

09/01/2006

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

RIGHT NUMBER: 67-377A

NAME AND ADDRESS: JOHNNIE H HARRINGTON
2230 OLD HORNET RD
COUNCIL ID 83612

JACK RUBELT
2280 OLD HORNET RD
COUNCIL ID 83612

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.385 CFS

PRIORITY DATE: 05/01/1880

POINT OF DIVERSION:

T17N R01W S30 SWSNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.385 CFS

PLACE OF USE:

IRRIGATION Within ADAMS County

T17N R01W S31	NENE	13.00	T17N R01W S31	NWNE	12.00
T17N R01W S31	SWNE	9.60	T17N R01W S31	SENE	0.50

35.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 30.8 acres in a single irrigation season. Combined Right Nos.: 67-377A & 67-11281

This right is limited to the irrigation of 30.8 acres within the place of use described above 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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

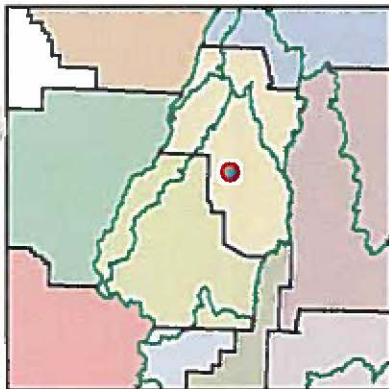
SRBA Recommendation:

67-377A

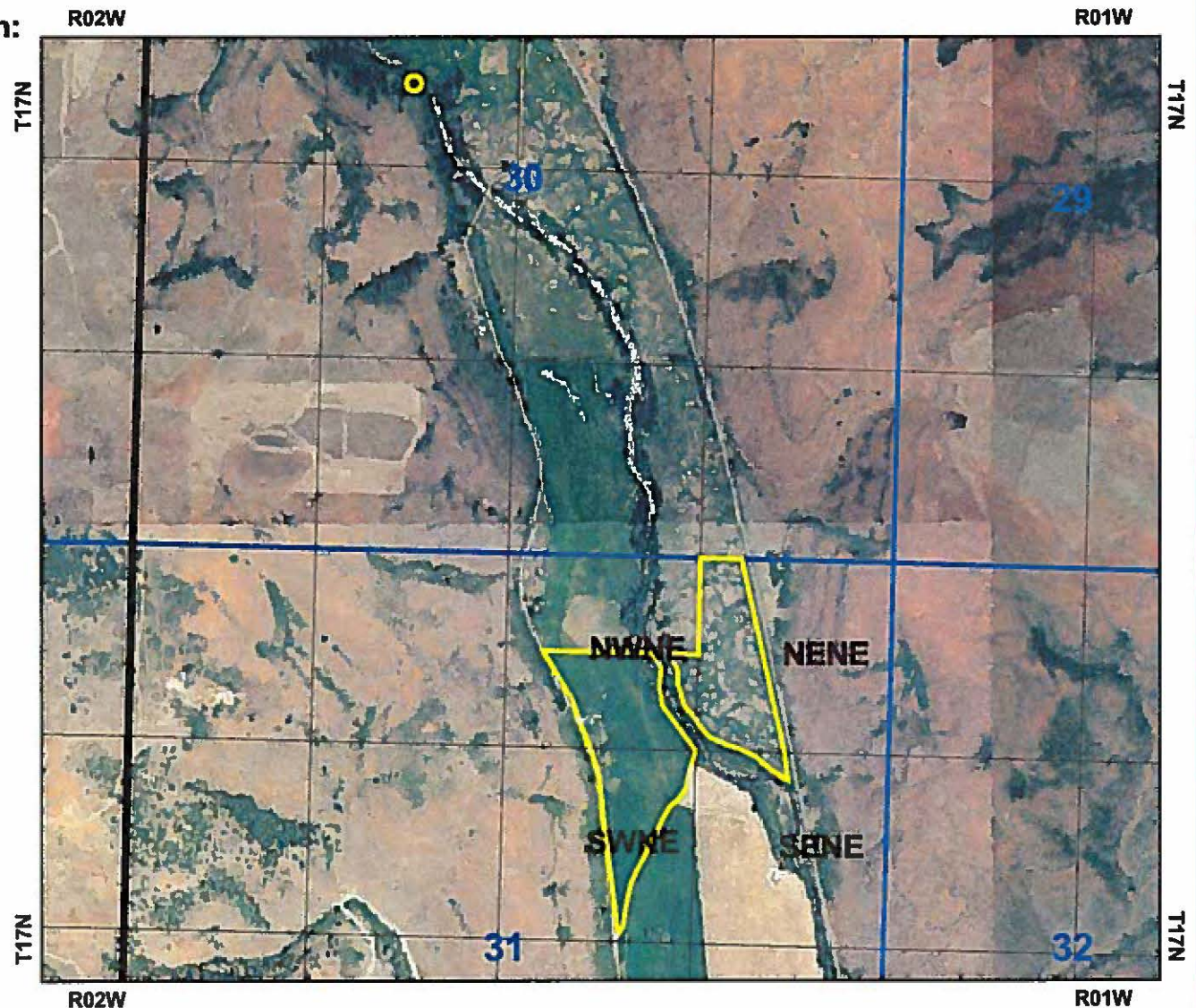
(Irrigation)

Legend

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



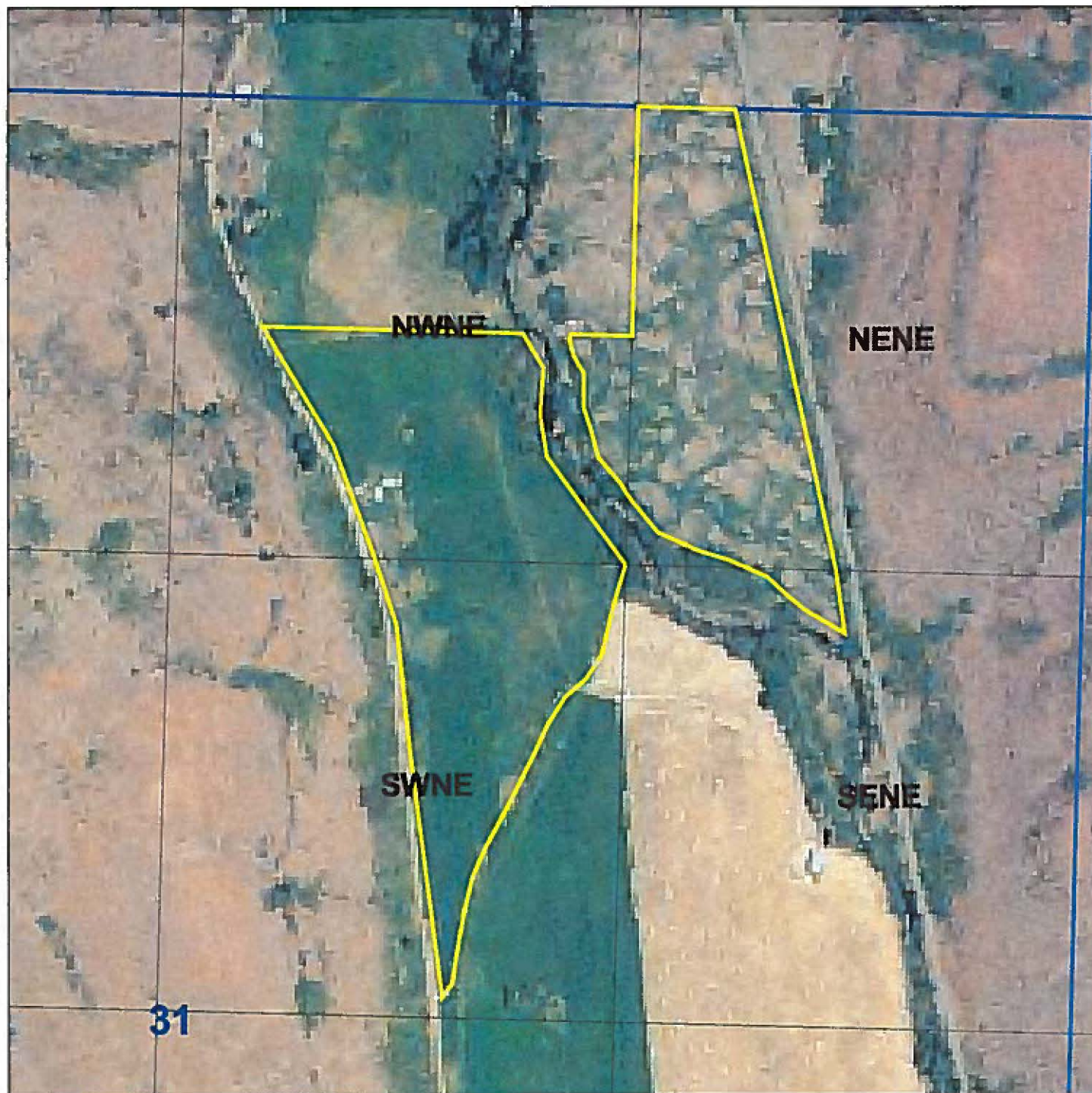
Adams County
IDWR Basin 67



0 0.5 1 Miles

Prepared by C. Saxton
On Friday, September 1, 2006
1987/88 Aerial Photography

This is an aerial photograph of a coastal area. A blue rectangular box is drawn over a central portion of the image, highlighting a specific region of interest. The landscape within the box shows a mix of green, brown, and white patches, possibly representing different land uses or vegetation. The surrounding area is more uniform in color, with shades of brown and green.



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-377A V1

WATER RIGHT NUMBER: 67-377A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHNNIE H HARRINGTON 2230 OLD HORNET RD COUNCIL, ID 83612 (208)253-4876
Current Owner	JACK RUBELT 2280 OLD HORNET RD COUNCIL, ID 83612 (208)253-6963

Priority Date: 05/01/1880

Basis: Decreed

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	0.385 CFS	
	<u>Total Diversion:</u>	0.385 CFS	

Location of Point(s) of Diversion

HORNET CREEK	SW1/4SE1/4NW1/4	Sec. 30, Twp 17N, Rge 01W, 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	01W	31	13.0	12.0	9.6	.5													35.1

Total Acres: 35.1

Conditions of Approval:

1. 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.
2. E56 The rights listed below are limited to the irrigation of a combined total of 30.8 acres in a single irrigation season. Combined Right Nos.: 67-377A & 67-11281
3. K06 This right is limited to the irrigation of 30.8 acres within the place of use described above in a single irrigation season.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-377A V1

Comments:

1. csaxton 9/1/2006 POU

Comment: Affidavit from Jack Rubelt addresses not only his property, but property for Johnny Harrington and Robert Renfro. The affidavit addresses irrigation of the ground on the east side of Homet Creek. The affidavit supports that there was historical irrigation on the east side of the creek but there is no concreated evidence of when this irrigation took place. In conversations with Johnnie and Lyle Harrington, they guessed it was in the 30s. However, Jack Rubelt can verify the irrigation of the acreage on the east side of the creek as of 1974. Recommend this as an accomplished change in POU, but limit the acreage to that decreed. Flood water is limited to that of the decreed acreage. Thus the total POU recommended will be larger than what can be irrigated with the recommended water rights. There is a possibility that if all acres are irrigated during a particular season, then storage water is used to irrigate the additional ground.

2. csaxton 9/1/2006 Diversion Rate

Comment: Water master records support recommended diversion rate.

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: OR
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: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>
Priority Date	8/5/2004 3:22:17 PM	segbert			Active
POD	8/5/2004 3:22:39 PM	segbert			Active
Source	8/5/2004 3:23:21 PM	segbert			Active
POU	8/5/2004 3:24:11 PM	segbert			Active
Use	8/5/2004 3:42:12 PM	segbert			Active
Season	8/5/2004 3:42:35 PM	segbert			Active
Quantity	8/5/2004 3:42:54 PM	segbert			Active
Contacts	9/1/2006 11:02:35 AM	csaxton			Active
Contacts	9/1/2006 11:02:36 AM	csaxton			Active
Priority Date	9/1/2006 11:02:51 AM	csaxton			Active
POD	9/1/2006 11:02:58 AM	csaxton			Active
Source	9/1/2006 11:12:51 AM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-377A V1

POU	9/1/2006 11:13:36 AM	csaxton	Active
Use	9/1/2006 11:14:42 AM	csaxton	Active
Season	9/1/2006 11:15:17 AM	csaxton	Active
Quantity	9/1/2006 11:15:25 AM	csaxton	Active
Summary	09/01/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/1/2006 11:02:41 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
Contacts	9/1/2006 11:02:42 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
POD	9/1/2006 11:03:04 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (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?
General	9/1/2006 11:02:57 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Source	9/1/2006 11:12:58 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	9/1/2006 11:14:06 AM	csaxton	Updated shape for Active POU
POU	9/1/2006 11:14:14 AM	csaxton	Updated PLS for Active POU
POD	9/1/2006 11:07:53 AM	csaxton	Updated PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-377A V1

Summary	9/1/2006 11:22:38 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (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? (No) 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?
POD	9/1/2006 11:07:22 AM	csaxton	Updated shape
POU	9/1/2006 11:13:42 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - Water used on the East side of the creek periodically since 1974. Description for Question 13 - Affidavit from Claimant.
Use	9/1/2006 11:14:49 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	9/1/2006 11:15:24 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-377A V1

Quantity	9/1/2006 11:15:32 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (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?
Priority Date	8/5/2004 3:22:17 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POD	8/5/2004 3:22:39 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD?
Source	8/5/2004 3:23:22 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	8/5/2004 3:24:11 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
Use	8/5/2004 3:42:12 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	8/5/2004 3:42:35 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-377A V1

Quantity	8/5/2004 3:42:55 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume?
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Water Supply Bank:

Claim

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acreage	Source	Water Use(s)	Owner(s)	Source Table
67	377	A	Decreed	Active	1880-05-01	0.77		HORNET CREEK	IRRIGATION	HARRINGTON, JOHNNI	Claim
67	388		Decreed	Active	1884-05-01	1		80 HORNET CREEK	IRRIGATION	HARRINGTON, JOHNNI	Claim
67	4091		Statutory Clai	Active	6/1/1900	0.84		NORTH HORNE	IRRIGATION	HARRINGTON, JOHNNI	Claim
67	4111		Statutory Clai	Active	6/1/1900	2		HORNET CREEK	IRRIGATION	HARRINGTON, JOHNNI	Claim
67	11281		Beneficial Use	Active	3/15/1900	1		HORNET CREEK	IRRIGATION	HARRINGTON, JOHNNI	Claim

Recommendation

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acreage	Source	Water Use(s)	Owner(s)	Source Table
67	377	A	Decreed		1880-05-01	0.385	30.8	HORNET CREEK	IRRIGATION	HARRINGTON, JOHNNI	Recommendation
67	11281			Active	3/15/1900	0.231	30.8	HORNET CREEK	IRRIGATION	HARRINGTON, JOHNNI	Recommendation
						0.62	35.1				
67	388		Decreed	Active	1884-05-01	1	70.4	HORNET CREEK	IRRIGATION	HARRINGTON, JOHNNI	Recommendation
67	4111		B-use	Active	6/1/1900	0.41	70.4	HORNET CREEK	IRRIGATION	HARRINGTON, JOHNNI	Recommendation
						1.11	70.4				
67	4091			Active	6/1/1900	0.84		NORTH HORNE	IRRIGATION	HARRINGTON, JOHNNI	Recommendation

WR

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(af)	Source	Water Use(s)	Owner(s)	Source Table
67	4091		Statutory Clai	Active	6/1/1900	0.84		NORTH HORNE	IRRIGATION	HARRINGTON, JOHNNI	wrWaterRight
67	4111		Statutory Clai	Active	6/1/1900	2		HORNET CREEK	IRRIGATION	HARRINGTON, JOHNNI	wrWaterRight
67	11283		Decreed	Active	9/30/1987	0.03		GROUND WATE	STOCKWATER	RUBELT, AVA E (Current)	wrWaterRight

Water Master Records

Parcel #	Name	Inches	File #	Original Owner	Priority Date
RP17N01W310001	HARRINGTON, JOHNNI	50	388	D DONNELLY	5/1/84
RP17N01W310001	HARRINGTON, JOHNNI	19.25	377	T STUTSMAN	5/1/80
RP17N01W308400	RENFRO, ROBERT	19.25	377	STUTSMAN	5/1/80

Hornet Creek.

A I Freshafer, adm of the estate of Thomas J
Stuteman

Frank Richardson

Mark C Fuller, sub for C H Davis

A J Duffus

E E Shannon and Ed Shannon

Rebecca Wilson

S E Dare and Florence G Dare

Ellis Hartley

O M Gilmer and Frank Peck

Dale Donnelly

Henry E Warner and Earl Walston

B M Holt

J E Lawrence and Clark Adams

J A Darland

Rebecca Wilson sub for Walter Wilson

A Kampeter

William Hanson

Mattie M Keys

W J Wilson

Frank Peck

P H Miller

Hornet Creek. (Con)

Preston G Anderson (D K Lindsay is his guardian)

Lydia Brauer, Otto Brauer and Dorothy Lakey

J J Shaw and D B Whitehead

Hornet Creek Water Storage Association

Little Weiser River.

Anderson-Lindsay-Linder-Corriell Ditch.

Leander Lindsay

E H Richardson

Annie Carson

J W Fraiser

Willette L Fraiser, sub for J W Fraiser

Chris Behnen

John Hutchinson

J A Lemons

30 1/2

22

40

32

25

62 1/2

56 1/2

16

47

12 1/2

37 1/2

50

37 1/2

62 1/2

40

30

56 1/2

25

50

35 1/2

12

16

47

10

38 1/2

25

15

28

9 1/2

31 1/2

10

1250

1250

17

29

35

31

42

8

30

30

May 1, 1880 67 0377

June 1, 1880 67 0378

June 1, 1881 67 0379

June 1, 1881 67 0380

June 1, 1881 67 0381

May 30, 1883 67 0382

June 30, 1883 67 0383

May 1, 1885 67 0384

May 30, 1885 67 0385 1/2 324

Dec 31, 1899 67 0386 1/2 334

May 1, 1884 67 0387

May 1, 1884 67 0388

June 1, 1886 67 0389

April 1, 1886 67 0390

May 1, 1900 67 0391

April 1, 1905 67 0392

Aug 31, 1887 67 0393

June 1, 1888 67 0394

Dec 1, 1888 67 0395

Dec 31, 1889 67 0396

Dec 31, 1891 67 0397

Dec 31, 1891 67 0398

June 1, 1893 67 0399

June 30, 1895 67 0400

April 2, 1895 67 0401

April 30, 1895 67 0402

May 1, 1898 67 0403

Dec 31, 1899 67 0404 1/2 34

Dec. 31, 1899 67 0405 1/2 34

May 1, 1900 67 0406

May 1, 1901 67 0407

May 28, 1909 67 0408

July 6, 1909 67 0409

June 1, 1885 67 0410

June 1, 1885 67 0411

June 1, 1895 67 0412

June 1, 1895 67 0413

June 1, 1895 67 0414

June 1, 1895 67 0415

May 1, 1897 67 0416

June 1, 1900 67 0417

JUL 24 1896

A L FREEHAFER AND MARGARET E PIKE: The West half of the Southeast Quarter, the East half of the Southwest Quarter and a strip of land in the West half of the Southwest Quarter adjoining lands above described, all in Section 23, Township 17 North, Range 1 West Boise Meridian.

500
Dunnally
361.00
A L FREEHAFER, ADMINISTRATOR OF THE ESTATE OF THOMAS J STUTSMAN: The Southwest Quarter of the Southeast Quarter Section 30, the West half of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter Section 31, Township 17 North, Range 1 West Boise Meridian.

SW SE 30 NW NE 31
NE NE 31 SW NE 31

FRANK RICHARDSON: The South half of the Southeast Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 16 North Range 1 West Boise Meridian.

MARK C FULLER: The Northeast Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 8, and the Northwest Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 9, Township 16 North, Range 1 West Boise Meridian, excepting therefrom a tract of 22 acres of high ground owned by H C Stever on the East side of the Northeast Quarter of the Northeast Quarter of Section 8.

A J DUFFUS: The Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, the West half of the Southeast Quarter of Section 9, Township 16 North, Range 1 West Boise Meridian.

E E SHANNON AND ED SHANNON: The Southwest Quarter of the Southwest Quarter, the West half of the Southeast Quarter of the Southwest Quarter, the South half of the Northeast Quarter of the Southwest Quarter of Section 5, Township 16 North, Range 1 West Boise Meridian.

RUBENCOA WILSON: The Northeast Quarter of the Southwest Quarter, the West half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 24, Township 17 North, Range 2 West Boise Meridian.

S E DARR AND FLORENCE G DARR: The Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section 15, and the Northwest Quarter of the Northeast Quarter, and 20 acres off of the West side of the Northeast Quarter of the Northeast Quarter of Section 22, all in Township 17 North, Range 2 West Boise Meridian.

ELLIS HARTLEY: The Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 23, and the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 24, all in Township 17 North, Range 2 West Boise Meridian.

C M GILMER AND FRANK PECK: The South half of the Northeast Quarter of Section 5, the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 4, Township 17 North, Range 2 West Boise Meridian.

DALE DONNELLY: The North half of the Northeast Quarter and the Southwest Quarter of the Northeast Quarter of Section 31, Township 17 North, Range 1 West Boise Meridian.

HENRY E WAINWRIGHT AND EARL WALSTON: The Southwest Quarter of the Southwest Quarter of Section 19, and the North half of the Southwest Quarter of Section 30, all in Township 17 North, Range 1 West Boise Meridian.

JUL 24 1906

HORNET CREEK

J. J. Shaw and D. S. Whitehead	314 10	May 1. 1900 1901
Ellis Hartley	47 124	" 30. 1883 Dec 31. 1899
Rebecca Wilson	624	May 30. 1883
C. M. Gilmer and Frank Peck	374	" 1. 1884
Henry A. Warner and Earl Walston	374	June 1. 1886
J. E. Lawrence and Clark Adams	564	Aug 31. 1887
J. A. Darland	25	June 1. 1888
Rebecca Wilson substituted for Walter Wilson	50	Dec 1. 1888
A. Kampeter	354	" 31. 1889
W. J. Wilson	47	June 1. 1893
Frank Peck	10	" 30. 1895
Lydia Brauer, Otto Brauer and Dorothy Lakey	28 94	Dec 31. 1899
William Hanson	12	" " 1891
Mattie M. Keys	16	" " "
Frank Richardson	22	June 1. 1881
Mark C. Fuller sub. for C. H. Davis	40	" " "
A. J. Duffus	32	" " "
Preston G. Anderson (D. K. Lindsay is his Guardian)	25	May 1. 1898
A. L. Freehafer, administrator of the estate of Thomas J. Stuttsman	344	" " 1880
P. H. Miller	384 25	Apr 2. 1895 " 30. 1895
B. M. Holt	624 40 30	" 1. 1886 May 1. 1900 Apr 1. 1905
Dale Donnelly	50	May 1. 1884
S. E. Bare and Florence M. Bare	564 16	June 30. 1883 May 1. 1885
E. E. Shannon and Ed Shannon	25	June 1. 1881
Hornet Creek Water Storage Association	1250 1250	July 6. 1909 May 28. 1909
Robert Harrington		

JUL 24 1906

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: A67-00377A
Date Received: 11/28/1989
Receipt No: CO13056
Received By: CRH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK RUBELT 208-253-6963
Address: HC 67, BOX 2300
COUNCIL, ID 83612

OR
Name: JOHNNIE HARRINGTON 208-253-4876
Address: HC 67, BOX 2295
COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1880

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	30	SE	SE	NW		ADAMS

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.770		

7. Total Quantity Appropriated is:
0.770 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 150.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
17N	01W	31	NE	NE		IRR	15.0
			NW	NE		IRR	20.0
			SW	NE		IRR	15.0
						Section Acres	50.0
						Total Acres	50.0

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:

STORAGE WATER FROM HORNET CK. RES; FLOOD WATER

14. Remarks:

THE ORIGINAL WATER RIGHT DECREED TO STUTSMAN HAS BEEN DIVIDED BETWEEN RAY MOORE AND RUBELT/HARRINGTON. OF THE ORIG. LAND, 160 ACRES IS BROKEN DOWN AS 100 ACRES TO RUBELT/HARRINGTON AND 60 ACRES TO MOORE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 01

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): Jack B. Bult Date: 11/28/89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of November 19 89 Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

AGT-00377A

