. Due to extremely short period for review and reply, and the considerable number of related preliminary recommendations currently under review by our firm, the undersigned must categorically object to, and disagree with, any and all portions of the recommendation which may be contrary to, or inconsistent with, the claim which has been filed for the above-referenced water right.

09/12/2006

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

RIGHT NUMBER: 37-21654

NAME AND ADDRESS: DANNY VAN HORN
PO BOX 345
FAIRFIELD ID 83327-0345

VALERIE VAN HORN
PO BOX 345
FAIRFIELD ID 83327-0345

SOURCE: SPRING TRIBUTARY: SINKS
SPRING TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.140 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1880

POINT OF DIVERSION:
T01N R13E S4 NESENE Within CAMAS County
T01N R13E S5 SWSWSW Within CAMAS County
T01N R13E S5 NESWSE Within CAMAS County
T01N R13E S16 SWNWSW Within CAMAS County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.140 CFS

PLACE OF USE: STOCKWATER Within CAMAS County

T01N R13E S04	SENE	T01N R13E S05	SWSW
T01N R13E S05	SWSE	T01N R13E S16	NWSW

OTHER PROVISIONS 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.

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

Adjudication Claim Notes

Claim(s): 37-21654

Background Data

- Beneficial Use Claim
- Source is Springs tributary to several Streams and Sinks
- Claimed 0.14 cfs for Stockwater

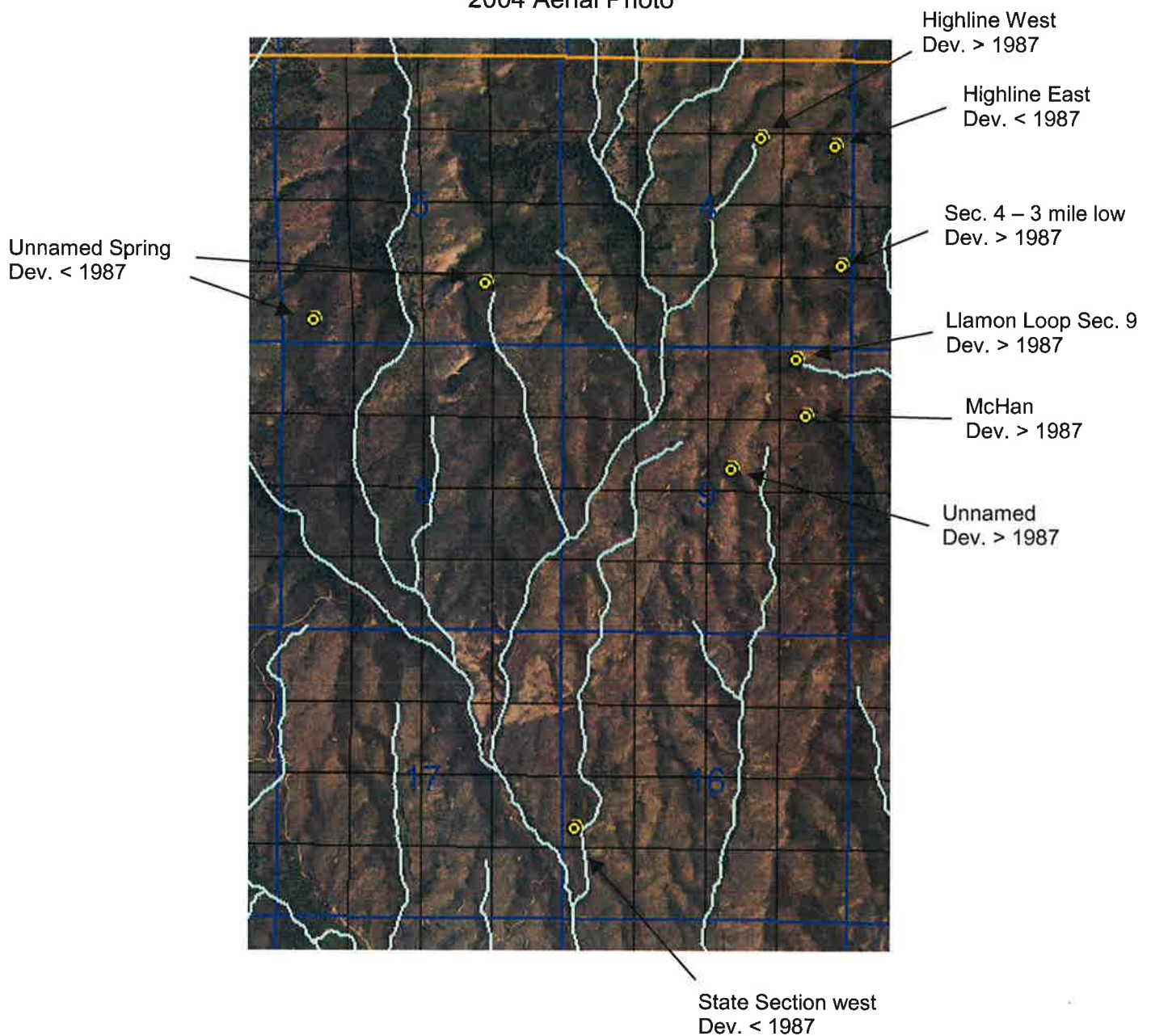
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

2004 Aerial Photo



Notes

T1N R13E Sections 4, 5, & 16

- Many of the claimed PODS in 37-13289 were in the valley bottom along streams. Carter and Steve felt this suggested in-stream use. They recommended splitting the right into in-stream use and troughs. The spring PODs that are not in valley bottoms or along streams require additional evidence from the claimant documenting water is present and used.
- Tax records indicate portion of land is owned by State/Federal government.
- Sources should be Spring tributary to Sinks
- Claim 37-13289 split into:
 - 37-21653 for 0.02 cfs for undeveloped springs (in-stream use)
 - 37-21654 for 0.12 cfs for developed springs (troughs)
- 3/14/06 Met with Chuck Brockway Sr. Mr. Brockway identified location of 4 springs originally claimed. He also identified 5 springs not on original claim that had been developed some time after 1987. These 5 springs cannot be included in SRBA claim 37-21654 because they are diversions developed after the 1971 mandatory statute date. There appear to be two options to license these five springs:
 - After 37-21654 is decreed by SRBA court, a transfer can be filed to convert part of the in-stream use to developed springs. However, it appears that the diversion rates on the springs would be 0.02 cfs, the same as in-stream use.
 - File for a permit on the springs.
- Data used for review: 2004 aerial photo, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo