

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-14598

EVERETT HARRINGTON
2445 COUNCIL CUPRUM RD
COUNCIL ID 83612
Telephone Number: (208)253-4836

DEAN HARRINGTON
2451 COUNCIL CUPRUM RD
COUNCIL ID 83612
Telephone Number: (208)253-4805

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-29-06

SIGNATURE:

Dean Harrington

Please print your name:

DEAN HARRINGTON

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 17 2006

05/24/2006

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

RIGHT NUMBER: 67-14598

NAME AND ADDRESS: EVERETT HARRINGTON
2445 COUNCIL CUPRUM RD
COUNCIL ID 83612

DEAN HARRINGTON
2451 COUNCIL CUPRUM RD
COUNCIL ID 83612

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.750 CFS

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T17N R02W S23 NWNE 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	0.750 CFS
STOCKWATER	01/01 12/31	0.160 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R02W S24	NESW	32.00	T17N R02W S24	SESW	6.00
T17N R02W S24	NESE	1.00	T17N R02W S24	NWSE	20.00
T17N R02W S24	SWSE	22.00	T17N R02W S24	SESE	19.00

STOCKWATER same as IRRIGATION

100 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 100.0 acres in a single irrigation season. Combined Right Nos.:

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
Stockwater use is for 700 range cattle.



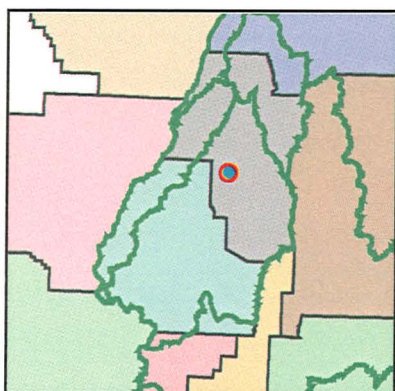
Idaho Department of Water Resources

SRBA Recommendation:

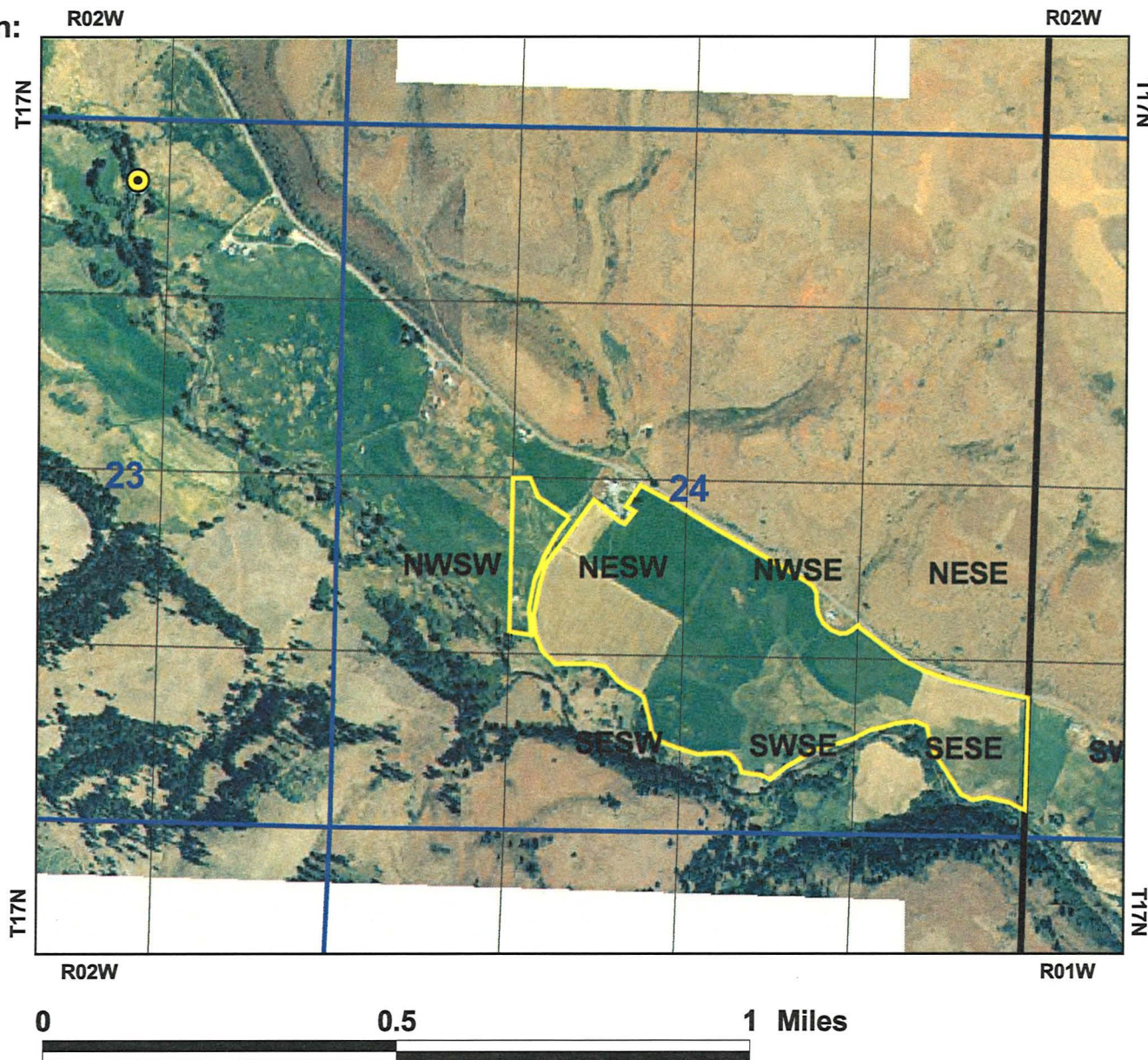
67-14598

Legend

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

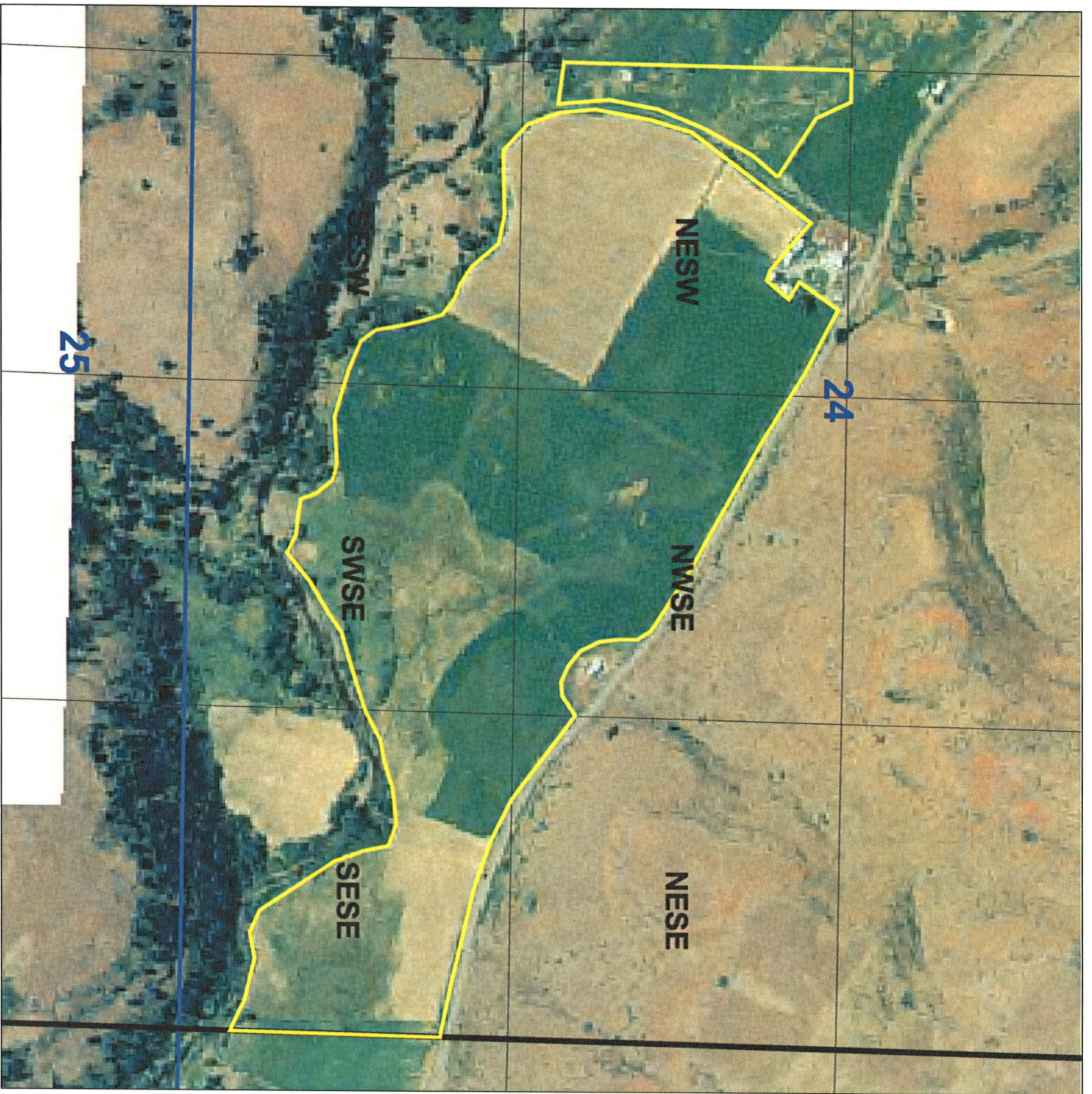


Adams County
IDWR Basin 67



Prepared by C. Saxton
On Wednesday, May 24, 2006
1987/88 Aerial Photography

67-14598



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14598 V1

WATER RIGHT NUMBER: 67-14598 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EVERETT HARRINGTON 2445 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-4836
Current Owner	DEAN HARRINGTON 2451 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-4805

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	03/15 to 11/15	0.750 CFS	
STOCKWATER	01/01 to 12/31	0.160 CFS	
	<u>Total Diversion:</u>	0.750 CFS	

Location of Point(s) of Diversion

HORNET CREEK	NW1/4NE1/4	Sec. 23, Twp 17N, Rge 02W, 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	02W	24									32.0				6.0	1.0	20.0	22.0	19.0	100.0

Total Acres: 100

STOCKWATER same as IRRIGATIONConditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 100.0 acres in a single irrigation season. Combined Right Nos.:
2. 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.
3. X02 Stockwater use is for 700 range cattle.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14598 V1

Comments:

1. csaxton 5/24/2006 Priority Date
Comment: Direct overlap with decreed water. Recommend one day after Muir v. Allison was signed.
2. csaxton 5/24/2006 Quanity
Comment: Irr and Stock quantity recommended as non-cumulative as that is how it was claimed.
3. csaxton 5/24/2006 Irrigation Qnt
Comment: Irrigation Quantity is recommended as 3/8 inches per acre as this is flood water that directly overlaps a decreed right 67-14599 at 5/8 inches per acre.
4. csaxton 5/24/2006 No measurement
Comment: Deputy Watermaster confirmed ditch can carry 300 inches.
5. csaxton 5/24/2006 Copied From Claim (1)
Comment: This right is a split from former right 67-4280.

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: AND
 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>
		100
Combined Water Rights: 67-14599 , 67-14598		

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	5/24/2006 4:45:57 PM	csaxton			Active
Priority Date	5/24/2006 4:46:54 PM	csaxton			Active
POD	5/24/2006 4:47:23 PM	csaxton			Active
Source	5/24/2006 4:49:53 PM	csaxton			Active
Source	5/24/2006 4:50:18 PM	csaxton			Active
POU	5/24/2006 4:50:39 PM	csaxton			Active
Use	5/24/2006 4:51:23 PM	csaxton			Active
Season	5/24/2006 4:55:11 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14598 V1

Quantity	5/24/2006 4:57:46 PM	csaxton	Active
Summary	05/24/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	5/24/2006 4:47:33 PM	csaxton	Updated shape
POU	5/24/2006 4:50:46 PM	csaxton	Updated shape for Active POU
Contacts	5/24/2006 4:45:54 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
General	5/24/2006 4:46:51 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 Muir v. Allison was signed.
POD	5/24/2006 4:47:19 PM	csaxton	(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?
Source	5/24/2006 4:49:50 PM	csaxton	(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? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Flood water for decreed right in which source has been administratively determined.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14598 V1

Source	5/24/2006 4:50:14 PM	csaxton	(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? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Flood water for decreed right in which source has been administratively determined.
POU	5/24/2006 4:50:35 PM	csaxton	(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 - Flood water for decreed right in which POU has been administratively determined.
POU	5/24/2006 4:50:53 PM	csaxton	Updated PLS for Active POU
Use	5/24/2006 4:51:19 PM	csaxton	(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 - Flood water for decreed right in which water use has been administratively determined.
Season	5/24/2006 4:55:07 PM	csaxton	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14598 V1

Quantity	5/24/2006 4:57:41 PM	csaxton	(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? (No) 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 - Deputy Watermaster Nello Jenkins confirmed ditch can carry 300 inches.
Summary	5/24/2006 4:59:59 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? (Yes) 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?

Water Supply Bank:

DEAN HARRINGTON
2451 Council Cuprum Road
Council, Idaho 83612
208-253-4805

September 27, 2005

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

RE: Snake River Basin Adjudication (SRBA)
#67-14598 and 67-14599

Dear Craig:

Enclosed is the original letter we received in August of 2005 in reference to the above water rights. We talked to you at the time and you sent us some more information. (A map, deed and copies of the claim filed in 1989).

We don't dispute the land description was incorrect on the 1989 claim. What we are disputing is that the land we live on always had 62.5 inches of water and even if the land description is wrong, we should not lose any inches of water.

Our neighbor, Orrin Lake, that originally owned the land in question (now owned by Armacosts) was the secretary of the ditch company for years and all of his records show our land as having 62.5 inches of water. Any additional water that Armacosts receive should come from Yates' rights, not ours.

Also, in the original letter, there is a reference of the water rights being changed as follows:

From	To
67-4120	67-14598
67-382	67-14599

I have no records of any rights that are numbered 67-4120 of 67-382. I am trying

to put together records for ourselves and the future and would appreciate any documents that have those numbers.

We are looking forward to clearing this up. Please advise us on how to proceed.

Sincerely,

A handwritten signature in cursive script that reads "Ginger Harrington". The ink is dark and the handwriting is fluid.

Ginger Harrington

Enclosure:



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

Craig Saxton - 287-4196

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 1, 2005

DEAN HARRINGTON
EVERETT HARRINGTON
2451 COUNCIL CUPRUM RD
COUNCIL ID 83612

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #67-14598 and 67-14599

Dear Claimants:

Enclosed are copies of the Notices of Claim referenced above.

As a result of selling a portion of your property and water rights to Bret and Doris Armacost, the identification numbers to your water rights have been changed as follows:

<u>From</u>	<u>To</u>
67-4120	67-14598
67-382	67-14599

Please use the new numbers in future inquiries or correspondence you may have with our Department.

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 claims.

Thank you for your patience and cooperation. We have had several water right changes to process. Please call me at 1/800-451-4129 if you have any questions or concerns.

Sincerely,

Sally Sherman
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures:

Copies of Notices of Claim Referenced Above

1989

Notes 06/28 MVB

67-4280

- * needs flow measurement —
- * needs evidence of priority
- * needs verification of PO4
- * needs POD GPSed.

no flow measurement needed
per Nella Jenkins, deputy Hornet
Creek watermaster, this ditch
capable of carrying 300" (+)
water, more than is allowed
(combined total ")

for acreage not covered by decree

67-4280

[illegible]

Notes: Each split should have all points of diversion listed on them.

~~We will work it out in the recommendation~~

~~We will work it out in the recommendation~~
I don't have Parent f.t.e. I created a temp. Please make
new Piles for split, when Melanie gives me back Parent
original, I will make swap. C ~~Sub~~

Irrigation:

Right No:	Rate of Diversion	Irrigated Acres	CFS/ Acre
67-4280	2.04	166	0.012
Harrington	1.61	131	0.012
Amacost	0.43	35	0.012

Stock:

Right No:	Rate of Diversion	Porportionate Ac	CFS/ Acre
67-4280	0.5	166	0.00301
Harrington	0.39	131	0.00301
Amacost	0.11	35	0.00301

Total:	Right No:	Irr Div Rate	Stock Div Rate	Total Diversion	Total Ac:
	67-4280	2.04	0.5	2.04	166
	Harrington	1.61	0.39	1.61	131
	Amacost	0.43	0.11	0.43	35

67-4280 Harrington 67-14598
Armacost 67-14591

SCANNED

AUG - 2 2005



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

August 4, 2005

DEAN HARRINGTON
EVERETT HARRINGTON
2451 COUNCIL CUPRUM RD
COUNCIL ID 83612

Dear Mr. and Ms. Harrington,

Per our conversation, I am enclosing several items that hopefully explain why the original claims 67-382 and 67-4280 were split:

- 1) A map of section 24. Every quarter section where irrigation was claimed is labeled with the quarter quarter designation. Your property is outlined in green, and Armacost's property is outlined in red. This information was taken from Adams county tax lot data. In addition, Armacosts property was verified with a deed.
- 2) A copy of the deed from Yates to Armacost including legal description.
- 3) Copies of the original claims filed in 1989 that shows irrigated acreage claimed on land that is now owned by Armacost.

Please review the information and if you still disagree with my assessment, then please contact me and/or submit information showing me that Armacost is not owner of a portion of the property claimed under 67-382 and 67-4280.

Water rights are applicable to the land. So without a formal transfer removing the water from a piece of property, when the land is sold, the water right, or a portion thereof, remains on the land. When property that was claimed under one water right is split, we split the water right.

Please contact me if you have any questions. For now, I will not make any changes to the splits unless I hear from you differently and am supplied with information that disputes what I currently have.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

MEMORANDUM

Date: August 4, 2005

To: File

From: Craig L. Saxton

Re: Change of Ownership splitting 67-382 and 67-4280

Ginger Harrington called on August 3, 2005 and spoke with Sally Sherman about receiving notification that 67-382 and 67-4280 had been split and she had new numbers for her water right claims. Her statement was that they had not sold any land.

Sally spoke with me and I checked into it. It appears that Harrington must have sold property to Flying Y LTD and Flying Y LTD never changed ownership. Then Flying Y LTD sold to Armacost in 2001.

I called Ginger Harrington (208) 253-4805 and got the answering machine. I left a message explaining the above to her and told her to call me back if she had any questions.



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

August 1, 2005

DEAN HARRINGTON
EVERETT HARRINGTON
2451 COUNCIL CUPRUM RD
COUNCIL ID 83612

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #67-14598 and 67-14599

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<u>From</u>	<u>To</u>
67-4120	67-14598
67-382	67-14599

Please use the new numbers in future inquiries or correspondence you may have with our Department.

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 claims.

Thank you for your patience and cooperation. We have had several water right changes to process. Please call me at 1/800-451-4129 if you have any questions or concerns.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures:

Copies of Notices of Claim Referenced Above

SCANNED
AUG - 1 2005

MEMORANDUM

Date: June 29, 2005

To: Melanie

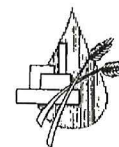
From: Monica

RE: File 67-04465

The entire printed Backfile for 67-4465 is attached. There is a notice of claim form dated 1983. There was never an SRBA claim filed on this water. We need to determine if the owner is using this water⁺ or has filed a different claim on it. If they are still using it and want to file an SRBA claim on it, they need to complete a notice of claim form for the SRBA ~~if they actually want to claim this water.~~

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Everett &/or Helen L. Harrington
(Name of Claimant)

Box 2325 Council, ID 83612

(Mailing Address)

(Zip Code)

Telephone No. 253-4836

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 7/1/1959

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 is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Springs tributary to Hornet Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)	To	To
<u>.6 cfs</u>		<u>Irrigation</u>		<u>3/15</u>		<u>11/15</u>	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	

- (4) .6 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE 1/4 Sec. 14 Twp. 17N Rge. 2W B.M., County of Adams

Additional points of diversion:

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. Describe any changes in the system and give the date of the change. Diversion Dams & Pump

- (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.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
17N	2W	23	40			40													80

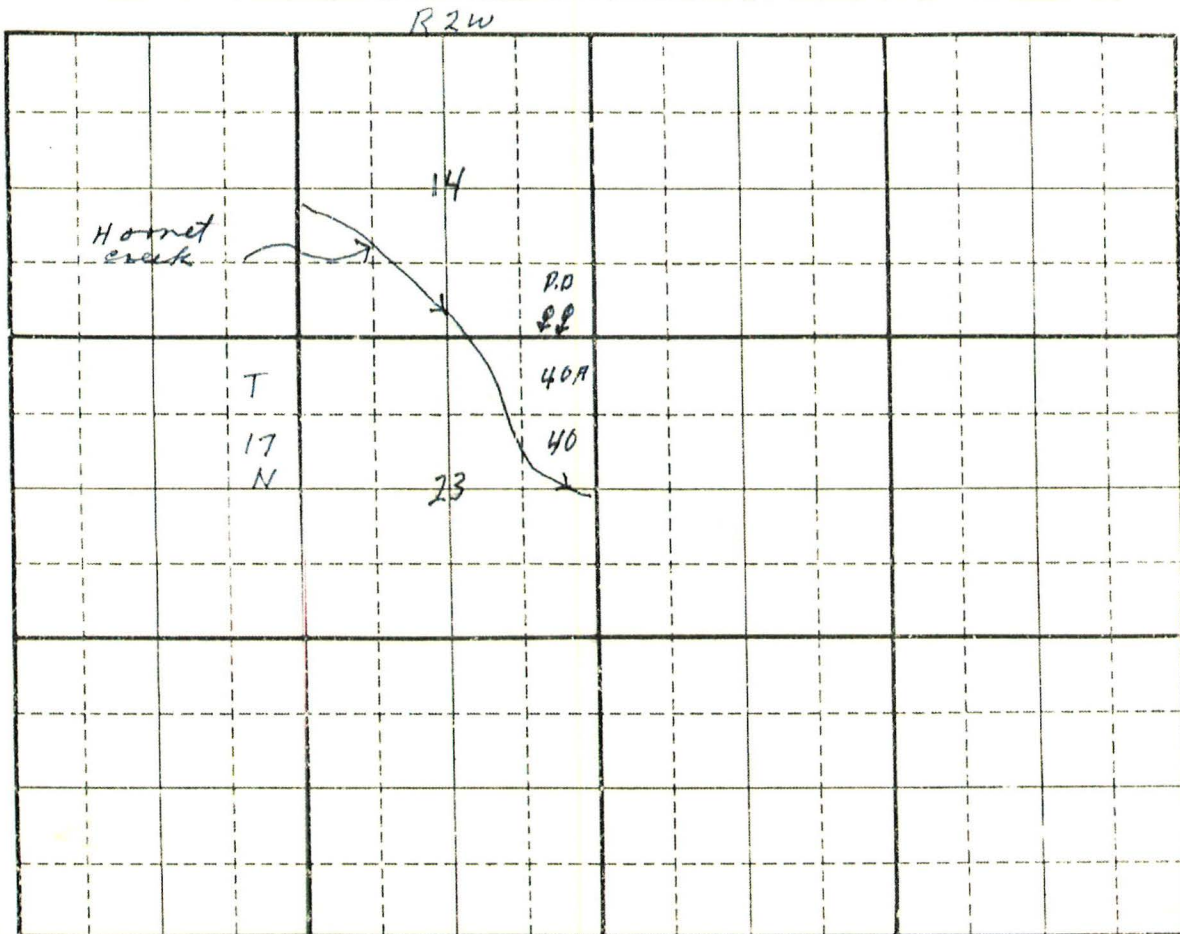
No. of acres 80

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

NOTE: Include here the type and number of stock watered:

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

(8) Remarks



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)

County of) ss.

ADA

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 affiant's knowledge.

Claret Harrington
(Claimant)

Sworn to before me this 22 day of DECEMBER, 1982.

[Signature]
Notary Public
Residing at Bone, ID

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by JKN Date 12/22/82 Exception filed by: _____ Date _____
Prelim. check by GLS Date 12/28/82 claimant by: _____
\$30.00 fee received by J P Date 12/22/82 # 23083
Published in Adams County Leader
Dates 12/28 2/3/83

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Claims to Harrington-Isom Land & Livestock Inc. 67-4465-67-4468-

as per clipping hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated January 27, 1983

and the last in the issue dated February 3, 1983 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Bert J. Rogers

Subscribed and sworn to before me this 3rd

day of February, 1983

Penelope Sooner

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

69-4081
WARNER, BERT & /or TINA & /or JOE
HC 67, BOX 2700, COUNCIL, ID 83612
Source: BEAR CREEK trib. to WILDHORSE CREEK
Priority Date: 01/01/1910
Diversion Pt: SESE Sec 13 T 20N R 03W
Use: IRRIGATION (1.20 CFS)
In: SWSW Sec 24 T 20N R 03W NWNW Sec 25 T 20N R 03W FOR 60 ACRES
67-4465 ✓ IR
HARRINGTON, EVERETT & /or HELEN L.
P.O. BOX 2325, COUNCIL, ID 83612
Source: SPRINGS trib. to HORNET CREEK
Priority Date: 07/01/1959
Diversion Pt: SESE Sec 14 T 17N R 02W
Use: IRRIGATION (0.60 CFS)
In: NENE SENE Sec 23 T 17N R 02W FOR 80 ACRES
67-4468
ISOM LAND & LIVESTOCK INC.
279 S. WEST 10TH ST., ONTARIO, OR 97014
Source: SPRINGS trib. to HORNET CREEK
Priority Date: 01/01/1890
Diversion Pt: NENE NENE NW NE Sec 08 T 16N R 01W
Use: IRRIGATION (0.40 CFS) STOCKWATER (0.10 CFS)
In: NWNE NENE Sec 08 T 16N R 01W NENE Sec 08 T 16N R 01W FOR 20 ACRES
Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720.
KEN DUNN, Dir.
Published 1/27 & 2/3/83.

RECEIVED

FEB 4 1983

Department of Water Resources
Western Regional Office

WRR100
67-4465

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
20-NOV-1985 11:50:12

01 WATER RIGHT NUMBER - 67-4465

02 OLD (D) NUMBER -

LAST NAME
03001 - HARRINGTON
03002 - HARRINGTON

FIRST NAME
04001 - EVERETT
04002 - HELEN L.

ORIG. OWNER
05001 - C
05002 - C

06 ADD LINE 1 - P.O. BOX 2325

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - COUNCIL

10 STATE - ID 11 ZIP - 83612

12 STAGE - S STATUTORY CLAIM

13 STATUS -

SOURCE
14001 - SPRINGS

TRIBUTARY OF
15001 - HORNET CREEK

16 DIVERSION MEANS - DAM & PUMP

17 COUNTY - 03 ADAMS

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .600

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT		SEC	TWN	RNG	DIVERSION POINTS		STREAM INDEX FIELDS									
					LOT	RFLG										
22001 -	SESE	23001 - 14	24001 - 17N	25001 - 02W	26001 -	27001 -										
				28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

29 NON-IRRIGATION USE -

USE CODE / USE		TWN	RNG	PLACE OF USE	SEC	TRACT	ACRES	LOT
30001 - 01	IRRIGATION	17N	02W	33001 - 23	34001 - NENE	35001 - 40	36001 -	
30002 - 01	IRRIGATION	17N	02W	33002 - 23	34002 - SENE	35002 - 40	36002 -	

TOTAL ACRES: 80

PERIOD FROM	PERIOD TO	USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0315	38001 - 1115	39001 - 01 IRRIGATION		40001 = 0.600	41001 = 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS
44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

D A T E S		D A T E S		F L A G S	
47	PRIORITY - 1-JUL-1959	55	LICENSE	63	TRANSFER/AMENDED
48	PROOF DUE	56	APPL RECEIVED	64	DLE/CAREY ACT
49	PROOF MADE	57	FIELD EXAM MADE	65	FLAG_1
50	APPROVE/DENIED	58	DECREE	66	FLAG_2
51	PROTESTED	59	START WORK	67	FLAG_3
52	HEARING	60	ORDER SHOW CAUSE		

WRR100
67-4465

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
20-NOV-1985 11:50:12

----- D A T E S ----- D A T E S ----- F L A G S -----

53 VERIFIED -
54 LAST UPDATE - 28-FEB-1983

61 DATE_1 -
62 DATE_2 -

12/9/85
VERIFIED JKN

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ELS

Right Number 67-4465 Applicant Harrington

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 2/4/83
- ☒ Claim published correctly. Adams County Leaders
Jan 4 3/83/83 30/23083
- ☐ Exceptions processed.

By DJS Date 2/14/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 2/15/83

FILED
FEB 15 1983
DEPT. OF WATER RESOURCES

RECEIVED
FEB 15 1983

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

FEBRUARY 16, 1983

EVERETT HARRINGTON
HELEN L. HARRINGTON
P.O. BOX 2325
COUNCIL ID 83612

RE: Claim No. 67-4465

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

67-4465

HARRINGTON, EVERETT &/or HELEN L.

P.O. BOX 2325, COUNCIL, ID 83612

Source: SPRINGS trib. to HORNET CREEK

Priority Date: 10/7/01/1959

Diversion Pt: SESE Sec 14 T 17N R 02W

Use: IRRIGATION (0.60 CFS)

In: NENE SENE Sec 23 T 17N R 02W FOR 80 ACRES

RECEIVED
JUL 11 1959

IDENT. NO. 67-4465

WATER RIGHT
DATA ENTRY LOG

[illegible]

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 67-14598
Date Received: 8/1/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EVERETT HARRINGTON Phone: (208)253-4805

2451 COUNCIL CUPRUM RD
COUNCIL ID USA 83612

DEAN HARRINGTON Phone: (208)253-4805

2451 COUNCIL CUPRUM RD
COUNCIL ID USA 83612

2. Date of Priority: 05/01/1883

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	23	NW NE	ADAMS	

5. Description of diverting works:

GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	1.61	
STOCKWATER	01/01	12/31	0.39	

7. Total Quantity Appropriated is:
1.61 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	24	SE	NW	IRRIGATION	4
			NE	SW	IRRIGATION	35
			SE	SW	IRRIGATION	14
			NE	SE	IRRIGATION	3
			NW	SE	IRRIGATION	20
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	25
					Section Acres	131
					Total Acres	131

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:

14. Remarks:

This right is a split from former right 67-4280.

15. Basis of Claim: Beneficial Use