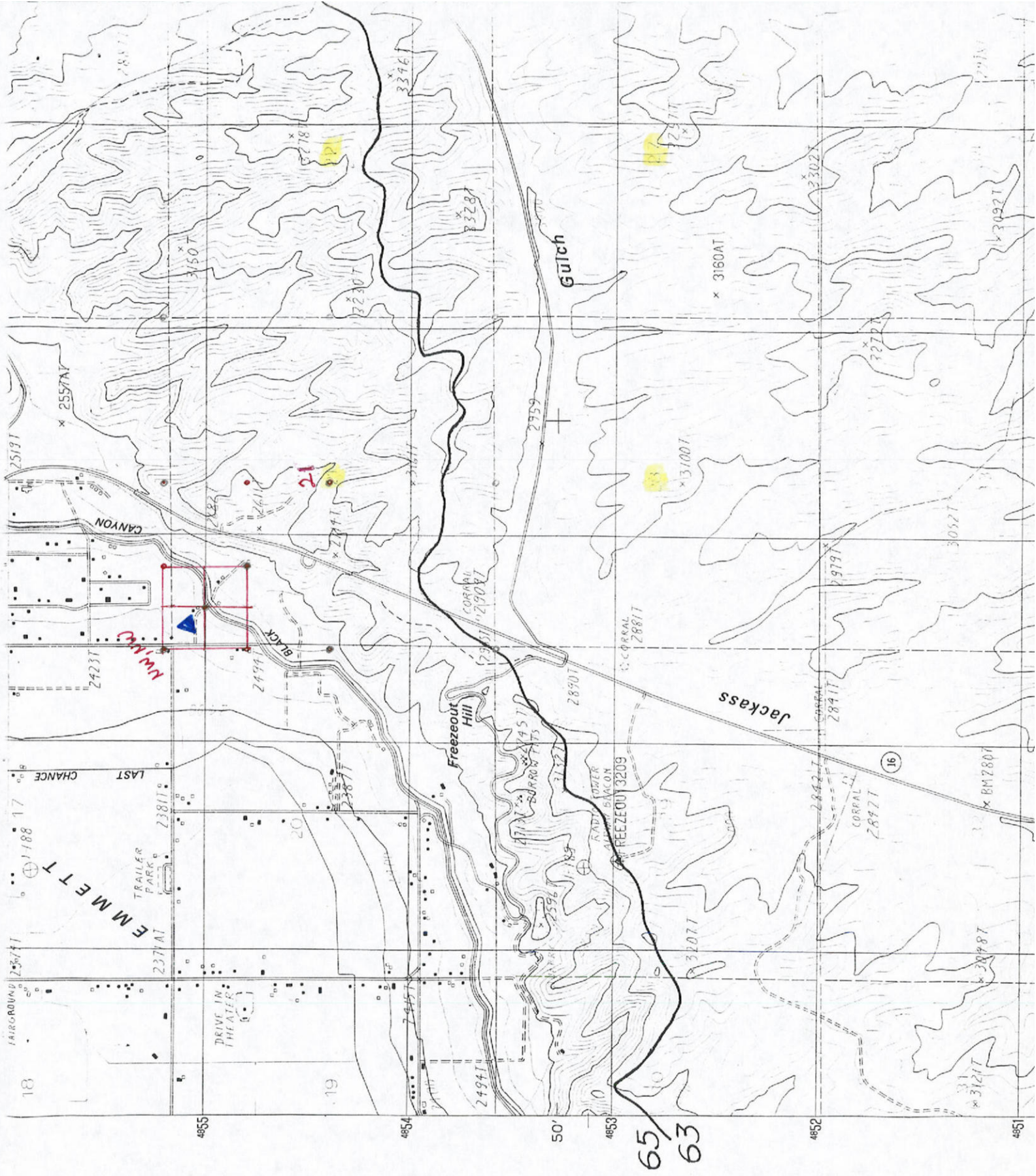




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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: 65-01366
DATE RECEIVED: 12-5-89
RECEIPT NO: X999999
RECEIVED BY: -----

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 5 1989

Department of Water Resources

1. NAME: HERBERT G. HETHERINGTON
ADDRESS: P.O. BOX 740
EMMETT, ID

83617

2. DATE OF PRIORITY: FEB 06, 1955

3. SOURCE: GROUNDWATER

TRIB. TO:

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
06N	01W	21	NW	NW			GEM

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20
COMMERCIAL	01/01	12/31	0.030		5.40

7. TOTAL QUANTITY APPROPRIATED IS:

0.040 C.F.S. (AND/OR)

6.60 A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
06N	01W	21	NW	NW		DOMEST	

11. PLACE OF USE IN COUNTIES: GEM, GEM

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO

DECREE PLAINTIFF

VS

A & C CORP., ET AL.

