

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: A67-04111
Date Received: 11/28/1989
Receipt No: CO 3056
Received By: RLT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHNNIE HARRINGTON 208-253-5876
Address: HC 67, BOX 2295
COUNCIL, ID 83612

OR
Name: VERA HARRINGTON 208-253-5876
Address: HC 67, BOX 2295
COUNCIL, ID 83612

2. Date of Priority: JUN 01, 1900

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	31	SE	NW	NE		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	04/01	10/31	2.000		

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

8. Total consumptive use is 240.0 Acre Feet Per Annum.

9. Non-irrigation uses:

SCANNED
APR 08 2004

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	31	SW	NE		IRR	6.0
			SE	NE		IRR	20.0
			NE	SE		IRR	36.0
			NW	SE		IRR	18.0
						Section Acres	80.0
						Total Acres	80.0

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:
A67-00388

14. Remarks:
THIS WATER IS SUPPLEMENTAL FLOOD WATER TO THE DECREEED WATER
DESCRIBED UNDER A67-00388.
FOR A MAP OF IRRIGATED LAND, SEE CLAIM A67-00388.

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

Number of attachments: 0

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): X Helen Harrington 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

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

09/01/2006

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

RIGHT NUMBER: 67-4111

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

VERA E HARRINGTON
2230 OLD HORNET RD
COUNCIL ID 83612

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.410 CFS

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T17N R01W S31 SENWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.410 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S31	SWNE	8.40	T17N R01W S31	SENE	17.00
T17N R01W S31	NESE	33.00	T17N R01W S31	NWSE	12.00

70.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 70.4 acres in a single irrigation season. Combined Right Nos.: 67-388 & 67-4111

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

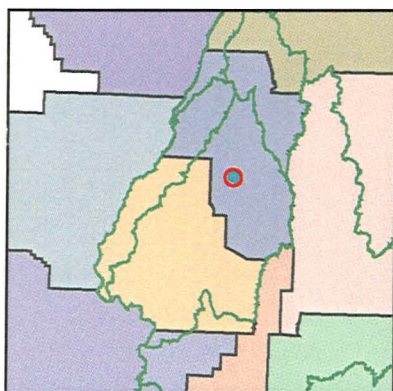
SRBA Recommendation:

67-4111

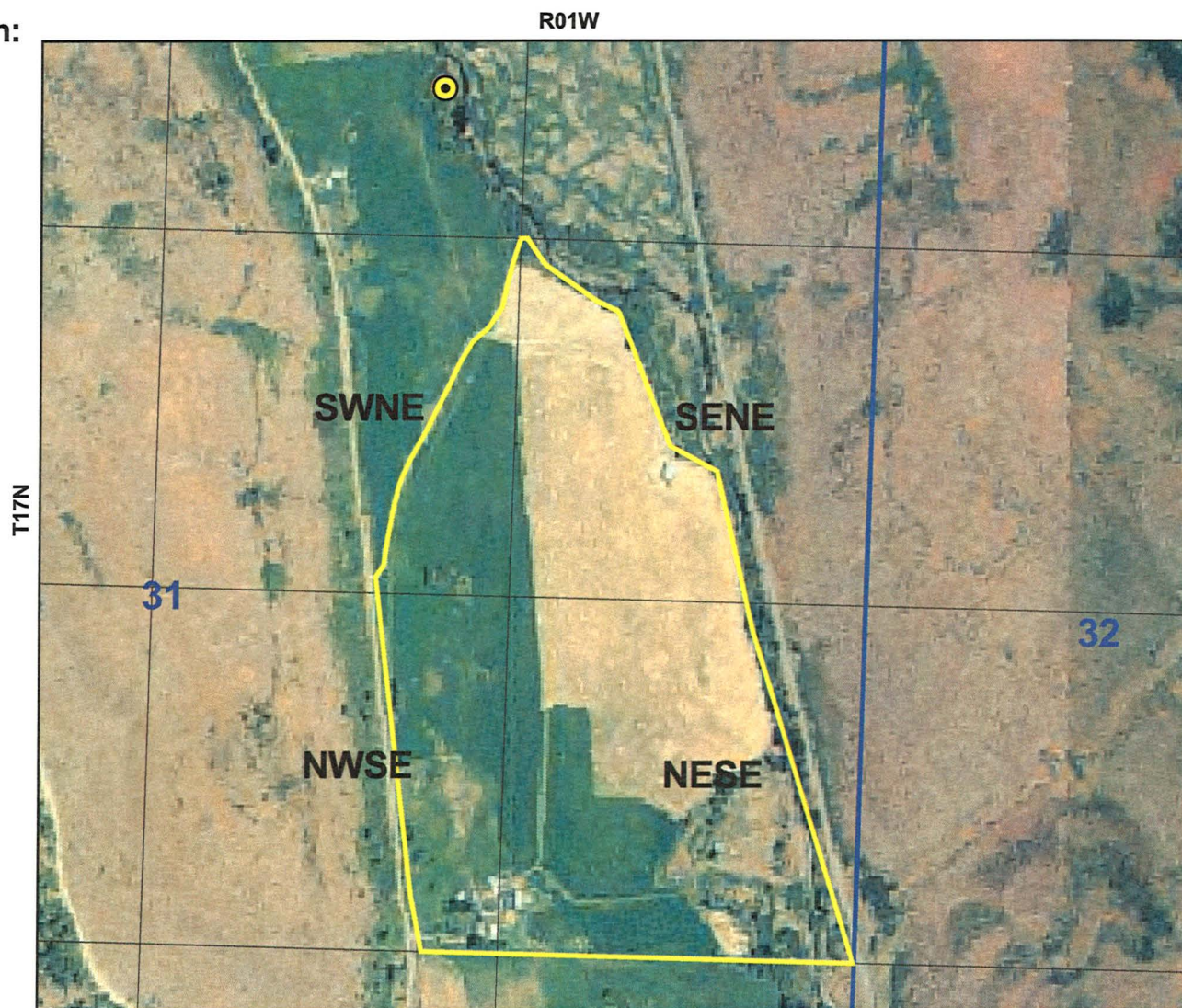
(Irrigation)

Legend

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



Adams County
IDWR Basin 67



0 0.3 0.6 Miles

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4111 V1

WATER RIGHT NUMBER: 67-4111 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	VERA E HARRINGTON 2230 OLD HORNET RD COUNCIL, ID 83612 (208)253-4876

Priority Date: 05/10/1918

Basis: Beneficial Use

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	4/01	10/31	2.000 CFS	0.41
	3-15	11-15	Total Diversion:	2.000 CFS 0.41

Location of Point(s) of Diversion

HORNET CREEK	SE1/4NW1/4NE1/4	Sec. 31, 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			8.4	17.0									33.0	12.0			70.4

Total Acres: 70.4

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 70.4 acres in a single irrigation season. Combined Right Nos.: 67-388 & 67-4111

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4111 V1

Comments:

1. mvining 4/28/2005 date of priority

Comment: Priority date claimed dates into Muir vs. Allison decree. It is assumed that this right did not exist at the time of the decree or it would have been recognized. Evidence of priority needs to be submitted.

2. mvining 5/4/2005 period of use

Comment: claimed period of use is 4/1-10/31; season of use per IDWR spatial data is 3/15-11/15.

3. mvining 5/4/2005 quantity

Comment: quantity claimed (2.0 cfs) for 80 acre POU exceeds 1"/acre

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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		70.4

Combined Water Rights: 67-388 , 67-4111

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>
Contacts	4/28/2005 9:17:54 AM	mvining			Active
Priority Date	4/28/2005 9:18:49 AM	mvining			Active
POU	4/28/2005 9:29:47 AM	mvining			Active
POD	5/4/2005 4:11:04 PM	mvining			Active
Source	5/4/2005 4:11:21 PM	mvining			Active
Use	5/4/2005 4:12:36 PM	mvining			Active
Season	5/4/2005 4:13:39 PM	mvining			Active
Quantity	5/4/2005 4:15:10 PM	mvining			Active
Summary			05/04/2005	mvining	Active
Priority Date	9/1/2006 3:08:59 PM	csaxton			Active
Summary			09/01/2006	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4111 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	5/4/2005 4:11:04 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (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?
Summary	5/4/2005 4:17:30 PM	mvining	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 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	5/4/2005 4:08:50 PM	mvining	Edited point location
Use	5/4/2005 4:12:36 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - aerial photography verifies irrigation
Quantity	5/4/2005 4:15:11 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (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? Description for Question 7 - flow measurement to be conducted summer 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4111 V1

Source	5/4/2005 4:11:21 PM	mvining	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source?
Season	5/4/2005 4:13:39 PM	mvining	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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?
POU	4/28/2005 9:29:47 AM	mvining	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - map, info in file
Priority Date	4/28/2005 9:18:49 AM	mvining	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? (Yes) 14. Can any portion of the claim be recommended as a valid water right? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - sent letter requesting evidence of priority 4/28/05
POD	9/1/2006 3:02:09 PM	csaxton	Updated shape
POU	9/1/2006 3:03:14 PM	csaxton	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4111 V1

General	9/1/2006 3:09:03 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Direct overlap with decreed water. Recommend one day after the decree.
Summary	9/1/2006 3:10:00 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 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 3:02:19 PM	csaxton	Updated PLS
POU	9/1/2006 3:03:05 PM	csaxton	Updated shape for Active POU
POU	9/1/2006 3:07:09 PM	csaxton	Updated shape for Active POU
POU	9/1/2006 3:07:16 PM	csaxton	Updated PLS for Active POU
Contacts	4/28/2005 9:17:54 AM	mvining	(No) 1. Do you want to schedule an appointment? Comment for 1: sufficient data in file
POU	4/28/2005 9:29:13 AM	mvining	Edited shape boundary

Water Supply Bank:

Claim

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Acreage</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
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 Us	Active	3/15/1900	1		HORNET CREEK	IRRIGATION	HARRINGTON, JOHNNI	Claim

Recommendation

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Acreage</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
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
						1.41	70.4				
67	4091			Active	6/1/1900	0.84		NORTH HORNE	IRRIGATION	HARRINGTON, JOHNNI	Recommendation

WR

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
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	STOCKWATE	RUBELT, AVA E (Curren	wrWaterRight

Water Master Records

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

State of Idaho
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED
SEP 27 2005
Department of Water Resources

September 19, 2005

Re: Right number 67-04111-67-11281.

To whom it may concern;

Statutory water rights on East side of hornet Creek- Bob Renfro- Jack Rubelt- Harrington Land LLC.

Per conversations with Johnnie Harrington years ago, he and his brother Lyle Harrington had built a wooden flume to take water from the west side of the ranch to the east side. The flume washed out from high water and deteriorated in time. I do not believe that there is any evidence left of the flume this was done in the middle nineteen thirties.

Both Johnnie and Lyle have died. There is NO concrete evidence of this having been done.

I—Jack Rubelt came here in 1973. The next year we bought ½ mile of hand line and a power take off pump that runs off a tractor. I pumped water on what on what is now Bob Renfro's and Jack Rubelt's-Harrington Land LLC. With the time constraints and labor expectations, I only use the system on new seeding, so it was only used every three or four years. Not continuously time, labor and the cost of fuel. The hand line is stored on the east side

Jack Rubelt



SCANNED
SEP 27 2005

RECEIVED

SEP 27 2005

Department of Water Resources

State of Idaho
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

September 19, 2005

Re: Right number 67-04111-67-11281.

To whom it may concern;

My name is Doris Harrington, I moved to Hornet Creek in 1939.

Jack Rubelt has asked me to write somethings I remember on a flume that crossed Hornet Creek on what is now Bob Renfro's place.

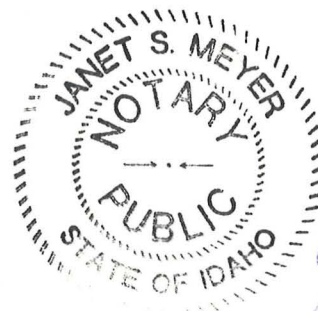
I can remember a flume crossing Hornet Creek. I remember pushing one of my brother-in-laws off the flume.

My husband Lyle and his brother Johnnie built the flume. It only lasted four or five years before high water washed it out.

The flume started on the west side of Hornet Creek and went to the East side. It was located right at the start of the property to the North.

Sincerely;

Doris S. Harrington
Doris Harrington



Janet S. Meyer
Sep 11/13/10

SCANNED

SEP 27 2005

Notes

needs Flow measurement Summer 2005

double ✓ POU accuracy w/ claimant

GPS POU - tagged + GPS'd - A0014046
by Bosco Bosler

5/16/05 Per watermaster (Bosco Bosler), ditch is capable
of carrying > 2.00 cfs.

5/19/05 Conducted field exam
See ammended POU

8-25-05: As of this date, no cfo Received.

Priority Date Data Entry Form

Claim Number 67-4111

Claimed Priority Date: 6/1/1900

Claimed Basis: Statutory Claim

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 6/1/1900

Water Right Basis: Statutory Claim

Recommended Priority Date ^{CS} 5 10 1918Recommended Basis ^{CS} B-use

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Field Exam 5/19/05 - talked to Jack + Ava
about need for evidence of priority. They will write
an affidavit, gather evidence and send it in. ~~On~~
While driving to GPS a headgate w/ Jack, he
pointed out old, hand-dug ditches along hillside
(horse-pulled equip)
that his father in law helped work to clear as
a kid - they plan to reference the age of these
ditches in their affidavit. ~~the~~

these particular
ditches ~~are~~
pertain to
67-4091 -

C. Suther 8-24-05Direct overlap w/ 67-388. Give 1 day after decree May 10, 1918.Reviewer: MVDate: 5/19/05

Point of Diversion and Source Data Entry Form

Claim Number 67-4111

Claimed Point of Diversion and Source

T17N R01W S31 SENWNE Within ADAMS County Source: HORNET CREEK WEISER RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T17N R01W S31 NWNE Within ADAMS County

T17N R01W S31 SWNE Within ADAMS County

Recommended Point of Diversion and Source

Source Information

Source

Hornet Creek

Tributary To

Weiser River

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
17N	01W	31		SE 1/4 NW 1/4 NE 1/4	Adams	Hornet Creek

Other rights from this POD? also has decreed right on this POD - 67-388

Document how the POD and Source were verified:

field exam w/ claimantReviewer: mwDate: 5/19/05

Place Of Use Data Entry Form

Claim Number 67-4111

Claimed Place Of Use

T17N R01W S31	SWNE	6.0	T17N R01W S31	SENE	20.0
T17N R01W S31	NESE	36.0	T17N R01W S31	NWSE	18.0
Total Acres 80					

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T17N R01W S31	NENE	12.0	T17N R01W S31	NWNE	7.0
T17N R01W S31	SWNE	15.0	T17N R01W S31	SENE	14.0
T17N R01W S31	NESE	22.0	T17N R01W S31	NWSE	10.0
Total Acres 80					

Recommended Place of Use

☒ See corrections to claimed POU above*see map w/
hand-drawn
corrections*

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

field exam*- This Right and 67-388 is limited to 80 ac
(Cesurion 8-25-05)*Reviewer: MVDate: 5/19/05

Purpose of Use Data Entry Form

Claim Number 67-4111

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Some as claimed				

Document how the Purpose of Use was verified:

field exam w/ claimant

Reviewer: mwDate: 5/19/05

Period of Use and Quantity Data Entry Form

Claim Number 67-4111

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/31	2	

Overall Diversion Rate 2 Overall Diversion Volume

 Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/31	2	

Overall Diversion Rate 2 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

66
8-25-05

Water Use	Start	End	Rate	Volume
IRR	3-15	11-15	1.6	N/A

Overall Diversion Rate 1.6 Overall Diversion Volume N/A

Document how the Period of Use and/or Diversion Rate were verified:

per watermaster, this ditch is capable of carrying
 claimed volume of water. Period of use ~~consistent~~
 needs to be verified in office now that field exam
 is done

- This right and 67-382 is limited to 1.6 cfs.
 (C. Barton 8-25-05)

Reviewer: MWDate: 5/19/05

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	JOHNNIE H HARRINGTON	2230 OLD HORNET RD	COUNCIL	ID	83612	(208)253-4876
Current Owner	VERA E HARRINGTON	2230 OLD HORNET RD	COUNCIL	ID	83612	(208)253-4876

Comment for 1: sufficient data in file

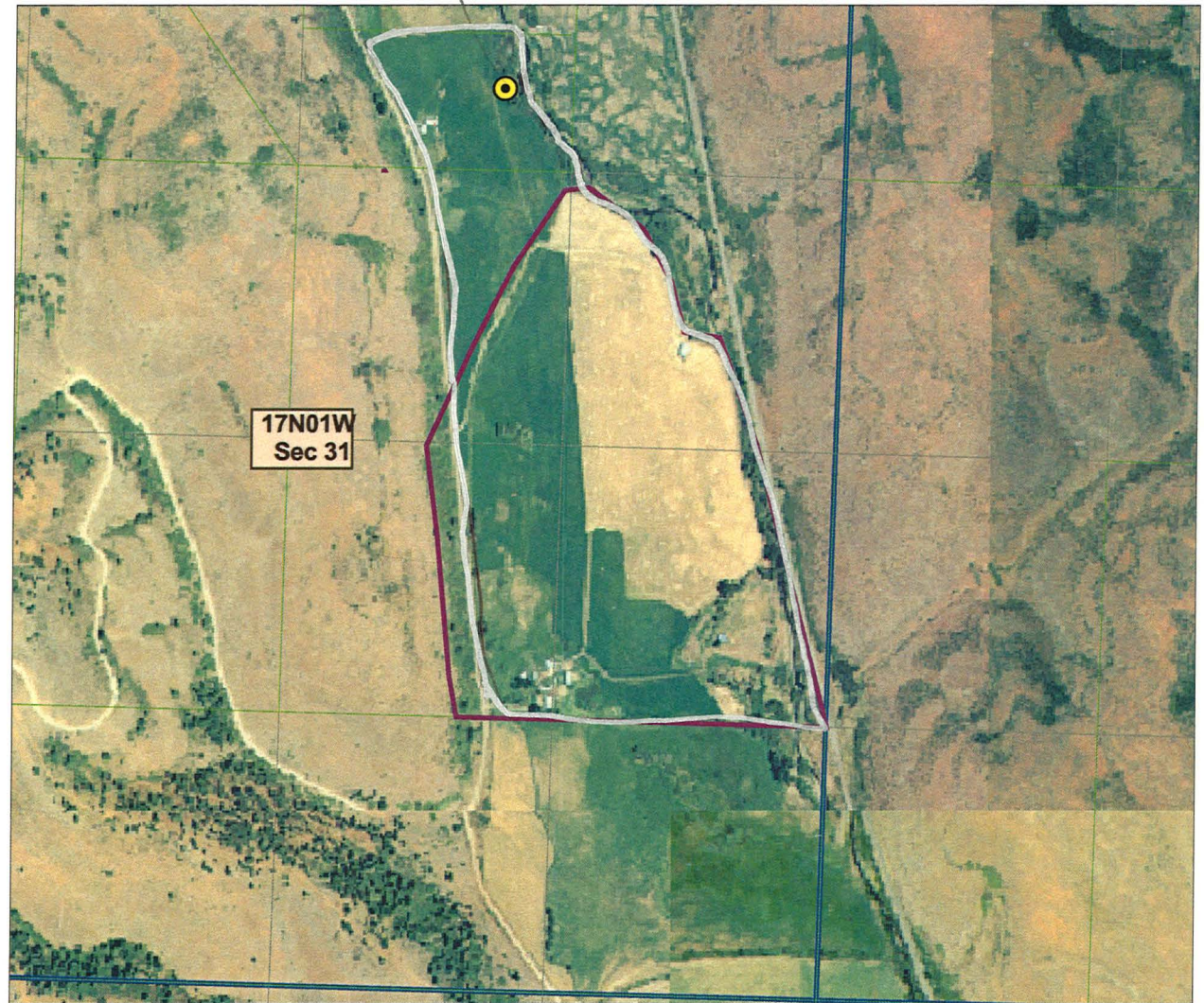
Date of Field Exam: 5/19/05 Time: 9:00 amAccompanied By: Jack Rubelt Phone Number: 253-6963
(power of atty over claimant)Relationship to Claimant: ↑Directions to Property (if different from above) and/or update owner information:

J. Rubelt is son-in-law to claimants, Johnnie Harrington passed away. Vera is in a nursing home and J. Rubelt has power of attorney. I talked to him and he will have his attorney file change of ownership form so that ~~ann~~ he receives all mailings assoc. w/ water right. Jack did mention that they were in the process of ~~for~~ forming Harrington Land Trust, LLC, but attorney would be the contact for more info. Law firm is White & Petersen out of Ontario(?) Call Jack to double check.

Reviewer: mmDate: 5/19/05

Handwritten: Share w/ Kaitie

A map of the north-east of the Iberian Peninsula, showing the coastline and major rivers. A red asterisk marks the location of the study area in the north-east of the Iberian Peninsula.



0

0.8 Miles

Prepared by M. Vining
On Wednesday, May 4, 2005
1987 Aerial Photography

copy

May 5, 2005

67-04111 and 67-11281
VERA HARRINGTON
C/O JACK RUBELT
2230 OLD HORNET CREEK RD
COUNCIL ID 83612

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 67. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department cannot recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by **June 6, 2005** **referencing all documents with the corresponding Notice number.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at (208) 287-4907.

In addition, a contractor employed by The Idaho Department of Water Resources may be contacting you to set up a field exam in order to verify the elements of your water right.

Respectfully submitted,

Melanie L. Vining
IDWR Contract Field Examiner
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim 67-04111 and 67-11281

Copy

May 5, 2005

67-04111 and 67-11281
VERA HARRINGTON
C/O JACK RUBELT
2230 OLD HORNET CREEK RD
COUNCIL ID 83612

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

Idaho Department of Water Resources (IDWR) is currently in the process of reviewing claims filed in the Snake River Basin Adjudication (SRBA). During IDWR's initial review of the Notice of Claim associated with the water right number listed above, it appears that no evidence of priority has been submitted. In this particular case, this filing claims a priority date that dates back into the Muir Vs. Allison decree signed May 9, 1918. Since the water use claimed was not defined in that decree, the court at the time did not recognize that this water right existed as of May 9, 1918.

Evidence of priority needs to be submitted for when this water was first put to beneficial use, and because the court did not recognize this right during the prior adjudication of 1918, the evidence indicates that this water right was established, and therefore the priority date of this water right would have to be, some date after May 9, 1918.

***Note:** You may have additional SRBA filings based on rights that were previously adjudicated in the Muir vs. Allison decree, however, this claim appears to be for additional water.*

In order for you to establish a new priority date for this statutory claim, you must provide evidence of when this water was first put to beneficial use. Please read the enclosed letter and pamphlet regarding how to provide evidence of priority and respond by June 6, 2005 so that we can process your claim in a timely manner. If you have any questions, feel free to contact our office at (208) 287-4907.

Sincerely,

Melanie Vining
IDWR Contract Field Examiner
Adjudication Bureau

Enclosures: Notice of Claim 67-4111 and 11281
Brochure on "Evidence of Priority"
Evidence of Priority letter

Draft

05/04/2005

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

RIGHT NUMBER: 67-4111

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

VERA E HARRINGTON
2230 OLD HORNET RD
COUNCIL ID 83612

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 06/01/1900

POINT OF DIVERSION:

T17N R01W S31 SENWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 10/31

2.000 CFS

*overclaimed
for 80 ac.*

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S31	SWNE	6.0	T17N R01W S31	SENE	20.0
T17N R01W S31	NESE	36.0	T17N R01W S31	NWSE	18.0

80 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER
RIGHT:

rights as This partial decree is subject to such general provisions necessary for the
definition of the rights or for the efficient administration of the water

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: Water Right 67-4111 1

STATE OF IDAHO

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that JOHNNIE & VERA HARRINGTON
(name of claimant)

of Council, IDAHO - 83612, claims a right to the diversion and beneficial use of
(mailing address)

ground water or surface water tributary to HORNET CREEK DRAINAGE

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) _____
 ② HORNET CREEK
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: _____

Amount <u>2 cfs</u>	Use <u>IRRIGATION</u>	Period of Use: From <u>APRIL 1</u> To <u>OCT 31</u>
Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a/f)	(dom., irri, stock, etc.)	(both dates inclusive)

- (3) Total quantity of water claimed: 2 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1900 AD.

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW ¼ NE ¼, Sec. 31 Twp. 17N Rge. 1W B. M. County of Adams
 Additional points of diversion: SWNE SEC. 31 T17N R1W Adams
HORNET CREEK.

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. DIVERSION DAM, 2 FT HIGH, & 2 DITCHES; 1/4 mile long & 1/2 mile long each.

- (6) A) 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.

[illegible]

Total No. of acres 80

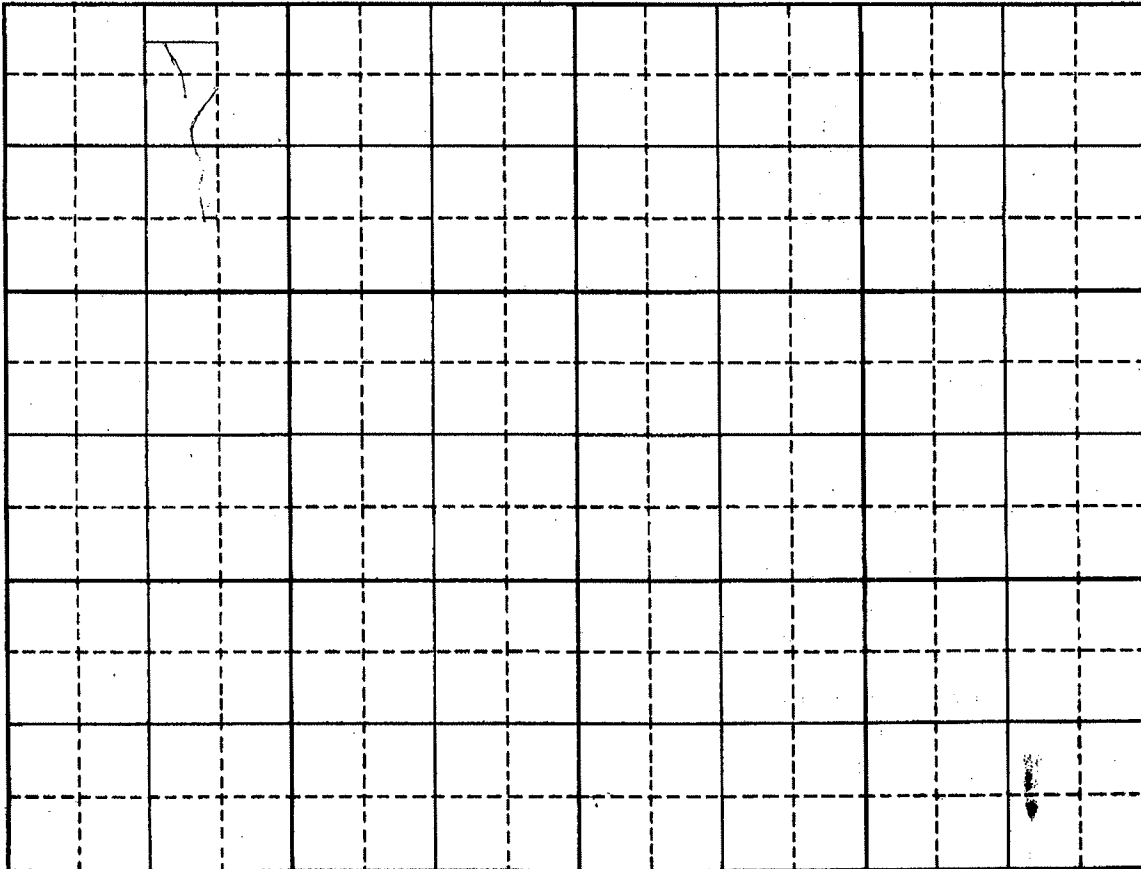
- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

- (7) If you are claiming water as a member of an organization, list name of organization: Hornet Creek Water Association

MICROFILMED

(8) Remarks _____

17N1W Sec 31



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

ss.

County of ADAMS

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 11 day of APRIL, 19 74.

