

(8) Remarks \_\_\_\_\_

R 43E

T. SEC 36

2N.

x P.D.  
P.U.

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
 ) ss.  
County of Bonneville )

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Dennis Bitton  
(Claimant)

Sworn to before me this 27th day of June, 19 83

Notary Public  
Residing at Idaho Falls

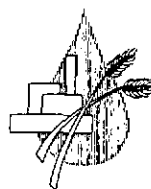
My commission expires October 20, 1983

FOR DEPARTMENT USE ONLY

Received by CW Date 6-27-83 Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by Am Date 10/25/83 claimant by: \_\_\_\_\_  
\$30.00 fee received by CW Date 6-27-83  
Published in Post Register \_\_\_\_\_  
Dates 11/10 - 11/17/83 \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Gary Hammer (Name of Claimant)  
820 Burgeson Dr., Idaho Falls, Idaho 83401 Telephone No. 522-1596  
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1917

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
Springs tributary to Mud Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

|          | (cfs, af)      | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)        |                 |
|----------|----------------|-------------------------------------|-------------------------------|-----------------|
|          |                |                                     | (Mo., Day)                    | (Mo., Day)      |
| Quantity | <u>.08 cfs</u> | Use <u>Domestic</u>                 | Period of Use From <u>1-1</u> | To <u>12-31</u> |
| Quantity | <u>.02 cfs</u> | Use <u>Stockwater</u>               | Period of Use From <u>1-1</u> | To <u>12-31</u> |
| Quantity | <u>.02 cfs</u> | Use <u>Irrigation</u>               | Period of Use From <u>5-1</u> | To <u>10-1</u>  |
| Quantity |                | Use                                 | Period of Use From            | To              |
| Quantity |                | Use                                 | Period of Use From            | To              |

(4) .1 cfs TOTAL QUANTITY USED.  
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NW ¼ SE ¼, Sec. 4 Twp. 3N Rge. 42E B.M., County of Bonneville  
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Gravity flow from pipe in springs for irrigation.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T  | R   | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |
|----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|    |     |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |
| 3N | 42E | 4    |     |     |     |     |     |     |     |     |     |     |     |     | 1   |     |     |     | 1     |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

No. of acres 1

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:  
Stockwater and 2 single family dwellings

NOTE: Include here the type and number of stock watered: 400 head stock

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks \_\_\_\_\_

C. 42E

SEC 4

\* RD

\* PU

T.

3

21

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

Sworn to before

Notary Public  
Residing at Idaho Falls

My commission expires 6-15-85

Received by CW Date 6-30-83 Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by Am Date 10/27/83 claimant by: \_\_\_\_\_  
\$30.00 fee received by CW Date 6-30-83  
Published in Post Register # 25318  
Dates 11/10/83 & 11/17/83

1960

Proof of Publication  
**The Post-Register**

RECEIVED

NOV 30 1983

State of Idaho,  
County of Bonneville } ss.

Department of Water Resources  
Eastern District Office

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 10th day of November, 1983, last publication having been made on the 17th day of November, 1983, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 29th day of November, 1983

Deon K. Neppien  
Notary Public

My commission expires September 30, 1984

B10, 1M,

**NOTICE OF CLAIMS TO WATER RIGHTS**

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

JENKINS, WILLIAM KENT  
RT. 8, BOX 333, IDAHO FALLS, ID 83401  
Source: GROUNDWATER  
Priority Date: 04/01/1933  
Diversion Pt. NWNE Sec 18 T 03N R 39E  
Use: STOCKWATER (0.13 CFS); DOMESTIC (0.04 CFS)  
In: NWNE Sec 18 T 03N R 39E  
25-4291

HILL, DOYLE GLEN  
RT. 8, BOX 262, IDAHO FALLS, ID 83401  
Source: GROUNDWATER  
Priority Date: 10/01/1941  
Diversion Pt. SESE Sec 08 T 03N R 39E  
Use: STOCKWATER (0.02 CFS); DOMESTIC (0.11 CFS)  
In: SESE Sec 08 T 03N R 39E  
25-4289

VAN TRESS, VERA B.  
RT. 1, BOX 90, IDAHO FALLS, ID 83401  
Source: GROUNDWATER  
Priority Date 08/12/1947  
Diversion Pt. NWNE Sec 25 T 02N R 38E  
Use: DOMESTIC (0.10 CFS)  
In: NWNE Sec 25 T 02N R 38E  
23-4071

BITTON, DENNIS &/or JUANITA  
BOX 115, SWAN VALLEY, ID 83449

Source: GROUNDWATER  
Priority Date: 01/01/1939  
Diversion Pt. SWSE Sec 36 T 02N R 43E  
Use: IRRIGATION (0.04 CFS); DOMESTIC (0.04 CFS)  
In: SWSE Sec 36 T 02N R 43E FOR 3 ACRES  
23-4070

HAMMER, GARY  
820 BERGESON DR., IDAHO FALLS, ID 83401  
Source: SPRINGS TRIB. to MUD CREEK  
Priority Date: 05/01/1917  
Diversion Pt. NWSE Sec 04 T 03N R 42E  
Use: IRRIGATION (0.02 CFS); STOCKWATER (0.02 CFS); DOMESTIC (0.08 CFS)  
In: NWSE Sec 04 T 03N R 42E FOR 1 ACRES  
23-4069

BYRNE, J.R.  
RT. 3, BOX 227, REXBURG, ID 83440  
Source: SPRING trib. to SINKS  
Priority Date: 05/01/1904  
Diversion Pt. LOT 01 (NENE) Sec 06 T 03N R 42E  
Use: STOCKWATER (0.06 CFS)  
In: LOT 01 (NENE) Sec 06 T 03N R 42E  
35-4243

SCHUETZ, DALE M. &/or MARLYS  
RT. 5, BOX 354 C, IDAHO FALLS, ID 83401  
Source: GROUNDWATER  
Priority Date: 06/01/1941  
Diversion Pt. SESW Sec 11 T 03N R 37E  
Use: STOCKWATER (0.03 CFS); DOMESTIC (0.04 CFS)  
In: SESW Sec 11 T 03N R 37E

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN  
Director

Published: November 10, 17, 1983

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
Eastern Region

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150 Shoup Ave., Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

NOVEMBER 28, 1983

GARY HAMMER  
820 BURGESSON DR.  
IDAHO FALLS

ID 83401

RE: Claim No. 23-4070

Dear Claimant,

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD O. CARLESON  
Eastern Region Supervisor

Enclosure

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State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET  
G. F. RAMSEY

INITIAL REVIEW BY: OCT 27 1983

Right Number 23 4070 Applicant GARY HAMMER

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By Ernest Carlson Date Dec 7, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 12-13-83

MICROFILMED

DEC 13 1983  
Department of Water Resources

WATER RIGHT  
DATA ENTRY LOG

[illegible]

23-4070

HAMMER, GARY,

320 BURGESSON DR., IDAHO FALLS, ID 83401

Source. SPRINGS trib. to MUD CREEK

Priority Date: 05/01/1917

Diversion Pt. NWSE Sec 04 T 03N R 42E

|                 |            |
|-----------------|------------|
| Use. IRRIGATION | (0.02 CFS) |
| STOCKWATER      | (0.02 CFS) |
| DOMESTIC        | (0.08 CFS) |

In. NWSE Sec 04 T 03N R 42E FOR 1 ACRES

MICROFILMED

*Checked  
11-08-83  
aw*