DECREE DEFENDANT

MICROFILMED
SEP 18 1992

16. SIGNATURE(S)

(A.) BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVER BASIN ADJUDICATION." (B.) I/WE DO ____ DO NOT ☒ WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: _____

FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): Herbert A. Stecher, Jr. DATE: 12-4-89

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Jem) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 4 DAY
OF December 19 89

Lois L. Sawley
NOTARY PUBLIC

SEAL

RESIDING AT Emmett

MY COMMISSION EXPIRES 4-12-95
DATE: 10/28/89 2885

4/5/1909

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Hetherington

CLAIM IDENT. NO.

A5-01366

DATE RECEIVED

12-5-89

CHK #

AMOUNT \$ exempt

YES

NO

Required
Info?1. Is the name and address complete with zip code? ☒ YES ☐ NO *2. Is a priority date entered? ☐ YES ☐ NO *Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☐ YES ☐ NO *3. (a) Is a source entered? ☐ YES ☐ NO *(b) Is a tributary to entered? (If required) ☐ YES ☐ NO *

N/A

4. Is the legal description of the p.d. sufficient? ☐ YES ☐ NO *5. Is there a description of the diverting works? ☐ YES ☐ NO *6. Are the water uses appropriate for the form? The short form is limited
to domestic and stockwater uses with direct diversion. All claims that
include storage or instream stockwater must use long form. ☐ YES ☐ NO *Is the period of use included? ☐ YES ☐ NO *Is a quantity claimed for each use? ☐ YES ☐ NO *7. Is a total quantity claimed entered? ☐ YES ☐ NO *8. If required is a consumptive use entered? ☐ YES ☐ NO *

N/A

Is the consumptive use correct? ☐ YES ☐ NO *

N/A

9. Are the non-irrigation uses listed properly? If this claim is on the
short form, and more than one domestic use is listed, single owner-
ship must be stated. If not under single ownership, see
Adjudication Memo # 4. ☐ YES ☐ NO *

N/A

10. Is (are) the place(s) of use and purpose(s) indicated? ☐ YES ☐ NO *11. Is (are) the county(ies) entered? ☐ YES ☐ NO *12. Is the ownership of p.u. checked? ☐ YES ☐ NO *13. Are other water rights listed or "none" indicated? ☐ YES ☐ NO *14. If required, are remarks correct? (If the claimant does not own
the place of use, authority for filing the claim must be
explained in the remarks.) ☐ YES ☐ NO *

N/A

15. Is the basis of the claim indicated? ☐ YES ☐ NO *16. If the claimant requested a monthly docket sheet, is payment enclosed?
(If yes, describe payment status in "Comments" below.) ☐ YES ☐ NO *

N/A

17. Is the claim signed by the claimant, and is the signature appropriate?
Organizations must complete the organization block. ☒ YES ☐ NO *18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *20. Is the fee enclosed correct? ☒ YES ☐ NO *

Exempt

21. If this claim is based on an existing water right, has the
identification number been entered? ☒ YES ☐ NO *

N/A

22. Should this claim be data entered? ☒ YES ☐ NO *Claim checked by: ROB

Date:

3/8/90Claim must be returned to claimant: ☐ (Yes) ☒ (No)Claimant must be notified of modifications: ☐ (Yes) ☒ (No)

Receipt Prepared by:

Claim data entered by: xxxSent to claimant by: th

Date:

Date: 3/14/90Date: 3/22/90

Checked by:

Date:

Comments:

MICROFILMED

SEP 18 1992

01/17/2001

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

RIGHT NUMBER: 65-1366

NAME AND ADDRESS: HERBERT G HETHERINGTON
PO BOX 740
EMMETT, ID 83617

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
6.6 AFY

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

PRIORITY DATE: 02/06/1955

POINT OF DIVERSION: T06N R01W S21 NWNW Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
COMMERCIAL	01-01 12-31	0.03 CFS
		5.40 AFY
DOMESTIC 1 HOMES	01-01 12-31	0.04 CFS
		1.20 AFY

COMMERCIAL USE IS SPRAYING OF ORCHARD.

