

**T06N R01W
S03**

Idaho Department of Water Resources

Claims: 65-01367

Prepared by:

RON HOWERTON

Date: 19 JAN 01

 **Place of use**

 **POD**

 **SECTION**

 **1/4 1/4**

37 Acres



1987 NAPP



**T06N R01W
S03**

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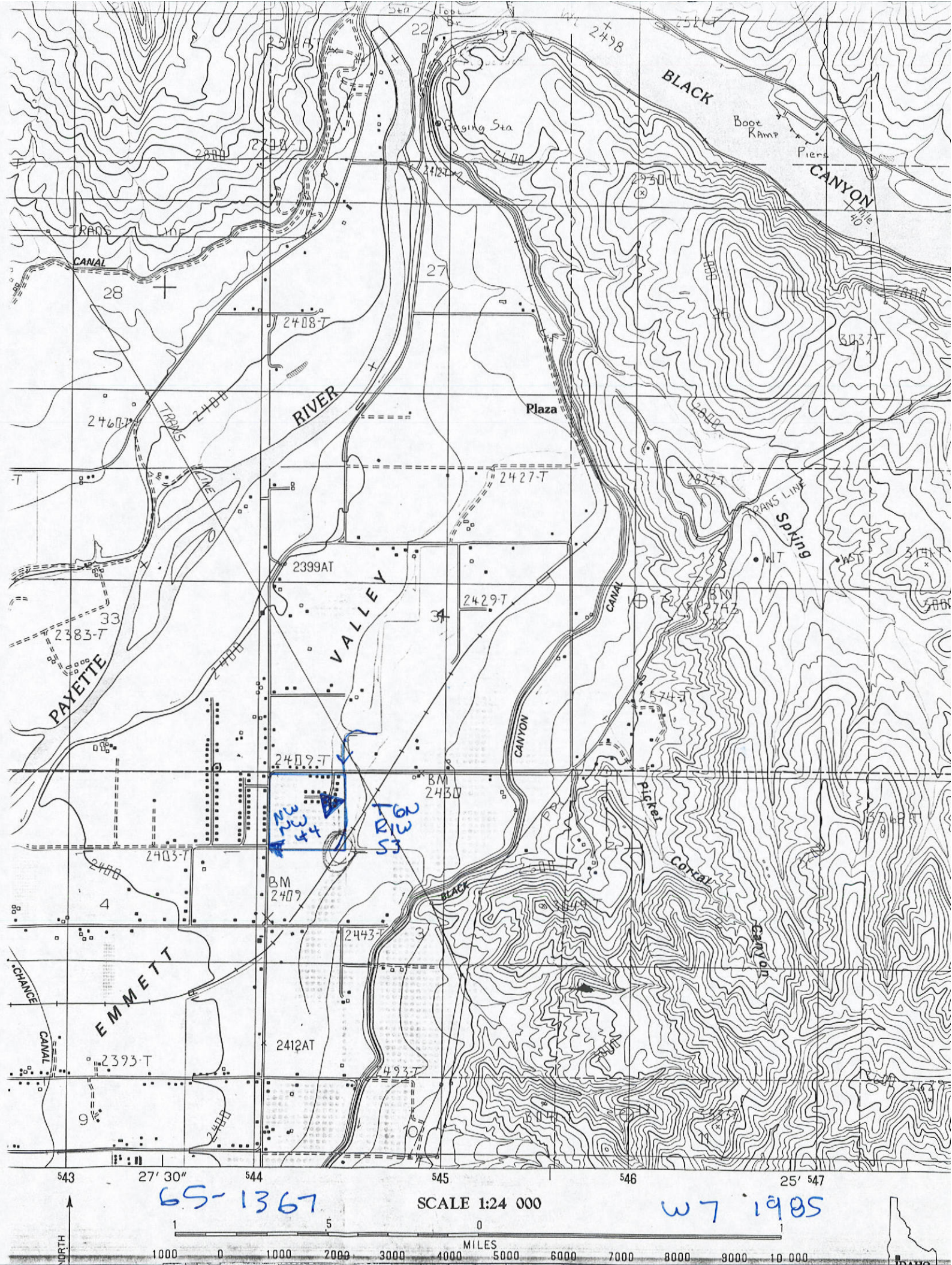
 **SECTION**

 **1/4 1/4**



1987 NAPP





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: 65-01367
DATE RECEIVED: 12-5-89
RECEIPT NO: 7999999
RECEIVED BY: -----

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
DEC 5 1989

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

83617

2. DATE OF PRIORITY: MAY 28, 1958

Department of Water Resources

3. SOURCE: WASTE WATER

TRIB. TO: FROZEN DOG WASTEWAY

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4 OF 1/4	LOT	COUNTY
06N	01W	3		4	GEM

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	0.740		

7. TOTAL QUANTITY APPROPRIATED IS:
0.740 C.F.S. (AND/OR)

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	3	NW NW	4	IRR	37.0
SECTION ACRES						37.0
TOTAL ACRES						37.0

65-01367

PAGE 1

DATE: 10/28/89

2886

MICROFILMED
SEP 18 1992

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:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-1370 & EMMETT IRRIGATION
DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. BASIS OF CLAIM: DECREEED

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

A & C CORP., ET AL.
VS DECREE DEFENDANT

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 H. Hetherington 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 Pen) SS.

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

Erith Hawley
NOTARY PUBLIC

SEAL

RESIDING AT Emmett Id

MY COMMISSION EXPIRES 4-12-95
DATE: 10/28/89 2888

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Heckington CLAIM IDENT. NO. AGS-D1367

DATE RECEIVED 12-5-89 CK # AMOUNT \$ exempt

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☐	☐	*
Is the priority date acceptable in view of mandatory filing dates?	☐	☐	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	☐	☐	
3. (a) Is a source entered?	☐	☐	*
(b) Is a tributary to entered? (if required)	☐	☐	
4. Is the legal description of the p.d. sufficient?	☐	☐	*
5. Is there a description of the diverting works?	☐	☐	
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.	☐	☐	*
Is the period of use included?	☐	☐	
Is a quantity claimed for each use?	☐	☐	*
7. Is a total quantity claimed entered?	☐	☐	
8. If required is a consumptive use entered?	☐	☐	
Is the consumptive use correct?	☐	☐	
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 ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☐	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☐	☐	*
11. Is (are) the county(ies) entered?	☐	☐	
12. Is the ownership of p.u. checked?	☐	☐	
13. Are other water rights listed or "none" indicated?	☐	☐	
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.)	☐	☐	
15. Is the basis of the claim indicated?	☐	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☐	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☒	☐	*
20. Is the fee enclosed correct?	☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?	☐	☐	
22. Should this claim be data entered?	☐	☐	

Claim checked by: hat Date: 3/8/90Claim must be returned to claimant: (Yes) / (No)Claimant must be notified of modifications: (Yes) / (No)

Receipt Prepared by: Date: 3/14/90
 Claim data entered by: Date: 3/14/90 Checked by: Date:
 Sent to claimant by: Date: 3/22/90

Comments:

MICROFILMED

SEP 18 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

“When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season.”

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

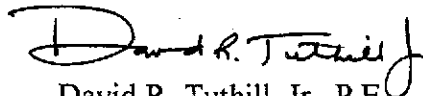
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,


David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

01/19/2001

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

RIGHT NUMBER: 65-1367

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

SOURCE: WASTE WATER TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.74 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-1370 & EMMETT
IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS PER
ACRE.

PRIORITY DATE: 05/28/1958

POINT OF DIVERSION: T06N R01W S3 LOT 4 NWNW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	0.74 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T06N R01W S3 LOT 4 NWNW 37

37 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 65-1370 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 37 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 - Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM EMMETT
IRRIGATION DISTRICT.

AJ5809NP
No. A65-01367

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/19/01
PAGE: 1

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	05/28/1958	IRRIGATION	03-15 11-15	0.740 CFS	
TOTAL DIVERSION:					0.740 CFS	
Water Source: WASTE WATER		Tributary to: ~~FROZEN DOG WASTEWAY~~			Stage: DECREED	
Point(s) of Diversion:		T06N R01W S03 Lot04(NW)			GEM County	
Place of use Legal Description for: IRRIGATION		NE NW - NOT SAME PID AS 1370				
NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :		SUM				
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 :		SUM				
06N 01W 3 :		04-37			TOTAL ACRES 37.0	

POU County: GEM

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-1370 & EMMETT IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

QNT E28

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

P641 E11 - 37 ACRES
TOTAL
with 1370

NO - BLUELINE
PRBA, FOUND FX
COPY ATTACHED

W 16
C 18

WR5809NP
No. 65-01367

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/29/00
PAGE: 7

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	05/28/1958	IRRIGATION	03/15 11/15	0.740 CFS	
TOTAL DIVERSION:					0.740 CFS	

