

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: 67-14599

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

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

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:

☒ 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 11 2006

05/24/2006

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

RIGHT NUMBER: 67-14599

NAME AND ADDRESS: DEAN HARRINGTON
2451 COUNCIL CUPRUM RD
COUNCIL ID 83612

EVERETT HARRINGTON
2445 COUNCIL CUPRUM RD
COUNCIL ID 83612

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 1.250 CFS

PRIORITY DATE: 05/30/1883

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	1.250 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

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 - Decreed

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

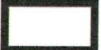


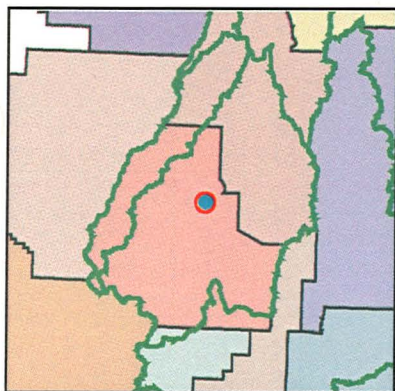
Idaho Department of Water Resources

SRBA Recommendation:

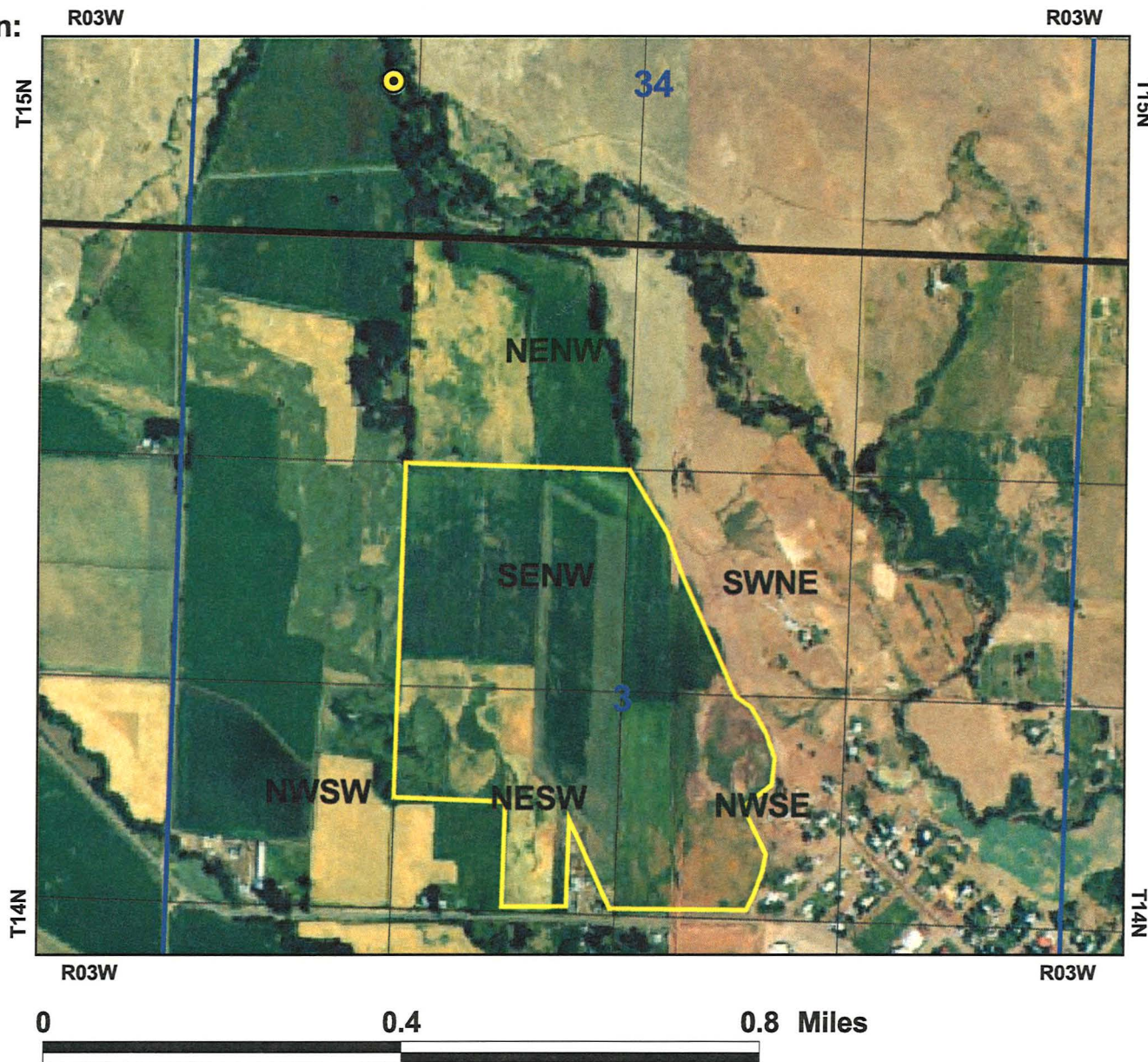
67-14559

Legend

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

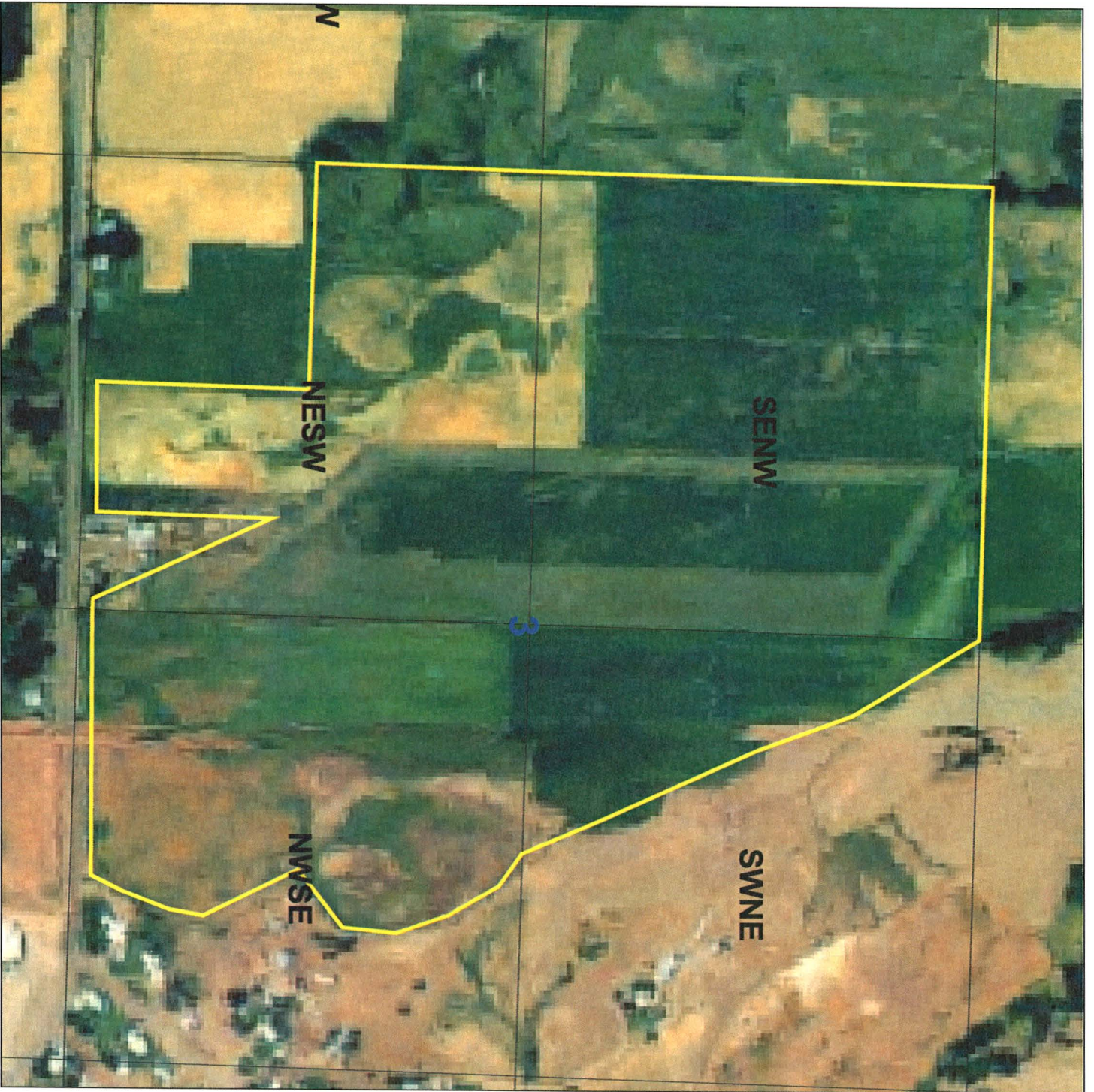


Washington County
IDWR Basin 67



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

67-14559



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14599 V1

WATER RIGHT NUMBER: 67-14599 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DEAN HARRINGTON 2451 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-4805
Original Owner	REBECCA L WILSON 3075 SUMMERSET BOISE, ID 83709 (208)362-7105
Current Owner	EVERETT HARRINGTON 2445 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-4836

Priority Date: 05/30/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HORNET CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.250 CFS	
	<u>Total Diversion:</u>	1.250 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

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. 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.:
3. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14599 V1

Remarks:Comments:

1. csaxton 5/24/2006 Decreed Right
Comment: This claim represents decreed right 67-382.

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: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 4:34:53 PM	csaxton			Active
POD	5/24/2006 4:35:57 PM	csaxton			Active
Priority Date	5/24/2006 4:36:10 PM	csaxton			Active
POD	5/24/2006 4:37:05 PM	csaxton			Active
Source	5/24/2006 4:37:13 PM	csaxton			Active
POU	5/24/2006 4:38:54 PM	csaxton			Active
Use	5/24/2006 4:39:39 PM	csaxton			Active
Season	5/24/2006 4:39:53 PM	csaxton			Active
Quantity	5/24/2006 4:40:26 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>
POU	5/24/2006 4:39:16 PM	csaxton	Updated PLS for Active POU
Contacts	5/24/2006 4:34:50 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14599 V1

POD	5/24/2006 4:35:26 PM	csaxton	Updated shape
POD	5/24/2006 4:35:54 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
General	5/24/2006 4:36:08 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	5/24/2006 4:37:02 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	5/24/2006 4:37:11 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	5/24/2006 4:38:51 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 8 - Recommended in QCs not decreed Description for Question 13 - Photography

POU

5/24/2006 4:39:09 PM

csaxton

Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14599 V1

Use	5/24/2006 4:39:36 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	5/24/2006 4:39:50 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	5/24/2006 4:40:23 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	5/24/2006 4:42:17 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (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?

Water Supply Bank:

2
DEAN HARRINGTON
2451 Council Cuprum Road
Council, Idaho 83612

RECEIVED

MAY 23 2006

DEPARTMENT OF
WATER RESOURCES

May 20, 2006

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

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

Dear Craig,

We are returning the completed amended water claim that you sent to us on April 10th, 2006.

We have spoken to Armacosts and do not think there will be a problem with this. Not a foreseeable one anyway.

We hope this will clear up any problems that have occurred.

Thank you for your help in this matter..

Sincerely,

Ginger Harrington

Ginger Harrington

Enclosure:

SCANNED

MAY 23 2006

67-14597
-14598
-14599
-14600

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

SCANNED

APR 10 2006

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,

Ginger Harrington

Ginger Harrington

Enclosure:

SCANNED
APR 10 2006



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

SCANNED
APR 10 2006



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

April 10, 2007

DEAN HARRINGTON
GINGER HARRINGTON
2451 COUNCIL CUPRUM RD
COUNCIL ID 83612

Dear Mr. and Ms. Harrington,

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

I am very sorry it has taken me so long to respond to your September 27, 2005 letter. However, I hope this letter will address some of your concerns.

Short Story:

In order to retain the 62.5 inches of water that is applicable to your property, you will need to amend your claim. For your convenience, I have enclosed an amended claim that increases the claimed diversion rate from 0.99 cfs (49.5 inches) to 1.25 cfs (62.5 inches). Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to me ASAP.

Long Story:

In 1989, you filed two SRBA claims: 67-382 and 67-4280 (enclosed). 67-382 (62.5 inches) was for adjudicated water that was decreed in Muir vs. Allison in 1918. 67-4280 appeared to be filed for flood water to supplement the decreed water.

When filing these SRBA claims, the place of use described under these claims included that property that is now owned by Armacost (SWNW & NWSW of Section 24, T17N, R2W). So by filing the claim, you were saying that you used part of that 65.2 inches of water on the Armacost property. So when the claims were split, Armacost's claim was given a proportionate share of the water rights.

However, from your September 27, 2005 letter, it is my understanding that the claim was filled out wrong and that the water rights you filed for were not used on the land that is now owned by Armacost? And Armacost does not have right to a proportionate share the 62.5 inches?

Since I do not have the authority to remove the claim from Armacost's land, and I cannot recommend more diversion rate than what is claimed, the best option I see is for you to amend your claim (your split of the original claim) to claim the full 62.5 inches.

What this will mean then is that you claim all of the historical water right 67-382 and Armacost will have a competing claim for part of the historical water right 67-382. Then, based on available information, I will make a recommendation to the SRBA court on what property 67-382 is applicable to.

Based on available information, at this time, I plan to recommend the full 62.5 inches on your property (in your name). However, be aware that the Armacosts could object to that recommendation.

Summary:

I know this is confusing. I feel if you have always used the 62.5 inches of water on your land and not the land that is now owned by the Armacosts, then your best option is to amend your claim to claim the full historical water right 67-382. Without evidence supporting that all or part of the 62.5 inches was used on the Armacost property, it would appear that all of the 62.5 inches is applicable to your ground.

Please feel free to call me if you have any questions.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Craig L. Saxton".

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

Split History 67-382

Decreed in 1918

SRBA Caim History - 1987

Potential Recommendation

5/10/1918		12/19/1989		8/1/2005		Present	

Acreage based on 5/8 inch per acre

Sum CFS =	1.25
Sum Acre=	166
Sum AF =	N/A

Extra CFS =	0.00
Extra Acre =	-66.0
Extra AF =	N/A

Sum CFS =	1.51
Sum Acre=	166
Sum AF =	N/A

Extra CFS =	-0.26
Extra Acre =	-66
Extra AF =	N/A

Sum CFS =	1.25
Sum Acre=	100
Sum AF =	N/A

Extra CFS =	0
Extra Acre =	0
Extra AF =	N/A

*Last updated 4-11-06 (csaxton)

For digital copy of Excel spreadsheet file: See Craig L. Saxton



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 there of, 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)



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

Dear Claimants:

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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



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

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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.

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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)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-382

WATER RIGHT NUMBER: 67-382

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EVERETT HARRINGTON 2451 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-4805
Current Owner	DEAN HARRINGTON 2451 COUNCIL CUPRUM RD COUNCIL, ID 83612 (208)253-4805
Original Owner	REBECCA L WILSON 3075 SUMMERSET BOISE, ID 83709 (208)362-7105

Priority Date: 05/30/1883

Basis: Decreed

Status: Active

Source
HORNET CREEK

Tributary
WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	1.250 CFS	
	<u>Total Diversion:</u>	1.250 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							15.0	4.0	35.0	20.0	14.0	14.0	3.0	20.0	30.0	25.0	166.0

Total Acres: 166

Conditions of Approval:Remarks:

split

Harrington
17N 2W 24 SE NW 11
NE SW 35
SE SW 14
NE SE 3
NW SE 20
SW SE 30
SE SE 25
131

$CL = 0.99$

Armacost
17N 2W 24 SW NW 15
NW SW 20
35

$CL = 0.26$

Same POD For Both splits

Nothing in file
Claim is for lands not
decreed. Armacost can
have claim split, but
might not get recommended
-I have uneasy feeling about
this one

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-382

Comments:Dates and Other Information:

Claim Received Date: 12/19/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number: 67
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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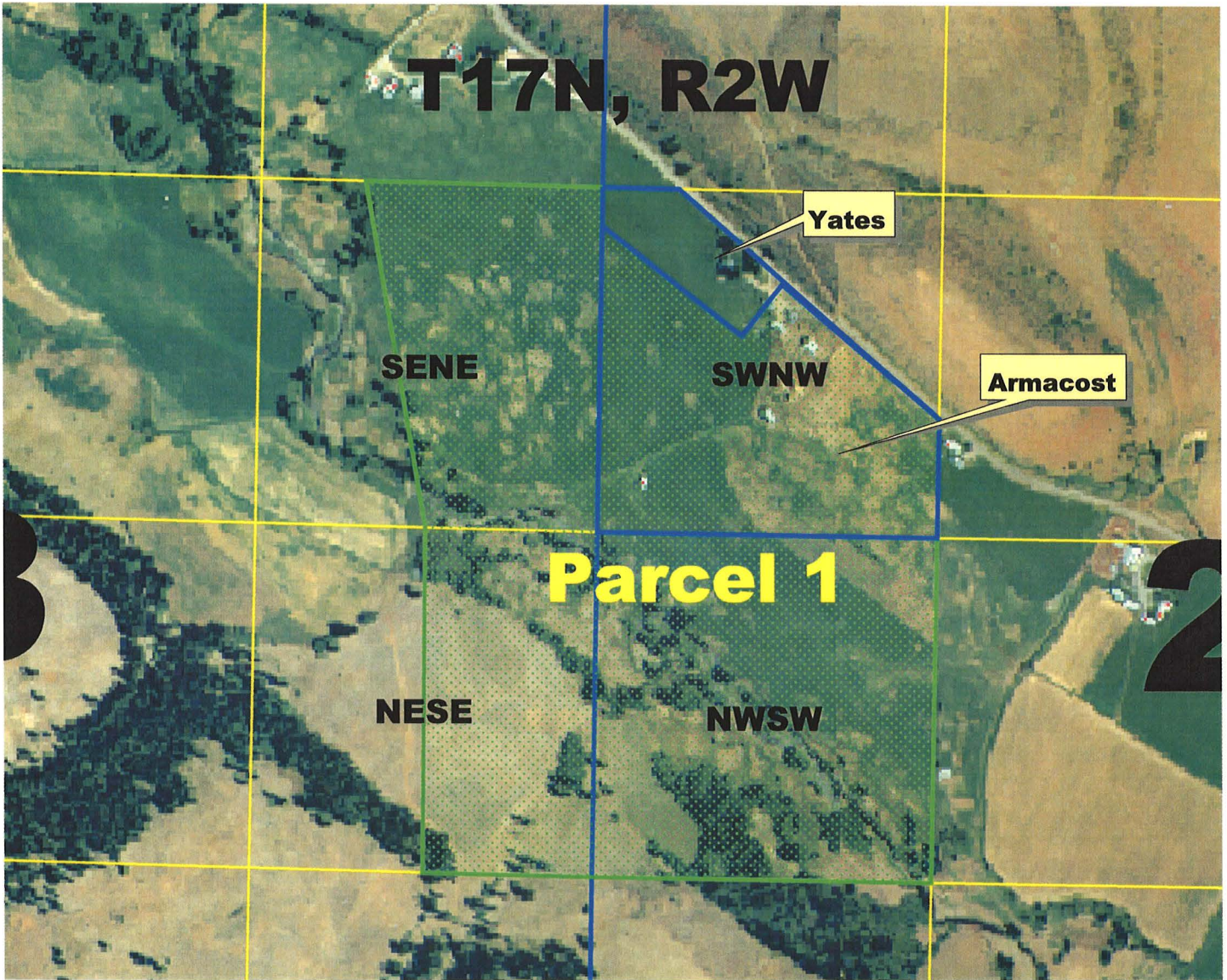
Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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State of Idaho

**Change of Ownership
Yates to Armacost
67-00382**



1320 0 1320 Feet



-  **Point of Diversion**
-  **Prop Boundary**
-  **Claimed Place of Use**
-  **Tax Lot Data**
-  **Quarter Quarter Lines**
-  **Section Lines**

Portion split out of 67-00382



**Prepared By: Craig L. Saxton
Date: March 2005**

Notes

called
7/5 12pm
1st message

67-4665 - Claim?

ppu?

67-382 (62.5") SW NW
4280 (102") NWSW } Section 24
plus 25" stock (700 head) (35 acres) } tax lots; Armacost

Sold?

→ D+G
E+H } 2 tax lots - include both in W.R.?
SE NW - Section 24
~~NE SW~~

other source (intermittent stream from north to feed lot include on flood water claim?)

confirm POD - shared w/ Yates, Armacost on NE side Creek?

4280 - evid. priority for 21 ac not covered by decree

Notes 06/28 MVB

67-382 Hornet Creek

Decree Rebecca Wilson

30 May 1883

$$62.5" = 1.25 \text{ cfs} \\ = 100 \text{ ac.}$$

NESW

NWSE

SWSE

SESE

Section 24, T17N R02W

Claim

24 T17N R02W

21 acres
not listed
in decree

SWNW	15.0	
SE NW	4.0	
NE SW	35.0	Armacost now?
NW SW	20.0	
SE SW	14.0	
NE E	3.0	
NW SE	20.0	
SW SE	30.0	
SE SE	25.0	
	166.0	

= 110 acres

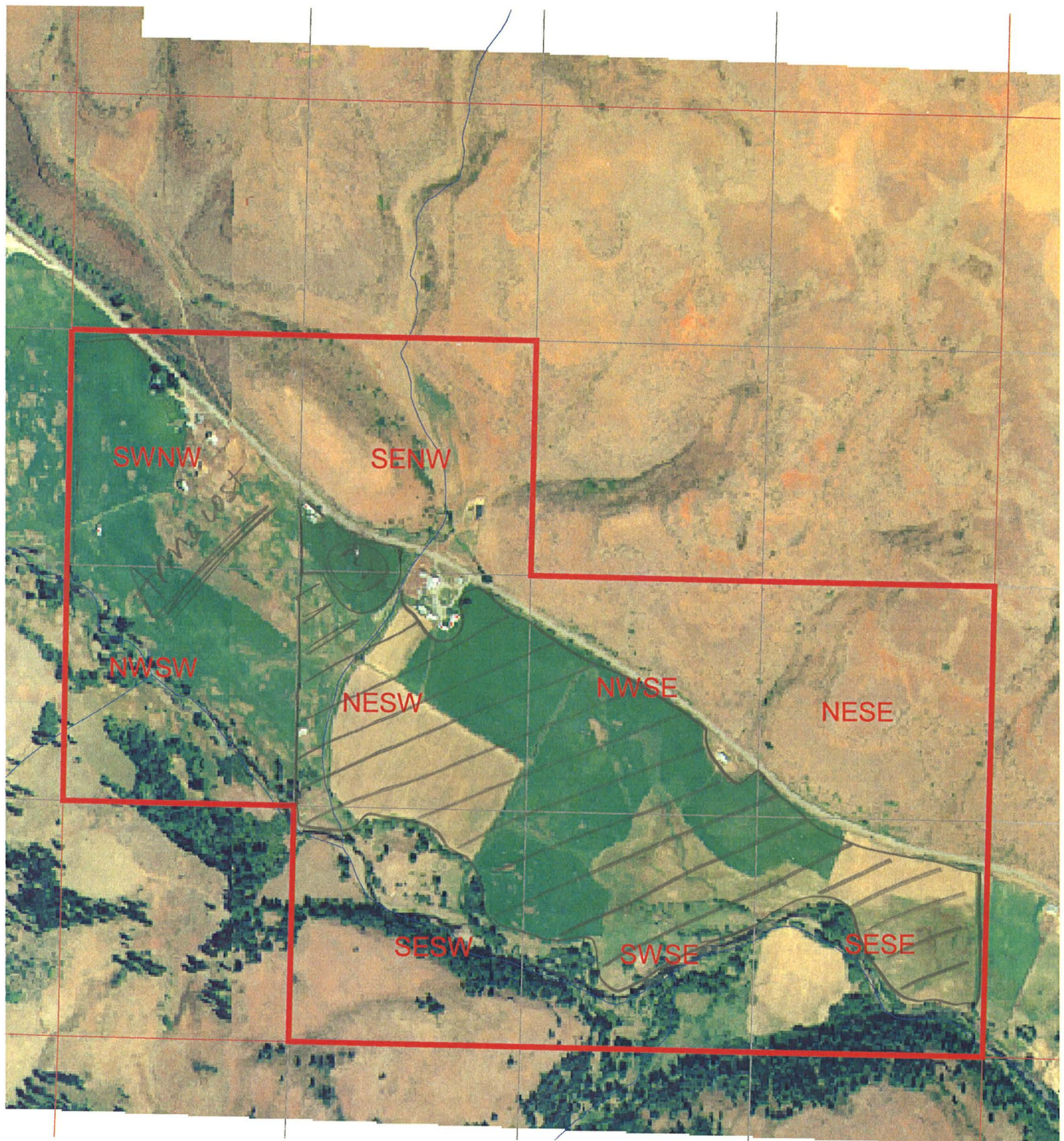
1.25 cfs



No flow measurement needed! per Nello Jenkins,
Hornet Creek deputy water master, this ditch capable
of carrying 300" (+) - only 157.5" is claimed.

Idaho Department of Water Resources

67-382



T17N R02W S24

500 0 500 1000 Feet



Prepared by Sandy Egbert
8-10-04
1987 NAPP Photography

Hornet Creek.

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

Frank Richardson

Mark C Fuller, sub for C H Davis

A J Duffus

E E Shamon and Ed Shannon

Rebecca Wilson

B E Dare and Florence G Dare

Ellis Hartley

where is this land

O M Gilmer and Frank Peck

Dale Donnelly

Henry E Warner and Earl Walston

B M Holt

J E Lawrence and Clark Adams

J A Darland

Rebecca Wilson sub for Walter Wilson

A Kampeter

William Hanson

Mattie M Keye

W J Wilson

Frank Peck

P H Miller

Hornet Creek. (Con)

Preston G Anderson (D K Lindsay is his guardian)

Lydia Brauer, Otto Brauer and Dorothy Lakey

J J Shaw and D B Whitehead

Hornet Creek Water Storage Association

Little Weiser River.

Anderson-Lindsay-Linder-Coxriell Ditch.

Leander Lindsay

E H Richardson

Annie Carson

J W Fraiser

Willette L Fraiser, sub for J W Fraiser

Chris Behnen

John Hutchinson

J A Lemons

38 1/2

22

40

32

25

62 1/2

56 1/2

16

47

12 1/2

37 1/2

50

37 1/2

62 1/2

40

30

56 1/2

25

50

35 1/2

12

16

47

10

38 1/2

25

15

28

9 1/2

31 1/2

10

1250

1250

17

29

35

31

42

8

30

30