PLACE OF USE:

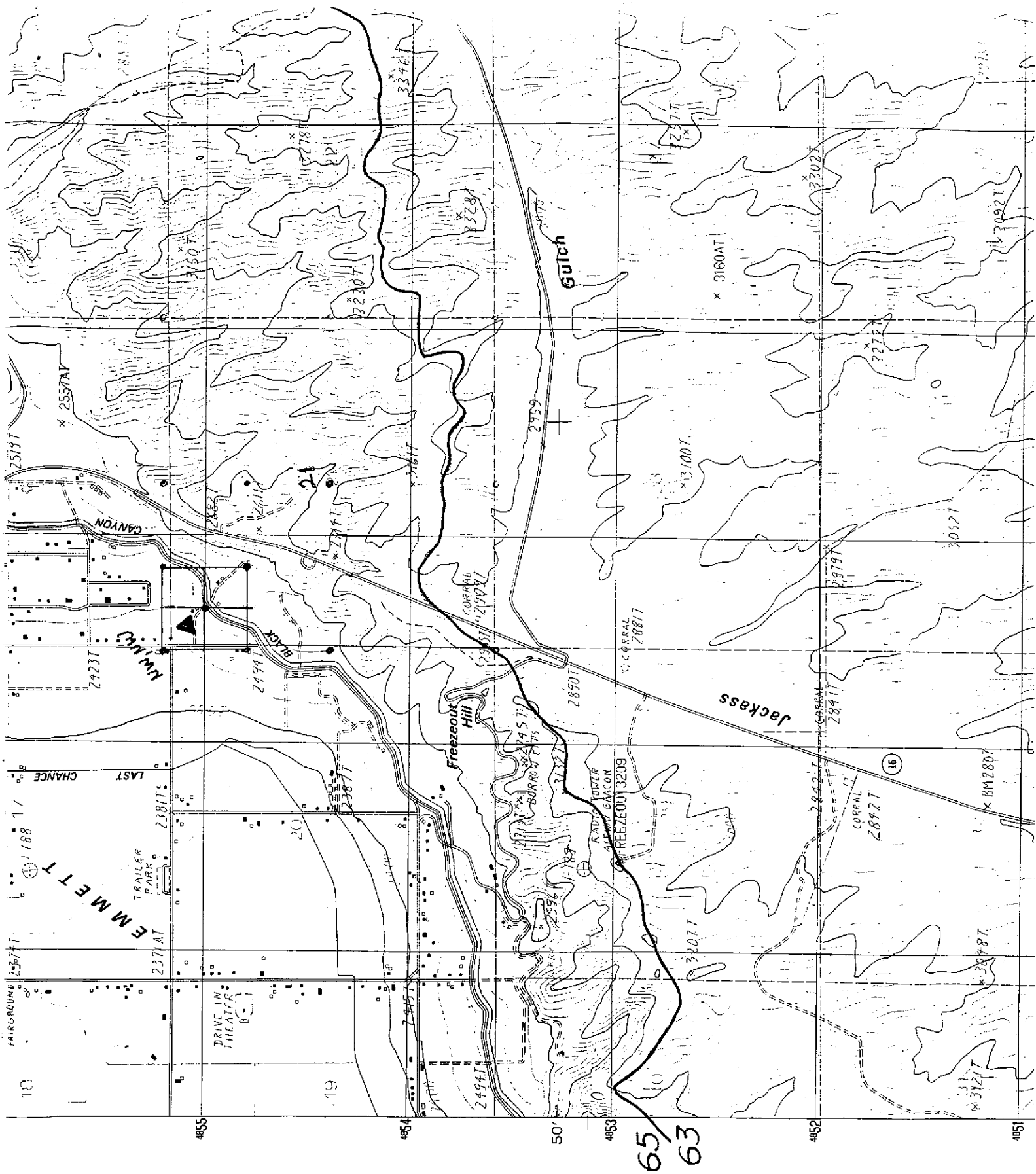
COMMERCIAL Use same as DOMESTIC
DOMESTIC Within GEM CountyT06N NWNW
R01W S21

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 - Decreed



65
63

AJ5809NP
No. A65-01366

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/28/00
PAGE: 35

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HERBERT G HETHERINGTON PO BOX 740 EMMETT ID 83617	02/06/1955	COMMERCIAL DOMESTIC	24 5-1 01-01 12-31 01-01 12-31	0.030 CFS 0.040 CFS	5.40 AFA 1.20 AFA
TOTAL DIVERSION:					0.040 CFS	6.60 AFA
Water Source: GROUNDWATER		Tributary to:		Stage: DECREED		
Point(s) of Diversion:		T06N R01W S21		GEM County		
Place of use Legal Description for: DOMESTIC						
NE NW SW SE						
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 Lt Ac Lt Ac Lt Ac :						
06N 01W 21 : : D :						

Place of use location for COMMERCIAL is the same location as described for: DOMESTIC

POU County: GEM

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

1-40ME

USE Rmk -
COMMERCIAL
DOMESTIC USE IS:
SPRAYING OF ORCHARD

- C-18
- code for MIXED
Commercial & Dom.

N11
N12

This does not
add up correctly

Why not?
0.030
0.040
0.070

WR5809NP
No. 65-01366

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/29/00
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HERBERT G. HETHERINGTON P.O. BOX 740 EMMETT ID 83617	02/06/1955	COMMERCIAL DOMESTIC	01/01 12/31 01/01 12/31	0.030 CFS 0.040 CFS	5.40 AFA 1.20 AFA
TOTAL DIVERSION:					0.040 CFS	6.60 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T06N R01W S21

NWN

GEM County

Place of use Legal Description for: DOMESTIC

				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

								D													
06N 01W 21 :																					

Place of use location for COMMERCIAL is the same location as described for: DOMESTIC

Pou County: GEM

Dates:	App. Received:	Priority Date:	02/06/1955
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 393

INDICATES TOTAL

SOURCE: GROUNDWATER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-4484	SNYDER, D. B. 503 14TH AVENUE NORTH, PAYETTE, IDAHO 83661	1/ 1/1955	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SWNE S28 T 9N R 5W	SWNE S28 T 9N R 5W	BENEFICIAL USE
65-6756	STARKS, HARRY L. & STARKS, VERA M. ROUTE #1 BOX 49, PAYETTE, IDAHO 83661	1/ 1/1955	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SENE S35 T 9N R 5W	SENE S35 T 9N R 5W	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	7.90 AFA .13 CFS *9.10*AFA *.13*CFS		SAME AS OTHER USE	
65-9306	FORD, MAURICE W. ROUTE 1, BOX 23, PAYETTE, IDAHO 83661 REMARKS: NO. 5, GREEN HILL TRACT.	1/ 7/1955	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SENE S22 T 9N R 5W	SENE S22 T 9N R 5W	BENEFICIAL USE
65-0154	CURTIS, JOHN S. MONTGOMERY, IDAHO 83646	1/31/1955	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SWSW S15 T 7N R 1E	SWSW S15 T 7N R 1E	BENEFICIAL USE
65-1366	HETHERINGTON, HERBERT G. ROUTE 3, BOX 16, EMETT, IDAHO 83617	2/ 6/1955	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NWNW S21 T 6N R 1W	NWNW S21 T 6N R 1W	BENEFICIAL USE
			COMMERCIAL	1/ 1 12/31	5.40 AFA .03 CFS *6.60*AFA *.04*CFS		SAME AS OTHER USE	
65-8203	SCHIEBLER, ANNA R. 159 7TH AVENUE NORTH, PAYETTE, IDAHO 83661	2/16/1955	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOT 4 S33 T 9N R 5W	LOT4 S33 T 9N R 5W	BENEFICIAL USE
65-1019	GATES, VERN & GATES, CLARA BOX 204, EMETT, IDAHO 83617	3/ 1/1955	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SESW S12 T 6N R 2W	SESW S12 T 6N R 2W	BENEFICIAL USE
65-6119	LORDS, FLOYD 320 NORTH 10TH, PAYETTE, IDAHO 83661	3/ 1/1955	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NWNW S34 T 9N R 5W	NWNW S34 T 9N R 5W	BENEFICIAL USE
65-1679	OLBERDING, LOUISE & OLBERDING, SHIRLEY 309 EAST 1ST, EMETT, IDAHO 83617 REMARKS: LOT 4, BLOCK 5, HAYS ADDITION.	3/ 1/1955	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SENE S 7 T 6N R 1W	SENE S 7 T 6N R 1W	BENEFICIAL USE

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM

IDENT. NO.

MAP NO.

TO A
WATER RIGHT

65-1366

RECEIVED

Notice is hereby given that Herbert G. Hetherington (Name of Claimant)

Route 3 Box 16 Emmett, Idaho 83617 (Mailing Address) claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) February 6, 1955 (home place)

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) well subterranean GW

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Both Dates Inclusive)

1.2 Use Domestic (Domestic, irrigation, stock, etc.) Period of Use From 1-1 (Mo., Day) To 12-31 (Mo., Day) (Both Dates Inclusive)

5.4 Use Irrigation (spray) COMMERCIAL (Domestic, irrigation, stock, etc.) Period of Use From 2-1 (Mo., Day) To 5-1 (Mo., Day) (Both Dates Inclusive)

6-6 AFA Use Domestic, irrigation, stock, etc. Period of Use From 6-1 (Mo., Day) To 6-1 (Mo., Day) (Both Dates Inclusive)

(4) Quantity of water claimed: 0.03 Cubic Feet Per Second, or NW Acre Feet Per Annum, and/or Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source. NW 1/4 NW 1/4 Sec. 21 Twp. 6N Rge. 1W B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Pressure pump 1 1/2 HP submersible 1 1/2" pipe

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
6N	1W	21	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	25

Total No. of acres 40

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic, spraying of orchard

(7) Effluent, sewage waste, or return water from this use is discharged into _____

(8) If you are claiming water as a member of an organization, list name of organization _____

(9) Remarks Domestic, spraying of orchard

Assume SPRAY OF 6 MO. @ 12 hrs/day @ 0.03 cfs = 5.4 AFA

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case _____

☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No. _____

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

Herbert G. Hetherington (Signature of Claimant)

Organization _____ (Signature of Spouse)

Organization _____ (Signature of Authorized Agent)

State of Idaho

ss.

Organization
Seal

County of Ben

day of

September

in the year 1970

On this 25th

a notary public, personally appeared Herbert G. Hetherington and acknowledged to me that (he, she, they, known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, executed the same.

corporation, partnership or _____

Notary Public residing at Emmett

My commission expires 5-18-71

DRT 11-21-71

ADJUDICATION DIVISION

REPORT OF EXAMINERS

Claim No. - 1366

1. Name of Applicant Hatha... Herbert... G... Hathaxington

2. Priority 2/1/1955

3. Source of Water Groundwater

4. Determine Purpose and Quantity of Water Found Used:

(Quantity) (Dom., Irr., Stk. water, etc.) (Mo.-Day) (Mo.-Day)

... 0.2... Use Dom. Period of Use From 1/1 To 12/24

... 0.2... Use Irr. Period of Use From 2/1 To 5/1

... Use Period of Use From To

5. Location of Point of Diversion: NW NW of Section 21

Twp. 6N, Rge. 16W, County of Cam

6. Describe Diversion Works: well w/ pump

7. Describe Location of Use:

TWP.	RGE.	SEC.	NE				NW				SE				SW				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	16W	21						X											

TWP. 6N RGE. 16W COUNTY Cam SCALE: 1" = 1 MILE

8. Purpose Other Than Irrigation. Domestic... for home with... water...

irrigation... and... water... for... use...

9. Remarks: Red... house... with... water... for... use...

... water... for... use... for... use...

... water... for... use... for... use...

... water... for... use... for... use...

This examination was made on the 8 day of Feb, 1956

(Signed) L. A. ...
Examiner.