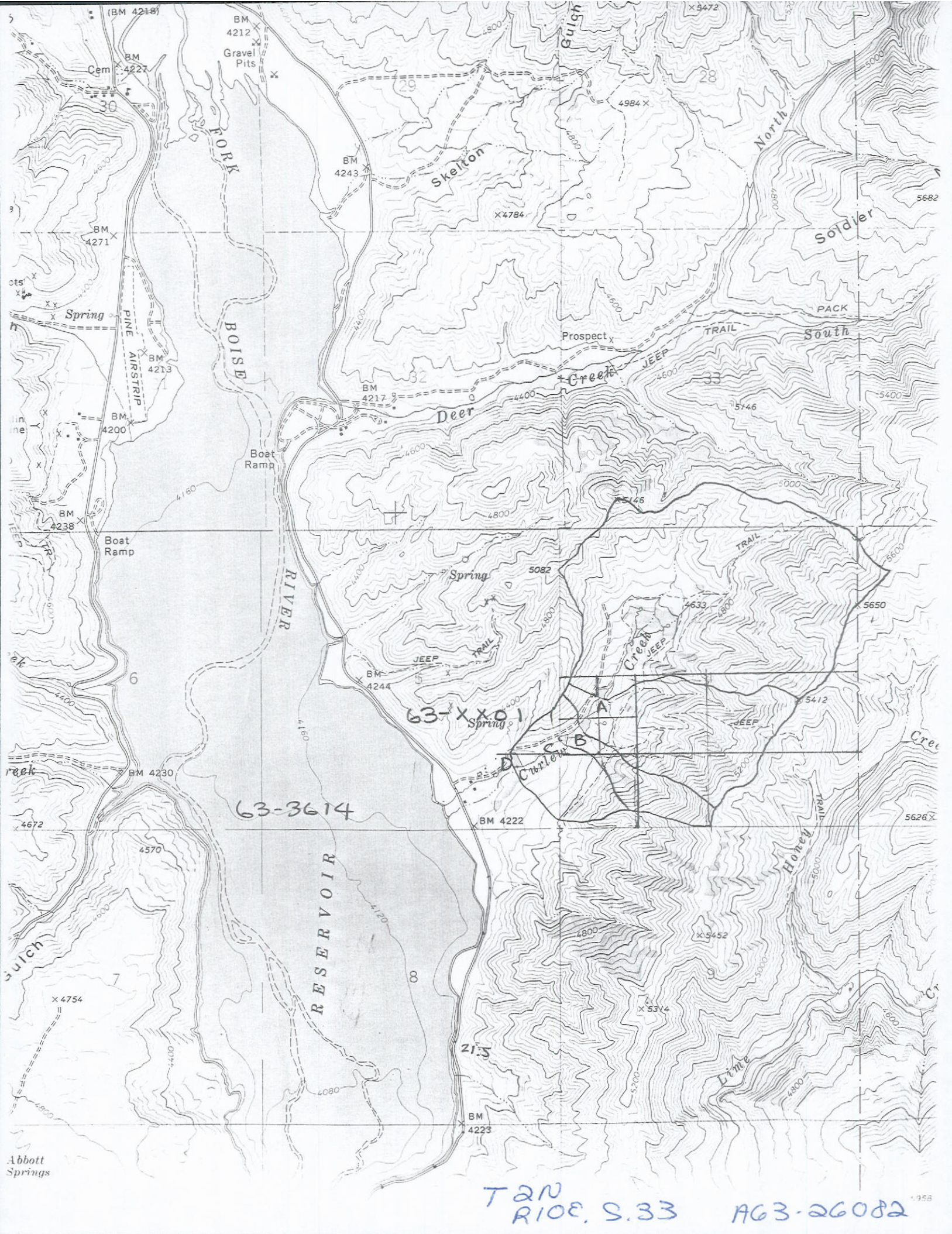
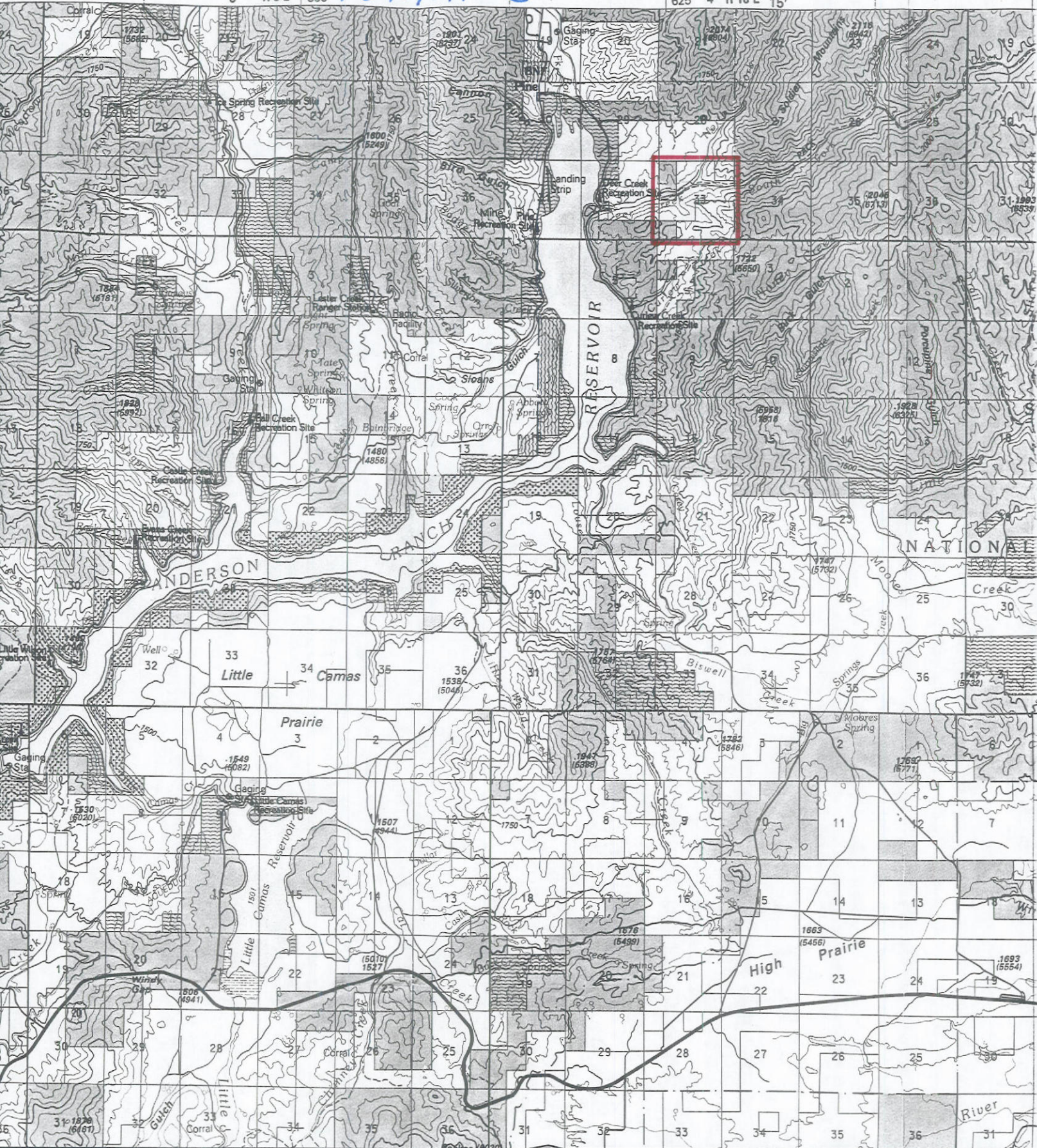




3 R 9 E 600 T2N, R10E

625 4 R 10 E 15'



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: **A63-26082**  
Date Received: 12/ 5/1989  
Receipt No: C013281  
Received By: DE JAL

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

1. Name: HAMMETT LIVESTOCK COMPANY 208-366-2411  
Address: PO BOX 33  
HAMMETT ID 83627

2. Date of Priority: JAN 1, 1922

3. Source: DEER CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N      | 10E   | 33      |        | SE     | NW  |     | ELMORE |

5. Description of diverting works:  
ACCESSES TO DEER CREEK FOR STOCKWATER

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| STOCKWATER | 05/15 | 10/15 | 0.060 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCKWATER, 1,200 HEAD SHEEP

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 02N      | 10E   | 33      | SE     | NW  |     | STOCK |       |

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:  
NONE

14. Remarks:  
PROPERTY IS LEADED BY APPLICANT FOR GRAZING

15. Basis of Claim: BENEFICIAL USE

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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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**

Identification No. AL63-26082  
Date Received 12-5-89  
Receipt Number C01328

# NOTICE OF CLAIM TO A WATER RIGHT

Should questions arise during the processing of this application please contact:

SHERL L. CHAPMAN  
410 S. Orchard, Suite 144  
Boise, ID 83705 V  
344-6690

4. **ACQUIRED UNDER STATE LAW**  
**For Domestic and/or Stockwater Purposes**  
**Where Daily Use is less than 13,000 gallons per day.**

**Filing Fee \$25**

**Please type or print clearly**

1. Name of Claimant (s) Hammett Livestock Company Phone (208) 366-2411

Mailing Address P.O. Box 33, Hammett, Idaho Zip 83627

2. Date of Priority (Only one per claim) 1/1/1922 Month/Day/Year

3. Source of water supply (Check one) ( ) Groundwater or Other (x) (a) Deer Creek  
which is tributary to (b) Boise River Name or kind of source

4. Location of point of diversion is: Township 2N Range 10E

Section 33, 1/4 of SE 1/4 of NW 1/4, Govt. Lot       , BM..

County of Elmore

Additional points of diversion if any: \_\_\_\_\_

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Accesses to Deer Creek for stock water.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Stock purposes from 5/15 <sup>Month/Day</sup> to 10/15 <sup>Month/Day</sup> amount .06 <sup>(cfs)</sup>

For \_\_\_\_\_ purposes from \_\_\_\_\_ (Both dates are inclusive) to \_\_\_\_\_ amount \_\_\_\_\_

7. Total quantity claimed .06 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1200 head of sheep, use will not exceed 13,000 gpd.

MICROFILMED

**SFP 14 1947**

## **HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION**

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: .2N Range 10E  
Section 33, SE 1/4 of NW 1/4, Govt. Lot \_\_\_\_\_, B.M.,  
for (Circle One) Domestic Stock Domestic and Stock  
Additional places of use, if any \_\_\_\_\_

11. In which county (ies) are lands listed above as place of use located? Elmore  
12. Do you own the property listed above as place of use? Yes \_\_\_\_\_ No X  
If your answer is No, describe in Remarks below the authority you have to claim this water right.  
13. Describe any other water rights used at the same place and for the same purposes as described above.  
(X) None or \_\_\_\_\_  
14. Remarks: Property is leaded by applicant for grazing.

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree  
Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff vs Defendant \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_

16. Signature (s)  
(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am Secretary  
of Hammett Livestock Company \_\_\_\_\_, that I have signed the foregoing  
document in the space below as Secretary of Hammett Livestock Company  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] Date 12/5/89  
Title and Organization Secretary, Hammett Livestock Company

State of Idaho/or \_\_\_\_\_ )  
County of Ada ) SS.

## NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn to (or affirmed) before me this 5 day of December 19 89

Notary Public [Signature]  
Residing at 2889 Cobble Way Wendover UT  
My Commission Expires 6/14/94

Last Name Hammett Livestock Company Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

MICROFILMED

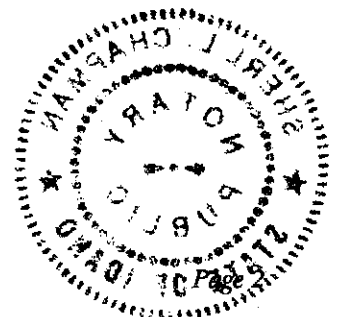
SEP 14 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.



IDAHO DEPARTMENT OF WATER RESOURCES 10/10/2001  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: HAMMETT LIVESTOCK COMPANY  
PO BOX 33  
HAMMETT ID 83627

SOURCE: DEER CREEK TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 01/01/1922

POINT OF DIVERSION:

T02N R10E S33 SENW Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 5/15 10/15           | 0.060 CFS       |

PLACE OF USE: STOCKWATER Within ELMORE County

T02N R10E S33                      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. SECTION 42-1412(6), IDAHO CODE.

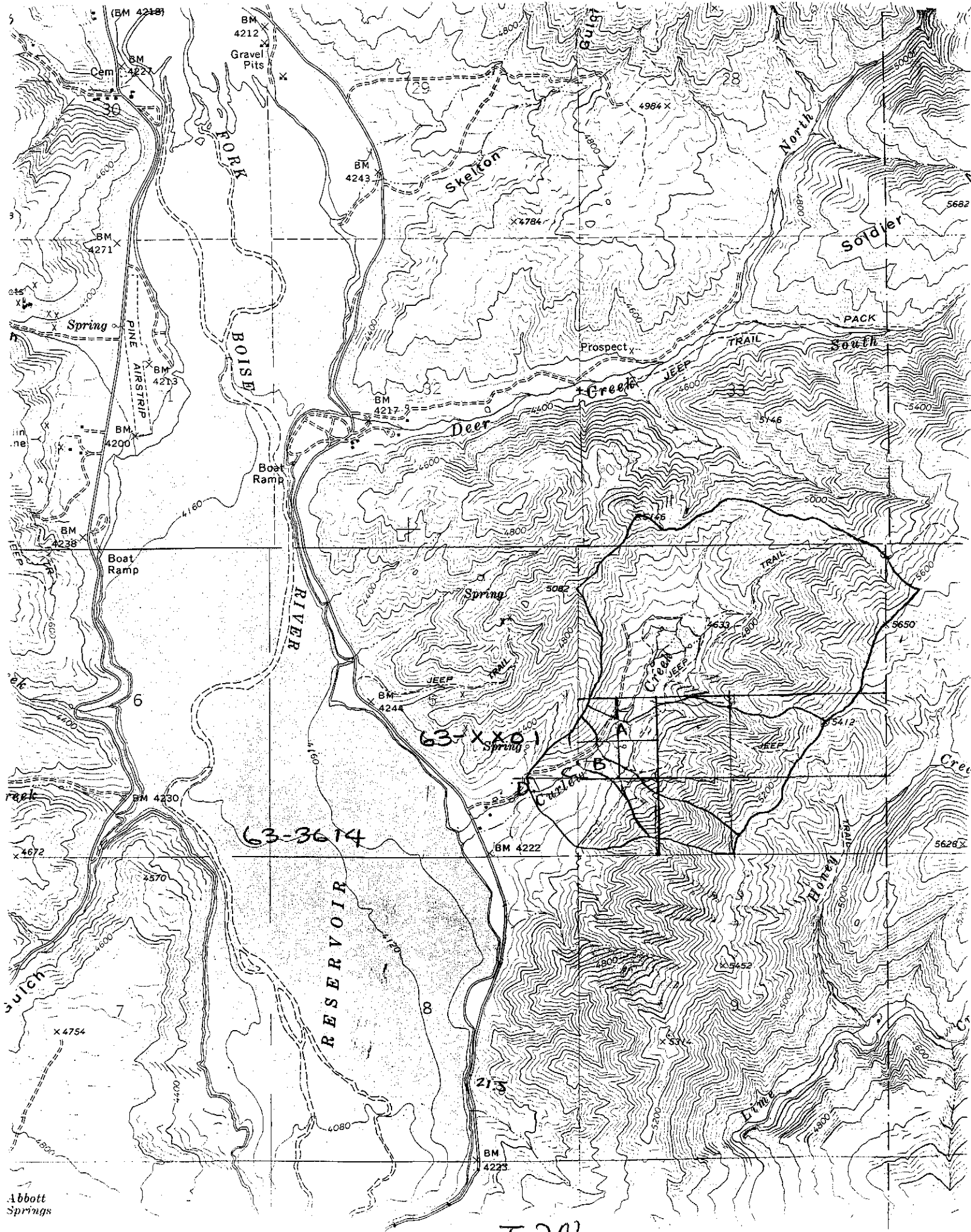
EXPLANATORY MATERIAL: Beneficial Use

STOCKWATER, 1200 SHEEP

DATE: 09/11/98  
PAGE: 1

|              |                        |                        |                                                                             |
|--------------|------------------------|------------------------|-----------------------------------------------------------------------------|
| Remarks: EXP | STOCKWATER, 1200 SHEEP |                        |                                                                             |
| Dates:       | Exam Made Date:        | Verified Date:         | Objection Filed Date:                                                       |
| Misc:        | Water District Number: | Field Inspection Flag: |                                                                             |
|              |                        | Presumption Flag:      |                                                                             |
| Comments:    | Date: 09/09/1998       | User-ID: CWALKER       | Subject: COPIED FROM REMARKS<br>PROPERTY IS LEADED BY APPLICANT FOR GRAZING |
| Audit:       | 09/11/98               | CWALKER                |                                                                             |

Per assessor = Rod Weston, owner



T2N  
R10E, S.33 AG3-26082

**Schulte, Mel**

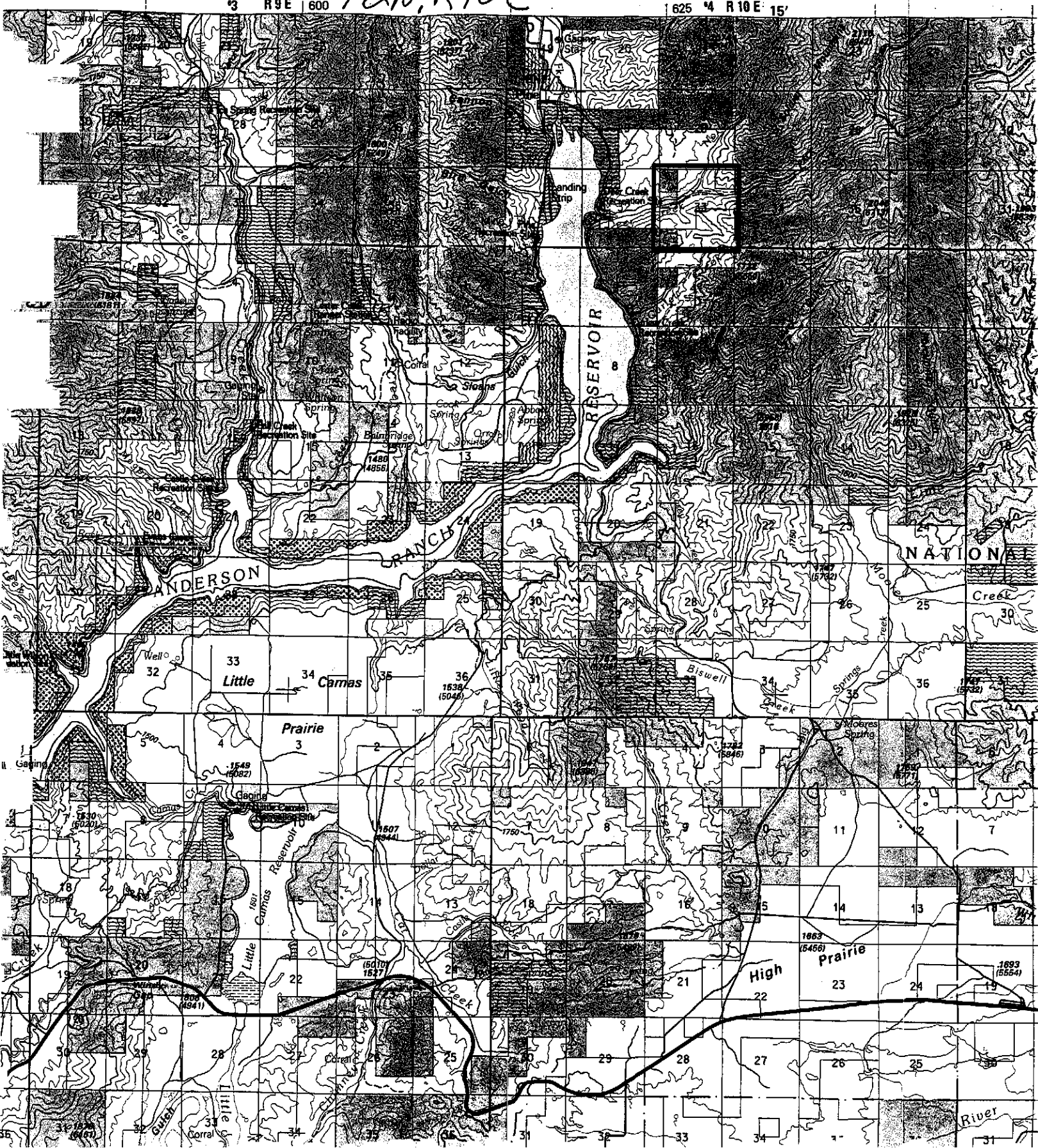
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**To:** schapman@eroresources.com  
**Cc:** mschulte  
**Subject:** Hammett Livestock Co. claims A63-26081, A63-26082 & A63-26083

Sheri, Back in 1989 you filed the above referenced SRBA stockwater claims for Hammett Livestock. I'm reviewing the claims and need some direction prior to making my recommendations. My initial review of the land ownership indicates that A63-26081 and A63-26083 are on USFS land that Hammett Livestock leased at the time the claims were filed. The Elmore County Assessor's Office records indicate that the land subject to A63-26082 is owned by Weston and the claim states that it is also leased by Hammett Livestock.

Do your clients still have leasehold interests that relate to these claims? If we recommend them as in stream stock water rights it is possible that the USFS and the private owner will object to the recommendations. I would like some direction from the claimants before I proceed with preparation of the recommendations. If you want me to correspond with them directly let me know. If you need any additional information call me at 334-2190. Thanks! Mel Schulte

1 625 '4 R 10 E: 15'



AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-5-1997  
PAGE: A-97

RIGHT NUMBER: 63-26082

NAME & ADDRESS: HAMMETT LIVESTOCK COMPANY  
PO BOX 33  
HAMMETT ID 83627

*Owner*  
*Rod Daniel Weston*  
*4801 Hillside*  
*Boise 83703*

SOURCE: DEER CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.06 CFS

PRIORITY DATE: 01/01/1922

POINT OF DIVERSION: T02N R10E S33

SENW

Within ELMORE County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE  
STOCKWATER STOCKWATER, 1,200 HEAD

PERIOD OF USE  
05-15 10-15

QUANTITY  
0.06 CFS

PLACE OF USE:

STOCKWATER  
T02N R10E S33

Within ELMORE County  
SENW

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

PROPERTY IS LEADED BY APPLICANT FOR GRAZING

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

*SW-1200 sh.*

Verified by *D Smith* Date: *7/30/98*  
Verification Source: *City Maps*

*Hold for pending exam*



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

**1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098**

**Phone: (208) 327-7900 FAX: (208) 327-7866**

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August 19, 1998

**PHILIP E. BATT  
GOVERNOR**

**KARL J. DREHER  
DIRECTOR**

ROD DANIEL WESTON  
4801 HILLSIDE  
BOISE ID 83703

RE: Snake River Basin Adjudication (SRBA)  
Notice of Claim to a Water Right No. A63-26082

Dear Claimant:

We have been advised you may be the present owner of the property with the water right referenced above.

Before we can modify our records to reflect your ownership of the water right referenced above, we need Form 42-248/42-1409(6) completed. This form is enclosed for your use. Please follow the instructions on the back of the form and return to my attention at this office by September 2, 1998.

Please call this office toll-free at 1-800-451-4129 if you have any questions.

Yours truly,

Sandy Egbert  
Clerical Specialist

cc: Regional office

Enclosures: Form 42-248/42-1409(6)

Copy of No.A63-26082 water right filing

3/26/1990

## SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Hammett Livestock CLAIM IDENT. NO. \_\_\_\_\_DATE RECEIVED 12-5-89 CK # 3582 AMOUNT \$ 25 / \$ 300

Required

- |                                                                                                                                                                                                                                                                                                                                                | YES                                 | NO                       | Info? |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|-------|
| 1. Is the name and address complete with zip code?                                                                                                                                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *     |
| 2. Is a priority date entered?<br>Is the priority date acceptable in view of mandatory filing dates?<br>See Adjudication Memos #1 and #4 to determine if a Permit is required.                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *     |
| 3. (a) Is a source entered?                                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *     |
| (b) Is a tributary to entered? (if required) N/A                                                                                                                                                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *     |
| 4. Is the legal description of the p.d. sufficient?                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *     |
| 5. Is there a description of the diverting works?                                                                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *     |
| Is the period of use included?                                                                                                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |
| Is a quantity claimed for each use?                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |
| 7. Is a total quantity claimed entered?                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |
| 8. If required is a consumptive use entered? N/A                                                                                                                                                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |
| Is the consumptive use correct? N/A                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *     |
| 10. Is (are) the place(s) of use and purpose(s) indicated?                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *     |
| 11. Is (are) the county(ies) entered?                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |
| 12. Is the ownership of p.u. checked?                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |
| 13. Are other water rights listed or "none" indicated? (see Item No. 17 for checking other water rights)                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |
| 15. Is the basis of the claim indicated?                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |
| 16. If the basis of claim is shown as license, permit or decree is the existing water right number listed? (If yes, compare claim with the existing water right and either attach a proof report or state in comments that existing right was compared to claim) N/A                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. on the claim? (If yes, describe these rights in "Comments") NOTE: If the claim is for domestic/stockwater this check is not as necessary unless it is indicated there is an existing right N/A | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |
| 19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *     |
| 20. Has the claim been signed, sealed, and dated by a notary?                                                                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *     |
| 21. Was this claim filed on time, or was an extension granted?                                                                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *     |
| 22. Is the fee enclosed correct? Exempt                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *     |

MICR

SEP 14 1992

23. Should this claim be receipted and data entered?

YES NO

☒

☐

Claim checked by: JED

Date: \_\_\_\_\_

Claim must be returned to claimant: \_\_\_\_\_

(Yes)

☒ (No)

Claimant must be notified of modifications: \_\_\_\_\_

(Yes)

☒ (No)

Receipt Prepared by: \_\_\_\_\_

Date: 12-5-89

Claim data entered by: JED

Date: 10-22-91

Checked by: \_\_\_\_\_

Date: \_\_\_\_\_

Sent to claimant by: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_