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JUN - 9 2013

Department of Water Resources

Louis L. "Leon" and Iris B. Hubsmith

Dana L. Hofstetter, ISB #3867
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
Phone: (208) 424-7800
Facsimile: (208) 424-8774
E-Mail: Dana@IdahoWaterLaw.com

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 Nos. 37-07454 and 37-07602
	)	
Case No. 39576	)	AFFIDAVIT OF
_____	)	DANA L. HOFSTETTER

STATE OF IDAHO	)
	) ss:
COUNTY OF ADA	)

Dana L. Hofstetter, after being first duly sworn upon oath, hereby deposes and
says as follows:

1. I am a member of the firm of Hofstetter Law Office, LLC, counsel of record
for movants Louis L. "Leon" and Iris B. Hubsmith.

2. In April 2003, I requested from Christine Johnston of the Idaho

Department of Water Resources office at 1301 North Orchard Street, in Boise, Idaho, copies of water right license files for water right nos. 37-07268, 37-07454, 37-07602 and 37-08679.

3. Based on my over fourteen years of experience practicing water law in Idaho, I understand that Ms. Johnston works in the vault at the Idaho Department of Water Resources where original water right files are stored.

4. In response to my request, Ms. Johnston provided me complete copies of the requested license files stored in a digital format on a compact disc ("CD").

5. Attached hereto as Exhibits A, B, C, D, E, F, and G are true and correct copies of documents I printed from License File No. 37-07268 on the CD that Ms. Johnston provided to me.

6. Because the filing date stamp on the Proof of Beneficial Use form from License File No. 37-07602 on the CD that Ms. Johnston provided to me was illegible, I separately requested that Ms. Johnston send me a legible copy of that document by mail. Attached as Exhibit H is a true and correct copy of that document which I received by mail from Ms. Johnston on or about May 30, 2003.

7. Attached hereto as Exhibits I, J and K are true and correct copies of documents I printed from License File No. 37-07602 on the CD that Ms. Johnston provided to me.

8. Attached hereto as Exhibits L and M are true and correct copies of

documents I printed from License File No. 37-07454 on the CD that Ms. Johnston provided to me.

9. Attached hereto as Exhibits N, O and P are true and correct copies of documents I printed from License File No. 37-08679 on the CD that Ms. Johnston provided to me.

10. On June 6, 2003, I requested and obtained IDWR's certification that the exhibits attached to this Affidavit are true copies of documents on file with IDWR.

11. Upon information and belief, I understand that Mr. Steve Shaw, the former permitholder of Permit Nos. 37-07268, 37-07602 and 37-07454, is deceased and accordingly, I have not contacted him to obtain any information regarding the subject water rights.

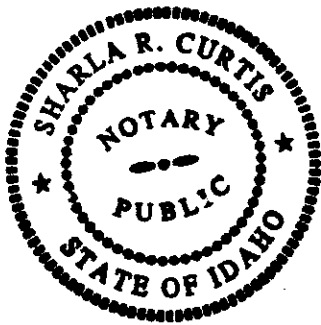
12. I discovered the incorrect designation of the permit number on the proof of beneficial use in IDWR's License File No. 37-07602 in April 2003, shortly after Mr. Hubsmith contacted me regarding a different water right matter. I discovered this apparent error after I had reviewed and compared IDWR License File Nos. 37-07602 and 37-07268.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 6th day of June, 2003.


DANA L. HOFSTETTER

SUBSCRIBED AND SWORN to before me this 6th day of June, 2003.



Sharla R. Curtis

Notary Public in and for the State of Idaho

Residing at: Emmett, Idaho

My Commission Expires: 12/6/2007

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of June, 2003, I caused a true copy of the foregoing AFFIDAVIT OF DANA L. HOFSTETTER to be served by the method(s) indicated on the following:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Avenue North
Twin Falls, Idaho 83303
☐ U.S. Mail ☐ Fed Ex ☒ Hand ☐ Fax

Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Chief, Natural Resources Division
Office of the Attorney General
P. O. Box 44449
Boise, ID 83711-4449
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Leon and Iris Hubsmith
647 E. 130 S.
Dietrich, Idaho 83324
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


DANA L. HOFSTETTER

E:\4018.1\5581

Identification No. _____

Application No. 77-724

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Approp ' into the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Ralph Bowen
 post office address Dietrich, Idaho 83324
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 30 Township 6S
Range 18E B.M. Lincoln County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
 Amount 3.2 cfs for irrigation purpose from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
 a. 3.2 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. well and pump
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
 Period of year during which storage will occur _____ (Min. Day) to _____ (Max. Day) inclusive.
- c. Proposed well diameter is 18 inches; proposed depth of well is 300 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
 b. Estimated construction cost is \$ 15,000.00
8. Description of proposed uses:
 a. If water is not for irrigation:
 (1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
 (2) Answer if power to be generated: _____ hp under _____ feet of head.
 (3) List number of each kind of livestock to be watered: _____
 (4) Name of community to be served: _____

EXHIBIT

A

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below

Total number of acres to be irrigated.....160

c. Describe any other water rights used for the same purposes as described above.

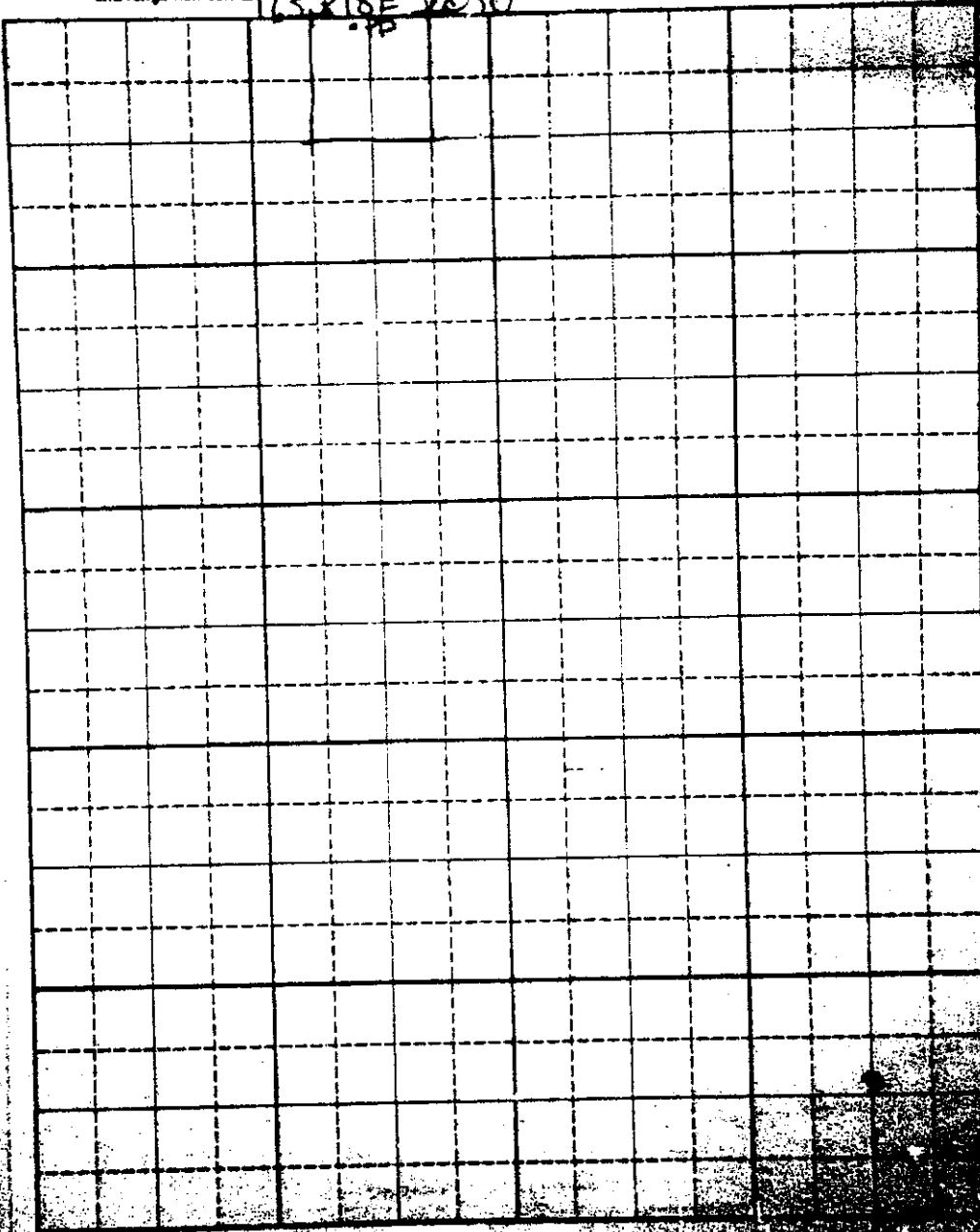
9. a. Who owns the property the point of diversion Applicant

d. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks

11. Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number. T6S R18E Sec 30



Scale 2 inches equal 1 mile

Proposed Priority 8-23-1973

Received by DWI Date 8-23-73 Time 10:50 AM

Preliminary check by DWI Fee \$55.00

Received by DWI Date 8-23-73 # 11602

Publication prepared by DWI Date 8-23-73

Published in LINEA IN CONCRETO

Publication dates 8-30 & 9-6-73

Publication approved DWI Date 9-14-73

Priority 8-23-73 Reason _____

Protests filed by: _____

Copies of protests forwarded by: _____

Hearing held by: _____ Date _____

Recommended for APPROVED denial by K. J. F.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7268, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1978.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 19th day of September, 1973.

P. H. H.

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SEP 11 1975

State of Idaho
Department of Water Resources

Department of Water Resources

ASSIGNMENT OF PERMIT

1. RALPH BOWEN, hereby assign to STEVEN R. SHAW
of Route #1, Dietrich, Idaho Address

END PAGE 7

☒ All my right, title, and interest in and to Permit No. 37-7268
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within each 40-acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 8th day of September, 19 75

Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 8th day of September, 19 75, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

real

Notary Public residing at

My commission expires:

8-10-1979

EXHIBIT

Author's Note

B



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Mayor

June 30, 1978

CERTIFIED MAIL

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 364-2215

Re: Permit No. 37-7263

136826

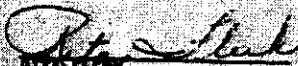
Steven R. Shaw
Route 1
Dietrich, ID 83324

Dear Mr. Shaw:

One of the conditions of approval of your water Permit No. 37-7263 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before September 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect.


RITA FLECK
Water Rights

Encl: Proof affidavit

EXHIBIT

tabbies



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

September 7, 1978

Steven R. Shaw
Route 1
Dietrich, ID 83324

RE: Permit No. 37-7268

Dear Mr. Shaw:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 37-7268 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated June 30, 1978.

Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.


C. STEPHEN ALLRED
Director

CSA:jfr

Encl.

EXHIBIT

D

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JUL 11 1988

LOUIS L. HUBSMITH

P. O. Box 397
Dietrich, Idaho 83324
544-7581

Department of Water Resources

July 8, 1988

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Re: Application to Appropriate No. 37-7268

Gentlemen:

I am writing this letter to you to request that the above-designated Application for Permit to Appropriate water for irrigation purposes be reinstated. The Application was for 3.2 cfs of irrigation water from ground water source to irrigate the W $\frac{1}{2}$ NE $\frac{1}{4}$ and the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 30, Township 5 South, Range 18 East of the Boise Meridian, Lincoln County, Idaho. The original Application was made by Mr. Ralph Bowen, who was the owner of the property in 1973 when the Application was made. Thereafter, Mr. Bowen sold the land to Mr. Steve Shaw, who owned the land and completed the irrigation system under Permit No. 37-7268 in 1976. Mr. Shaw was killed in an automobile accident. Prior to his death he had mortgaged the property to Southern Idaho Production Credit Association. I acquired the land from Southern Idaho Production Credit Association, as shown on a deed hereinafter listed.

The work required by the Permit was completed by the time required for proof of completion of works and application to beneficial use. However, these proofs were never submitted to your Department.

To support this Application for Reinstatement of this Permit, I am enclosing the following the following documents:

1. Copy of Proof of Beneficial Use.
2. Copy of Aurora Pump Company invoice for 400 hp motor and 3500 gmp pump.

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DEC 21 1988

EXHIBIT

E

Idaho Department of Water Resources

Page 2

July 8, 1988

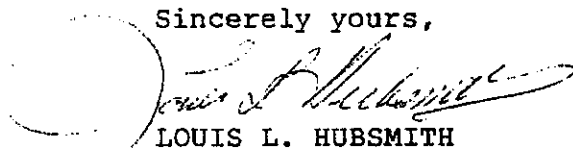
3. Copy of installation report showing well size, depth and water level.
4. Letter from Idaho Power Company showing power hookup in 1976 and continued usage for irrigation purposes since such time.
5. Affidavit of Jess Southwick showing that the land has been farmed since 1976 and is now farmed.
6. Affidavit of Neal Bowman showing development of the farm in 1976 and continued operation since such time.
7. ASCS map from Lincoln County ASCS Office showing a center pivot on said land.
8. Copy of deed from Southern Idaho Production Credit Association deeding subject land to Mr. and Mrs. Hubsmith.

I do hereby request that Permit No. 37-7268 be reinstated in my name. The supporting documentation as listed above is enclosed.

I am also enclosing my check for the examination fee on proof of completion of works and beneficial use.

I would appreciate your considering this Application for Reinstatement as soon as possible. If there is any additional documentation or information needed, please feel free to call me.

Sincerely yours,



LOUIS L. HUBSMITH

Encls.

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DEC 21 1988

Form 217
03/86

RECEIVED

JUL 11 1988

For Office Use Only
Fee Received 150.00
Date 7/12/88
Receipt # C001771
Receipt by CP
Reviewed by _____
Sent to region _____

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 37-7268

Name(s) of Permit Holder: Louis L. Hubsmith

Post Office Address: P. O. Box 397, Dietrich, ID 83324

Telephone No. 544-7581

Source of Water: Groundwater

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 160 (acres)

Other/Remark _____

Total rate and/or volume for which proof is submitted 3.0 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 1976

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Fee enclosed \$ 150.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

Randy Lobb of IDWR recently did efficiency test on well

Person to contact to accompany the Department representative during the field examination:

Same

(Name)

(Telephone Number)

(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

RECEIVED

DEC 21 1988

Date

Signature of Permit Holder (and title, if appropriate)

Verli-Line

AURORA PUMPS

AUROR PUMP

A UNIT OF GENERAL SIGNAL
P.O. BOX 1300 • LA PUENTE, CALIFORNIA • 91748

FORMERLY LAYNE AND BOWLER PUMP CO.

SOLD TO

IDAHO IRRIGATION

BOX 1264

BURLEY, ID 83318

SHIP TO

SAME

MARK

MANUFACTURING POINT

1 N. AURORA PL.
(AURORA)
CITY OF INDUSTRY
CALIF. (VERLI-LINE)

X

COLLECT

PREPAID
ALLOWEDPREPAID
NOT
ALLOWED

FRT

PAYABLE IN U.S. FUNDS ONLY.

TERMS

ORDER NUMBER	DATE RECEIVED	CUSTOMER'S ORDER NO.	CERT. PTS	CURVES	BUL'TNS	INST'IONS	PARTS LISTS	SHIPMENT REQUESTED
376-70510	5-14-76	389						
AP-OR	CUST. CODE	S. TAX EXEMP. NUMBER	S. SOLD	ENST. NO	S SHIP'D	C SHIP'D	SHIP VIA	SHIPMENT SCHEDULE
				065			RIG	

PROD. CODE	QTY ORDERED	PRICE EACH	PART OR MODEL	DESCRIPTION	UNIT PRICE	QTY SHIPPED	TOTAL PRICE
5810	1		STEVE SHAW	400 HP MOTOR W/175% ENT			8158.00
	1		20AC-12 HEAD	260" OF 12 X 3 X 1 15/16			
			5 STGS 15 KWH - H BOWLS	5' OF 12" SUCTION W/CONE			12,393.00
			INSTALLATION				400.00
TOTAL							20,951.00

IMPELLER PATT.	OIA	CAPACITY	TOTAL HEAD	SPEED	EFFICIENCY	PUMPING TEMPERATURE	LIQUID	SOLID
		3500 G.P.M.	402 FT			°F		
STAGES	SPEC. GRAY.	VISCOSITY	BRAKE HORSE POWER	SUCTION PRESSURE	VAPOR PRESSURE	PSIA	N.P.S.H. ABOVE VAPOR PRESSURE	REQ'D

ALL INQUIRY AND CORRESPONDENCE SHOULD BE SENT TO LA PUENTE, CALIF. WITH THIS NUMBER

ORDER NUMBER

376-70510

DUNS NO. 06-523-6997

INVOICE NO.

CUST. ORDER NO. 389

2-54992

5-19-76 INVOICE DATE

DY-683-873

We hereby certify that these goods were produced in compliance with all applicable requirements of the Fair Labor Standards Act of 1938, as amended, and all regulations and orders thereunder. If any sales, use, or transfer has to be made with respect to the goods described below, purchaser will upon demand pay to us the amount of any such tax plus any interest and penalty thereon for which we might be or become liable. This invoice is also subject to terms and conditions on our acknowledgment and is for amounts billed to quantity shipped.

TERMS - NET 30 DAYS

A FINANCE CHARGE COMPUTED AT A PERIODIC RATE OF 1% PER MONTH WHICH IS AN ANNUAL PERCENTAGE RATE OF 12% OR HIGHEST LAWFUL RATE, WILL BE APPLIED TO PAST DUE ACCOUNTS AFTER DEDUCTING CURRENT PAYMENTS AND/OR CREDITS.

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DEC 21 1988

N-84(282.5
N-96(283.5



AURORA PUMP
A SUBSIDIARY OF THE AURORA PUMP
UNIT OF GENERAL SIGNAL
1760 Kimberly Rd., P.O. Box 892, Twin Falls, ID 83301



DEEP WELL TURBINE PUMP

ESTIMATE ORDER SHEET

SOLD TO: <i>Electrical Equipment Co. Inc</i>		DATE: <i>1-20-76</i>	
ADDRESS: <i>TWIN FALLS, IDAHO</i>		P.O. NO.	
SHIP TO:		QUOTATION NO.	
ADDRESS:		BID DATE	
SHIP VIA:		NO. OF PUMPS <i>ONE</i>	
CUSTOMER JOB NO. <i>Steve Shaw</i>		ITEM NO.	
LOCATION <i>Dieterich</i>			
Well Diameter (Inside)	Inches	Type	No. Stages <i>5</i>
Well Depth	Feet	Impeller	<i>3-M-2-L</i>
Static Water Level	Feet	K. Value	<i>25.8</i>
Drawdown	Feet	GPM	<i>3500</i>
Pumping Level	Feet	HEAD	<i>402</i>
Dsch. Pressure (<i>74</i> psig)	Feet	% EFF.	<i>83</i>
Total Pumping Head	Feet	BHP	<i>428</i>
Pump Capacity	GPM	Motor Eff.	<i>3</i>
		% (full load)	<i>390</i>
		% (1/2 load)	<i>431</i>
		% (1/4 load)	<i>431</i>
		Overall Eff.	<i>83</i>
DESCRIPTION		PRICING SCHEDULE	
1 MOTOR: Make <i>400</i> HP <i>1800</i> RPM <i>460</i> Volts		8322.00 x .96 8008.00	
Phase <i>3</i> Cycle <i>60</i> Type		Frame No. <i>6243</i>	
Special Features: <i>175% EHT</i>		N/R/R <i>NO</i>	
2 HEAD SIZE: <i>20 AC 12</i>		<i>77.5</i>	
Companion Flanges		<i>NO</i>	
(Surface Dschg.) (Below Ground Dschg.)		"Base to & Dschg.)	
3 DISCHARGE PIPE: <i>NO</i> Ft. of		"Std. Pipe	
4 COL. <i>260</i> Ft. <i>12</i> "Std. Pipe x <i>3</i> "Tube x <i>1 1/16</i> "Shaft, per Ft. <i>5</i>		<i>10,476</i>	
5 BOWLS: Size <i>16</i> Type <i>KHM-H</i>		No. Stages <i>5</i>	
6 SUCTION PIPE: <i>5-0</i> Ft. of <i>12</i> "Std. Pipe		<i>237</i>	
7 STRAINER: Size <i>12</i> "Type <i>CONC</i> Matl. <i>Galv.</i>		Ft. <i>14506</i>	
8 AIR LINE: Ft. of		" (Galv.) (Copper) \$	
9. ALTITUDE GAUGE & FITTINGS: Hand Pump <i>10880</i>		Ft. <i>14506</i>	
10 STARTING EQUIPMENT		<i>11894.00</i>	
11 <i>By Customer</i>			
12			
13			
14			
15 ACCESSORIES, SPECIAL CONSTRUCTION, VARIATIONS:			
16 <i>Freight</i>		<i>498.00</i>	
17			
18			
19			
20 ACCESSORIES, SPECIAL CONSTRUCTION, VARIATIONS:			
21			
22			
23			
24			
25			
26			
27			
28			
INSTALLATION SERVICE <i>yes - near Dieterich</i>		TOTALS <i>400.00</i>	
WIRING			
NET TOTAL EACH			
NET TOTAL - UNITS		<i>\$ 20,950.00</i>	

REMARKS:

QUOTED BY *Steve Shaw*

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

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July 6, 1988

JUL 11 1988

Department of Water Resources

Mr. Louis Hubsmith
Box 397
Dietrich, ID 83324

RE: Irrigation Pump #0555

Dear Mr. Hubsmith:

Upon your request I am writing this letter to verify that the above pump has been in use since 1976. In that year, Mr. Steve Shaw signed an irrigation electric service agreement with Idaho Power guaranteeing a minimum annual payment to Idaho Power for its special investments in extending its lines and facilities to the customer to supply him with pumping power service. Mr. Shaw signed a ten (10) year agreement with Idaho Power. I can verify that Mr. Shaw did exceed the agreed upon annual payment for each of those ten (10) years, thus verifying irrigation pump usage for those ten (10) years.

Very truly yours,

SANDY CAMERON
Customer Service Rep.
Shoshone Office
IDAHO POWER COMPANY

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I worked for Steve Shaw in 1976
when section 20 was cleared. It
has been turned ever since.

by *Jess Southwick*

Jess Southwick

Dietrich Id. 43324

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Department of Water Resources

MICROFILMED

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29 June 1988

I Neal Bowman know from personal knowledge
that Section 30 was developed in 1976 & has been
continuously farmed since 1977.

Neal Bowman

RECEIVED

JUL 11 1988

Department of Water Resources

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CORPORATION WARRANTY DEED

FOR VALUE RECEIVED, SOUTHERN IDAHO PRODUCTION CREDIT ASSOCIATION, a corporation duly organized and existing under the laws of the State of Idaho, Grantor, does hereby Grant, Bargain, Sell and Convey unto LOUIS L. HUBSMITH and DARLENE I. HUBSMITH, Grantees, whose mailing address is P. O. Box 397, Dietrich, Idaho 83324, the following described real property, situated in Lincoln County, Idaho, to-wit:

Township 6 South, Range 19 East of the Boise Meridian
Section 19: Lots 7, 11 and 12
Section 30: NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{4}$, Lots 1, 2, 6, 7 and 12

Together with 123.45 shares of stock in the Big Wood Canal Company, Ltd.

SUBJECT to taxes and assessments for 1986 and subsequent years and easements and rights of way of record.

ALSO SUBJECT to an Agreement dated June 25, 1975, wherein Ralph E. Bowen and Bernice Jean Bowen, husband and wife, were the sellers, and Steven R. Shaw and Betty Lorraine Shaw, husband and wife, were the Buyers.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees and to the Grantees' heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantees, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its Site Manager.

DATED this 10th day of June, 1986.

MICROFILMED

DEC 21 1988

SOUTHERN IDAHO PRODUCTION
CREDIT ASSOCIATION

By John F. Brine

1 STATE OF IDAHO)
2 County of Gooding) ss.
3 Twin Falls)

4 On this 10th day of July, 1986, before me, a Notary
5 Public in and for said County and State, personally appeared
6 John F. Birnie, known to me to be the
7 Site Manager of the corporation that executed
8 this instrument or the person who executed the instrument on
9 behalf of said corporation, and acknowledged to me that such
10 corporation executed the same.

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

14 *Deanna K. Long*
15 NOTARY PUBLIC
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COPY
a service of Photocopying & More

MICROFILMED

DEC 21 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 14, 1988

RE: Permit No. 37-7268

Louis L. & Darlene I. Hubsmith
P.O. Box 397
Dietrich, ID 83324

Dear Permit Holder(s):

We acknowledge receipt of the statement of beneficial use and the supporting documentation for reinstating the above referenced permit. Enclosed is a copy of the Order of Reinstatement. Please note that the priority date has been advanced to July 11, 1988.

Before a license can be issued, a field examination will be made by a representative of this Department.

If you have any questions regarding this matter, please contact this office or our Southern Regional Office at 734-3578.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

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DEC 21 1988

EXHIBIT

F

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT

NO. 37-7268 IN THE NAME OF

LOUIS L. & DARLENE I. HUBSMITH

ORDER

This matter having come before the Idaho Department of Water Resources (Department) the Department finds as follows:

FINDINGS OF FACT

1. On September 19, 1973 the Director of the Department of Water Resources issued Permit No. 37-7268 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before September 1, 1978.

