

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: A73-00098
Date Received: 4/24/1990
Receipt No: E013599
Received By: #6400

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DUANE E. MOEN 208-876-4262
Address: RT. 62 BOX 2330
MAY ID 83253

2. Date of Priority: OCT 30, 1902

3. Source: SPRING CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15N	21E	25	NW	SW	SW		LEMHI

5. Description of diverting works:
COTTER DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

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

8. Total consumptive use is 372.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15N	21E	16	NW	SE		IRR	23.0
			SW	SE		IRR	18.0
			SE	SE		IRR	15.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	56.0
		21	NE	NE	IRR	38.0
			SE	NE	IRR	5.0
					Section Acres	43.0
		22	NW	NW	IRR	15.0
			SW	NW	IRR	35.0
					Section Acres	50.0
					Total Acres	149.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

P/D NOT IDENTIFIED IN DECREE.

P/D LISTED IS THE MAIN HDGATE ON COTTER DITCH. DITCH ALSO MAY HAVE OTHER NAMES. SEVERAL SPRINGS FLOW INTO THE DITCH ON IT ROUTE TO THE PLACE OF USE. NOTHING DIFINED AT THIS POINT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ROSCOE HAMILTON, ET AL.
Decree Plaintiff

W.G. SWENDSEN, ET AL.
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

MICROFILMED

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

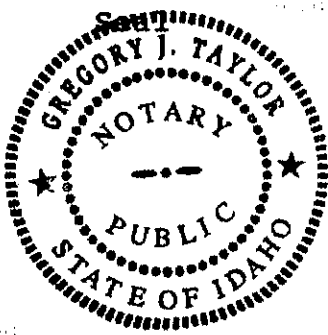
Signature of Claimant(s): Edward Duane Mason Date: July 2, 1992

Date: _____

State of Idaho)
County of Bonnaville) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of July 19 92

Gregory J. Taylor
Notary Public



Residing at Idaho Falls

My Commission Expires 3/3/98

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\$135 ✓

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IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
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ACQUIRED UNDER STATE LAW

1. Name: DUANE E. MOEN 208-876-4262
Address: RT. 62 BOX 2330
MAY, ID 83253

2. Date of Priority: OCT 30, 1902

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Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15N	21E	25	NW	SW	SW		LEMHI

5. Description of diverting works:
COTTER DITCH & 2 OTHER DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

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

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15N	21E	21	NE	NE		IRR	30.0
			SE	NE		IRR	5.0
Section Acres							35.0

A73-00098

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Date: 11/28/89

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DEC 14 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	21E	22	NW	NW		IRR	15.0
			SW	NW		IRR	35.0
						Section Acres	50.0
						Total Acres	85.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

P/D NOT IDENTIFIED IN DECREE.

P/D LISTED IS THE MAIN HDGATE ON COTTER DITCH. DITCH ALSO
MAY HAVE OTHER NAMES. SEVERAL SPRINGS FLOW INTO THE DITCH
ON IT ROUTE TO THE PLACE OF USE. NOTHING DIFINED AT THIS POINT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ROSCOE HAMILTON, ET AL.
Decree Plaintiff

vs

W.G. SWENDSEN, ET AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ 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): + Duane Moon Date: April 24, 1990

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of April 19 90

Dee Garth
Notary Public

Seal

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

MODIFIED FOR U.S. FOREST SERVICE USE



NOV 14 1992

MICROFILM

Sagebrush
gravel road
1940

23

19

1
37.4

2
27.2

15

16	15
21	22

277
C57
T479

3
25.3

4
25.5

7
20.7

5
22.9

6
21.0

204100-7M

T
15
N
R21E

Cotter
Ditch

473-00098

INCH-FILM

DEC 1 1992

3 1992

Water Right Number - 73-00098

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

HAMMOND

GEORGE

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
10/30/1902 15 D - DECREED+ - - - - - Source - - - - - + + - - - - - Tributary - - - - - +
SPRING CREEK PAHSIMEROI RIVER+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 3.200+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
3.200+ - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
15N 21E 21 NE NE 01 IRRIGATION 59 LEMHI
15N 21E 21 SE NE 01 IRRIGATION 59 LEMHI
15N 21E 22 NW NW 01 IRRIGATION 59 LEMHI
15N 21E 22 SW NW 01 IRRIGATION 59 LEMHI

Total Acres:

+ - - Diversion Means - COTTER DITCH & 2 OTHER DITCHES.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
P/D NOT IDENTIFIED IN DECREE.+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - +
ROSCOE HAMILTON, ET AL.+ - - - - Decree Defendant - - - +
W.G. SWENDSEN, ET AL.+ - Decree Date - +
02/17/1926

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DEC 14 1992

Water right number - 73-00098

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 02/11/86

05/22/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000
Approved/Denied - 00/00/0000
Proof Made Date - 00/00/0000
Start Work Date - 00/00/0000
Order Show Cause - 00/00/0000
Licensed Date - 00/00/0000
Decree Date - 02/17/1926

Field Exam Made - 00/00/0000
Protested Date - 00/00/0000
Hearing Date - 00/00/0000
Verified Date - 03/26/1985
Receipt Number -
Appl Received - 00/00/0000

Field Exam Fee -
Swan Falls -
Temporary Right - P
DLE/Carey Act -
Water District - 73
Transfer/Amended -

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DEC 14 1992

the waters of said O'Neil or Spring Creek, for the purpose of irrigating his said lands, to date from July 27th, 1900, and for a further and continued use thereof for all time to come.

POOR ORIGINAL

IV.

That the defendant, EA. NELSON, be awarded a right to the use of 200" or 4 cubic feet per second in time of the waters of said O'Neil or Spring Creek, for the purpose of irrigating his said lands to date from July 27th, 1900, and for a further and continued use thereof for all time to come.

V.

That the defendant, FRED D. PRATT, be awarded a right to the use of 100" or 2 cubic feet per second in time of the waters of said O'Neil or Spring Creek, for the purpose of irrigating his said lands, to date from July 27th, 1900, and for a further and continued use thereof for all time to come.

VI.

That the defendant, KATE WALKER, in her capacity as executrix of the estate of Joseph G. Walker, deceased, be awarded a right to the use of 225" or 4-1/2 cubic feet per second in time of the waters of said O'Neil or Spring Creek, for the purpose of irrigating said lands, to date from July 27th, 1900, and for a further and continued use thereof for all time to come.

VII.

That the defendant, GEORGE HAMMOND, be awarded a right to the use of 50" or 1 cubic foot per second in time of the waters of said O'Neil or Spring Creek, for the purpose of irrigating his said lands, to date from July 27th, 1900, and for a further and continued use thereof for all time to come.

VIII.

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That the defendant, HENRY NICHOLS, be awarded a right to the use of 20" or 2/5 cubic foot per second in time of the waters of said O'Neil or Spring Creek, for the purpose of irrigating his

NOV 15 1988

IV.
...point where said water was so diverted from
said creek into said ditch and conveyed to and upon the said land
of this defendant is situated at or near the South Line of
Section 26 in said Township 15 North.

V.

POOR ORIGINAL

That the said ditch is one and the same ditch used by
this defendant and the other defendants making answer herein in
common for conducting water from said creek to and upon their
respective tracts of land.

Further answering the complaint of the plaintiffs and by
way of cross-complaint thereto, these defendants allege on behalf
of the defendant KATE WALKER in her capacity as administratrix
of the estate of JOSEPH G. WALKER, deceased, as follows:

That the equitable title to the following described
real estate is owned and possessed and is a part of the estate
of Joseph G. Walker, deceased, to-wit:

The West one-half of the Southeast quarter
in Section 31; also the Southwest quarter of
the Northwest quarter, the North one-half
of the Southwest quarter and the Southeast
quarter of the Southwest quarter of said
Section 31, all in Township 15 North, Range
21 East of the Boise Meridian, containing in all
240 acres.

II.

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That the said lands are arid in character and require
the artificial use of water thereon to produce profitable agri-
cultural crops, and that 1" or 1/50 cubic foot per second in time
of the estate of said Joseph G. Walker, deceased, issued to this
defendant, KATE WALKER, by the Probate Court of the County of
cultivation thereof.

III.

...the same ditch used by this defendant and the other defendants making answer herein in common for conducting water from said creek to and upon their respective tracts of land.

FOR ORIGINAL

Further answering the complaint of the plaintiffs and by way of cross-complaint thereto, these defendants allege on behalf of the defendant, GEORGE HAMMOND, as follows:

I.

That the defendant, GEORGE HAMMOND, is the owner in the possession and entitled to the possession of the following described land, to-wit:

The East one-half of the Northeast quarter in Section 21 and the West one-half of the Northwest quarter in Section 22, all in Township 15 North, Range 21 East of the Boise Meridian, containing in all 160 acres, and that he and his predecessors in interest have been in possession of said lands ever since July 27th, 1900, and for long time prior thereto.

II.

That the said lands are arid in character and require the artificial use of water thereon to produce profitable agricultural crops, and that 1" or 1/50 cubic foot per second in time of water per acre is necessary for the profitable and successful cultivation thereof.

III.

That on or about July 27th, 1900, the said GEORGE HAMMOND, appropriated 50" or 1 cubic foot per second in time of the waters of O'Neil or Spring Creek, a tributary of the Pahsamaori River in County of Lemhi, and by means of dams and ditches of sufficient capacity to convey the same, converted the said quantity of water from said creek to and upon his said lands for the purpose of irrigating same, and has continued to so appropriate and convert said waters and apply same to his said

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