May 1, 1880 67 0377

June 1, 1880 67 0378

June 1, 1881 67 0379

June 1, 1881 67 0380

June 1, 1881 67 0381

May 30, 1883 67 0382

June 30, 1883 67 0383

May 1, 1885 67 0384

May 30, 1885 67 0385 1/2 334

Dec 31, 1899 67 0386 1/2 334

May 1, 1884 67 0387

May 1, 1884 67 0388

June 1, 1886 67 0389

April 1, 1886 67 0390

May 1, 1900 67 0391

April 1, 1905 67 0392

Aug 31, 1887 67 0393

June 1, 1888 67 0394

Dec 1, 1888 67 0395

Dec 31, 1889 67 0396

Dec 31, 1891 67 0397

Dec 31, 1891 67 0398

June 1, 1893 67 0399

June 30, 1895 67 0400

April 2, 1895 67 0401

April 30, 1895 67 0402

May 1, 1898 67 0403

Dec 31, 1899 67 0404 1/2 334

Dec. 31, 1899 67 0405 1/2 334

May 1, 1900 67 0406

May 1, 1901 67 0407

May 28, 1909 67 0408

July 6, 1909 67 0409

June 1, 1885 67 0410

June 1, 1885 67 0411

June 1, 1895 67 0412 1/2 334

June 1, 1895 67 0413

June 1, 1895 67 0414

June 1, 1895 67 0415

May 1, 1897 67 0416

June 1, 1900 67 0417

JUL 24 1898

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

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

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

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

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

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

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

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

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

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

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

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

JUL 24 1906

HORNET CREEK

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

JUL 24 1906

the direction of the water commissioner or other officers charged by law with the execution of this decree and the waters of the said Hornet Creek Reservoir are to be distributed by the said water commissioner or other officers to the stockholders of the said Hornet Creek Water Storage Association according to their respective rights of said stockholders as the same shall appear by notice given said water commissioner for said water storage association at the commencement of each irrigation season.

It is further ordered, adjudged and decreed that the said Weiser Irrigation District may divert all of the waters flowing in said river during the low water period at the head of its canal upon delivery to the said Weiser City Water Ditch & Irrigating Company 450 inches of water, said delivery to be made at the gate or diversion point now connecting the two canals and where water has heretofore been diverted from the canal of the said Weiser Irrigation District into the canal of the said Weiser City Water Ditch and Irrigating Company.

As used in this decree the high water period shall include all that portion of the irrigation season when the river and its tributaries discharge sufficient water to supply all the allotments herein decreed on the basis of five-eighths ($\frac{5}{8}$) of an inch to the acre and the low water period shall consist of all that portion of the irrigation season when the discharge of the river and its tributaries is insufficient to supply the last named amount of water, and the foregoing allotments are made upon the basis of five-eighths ($\frac{5}{8}$) of an inch per acre, or its equivalent in irrigation heads, during the low water period, which is the maximum duty of water for said lands from said river and its tributaries, and whenever the commissioner, or other officer charged with the execution of this decree, finds the water in said river insufficient to supply the allotments as heretofore made on the basis of five-eighths ($\frac{5}{8}$) of an inch per acre, measured at the various diversion points, then and in that event the last appropriator in point of time shall be denied the use of said water.

Whenever the water flow in said river and tributaries shall be insufficient to supply the allotments as hereinbefore made, on the basis of five-eighths ($\frac{5}{8}$) of one miners' inch or its equivalent in irrigation heads, then and in that event the latest appropriator in order of time shall be denied the use of said water, and so on up the line of latest appropriators, dropping them out in chronological order, of the use of said water flow, so that the supply of water to said prior users shall be maintained in the distributing heads to five-eighths of a miners' inch per acre to the prior appropriators in the order of their priority, and the water commissioner having control of the distribution of said waters under this decree shall enforce the foregoing mentioned system and shall require measuring devices to be constructed at the various diversion points by the said appropriators so the water commissioner may be enabled to determine the measurement of the flow at such distributing points at all times.

It is further ordered, adjudged and decreed, that each of the parties hereto to whom water is allotted and decreed are hereby required to provide for the diversion of water from the said Weiser River and its tributaries in irrigating heads during the low water period, which said irrigating heads shall be the equivalent of five-eighths of a miners' inch to the acre continuous flow, and it is hereby decreed, and declared to be the duty of the water commissioner, or such other officer as is charged with the execution of this decree, to make or cause to be made necessary rules and regulations for the distribution of said water in irrigating heads during the low water period and to shut off said water supply from all ditches diverting the same whenever and wherever the parties

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 67-14599
Date Received: 8/1/2005
Receipt No:
Received By:

AMENDED

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

AMENDED

1. Name of Claimant(s)

DEAN HARRINGTON Phone: (208)253-4805

2451 COUNCIL CUPRUM RD
COUNCIL ID USA 83612

EVERETT HARRINGTON Phone: (208)253-4836

2445 COUNCIL CUPRUM RD
COUNCIL ID USA 83612

2. Date of Priority: 05/30/1883

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:

DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1.25	

7. Total Quantity Appropriated is:
1.25 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 67-382 .

15. Basis of Claim: Decreed

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: _____

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): Dean Harrington Date: 5-19-06
Emanuel Harrington Date: 5-19-06

State of Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 19th
of May 2006 Bonnie A Fisk

Notary Public

Residing at Council, Idaho

My commission Expires November 21, 2009
MY COMMISSION EXPIRES
November 21, 2009
BONDED THRU NOTARY PUBLIC UNDERWRITERS



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.99	

7. Total Quantity Appropriated is:
0.99 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
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