

09/12/2006

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

RIGHT NUMBER: 67-4100

NAME AND ADDRESS: RUTH E BACUS
295 N TAYLOR ST
EAGLE ID 83616

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 1.620 CFS

PRIORITY DATE: 08/19/1946

POINT OF DIVERSION:

T17N R02W S6 NESW Within WASHINGTON County
T17N R02W S6 NESE Within ADAMS County
T17N R03W S1 SWNE Within ADAMS County
T17N R03W S1 NESE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.620 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R02W S05	SWNW	6.70	T17N R02W S05	SENW	2.30
T17N R02W S05	NWSW	16.00	T17N R02W S06	NESW	11.00
T17N R02W S06 Lot 8	NWSW	6.90	T17N R02W S06 Lot 7	NESE	18.00
T17N R02W S06	NWSE	20.00			

80.9 ACRES TOTAL

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 - Beneficial Use



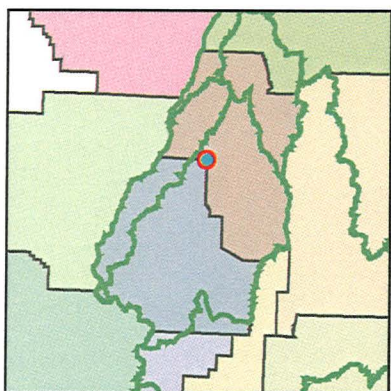
Idaho Department of Water Resources

SRBA Recommendation:

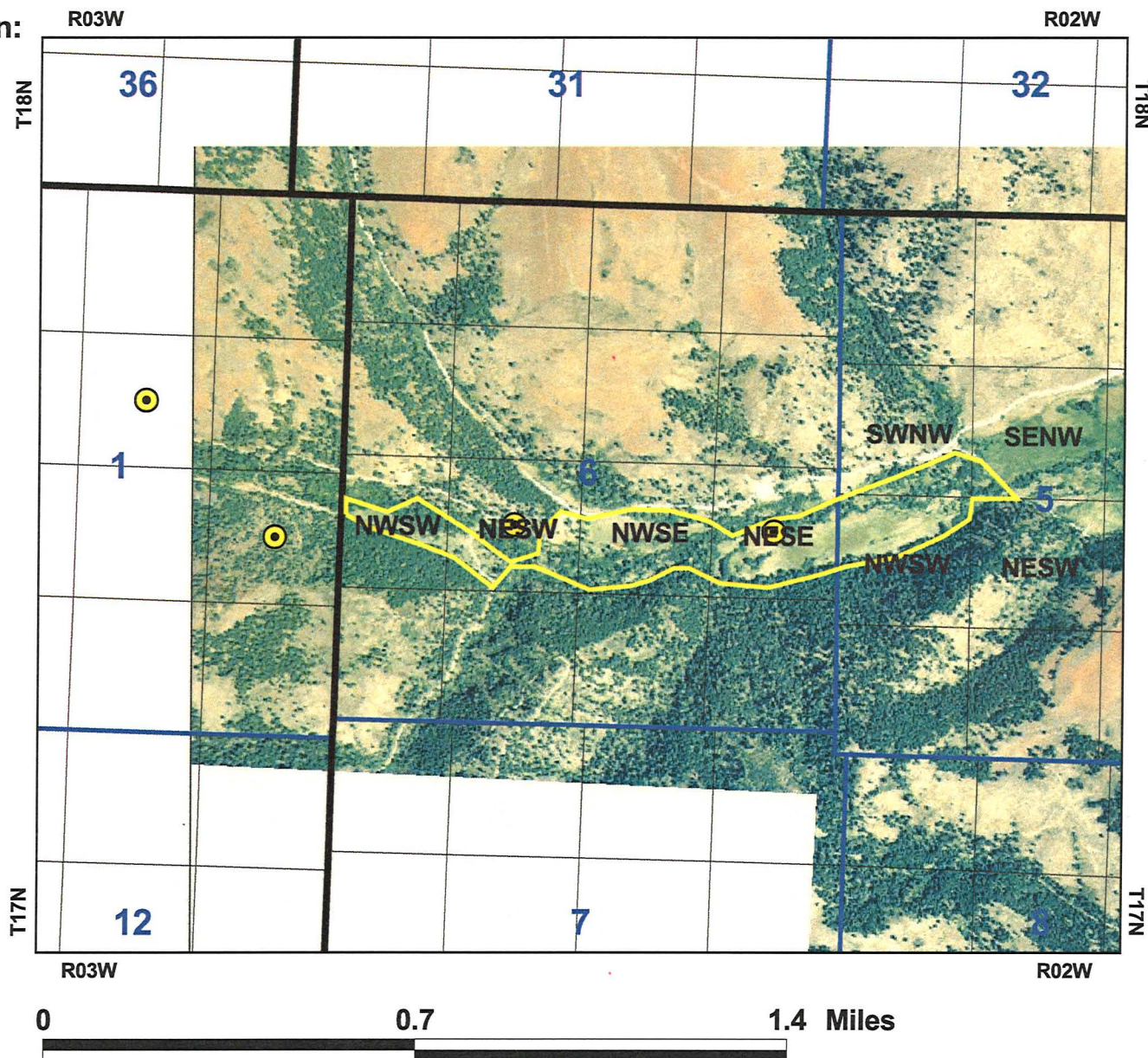
67-4100

Legend

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



Adams, Washington Counties
IDWR Basin 67



Prepared by M. Mount
On Tuesday, September 12, 2006
1987/88 Aerial Photography

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 67-4100
Date Received: 12/29/1989
Receipt No: W007281
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

RUTH E BACUS Phone: (208)939-6224

295 N TAYLOR ST
EAGLE ID USA 83616

2. Date of Priority: 06/01/1935

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	Type
17N	02W	6	NE SE	ADAMS	
17N	03W	1	SW NE	ADAMS	
17N	02W	6	NE SW	WASHINGTON	
17N	03W	1	NE SE	WASHINGTON	

5. Description of diverting works:

EARTH DAMS, DITCHES, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.96	

7. Total Quantity Appropriated is:
1.96 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
17N	02W	5	SW	NW	IRRIGATION	4
			NW	SW	IRRIGATION	25
			SE	NW	IRRIGATION	1
			NE	SW	IRRIGATION	3
Section Acres						33
17N	02W	6	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	10
			NE	SE	IRRIGATION	20
			NW	SE	IRRIGATION	25
Section Acres						65
Total Acres						98

11. Place of use in counties: ADAMS, WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

CORRECTED DATA ENTRY ERRORS NENW TO SENW AND SESW TO NESW, T17N, R02W, S05: AS PER INTENT OF CLAIMANT AS SHOWN THE ORIGINAL MAP IN FILE. RDH 4/29/02.

This claim has been split. See nos. 67-14325 & 67-14326. DH 7/8/2002

2 P/D IN ADAMS COUNTY, 2 P/D IN WASH. COUNTY P/U IN BOTH ADAMS AND WASH. COUNTY

67-14325 and 67-14326 have been combined back into 67-4100 as a result of a change of ownership. MVB 08/31/2005

15. Basis of Claim: Statutory Claim

14325 & 14326 have been
disallowed. 9/12/06 m.m.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	67-14325	—			—
		—			—
		—			—
		—			—
		—			—

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

WARRANTY DEED

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY or SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Mildred Helen Harrington

4. New Owner/Claimant(s)

P.O. Box 716

Ruth E Bacus

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Ruth E Bacus 295 Taylor St

City, State and ZIP Code

Eagle Idaho 83616

New Telephone Number

() 939 6224

5. Date you acquired the property

2001

SCANNED

AUG 30 2005

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by *ashuma* Date *10-3-05* Receipt No. _____
 Processed by *ashuma* Date *10-3-05* WR _____ Date _____

Okay to change in entirety MVB 08/31/05

SCANNED

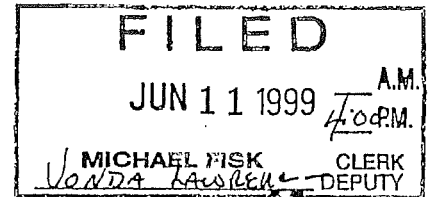
OCT - 3 2005

SCANNED

AUG 3 0 2005

HARRINGTON TO BACUS - 1999
Ruth

IRA T. BURTON
BURTON & KROLL
P. O. Box 367
Weiser, Idaho 83672
(208) 549-1652



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

MAGISTRATE DIVISION

In the Matter of the Estate of	)	Case No. SP-99-399
	)	
MILDRED H. HARRINGTON,	)	APPLICATION FOR INFORMAL
	)	PROBATE OF WILL AND
Deceased.	)	APPOINTMENT OF A PERSONAL
	)	REPRESENTATIVE
	)	Fee Category: L-4
	)	Fee: \$77.00

Your applicant respectfully shows as follows:

I.

Your applicant is RUTH E. BACUS, 295 Taylor Street, Eagle, Idaho 83616, daughter and only child of decedent.

II.

MILDRED H. HARRINGTON died on the 30th day of May, 1999, at the age of 90 years, in Council, Idaho. - At the time of her death the decedent was domiciled in Council, Adams County, State of Idaho, was a widow, and had one child, a daughter, RUTH E. BACUS, 295 Taylor Street, Eagle, Idaho 83616.

III.

Venue for this proceeding is in Adams County, State of Idaho, because the decedent was domiciled in and owned real and personal property in the County of Adams, State of Idaho, at the date of her death.

IV.

No Personal Representative of the decedent has been appointed in this State or elsewhere.

V.

Applicant has not received a demand for notice and is not aware of a demand for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this State or elsewhere.

VI.

The original of the decedent's will was executed on the 4th day of March, 1998, and accompanies this application.

VII.

To the best of applicant's knowledge said Will was validly executed, and, after the exercise of reasonable diligence, applicant is unaware of any instrument revoking said will. Applicant believes said will is the decedent's last will.

VIII.

The time limit for informal probate has not expired.

IX.

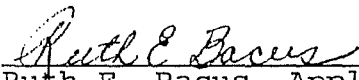
That no inventory of assets is required to be sent to the State Tax Commission unless the estate exceeds \$650,000.00. In the event that the assets of the estate do total more than the taxable allowance, estimates of the estate will be sent to the State, tax returns will be filed, and any appropriate taxes paid to the State and Federal Government.

X.

RUTH E. BACUS is entitled to be appointed as Personal Representative as she is the daughter of decedent and was named in the Will to act as Personal Representative.

WHEREFORE, applicant prays that the decedent's will be admitted to informal probate and that RUTH E. BACUS be appointed Personal Representative of decedent's estate, and that Letters Testamentary be issued to RUTH E. BACUS.

DATED this 9th day of June, 1999.



Ruth E. Bacus, Applicant
295 Taylor Street
Eagle, Idaho 83616

STATE OF IDAHO)
) ss.
County of Washington)

RUTH E. BACUS, being duly sworn, states as follows:

That she is the petitioner in the foregoing application;
that she has read the application, and the facts therein stated
are true to the best of her knowledge.



Ruth E. Bacus

SUBSCRIBED AND SWORN to before me this 9th day of June, 1999.



Notary Public for Idaho
Residing at: Weiser, Idaho
Comm. Expires: 12/18/2003

LAST WILL AND TESTAMENT

OF

MILDRED H. HARRINGTON

KNOW ALL MEN BY THESE PRESENTS, That I, MILDRED H. HARRINGTON, of Council, County of Adams, State of Idaho, being over the age of twenty-one years and of sound and disposing mind and memory, do hereby make, publish and declare this my Last Will and Testament, hereby revoking all former Wills and Codicils by me made, that is to say:

I.

DEBTS: In the event that there are last illness expenses, funeral expenses, administration of estate costs, or other just debts which I have incurred, I direct that such debts or expenses be paid.

II.

APPOINTMENT OF PERSONAL REPRESENTATIVE: In the event that the appointment of a Personal Representative is made for the preservation of my estate or the distribution of my property, or for any other reason, I hereby nominate and appoint my daughter, RUTH E. BACUS, to act as Personal Representative of my estate, and direct that she not be required to give any bond as such Personal Representative or for any purpose in connection with the administration of my estate. In the event that she should predecease me, or should for any reason fail or refuse to act as Personal Representative of my estate, then and in that event I

nominate my grandchildren, HELEN S. SHOEMAKER and LARRY R. BACUS, as Co-Personal Representatives of my estate to serve without bond, and in the event either is unable to serve, then I nominate the other as sole Personal Representative to serve without bond. In any event the party serving as Personal Representative of my estate shall be entitled to a reasonable compensation as is permitted under the laws of this State if it be the desire of such party to accept compensation.

III.

At the time of the execution of this my Last Will and Testament, I am a widow, and I have one child, a daughter, RUTH E. BACUS.

IV.

DISPOSITION OF PROPERTY: After the payment of expenses of my last illness, my funeral expenses, expenses of administration and my just debts as aforesaid, I devise and bequeath all of the rest, residue and remainder of my estate whatsoever and wheresoever the same may be situated to my daughter, RUTH E. BACUS, absolutely. In the event that my daughter, RUTH E. BACUS, should predecease me, then and in that event only, I devise and bequeath my estate to my two grandchildren, HELEN S. SHOEMAKER and LARRY R. BACUS, in equal shares, share and share alike.

STATE OF IDAHO)
) ss.
County of Washington)

We, MILDRED H. HARRINGTON, NICKI L. DAVIES,
and JOYCE L. ROMAN, the Testatrix and Witnesses,
respectively, whose names are signed to the attached or foregoing
instrument, being first duly sworn, do hereby declare to the
undersigned authority that the Testatrix signed and executed the
instrument as her last will and that she had signed willingly or
directed another to sign for her, and that she executed it as her
free and voluntary act for the purposes therein expressed and
that each of the witnesses, in the presence and hearing of the
Testatrix, signed the will as witnesses and that to the best of
our knowledge the Testatrix was at that time an adult, of sound
mind and under no constraint or undue influence.

Mildred H. Harrington
Testatrix

Nicki L. Davies
Witness

Joyce L. Roman
Witness

Subscribed, sworn to and acknowledged before me by MILDRED
H. HARRINGTON, the Testatrix, and subscribed and sworn to before
me by NICKI L. DAVIES and JOYCE L. ROMAN,
witnesses, this 4th day of March, 1998.

Jan T. Burton
Notary Public for Idaho
Residing at: Weiser, Idaho

IN WITNESS WHEREOF, I have hereunto subscribed my name on this the 4th day of March, 1998, in the presence of NICKI L. DAVIES and JOYCE L. ROMAN, whom I have requested to become attesting witnesses hereto.

Mildred H. Harrington
Testatrix

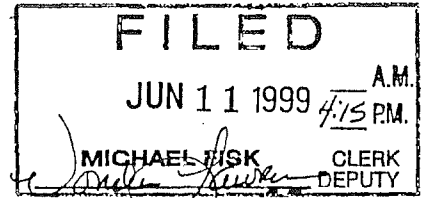
The foregoing instrument, consisting of four pages, including this page and the following page, written on one side of the paper only, was on the 4th day of March, 1998, by the said MILDRED H. HARRINGTON signed, published and declared to be her last will and testament in the presence of us, who at her request and in her presence and in the presence of each other, have subscribed our names hereto as witnesses.

Nicki L. Davies Residing at: Weiser, Idaho

Joyce L. Roman Residing at: Weiser, Idaho

Certified Copy

IRA T. BURTON
BURTON & KROLL
P. O. Box 367
Weiser, Idaho 83672
(208) 549-1652



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

MAGISTRATE DIVISION

In the Matter of the Estate of) Case No. SP-99-399
MILDRED H. HARRINGTON,) LETTERS TESTAMENTARY
Deceased.)

The Will of MILDRED H. HARRINGTON,) ted to
informal probate, RUTH E. BACUS is) ersonal
Representative of the estate.)

WITNESS: JAMES C. PEART, Magistrate of the
District Court, Magistrate Division, County of Adams, State of
Idaho, with the seal of the Court affixed the 11 day of June,
1999.

JAMES C. PEART Magistrate

STATE OF IDAHO)
County of Washington) ss.

I, RUTH E. BACUS, hereby accept the duties of Personal
Representative of the estate of MILDRED H. HARRINGTON, deceased,

and do solemnly swear that I will perform, according to law, the duties of Personal Representative of the estate of MILDRED H. HARRINGTON, deceased.

Ruth E. Bacus
Ruth E. Bacus

SUBSCRIBED AND SWORN to before me this 9th day of June, 1999.

Nicholas Davies
Notary Public for Idaho
Residing at: Weiser, Idaho
Comm. Expires: 12/18/2003

State of Idaho }
County of Adams }
I, the undersigned Recorder and Clerk of the District Court of Adams County, State of Idaho, do hereby certify that the foregoing instrument is a true and correct copy of the original on file in my office and in my custody.
IN WITNESS WHEREOF, I have set my hand and affixed my official seal on this 7 day of January, 2000.

MICHAEL FISK

Clerk of the District Court
and County Recorder

Deputy

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
CENTER FOR VITAL STATISTICS AND HEALTH POLICY

CERTIFICATE OF DEATH

DATE FILED: JUNE 21, 1999

STATE FILE NUMBER: [REDACTED]

DECEDENT: MILDRED HELEN HARRINGTON

DATE OF DEATH: MAY 30, 1999

PLACE OF DEATH: COUNCIL, IDAHO

TIME OF DEATH: 12:20 P.M.

DATE OF BIRTH: JAN. 22, 1909

PLACE OF BIRTH: WASHINGTON

AGE: 90 YEARS

SEX: FEMALE

VETERAN? NO

MARITAL STATUS: WIDOWED

SOCIAL SECURITY NUMBER: [REDACTED]

RESIDENCE: COUNCIL, IDAHO

FATHER: WILLIAM MARKS

FATHERS BIRTHPLACE: MICHIGAN

MOTHER (MAIDEN): NELLIE DOWNS

MOTHERS BIRTHPLACE: NEBRASKA

MORTUARY: THOMASON FUNERAL HOME, INC.

MORTICIAN: ROBERT E. THOMASON

WEISER, IDAHO

DISPOSITION: BURIAL

CERTIFYING PHYSICIAN: CRAIG SINKINSON, MD

AUTOPSY: NO

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST

INTERVAL

ACUTE MYOCARDIAL INFARCTION

4 DAYS

ARTERIOSCLEROTIC CORONARY ARTERY DISEASE

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

SEVERE AORTIC STENOSIS WITH SECONDARY CONGESTIVE HEART FAILURE

MANNER OF DEATH: NATURAL

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO CENTER FOR VITAL STATISTICS AND HEALTH POLICY.

DATE ISSUED: JUNE 25, 1999

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

JANE S. SMITH
STATE REGISTRAR

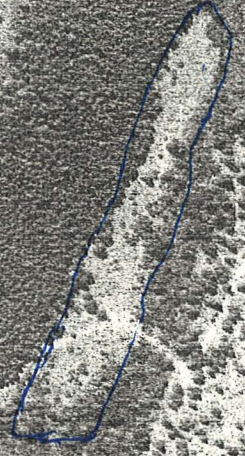


1

7

9

Cave Creek



WASH

CO

ADAMS

CO

Water Headgate



SCANNED
AUG 14 2005

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

AFFIDAVIT

67-14326)
67-14325)
)

State of Idaho)
County of Adams/)

Washington

Ruth C. Baues

deposes and says: _____

See attached

(Signature)

SCANNED

AUG 30 2005

I the daughter of Kenneth & Mildred
Harrington. living at home at the
time knew when they purchased the
property located in townships 17N R24W
Sec 5 & 6 from Mc Mullens 1946. I remember
use of the water from Harriet Creek for
hay and Pasture.

Ruth Bous

8/29/05

PMO100 - PARCEL MASTER INQUIRY

14:44:14

PARCEL: RP 17N02W064800 A

F17=DD

LEGAL DESCRIPTION

LOT 8; NESW; S6T17R2
70.60 ACRES

ProVal Area Number 1

CODE AREA 6-0000 OWNER C

PARC TYPE LOC CODE

EFFDATE 1161992 EXPDATE

PREV PARCEL RP005437

295 N TAYLOR ST

EAGLE ID 83616-4931

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT
1	2005	6000	AC	4920			
5	2005	64600	AC	2530			

TOTALS

70600

7450

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

143259 14326
Can be combined
Used to be owned
by Ruth & her
Mother: Ruth's
mother is now

SCANNED
AUG 30 2005

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Orren C. McMullen [Seal]
Belle McMullen [Seal]
[Seal]
[Seal]

STATE OF IDAHO,
County of Adams } ss.

On this 24 day of August in the year 1946, before me
the undersigned, a Notary Public

in and for said State, personally appeared ORREN C. McMULLEN and BELLE McMULLEN, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

W. J. Swanson
Notary Public for the State of Idaho,
Residing at Council, Idaho.

67-14325
67-14325

Ruth may be
sending
additional
evidence of
priority.

WARRANTY DEED

No. _____
ORREN C. McMULLEN and
BELLE McMULLEN
—TO—
KENNETH HARRINGTON and
MILDRED HARRINGTON

Dated August 19th, 1946
STATE OF IDAHO,
County of Washington } ss.

I hereby certify that this instrument was filed
for record at request of
Kenneth Harrington
at 35 minutes past 10
o'clock A. M., this 12th day
of November, A. D. 1946
in my office, and duly recorded in Book 74
of DEEDS at page 29
W. J. Swanson
Ex-Officio Recorder.

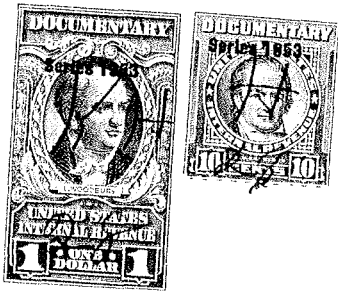
By _____ Deputy.
Fees, \$ 1.50
Mail to _____

Council

THIS INDENTURE, Made this 19th day of August
 in the year of our Lord one thousand nine hundred and Forty Six, between
 ORREN C. McMULLEN and BELLE McMULLEN, husband and wife
 of Weiser, County of Washington, State of Idaho,
 the parties of the first part, and KENNETH HARRINGTON and MILDRED HARRINGTON,
 husband and wife,*****
 of Council, County of Adams, State of Idaho,
 the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
 *****TEN AND NO/100***** DOLLARS,
 lawful money of the United States of America, (and other consideration)
 to them in hand paid by the said
 parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
 and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties
 of the second part, and to their heirs and assigns forever, all of the following described real estate,
 situated in the, County of Washington, State of Idaho, to-wit:

Lot Eight (8) and the Northeast Quarter of the Southwest
 Quarter of Section Six (6) in Township Seventeen (17) North,
 Range Two (2) West of Boise Meridian, together with all water
 and water rights and irrigation works of whatever nature, used
 upon, connected with or in anywise appurtenant to said premises.



TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
 belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents
 issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
 in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
 with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever
 and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable
 possession of the said parties of the second part, their heirs and assigns, against the said parties
 of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully
 claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Orren C. McMullen [Seal]
Belle E. McMullen [Seal]
[Seal]
[Seal]

STATE OF IDAHO,
County of Adams } ss.
On this 24 day of August in the year 1946, before me
the undersigned, , a Notary Public

in and for said State, personally appeared ORREN C. McMULLEN and BELLE McMULLEN, husband and wife,
known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public for the State of Idaho,
Residing at Council, Idaho.

No. 35380

WARRANTY DEED

ORREN C. McMULLEN and

BELLE McMULLEN

—TO—

KENNETH HARRINGTON and

MILDRED HARRINGTON

Dated August 19th, 1946

STATE OF IDAHO, } ss.
County of Adams

I hereby certify that this instrument was filed for record at request of Kenneth Harrington at 15 minutes past 3 o'clock P. M., this 28th day of October, A. D. 1946, in my office, and duly recorded in Book 22 of Deed Records at page 539

Mabel Hootman
Ex-Officio Recorder.

By Elizabeth Clelland Deputy
Fees, \$1.50

Mail to

Completed
Indexed

THIS INDENTURE, Made this 19th day of August
in the year of our Lord one thousand nine hundred and Forty Six, between
ORREN C. McMULLEN and BELLE McMULLEN, husband and wife,**
of Weiser, County of Washington, State of Idaho,
the parties of the first part, and KENNETH HARRINGTON and MILDRED HARRINGTON,
husband and wife,*****
of Council, County of Adams, State of Idaho,
the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
*****TEN AND NO/100***** DOLLARS,
lawful money of the United States of America, (and other consideration)
to them in hand paid by the said
parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties
of the second part, and to their heirs and assigns forever, all of the following described real estate,
situated in the County of Adams, State of Idaho, to-wit:

Lot Seven (7) and the Northwest Quarter of the Southeast Quarter of Section
Six (6): and the Southwest Quarter of the Northwest Quarter and the Northwest
Quarter of the Southwest Quarter (except the Wilkie Family Cemetary Lot therein,
a tract 75 feet by 75 feet) of Section Five (5): and the West Half of the
Southwest Quarter, the South Half of the Northwest Quarter and the Northeast
Quarter of the Northwest Quarter of Section Ten (10), all in Township
Seventeen (17) North, Range Two (2) West, Boise Meridian: and the South
Half of the Southeast Quarter of Section Twenty-six (26): and the North
Half of the Northeast Quarter of Section Thirty-five (35), all in Township
Eighteen (18) North, Range Three (3) West of Boise Meridian, and together
with all water and water rights and irrigation works of whatever nature, used
upon, connected with or in anywise appurtenant to said premises.



TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents
issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
in law as in equity, of the said parties of the first part.
TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever
and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable
possession of the said parties of the second part, their heirs and assigns, against the said parties
of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 3, 2005

RUTH E BACUS
295 N TAYLOR ST
EAGLE ID 83616

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #67-4100

Dear Claimant:

We have processed your change in ownership of the Notice of Claim referenced above. Thank you for your patience.

Enclosed is a copy of your Notice of Claim for your file. Please refer to this record number in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sally Sherman'.

Sally Sherman
Technical Records Specialist
Adjudication Technical Section

SS:region

Enclosure:

Copy of Notice of Claim Referenced Above

SCANNED

OCT - 3 2005

RECEIVED

SEP 07 2002

Department of Water Resources

SPLIT CLAIM

Page 1

07/08/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4100

WATER RIGHT NUMBER: 67-4100

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KENNETH HARRINGTON
	COUNCIL, ID 83612
Original Owner	MILDRED H HARRINGTON
	BOX 716
	COUNCIL, ID 83612
	(208)253-4777

Priority Date: 06/01/1935

Basis: Statutory Claim

Status: Parent

<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	3/15	11/15	1.960 CFS	
	<u>Total Diversion:</u>		1.960 CFS	

Location of Point(s) of Diversion

HORNET CREEK	NE1/4SE1/4	Sec. 6,	Twp 17N,	Rge 02W, B.M.	ADAMS County
HORNET CREEK	SW1/4NE1/4	Sec. 1,	Twp 17N,	Rge 03W, B.M.	ADAMS County
HORNET CREEK	NE1/4SW1/4	Sec. 6,	Twp 17N,	Rge 02W, B.M.	WASHINGTON County
HORNET CREEK	NE1/4SE1/4	Sec. 1,	Twp 17N,	Rge 03W, B.M.	WASHINGTON County

Place of UseIRRIGATION Within ADAMS County

T17N R02W S05	SWNW	4.0	T17N R02W S05	SENW	1.0
T17N R02W S05	NESW	3.0	T17N R02W S05	NWSW	25.0
T17N R02W S06	NESW	10.0	T17N R02W S06	NWSW	10.0
T17N R02W S06	NESE	20.0	T17N R02W S06	NWSE	25.0

Total Acres: 98

Conditions of Approval:Remarks:

- General CORRECTED DATA ENTRY ERRORS NENW TO SENW AND SESW TO NESW, T17N, R02W, S05: AS PER INTENT OF CLAIMANT AS SHOWN THE ORIGINAL MAP IN FILE. RDH 4/29/02.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-4100

2. General 2 P/D IN ADAMS COUNTY, 2 P/D IN WASH. COUNTY P/U IN BOTH ADAMS AND WASH. COUNTY
3. General This claim has been split. See nos. 67-14325 & 67-14326. DH 7/8/2002

Comments:

Dates and Other Information:

Claim Received Date: 12/29/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
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

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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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AMENDED

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 67-4100
Date Received: 12/29/1989
Receipt No: W007281
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

MILDRED H HARRINGTON Phone: (208)253-4777
BOX 716
COUNCIL ID USA 83612

2. Date of Priority: 06/01/1935

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	Type
17N	02W	6	NE	SE		ADAMS	
17N	03W	1	SW	NE		ADAMS	
17N	02W	6	NE	SW		WASHINGTON	
17N	03W	1	NE	SE		WASHINGTON	

5. Description of diverting works:

EARTH DAMS, DITCHES, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.96	

7. Total Quantity Appropriated is:
1.96 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
17N	02W	5	SW	NW	IRRIGATION	4
			NW	SW	IRRIGATION	25
			SE	NW	IRRIGATION	1
			NE	SW	IRRIGATION	3
					Section Acres	33
17N	02W	6	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	10
			NE	SE	IRRIGATION	20
			NW	SE	IRRIGATION	25
					Section Acres	65
					Total Acres	98

11. Place of use in counties: ADAMS, WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

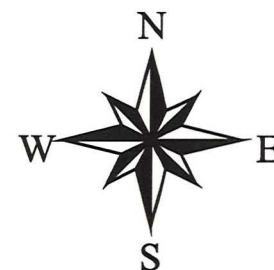
CORRECTED DATA ENTRY ERRORS NENW TO SENW AND SESW TO NESW, T17N, R02W, S05: AS PER INTENT OF CLAIMANT AS SHOWN THE ORIGINAL MAP IN FILE. RDH 4/29/02.

2 P/D IN ADAMS COUNTY, 2 P/D IN WASH. COUNTY P/U IN BOTH ADAMS AND WASH. COUNTY

IDAHO DEPARTMENT OF WATER RESOURCES

Harrington Claim 67-4100

**T17N, R02W,
S05, S06**



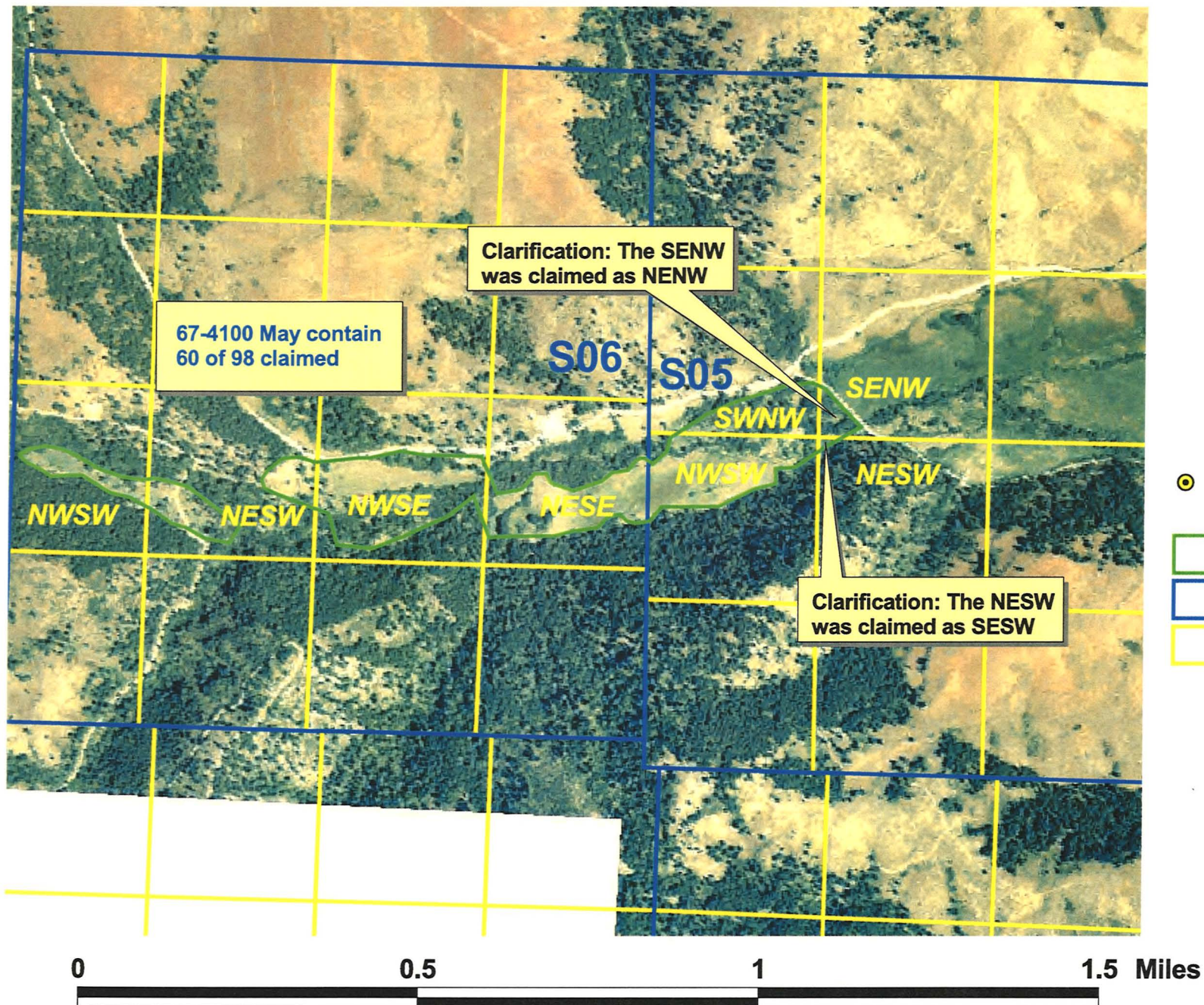
● Point of Diversion

Place of use

Section

1/4 1/4

1987 NAPP



143.00 ?

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: A67-04100
Date Received: 12/29/89
Receipt No: W007281
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILDRED H. HARRINGTON 208-253-4777
Address: BOX 716
COUNCIL, ID 83612
2. Date of Priority: JUN 01, 1935
3. Source: HORNET CREEK Trib. to: WEISER RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 17N | 02W | 6 | | NE | SW | | WASHINGTON |
| | | | | NE | SE | | ADAMS |
| | 03W | 1 | | SW | NE | | ADAMS |
| | | | | NE | SE | | WASHINGTON |
5. Description of diverting works:
EARTH DAMS, DITCHES, GRAVITY FLOW
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.960 | | |
7. Total Quantity Appropriated is:
1.960 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
INSTREAM STOCKWATER

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
17N	02W	5	NE		NW		IRR	1.0
			SW		NW		IRR	4.0
			NW		SW		IRR	25.0
			SE		SW		IRR	3.0
							Section Acres	33.0
		6	NE		SW		IRR	10.0
			NW		SW		IRR	10.0
			NE		SE		IRR	20.0
			NW		SE		IRR	25.0
							Section Acres	65.0
							Total Acres	98.0

11. Place of use in counties: ADAMS, WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:
2 P/D IN ADAMS COUNTY, 2 P/D IN WASH. COUNTY
P/U IN BOTH ADAMS AND WASH. COUNTY

15. Basis of Claim: STATUTORY CLAIM

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): Mildred H. Harrington Date: 12-18-89

Date: _____

State of Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of December 19 89

Karen Poulson
Notary Public

Seal

Residing at Council, Idaho
My Commission Expires April 11, 1994