Vera Harrington
(Claimant)

Daniel M. Esch
Notary Public
Residing at COUNCIL, IDAHO

My commission expires 12-12-74

For Department Use Only

Received by <u>Ca</u>	Date <u>3/17/75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>FER</u>	Date <u>3/17/75</u>		claimant by:	
\$10.00 fee received by <u>Ca</u>	Date <u>3-17-75</u>	<u>#455</u>		
Approved for publication by <u>Ok cla</u>	<u>4-8-75</u>			
Published in <u>Adams County Leader</u>				
Dates <u>March 27 + April 3</u>				

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4111 V1

WATER RIGHT NUMBER: 67-4111 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	VERA E HARRINGTON 2230 OLD HORNET RD COUNCIL, ID 83612 (208)253-4876

Priority Date: 06/01/1900

Basis:

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	4/01 to 10/31	2.000 CFS	1,000,000 gals
	Total Diversion:	2.000 CFS	

Location of Point(s) of Diversion

HORNET CREEK SE1/4NW1/4NE1/4 Sec. 31, Twp 17N, Rge 01W, B.M.
ADAMS County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
17N	01W	31			6.0	20.0									36.0	18.0			80.0

Total Acres: 80

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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4111 V1

Comments:

1. mvining 4/28/2005 date of priority

Comment: Priority date claimed dates into Muir vs. Allison decree. It is assumed that this right did not exist at the time of the decree or it would have been recognized. Evidence of priority needs to be submitted.

2. mvining 5/4/2005 period of use

Comment: claimed period of use is 4/1-10/31; season of use per IDWR spatial data is 3/15-11/15.

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>
Contacts	4/28/2005 9:17:54 AM	mvining			Active
Priority Date	4/28/2005 9:18:49 AM	mvining			Active
POU	4/28/2005 9:29:47 AM	mvining			Active
POD	5/4/2005 4:11:04 PM	mvining			Active
Source	5/4/2005 4:11:21 PM	mvining			Active
Use	5/4/2005 4:12:36 PM	mvining			Active
Season	5/4/2005 4:13:39 PM	mvining			Active
Quantity	5/4/2005 4:15:10 PM	mvining			Active
Summary			05/04/2005	mvining	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4111 V1

POD	5/4/2005 4:11:04 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (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?
Summary	5/4/2005 4:17:30 PM	mvining	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 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	5/4/2005 4:08:50 PM	mvining	Edited point location
Use	5/4/2005 4:12:36 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - aerial photography verifies irrigation
Quantity	5/4/2005 4:15:11 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (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? Description for Question 7 - flow measurement to be conducted summer 2005

*overclaimed
(2.0 cfs) for
80 ac
POU*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4111 V1

Source	5/4/2005 4:11:21 PM	mvining	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source?
Season	5/4/2005 4:13:39 PM	mvining	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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?
POU	4/28/2005 9:29:47 AM	mvining	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - map, info in file
Priority Date	4/28/2005 9:18:49 AM	mvining	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? (Yes) 14. Can any portion of the claim be recommended as a valid water right? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - sent letter requesting evidence of priority 4/28/05
Contacts	4/28/2005 9:17:54 AM	mvining	(No) 1. Do you want to schedule an appointment? Comment for 1: sufficient data in file

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4111 V1

POU

4/28/2005 9:29:13 AM

mvining

Edited shape boundary

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4111

WATER RIGHT NUMBER: 67-4111

<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	VERA E HARRINGTON 2230 OLD HORNET RD COUNCIL, ID 83612 (208)253-4876

Priority Date: 06/01/1900

Basis: Statutory Claim

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	4/01 to 10/31	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

HORNET CREEK	SE1/4NW1/4NE1/4	Sec. 31, 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			6.0	20.0									36.0	18.0			80.0

Total Acres: 80

Conditions of Approval:

1. THIS WATER IS SUPPLEMENTAL FLOOD WATER TO THE DECREED WATER DESCRIBED UNDER A67-00388.
FOR A MAP OF IRRIGATED LAND, SEE CLAIM A67-00388.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4111

Dates and Other Information:

Claim Received Date: 11/28/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
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>
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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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Water Supply Bank: