

JUL 28 1994

Department of Water Resources
IN THE DISTRICT OF

Southern Region Office

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: A72-10139

Date Received: 12/ 6/1989

Receipt No: S010615

Received By: SCC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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

2. Date of Priority: JUN 1, 1883

3. Source: UNNAMED SPRINGS 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	NE	1	CUSTER

5. Description of diverting works:
VARIOUS DITCHES. 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	0.540		

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

8. Total consumptive use is 27.5 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	20.0

COPY

Section Acres 20.0

Total Acres

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NOV 01 1994

A72-10139

Page 1

Date: 05/26/94

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:

A72-04041, HOT SPRINGS CREEK

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

Robert C. Hammond

Date:

July 18, 1994

Date:

State of Idaho

)

) SS.

County of Custer

)

Subscribed and sworn (or affirmed) before me this 18th day

of July 19 94

Yallon Rhodes

Notary Public

Seal

Residing at Challis ID

My Commission Expires 11-03-99

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NOV 01 1995

17. Notice of Appearance:

Notice is hereby given that I, KENT W. FOSTER will be
Print Name

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 1321 Box 50150 Idaho Falls, Idaho 83405

Date 7/20/94

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NOV 01 1994

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
P.L.L.C.

IDAHO FALLS OFFICE

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

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

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

KEY FINANCIAL CENTER
P.O. BOX 2840
702 W. IDAHO SUITE 810
BOISE, IDAHO 83701

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

BOISE OFFICE

TODD J. WILCOX
FREDERICK J. HAHN III
RONALD D. CHRISTIAN

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

July 21, 1994

Steve Clelland
IDAHO DEPARTMENT
OF WATER RESOURCES
222 Shoshone Street East
Twin Falls, Idaho 83301

JUL 22 1994
Department of Water Resources
Southern Region Office

RE: Robert C. Hammond

Dear Steve:

We have now obtained the signature of Mr. Hammond which has been acknowledged on the Amended Notice of Claim you sent to us and are returning it to you for filing.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\SANDRA\00BOB03.LTR:sjw

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NOV 01 1994

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: A72-10139
Date Received: 12/06/1989
Receipt No: S010615
Received By: lu

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: UNNAMED SPRINGS 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:
VARIOUS DITCHES. 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	0.400		

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

8. Total consumptive use is 20.0 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	20.0
Section Acres							20.0
Total Acres							20.0

A72-10139

Page 1

Date: 12/06/89

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MAR 18 1993

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:
A72-04041, HOT SPRINGS CREEK

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MAR 18 1993

6. Water is claimed for the following purposes:

(Both dates are inclusive)

(cfs) (acre feet)

For Irrigation purposes from 04/01 to 11/01 amount .4 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 20 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				:	TL	
:	:	:	NE	NW	SW	SE	:	NE	NW	SW	SE	:	NE	NW	SW	SE	:	NE	NW	SW	SE	:
14N:19E: 23:	:	:	'	'	'	'	:	'	'	'	'	:	'	'	'	'	:	'	'	'	'	:
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:	:	:	'	'	'	'	:	'	'	'	'	:	'	'	'	'	:	'	'	'	'	:

Total number of acres irrigated 20

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.

The water under this right is combined with water under Claim No. 72-4041 to irrigate up to 20 of the 30 acres in the SE1/4 of the SE1/4 of Sec.23 shown in Claim No. 72-4041. or None ()

14. Remarks:

Last Name Hammond Ident. Number A72-10139

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MAR 18 1993

15. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice _____
Permit _____ Decree _____ License _____

If applicable provide IDWR Water Right Number _____
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 ☒ 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 29, 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 Booneville) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of November, 1989.

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

17. Notice of Appearance:

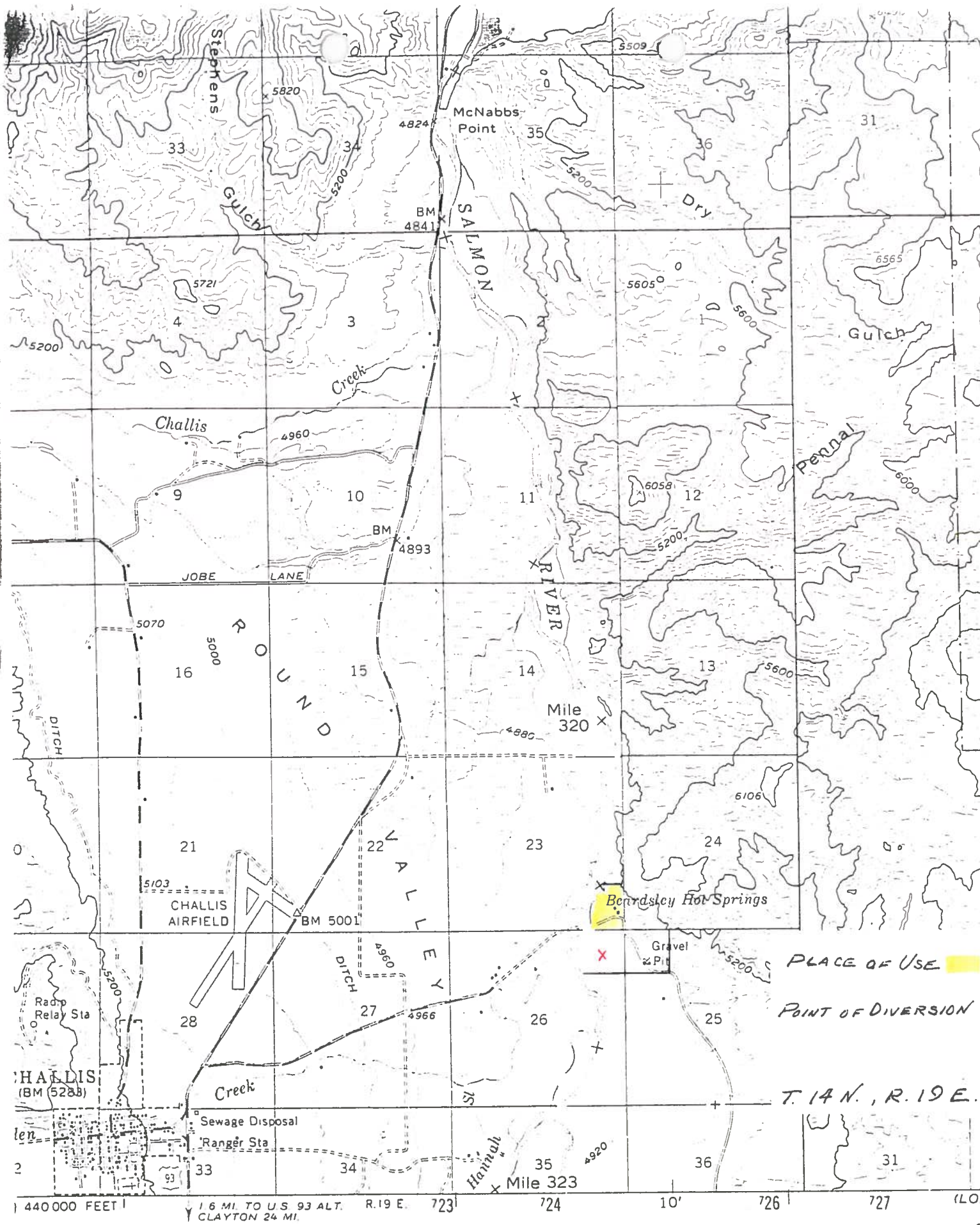
Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

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

Last Name Hammond Ident. Number A72-10139

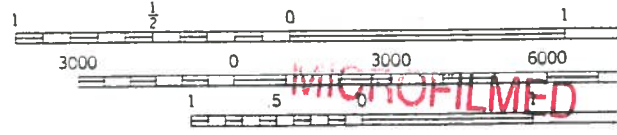
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MAR 18 1993



edited, and published by the Geological Survey
USGS and USC&GS

ry from aerial photographs by photogrammetric methods
otographs taken 1954. Advance field check 1956
projection. 1927 North American datum



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MAR 18 1992 CONT'D



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 cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR. 1. 8. 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3030

*Letter sent to Attorney
(Kent Foster)*

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-10139

ROBERT C. HAMMOND
RT 4, BOX 223

IDAHO FALLS

ID 83401

A72-10140

ROBERT C. HAMMOND
RT 4, BOX 223

IDAHO FALLS

ID 83401

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) 736-30

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

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Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 18 1993

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
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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

AFFIDAVIT OF MILDRED KIMPTON

RECEIVED

STATE OF IDAHO)
) ss.
County of CLUSTER)

JUL 13 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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MAR 18 1993

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

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 3rd day of July, 1992.

Mildred Kimpton
MILDRED KIMPTON

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

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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MAR 18 1993

THE UNITED STATES OF AMERICA,

To All To Whom These Presents

Hailey 0536.

Shall Come, GREETING:

WHEREAS, ELEANOR F. 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 F. 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 F. 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 F. 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 F. 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, 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, 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. Sanford, Recorder of the General

Recorded: Patent Number 71094.

Land Office.

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.

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Book 6 Page 348

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

Greeting:

Homestead Certificate No. 1086.

Application 1503.

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,

By F. H. McKean, Secretary,

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

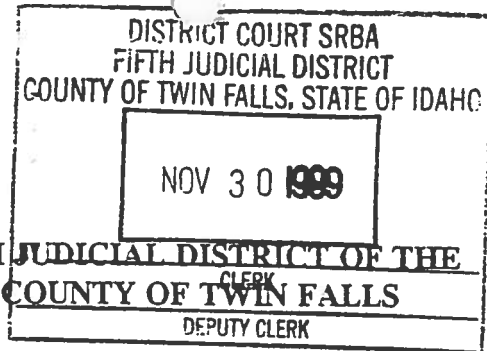
C. H. Rush, Recorder of the General Land Office.

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.

C. H. Rush
Ex-officio Recorder.



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

Subcase 72-10139
(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)

Shirley A. Oll
IDWR Concurrence

Spencer A. Hite, atty for claimant

TS TO FORM
[Signature]
Attorney for IDWR

AJ5856NP
NOV-17-1999

IDAHO DEPARTMENT OF WATER RESOURCES

DATE:

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

PAGE: A-244

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-10139

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

SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

QUANTITY: 0.63 CFS

PRIORITY DATE: 06/01/1883

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 0.63 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T14N R19E S23 Lot 8 (SESE) 3
S26 Lot 1 (NENE) 9.8
12.8 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
RIGHT NO. 72-04042 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

S
OK
RCB

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 November 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

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. 35976

Case No. 72-10139

(Insert water right number)

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



23698

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.

9a. Place of Use. Approximately ten acres has been omitted from the place of use.

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.

Additional 9-10 acres needs to be added to the place of use.

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)

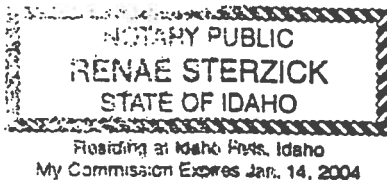
That I am the party/claimant filing this objection (as listed on Page 2, Section 3, "Party/Claimant Objecting"), that I am a water claimant or party in this proceeding, as defined by I.C. §42-1401A(1) and (7), and that I have read this response, know its contents and that the statements are true to the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

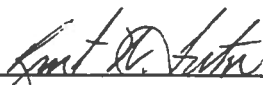
Name: _____
Address: _____

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\10139.kmc



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 & CRAPU, 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

AJ0749NP
No. R72-10139

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

DATE: 11/17/98
PAGE: 1

RECEIVED

[Signature]

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	06/01/1926	IRRIGATION	04-01 10-31	0.54 CFS	
TOTAL DIVERSION:					0.54 CFS	

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

Point(s) of Diversion: T14N R19E S26 Lot05(SENESE) CUSTER County

Place of use Legal Description for: IRRIGATION											
NE			NW			SW			SE		
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
14N	19E	23	:	:	:	:	:	:	:	:	:
14N	19E	26	:	:	:	:	:	:	:	:	:
TOTAL ACRES										3.0	8.0
										11.0	

POU County: CUSTER
Other Rights: NONE

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

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 A72-10139 DATE 10/9/98
 AGENT See

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL 20
 GIS ACRE TOTAL 11

				NE				NW				SW				SE			
	TWP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	14N	19E	23																20
GIS																			2.5
RECOM																			3
CLAIM			26	Ø															Ø
GIS				8.5															8.5
RECOM				8															8
CLAIM																			
GIS																			
RECOM																			

B72-DBPOU.SHP

SHAPE NOS.

220

B72-DBPOD.SHP

(Same Pod - 72-4042 STARK)

NOS. DESCRIPTION

108

11/17/98 See
Q limited to claim
0.54 cfs
0.40 cfs

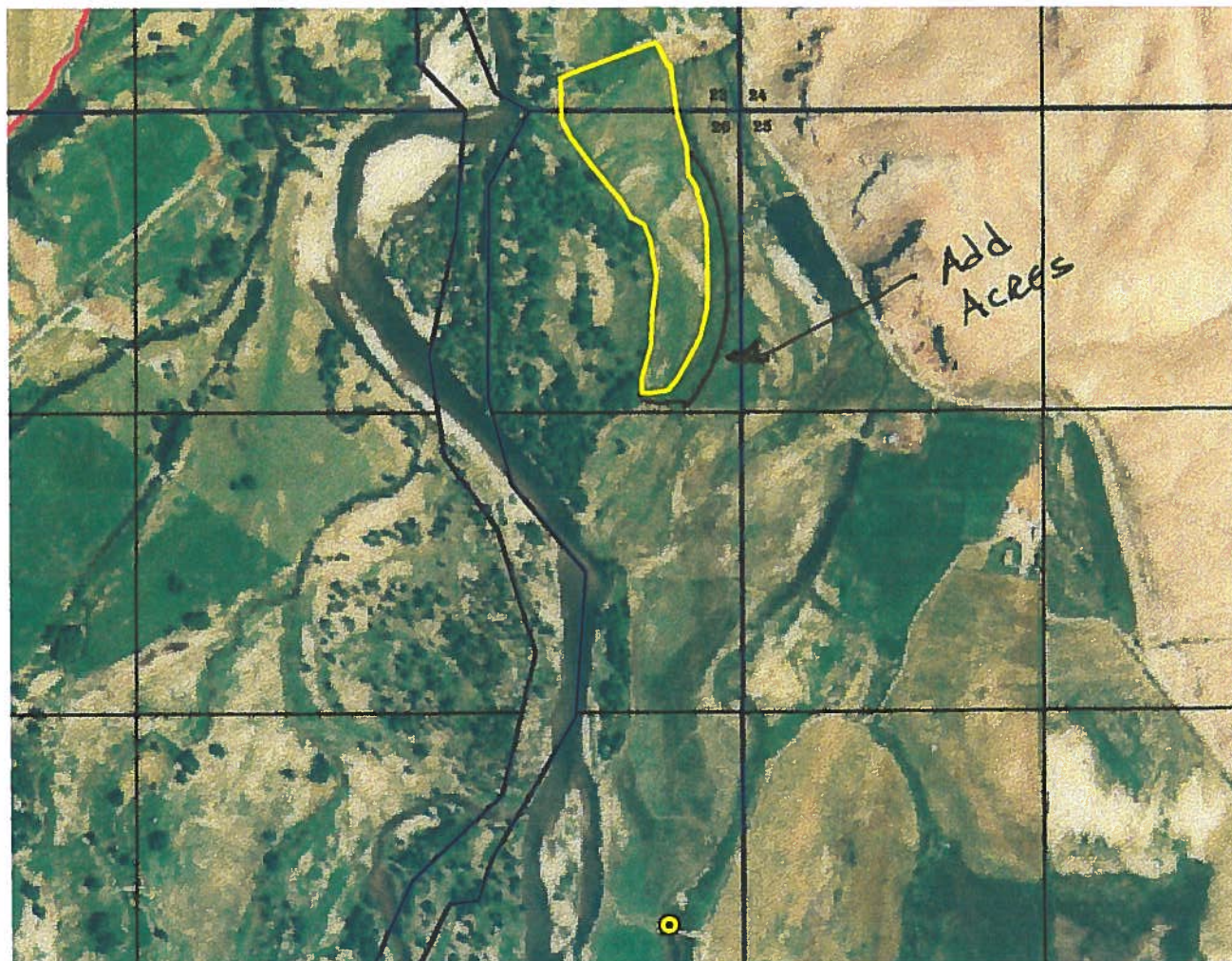
DBF TABLES UPDATED

372-DBPOU.DBF ✓ 10/15/98

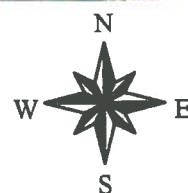
372-DBPOD.DBF ✓ See

IDAHO DEPARTMENT OF WATER RESOURCES

72-10139



660 0 660 1320 Feet



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

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

*Revised
GIS
w/ Bob Hammond
& Kent Footer*

*11/30/99
Soc*

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

DATE: OCT. 9, 1998

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

NOV 9 1994

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	06/01/1926	IRRIGATION	04-15 10-15	0.54 CFS	
					TOTAL DIVERSION:	
					CONSUMPTIVE USE:	27.50 AFA
					0.54 CFS	

Water Source: UNNAMED STREAM

Tributary to: SALMON RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T14N R19E S26 Lot05(SENENE)

CUSTER County

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE		
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac
14N	19E	23	:	:	:	:	:	:
14N	19E	26	:	01-08	:	:	:	:
								TOTAL ACRES
								11.0

POU County: CUSTER

Other Rights: NONE

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

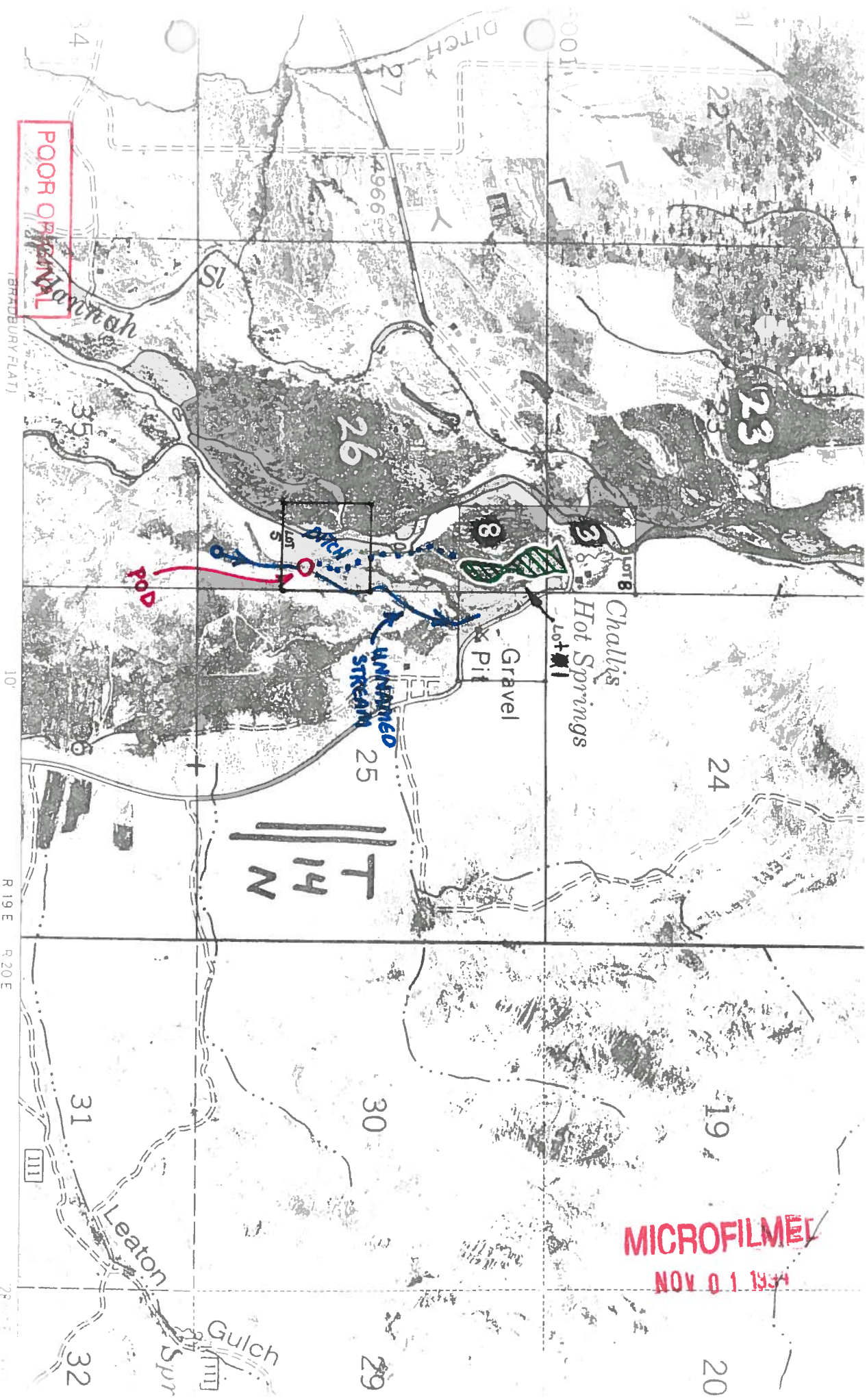
Dates: Exam Made Date: 08/04/1993 Verified Date: 05/26/1994

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

Comments: Date: 05/26/1994 User-ID: CLELLAND Subject: RECOMMENDATION
A DIVERSION RATE OF 0.049 CFS PER ACRE AT THE FIELD HEADGATE IS
INCLUDED IN THE RATE OF DIVERSION PER HUBBLE ANALYSIS REVIEW.
THIS RIGHT IS USED WITH 72-04042 IN A ROTATION.

Audit: 05/26/94 CLELLAND

MICROFILMED
NOV 01 1994



POOR ORIGINAL

SCALE 1:24,000

R 19 E



CONTOUR INTERVAL 80 FEET

DOTTED LINES REPRESENT 40-FOOT CONTOURS

DATUM IS MEAN SEA LEVEL

CLAIM A72-10139

T. R. S. Q/Q

P/D 14N 19E 26 SENESE L45

PHOTO T75 (SE)

DT. & ID. 1954 & 1956

INIT SC

5-26-94

AS Recommended

MICROFILMED

NOV 0 1 1954

LAST: DREDD
ADDRESS: P.O. BOX 50130
CITY: MAHON PAIS
PHONE NUMBER: 702-000-0000

FIRST: VERN H.
STATE: TN ZIP: 37401

MICROFILMED
NOV 01 1994

LAST: LAMMON
ADDRESS: P.O. BOX 222
CITY: MAHON PAIS
PHONE NUMBER: 702-529-4706

FIRST: ROBERT C.
STATE: TN ZIP: 37401

OWNER CODE: C
CROSS BYAM REQUIRED?
REGISTRATION REQUIRED DUE TO REMARKS?
NO REMARKS IN CLAIM

DATED: 06/06/09
DATABASE: N
EVALUATED

CONTACT PERSON:

Bob Hammond

DATE OF FIELD EXAM:

8/4/93

APPOINTMENT NAME:

X

Y

Y

TIME:

Y

AC

Y

PE

Y

ACCOMPANIED BY:

same

RELATIONSHIPS TO CLAIMANT:

INSTRUCTIONS TO RECEIPT / REMARKS:

Frank Hildreth and I met w/ Mr. Hammond and reviewed the ~~chain~~ as told. We walked all the ditch systems in the irrigated pasture and the old power plant Division works. Examined and measured the Htspring + pools also.

See

5-26-94

(See attachment for Mapo used in Review)

MICROFILMED

NOV 01 1994

A. AT CLAIM: # 472-10100

PRIORITY DATE: 06-01-1883

STAGE: 1

B. WR RECORD: NO WRATED RIGHT RECORD TO MATCH THIS AT CLAIM

C. WRIT EXAM REQUIRED?

YES TO PRIORITY DATE DISCREPANCY? (Y/N)

DATEBASE

EXAMINED

ADD THREE ADDITIONAL REASONS TO QUESTION THE PRIORITY DATE CLAIM? ☒ YES ☐ NO

REMARKS:

*affidavit by Mildred Kingston
Does not support invention was on Division.*

*1919 patent: acknowledges with rights as established under "local custom,
law, and court decisions." None have been shown here.*

(see 9-13-93)

*Affidavit by Ralph Hershman in the claim file #72-4042
It would be supportive of this case since it would
have been developed down stream from the #72-4042 use.
(see copy)*

RECOMMENDED PRIORITY DATE:

6-1-1926

REVIEWED BY

su

DATE

5-26-94

MICROFILMED

NOV 01 1994

MICROFILMED
NOV 01 1984

A. AT CLAIM POINT OR DISSECTION AND COVER:

VEGET	TWP	RGE	CPC	1/4	1/4	1/4	TOT	RTY
472-10100	14N	19E	26		NE	NE	1	CHECKED

WHERE AT CLAIMS WITH CAMP AT FOR
A DEPOSIT
472-00001
NO DEPOSIT IN CAMP AN ARDE TRACT
72-00001

COVER: UNPAID CROPPING

TRIP: SALMON RIVER

B. NO DEPOSIT OR DISSECTION AND COVER:

WHERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

COVER: NO COVER FOR RECORD

TRIP: NO TRIBUTARY FOR RECORD

C. DISCH EVAL DETERMINED

TRIP TO FOR DISCREPANCY?	(Y/N)	DATE	TRIP EVALUATED
TRIP TO SOURCE DISCREPANCY?	(Y/N)	Y	Y

Confirmed POD & ~~State~~ Since from Exam & Maps noted (attached)

REMARKS:

DECOMMISSIONED POINT(S) OR DISSECTION AND COVER:	TWP	RGE	CPC	1/4	1/4	1/4	TOT	COUNTY
14N 19E 26	SE	NE	SE	SE	5		37	

COVER: UNPAID Stream
DATE: Salmon River
5-26-94

Sample POD as 472-4042

A. PLOT WATER RIGHT NUMBERS:

A72-00016
A72-00019a
A72-00019b
A72-10139

B. PLOT LISTING

TWD	ENG	SEC	1/4	1/4	LOT	NAME	AT \$/ACRES	NP \$/ACRES	TANNEAT DATA	PIEDM EYAM
14N	10E	22	CE	CE	8	FOSTER, KENT W.	A72-10139	/30.0	-	3.0
			CE	CE		HAMMOND, ROBERT C.	A72-07039	/	72-07039	
			CE	CE		HAMMOND, ROBERT C.	A72-10140	/	-	
			CE	CE		HAMMOND, ROBERT C.	A72-04041	/30.0	-	
			CE	CE		GINI DITCH COMPANY INC.	A72-10481	/5.0	-	
			CE	CE		GINI DITCH COMPANY INC.	A72-10482	/5.0	-	
			CE	CE		GINI DITCH COMPANY INC.	A72-10480	/5.0	-	

TOTAL ACRES A72-10139

20.00

ADD IMPROVED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE. (Y/N)

SECT. 26 NENE L.1

8.0

PIEDM EYAM ACQUISITION?

DATEBASE

PIEDM EYAM

PIEDM COMPANY: FOSTER

DATE TO END DISCREPANCY? (Y/N)

Y

DISCREPANCY FLAG

DISCREPANCY

found additional (or correct) irrigated acres as shown by Mr. Hammond at the Exam.

DISCREPANCY

TOTAL ACRES

11.0

DELETED BY

sa

DATE

5-26-94

MICROFILMED

NOV 01 1994

A. AT CLAIMED LOSS:

DISPOSSES
ACQUISITION IDENTIFICATION

MONTH/DAY
FROM 04-01 TO 04-15
TOTAL PURCHASE DATE/UNITIME CLAIMED

PURCHASE QUANTITY
400 PCS
400 PCS

B. THE DISPOSSED LOSS:

DISPOSSES

MONTH/DAY

PURCHASE QUANTITY

DISPOSSED LOSS:

STILL IN CYCLE DISPOSSED

STILL IN
DATE/DATE

DATE TO DATE/DATE DISPOSSED (Y/N)
DATE TO PURCHASE DATE DISPOSSED (Y/N)
DATE TO PURCHASE DATE DISPOSSED (Y/N)

C. DISPOSED LOSS:

DISPOSSED LOSS:

DISPOSSED LOSS TO THE STANDARD OF PURCHASE

DISPOSSED:

old season

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

Explain in remarks below

5-26-94

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A. DUNE DIVERSION DATE CLAIMED AGREE WITH EXISTING RECORDS?

Y ☒ N ☒

AT TOTAL CLAIMED DIVERSION RATE: 0.400 CFS
AND DUNE TOTAL DIVERSION RATE: CFS

ALL TO AND TO ESTABLISH CLAIM OR DENEY CLAIM USE THEN FLOW MEASUREMENT REQUIRED. ALL
IT TO BE SUFFICIENT EVIDENCE THAN THE ORIGINAL DIVERSION RATE IS IT
IT CLAIMED AND AS SUCH IS NOT REQUIRED. DIVISION IS REQUIRED. IT

FLOW MEASUREMENT REQUIRED?

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

Y ☒ N ☐ DATA BASE EXAMINED

MEASUREMENT METHOD

Current Meter

FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

1.90 cfs

ARE OTHER WATER RIGHTS HELD? Y ☒ N ☒ IF YES COMPLETE SUPPLEMENT.

OTHER RIGHTS LISTED IN CLAIM: 772-0001 NOT CENSUS REPLY

NONE

TEST ALL RIGHTS WITH A GAGE FOR AND IRRIGATION USAGE:

CLAIM NO.	EQUIP	NAME	DTU, RATE	DTU, RATE/ACRE	DTU, VOL.	DTU, ACRE
A72-10130	UNNAMED SPRINGS	FOSTER, KENT W.	0.400	0.020		
A72-04041	HOT SPRINGS CREEK	HAMMOND, ROBERT C.	3.000	0.019		
A72-10400	SALMON RIVER	GINI DITCH COMPANY INC.	120.000	0.041		
A72-10401	SALMON RIVER	GINI DITCH COMPANY INC.	47.000	0.022		
A72-10402	SALMON RIVER	GINI DITCH COMPANY INC.	25.200	0.008		

TEST ALL RIGHTS WITH SAME PUL PUT NOT USED FOR IRRIGATION.

CLAIM NO.	EQUIP	NAME	MONTH/DAY	RATE	VOLUME
A72-07039	COMMERCIAL	HAMMOND, ROBERT C.	FROM 01-01 TO 12-31	200 CFS	5,000 AF/A

MICROFILMED
NOV 01 1954

1. IRRIGATION RATE
 ACRES 11 $\times$ 0.00 CFS/ACRE = 0.22 CFS
 (Taken from 2/10 Review)

2. DOES AMOUNT CLAIMED EXCEED 0.00 CFS/ACRE? ☒ YES ☒ NO

3. IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? ☒ YES ☒ NO

Fluxile Analysis:

MICROFILM
 NOV 11

4. IRRIGATION CONSUMPTIVE USE
 CLAIMED CONSUMPTIVE USE = 20.0 AF/A

ACRES 11 $\times$ CONSUMPTIVE UNIT, AF/A FOR AREA

TOTAL CONSUMPTIVE USE 27.5 AF/A

(Based on Same analysis as shown in A72-4042
WV1 soil)

* also $0.049 \text{ cfs/acre} \times 11.0 = 0.54 \text{ cfs}$

5. IRRIGATION DIVERSTION VOLUME
 CLAIMED DIVERSTION VOLUME = AF/A

ACRES N/A $\times$ DIVERSTION UNIT, AF/A FOR AREA

TOTAL DIVERSTION VOLUME AF/A

limited by
 Denver Demand: 0.40 cfs

6. CALCULATIONS FOR WERE OTHER THAN IRRIGATION:
 ARE ATTACHED SHEETS? ☐ YES ☐ NO

(A72-4042 & this right are used on an informal notation.)

$0.54 \text{ cfs} + 1.03 \text{ cfs} = 1.57 \text{ cfs}$

FDWL max. = 1.90 cfs

.33 cfs (DMA Division)

* Contact for
 unclaimed, verified uses: 0.14

PERMANENTLY

PER
DATE

PER
DATE

PER
DATE

PER
DATE

PER
DATE

IRIGATION

4/15 10-15

0.54 *

N/A

27.5

PERMANENTLY

PERMANENTLY

DATE

5-26-94

See

(Pending
Signed
Amendment #111)

Let's proceed & hold in file
pending the removal of the St. Andrew
currently in effect.

See
5-26-94

F85

Amendment Received 7-22-94

Review Complete
7-25-94
See

MICROFILMED

LISTING OF MAPS USED IN REVIEW OF THIS FILE

CLAIM NUMBER: A72-10139 .

DESCRIPTION OF MAP	ID NUMBERS	MAP DATE	COPY IN FILE?
ORTHOPHOTOQUAD (OPQ)	<u>T75 (SE)</u>	<u>1954-1956</u>	<u>YES</u> / NO
ASCS MAP	<u>16037-178</u>	<u>c. 1978</u>	<u>YES</u> / NO
NAPP PHOTO	_____	_____	YES / NO
BLM AERIAL	<u>7-10D-2 (T75SE)</u>	<u>7-10-88</u>	<u>YES</u> / NO
SUBDIVISION PLAT	_____	_____	YES / NO
TOPOGRAPHIC QUAD	_____	_____	YES / NO
GOVERNMENT LOT MAP	<u>T14N R19E</u>	_____	<u>YES</u> / NO
SCS SOILS MAP	<u>HAP 243-36B</u>	<u>9-2-84</u>	<u>YES</u> / NO
OTHER:	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO

=====

REMARKS:

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NOV 01 1994

FACE ORIGINAL

22-23
27-26

POU

DITCH

POD

CLAIM A72-10139 INIT SW
T. R. S. Q/Q 5-26-94

P/D _____
PHOTO BLM AERIAL #7-10D-2
DT.&ID. 7-10-88 T75 SB

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NOV 01 1994

POOR ORIGINAL

Challis Hot Springs

Pou Cam

Gravel Pit

Horseshoe Bend

Leaton Gulch

MICROFILMED
NOV 01 1994

SCALE 1 24 000

R-19E

R 19 E R 20 E

114° 07' 30" E

CLAIM A72-10139 INIT

T. R. S. 2/2 5-26-94

CLAIM P/D 14N 19E 26 NENE(L.I.)

PHOTO T75 (SE)

DT.&ID. 1954 & 1956

AS CLAIMED

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

NUMBERED
DODGE/ADAMSON
AUTOMATIC RIV. AMOUNT

ACCEPTED
AS PLATED
()
()
()
APPROX
RIVETS
()
()
()

B. COTTON WATER RIGHT REVIEW

WONT WATER RIGHT NUMBER: 72-10139

DATABASE

EXAMINER

CPG

TOTAL IRRIGATION RATE OR UP SPLITTS

SPLITTS:

ON VOLUME
NUMBERS

CURRENT
CLAIM NUMBERS

IRRIGATION
RATE

CURRENT AD
CLAIM NUM.

AD. RIV.
RATE

UP RIGHT
NUMBERS

IRRIGATION
RATE

472-10139

0.400

-

-

TOTAL FEE

0.400

IRRIGATION RATE REVIEW

DATABASE

FIELD
EXAMINER

DO THE SUM CPG RATE OF THE SPLITTS EQUAL THE WONT RIGHT CPG RATE? (Y/N)
IF NOT, is the written review sheet attached? (Y/N)

REMARKS:

1/2

AUTHENTICATION

SIGNATURE:

Steve O'Neil

NAME OF FIELD EXAMINER:

DATE:

5-26-94

TITLE:

MICROFILMED

NOV 01 1994

CRC

БЕЛЫЙ

b.

Pending & amended

ТОРД НАР/ОУТУН-ЭР	= 1
АЭРС НАР	= 2
МАТЕРИАСТР ВУРНОНС	= 3
НААР ПУНТИС	= 4
ПЛПН БУАН	= 5
ОУТИР (ООН ВРМАГ/УС)	= 6

Sw
4-13-93

0.54

27

DATE OF THE REPORT

CHIEF POINT

2

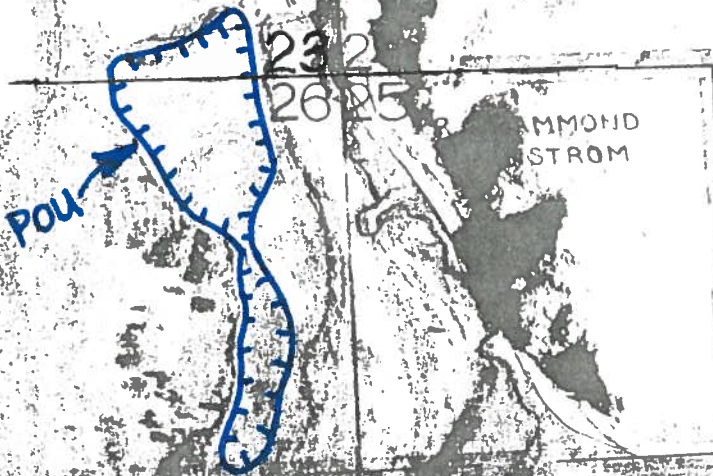
8-X3
PFC

Violent Terrorism
Prevention Bill"

Pending
Amendment

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NOV 01 1994

POOR ORIGINAL



A72-10139

ASCS map
c. 1978

G.T. CHIVERS

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NOV 01 1994

POOR ORIGINAL

STATE OF IDAHO

County of Custer

ss. AFFIDAVIT

RALPH HUTCHINSON, being first duly sworn upon oath deposes and says that he is 69 years of age and a resident of Challis, Custer County, Idaho; and that he has personal knowledge that the lands identified in Book B, Page 166 of the Book of Water Claims, recorded in the office of the Custer County, Idaho Recorder, a copy of which is attached hereto, have been continuously irrigated with Salmon River water since 1926.

DATED: February 28, 1978.

Ralph Hutchinson
Ralph Hutchinson

SUBSCRIBED AND SWORN to before me this 28 day of February, 1978.

Linda J. Hickey
Notary Public for IDAHO
Residing at Challis, Idaho
Comm Expires: 11/11/78

(SEAL)

*Same system would
have been developed as a
Down stream use at this time.*

Copy from

A72-10139

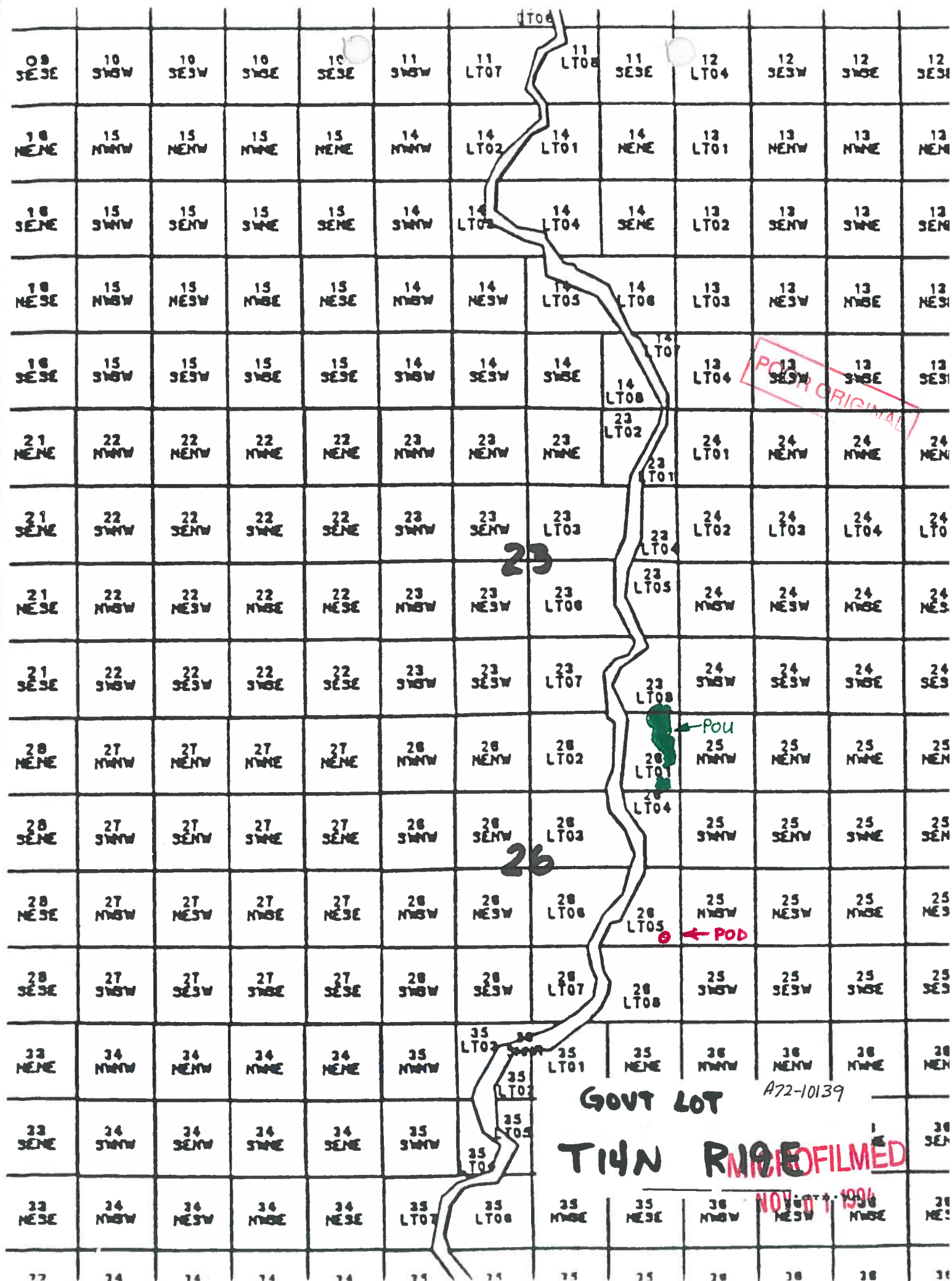
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NOV 01 1994

*See
526-94*

A72-10139

Copy of Microfiche



SOILS MAP
243-36B

POOR ORIGINAL

GFG

Fou

Rd1

Bd1

Td1

Re2

MICROFILMED
NOV 9 1 1984

GRADED BORDER EVALUATION

Job name: A72-04042
By: SCC

Location: WV1/LJ1 SOILS 21 AC PA
Date: May 26, 1994

Roughness coefficient (n)= 0.250 Intake family (If)=2.00
Slope (S)= 0.0100 ft/ft Border width (W)= 119 ft
Net application (Fn)= 3.24 inches Border length (L)= 183 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Note
1.00	Gross depth is less than required gross application depth					
1.01	Gross depth is less than required gross application depth					
1.02	Gross depth is less than required gross application depth					
1.03	0.009	16.35	13.06	0.05	19.8	
1.04	0.009	16.50	13.06	0.21	19.6	
1.05	0.009	16.66	13.06	0.36	19.4	
1.06	0.009	16.82	13.06	0.52	19.3	
1.07	0.009	16.98	13.06	0.68	19.1	
1.08	0.009	17.14	13.06	0.84	18.9	
1.09	0.009	17.30	13.06	1.00	18.7	
1.10	0.009	17.46	13.06	1.16	18.6	

$$\frac{1.03 \text{ cfs}}{21 \text{ Ac}} = 0.049 \text{ cfs/Ac}$$

Same soil type found
on A72-10139
for Homestead pool.

* allowed the same per acre rate
MICROFILMED
NOV 01 1994
See
5-26-94

CLAIM NO. --- A72-04042
 AGENT ----- SCC
 DATE ----- 05/26/94

Lotus Program:
 IRR-PRAC.WK3
 Date form revised:
 4/21/93 by KKC

 SOIL CHARACTERISTICS

Soil Type = WV1 WISKISPRINGS SILT LOAM
 Source of Soils Data = Printout From SCS State Office

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (inches)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper	(ft)		flood	furrow
0	8	0.17	0.19	6.6	7.3	2	3	1	2.16	2	0.55
8	49	0.17	0.19	6.6	7.3			2	2.34		
49	54	0.13	0.14	6.6	7.8			3	6.48		
54	60	0.03	0.04	6.6	7.8			4	8.64	alternate	
								5	9.70	method	
										NA	NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point (INCHES)	MAD
alfalfa (hay or seed)	5	0.5	4.85
corn (field or silage)	4	0.5	4.32
grain (winter or spring)	4	0.5	4.32
pasture (or grass hay)	3	0.5	3.24
other (enter below)			

FIELD NOTES AND CALCULATIONS

	FIELD 1	FIELD 2	FIELD 3	FIELD 4
FIELD WIDTH	5000	0		
IRRIGATION DAYS	14			
DRY DAYS	0			
SET TIME(hours)	8			
CALCULATED RUN (run = acres*43560/width)				
RUN =	183			
CALCULATED BORDER WIDTH (ditch length/irr days * cha				
WIDTH =	119			
THEORETICAL ROTATION (mad/net irr req in inches per				
SELECTED MAD =	3.24			
ROTATION =	14.0 DAYS			

 PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD

Weather Station = CHALLIS
 Figure No = 10-15

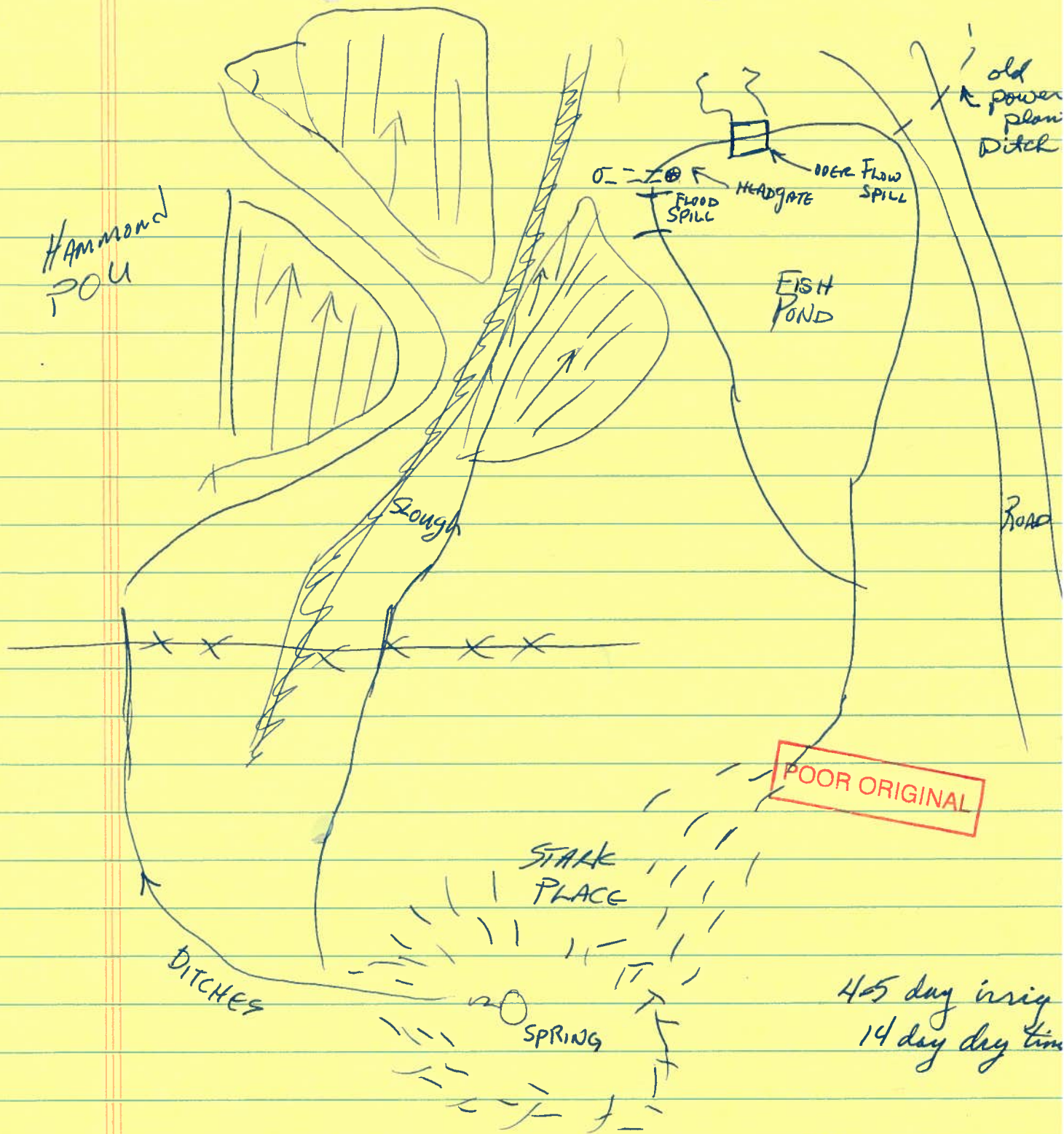
crop	acres	system	recomm. eff.	Net Irrigation Requirement (mm/day)							
				mar	apr	may	jun	jul	aug	sep	oct
PASTURE	21	FLOOD	14.3		1.47	3.84	4.87	5.86	4.56	3.23	2.07
ALFALFA		FLOOD			1.28	4.51	5.65	6.25	4.45	2.52	0.7

Summary 21 14 1.47 3.84 4.87 5.86 4.56 3.23 2.07
 Peak Net Irrigation Requirement (mm/day) = 5.86

Based A72-10139 on this Review w/
 copy to file

Program Operation based upon "GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES"
 HUBBLE ENGINEERING INC. OCTOBER 1991
 Soil Characteristics based upon SOIL CONSERVATION SERVICE STUDIES
 Peak Irrigation Diversion based upon ALLEN & BROCKWAY WEATHER INFORMATION 1983

See
 MICROFILMED
 NOV 01 1994
 A72-10139



Field Notes
8-4-93
SCC

A72-10139

MICROFILMED
NOV 01 1994

Hammond



← Slough
Area

View South

- From Spillway
OF RECREATION POND

8-~~10~~-93
4

Photo: R72-30
Jy Se

POOR ORIGINAL

MICROFILMED

NOV 01 1993

NAME OF STREAM OR DITCH UNNAMED STREAM FROM SPRING
 LOCATION ----- SPRING RISES ON MARK STARK PROPERTY
 PURPOSE OF MEASUREMENT -- ADJUDICATION REVIEW
 BASIS OF VELOCITY CALCULATIONS
 IF YOU ARE USING A PYGMY METER ENTER ----- 1
 IF YOU ARE USING A AA METER ENTER ----- 2
 ENTRY ----- 2

FOLLOWING THE LAST ENTRY IN:
 "DISTANCE FROM INIT PT" ENTRY MUST = "END"

WATER RIGHT NUMBER IF APPLICABLE -----
 AGENT CONDUCTING MEASUREMENT & DATE --- SCC 9-21-93
 ACCOMPANIED BY ----- N/A
 PREMEASUREMENT SPIN TEST (MIN/SEC) --- OK 2:15
 POST MEASUREMENT SPIN TEST (MIN/SEC) - OK 2:25

A72-10139

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 NOV 01 1994

INITIAL POINT	ANGLE OF COEFFICIENT	DISTANCE FROM INIT PT	DEPTH IN FEET	CALC DEPTH END PTS	1ST MEASUREMENT REVS	VELOCITY DATA		CALC WIDTH	AREA IN SQ FT	CALCULATED VELOCITY			DISCHARGE IN CFS
						2ND MEASUREMENT TIME/SEC	TIME/SEC			1ST POINT VELOCITY	2ND POINT VELOCITY	MEAN VELOCITY	
1.25		1.25	0.90	0.45	0			0.13	0.056			0.00	0.00
1.50		1.50	2.00		10	62.4		0.38	0.338	0.37		0.37	0.00
2.00		2.00	2.05		10	42.8		0.50	1.025	0.53		0.53	0.54
2.50		2.50	2.05		10	71.8		0.50	1.025	0.32		0.32	0.33
3.00		3.00	2.10		5	65.6		0.50	1.050	0.19		0.19	0.20
3.50		3.50	2.10		5	47.4		0.50	1.050	0.25		0.25	0.26
4.00		4.00	2.10		3	54.5		0.38	1.050	0.14		0.14	0.15
4.50		4.50	2.00		2	88.5		0.25	0.750	0.07		0.07	0.05
5.00		5.00	0.80		0			0.13	0.050			0.00	1.90
5.25		5.25											
5.50		5.50											
END				0.40									

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 NOV 01 1994

Water Right No.
(if applicable)

A. GENERAL INFORMATION

1. Name of stream or ditch: SPRING - UNNAMED STREAM
2. Location: MARK STARK PROPERTY
3. Person conducting measurement: STEVE CLELLAND
4. Date and time of measurement: 9-21-93 11:30am - 11:55am
5. Accompanied by: MARK STARK
6. Measuring device size and ID no.: #090148 AA
7. Spin test before measurement OK? OK 2:16 min after measurement OK? OK 2:25 min
8. Purpose of measurement: AJ CLAIM A72-4042

B. MEASUREMENT DATA

[illegible]

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NOV 01 1994

A72-10139