Water Source: WASTE WATER

Tributary to: FROZEN DOG WASTEWAY

Stage: DECREED

Point(s) of Diversion: T06N R01W S03 Lot 04()

GEM County

Place of use Legal Description for: IRRIGATION

		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	: SUM
06N	01W 3	:								:	04-37					:				: 37.0
TOTAL ACRES																			: 37.0	

Pou County: GEM

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-1370 & EMMETT IRRIGATION
DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates:	App. Received:	Priority Date:	05/28/1958
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

**T06N R01W
S03**

Idaho Department of Water Resources

Claims: 65-01367

Prepared by:

RON HOWERTON

Date: 19 JAN 01

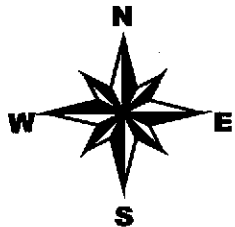
 **Place of use**

 **POD**

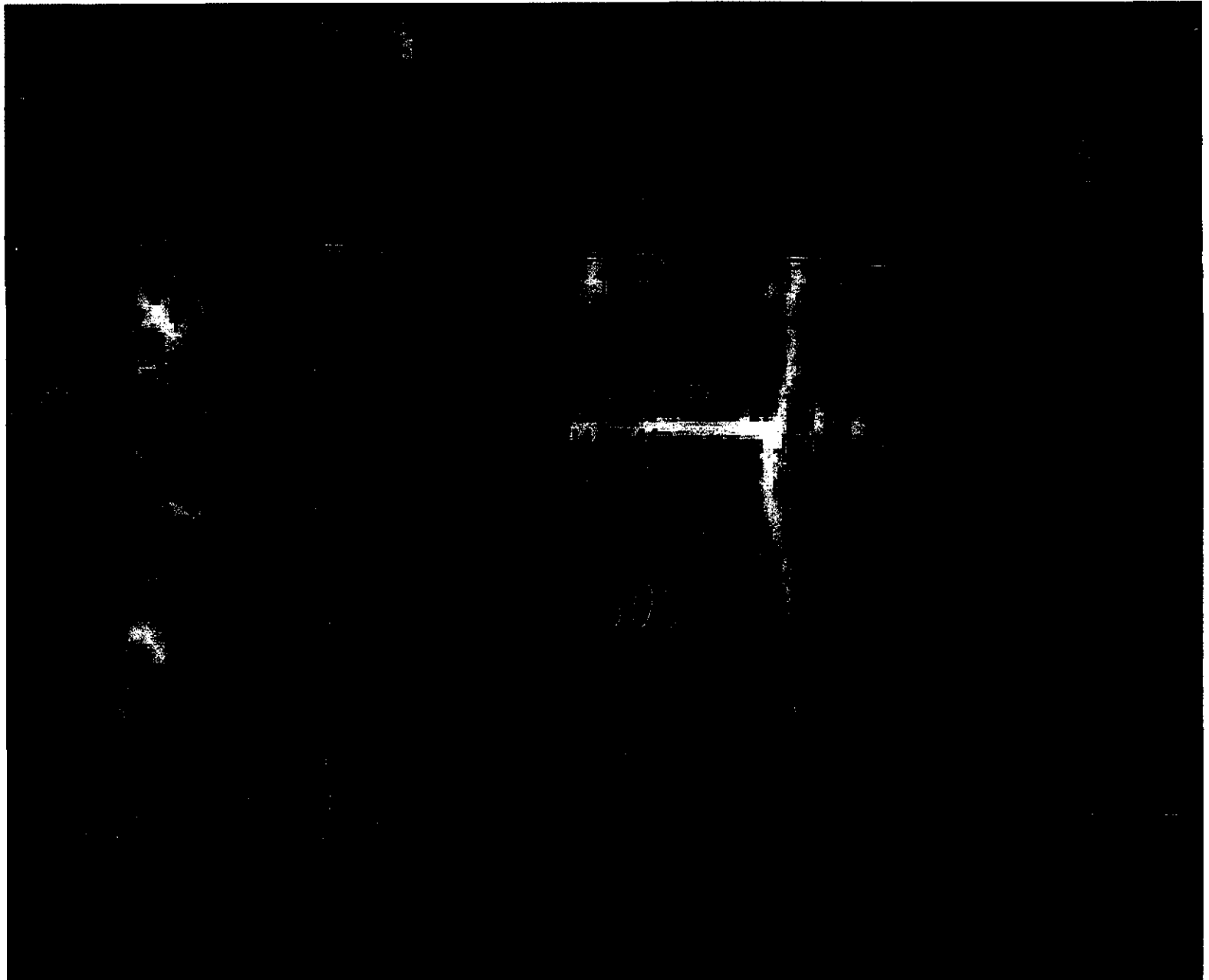
 **SECTION**

 **1/4 1/4**

37 Acres



1987 NAPP



**T06N R01W
S03**

Idaho Department of Water Resources

Claims: 65-01367

Prepared by:

