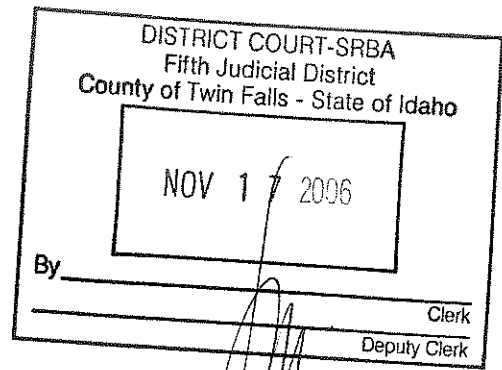




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

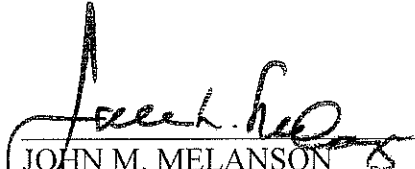
SUBCASE: 37-04322A

ORDER OF REFERENCE APPOINTING
SPECIAL MASTER BRIGETTE BILYEU

On September 29, 2006, a *Partial Decree* was issued in the above-captioned water right. On November 17, 2006, a *Motion to Set Aside/Modify Partial Decree* was filed by Nellie P. Hammond for the above-captioned water right.

Therefore, IT IS ORDERED that Special Master Brigitte Bilyeu be appointed to preside over the above-captioned *Motion* and conduct all proceedings necessary to issue a recommendation consistent with AO1, and the authority previously conferred in the *Order of Reference for Basin 37 Domestic and Stockwater Rights*; as to the *Motion* and to the underlying merits as to how the *Partial Decree* should be amended, if it is determined that said *Partial Decree* should be set aside or amended.

Dated November 17, 2006.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE APPOINTING SPECIAL MASTER BRIGETTE BILYEU was mailed on November 17, 2006, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CYNDI HAMMOND WOOD
518 RIVER RD
BLISS, ID 83314

LLOYD D HAMMOND
NELLIE P HAMMOND
519 B RIVER RD
BLISS, ID 83314
Phone: 208-837-4441

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

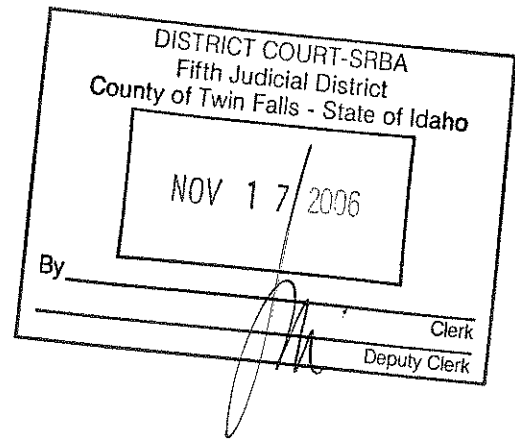
November 13, 2006

Snake River Basin Adjudication
253 3rd Av N
Twin Falls, ID 83301

To Whom It May Concern:

This letter is in regard to:

SRBA Partial Decree 37-04322A
Lloyd D. Hammond (deceased)
Nellie P. Hammond
519 B River Road
Bliss, ID 83314



I am asking the court to vacate **Partial Degrees 4322 A** claim and set aside a partial degree so we can submit evidence to this water right.

I am enclosing the following documents:

Partial Decree (copy)
Notarized witness letter
Letter from my daughter explaining situation

Please let me know what I need to do next in this matter. Thank you for your help.

Sincerely,

Nellie P. Hammond
519 B River Road
Bliss, ID 83314

Cyndi Hammond-Wood/Daughter
518 River Road
Bliss, ID 83314

Michael M. Elliott
expires 11/16

November 13, 2006

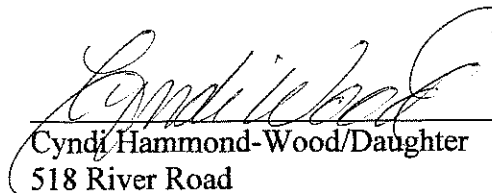
To Whom It May Concern:

My mother Nellie Hammond of 519- B River Road, Bliss, Idaho, did not file her claim for irrigation water on her property. My mother is 78 years old, a widow, and does not drive. She does not read the English language very well making it very difficult for her to understand the paper work that was sent to her in regard to her water rights. Consequently, my mother threw all correspondence it in the trash or set it aside. I heard through our Hagerman water master that my mother, Nellie Hammond was not on the list for irrigation water for her acreage. After looking into this matter my mother and I visited IDWR and Snake River Basin Adjudication Court. They were very kind and helpful in trying to assist us in this matter.

I am writing this letter on my mother's behalf in hopes that I can help her keep all of her past water rights. I have translated this information to her in her native and she understands the importance in submitting this information as soon as possible.

This property mentioned has always been irrigated for agricultural purposes or pasture for livestock. I am submitting a notarized letter from Mr. Kim Wood, stating such facts as to the property and water usage prior to 1971. I thank you in advance for any help with this situation.

Sincerely,


Cyndi Hammond-Wood/Daughter
518 River Road
Bliss, ID 83314
Home 208-837-4886
Work 352-4445

Michael M. Elliott
Expires 11/16

SRBA PARTIAL DECREE 37-04322A

Issued on 09-29-2006.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:

LLOYD D HAMMOND
NELLIE P HAMMOND
519 B RIVER RD
BLISS, ID 83314

SOURCE:

SPRING TRIBUTARY: SNAKE RIVER

QUANTITY:

0.03 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE:

01/23/1948

POINT OF DIVERSION:

T06S R13E S21

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

Stockwater

Domestic

PLACE OF USE:

Domestic

T06S R13E S21

SENW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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. I.C. SECTION 42-1412(6).

[Return to SRBA Home Page](#)

518 River Road Bliss, ID 83314

(208) 837-4886 wood_farms@msn.com FAX (208) 837-6046

November 14, 2006

Snake River Basin Adjudication
253 3rd Ave N
Twin Falls, ID 83301

To Whom It May Concern:

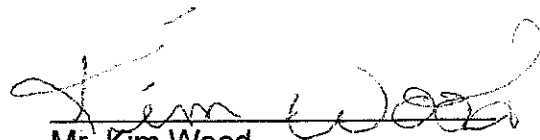
I Kim Wood, of 518 River Road, Bliss, Idaho/Verda Wood Estate, Bliss, Idaho would like to give this statement in regard to Mrs. Nellie Hammond of 519 B-River Road, Bliss, Idaho on my past and present knowledge of irrigation usage on her acreage.

My family and I moved to the Wood Farm which is now known as the Verda Wood Estate which neighbors Mrs. Hammond's property in 1955. I can personally verify that Mrs. Hammond's acreage has always been irrigated by ditch and at a later date gated pipe from spring source known as Decker Springs. Prior to the Hammond purchase in March of 1973, it was irrigated by Hope and Vern Carson for pasture and agricultural purposes.

I can testify that this property belonging to Mrs. Nellie Hammond, as having irrigation water and has been used for such since my arrival to the Hagerman Valley in the 1950's. Since Mr. Lloyd Hammond's passing in 1997 I have personally maintained and irrigate this property for Mrs. Hammond.

If I can be of assistance in this matter please feel free to call me at the phone number below.

Sincerely,



Mr. Kim Wood
Verda Wood Estate
518 River Road
Bliss, ID 83314
(208) 837-4886

Michelle M. Elliott
expired 11/16

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

JULY 22, 1983

LLOYD D. HAMMOND
NELLIE P. HAMMOND
STAR ROUTE
BLISS

ID 83314

RE: Claim No. 37-4322

Dear Claimant:

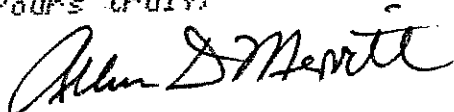
The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

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,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 17 1983

CLAIM TO A WATER RIGHT

Department of Water Resources
Sawada District Office

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 Lloyd D. Hammond &/or Nellie P. Hammond

(Name of Claimant)

Star Route Bliss, Idaho 83314

(Mailing Address)

Telephone No. 837-4441

(Zip Code)

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) 1/23/1948

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)

Spring tributary to Sinks

(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.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.22</u>		Use <u>irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>	
Quantity <u>0.02</u>		Use <u>stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>	
Quantity <u>0.04</u>		Use <u>domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>	
Quantity <u>0.22</u>		Use <u>Aesthetics</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>	
Quantity <u>0.22</u>		Use <u>TOTAL QUANTITY USED.</u>	Period of Use From	To	

(4) 0.22

(cfs, af)

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

NW 1/4 SE 1/4, Sec. 21 Twp. 6S Rge. 13E B.M., County of Gooding

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. Head Dam, 1000 feet buried concrete pipeline

- (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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	13E	21								4 X									4

