

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: **A02-07172P**
Date Received: 8/27/1998
Receipt No: W024312
Received By: _____

AMENDED

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

AMENDED

1. Name: HAMMETT PUBLIC PARK 208-366-2100
Address: C/O ORVILL W CLARK
HC 63 BOX 16
HAMMETT ID 83627

2. Date of Priority: OCT 21, 1974

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	08E	2	SE	NW	SE	6	ELMORE

5. Description of diverting works:
PUMP, SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.200		39.20

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) 39.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	08E	2	NW	SE	6	IRR	9.8

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	9.8
					Total Acres	9.8

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:

14. Remarks:

PUBLIC OWNS, SEE ATTACHED BOISE TITLE AND TRUST DOCUMENT.
FRUITLAND SUBDIVISION, LOT 2, BLOCK 34.
SPLIT CLAIM FROM A02-07172A.
NO LATE FEE DUE TO NOT BEING NOTIFIED.
CLAIM AMENDED PER TRANSFER NO. 5366 APPROVED 1/4/2000.
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.

15. Basis of Claim: BENEFICIAL USE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5366
WATER RIGHT NO. 02-07172D

Western
Use
RECEIVED

JAN 12 2000

WATER RESOURCES
WESTERN REGION

RECEIVED

JAN 10 2000

IDWR/North

This is to certify that: **HAMMETT PUBLIC PARK**
C/O ORVILL W CLARK
HC 63 BOX 16
HAMMETT ID 83627

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.20 CFS	39.2 AF /

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SNAKE RIVER	COLUMBIA RIVER

Priority: 10/21/1974

LOCATION OF POINT(S) OF DIVERSION: Lot 6 (SENWSE), Sec. 2, Township 06S, Range 08E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	08E	2	Lot 6 (NWSE)	9.8		9.8
Total number of acres irrigated:						9.8

CONDITIONS OF APPROVAL AND REMARKS

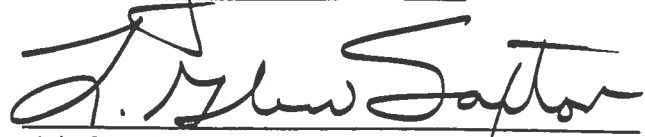
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

TRANSFER NO. 5366
WATER RIGHT NO. 02-07172D

CONDITIONS OF APPROVAL AND REMARKS

5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Dated this 4th day of January, 2000.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 02-07172A

FROM: Sharla

DATE: December 23, 1999

RE: Transfer 5366

Transfer 5366 adds a point of diversion, splitting the right into parts C and D. This transferred portion relates to SRBA claim 02-07172P.

The current standard irrigation season for this area is 3/15 – 11/15, thus remark W61 has been added. The standard volume for this area is 4.0 af/ac; the volume for the transferred portion has been changed accordingly.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant HAMMETT PUBLIC PARK Phone (208) 366-2100
Post Office address C/O ORVILLE W CLARK, HC 63, BOX 16
A. PURPOSE OF TRANSFER HAMMETT, ID 83627

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes NEW OWNERS

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
~~A02-07172A~~	~~10-21-74~~	~~5.92~~	~~IRR~~	~~04/01 to 10/31~~
02-07172D	10-21-74	0.196	IRR	04/01 to 10/31
				to
				to

2. Total amount of water being transferred 0.196 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water SNAKE RIVER tributary to COLUMBIA RIVER
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

a. Description of diversion system Pump - HANDLINES - SPRINKLERS

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NO - CHANGE, DIFFERENT P/D

d. Remarks:

PUBLIC OWNS, SEE ATTACHED BOISE TITLE AND TRUST

DOCUMENT, ALSO ADJUDICATION CLAIM.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 02-07172A issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other NO TAX

3. Source of water SNAKE RIVER tributary to PUBLIC PROPERTY
COLUMBIA RIVER
4. Date or priority 10/21/1974

5. Water is used for the following purpose:

amount RR 5.92 for IRR purposes from 04-01 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 5.92 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
07		NW	SW	01	6S	8E	ELMORE	
07		NE	SW	01	6S	8E		
06		NW	SE	02	6S	8E		

8. Lands irrigated or place of use. NE SE 02 6S 8E & LOT 05, NESW, S02, 6S, 8E

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
06S	8E	01							40		15	14							69
		02	40	40	40	40				28	14				11	14			227

Total acres 296

9. Describe any other water rights used for the same purpose as described above King Hill water

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1196 for IRR purposes from 04/01 to 10/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
<u>06</u>	<u>SE</u>	<u>NW</u>	<u>SE</u>	<u>02</u>	<u>6S</u>	<u>8E</u>	<u>ELMORE</u>	

will be
02-071720

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
<u>6S</u>	<u>8E</u>	<u>02</u>														<u>9.8</u>			<u>9.8</u>
																<u>lot</u>			
																<u>06</u>			

Total acres 9.8

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

BALANCE OF RIGHT
✓

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

will be
02-071720C

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE Attachments A & B

PART 3

B. CHANGES IN NATURE OF USE

NA

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Oswill W. Clark
(Signature of Applicant)

Subscribed and sworn to before me this 27th day of Aug, 19 98.

Ron Howerton
(Notary Public)

My commission expires 2006

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by Rdh Date 27 Aug 98 Protest filed by _____

Prelim. check by JK Fee \$100.00 _____

Receipted by Rdh Date 27 Aug 98 _____

Published in mta Home News Copies of protest forwarded by _____

Pub. dates 1-6+13-99 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

100.00 rec'd. W024314 by Ron Howerton

Copy of transfer sent to lien holder _____

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
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CIVIL CASE NUMBER: 39576

Ident. Number: A02-07172P
Date Received: 8/27/1998
Receipt No: W024312
Received By: Rch

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ACQUIRED UNDER STATE LAW

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HC 63 BOX 16
HAMMETT ID 83627

2. Date of Priority: OCT 21, 1974

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	08E	2	SE	NW	SE	5	ELMORE

5. Description of diverting works:
PUMP, SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.196		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	08E	2	NW	SE	5	IRR	9.8

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	9.8
					Total Acres	9.8

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:

14. Remarks:

PUBLIC OWNS, SEE ATTACHED BOISE TITLE AND TRUST DOCUMENT.
FRUITLAND SUBDIVISION, LOT 2, BLOCK 34.
SPLIT CLAIM FROM A02-07172A.
NO LATE FEE DUE TO NOT BEING NOTIFIED.

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 Organizations:

I do solemnly swear or affirm that I am Committee Member of
Title
Hammatt Public Park that I have signed the foregoing
Organization
document in the space below as Committee Member of
Title
Hammatt Public Park and that the statements contained in the
Organization
foregoing document are true and correct.

Oswill W. Clark
Signature of Authorized Agent

Committee Member
Title and Organization

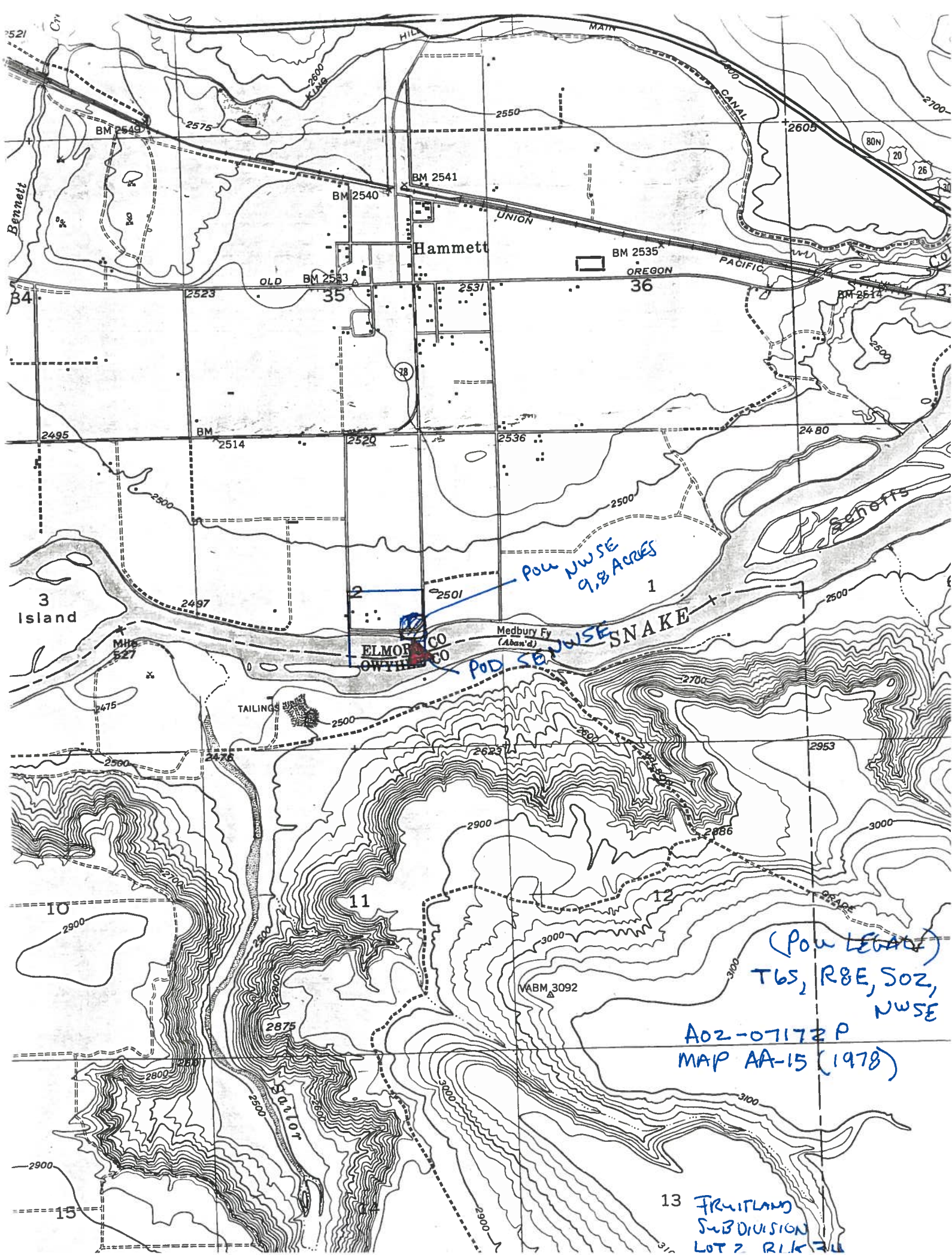
8-27-1998
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of AUG 19 98
Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 2000



WR0749NP
No. 02-07172A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/11/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EVAN E KOHTZ HAMMETT ID 83627	10/21/1974	IRRIGATION	04/01 10/31	5.920 CFS	1332.50 AFA
TOTAL DIVERSION:					5.920 CFS	1332.50 AFA

Water Source: SNAKE RIVER

Tributary to: COLUMBIA RIVER

Stage: LICENSE

Point(s) of Diversion: T06S R08E S01 Lot 07(NESW) Lot 07(NWSW) ELMORE County
S02 Lot 05(NESW) Lot 06(NESE) Lot 06(NWSE) ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
06S	08E	1	:					:			40		:	07-15	07-14			:						:	69.0
06S	08E	2	:	01-40	02-40	40	40	:			28		:	05-14				:	06-11	06-14				:	227.0
TOTAL ACRES																							296.0		

Pou County: ELMORE

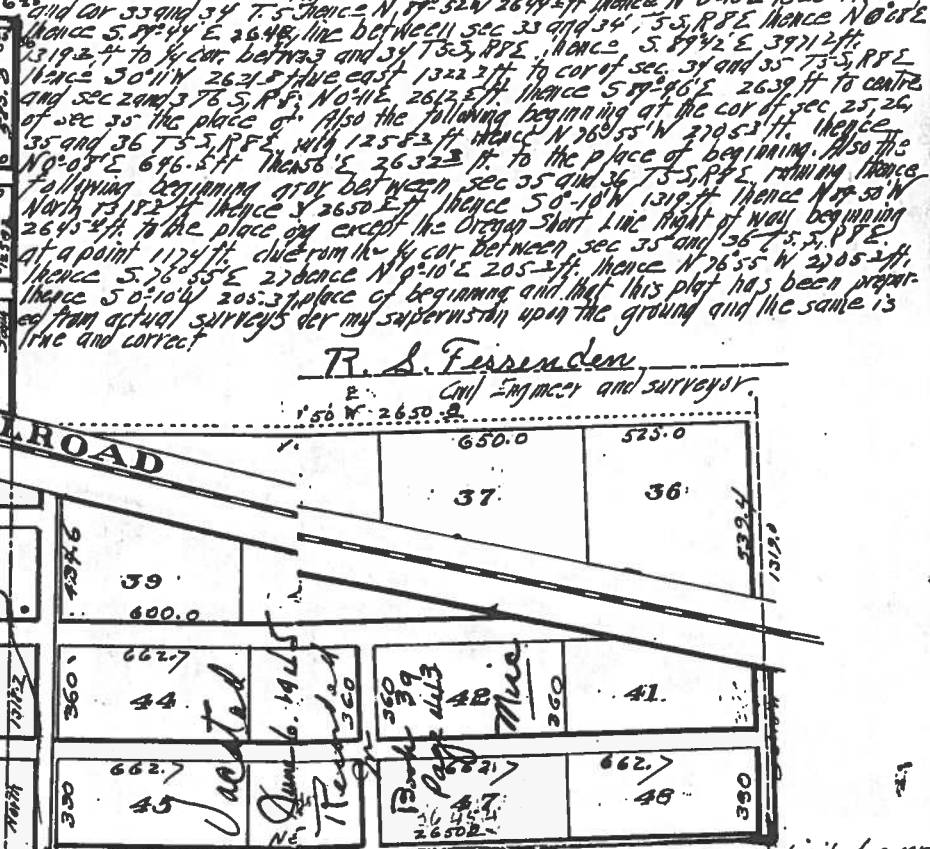
Remarks: GEN SUPPLEMENTAL TO KING HILL IRR. DIST. WTR.
TRANS. 2522.

Dates: App. Received: Priority Date: 10/21/1974
Proof Due Date: 11/01/1979 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 06/08/1982

Misc: Water District Number: Field Exam Fee:

Comments: Date: 08/29/1994 User-ID: PSKAGGS Subject: TRANSFER NO. 4394
Transfer No. 4394 was filed to change the point of diversion for
a portion of Right No. 02-07172, splitting the right into parts A
and B. A02-07172K is the associated SRBA Claim to this portion
of the right and will also be changed by this transfer.

Audit: 08/29/94 PSKAGGS



TOWNSITE OF
MEDBURY

R. S. Feisenden
Cnl Engineer and surveyor.
50 N. 2650-2

[illegible]

IN WITNESS WHEREOF said company has hereunto caused its name to be
 subscribed and its corporate seal attached this 13th day of November 1909
 BOUSE TITLE AND TRUST COMPANY, LIMITED
 TRUSTE

by M. J. Ross
Secretary

State of Idaho, s.s.
County of Ada

On this 13th day of November in the year 1909, before me,
Lincoln A. Logan, a Notary Public in and for the said county personally
appeared W. J. Gibbs known to me to be the Secretary of the corporation
that executed the foregoing instrument and acknowledged to me that such
corporation executed the same.

IN WITNESS WHEREOF I have hereon s.s.

IN WITNESS WHEREOF I have hereon set
my hand and official seal the day and year
in this certificate first above written

Oliver A. Haza
Notary Public.

*Distances measured from
center of Streets*

RIVER