RON HOWERTON

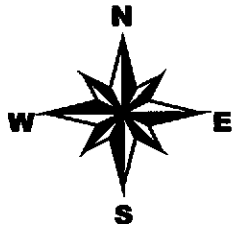
Date: 19 JAN 01

 **Place of use**

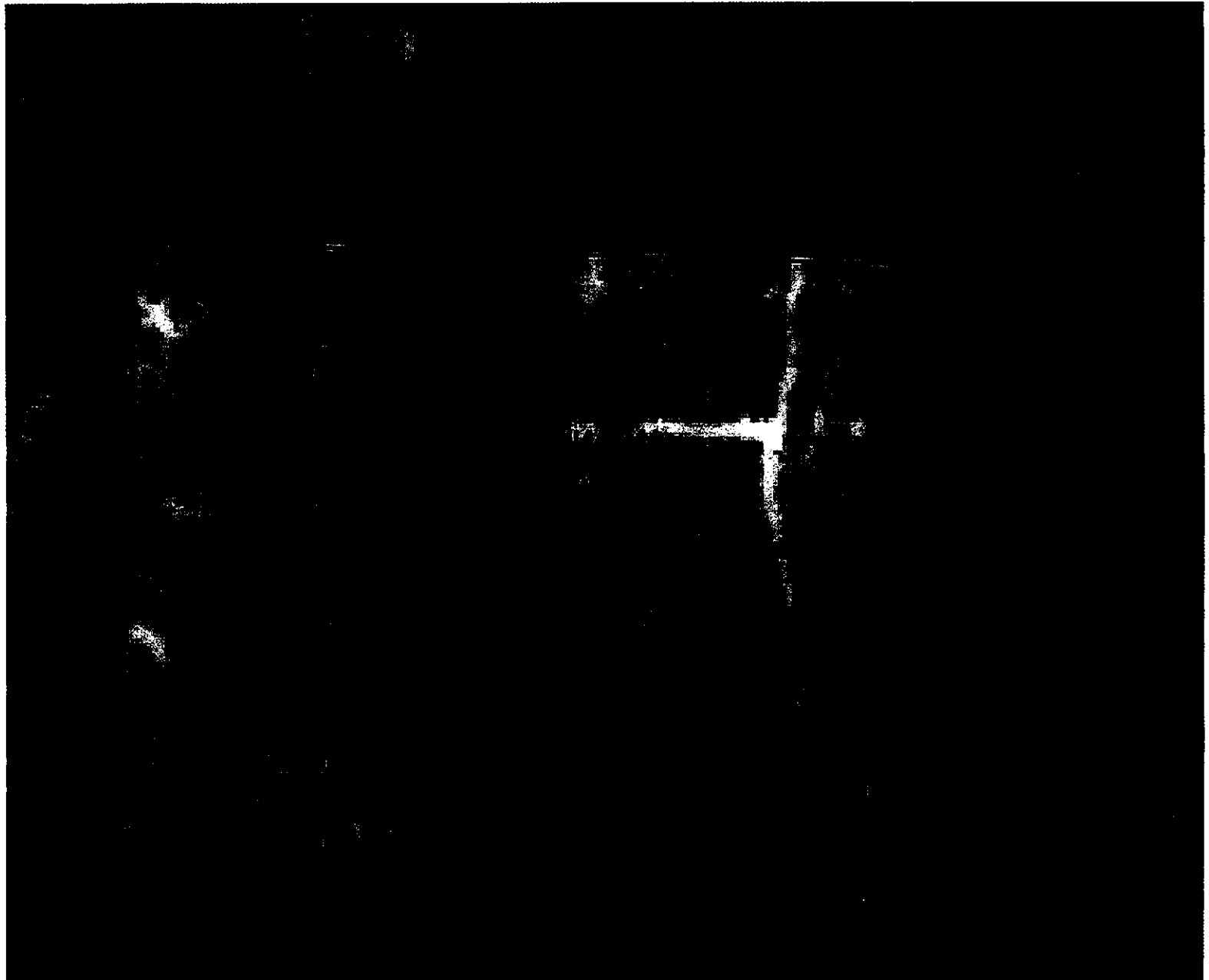
● **POD**

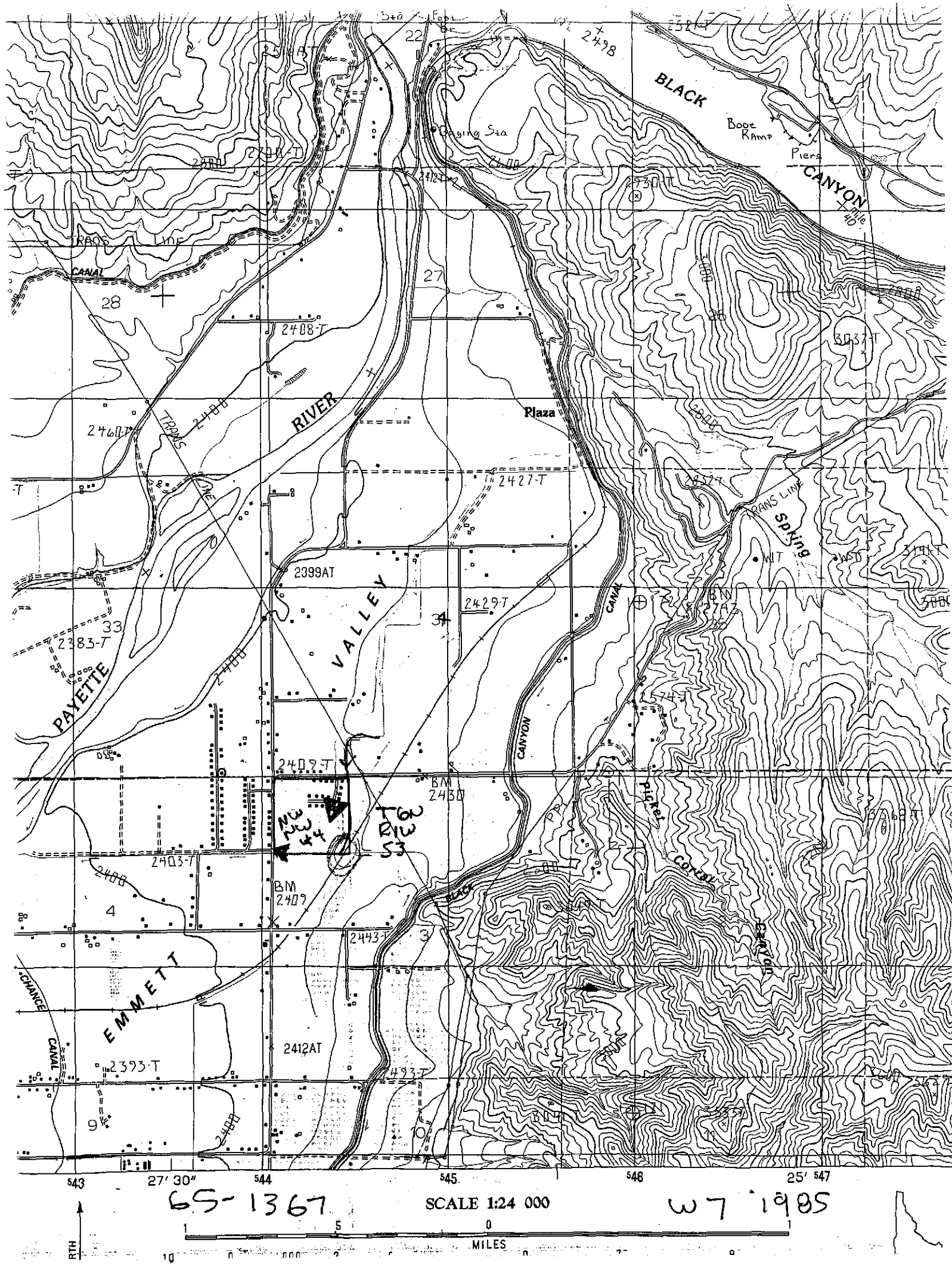
 **SECTION**

 **1/4 1/4**



1987 NAPP





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
TO A
WATER RIGHT

IDENT. NO.

MAP NO.

65-1367

6-1W-A

Notice is hereby given that Herbert G. Hatherington

(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) May 28, 1958

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) drain ditch (McCool place)

(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)

Use Irrigation 74 Period of Use From 4-1 To 10-31
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive) (Mo., Day)

Use 1665 AF Period of Use From 4-1 To 10-31
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive) (Mo., Day)

Use 1665 AF Period of Use From 4-1 To 10-31
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive) (Mo., Day)

(4) Quantity of water claimed: 74.30 Cubic Feet Per Second, or 4 Acres Feet Per Annum, and/or 4 Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source. (NW 1/4 NW 37 Sec. 3 Twp. 6N Rge. 1W B.M.; additional points: NW 1/4 NW 37)

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. 7 1/2 HP 6" pipe high head for sprinkling

(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
			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	
6N	1W	3						40											40
								37											37
								(Lot 4)											

Total No. of acres 40 37

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

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

(8) If you are claiming water as a member of an organization, list name of organization and Emmett Irrigation District water rights

(9) Remarks This is one pump of two. Second pump of later priority. This is claim 1 of 2, Claim #2

(THIS RIGHT WHEN COMBINED WITH RIGHT 65-1370, SHALL PROVIDE 100 ACRE TRACT 1665 AF 1665 AF 1665 AF 1665 AF 1665 AF 1665 AF 1665 AF 1665 AF 1665 AF)

(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

September 23, 1970

(Signature of Claimant)

Organization

(Signature of Sponsor)

State of Idaho

County of Gem

Organization Seal

(Signature of Authorized Agent)

On this 25th day of September, 1970, before me,

a notary public, personally appeared Herbert G. Hatherington

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, corporation, partnership or) executed the same.

Notary Public residing at Emmett

My commission expires 5-18-71

2-9-77 BLS Revised 04/03/78

ADJUDICATION DIVISION

REPORT OF EXAMINERS

Claim No. 65-1367

1. Name of Applicant... H. A. Hart, C. Hetherington.....
 2. Priority... 5-28-1958.....
 3. Source of Water... Wastewater from drain ditch.....
 4. Determine Purpose and Quantity of Water Found Used:

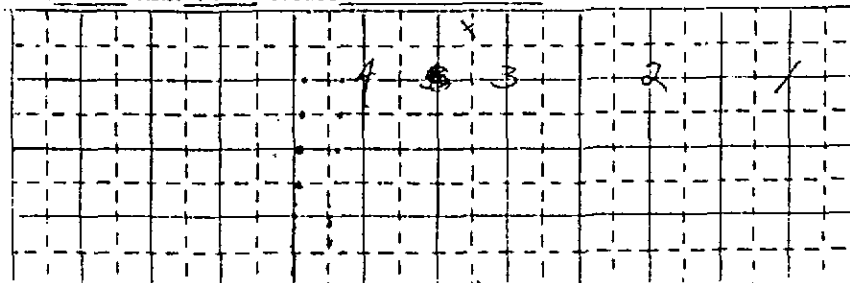
(Quantity) (Dom., Irr., Stk. water, etc.) (No.-Day) (No.-Day)
.28..... Use Irrigation Period of Use From 4-1.... To 10-31
 Use Period of Use From..... To.....
 Use Period of Use From..... To.....

5. Location of Point of Diversion: NWNW of Section 3
 Twp. 6N, Rge. 1W, County of Gen

6. Describe Diversion Works: Pump from drain... 7.5 H.P. into 5" pipe line - main line for sprinkler system.....

7. Describe Location of Use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>6N</u>	<u>1W</u>	<u>3</u>					<u>400</u>												<u>40.0</u>

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

8. Purpose Other Than Irrigation: Irrigation of 40.0 acres, 1.25
3.5 acres of water from drain. Sprinkler system same
40.0 acres with sprinkler. would require full 40.0
 2. Remarks: Pump located approx. 150 yds. from
road. south down drain ditch - located by
power pole and pump. 5 kwh. on hook. no power
line. d.t. time. of. must be 10 min. C.A. 3. Box 1.6

This examination was made on the 25 day of Jan, 1958.

(Signed)

Edwin S. Ball
 Examiner.