No. of acres 4

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

Stock - 10 head cattle & horses

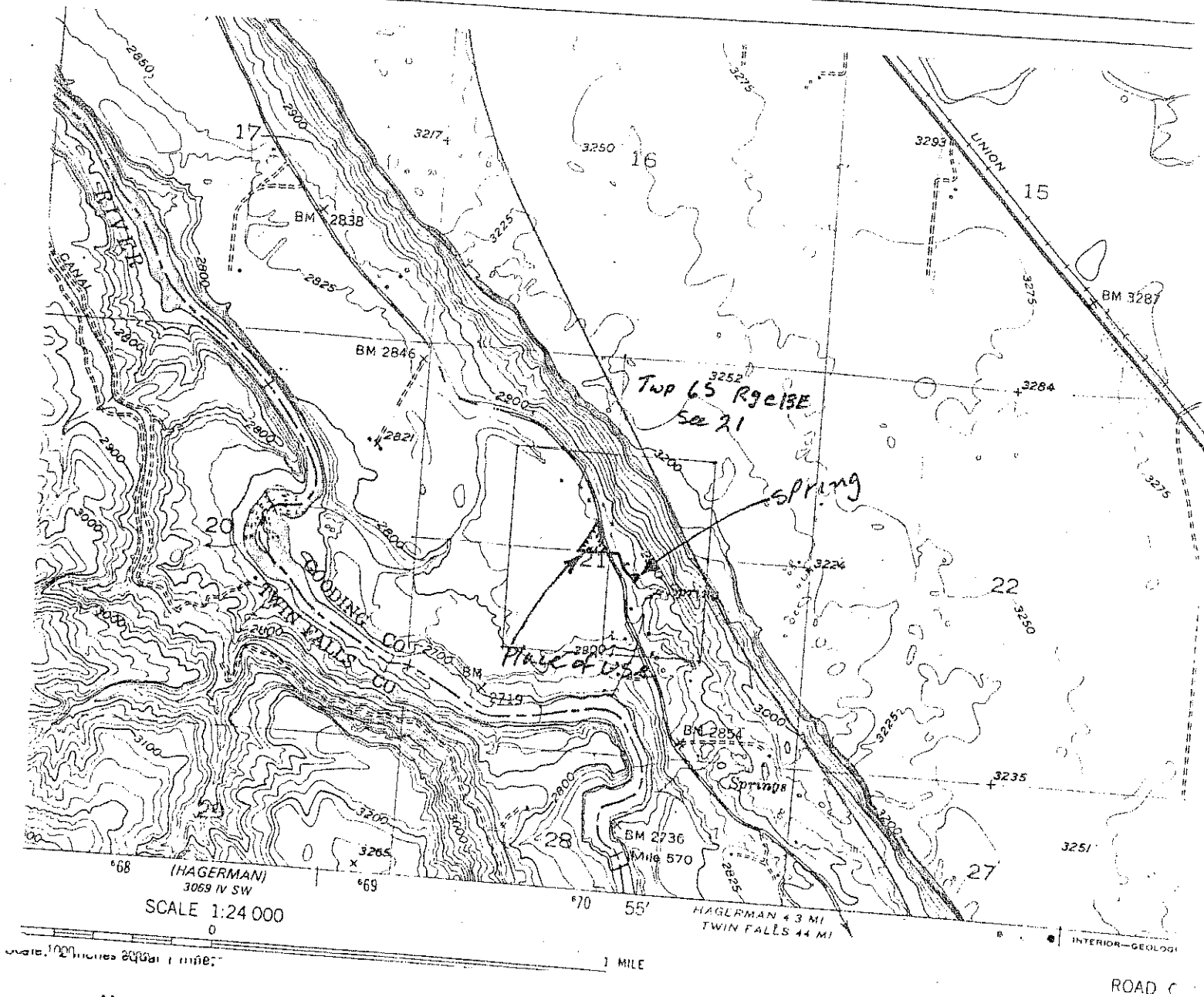
Aesthetics: Fish Pond

Domestic: 2 Homes

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 The right was recorded in the Gooding County Courthouse, 8/16/1948
Book 43- Page 157



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

State of Idaho)

) ss.

County of Gooding)

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.

Lloyd D. Hammond

Mellie P. Hammond
(Claimant)

Sworn to before me this 3rd day of May, 1983.

Cheryl L. Hoyt
Notary Public

Residing at Gooding, Idaho

My commission expires 6/22/83

FOR DEPARTMENT USE ONLY

Received by maurya

Date 5/4/83

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by js

Date 5-6-83

\$30.00 fee received by js

Date 5-6-83

27308

Published in Gooding County Leader

Dates 6/29 & 7/6/83

DO NOT WRITE IN THESE SPACES
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10-10-2001 BY 60322 JAL/STW

Cancelled check # 492
Idaho State Bank April 14-83
Cancelled 5-19-83

State of Idaho

WATER USER'S

FOR 4 ACRES
HAMMOND, LLOYD D.
&/or NELLIE P.
STAR ROUTE, BLISS, ID
83314
Source: SPRING trib. to
SINKS
Priority Date: 01/23/1948
Diversion Pt: NWSE Sec 21
T 06S R 13E
Use: IRRIGATION (0.22
CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
AESTHETICS (0.22 CFS)
In: SENW Sec 21 T 06S R 13E
FOR 4 ACRES

OOK



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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 37-04322A

NAME AND ADDRESS: LLOYD D HAMMOND
NELLIE P HAMMOND
519 B RIVER RD
BLISS, ID 83314

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.03 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 01/23/1948

POINT OF DIVERSION: T06S R13E S21 SENWSE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.01 CFS
	Domestic	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Domestic T06S R13E S21 SENW Within Gooding County

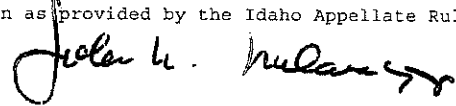
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a
determination of historical beneficial use.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication