

11/20/2006

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: 12/13/2006

Water right number: 75-10788

FRANCIS R HAMMOND
HAMBONE RANCH LLC
2639 KNOLLRIDGE DR
SIERRA VISTA AZ 85650
Telephone Number: (520)803-9174

RECEIVED

DEC 15 2006

IDWR/North

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

OTHER PROVISIONS
"DOMESTIC USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE"

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

PLEASE REMOVE THIS COMMENT THE
PRIORITY DATE FOR DOMESTIC USE ~~SHOULD~~ SHOULD BE
THE SAME (OR EARLIER) THAN IRRIGATION:

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

- 1) THE SURVEY #173 DATED AUG 15, 1913 SHOWING 3 BUILDINGS
BY FOREST RANGER SURVEYOR
2) PAGE 42 FROM BOOK "ROCKY MOUNTAIN TREASURES" BY JOHN O'CONNOR
SHOWING THE "FOURTH JULY HOTEL ON THIS PROPERTY"
I AGREE with this proposed recommendation: no changes need to be made.

DATE: DEC 11, 2006

SIGNATURE:

Please print your name:

Francis R Hammond
FRANCIS R HAMMOND

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

ATTACHMENT 3
MAP
PAGE 42 "BOOK"

11/20/2006

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

RIGHT NUMBER: 75-10788

NAME AND ADDRESS: FRANCIS R HAMMOND
HAMBONE RANCH LLC
2639 KNOLLRIDGE DR
SIERRA VISTA AZ 85650

SOURCE: FOURTH OF JULY CREEK

TRIBUTARY: PANTHER CREEK

QUANTITY: 0.090 CFS

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

PRIORITY DATE: 05/10/1910

POINT OF DIVERSION: T19N R18E S9 NWSWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS *
IRRIGATION	04/01 10/31	0.050 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T19N R18E S09 NWSE 1.50 T19N R18E S09 SWSE 1.00

DOMESTIC in LEMHI County

T19N R18E S09 SWSE

2.5 ACRES TOTAL

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.

Property is in Homestead Entry Survey No. 173.

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

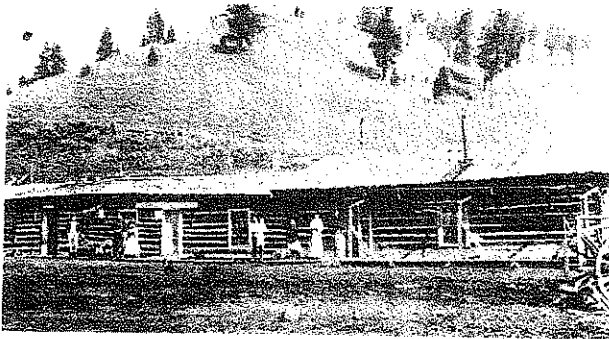
Ref map 3/4, 1913

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

*0.04 * 18 GAL/sec 25,850 Gal/24 hrs
0.05 ***

FORNEY, IDAHO

Prairie Basin



Forney as it looked in early days. Sign above door says Fourth July Hotel.

Mr. Forney, an early day trapper and prospector, built the first cabin at the mouth of a stream later called Fourth of July Creek, a small body of water entering Panther Creek from the west side and originating from the Yellowjacket summit. Mr. Forney soon departed; however, his name remained to identify this location. Both horse and mule pack trains going to and from the Loon Creek gold rush in the 1870's extensively used Prairie Basin and this site as a rest stop. Forney was located approximately forty miles from Salmon and about the same distance from Challis.

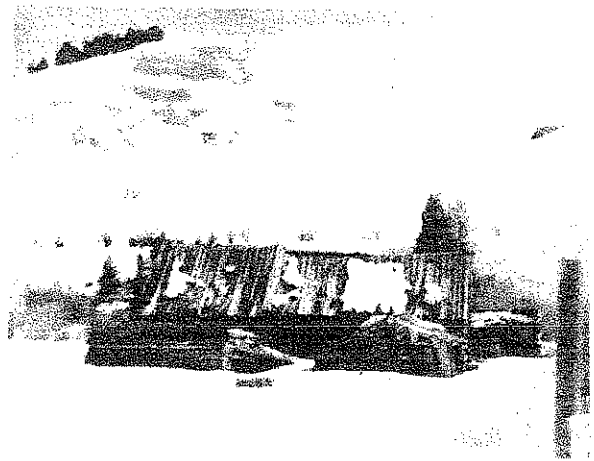
In the early 1890's the mine at Yellowjacket was activating and being serviced by pack trains since no roads existed. The heavy, important tramway cable for the Yellowjacket mining operation was packed from Mackay, Idaho, a distance of over one hundred miles. Travel was difficult requiring a pack string of twenty-seven mules traveling in single file. Each mule carried a small roll of cable on either side of a pack saddle. The cable was uncut and approximately one and one-half inches in diameter. It was rolled circular and placed over the pack saddle, then a straight length connected the



A view of the second and final location of Forney

next circular roll to the next animal, and so on. Three local packers were involved in the undertaking: Horace Hyde, Hank Smith and Al Barnes as well as several other men.

Prairie Basin was in great demand. A large area of choice livestock grazing made it a natural area for the many travel-weary horses and mules. Thousands of acres were amply watered by flowing streams and many natural springs that found their way to the surface. Wild game was plentiful. Creeks contained several varieties of fish in addition to, the Chinook salmon and steelhead trout that spawned in Panther Creek. Blue (or red) grouse, sage hen and Franklin grouse inhabited the area.



Barns and stable at old Forney. Built in 1895. Located at mouth of Fourth of July Creek on Panther Creek.

JOHN O'CONNOR

About the Author

John was born on July 5, 1907, in Salmon, Idaho, the eighth child of Frank and Belle O'Connor. During the latter part of 1907 the O'Connor family moved to Forney where they squatted on 160 acres of prime land. Frank died at an early age leaving Belle to raise their seven boys and five girls alone. Belle patented the land in 1916.

The children were introduced to work and responsibility at early ages. Work was plentiful at the mines, livestock operations, timbering and many other activities. Most of the boys received a man's wage at the age of fourteen. The girls were in demand by neighbors for all phases of domestic work and received like wages.

At the age of sixteen, John was hired by the Forest Service and spent that summer until late fall helping construct trails in remote areas. For the next few years, John was hired as a temporary Forest Service employee working at various jobs including lookout, trail builder, telephone maintenance and packer.

In 1923 John obtained work in Butte, Montana, as a bookkeeper for a mining operation. During the depression Butte curtailed all mining thus causing a serious unemployment problem.

Returning to Forney in 1931, John worked the home ranch adding to the cattle herd and training the horse herd. The duties of postmaster and switchboard operator as well as various other jobs were assumed, also.

John started an outfitting business which he ran for over thirty-five years. He met and married Lilah Johnson in 1942. Her family had been employed in like occupations and together John and Lilah lived and engaged in business at Forney for many years. Two daughters were born to this union.



HOMESTEAD ENTRY SURVEY No. 173, in the SALMON NATIONAL FOREST,

in
approx.
Section unsurveyed, T. 19 N. R. 13 E.
Section unsurveyed, T. —, R. —

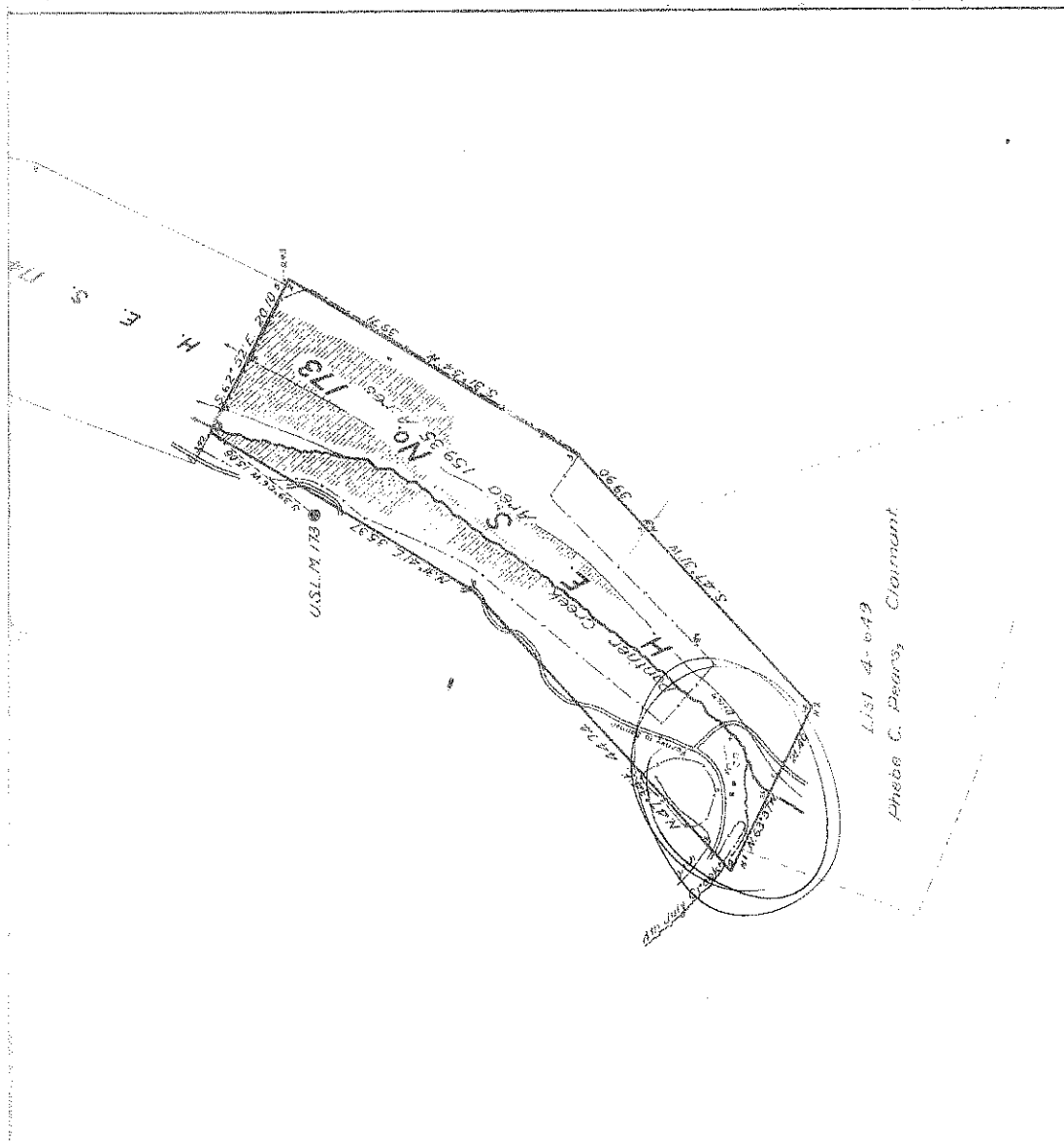
of the
BOISE MERIDIAN,
IDAHO,

MALCOLM B. MERRITT,
Claimant.

This plat of Homestead Entry Survey No. 173, situated in Section unsurveyed, in Township 19 North of Range 13 East and in Section unsurveyed, in Township — of Range — and in Section — surveyed, in Township — of Range — surveyed, in Township — of Range — of the Boise Base and Meridian, is strictly conformable to the field notes of the Survey thereof, on file in this office, which have been examined and approved

Office of U.S. Surveyor General
Boise, Idaho, March 5, 1914.

U.S. Surveyor General



By Whom Surveyed	When Surveyed	By Whom Surveyed	When Surveyed	Date of
U.S. Survey No. 173	Earl R. Gilchrist	U.S. Survey No. 173	Earl R. Gilchrist	April 1, 1909
	Forest Ranger-Surveyor		Forest Ranger-Surveyor	

Areas	Conflicts
U.S. Survey No. 173	
In Section	
In Section	
In Section	
Total	199.35

List No. 4-103 Date April 1, 1909
Act of June 11, 1906 Act of March 4, 1902
Homestead 43° 00' 09" N
Longitude 114° 17' W
Mean Mag. Decl. 20° 26' E

Scale
10 Chains equal 1 inch
Only by E.D.C.
Ind. copy F.C.I.

MS. A

Completed Aug. 20, 1915