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SEP 22 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 21 2010

By _____

Clerk

Deputy Clerk

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

Subcase: 22-13974

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

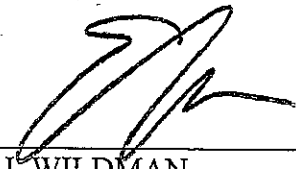
On June 24, 2010, Mark Harrington, by and through counsel, Jerry R. Rigby, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on September 21, 2010. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated: September 21, 2010.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on September 21, 2010, with sufficient first-class postage to the following:

MARK HARRINGTON

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Shii Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first name "Shii" and last name "Murphy" clearly distinguishable.

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SRBA Form No.42-1409-1 (Internet 2/09)

DEPARTMENT OF
WATER RESOURCES

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 22-13974

Date Received: 9/22/2010

FILED IN DISTRICT COURT - SRBA 6691793

Received By: SRBA

County of Twin Falls - State of Idaho

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

JUN 24 2010

Please type or print clearly

1. Name of Claimant (s) Mark Harrington

Mailing Address PO Box 300

Driggs

ID

ZIP 83422

Street or Box

City

State

2. Date of Priority (Only one (1) per claim) April 15, 1945

Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Spring

which is tributary to (b) Sinks

4. a. Location of Point of Diversion is: Township 4N, Range 45E, Section 15,
SW, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of Teton

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

Spring flows into ditch, through a culvert under the road, and onto the claimants land through the same ditch onto the property for flood irrigation.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/31 amount 1.0 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) none

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	45E	15								0.1	4.4	11							15.5

Parcel (PIN) no(s).

Total number of acres irrigated 15.5

10. In which county (ies) are lands listed above as place of use located? TETON

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

Water right 22-12784 from Darby Creek for irrigation overlaps this same place of use or None ()

13. Remarks: This water right was developed by previous owners to the property and has been used since. Mr.

Clair Hillman, a neighbor to the claimed property, has provided an affidavit supporting the use of the Spring for

irrigation of the place of use. Please find attached said affidavit accompanied by a map outlined by Mr. Hillman.

According to the claimant, the spring is used as a primary source of irrigation water for the place of use.

Last Name Harrington

Identification No. 22-13974

14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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: 1

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date: 6-3-2010

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Title _____ of _____ Organization _____

that I have signed the foregoing document in the space below as

Title _____ of _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, Jerry R. Rigby, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature] Date 6-23-10

Address PO Box 250

Rexburg ID 83440

Last Name Harrington Identification No. 22-13974

Affidavit of Clair Hillman

I, Clair Hillman, have lived in Teton Valley all my life, most of which, I have lived by Darby Creek on the east side of the highway. My father owned 80 acres adjacent to the Harrington property.

Ed Reagan originally owned the property. It may have been Ed Reagan who dug the original ditches. Arthur Bowles purchased the property from Ed Reagan. Sarah and Lloyd Delaney inherited the property from Arthur Bowles, Sarah's brother, and Mark Harrington purchased the property from the Delaney's. I remember that in about 1945, when Arthur Bowles owned the Harrington property, he used the spring located on the east property boundary for irrigation. From the spring, it was diverted through a culvert under the road into a ditch on the north side of the road. The ditch ran down to irrigate some meadows on the west side of the property, approximately 15 acres, as indicated on the attached map. There were also about 5 acres irrigated along the ditch.

Clair Hillman

5-5-10

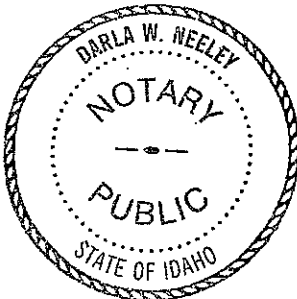
Clair Hillman

State of Idaho)

County of Teton)

On this 5th day of May, in the year of 20 10, before me DARLA W. NEELEY a notary public, personally appeared CLAIR HILLMAN

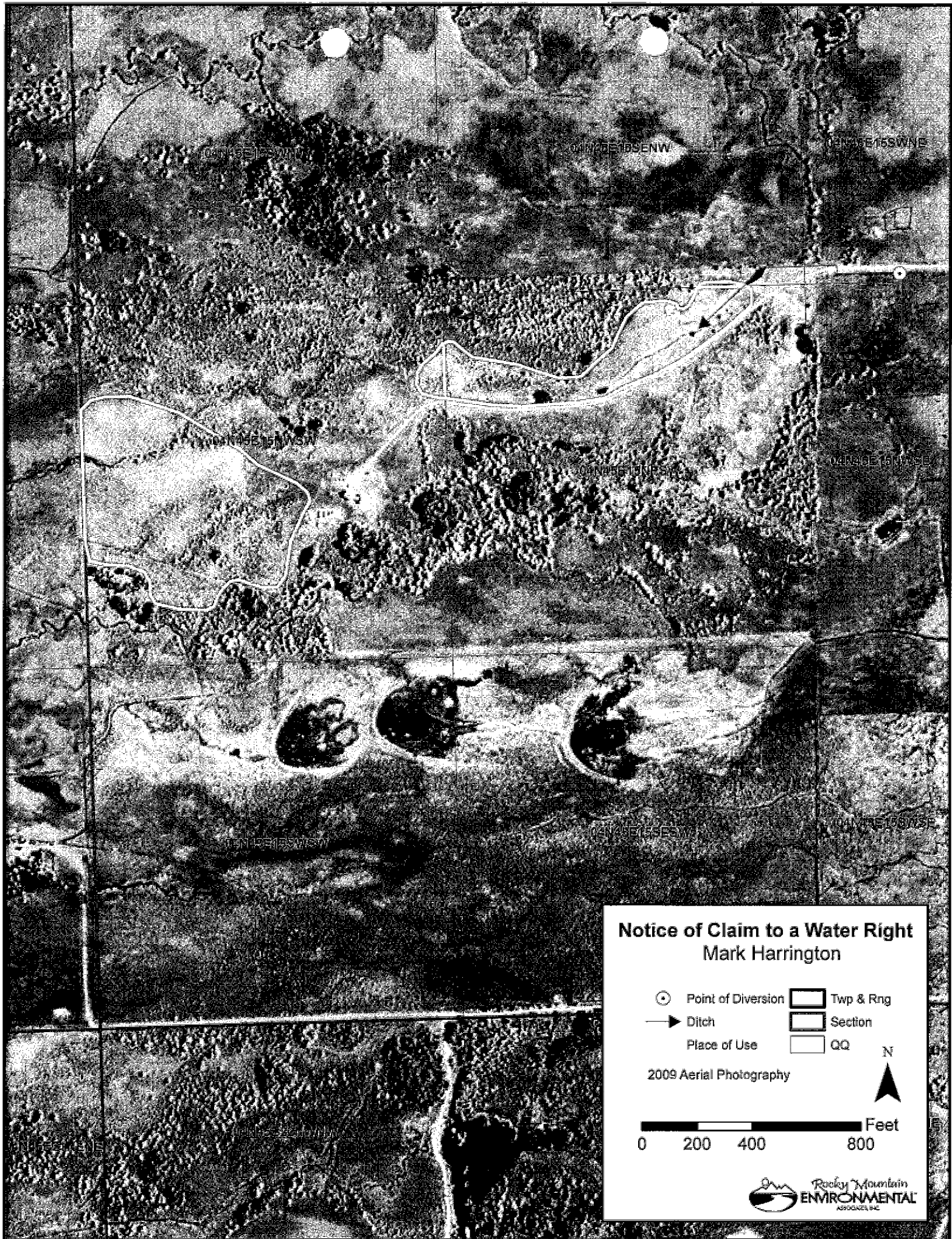
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged that he (she) (they) executed the same.



Darla W. Neeley

Notary Public

My Commission expires on 02-25-2015



Notice of Claim to a Water Right Mark Harrington

- | | | | |
|---|--------------------|---|-----------|
| ⊙ | Point of Diversion | ▭ | Twp & Rng |
| → | Ditch | ▭ | Section |
| □ | Place of Use | ▭ | QQ |

2009 Aerial Photography

