215.00 X

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: A73-00109
Date Received:
Receipt No: W012379
Received By: RW

NOT A BILL

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: DAVID R. ELLIS 208-876-4465
   Address: HC 62, BOX 1010
   ELLIS, ID 83235
   AND/OR
   Name: JEANNE ELLIS 208-876-4465
   Address: HC 62, BOX 1010
   ELLIS, ID 83235

A730109

2. Date of Priority: JUL 27, 1900

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
14N	22E	6	NW SW		LEMHI
15N	21E	8	NW NW		LEMHI
		26	SW SE		LEMHI

5. Description of diverting works:
   HEADGATE AND CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.600		

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

8. Total consumptive use is 350.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

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10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
16N	21E	31	SW	NW		IRR	15.0
			SE	NW		IRR	15.0
			NE	SW		IRR	40.0
			NW	SW	1	IRR	25.0
			SE	SW		IRR	35.0
			NW	SE		IRR	5.0
			SW	SE		IRR	30.0
						Section Acres	165.0
						Total Acres	165.0

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:
A73-04090, A73-04089

14. Remarks:

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: _____

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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): David R Ellett Date: 5-9-90

_____ Date: _____

State of Idaho)
) SS.
County of ADA)

Subscribed and sworn (or affirmed) before me this 9th day of May 19 90

Seal

Jan D Kuntz
Notary Public

Residing at Meridian, ID

My Commission Expires 9-14-94

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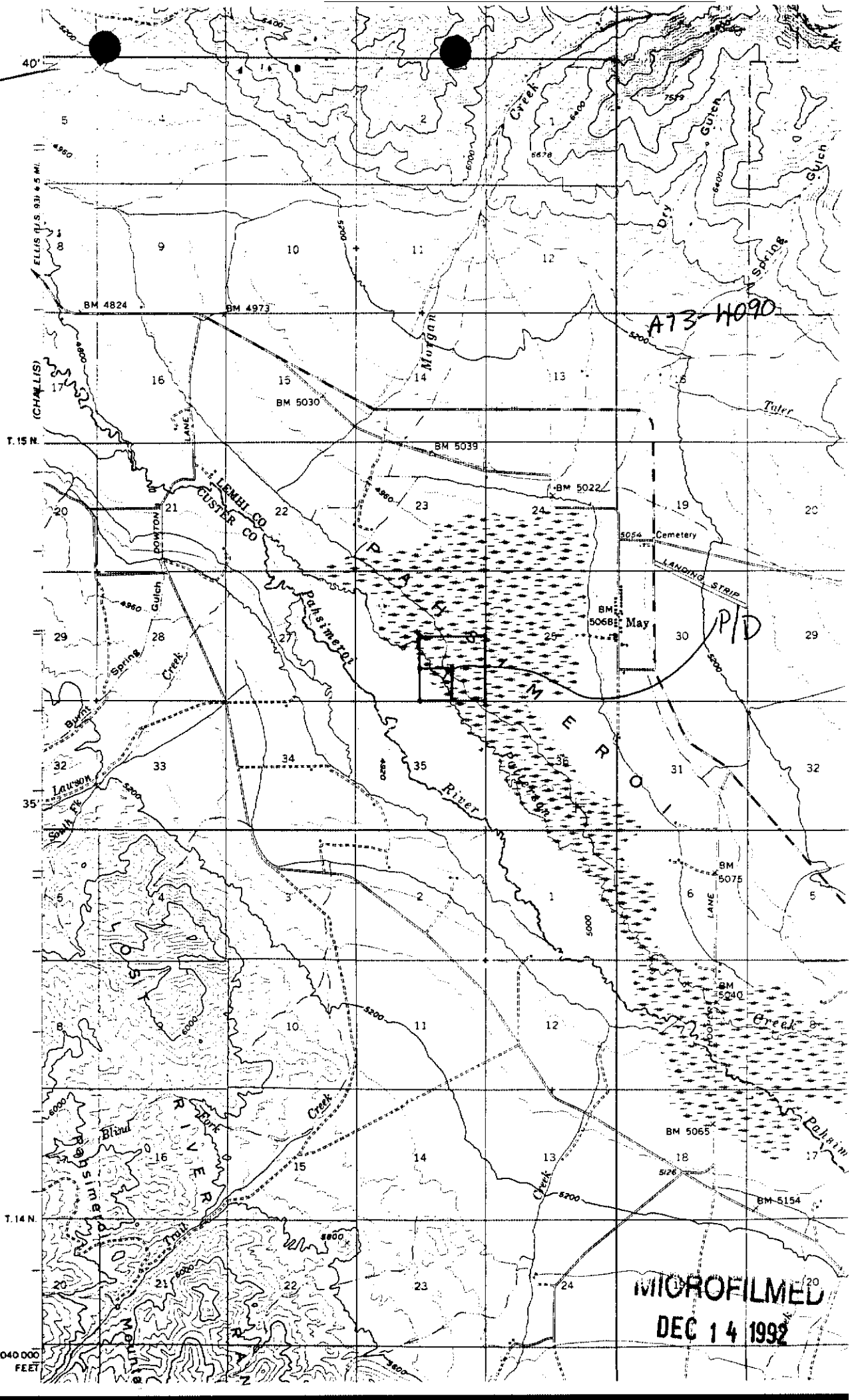
73-4090
A73-00109



A73-4090

P/D

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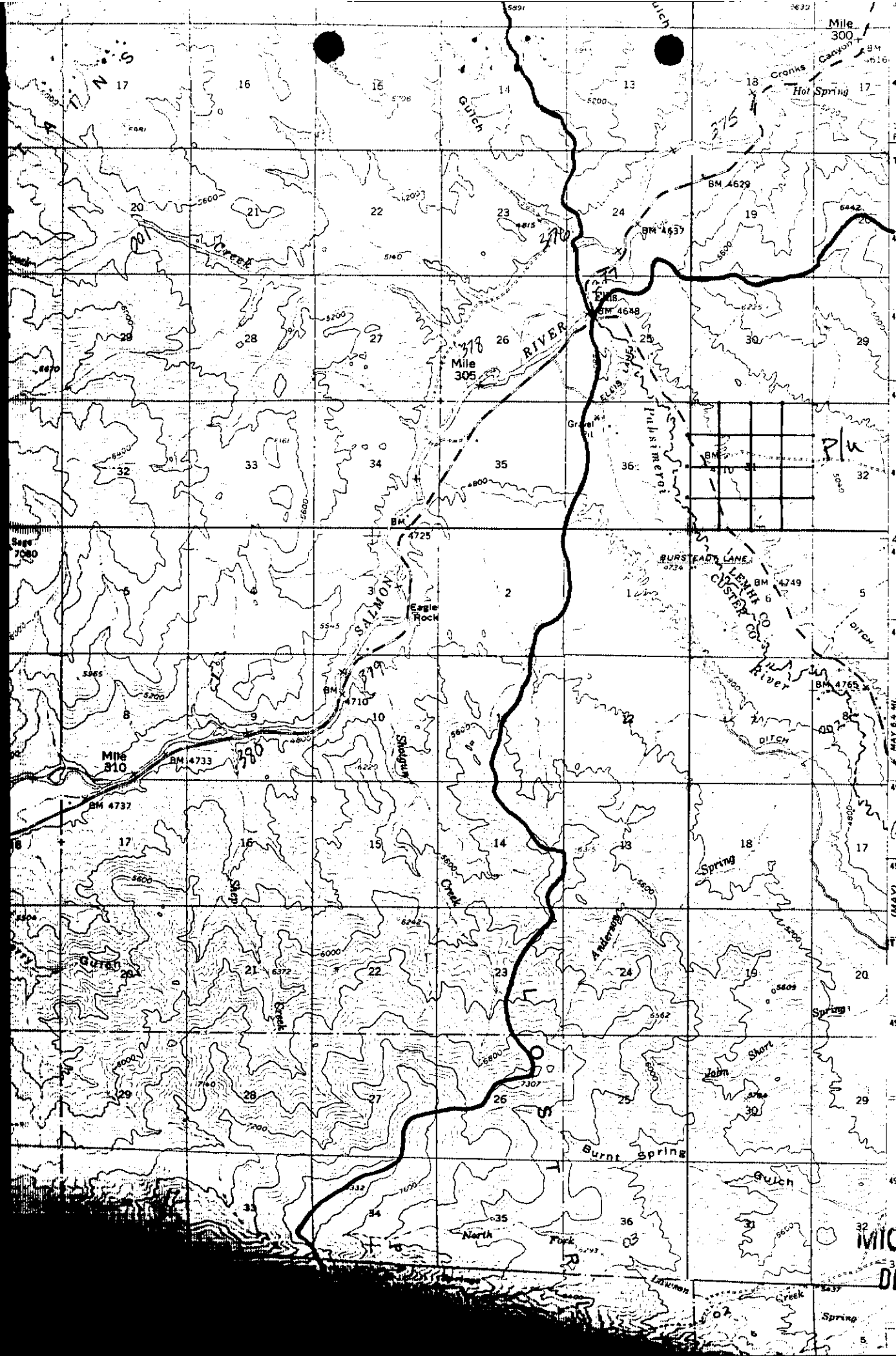

A73-4090
" 00109

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INTER-DEPARTMENT MEMO — 1

FROM R.B. Whitney

DATE 5-14-1990

TO J. Shurte

SUBJECT Adj Claims # A73-10119, -10118, -04090, -04089 and -00109

P/z Note that the Filing Fee for the Subject Claims was postmarked 5/09/90 and rcvd. on 5/10/90 @ western. No late Fee should apply.

Thanx

RB Whitney
SIGNATURE

D. R Ellis
HCC2 Box 1010
Ellis, ID 83235

ELLIS MAY 9 AM 1990 IDAHO

USA 25

Dept. of Water Resources
2735 Airport Way
Boise, Idaho

RECEIVED
MAY 10 1990
Department of Water Resources
Western Regional Office

83705

ATTN: Rob Whitney

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DEC 14 1992

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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, 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 dithes 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 irigating same, and has continued to so appropriate and convert said waters and apply same to his said

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INTER-DEPARTMENT MEMO — 1

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Thanx

RB Whitney
SIGNATURE

DO NOT FILE

D. R Ellis
HC62 Box 1010
Ellis, Id 83235

ELLIS MAY 9 AM 1990 IDAHO

USA 25

Dept. of Water Resources
2735 Airport Way
Boise, Idaho

RECEIVED
MAY 10 1990
Department of Water Resources
Western Regional Office

83705

ATTN: Rob Whitney

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IV.

point where said water was 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.

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:

I.

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 16 North, Range 21 East of the Boise Meridian, containing inall 240 acres.

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.

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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.

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 irriga ting 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 secondin 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.

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

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