

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: A72-04041
Date Received: 12/06/1989
Receipt No: S010615
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT C. HAMMOND 208-529-4706
Address: RT 4, BOX 223
IDAHO FALLS, ID 83401

2. Date of Priority: JUN 01, 1883

3. Source: HOT SPRINGS CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	26		NE	NE	1	CUSTER

5. Description of diverting works:
VIA OLD POWER-DAM DITCH, SEE ATTACHED.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

8. Total consumptive use is 368.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	23	SE	SE		IRR	30.0
						Section Acres	30.0
		25	NW	NW		IRR	40.0
						Section Acres	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	26	NE	NE	1	IRR	35.0
Section Acres							35.0
Total Acres							105.0

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A72-10139, UNNAMED SPRING14. Remarks:
ORIGINAL STATUTORY CLAIM FILED FOR 20 ACRES IN NE NE, SEC 26.
SEE ATTACHED PROOF.

15. Basis of Claim: STATUTORY CLAIM

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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
Ident. Number A72-4041
Date Received 11/29/89
Receipt Number _____

RECEIVED

DEC 4 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 29 1989

Department of Water Resources
Eastern District Office

1. Name of Claimant(s) Robert C. Hammond Phone (208) 529-4706

Mailing Address Route 4, Box 223, Idaho Falls, Idaho Zip 83401

2. Date of Priority (Only (1) per claim) June 1, 1883

3. Source of water supply (a) Hot Springs Creek

which is tributary to (b) Salmon River

4.a. Location of existing

point of diversion is: Township 14N. Range 19E. Section 26 ,
1/4 of NE 1/4 of NE , Govt. Lot, B.M., County of Custer

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of
_____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. _____

Water is diverted at an old un-used power dam. Ditch 3' wide, 100' long, brings water to West Fork of Hot Springs Creek, then 100' downstream on West Fork. A small check dam diverts water to place of use.

COPY

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Water is claimed for the following purposes:

(Both dates are inclusive)

(cfs) (acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 2.0 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 368 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP:RNG:SEC:	NE1/4	:	NW1/4	:	SW1/4	:	SE1/4	:TLS
:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:
14N:19E: 26: 35'	'	:	'	:	'	:	'	: 35
'	'	:	'	:	'	:	'	: 40
'	'	:	'	:	'	:	'	: 30: 30
'	'	:	'	:	'	:	'	:
'	'	:	'	:	'	:	'	:
'	'	:	'	:	'	:	'	:
'	'	:	'	:	'	:	'	:
'	'	:	'	:	'	:	'	:

Total number of acres irrigated 105

11. In which county(ies) are lands listed above as place of use located?
Custer

12. Do you own the property listed above as place of use? Yes X No _____
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.

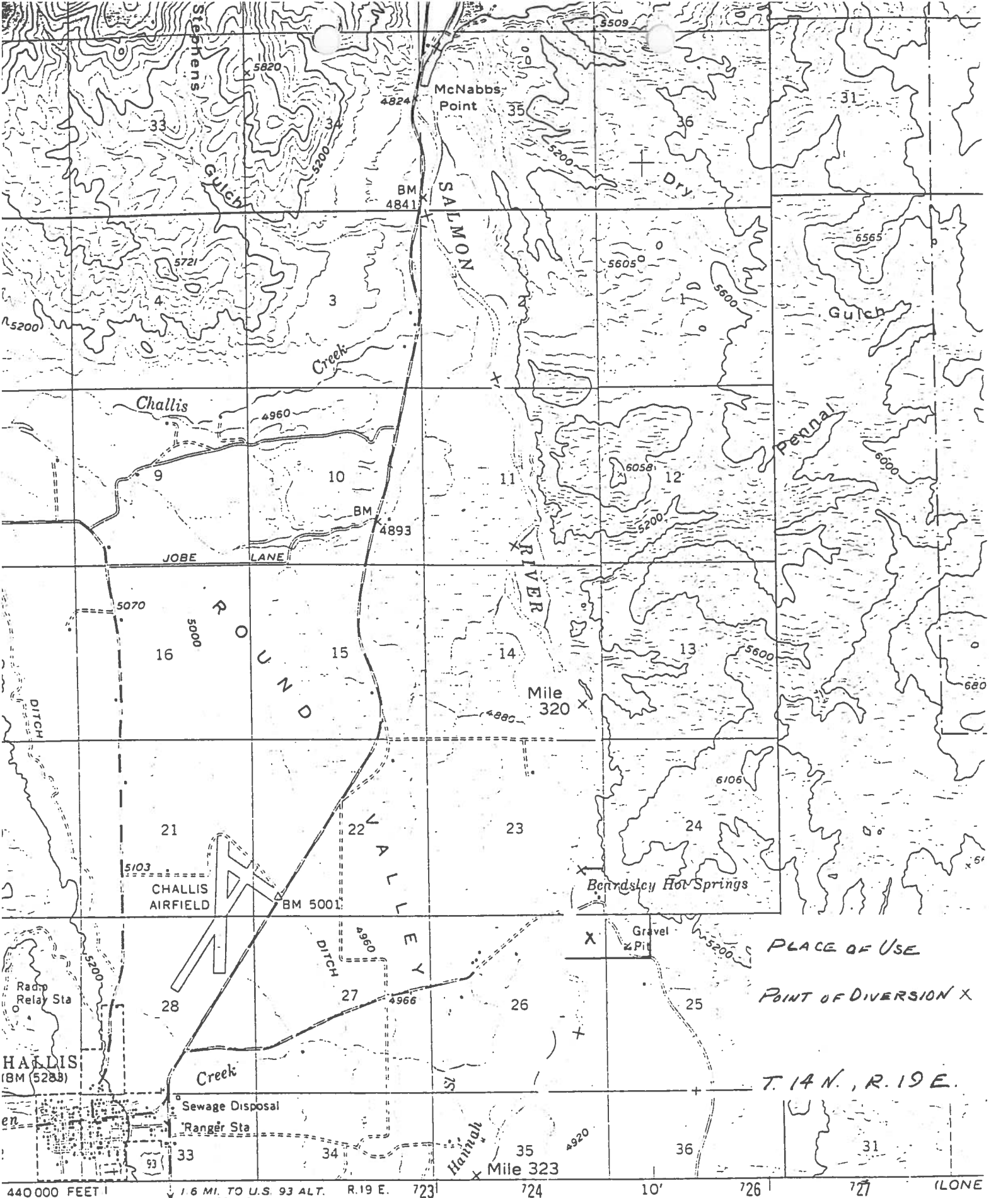
Additional water is diverted from unnamed springs in Sec.26 and brought to some of this land by means of ditches--see claim for unnamed spring.
or None ()

14. Remarks:

Last Name Hammond Ident. Number A72-04041

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MAR 18 1993



edited, and published by the Geological Survey
USGS and USC&GS
y from aerial photographs by photogrammetric methods
tographs taken 1954. Advance field check 1956

440 000 FEET
1.6 MI. TO U.S. 93 ALT. R.19 E. 723 724 10' 726 727 (LONE

SCA
MICROFILMED
MAR 19 1993
3000 0 3000 6000
1 5 0 1

If applicable provide IDWR Water Right Number 72-4041
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 1

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

Signature of Claimant(s) Robert C. Hammond Date Nov 28, 1989
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ of _____, that I have signed the Title _____ Organization _____ foregoing document in the space below as _____ Title _____ of _____ and that the statements contained in the Organization _____ foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day of November, 1989.

Notary Public Kent W. Foster
Residing at Idaho Falls
My Commission Expires 11/10/92

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Kent W. Foster
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date 11/29/89

Last Name Hammond Ident. Number A72-04041

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MAR 1 8 1993

MAR 18 1993

Page 2

Page 2

Page 2

Page 2



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Dec. 8, 1989

Re: A72-04041
A72-07039
A72-10139
A72-10140

ROBERT C HAMMOND
RT R BOX 223
IDAHO FALLS ID 83401

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-04041
ROBERT C. HAMMOND
RT 4, BOX 223

IDAHO FALLS

ID 83401

*Letter sent to Attorney
(Kent Foster)*

RE: Evidence of Priority

RESPONSE DEADLINE

MAY 1, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **May 1, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-04041
KENT W. FOSTER
P.O. BOX 50130

A72-10139
KENT W. FOSTER
P.O. BOX 50130

IDAHO FALLS

ID 83401

IDAHO FALLS

ID 83401

RE: Evidence of Priority

RESPONSE DEADLINE

MAY 1, 1992

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Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 18 1992

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
MICHAEL D. CRAPO
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
KUMEN L. TAYLOR
JAMES K. SLAVENS

WEST ONE BANK
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

KEY FINANCIAL CENTER
702 W. IDAHO SUITE 610
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

WM. LYMAN BELNAP, P.A.
RANDALL B. REED
RONALD D. CHRISTIAN

ARTHUR W. HOLDEN
(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
TERRY L. CRAPO
(1939-1982)
WILLIAM S. HOLDEN
(1907-1988)

July 9, 1992

RECEIVED

JUL 13 1992

Allen Merritt, P.E.
Water Rights Supervisor
IDAHO DEPARTMENT OF WATER RESOURCES
222 Shoshone Street East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

RE: SRBA Claims A72-10139, A72-04041, A72-11734,
and A72-10140

Dear Mr. Merritt:

You wrote to us on March 2, 1992, requesting evidence supporting the claimed priority dates of the above listed claims. As you can well imagine, such information is not easy to come by.

This Challis Hot Springs property has been in a single family since it was first homesteaded in 1883 by Robert Beardsley. We have been able to discuss the information available to the family and secure an affidavit from its oldest living member, Mrs. Mildred Kimpton. We are enclosing her original affidavit with this letter. We are still searching for other documentation, but have so far been unable to locate anything more than what is enclosed.

Yours very truly,



Kent W. Foster

#7835.00/srs

Enclosure

MICROFILMED

MAR 18 1993

DISTRICT COURT SRBA
FIFTH JUDICIAL DISTRICT
COUNTY OF TWIN FALLS, STATE OF IDAHO

NOV 30 1999

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

In Re SRBA

Subcase 72-04041
(Insert Water Right Number)

Case 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: 11/30/99

Robert C. Hammond
(Claimant)

Robert C. Hammond
(Objector)

Stuart O. O'Connell
IDWR Concurrence

Paul W. Intro, atty for claimant

AS TO Form
2000
Attorney for IDWR

AJ5856NP
NOV-17-1999

IDAHO DEPARTMENT OF WATER RESOURCES

DATE:

PAGE: A-245

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER
RIGHT NUMBER: 72-04041

NAME & ADDRESS: ROBERT C HAMMOND
RT 4 BOX 223
IDAHO FALLS ID 83401

SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

QUANTITY: 0.03 CFS

PRIORITY DATE: 06/01/1883

POINT OF DIVERSION: T14N R19E S23 LOT 8 (SESESE)

Within CUSTER County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31 0.03 CFS

QUANTITY

PLACE OF USE: IRRIGATION Within CUSTER County
T14N R19E S23 Lot 8 (SESE) 1
1 ACRES TOTAL

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:

WATER RIGHT NO. SOURCE
NONE NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO. SOURCE
NONE NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
SOURCE IS ALSO KNOWN AS HOT SPRINGS CREEK.

See
[Signature]

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on 11/30, 1999, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

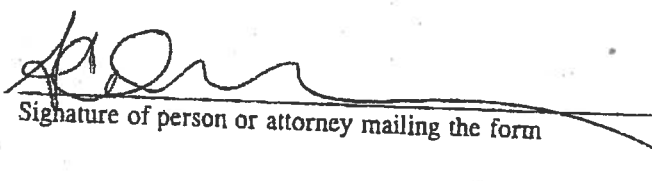
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Adjudication Team
550 W Fort St., MSC 033
Boise, ID 83724


Signature of person or attorney mailing the form

AJ5855NP
1346

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: January 26, 1999
PAGE: 1

RIGHT NUMBER: 72-10140

NAME AND ADDRESS: ROBERT C HAMMOND
RT 4 BOX 223
IDAHO FALLS ID 83401

SOURCE: CHALLIS HOT SPRINGS TRIBUTARY: SALMON RIVER

QUANTITY: 2.62 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.
FACILITY VOLUME 101,655 CU. FT.

PRIORITY-DATE: 06/01/1914

POINT OF DIVERSION T14N R19E S23 LOT 8 (SESESE) Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	COMMERCIAL	01-01 12-31	2.6 CFS
	HEATING	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.02 CFS

PLACE OF USE: COMMERCIAL Within CUSTER County
T14N R19E S23 LOT 8 (SESE)

HEATING Within CUSTER County
T14N R19E S23 LOT 8 (SESE)

DOMESTIC Within CUSTER County
T14N R19E S23 LOT 8 (SESE)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
COMMERCIAL, 2 SWIM POOLS, GREENHOUSE; HEATING & DOMESTIC, 1 HOME



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

January 26, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

72-11734
ROBERT C HAMMOND
1828 S 55 W
IDAHO FALLS ID 83402

RE: Water Rights in Reporting Area 4, Basin 72
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in part of basin 72 (Upper Salmon River area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note you have 120 days in which to review the water rights of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouse in Challis and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed later this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

AJ5855NP
1615

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: January 26, 1999
PAGE: 1

RIGHT NUMBER: 72-11734

NAME AND ADDRESS: ROBERT C HAMMOND
1828 S 55 W
IDAHO FALLS ID 83402

CLAIM NOT RECOMMENDED NO LAWFUL APPROPRIATION SHOWN.

NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

RECEIVED

MAR 22 1999

Department of Water Resources
Southern Region

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. 72-04041

(Insert water right number)

Case No. 35976)

STANDARD FORM 1
OBJECTION

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found on Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the SRBA Court no later than 14 days before the filing deadline to file their pleadings.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

MAIL



23697

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant Objecting:*

Name: Robert C. Hammond

Address: Rt. 4 Box 223

Idaho Falls. ID 83401

Phone: Work: (208) 879-4829 Home: (208) 879-4442

Briefly describe your interest in this water right:

Owner

If this objection is filed by an attorney:

Attorney Name: Kent W. Foster

Attorney Address: P.O. Box 50130

Idaho Falls. ID 83405

Attorney Phone No.: (208) 523-0620

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:

Name: Robert C. Hammond

Address: Rt. 4 Box 223

Idaho Falls. ID 83401

II. STATEMENT OF THE OBJECTION

Please check each "box" which identifies your objection to the recommendation in the Director's Report.

1. ☐ **Name and Address:** I object to the name and/or address of the owner of the water right.
2. ☐ **Source:** I object to the source of water.
3. **Quantity:** I object to:
 - ☐ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre-feet per year; or
 - ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ **Priority Date:** I object to the priority date.
5. ☐ **Points of Diversion:** I object to the legal description of the point(s) of diversion.
6. ☐ **Instream Flow:** I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ **Purpose(s) of Use:** I object to the purpose(s) of use.
8. ☐ **Period of Year:** I object to the period of year when water is used or is necessary for the purpose stated.
9. **Place of use:** I object to:
 - ☐ a. the legal description of the place of use; or
 - ☐ b. the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ **Consumptive Use:** I object to the annual volume of consumptive use.

11. **Water Right Recommendation:** I object to:
- ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
12. ☐ **Description of Reservation:** I object to the legal description of the reservation.
13. ☐ **Other:** I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

You **must** state the reason(s), by number, for **each** box checked. You may use additional pages if necessary.

4. Priority Date. The priority date for this water right should be 1883.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The priority date for this right should be 1883.

Please note that you should attach copies of documents which support your objections. Note on each document the "box number" it supports.

- ☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:
- In 1992, before her death, Mildred Kimpton, the aunt of the applicant, executed an affidavit which was provided to the Idaho Department of Water Resources. A copy of that affidavit and the attachments is attached hereto.

VERIFICATION (Must be Completed)

State of Idaho
County of Bonneville

Kent W. Foster, duly sworn, upon oath, deposes and says:
(Name of person filing response)

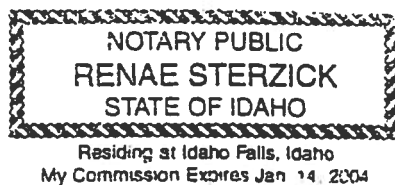
That I am the party/claimant filing this objection (as listed on Page 2, Section 3, "Party/Claimant Objecting"), that I am a water claimant or party in this proceeding, as defined by I.C. §42-1401A(1) and (7), and that I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing objection

By:

Kent W. Foster
Attorney signing in representative capacity

Subscribed and sworn to before me on:



Renae Sterzick
Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: 1-14-2004

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on February 17, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the owner of the water right at the following address:

Name: Robert C. Hammond

Address: HC 63 Box 1779, Challis, ID 83226

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney at the following address:

Name: _____

Address: _____

4. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

5. One copy to:

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of party/claimant or attorney

G:\WPDATA\KWF\7835\OBJ\04041 kmc

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
SHAN B. PERRY

U.S. BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL: HOLDNLAW@SRV.NET

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

January 15, 1999

RECEIVED
JAN 19 1999
Department of Water Resources
Southern Region

Steve Clellen
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Notice of Error for SRBA claims nos. 72-04041, 72-10140, 72-10139 and 72-11734

Dear Mr. Clellen:

I believe I left a message on your voice mail but our intention by this letter is to follow up so that you know the specific items that Mr. Hammond was still concerned about after we reviewed the claims together last Tuesday.

With respect to claim no. 72-04041, the primary concern is how you arrived at a priority date of 1929 contrary to the affidavit of Mildred Plimpton with which we supplied you. Do you have some independent evidence that suggests she did not have an accurate recollection? The only other matter is that Mr. Hammond insists there is substantially more than one acre of land in lawns and garden that is watered with this water right. He believes the figure is between four and six acres.

No. 72-10140- again, we do not understand how you arrived at a recommended priority of 1914 when it should be 1883.

No. 72-10139- again, the priority is a problem for Mr. Hammond. In addition, the place of use shown on the map attached to the preliminary recommendation shows approximately 11 acres which is correct, but there is an additional 9-10 acres in the same quarter-quarter section that is also irrigated from the same source but through another branch of the ditch.

Steve Clellen
January 15, 1999
Page 2

No. 72-11734- this was a claim for the fish pond created by the old dam where there are some trout and where some of the guests of the hot springs fish. The filing of the claim was required by Fish and Game Department in order to allow the stocking of the fish. We don't understand why this claim was disallowed.

Finally, I need to ask you the question of whether no. 72-07159 has ever yet gone to license.

We would appreciate an opportunity to visit with you further about these matters and to understand the thinking before having to go through the objection process.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kent W. Foster", written in a cursive style.

Kent W. Foster



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST SUITE 200
TWIN FALLS ID 83301
(208) 736-3033

8
DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

January 7, 1999

KENT W FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Notice of Error for SRBA Claim Nos. 72-10140, 72-04041, 72-11734 & 72-10139

Dear Mr. Foster,

This letter is to acknowledge your response to the Notice of Error (NOE) for the above-mentioned claims for Robert Hammond. While your letter was received in a timely manner it failed to identify the errors found by your client. As of this day, I am still unaware of the nature of the errors regarding these claims.

IDWR will be preparing the final records for the Director's Report in Basin 72 on January 12, 1999 and any additional changes necessary before final decree may have to be accomplished through the objection process.

If you still disagree with IDWR's recommendations, you will have an opportunity to file an objection to the Director's Report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Please feel free to contact this office or me if you have further questions or need additional assistance.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

✓ CC: Bob Hammond



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

January 26, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

72-04041
ROBERT C HAMMOND
RT 4 BOX 223
IDAHO FALLS ID 83401

RE: Water Rights in Reporting Area 4, Basin 72
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in part of basin 72 (Upper Salmon River area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note you have 120 days in which to review the water rights of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouse in Challis and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed later this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

AJ5855NP
805

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: January 26, 1999
PAGE: 1

RIGHT NUMBER: 72-04041

NAME AND ADDRESS: ROBERT C HAMMOND
RT 4 BOX 223
IDAHO FALLS ID 83401

SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

QUANTITY: 0.03 CFS

PRIORITY-DATE: 06/01/1929

POINT OF DIVERSION T14N R19E S23 LOT 8 (SESESE) Within CUSTER County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.03 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T14N R19E S23 LOT 8 (SESE) 1
1 ACRES TOTAL

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
SOURCE IS ALSO KNOWN AS HOT SPRINGS CREEK.



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

January 26, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

72-07039
ROBERT C HAMMOND
RT 4 BOX 223
IDAHO FALLS ID 83401

RE: Water Rights in Reporting Area 4, Basin 72
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in part of basin 72 (Upper Salmon River area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note you have 120 days in which to review the water rights of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouse in Challis and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed later this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

AJ5855NP
1166

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: January 26, 1999
PAGE: 1

RIGHT NUMBER: 72-07039

NAME AND ADDRESS: ROBERT C HAMMOND
RT 4 BOX 223
IDAHO FALLS ID 83401

SOURCE: GROUNDWATER

QUANTITY: 0.2 CFS
5.0 AFY

PRIORITY-DATE: 08/07/1972

POINT OF DIVERSION T14N R19E S23 SWSESE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	COMMERCIAL SWIMMING POOL	01-01 12-31	0.2 CFS
			5.0 AFY

PLACE OF USE: COMMERCIAL Within CUSTER County
T14N R19E S23 SESE

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE



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

January 26, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

72-10139
ROBERT C HAMMOND
RT 4 BOX 223
IDAHO FALLS ID 83401

RE: Water Rights in Reporting Area 4, Basin 72
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in part of basin 72 (Upper Salmon River area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note you have 120 days in which to review the water rights of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouse in Challis and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed later this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

AJ5855NP
1342

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: January 26, 1999
PAGE: 1

RIGHT NUMBER: 72-10139

NAME AND ADDRESS: ROBERT C HAMMOND
RT 4 BOX 223
IDAHO FALLS ID 83401

SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

QUANTITY: 0.54 CFS

PRIORITY-DATE: 06/01/1926

POINT OF DIVERSION T14N R19E S26 LOT 5 (SENESE) Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.54 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
 T14N R19E S23 LOT 8 (SESE) 3
 S26 LOT 1 (NENE) 8
11 ACRES TOTAL

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
RIGHT NO. 72-04042 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.



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

January 26, 1999

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

72-10140
ROBERT C HAMMOND
RT 4 BOX 223
IDAHO FALLS ID 83401

RE: Water Rights in Reporting Area 4, Basin 72
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in part of basin 72 (Upper Salmon River area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note you have 120 days in which to review the water rights of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouse in Challis and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed later this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 55 or 56.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "groundwater," "unnamed spring," "Common Creek."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, and stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated in a box such as this:

```
*****
*                                     *
*                                     *
*****
```

IDWR does not investigate or make recommendations regarding federal law based claims.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations. (See Note.)

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Southern Region office in Twin Falls. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

***SNAKE RIVER BASIN ADJUDICATION
DISTRICT COURT***

253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

IDAHO DEPARTMENT OF WATER RESOURCES

1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

***IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION***

2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

***IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN REGION***

1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 765-1450

***IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION***

1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

***IDAHO DEPARTMENT OF WATER RESOURCES
EASTERN REGION***

900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

CUSTER COUNTY

801 Main St.
Challis, ID 83226

- 2) **List of Claims Recommended to Be Disallowed** -- Water rights recommended to be disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

Also included in the complete Director's Report are descriptions of the United States' claims under federal law that have also been claimed under a state law basis. These are called "dual based" claims. The Director does not investigate the federal portion of these claims and makes no recommendation whether they should be granted or not.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court.

Your objection must be **received** by the SRBA Court on or before **June 2, 1999**.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court.

Your response must be **received** by the SRBA Court on or before **October 4, 1999**.

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **August 6, 1999, at 9:00 A.M.** at the **SRBA Courthouse**. Partial decrees will be issued following this hearing.

NOTICE OF DIRECTOR'S REPORT IDWR REPORTING AREA 4, BASIN 72 FOR IRRIGATION AND OTHER WATER RIGHTS

INTRODUCTION

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report for irrigation and other water rights in IDWR Reporting Area 4, Basin 72. A map of the area covered by this Director's Report is attached to this Notice. This Director's Report contains the Director's recommendation to the SRBA court as to how each of your claimed water rights should be decreed in the SRBA.

This Director's Report includes claims for irrigation and uses other than small domestic and stock uses. The Director's Report for small domestic and stockwater rights for all of IDWR Basin 71 was sent to the SRBA court and individual water users on April 30, 1997. Some small domestic and stockwater claims were withheld from the earlier report. If a claim for small domestic and stockwater was withheld from last year's report, it is reported in this Director's Report.

Included with this Notice is the Director's recommendation for your irrigation and other water rights claimed in the SRBA not previously recommended in the small domestic and stockwater report. IDWR is providing individual reports like this one to all claimants of irrigation and other water rights in your area. A complete copy of the Director's Report, listing all of these irrigation and other rights claimed under state law and "dual based" claims by the federal government, is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The description of your right which is enclosed is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other irrigation and other rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations in the full report are listed in two sections of the report:

- 1) **List of Recommended Water Rights** -- Water right recommendations are listed alphabetically by source and then chronologically by priority date within each source.

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED



RECEIVED

FEB 05 1999

Department of Water Resources

FOR

R72-04041
ROBERT L. HAMMOND
RT 4 BOX 223
IDAHO FALLS

ID 83401

RECEIVED

FEB 12 1999

Department of Water Resources
Southern Region

SC



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 20, 1998

Dear Water Right Claimant(s):

The Idaho Department of Water Resources (IDWR) has completed its initial investigation of your water right claim(s) in the Snake River Basin Adjudication (SRBA). We have enclosed a print-out showing our preliminary recommendation regarding how your water right should be reported to the SRBA District Court.

Please review the preliminary recommendation carefully. If there is any information on the print-out you believe is inaccurate, please fill out the enclosed reply indicating what changes you believe should be made. Further instructions to assist you with the review are enclosed. For water rights with an irrigation water use, a Geographic Information System (GIS) computerized image of the place of use for your water right is also enclosed.

You may return this reply in person to us at a public meeting IDWR will be conducting in your area. **The meeting will be held on Tuesday, December 8th at 7:00 p.m. in the Challis Middle School auditorium.** Please come to the public meeting, where you will have an opportunity to find out more about the SRBA process and speak with a department staff member should you have questions regarding your water right. Please bring any and all information you have which will help the Department understand your water rights and describe them accurately.

This process is intended to ensure IDWR recommends your water right accurately to the SRBA District Court. This is the easiest and least costly means for you to identify corrections you believe should be made to our recommendation. Completion of this process is an important step toward the overall success of the adjudication in Idaho. Your participation is necessary so that accurate information is provided to the SRBA District Court.

We look forward to hearing from you.

Sincerely,

Karl J. Dreher
Director

Enclosures

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Dear Water Right Claimant,

To help you with your water right claim(s) in the Snake River Basin Adjudication, this information is sent to you by the Idaho Department of Water Resources (IDWR). Included are the following important documents which I ask you to please read carefully because they give you the opportunity to save a great deal of time and money:

1. **Preliminary Recommendation.** This is IDWR's *initial* conclusion about your water right and how it should be reported to the SRBA Court. It is not filed with the court, but is provided to you to help correct errors or resolve any disagreement you may have over its content. This document has been prepared following IDWR's investigation and may be different than the claim(s) you filed.

Please review this preliminary recommendation carefully to find any errors or disagreements you have with IDWR's findings.

2. **Error Correction/Settlement Process.** This is a special service provided to you by IDWR to help you correct errors and resolve any other disagreement you have before the recommendations are filed with the court.

A description of how to work with IDWR is included. Our experience in the SRBA shows that by working in cooperation with IDWR most errors and differences can be addressed before coming into court. It's well worth your time to take full advantage of IDWR's helpful service. If your disagreement cannot be resolved, you will be able to file an objection to IDWR's recommendation when it is filed in court and have the final decision made by the Presiding Judge.

This error correction service is an important opportunity for you to work together with IDWR to make sure your water right claim(s) are decreed accurately. There is no cost to you other than your time reviewing the preliminary recommendation and talking to IDWR about any problem you see.

The goal of the SRBA is to see that your water right(s) are decreed by the court as accurately and fairly as possible. It is important to me that this is done efficiently in order to reduce your costs and present you with your decree.

I strongly encourage you to take full advantage of this opportunity to use the fine and courteous service provided by IDWR.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Daniel C. Hurlbutt, Jr.', is written over the typed name.

Daniel C. Hurlbutt, Jr.
Presiding Judge
Snake River Basin Adjudication

EXPLANATION OF ELEMENTS OF A WATER RIGHT

To assist you in reviewing the preliminary recommendation of your claim are the following explanations:

Water right number: This number is assigned by IDWR to identify your claim. The first two digits indicate the sub-basin of the Snake River Basin where your claim is located.

Name and address of claimant: This is the name and address shown on the notice of claim form, or on the most recent *Notice of Change of Water Right Ownership* (see enclosed form if you need to change this information) that was filed with IDWR as required by statute.

Source: The source is the natural water body to which the claimant has a right. For surface water sources, the natural water body to which the source is tributary is also shown.

Priority Date: This is the calendar date which is used to determine the relative priority of the right in relation to other rights from the same source, and is determined based on the method of appropriation (see basis of right, below). When there is insufficient water available to satisfy all existing rights, the water right holders with the oldest priorities are entitled to have their water rights satisfied before right holders with newer priorities are entitled to water.

Purpose of Use: Purpose of use indicates the general type of use made on the water, such as irrigation, domestic, or stockwater.

Period of Use: The period of use is the portion of the calendar year when water may be used for a particular purpose.

Quantity: The quantity of the right is the rate of diversion in cubic feet per second (CFS), the volume of water diverted in acre feet per calendar year (AFY), and/or the volume of water stored in AFY. The quantity for each purpose of use is shown, as well as the total quantity.

Non-irrigation Uses: If your preliminary recommendation includes purposes of use other than irrigation, then this element further describes the other purposes of use.

Point of Diversion: The point of diversion is the point at which water is diverted from the source, and is generally described by a legal description of the 40 acre tract (1/4 1/4 section or 1/16 section) or government lot within which the point of diversion is located. In some instances the point of diversion is described by a legal description of the 10 acre tract (1/4 1/4 1/4 section or 1/64 section) within which the point of diversion is located.

"B" and "E" suffixes indicate the beginning and ending points of an instream flow right. "I" and "R" suffixes indicate points of injection and rediversion. Points of injection and rediversion are indicated where water is diverted from one source, injected into another source, and then rediverted, or where water from one source is exchanged with water from another source.

Place of Use: The place of use is the location where water is used, which is indicated by a legal description of the 40 acre tract (1/4 1/4 section or 1/16 section) or government lot where the water is used. For irrigation rights, the number of irrigated acres in each 40 acre tract or government lot is listed.

Remarks: Remarks, if any, further describe the particular right. PLEASE REVIEW THE REMARKS CAREFULLY.

Basis of Right: The basis of right may be a decree (where the water right was previously determined by a court); posted notice (an historical method of appropriation that is no longer available); beneficial use (another historical method of appropriation that is available today only in very limited circumstances); permit (where IDWR has granted an application seeking approval of a proposed appropriation); or license (where an appropriation has been completed pursuant to permit).

November 20, 1998

**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: December 18, 1998

Water right number: 72-10139

ROBERT C HAMMOND
RT 4 BOX 223
IDAHO FALLS ID 83401

Daytime Telephone Number:

Evening Telephone Number:

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

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

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

____ I AGREE with this proposed recommendation; no changes need to be made.

DATE: _____ SIGNATURE: _____
Please print your name: _____

IDWR Southern Regional Office, 1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380, (208) 736-3033

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RIGHT NO. 72-04042 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

IDAHO DEPARTMENT OF WATER RESOURCES

72-10139



660 0 660 1320 Feet



TWN: 14N

RNG: 19E

SEC: 23 SESE

□ 26 NENE

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: OCT. 9, 1998

November 20, 1998

**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: December 18, 1998

Water right number: 72-04041

ROBERT C HAMMOND
RT 4 BOX 223
IDAHO FALLS ID 83401

Daytime Telephone Number:

Evening Telephone Number:

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

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

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

____ **I AGREE with this proposed recommendation; no changes need to be made.**

DATE: _____ **SIGNATURE:** _____
Please print your name: _____

IDWR Southern Regional Office, 1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380, (208) 736-3033

RIGHT NUMBER: 72-04041

NAME AND ADDRESS: ROBERT C HAMMOND
RT 4 BOX 223
IDAHO FALLS ID 83401

SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

QUANTITY: 0.03 CFS

PRIORITY-DATE: 06/01/1929

POINT OF DIVERSION T14N R19E S23 LOT 8 (SESESE) Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.03 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T14N R19E S23 LOT 8 (SESE) 1
1 ACRES TOTAL

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

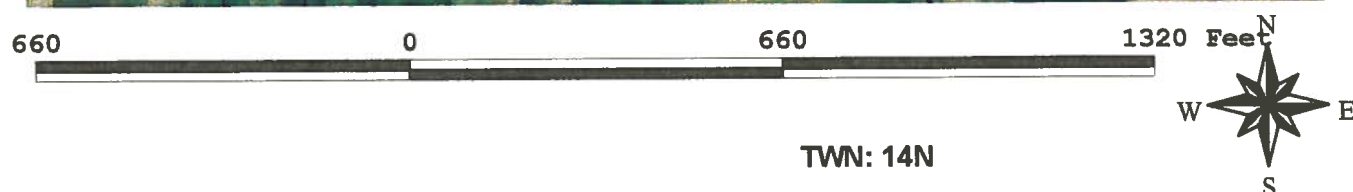
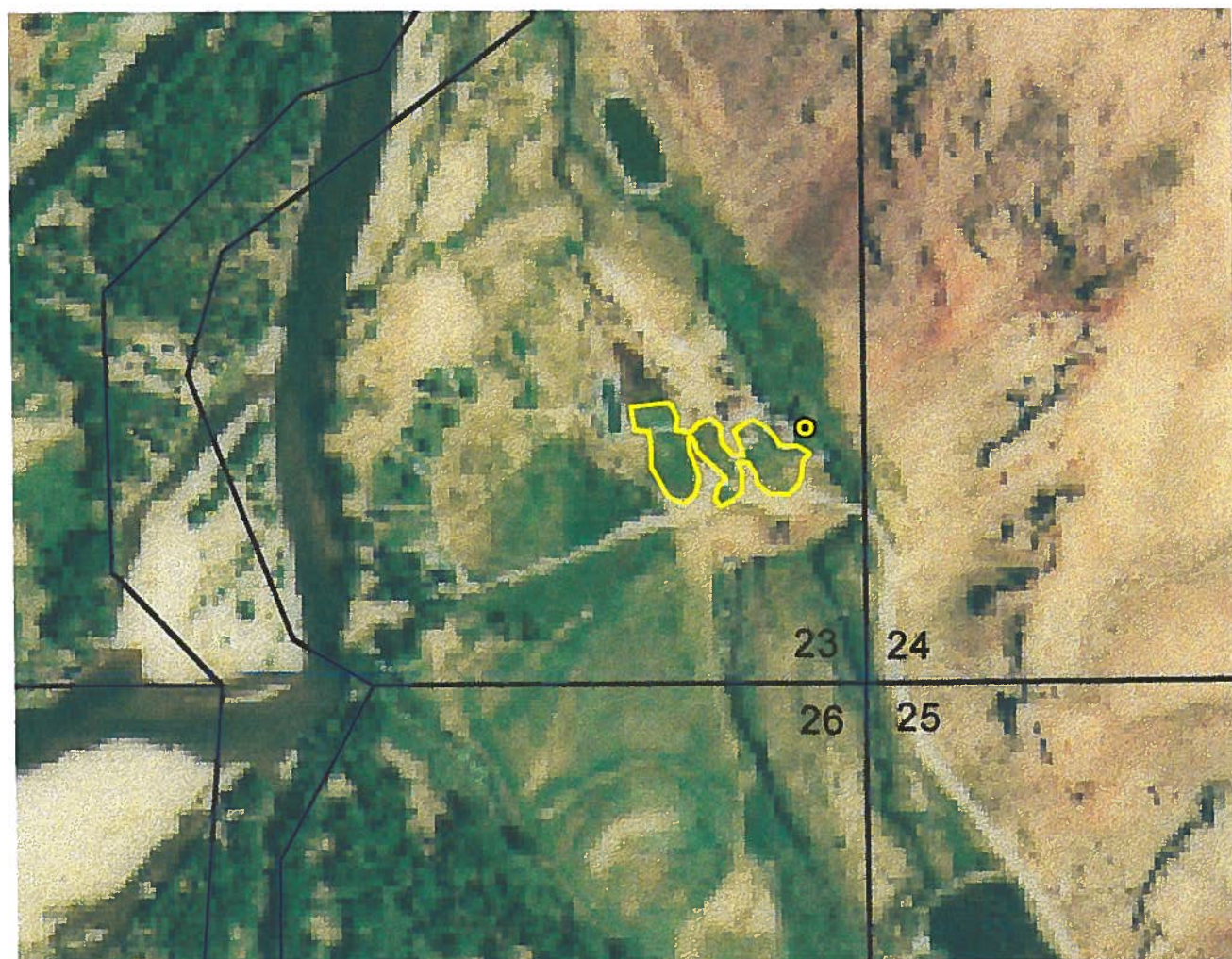
WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
SOURCE IS ALSO KNOWN AS HOT SPRINGS CREEK.

IDAHO DEPARTMENT OF WATER RESOURCES

72-04041



TWN: 14N
RNG: 19E
SEC: 23
SESE

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: OCT. 9, 1998

November 20, 1998

**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: December 18, 1998

Water right number: 72-11734

ROBERT C HAMMOND
1828 S 55 W
IDAHO FALLS ID 83402

Daytime Telephone Number:

Evening Telephone Number:

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

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

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

____ I AGREE with this proposed recommendation; no changes need to be made.

DATE: _____ SIGNATURE: _____
Please print your name: _____

IDWR Southern Regional Office, 1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380, (208) 736-3033

RIGHT NUMBER: 72-11734

NAME AND ADDRESS: ROBERT C HAMMOND
1828 S 55 W
IDAHO FALLS ID 83402

CLAIM NOT RECOMMENDED NO LAWFUL APPROPRIATION SHOWN.

NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

November 20, 1998

**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: December 18, 1998

Water right number: 72-10140

ROBERT C HAMMOND
RT 4 BOX 223
IDAHO FALLS ID 83401

Daytime Telephone Number:

Evening Telephone Number:

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

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

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

____ I AGREE with this proposed recommendation; no changes need to be made.

DATE: _____ **SIGNATURE:** _____
Please print your name: _____

IDWR Southern Regional Office, 1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380, (208) 736-3033

RIGHT NUMBER: 72-10140

NAME AND ADDRESS: ROBERT C HAMMOND
RT 4 BOX 223
IDAHO FALLS ID 83401

SOURCE: CHALLIS HOT SPRINGS TRIBUTARY: SALMON RIVER

QUANTITY: 2.62 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.
FACILITY VOLUME 101,655 CU. FT.

PRIORITY-DATE: 06/01/1914

POINT OF DIVERSION T14N R19E S23 LOT 8 (SESESE) Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	COMMERCIAL	01-01 12-31	2.6 CFS
	HEATING	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.02 CFS

PLACE OF USE: COMMERCIAL Within CUSTER County
T14N R19E S23 LOT 8 (SESE)

HEATING Within CUSTER County
T14N R19E S23 LOT 8 (SESE)

DOMESTIC Within CUSTER County
T14N R19E S23 LOT 8 (SESE)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
COMMERCIAL, 2 SWIM POOLS, GREENHOUSE; HEATING & DOMESTIC, 1 HOME

DEPARTMENT OF WATER RESOURCES
1101 N. ORCHARD ST.
BOISE, ID 83706-2237

RECEIVED
JAN 05 1999
Department of Water Resources



FORWARDING ORDER EXPIRED

ROBERT C HAMMOND
1828 S 55 W
IDAHO FALLS
ID 83402

Wrong Address



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST SUITE 200
TWIN FALLS ID 83301
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

January 7, 1999

KENT W FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Notice of Error for SRBA Claim Nos. 72-10140, 72-04041, 72-11734 & 72-10139

Dear Mr. Foster,

This letter is to acknowledge your response to the Notice of Error (NOE) for the above-mentioned claims for Robert Hammond. While your letter was received in a timely manner it failed to identify the errors found by your client. As of this day, I am still unaware of the nature of the errors regarding these claims.

IDWR will be preparing the final records for the Director's Report in Basin 72 on January 12, 1999 and any additional changes necessary before final decree may have to be accomplished through the objection process.

If you still disagree with IDWR's recommendations, you will have an opportunity to file an objection to the Director's Report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Please feel free to contact this office or me if you have further questions or need additional assistance.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

cc. Bob Hammond

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
SHAN B. PERRY

U.S. BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL HOLDNLAW@SRV.NET

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

December 16, 1998

RECEIVED

DEC 21 1998

Department of Water Resources

VIA FACSIMILE: (208) 327-7900

IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Robert Hammond
Water Rights 72-10140, 72-04041, 72-11734 and 72-10139

Gentlemen:

We have just heard from our client Mr. Robert Hammond in Challis, Idaho who indicates that he just received the preliminary recommendations regarding the above numbered water rights and he believes there are a number of errors which will need to be addressed before the rights go to decree. Thank you for your kind attention to this matter.

Very truly yours,



Kent W. Foster

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO, P. L. L. C.
P. O. BOX 50130
IDAHO FALLS, IDAHO 83405

Robert H. Hahn
Robert Kidwell
Robert Hahn
Robert Kidwell

IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720
[Postnet barcode]



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

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PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT C HAMMOND RT 4 BOX 223 IDAHO FALLS ID 83401 (208) 529-4706	06/01/1929	IRRIGATION	04-01 10-31	0.03 CFS	
TOTAL DIVERSION:					0.03 CFS	

Water Source:	UNNAMED STREAM	Tributary to:	SALMON RIVER	Stage:	BENEFICIAL USE
---------------	----------------	---------------	--------------	--------	----------------

Point(s) of Diversion: T14N R19E S23 Lot08(SESESE) CUSTER County

Place of use		Legal Description for:		IRRIGATION		NW		SW		SE						
		NENE	NMNE	SENE	NENW	NMNW	SENW	NESW	NMSW	SESW	NESE	NMSE	SMSE	SESE		
T	R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
14N	19E 23	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
															08-01	1.0
TOTAL ACRES																1.0

Other Rights: NONE

Remarks: EXP SOURCE IS ALSO KNOWN AS HOT SPRINGS CREEK.

Dates:	Exam Made Date:	08/04/1993	Verified Date:	11/17/1998	Objection Filed Date:
--------	-----------------	------------	----------------	------------	-----------------------

Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag:

CLAIM NUMBER A72-04041 DATE 10/9/98
AGENT SCC

TRANSFER NUMBER _____
CLAIMED ACRE TOTAL 105
GIS ACRE TOTAL 1

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
LAIM	<u>14N</u>	<u>19E</u>	<u>23</u>															<u>30</u>	<u>300</u>
GIS																		<u>1</u>	<u>1</u>
ECOM																		<u>1</u>	<u>1</u>
LAIM			<u>25</u>						<u>40</u>										<u>40</u>
GIS									<u>Ø</u>										<u>Ø</u>
ECOM									<u>Ø</u>										<u>Ø</u>
LAIM			<u>26</u>	<u>35</u>															<u>35</u>
GIS				<u>Ø</u>															<u>Ø</u>
ECOM				<u>Ø</u>															<u>Ø</u>

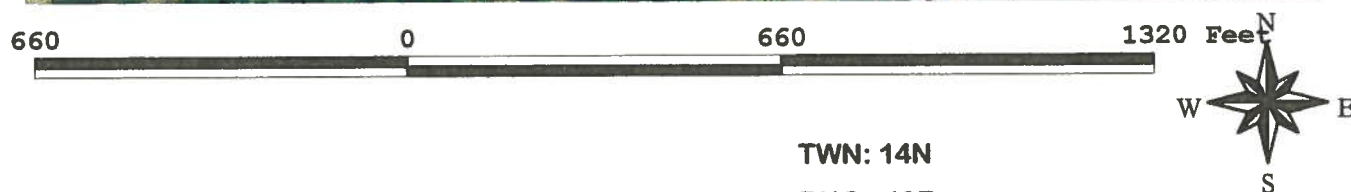
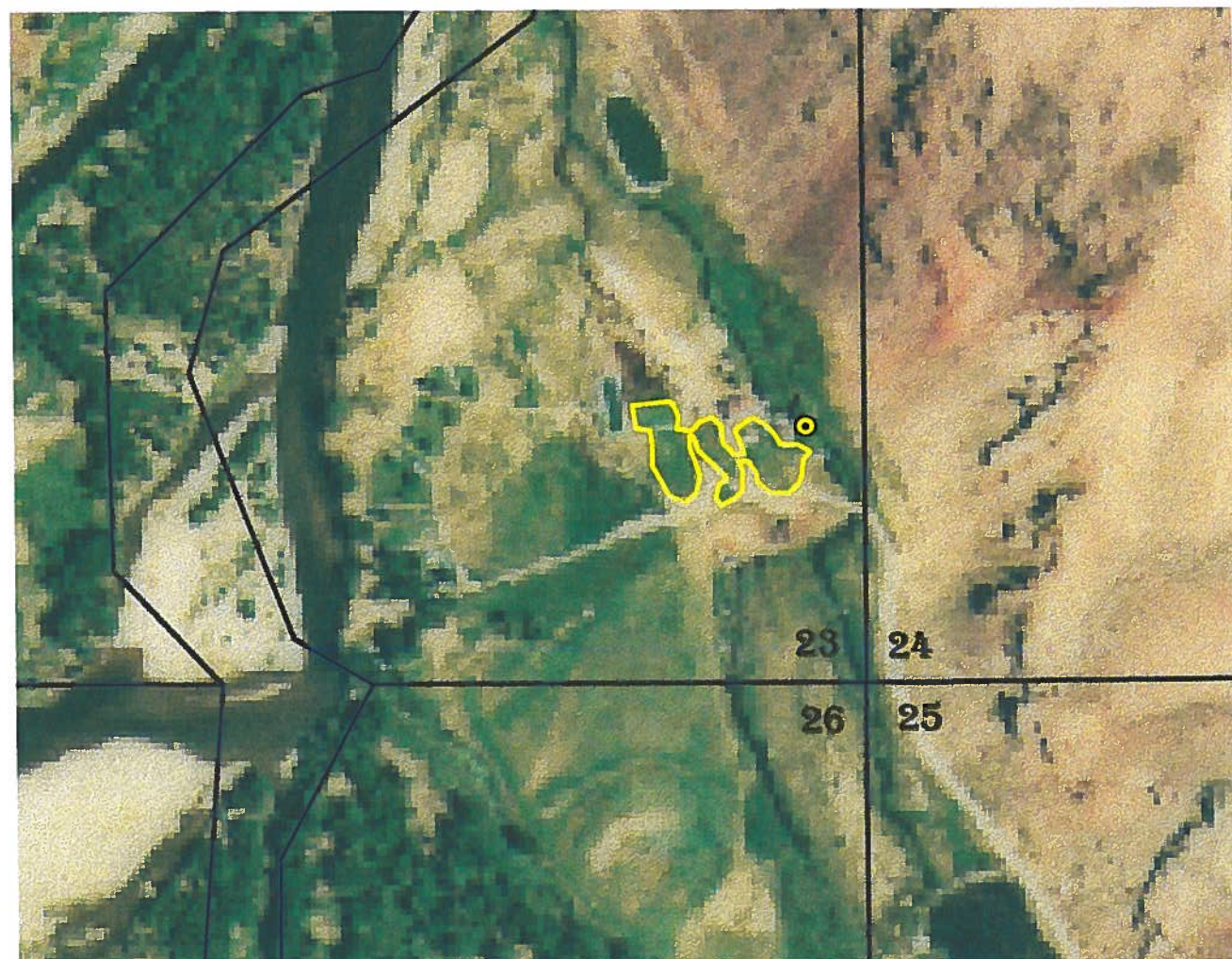
372-DBPOU.SHP Major difference in acreage - most irrigation in Re'd
SHAPE NOS. under another claim A72-10139.
219

372-DBPOD.SHP _____
NOS. DESCRIPTION 109 Chaleis Hot Spring

DBF TABLES UPDATED _____
372-DBPOU.DBF ✓ 10/15/98
372-DBPOD.DBF SCC

IDAHO DEPARTMENT OF WATER RESOURCES

72-04041



TWN: 14N
RNG: 19E
SEC: 23
SESE

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: OCT. 9, 1998

R PROOF

CVR

MAPS

PHOTOS

MISC

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NOV 01 1994

AFFIDAVIT OF MILDRED KIMPTON

STATE OF IDAHO)
) ss.
County of CLUSTER)

RECEIVED

JUL 15 1992

Department of Water Resources
Southern Region Office

MILDRED KIMPTON, being first duly sworn, on her oath
deposes and says:

I.

I was born August 21, 1908, the daughter of John Hammond
and Isabella Halloran Beardsley Hammond. My mother was born in
1888, the daughter of Robert Currie Beardsley and Eleanor
Frances O'Halloran Beardsley.

II.

My grandfather, Robert Currie Beardsley, was born in New
Brunswick, Canada. He and his brother, Albert, came to Idaho
when they were young men. In 1883, Robert Beardsley settled on
the land where Challis Hot Springs (formerly Beardsley Hot
Springs) is located and filed homestead papers in the Alturas
County Courthouse in Hailey. He began at that time to farm and
to develop the Hot Springs as a resort for swimming and
bathing. In 1884, Robert visited the Exposition in New Orleans
where he met Eleanor Frances O'Halloran. In 1886, he returned
to New Orleans where he and Eleanor were married. They then

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NOV 01 1994

returned to Challis and the homestead at the Hot Springs. Two children, Ralph Dibble Beardsley and Isabella Halloran Beardsley, were born to this union. In April of 1888, my grandfather was drowned in the Salmon River and was buried on the hill above the Hot Springs.

III.

After my grandfather's death, my grandmother continued to operate the farm land and the resort. She eventually married John Kirk in 1892. The patents to the property were issued in 1903 to John Kirk and 1909 to Eleanor Kirk and were recorded in March of 1914. Copies of the patents and a copy of an advertisement for the Hot Springs, printed in 1914, are attached hereto. My grandmother resided there until her death. Various members of the family have resided at and operated the Hot Springs resort over the years. My brother, Robert Beardsley Hammond, sold the Hot Springs resort to my nephew, Robert C. Hammond, in 1971.

IV.

I was married to Charles Boge in 1927. In 1929, my grandmother, Eleanor Kirk, engaged my husband, Charles Boge, to build a small power dam, which I watched him do during that summer and early winter. My father, John Hammond, also assisted with the construction of the ditch which provided

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POOR ORIGINAL

water from the pond created by the dam to a direct current power plant.

V.

I have been very familiar with the Hot Springs and the use of water from the springs during my entire life.

DATED this 2nd day of July, 1992.

Mildred Kimpton
MILDRED KIMPTON

MICROFILMED

NOV 01 1994



STATE OF IDAHO)
) ss.
County of Custer)

On the 3rd day of July, in the year of 1992, before me,
the undersigned, a Notary Public, in and for the State of
Idaho, personally appeared MILDRED KIMPTON, known or
identified to me to be the person whose name is subscribed to
the within instrument and acknowledged to me that she executed
the same.

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

(SEAL)

Yallon Rhodes

Notary Public for Idaho

Residing at Challis, ID

My Commission Expires: 11-3-93

#7835.00
02601/srs

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POOR ORIGINAL

CHALLIS HOT SPRINGS

1914

MRS. E. F. KIRK, Prop

This Popular and Health-Restoring Resort is situated 4 miles east of Challis, on Salmon River. These waters are of good temperament for bathing, and possess strong medicinal properties.

Spring 124 deg. F. Bath 110 deg. F.

Good Hotel Accommodations

At Reasonable Rates.

BATHS 25 CENTS.

CHEMICAL ANALYSIS OF WATER:

Iron—Trace.

Chloride of Sodium.

Chloride of Calcium.

Carbonate of Calcium

Sulphate of Magnesia

Sulphate of Soda.

Sulphate of Potassium.

Chief medicinal agent is the Chloride of Calcium.

Chief constituents are the Chlorides of Calcium and Sodium.

Specific gravity of water 1001. at 60 deg. F., clear, transparent. Taste—pleasant, Potassium water.

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NOV 01 1994

MAR 11 1995

POOR ORIGINAL

THE UNITED STATES OF AMERICA,

To All To Whom These Presents

Shall Come, GREETING:

Shall Come, GREETING:

WHEREAS, ELEANOR M. KIRK has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Hailey, Idaho, whereby it appears that full payment has been made by the said Eleanor M. Kirk, according to the provisions of the Act of Congress of the 24th of April, 1920, entitled "An Act Making Further provision for the sale of the Public lands," and the acts supplemental thereto, for the northwest quarter of the northwest quarter of Section twenty-five in Township fourteen north of Range nineteen east of the Boise Meridian, Idaho, containing forty acres, according to the Official Plat of the Survey of the said lands, returned to the GENERAL LAND OFFICE by the Surveyor General, which said Tract has been purchased by the said Eleanor M. Kirk:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said Eleanor M. Kirk and to her heirs the said Tract above described; To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Eleanor M. Kirk and to her heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, and may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, William H. Taft, President of the United States of America, have caused these letters to be made Patent and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the EIGHTH day of July, in the year of our Lord one thousand nine hundred and nine and of the Independence of the United States the one hundred and thirty-fourth.

By the President: Wm. H. Taft,

((((((((SEAL))))))))

By H. W. Young, Secretary,

H. W. Young, Secretary of the General

Land Office.

Recorded: Patent Number 71094.

State of Idaho,
County of Custer, ss.

This instrument was filed for record at the request of Mrs. E. M. Kirk, at 4-45 O'clock P. M. March 2nd, 1914.

POOR ORIGINAL

THE UNITED STATES OF AMERICA,
To All To Whom These Presents Shall Come,

Greeting:

Homestead Certificate No. 1036.

Application 1300.

WHEREAS There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Hailey, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "TO SECURE HOMESTEADS TO ACTUAL SETTLERS ON THE PUBLIC DOMAIN," and the acts supplemental thereto, the claim of JOHN KIRK ----- has been established and duly consummated, in conformity to law, for the Lot Numbered Eight of Section Twenty-three, and the Lot Numbered One of Section Twenty-six, in Township Fourteen, North of Range Nineteen East of Boise Meridian in Idaho, containing Sixty-four acres and twenty hundredths of an acre. according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the United States unto the said John Kirk the tract of land above described; To Have And To Hold the said tract of land, with the appurtenances thereof, unto the said John Kirk and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF I, Theodore Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the seventeenth day of March, in the year of our Lord one thousand nine hundred and three, and of the Independence of the United States the one hundred and twenty-seventh.

By The President T. Roosevelt,

((((((((SEAL)))))))

By E. H. McKean, Secretary,

C. H. Rush, Recorder of the General Land Office.

Recorded Idaho, Vol. 49 Page 142.

State of Idaho,
County of Custer, ss.

This instrument was filed for record at the request of Mrs. E. F. Kirk at 4-45 o'clock P. M. March 2nd, 1914.

E. H. McKean
Ex-officio Recorder.

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
------------	----------------	---------------	-----------	--------------------	----------------	------------------

C	ROBERT C. HAMMOND RT 4, BOX 223 IDAHO FALLS ID 83401 (208) 529-4706	06/01/1989 ~~1929~~	IRRIGATION	04-01-11-01 ~~15-10-15~~	.03 2.00 CFS ~~1.03 2.00 CFS~~	2.11 CFS ~~368.0 CFS~~
---	--	-------------------------------	------------	------------------------------------	--	----------------------------------

Water Source: ~~HOT SPRINGS CREEK~~ **UNNAMED STREAM**

Point(s) of Diversion: T14N R19E S26 Lot 14 ~~NENE~~ **23 4.8 SESESE** Tributary to: SALMON RIVER

Stage: STATUTORY CLAIM
CUSTER County

Place of use Legal Description for: IRRIGATION

NE											
NENE				NENE				NENE			
R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
14N 19E 23	:	:	:	:	:	:	:	:	:	:	:
14N 19E 25	:	:	:	:	:	:	:	:	:	:	:
14N 19E 26	:	:	:	:	:	:	:	:	:	:	:
TOTAL ACRES				TOTAL ACRES				TOTAL ACRES			

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-04041

LAST: HAMMOND
ADDRESS: RT 4, BOX 223
CITY: IDAHO FALLS
PHONE NUMBER: 208-529-4706

FIRST: ROBERT C.

STATE: ID ZIP: 83401

OWNER CODE: C

LAST: FOSTER
ADDRESS: P.O. BOX 50130
CITY: IDAHO FALLS
PHONE NUMBER: 208-000-0000

FIRST: KENT W.

STATE: ID ZIP: 83401

OWNER CODE: A

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: ORIGINAL STATUTORY CLAIM FILED FOR 20 ACRES IN NE NE, SEC 26.
SEE ATTACHED PROOF.

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A. AJ CLAIM: # A72-04041 PRIORITY DATE: 06-01-1883 STAGE: S
B. WR RECORD: # 72-04041 PRIORITY DATE: 06-01-1883 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE N FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y (X) N ()
IF YES EXPLAIN.

REMARKS:

*Proof submitted - Affidavit by Mildred Kimpton
→ does not mention any reference to irrigation or irrigation
diversions. Date is not consistent with this information.*

*History in Part IV. Page 2 - mention is made of the gravel dam (See 4-13-93)
ditch being developed in 1929. After reviewing the old abandoned
ditch site w/ Mr Hammond, there is sufficient gravity flow to the
Place of use from that ditch site for water to be used for irrigation
around the House & Apple Plant. This appears to be the first reference
to the development of this structure.*

RECOMMENDED PRIORITY DATE:

06-01-~~1883~~

1929

REVIEWED BY

Sw

DATE

5-20-94

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-04041	14N	19E	26		NE	NE	1	CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
 A PREFIX R PREFIX
 A72-10139 NONE

WR RECORDS IN SAME 40 ACRE TRACT
 NONE

SOURCE: HOT SPRINGS CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
04041	14N	19E	26		NE	NE	1	CUSTER

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
 A PREFIX R PREFIX

NONE A72-10139 NONE

SOURCE: HOT SPRINGS CREEK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	N	

REMARKS:

*No Diversion found as claimed.
 A small pump in creek found to irrigate lawn and garden area.
 GJ*

*Confined source & diversion by 3pm & approx.
 Source is Unbranded Stream*

only locally known as Hot Spring Creek.

RECEIVED
 MAY 1984

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:		TWP.		RGE.		SEC.		1/4		1/4		1/4		LOT		COUNTY	
14N	19E	23	SE	SE	SE	SE	8	37									

SOURCE: ~~HOT SPRINGS CREEK~~
 UNNAMED STREAM

REVIEWED BY: SEA DATE: 5-26-94

B01 AKA Hoping Creek

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A. ROOT WATER RIGHT NUMBERS: A72-04041
B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
14N	19E	23	SE	SE	8	HAMMOND, ROBERT C. HAMMOND, ROBERT C. HAMMOND, ROBERT C. FOSTER, KENT W. GINI DITCH COMPANY INC. GINI DITCH COMPANY INC. GINI DITCH COMPANY INC.	A72-04041 / 30.0 A72-07039 / A72-10140 / A72-10139 / 20.0 A72-10481 / 5.0 A72-10482 / 5.0 A72-10480 / 5.0	- 72-07039 / - - - - -	- - - - - - -	1.0 <i>Hammond & Garden around house</i>	
14N	19E	25	NW	NW		HAMMOND, ROBERT C. CHALLIS HOT SPRINGS	A72-04041 / 40.0	72-07159 /	18.0		
19E	26	NE	NE	NE	1	HAMMOND, ROBERT C. FOSTER, KENT W.	A72-04041 / 35.0 A72-11734 /	72-04041 / 30.0	28.0		
TOTAL ACRES							A72-04041 105.00		20.00	46.00	1.0

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () NO (X)

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE

FIELD EXAMINER

POU COUNTY: CUSTER

PRESUMPTION FLAG:

REMARKS:

*See also brochure attachment in A72-10140 for irrigated house view
copy to this file*

RECOMMENDATIONS:

TOTAL ACRES:

1.0

REVIEWED BY:

SW

DATE: 5-26-94

A. AJ CLAIMED USES:

PURPOSES
A72-04041 IRRIGATION

MONTH/DAY
FROM ~~04-01~~ TO ~~11-01~~

4-15 to 10-15

DIVERSION QUANTITY
2.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.000 CFS

B. WR RECORDED USES:

PURPOSES
72-04041 IRRIGATION

MONTH/DAY
FROM ~~04-15~~ TO 11-01

DIVERSION QUANTITY
2.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.000 CFS

MICROFILMED

NOV 0 1 1994

SUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE EXAMINER
N N
Y Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X)
Y(X) N()

Explain in remarks, below.

REMARKS:

old season

see 5-26-94

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y (X) N ()

AJ TOTAL CLAIMED DIVERSION RATE:
WR ROOT RIGHT TOTAL DIVERSION RATE:

2.000 CFS
2.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y

No.

B.

MEASUREMENT METHOD No/E, SEE ATTACHED CALCULATIONS.

FLOW MEASUREMENT

C. ARE OTHER WATER RIGHTS USED? ~~Y~~ ~~Y~~ N (X) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: ~~A72-10139, UNNAMED SPRING~~ No/E

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-04041	HOT SPRINGS CREEK	HAMMOND, ROBERT C.	2.000	0.019		
A72-10139	UNNAMED SPRINGS	FOSTER, KENT W.	0.400	0.020		
A72-10480	SALMON RIVER	GINI DITCH COMPANY INC.	120.000	0.041		
A72-10481	SALMON RIVER	GINI DITCH COMPANY INC.	67.000	0.022		
A72-10482	SALMON RIVER	GINI DITCH COMPANY INC.	25.300	0.008		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-07039	COMMERCIAL	HAMMOND, ROBERT C.	FROM 01-01 TO 12-31	.200 CFS	5.00 AF/A

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0.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE 0.03 CFS
ACRES 1.0 $\times 0.02$ CFS/ACRE = 0.03 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(X) N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(X) N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 368.0 AF/A

ACRES 1.0 $\times$ CONSUMPTIVE VOL. AF/A FOR AREA 2.50 =

TOTAL CONSUMPTIVE USE 2.5 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 1.0 $\times$ DIVERSION VOL. AF/A FOR AREA AF/A =

TOTAL DIVERSION VOLUME 1.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

*limited to 0.03 cfs for
sprinkler irrigation under
5 acres POU

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NOV 01 1994

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS.
USE

IRRIGATION

~~04-01~~ ¹⁵ 10-15
11-01

DATABASE EXAMINER
~~2.000~~ 0.03

DATABASE EXAMINER
N/A

DATABASE EXAMINER
~~368.0~~ 2.5

TOTAL FOR THIS RIGHT

REVIEWED BY:

See

DATE: 5-26-94

MICROFILMED

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
()
()
()
NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04041

TOTAL DIVERSION RATE OF WR SPLITS
DATABASE
2.000

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A72-04041

2.000

-

72-04041

2.000

TOTAL CFS

2.000

2.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

W/A

AUTHENTICATION:

SIGNATURE:

Stan Coo

DATE:

5-26-94

NAME OF FIELD EXAMINER:

TITLE:

MICROFILMED
NOV 01 1994

DIVERSION
VOLUME

2.50 AFA

Stage: BENEFICIAL USE

CUSTER County

MS

[illegible]

Other Rights: NONE

Dates: Exam Made Date: 08/04/1993 Verified Date: 05/26/1994

Field Inspection Flag:
Presumption Flag:

Comments: Date: 05/26/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS
ORIGINAL STATUTORY CLAIM FILED FOR 20 ACRES IN NE NE, SEC 26.
SEE ATTACHED PROOF.

Audit: 05/26/94 CLELLAND

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	FILED DATE WHOM/DATE
PRIORITY DATE	Y	4-13-93	8493 SC	Y	6	SC 5-26-94	SC 5-26-94	SC 5-26-94
POINT OF DIV	Y			Y	12456			
SOURCE				Y	6, 1245			
PLACE OF USE	Y			Y	12456			
DIV. AMOUNT CFS/VOLUME				Y	6,			
CONSUMPTIVE USE	-			Y				
PURPOSES				N				
PERIOD OF USE	Y			Y	6,			
BASIS OF CLAIM				Y				
REMARKS	Y			Y				

*VERIFIED BY * CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED

LISTING OF MAPS USED IN REVIEW OF THIS FILE

CLAIM NUMBER: A72-4041.

DESCRIPTION OF MAP	ID NUMBERS	MAP DATE	COPY IN FILE?
ORTHO PHOTOQUAD (OPQ)	<u>T75 (SE)</u>	<u>1956</u>	<u>YES</u> / NO
ASCS MAP	<u>16037-178</u>	<u>1978</u>	<u>YES</u> / NO
NAPP PHOTO			YES / NO
BLM AERIAL	<u>7-10D-2</u>	<u>7-10-88</u>	<u>YES</u> / NO
SUBDIVISION PLAT			YES / NO
TOPOGRAPHIC QUAD	<u>T75</u>		YES <u>NO</u>
GOVERNMENT LOT MAP	<u>TIN RIG E</u>		YES <u>NO</u>
SCS SOILS MAP			YES / NO
OTHER:			
<u>FIELD Exam SKETCH</u>	<u>See</u>	<u>8-4-94</u>	<u>YES</u> / NO
<u>Brochure</u>	<u>PHOTO</u>		<u>YES</u> / NO
			YES / NO
			YES / NO
			YES / NO
			YES / NO

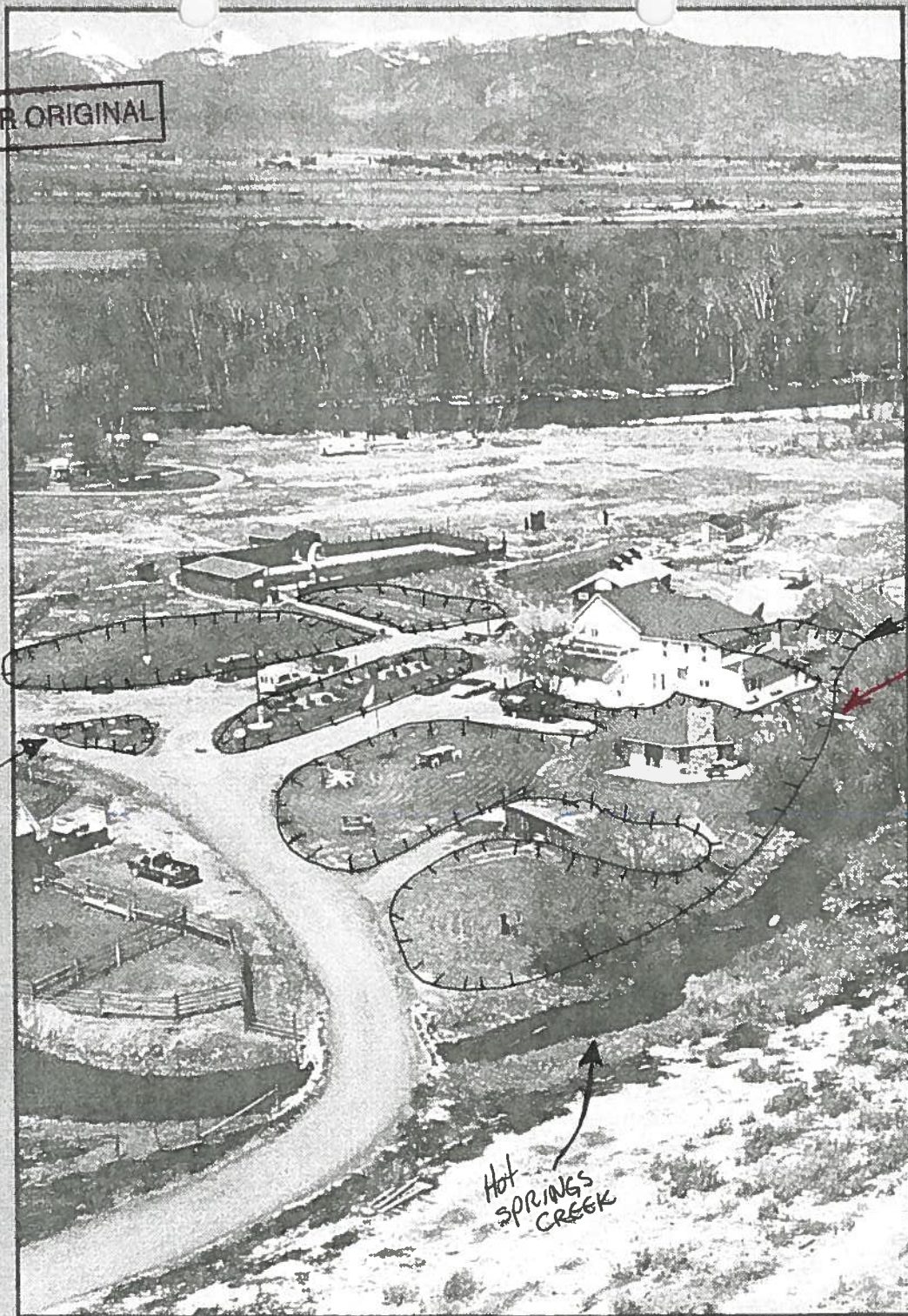
REMARKS:

checked Topo map for Source name. See 5-26-94

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NOV 01 1994

POOR ORIGINAL

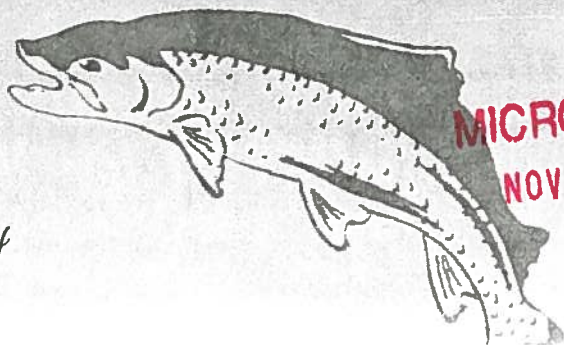


Copy of Brochure photo
showing lawn irrig
= 1.0 Ac.



SW 5-26-94

A72-4041



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Water Right Number - 72-04041

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
HAMMOND

ROBERT C.

1 - RT. 4 BOX 223
2 -
3 -

City- IDAHO FALLS

State- ID Zip- 83401

Priority Date - 06/01/1883

Region - 17 SOUTHERN

Stage - S - STATUTORY CLAIM

Status -

Source - HOT SPRINGS CREEK

Tributary - SALMON RIVER

Twn Rng Sec Tract Lot Rflg County Point of Diversion

Stream Index (Blank if no Index Code)

14N 19E 26 NE NE 1 (37) CUSTER

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION

04/15

11/01

2.000

Total Div. Rate - 2.000 + Total Div. Volume - + Total Div. Capacity - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14N	19E	26	NE NE	1	20.0	01	IRRIGATION	(37) CUSTER

Total Acres: 20.0

- - - Diversion Means - VIA OLD POWER-DAM DITCH

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

Remarks - No Remarks found.

- - - Old Water Right Numbers found.

- - - Conditions of Approval found.

- - - Decree Plaintiff - - - Decree Defendant - - -

- - - Decree Date - 00/00/0000

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WATER RIGHT

[illegible]

+	-	-	Audit Fields -	05/06/85	05/28/88	CONVERT
---	---	---	----------------	----------	----------	---------

+ - - - - - Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	-
Exam to S.O. Date	- 00/00/0000	Verified Date	- 05/06/1985	DLE/Carrey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

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POOR ORIGINAL

SALMON R.

IRRIG. POU

POD

232
2625

AMMOND
STROM

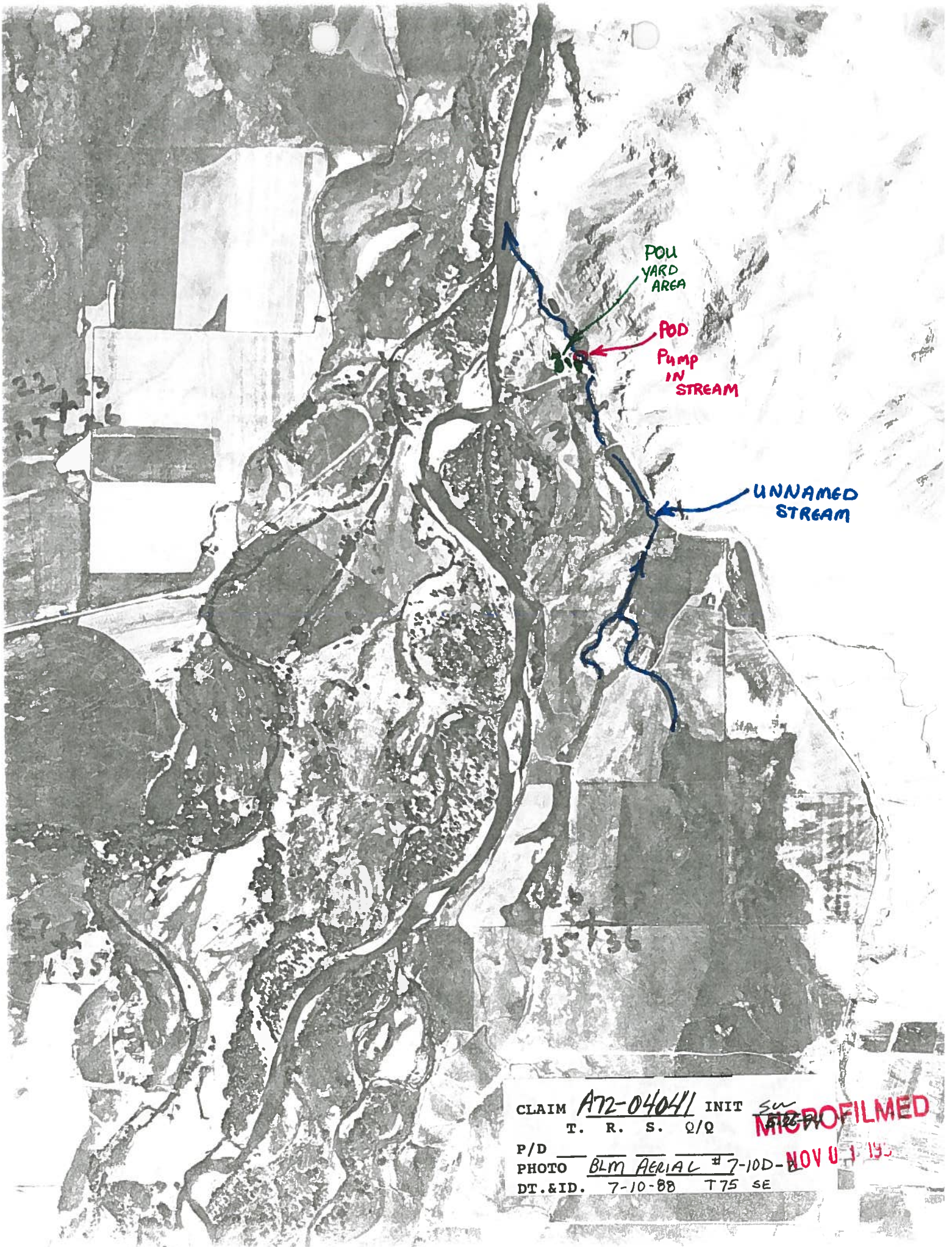
ASCS MAP
#16037-178
c. 1978

A72-4041

G.T. CHIVERS

MICROFILMED
NOV 01 1994

400-C

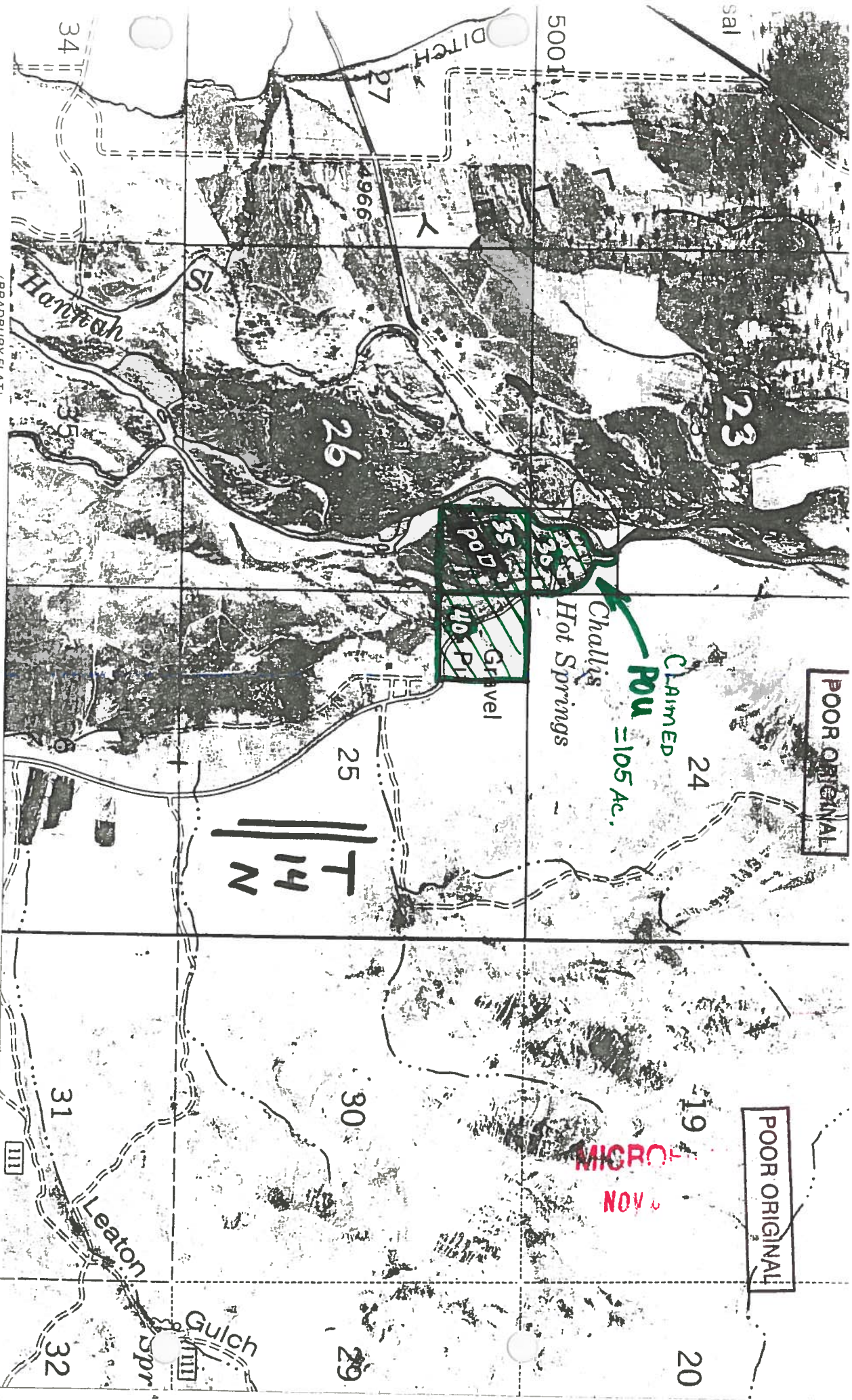


CLAIM A72-04041 INIT SW
T. R. S. Q/Q 512-11
P/D _____
PHOTO BLM AERIAL # 7-10D-1
DT.&ID. 7-10-88 T75 SE

MICROFILMED
NOV 11 1988

POOR ORIGINAL

POOR ORIGINAL



SCALE 1:24,000

R 19 E



CONTOUR INTERVAL 80 FEET

BOOTHED THIS REPRESENT 40 FOOT CONTOURS
DATA IS MEAN SEA LEVEL

CLAIM A72-4041

T. R. S. Q/O

INIT Sec

5-26-94

P/D

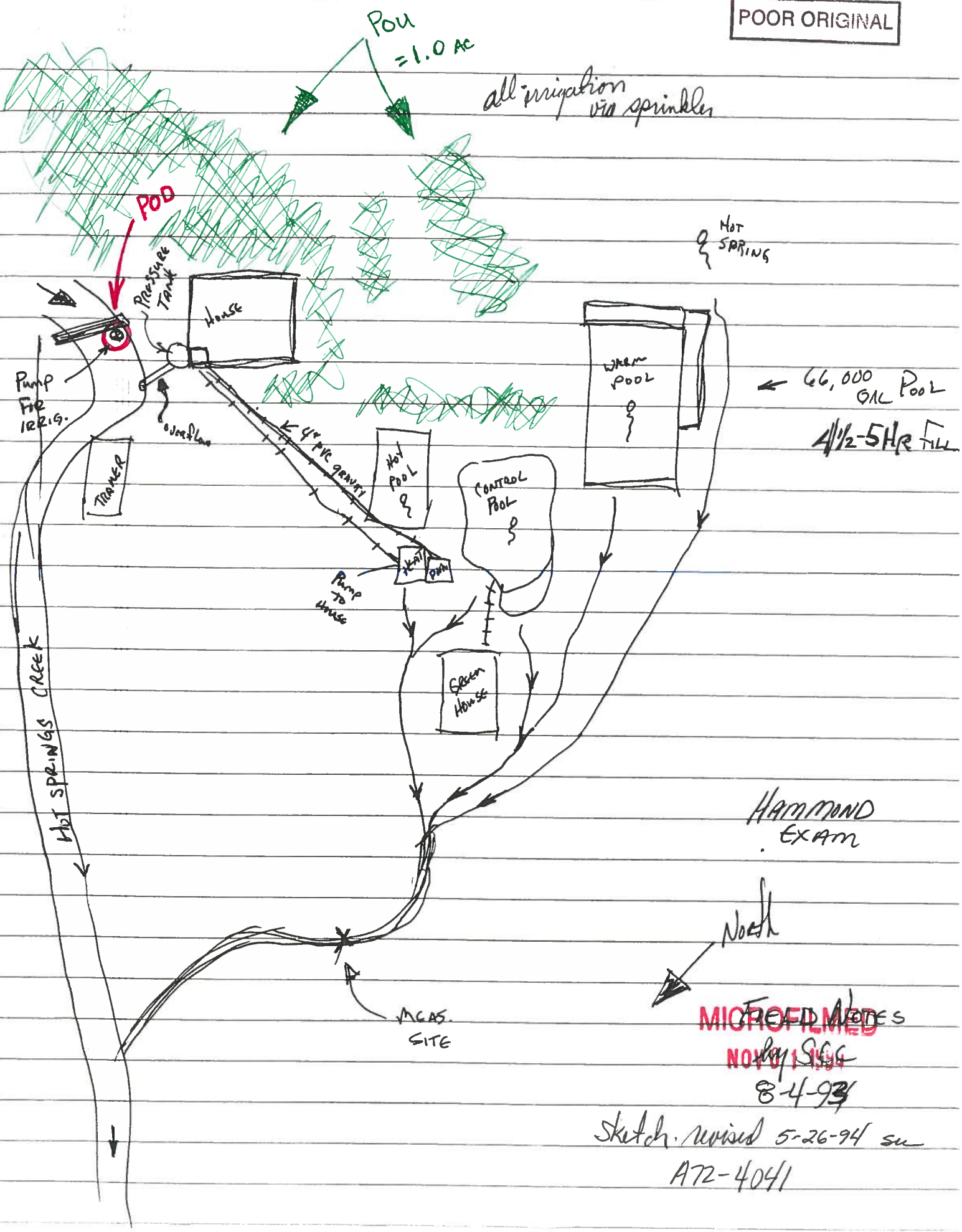
PHOTO T75 (SE)

DL.FID. 1954 & 1956

AS CLAIMED

728000m E 114°07'3

POOR ORIGINAL

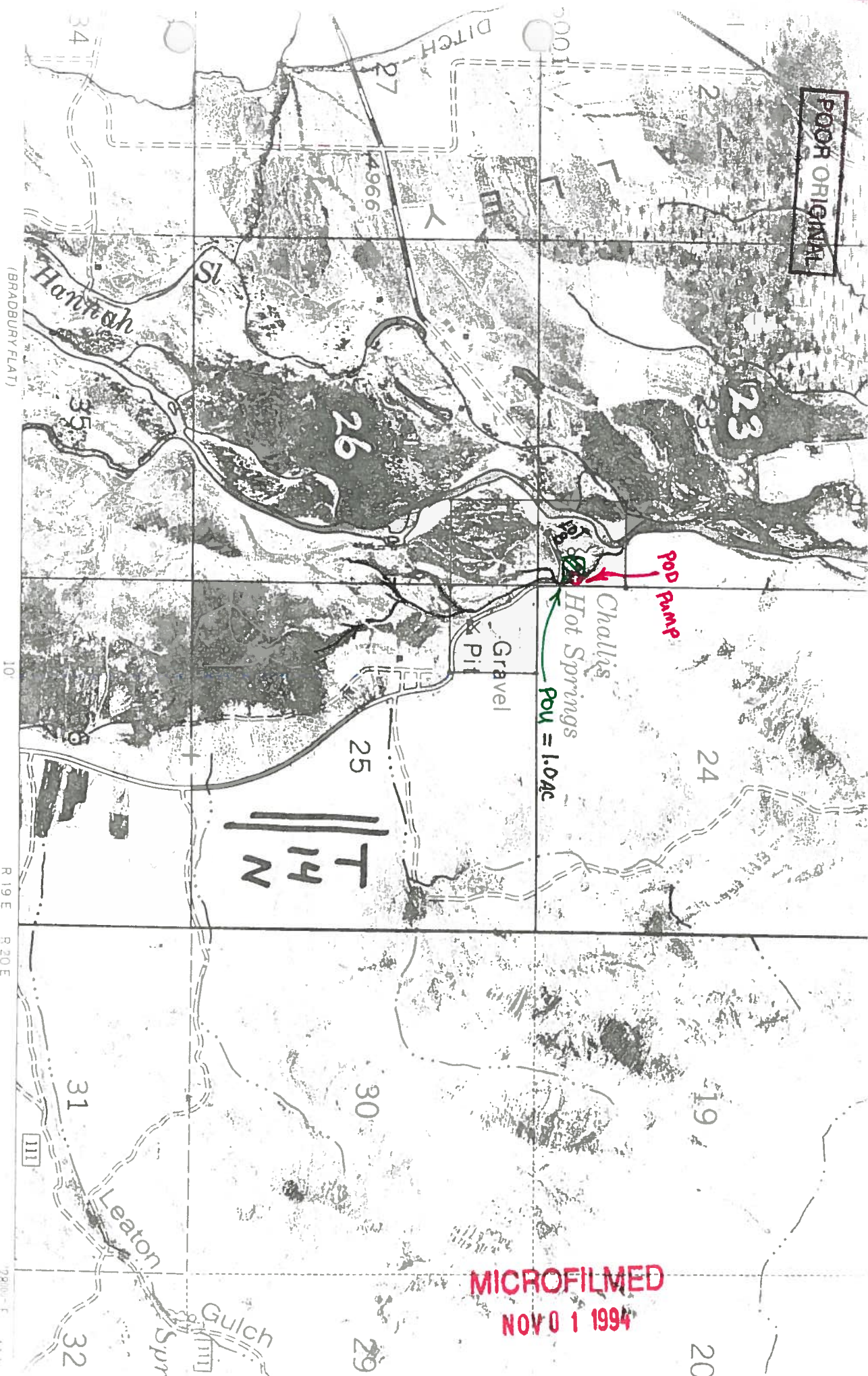


HAMMOND
EXAM

MICROFILMED
NOV 6 1994
8-4-93

Sketch. revised 5-26-94 su
A72-4041

POOR ORIGINAL



SCALE 1:24000

R 19 E

1 MILE

2000 3000 4000 5000 6000 7000 FEET

1 KILOMETER

CONTOUR INTERVAL 80 FEET

DOTTED LINES REPRESENT 40 FOOT CONTOURS

DATUM IS MEAN SEA LEVEL

CLAIM 472-4041

T. R. S. Q/Q

INIT

5-26-94

P/D 14N 19E 23 SESESE L8

PHOTO T 75 (SE)

DT. & ID. 1954 & 1956

As
Recommended

MICROFILMED
NOV 01 1994