

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: A72-11734
Date Received: 12/20/1991
Receipt No: 5014057
Received By: Adm

partial payment 5014001

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT C. HAMMOND 208-529-4706
Address: 1828 S 55 W
IDAHO FALLS ID 83402

2. Date of Priority: JUN 1, 1929

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			CUSTER

5. Description of diverting works:
POND CREATED BY UNUSED POWER DAM APPROX 4 ACRE-FEET IN CAPACITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
RECREATION STORAGE	01/01	12/31			4.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 4.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
RECREATION STORAGE/ POND IS STOCKED WITH FISH FOR GUESTS @ RESORT

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	26	NE	NE		REC S	

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:
NONE

14. Remarks:

OLD POWER DAM WAS CONSTRUCTED IN ABOUT 1929 AND FIRST STORED WATER IN 1930. POWER PRODUCTION HAS LONG SINCE CEASED, BUT THE POND CREATED IS NOW AND ALWAYS HAS BEEN USED FOR THE STOCKING OF FISH FOR RECREATION PURPOSES. THE POND IS UTILIZED BY GUESTS OF THE HOT SPRINGS FACILITY.

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 _____

MICROFILMED

MAR 19 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 20 1991

Department of Water Resources

Southern Region Office

Phone (208) 529-4706

1. Name of Claimant(s) Robert C. Hammond
Mailing Address 1828 South 55 West, Idaho Falls, Idaho Zip 834022. Date of Priority (Only (1) per claim) June 1, 19293. Source of water supply (a) Hot Springs Creek
which is tributary to (b) Salmon River4.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. _____Waters impounded by an old unused power dam which created a pond of
approximately 4 acre-feet in capacity.

COPY

MAR 19 1993

6. Water is claimed for the following purposes:

(Both dates are inclusive)

(cfs) (acre feet)

For Recreation purposes from 01/01 to 12/31 amount _____ or 4

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)
Pond is stocked with fish and is used by guests of the
Hot Springs facility.

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: R	' ' ' ' :	' ' ' ' :	' ' ' ' :	' ' ' ' :	' ' ' ' :	' ' ' ' :	' ' ' ' :	' ' ' ' :	:
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:	' ' ' ' :	' ' ' ' :	' ' ' ' :	' ' ' ' :	' ' ' ' :	' ' ' ' :	' ' ' ' :	' ' ' ' :	:

Total number of acres irrigated _____

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.

or None (X)

14. Remarks:

Old power dam was constructed in about 1929 and first
stored water in 1930. Power production has long since ceased, but
the pond created is now and always has been used for the stocking
of fish for recreation purposes.

MICROFILMED

Last Name Hammond Ident. Number _____

MAR 19 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 12/16/91
ROBERT C. HAMMOND

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 December day
of 16th, 1991.

Notary Public Kenneth L. Taylor
Residing at Idaho Falls
My Commission Expires 10-7-97

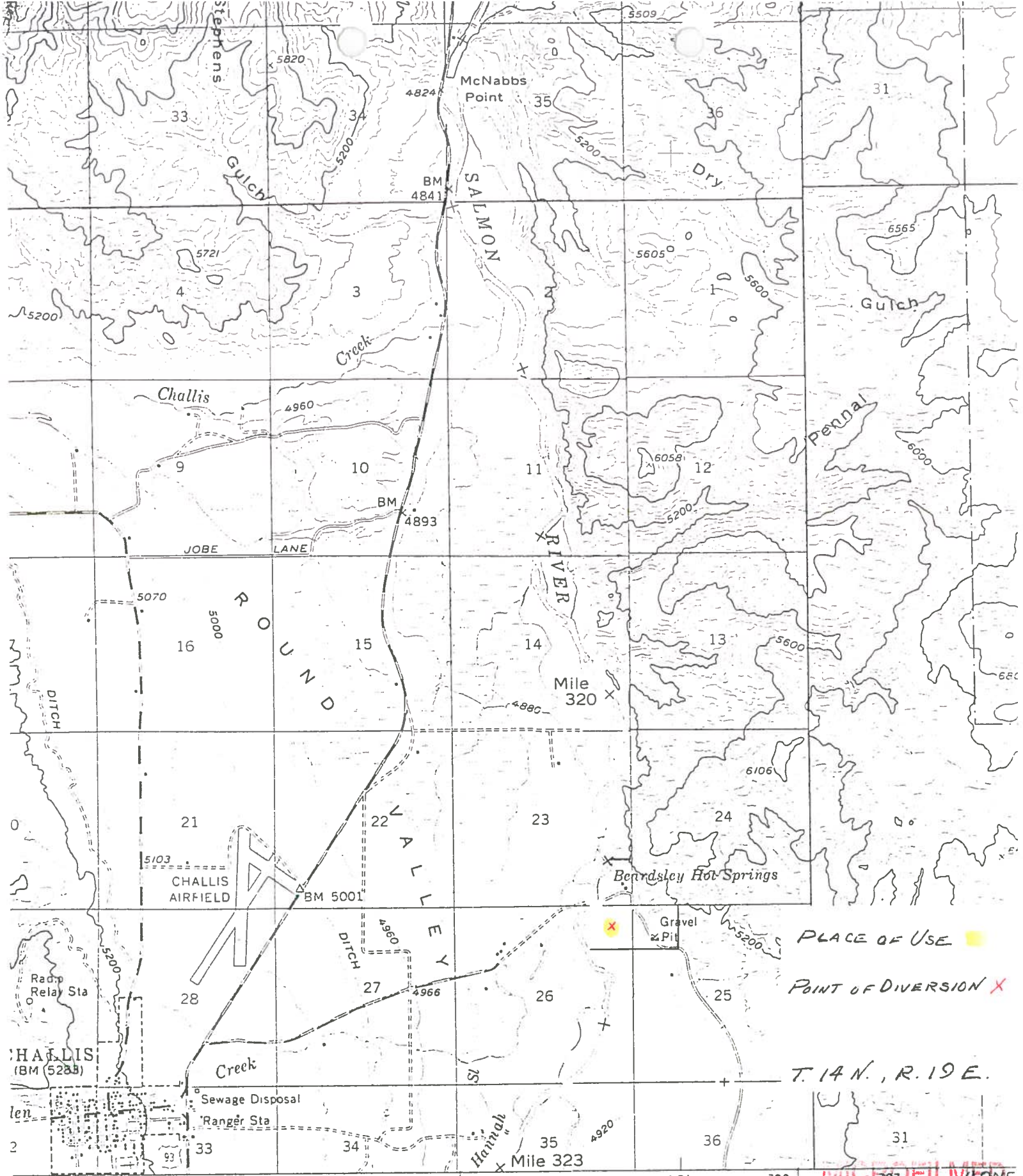
17. Notice of Appearance:

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 12/16/91

MICROFILMED

Last Name Hammond Ident. Number MAR 19 1993



1:440 000 FEET 1:6 MI. TO U.S. 93 ALT. R. 19 E. 723 724 10' 726 727

CLAYTON 24 MI.

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

from aerial photographs by photogrammetric methods
photographs taken 1954. Advance field check 1956

projection. 1927 North American datum

1 1/2 0 3000 6000
3000 0 3000 6000
1 5 0 1

GN MN

MICROFILMED
MAR 19 1993 SCA

CONTOUR

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)

December 18, 1991

RECEIVED

DEC 20 1991

Department of Water Resources
Southern Region Office

Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Gentlemen:

We are enclosing for filing a Notice of Claim to a Water Right Acquired Under State Law on behalf of Robert C. Hammond. We have enclosed our check in the amount of \$100.00. This is \$50.00 for the flat fee and \$50.00 for the late fee. We have not included an amount for the fee for the storage. If you will advise us of the amount you desire, we will be happy to send our check for the balance. Thank you for your kind assistance.

Yours very truly,



Kent W. Foster

#7835.00/srs

Enclosure

MICROFILMED

MAR 19 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

R. KEITH HIGGINSON
Director

20-Dec-1991 11:23

Holden, Kidwell, Hahn & Crapo
PO Box 50130
Idaho Falls, ID 83405

Attn: Kent Foster

RE: Robert Hammond SRBA Claim A72-11734

Dear Mr. Foster:

Please find enclosed the data entry record for Mr. Hammond's claim as well as receipt #S014001 for the moneys thus far paid. Please look the data entry record over and contact us if it needs to be changed.

The claim is presently being held in our temporary file pending the payment of the additional fees. These additional fees are calculated to be \$1.00. This was calculated as follows:

{ [4 afa/ 1.98 af/cfs-day] / 365 days/ann } X \$100/cfs = \$0.55 ***
*** rounded to next highest dollar = \$1.00

Additionally, since the claim is based on beneficial use the claimant will be required to submit evidence of the priority. Please find enclosed a pamphlet describing what types of evidence may be submitted. You may wish to submit or collect this evidence now.

I will hold this claim until the additional fee is submitted.

If you have questions please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Allen Merritt'.

Allen Merritt, PE
Water Rights Supervisor

Enc:

MICROFILMED

MAR 19 1993

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: S014057

Date: 1/13/1992
Time: 11:44:49

Received

From: HOLDEN, KIDWELL, HAHN & C

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	410162 9337 6490	1.00

Total \$1.00

CHECK 49592

A72-11734 - Water Right Numbers -

Region: SOUTHERN

Signature: _____

MICROFILMED
MAR 19 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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(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
TERRY L. CRAPO
(1939-1982)
WILLIAM S. HOLDEN
(1907-1988)

January 9, 1992

Idaho Department of Water Resources
ATTENTION: Allen Merritt, PE
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Robert Hammond SRBA Claim A72-11734

Dear Mr. Merritt:

Pursuant to your letter of December 20, 1991, we are enclosing our check in the amount of \$1.00 for the additional fee required. Thank you for your continued assistance in this matter.

Yours very truly,


33

Kent W. Foster

#7835.00/srs

Enclosure

RECEIVED

JAN 13 1992

Department of Water Resources
Southern Region Office

MICROFILMED

MAR 19 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

A72-11734
ROBERT C. HAMMOND
1828 S 55 W

IDAHO FALLS

ID 83402

*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 19 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

A72-10481
KENT W. FOSTER
P.O. BOX 50130

A72-10482
KENT W. FOSTER
P.O. BOX 50130

A72-11734
KENT W. FOSTER
PO BOX 50130

IDAHO FALLS

ID 83405

IDAHO FALLS

ID 83405

IDAHO FALLS

RE: Evidence of Priority

RESPONSE DEADLINE
MAY 1, 1992

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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 19 1993

RECEIVED

MAR 01 2000

Department of Water Resources
Bozeman, MontanaIN 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. 39576

Subcase No.: 72-11734

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.

Robert Hammond 2/25/00
Atty for Robert Hammond Date

Roxanne Brown 2/25/00
IDWR Concurrence Date

Approved as to form:
Attorney for IDWR

Wick Spencer

AJ5856NP

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

DATE: FEB-24-2000
PAGE: A-1

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-11734

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

SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

QUANTITY: 4.0 AFY

PRIORITY DATE: 06/01/1929

POINT OF DIVERSION: T14N R19E S25 NWNWNW Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	<u>RECREATION STORAGE</u>	<u>01-01 12-31</u>	<u>4.0 AFY</u>

PLACE OF USE: RECREATION STORAGE Within CUSTER County
T14N R19E S25 NWNW

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RECREATION STORAGE/ POND IS STOCKED WITH FISH FOR GUESTS @ RESORT

CERTIFICATE OF SERVICE

I certify that on FEBRUARY 25, 2000, I caused to be served true and correct copies of the Standard Form 5, to the following persons, in the manner indicated 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

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile

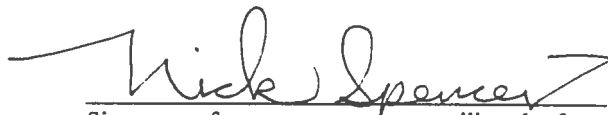
2. Copies to:

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

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Kent Foster
P.O. Box 50130
Idaho Falls, ID 83405

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile


Signature of person or attorney mailing the form

TRANSMITTAL COVER SHEET

TO: Nick S,

TOTAL PAGES SENT: 8
(including cover sheet)
DOCUMENT DESCRIPTION:

Affidavit for
Hammond
72-11734

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033
FAX: 736-3037

~~CHARGES: One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$0.25 per page. (\$0.50 minimum)~~

Please consider this document as a billing statement.

The charge for your fax copies is: _____ Please remit to the above address.

SENDER:

SCC

COMMENTS:

shorter than I thought
so I sent it ALL.

02/24 15:47
AJ SO
00:02:12
07
OK
STANDARD
ECM

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

TIME : 02/24/2000 15:50
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

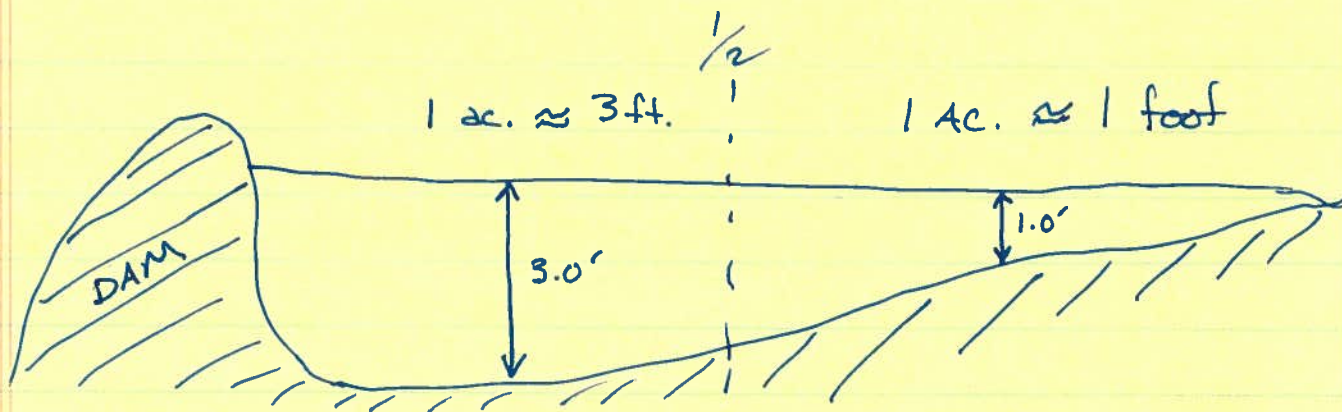
DATE: 02/18/00
PAGE: 1

Stage: BENEFICIAL USE

CUSTER County

NE

Field Inspection Flag:
Presumption Flag:



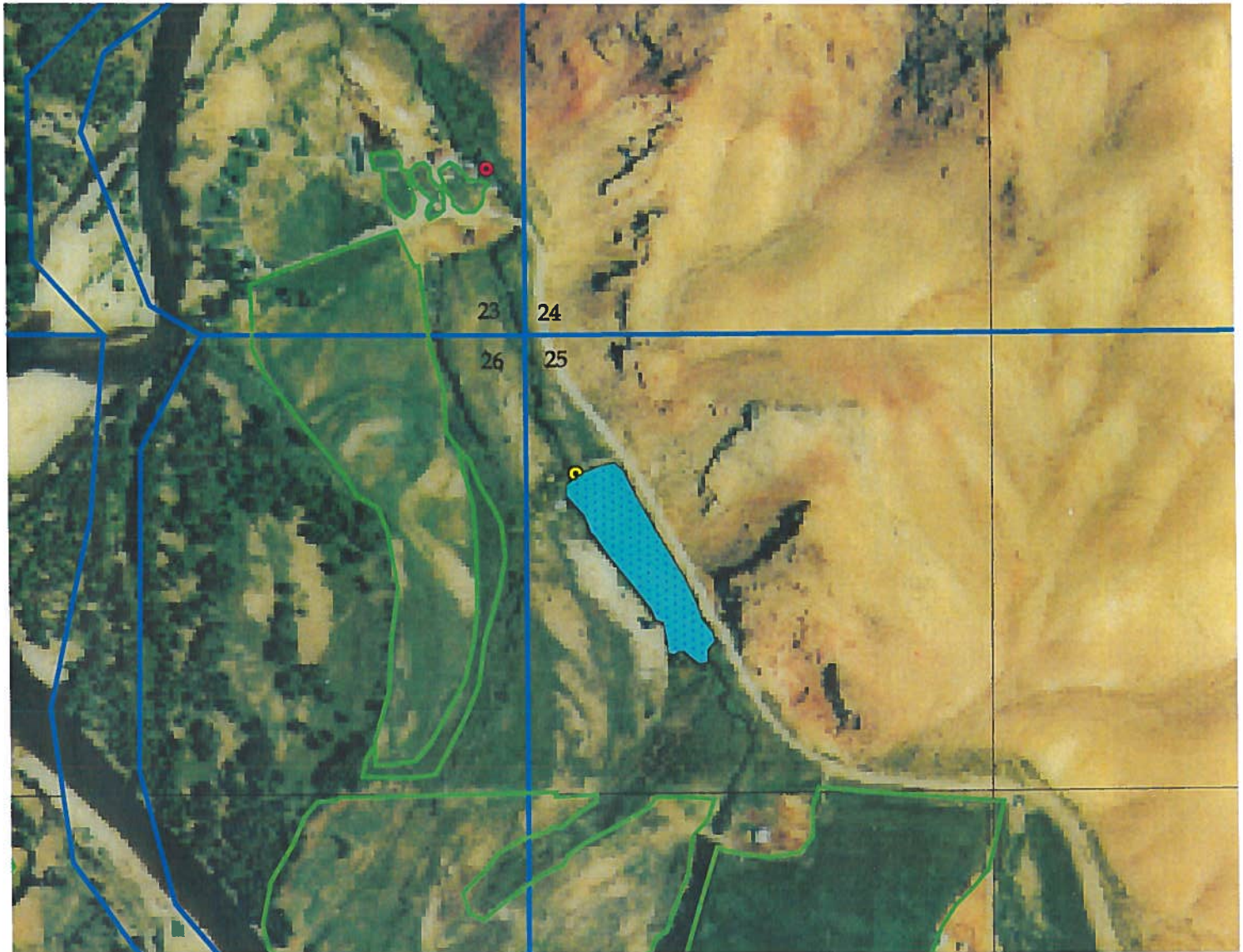
This is how the 4.0' volume is distributed in the pond.

2-18-00
See

layout saved as 72-11734 POND.jpg

IDAHO DEPARTMENT OF WATER RESOURCES

72-11734



660 0 660 1320 Feet

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

TWN: 14N
RNG: 19 E
SEC: 25 NWNWNW



2 ACRE POND

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND
DATE: FEBRUARY 18, 2000

Clelland, Steve

From: Denniston, Sara
Sent: Friday, January 14, 2000 4:15 PM
To: Clelland, Steve
Cc: Spencer, Nick
Subject: Hammond

Steve, I still haven't heard anything from you about what you think of the affidavit that Kent Foster submitted on 72-11734 regarding their claim to having used the pond for fish storage prior to abandonment of the power use.

I don't know if you've heard through the grapevine yet, but I've taken a new job and will be leaving the state. My last day is January 27th. So I would like to get as much of basin 72 wrapped up as possible before I leave, so the sooner we can address this one, the better.

Thanks!



RECEIVED

NOV 26 1999

Department of Water Resources
Boise, Idaho

November 18, 1999

NOV 19 1999

Special Master Thomas R. Cushman
Fifth Judicial District, State of Idaho

Reference: Claim 72-10140
72-11734
72-10139
72-04041

Dear Sir,

The following evidence is offered by Robert Charles Hammond. I am the fourth generation owner of the Challis Hot Springs, formerly known as the Beardsley Hot Springs, Challis, Idaho.

I was born on October 15, 1932 in Salmon, Idaho. My father was Robert Beardsley Hammond, the first son of John and Isabella Hammond. Isabella was the only daughter of Robert Currie Beardsley born on March 28, 1888 at the Beardsley Hot Springs, east of Challis, Idaho.

My early childhood years were spent at the Beardsley Hot Springs with my mother and father who operated the business at various times for my Grandmother. My father was a school teacher and athletic coach at both Mackay and Challis High Schools in Custer County.

In 1971, my wife, Lorna and I purchased the Challis Hot Springs from my parents. We hired various managers until the spring of 1992 when we moved from our Idaho Falls home into the original hotel/home at the Springs.

My great-grandfather, Robert Currie Beardsley was born on March 27, 1840 in Woodstock, New Brunswick, Canada. As a young man, he was reported to have gone to Copperopolis, California to work in the mines. From there he moved to Challis, Idaho, most likely feeling there was more opportunity for him.

On September 28, 1880, Robert Currie Beardsley filed claim on the Beardsley Hot Springs property and to all the water from the springs within the area described in the filing. This claim is supported by a certified document attached to this statement. The Custer County Clerk, Ethel Peck, certified the copy taken from the ledger.
(See Exhibit A)

PARTIAL
COPY

HC 63 • Box 1779 • Challis, Idaho 83226 • (208) 879-4442

A72-11734

In another article from the paper which we have included simply for the humor: "August 4, 1908 Challis Messenger: Bathing parties are now quite popular at the Beardsley Hot Springs since the arrival of the new bathing suits. There is nothing out of the way for, world over, at all the bathing resorts, men, women and children bathe together with bathing suits." (See Exhibit C-2)

On August 21, 1908, my father, Robert Beardsley Hammond and his twin sister, Mildred were born. Mildred loved to entertain the family of the stories of mischief those twins caused their mother and Grandma Kirk.

On August 12, 1912, Grandma Kirk's beloved husband of 20 years died. John had suffered terribly with arthritis.

On March 2, 1914, Mrs. E. F. Kirk recorded Homestead Certificate No. 1086 for Lot Number One Section Twenty-six in Township Fourteen, North Range Nineteen East of Boise containing sixty-four acres and twenty hundredths of an acre. On the same day, she also recorded patent number 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. (See Exhibit E)

In 1925, the Beardsley Hotel which had undergone some additions already, had a large lobby added to the front of the home. Later that same year it was advertised in the paper that the public was invited to attend a dance at the Springs at which the Challis Band would play. Aunt Eunice and Uncle Frank Cummins were leasing the Springs from Grandma Kirk at this time. (See Exhibit C-3)

In 1929 my Aunt Mildred and her husband, Charles Boge operated the Hot Springs for Grandma Kirk. My first cousin, Charles Robert Boge was born in the room at the Hot Springs that is our master bedroom today. Dr. Boge is a retired Orthopedic Surgeon living in Idaho Falls. It was in 1929 that Charles Boge, Sr. built the hydroelectric power dam referred to in Claim No. 72-11734. A canal was constructed to carry water to the northwest from the dam to a power plant on Hot Springs Creek very near the large home. As a small child, I can remember accompanying my father to the power plant. His first step was to clean the moss from the screen that channeled the water into the turbine because if the screen became clogged with moss the turbine would slow and the lights would dim, as this was a direct current plant.

Dad's next duty was to grease the bearings on the turbine shaft. Those tasks completed, he would allow me to look for trout in the mill discharge. Often we could see 3-5 pound rainbow trout. In the late 1930's, the power plant caught fire and burned to the ground. The power dam remained for a number of years as a recreational and fishing pond. Conditions for trout to grow are ideal. After 1950 my father allowed the pond to go dry. He did not have the resources to rebuild the overflow and head gate to hold the water.

To support Claim No. 72-10139 attached is a map dated 3-66. It was the first record of a Soil Conservation Map prepared for my father, R. B. Hammond. Note the two parcels of 12.8 (Item 7) acres and 10.5 (Item 5) acres. (See Exhibit F)

In 1977, I used a large dozer and hydraulic hoe to restore the depth of the pond. We also built a new concrete head gate and fish ladder. The head gate allowed us to store water for irrigation for the acreage stated in the Claim No. 72-04041. To support Claim No. 72-04041 for acres to irrigate: Note Item 8 of 2.2 acres and Item 9 of 16.7 acres. The fish ladder allowed the large fish to come up to and pass into the dam for spawning purposes. The water we use now to irrigate is on the acreage adjacent to and north of the dam.

After we purchased the Springs in 1971, we began a general improvement plan for the resort. New sewer system was installed. Asphalt paving was built around the pool parking area and the campground. In 1979 the hotel/house was taken completely back to the logs and renovated. The old house was so sound and the logs in such good condition that our carpenters were impressed. They did find evidence in the walls of the two fires that had threatened the home.

One was reported in the Challis Messenger on February 23, 1909 and one occurred when my father was starting the fire in the kitchen stove early in the morning in the late 1950's. Had he not ignored his own injured chest which had been burned, and moved very fast getting water from the creek outside the back door, the house would have been a total loss as the volunteer fire department is at best 20 minutes away. (See Exhibit C-4)

Another carpenter was putting in new floor in the dining room in 1997, he too marveled at the fine craftsmanship of the structure and of the dry sound condition of the oldest part of the present home.

My wife, Lorna, also found the reading glasses of what must have been Mr. Bob's wife, Eleanor. They were very old, intact, and neatly laid in a crevice between two logs in the wall of what had been their bedroom. Lorna said to me, "Bob, can't you see Grandma standing there watching the men work and someone asked for her help and she laid her

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

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E-MAIL KFOSTER@HOLDENLEGAL.COM

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

December 20, 1999

Steve Clelland
IDAHO DEPARTMENT OF
WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED
DEC 21 1999
Department of Water Resources
Southern Region

Re: Claim No. 72-11734

Dear Steve:

Enclosed is an affidavit we were able to obtain from Mr. John Ivey regarding fishing in the pond formed by the dam built by Charles Boge's father for the small hydro-project. Apparently Mr. Hammond also had an affidavit from his cousin, Dr. Charles R. Boge, and so it is enclosed as well. Thank you for your kind and continued consideration.

Very truly yours,



Kent W. Foster

c. Sara Deniston
G:\WPDATA\KWF\7835\CLEL1217 LTR kmc

AFFIDAVIT

RECEIVED
DEC 21 1999
Department of Water Resources
Southern Division

John Vernal Ivie, on his oath deposes and says:

1. Affiant was born in Challis, Idaho in 1922, and except for two years spent working in a ship yard during World War II, has lived in Challis his entire life.

2. Beginning when Affiant was a very young boy, his father often took him fishing. A favorite place to fish early in the season, was a pond at Challis Hot Springs where a dam had been constructed on the small creek and a small hydropower plant was built to furnish power to the resort and facilities. The family who owned the property were relatives of Affiant and they maintained a fishery in the pond where guests of the resort and local acquaintances, including Affiant's family, were permitted to fish. The pond contained many large trout, some as large as six or seven pounds. Affiant enjoys fishing and hunting and has spent a great deal of time fishing in many places in the area, including for steelhead and salmon. When Affiant wanted to catch large trout, the pond at the hot springs was a favorite place to go, especially in the early season.

3. Affiant continued to fish in the pond as a teenager. At some point in time, perhaps in the late 1930s, the power plant burned, but the pond and the fishery continued to be used as previously.

4. Affiant's right arm was seriously injured in an accident when he was very young, and he was unable to serve in the armed services during World War II. But, during 1942 and 1943, Affiant was absent from the Challis area working in a ship yard to assist in the war effort. After this approximately two year absence, Affiant returned to Challis and resumed his hobbies of fishing and hunting, including fishing in the pond at the hot springs resort. Over the next several years, the size of the pond was reduced by the amount of silt and plant growth, but the large fish were still present, well into the 1950s.

5. Affiant is aware that Robert C. Hammond later acquired the hot springs resort from his father, and dredged and rehabilitated the pond, although Affiant cannot say exactly

when that occurred. The pond continues to be maintained as a fishery and stocked with fish to this day.

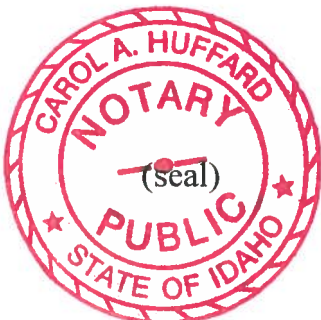
Dated this 13 day of December, 1999.

John V. Ivie
John Vernal Ivie

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 13th day of December, 1999, before me, the undersigned, a notary public in and for said State, personally appeared John Vernal Ivie, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.



G:\WPDATA\KWF\7835\AFFIDAVI.kmc

Carol A. Huffard
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: August 5, 2005

CHARLES R. BOGE, P.A.
1452 THREE FOUNTAINS DR.
IDAHO FALLS, IDAHO 83404-5641

CHARLES R. BOGE, M.D.
ORTHOPEDIC CONSULTANT
DIPLOMATE OF THE AMERICAN BOARD OF
ORTHOPEDIC SURGERY

TEL: 523-5788
AREA CODE 208
FAX (208) 523-5788

December 3, 1999

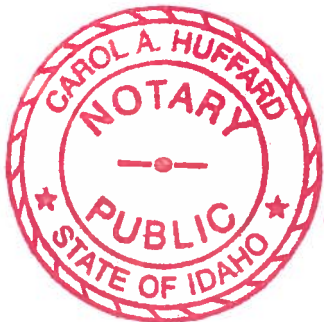
RECEIVED
DEC 21 1999
Department of Water Resources
Southern Region

AFFIDAVIT

I the undersigned, Charles R. Boge was born on December 16, 1929 at the Challis Hot Springs, Challis Idaho.

It has always been my understanding that my parents stayed with my maternal grandparents (John and Isabel Hammond) at the the Challis Hot Springs the fall and early winter prior to my birth. It is my understanding that during that time my father constructed an earthen dam and diversion to provide water to operate a small hydroelectric turbine to provide electricity for use at the Challis Hot Springs.

I do personally recall going with my father when it was necessary for him to make repairs on the hydroelectric turbine. He died in March 1938. The earthen dam that he constructed has been in place as long as I can personally recall. My mother, my younger brother and I lived with my maternal grandparents for a period of time after my father's death.



Carol A. Huffard
Notary Public

My commission expires August 4, 2005.

Charles R. Boge
Charles R. Boge

COPY

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. 72-11734

(Insert water right number)

Case No. 35976)

STANDARD FORM 1

OBJECTION RECEIVED

MAR 22 1999

INSTRUCTIONS

Department of Water Resources
Southern Region

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.



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: the department's determination that no lawful appropriation was shown.

REASONS SUPPORTING EACH BOX CHECKED

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

There is a pond that which was created by an old power dam where fish are stocked and guests of the hot springs resort fish. The filing of this claim was required by the Idaho Fish and Game Department in order to allow the stocking of the fish.

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.

We request that this claim be allowed.

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)

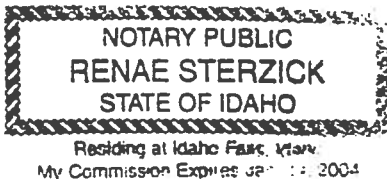
That I am the party/claimant filing this objection (as listed on Page 2, Section 3, "Party/Claimant Objecting"), that I am a water claimant or party in this proceeding, as defined by I.C. §42-1401A(1) and (7), and that I have read this response, know its contents and that the statements are true to the 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: Rt. 4 Box 223, Idaho Falls, ID 83401

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

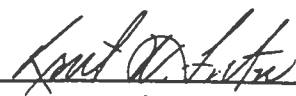
Name: _____
Address: _____

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\OBJ11734.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 & 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.
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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)

RECEIVED

DEC 21 1998

Department of Water Resources

December 16, 1998

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

R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

—

—

—

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
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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, *see* 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
NOV 01 1994

AFFIDAVIT OF MILDRED KIMPTON

RECEIVED

STATE OF IDAHO)
) ss.
County of LUSTER)

JUL 10 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

MICROFILMED
NOV 01 1994

Water Right Number - R72-11734

Prefix Translation: RESEARCH

Old (D) Number -

*** A - ATTORNEY ***
FOSTER
Last Name - First Name - Address -
KENT W
1 - PO BOX 50130
2 -
3 -
City- IDAHO FALLS
Phone - 208-523-0620
State- ID Zip- 83405

*** C - CURRENT OWNER ***
HAMMOND

ROBERT C
1 - 1828 S 55 W
2 -
3 -
City- IDAHO FALLS
Phone - 208-529-4706
State- ID Zip- 83402

Priority Date - + - - - Region - - - + - - - Stage - - - + - - - Status - - - +
06/01/1929 17 SOUTHERN I - DISALLOWED

Source - - - - - Tributary - - - - -
HOT SPRINGS CREEK SALMON RIVER

Twn Rng Sec Tract Lot Rflg County Point of Diversion - - - - -
14N 19E 26 NE NE (37) CUSTER

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
47 - RECREATION STORAGE 01/01 12/31 4.00

Total Div. Rate - + - Total Div. Volume - + - Total Consumptive Use - + - KW Usage - +
4.00 0.0

Twn Rng Sec Tract Lot Acres Place of Use Code Description County
14N 19E 26 NE NE 47 RECREATION STORAGE (37) CUSTER

Total Acres:

- Diversion Means - POND CREATED BY UNUSED POWER DAM APPROX 4 ACRE-FEET IN CAPACITY
- Non-Irrigation Use - RECREATION STORAGE/ POND IS STOCKED WITH FISH FOR GUESTS @ RESORT
- Other Rights for Same Use - NONE

Remarks
NO LAWFUL APPROPRIATION SHOWN.

MICROFILMED
NOV 01 1994

Water right number - R72-11734

Prefix Translation: RESEARCH

Old Water Right Numbers - - - - -
Old Water Right Numbers - - - - -
No Old Water Right Numbers Found

Conditions of Approval - - - - -
P01 - 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.

Decree Plaintiff - - - - - Decree Defendant - - - - - Decree Date - - - - -
00/00/0000

Comments - - - - -
Date: 05/27/1994 User Id: CLELLAND Subject: COPIED FROM REMARKS
OLD POWER DAM WAS CONSTRUCTED IN ABOUT 1929 AND FIRST STORED WATER IN 1930. POWER PRODUCTION HAS LONG SINCE CEASED, BUT
THE POND CREATED IS NOW AND ALWAYS HAS BEEN USED FOR THE STOCKING OF FISH FOR RECREATION PURPOSES. THE POND IS UTILIZED BY GUESTS
OF THE HOT SPRINGS FACILITY.
Date: 05/27/1994 User Id: CLELLAND Subject: DISALLOWAL
AFFIDAVIT SUPPORTS A POWER PLANT FROM 1929 THAT HAS SINCE BEEN FORFEITED. NO EVIDENCE OF A VALID CHANGE IN NATURE OF USE. USE
CLAIMED IS DEVELOPED SINCE THE 1971 PERMIT STATUTES WERE ENACTED. NO LAWFUL APPROPRIATION HAS BEEN SHOWN FOR THE USES CLAIMED.

Audit Fields - - - - -
05/27/94, CLELLAND

Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 00/00/0000 Field Inspection Made - 08/04/1993 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 05/27/1994 Old Judicial District -
Claim Received Date - 01/13/1992 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - S014057 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - OR Presumption Flag -
Notice of Error Flag -

MICROFILMED
NOV 0 1 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:05:14
06/07/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-11734

LAST: FOSTER
ADDRESS: PO BOX 50130
CITY: IDAHO FALLS
PHONE NUMBER: 208-523-0620
OWNER CODE: A
FIRST: KENT W.
STATE: ID ZIP: 83405

ST: HAMMOND
DRESS: 1828 S 55 W
CITY: IDAHO FALLS
PHONE NUMBER: 208-529-4706
OWNER CODE: C
FIRST: ROBERT C.
STATE: ID ZIP: 83402

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
DATABASE Y FIELD EXAMINER

CLAIM REMARKS: OLD POWER DAM WAS CONSTRUCTED IN ABOUT 1929 AND FIRST STORED
WATER IN 1930. POWER PRODUCTION HAS LONG SINCE CEASED, BUT
THE POND CREATED IS NOW AND ALWAYS HAS BEEN USED FOR THE STOCKING
OF FISH FOR RECREATION PURPOSES. THE POND IS UTILIZED BY GUESTS
OF THE HOT SPRINGS FACILITY.

Has not been

proven or shown by
any documentation or
affidavit

MICROFILMED
DATE 12/18/94

Mapo pure otherwise
pond does not show

in 1956 opa or 1978 ASGS maps.

SW
5-27-94

CONTACT PERSON: Bob Hammond

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 8/4/93 APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: Bob & Frank Haddock, DWR

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: - - - - -

DIRECTIONS TO PROPERTY / REMARKS:

Bob showed us the current pond system & control works; all are relatively new construction. He showed us the location of the old power plant and the ditch diversion to that site. All landmarks of the power have long been abandoned and removed.

Current use found: Recreation Pond.
No affidavits support this use. Affidavit supports the use of power in 1929-1930 but that use was abandoned long ago.
(as confirmed by claimant.) Change in Nature of use of this water and diversion system is separated, easily by a period of 5 years or more. The old right of power use has been forfeited.

The new right has not been shown to have been lawfully repossessed.
→ Permit is required for the new use developed after 1971 on this surface water known as Hot Spring Creek.

SC
5-27-94

A. AJ CLAIM: # A72-11734 PRIORITY DATE: 06-01-1929

STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE Y FIELD EXAMINER X

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

IF YES EXPLAIN.

REMARKS:

1929 - the dam was constructed for power purposes.
Affidavit by Michael Kumpston does not make clear
when power use ceased and recreation use began.
Disallow for lack of evidence of priority. (see 4-13-93)
*No evidence to show development of recreational pond.

Disallow

RECOMMENDED PRIORITY DATE:

REVIEWED BY

See

DATE

5-27-94

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NOV 01 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-11734	14N	19E	26		NE	NE		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE
WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: HOT SPRINGS CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

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

REMARKS:

Diversion for Pond found at: T4N, R19E, S. 25 NW NW NW NW.
Condit Double: Unnamed Stream Trib: Salmon River

See 5-2794

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

SOURCE: REVIEWED BY: TRIP: DATE:

A. ROOT WATER RIGHT NUMBERS: A72-11734

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	#/ACRES	WR	#/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
14N	19E	26	NE	NE	1	FOSTER, KENT D. HAMMOND, ROBERT C.	A72-11734 A72-04041	7	72-04041	7		

TOTAL ACRES A72-11734

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()
IF YES SEE ATTACHED SHEET:

FIELD EXAM REQUIRED?

DOE TO POU DISCREPANCY? (Y/N)

DATABASE Y
FIELD EXAMINER

POU COUNTY: CUSTER

PRESUMPTION FLAG:

REMARKS:

found Recreational pond as claimed. Legal POU is Different: T14N, R19E, S 35 NW/4

See 5-27-94

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

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NOV 01 1994

A. AJ CLAIMED USES:

PURPOSES RECREATION STORAGE MONTH/DAY FROM 01-01 TO 12-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
4.00 AF/A
4.00 AF/A

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()

Explain in remarks, below.

REMARKS:

We found - may also need small diversion component to maintain with level due to evaporation & seepage

*See
5-27-94*

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() ~~N~~

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

CFS
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)

Y FIELD
DATABASE EXAMINER

FLOW MEASUREMENT

MEASUREMENT METHOD

None

, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

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		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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NOV 0 1 1994

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES ----- X 0.02 CFS/ACRE = CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES ----- X CONSUMPTIVE VOL. AF/A FOR AREA ----- =

TOTAL CONSUMPTIVE USE ----- AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 4.00 AF/A

ACRES ----- X DIVERSION VOL. AF/A FOR AREA ----- =

TOTAL DIVERSION VOLUME ----- AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

RECOMMENDATIONS:

REC.
PURPOSES

Disallow

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

DATABASE EXAMINER

REC. DIV
VOL. AF/A

DATABASE EXAMINER

REC. CONS.
USE

DATABASE EXAMINER

TOTAL FOR THIS RIGHT

REVIEWED BY:

su

DATE:

5-27-94

Per No lawful appropriation shown

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NOV 0 1 1994

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-11734
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
EXAMINER
CFS

SPLITS:

OLD RIGHT
NUMBERS
A72-11734

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

TOTAL CFS

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
FIELD
EXAMINER

REMARKS:

AUTHENTICATION:
SIGNATURE: *Stu B...*

DATE: 5-27-94
TITLE:

NAME OF FIELD EXAMINER:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:05:14
06/07/92

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-11734

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	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIO	Y							
SOURCE	Y							
PLACE OF USE	Y							
CITY AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	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.

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NOV 0 1 1994

7. 12496
413-93

8-4-93
Sec

6. 12496
4-13-93
Sec

5-27-94
Sec

5-27-94
Sec

5-27-94
Sec

11:28:51
06/07/97

DIVERSION
VOLUME
4.0

4.0 AEA
4.0 AEA

Stage: BENEFICIAL USE

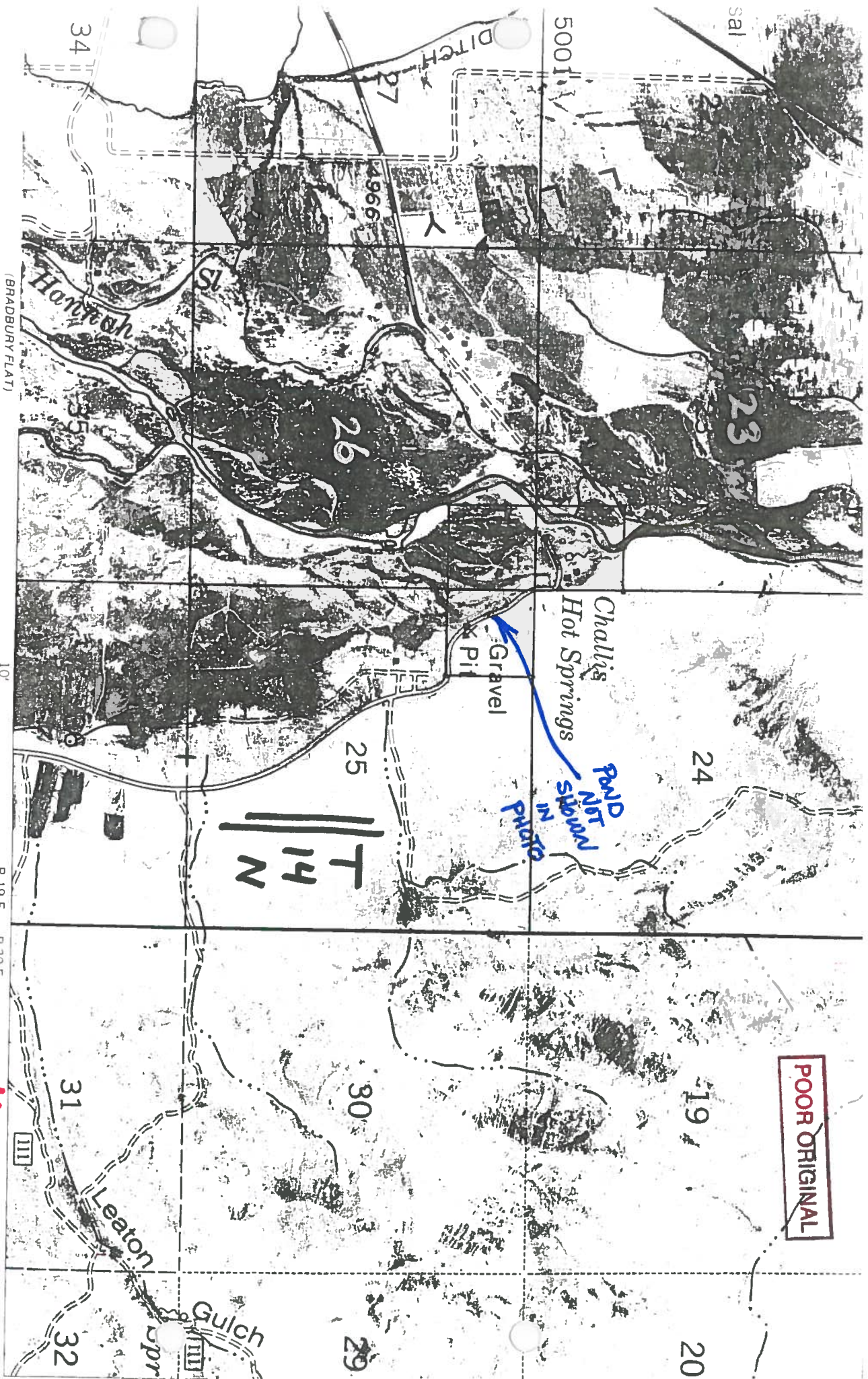
CUSTER County

21

SEAC
AC

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

LEGEND

CLAIM A72-11734

T. R. S. Q/Q

P/D

PHOTO T 75 (SE)

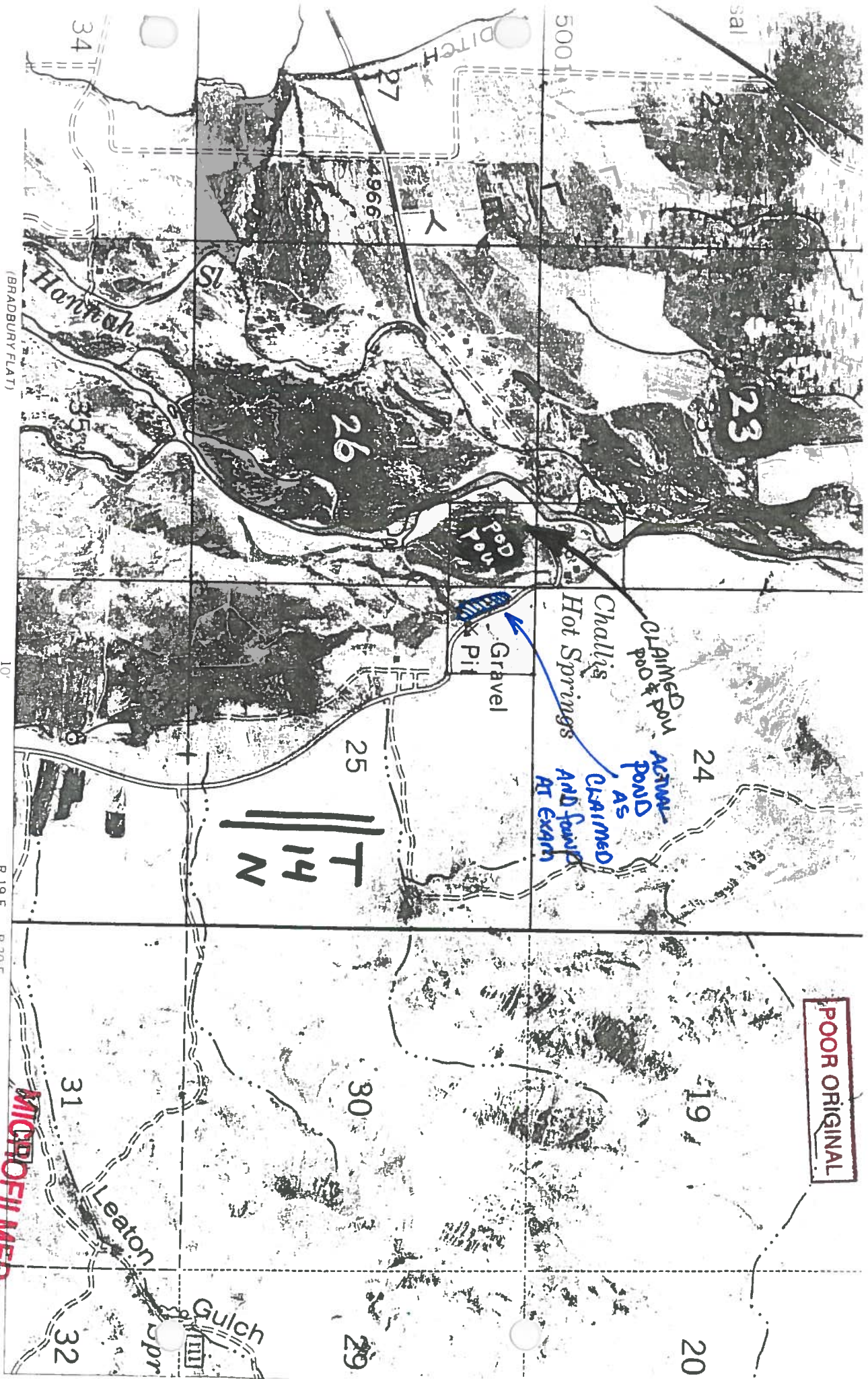
DT. AID. 1954 1956

MICROFILMED

5-29-1994

72800m E 114°0'

POOR ORIGINAL



(BRADBURY FLAT)

SCALE 1:24,000

R 19 E



CONTOUR INTERVAL 80 FEET

DOTTED LINES REPRESENT 40 FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

LEGEND

CLAIM A72-11734 INIT SC

T. R. S. 9/9

P/D T 75 (SE)

PHOTO 1954 & 1956

NOV 0 1 1994

MICROFILMED

114°07'

MICROFILMED
NOV 01 1994

POOR ORIGINAL

232
2625

AMMOND
STROM

← POND IS
NOT SHOWN
THIS PHOTO.

Water is flowing thru
what now is used for a High
Water spillway.

A72-11734

ASCS MAP
c. 1978

#16037-178

* Copy from Carter Co.
Assessor

G.T. CHIVERS

POOR ORIGINAL

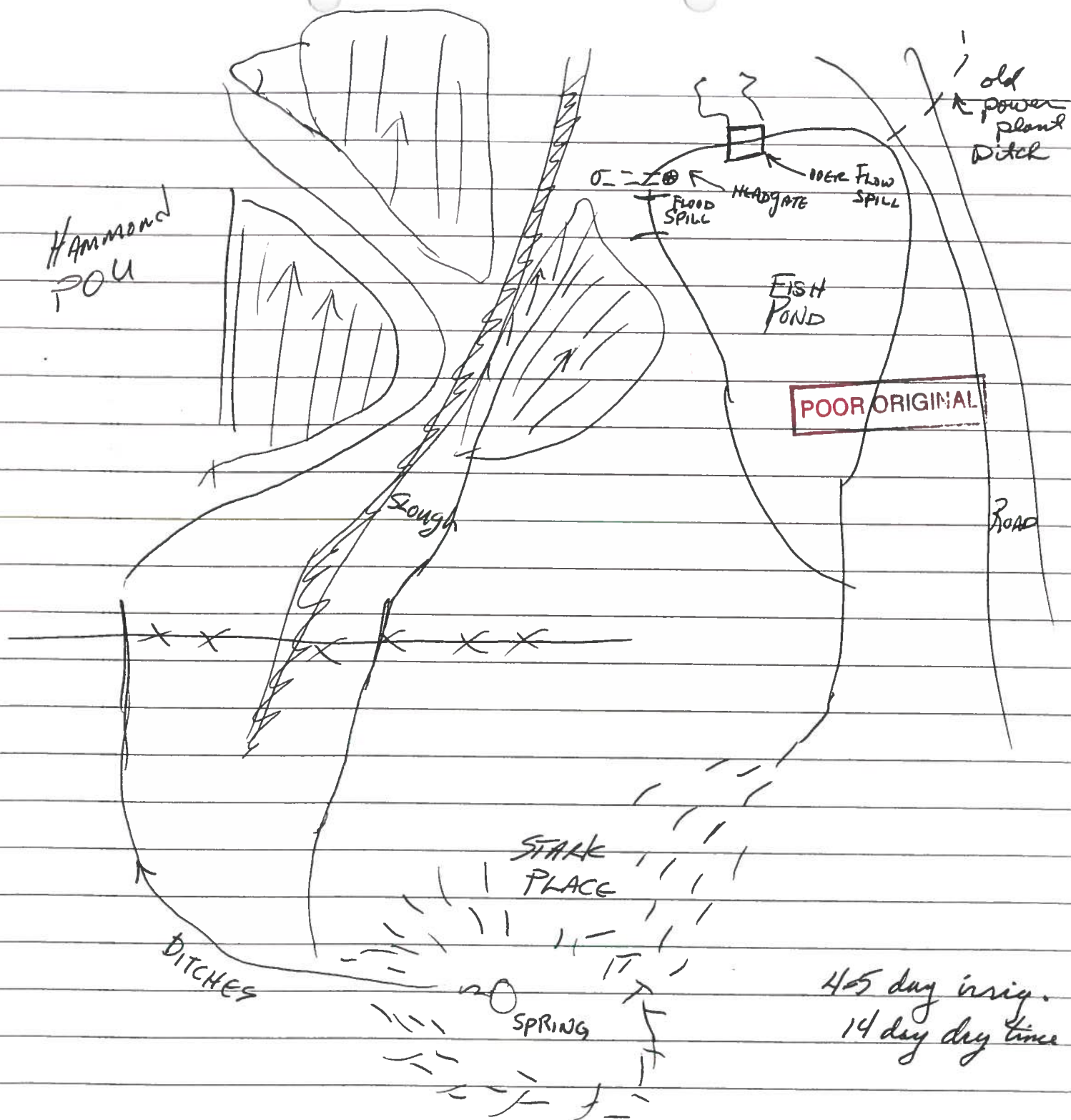
pond is
seen here
as found at
Exam.

MICROFILMED
NOV 01 1994

15736

CLAIM A72-11734 INIT Scr
T. R. S. Q/Q 5-27-94
P/D date: 7-10-88
PHOTO ID. BLMAERIAL 7-100-2 T75SE

25
36 31



4-5 day irrig.
14 day dry time

Field Notes
8-4-93
SCU

A72-10139

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NOV 01 1994

LISTING OF MAPS USED IN REVIEW OF THIS FILE

CLAIM NUMBER: _____.

DESCRIPTION OF MAP	ID NUMBERS	MAP DATE	COPY IN FILE?
ORTHOPHOTOQUAD (OPQ)	<u>T 75 (SE)</u>	<u>1956</u>	<u>YES</u> / NO
ASCS MAP	<u>16037-178</u>	<u>1978</u>	<u>YES</u> / NO
NAPP PHOTO	<u>7-10D-2</u>	<u>7-10-88</u>	<u>YES</u> / NO
BLM AERIAL	_____	_____	YES / NO
SUBDIVISION PLAT	_____	_____	YES / NO
TOPOGRAPHIC QUAD	_____	_____	YES / NO
GOVERNMENT LOT MAP	_____	_____	YES / NO
SCS SOILS MAP	<u>243-361</u>	<u>9-2-84</u>	YES / <u>NO</u>
OTHER:	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO
_____	_____	_____	YES / NO

REMARKS:

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NOV 01 1988

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

MICROFILMED

NOV 0 1 1994

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 1992 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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NOV 01 1994

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

MICROFILMED

MAY 11 1993

Doc-6
Page 349

POOR ORIGINAL

THE UNITED STATES OF AMERICA,

To All To Whom These Presents

Shall Come, GREETING:

Shall Come, GREETING:

WITNESSE, 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, accretions, 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,

By H. W. Tamm, Secretary,

H. W. Sanford, Recorder of the General

Land Office.

Recorded: Patent Number 71024.

State of Idaho,
County of Quarter, 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.

MICROFILMED

NOV 01 1994

Book 6 Page 3

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

POOR ORIGINAL

Greeting:

Homestead Certificate No. 10336.

Application 15783.

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 P. 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. Michael
Ex-officio Recorder.

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NOV 01 1994