2. On June 30, 1978 the Department sent a proof due notice to the permit holders.

3. On September 7, 1978 the Department sent a lapse notice to the permit holders since neither proof of beneficial use nor a request for extension of time had been received from the permit holders.

4. On July 11, 1988 Proof of Beneficial Use was received by the Department from the permit holders.

5. Section 42-218a, Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the

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DEC 21 1988

extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

6. The permit holders submitted evidence to confirm that water has been put to beneficial use. These documents include: a copy of an ASCS 1977 aerial photo with date confirmed and signed by a Lincoln County ASCS agent; copy of well pump invoice dated May 19, 1976; copy of well pump installation report dated May 1, 1976; letter from Idaho Power Company customer service representative verifying power installation to pump in 1976 and continuous service since that time; two affidavits from persons familiar with the land and farming operation which state that the land was irrigated continuously since 1976; and a copy of deed from Southern Idaho Production Credit Association deeding land to Louis and Darlene Hubsmith.

7. The permit holders have stated that the previous permit holder had died after mortgaging the land to Southern Idaho Production Credit Association and completing the development. Because of these events, permit holders state that Proof of Beneficial Use was not submitted in a timely manner.

CONCLUSIONS OF LAW

1. The permit holders have submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used as identified on the permit.

2. The permit holders have shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was received by the Department.

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DEC 21 1988

ORDER

IT IS HEREBY ORDERED that Permit No. 37-7268 is reinstated.

IT IS FURTHER ORDERED that the date of priority of this permit is advanced to July 11, 1988.

Dated this 8th day of December, 1988.


L. GLEN SAXTON
Chief, Operations Bureau

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DEC 21 1988

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07268

Priority: July 11, 1988

Maximum Diversion Rate: 3.20 CFS
Maximum Diversion Volume: 640.0 AF

This is to certify, that DARLENE I HUBSMITH
LOUIS L HUBSMITH

PO BOX 397
DIETRICH ID 83324

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 23, 1973; and has submitted Proof of Beneficial Use on July 11, 1988. An examination indicates that the works have a diversion capacity of 6.200 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	3.20 CFS	640.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWNE, Sec. 30, Township 06S, Range 19E
LINCOLN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	19E	19	Lot 12(ESW) 29			29
		30	NWNE 40	SWNE 40	Lot 1(NENW) 40	
			Lot 6(SENW) 11			131

Total number of acres irrigated: 160

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre for the lands above.
6. The maximum diversion rate under this right and right M 37-07454 and 37-07602 shall not exceed 6.2 cfs.

JUN 24 1992

EXHIBIT

G

PAGE 2

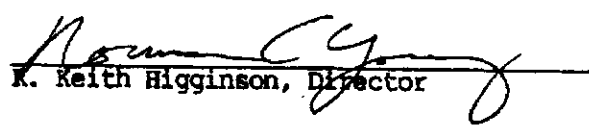
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07268

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 10th
day of JUNE, 1992.

Acting for


K. Keith Higginson, Director

JUN 24 1992

Identification No. 37-

Permit No. 37-7602

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 2 1978 *og*

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources
Southern District Office

1. a) Name of Permit Holder Steve Shaw
b) Post Office Address Dietrich, Idaho 83324
2. Permit Number 37-7602
3. Date of Priority that you are prepared to establish 5-4-77
4. a) Source from which water was appropriated ground water
b) Location of the point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30
Township 6S, Range 19E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 3.2 cfs for irrigation purposes from Mar 15 to Nov 15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 3.2 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: amount applied for
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) well (18" x 300'), 400 hp pump, 10" & 12" buried main lines, handline sprinklers
b) Describe the type and size of measuring device which you have installed at your point of diversion: Rockwell flow meter
c) Give well driller's name and address and the date the well was completed: Norman Ridinger, Dietrich, Idaho. Completed March, 1976.
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

PROFILED
DATE 4-9-83

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EXHIBIT

H

Exam typed 11/21/78 by _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Steve Shaw Phone: 544-2276
post office address Dietrich, Idaho 83324
2. Source of water supply groundwater which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 30 Township 6S
Range 19E, B.M. Lincoln County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.2cfs/ irrig. purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.2 cfs cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump & sprinkler system

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo., Day) (Mo., Day)
- c. Proposed well diameter is 18 inches; proposed depth of well is 280 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
- b. If water is to be used for other purposes describe: _____

RECORDED
INDEXED

EXHIBIT

I

tabbies

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

160

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. NONE

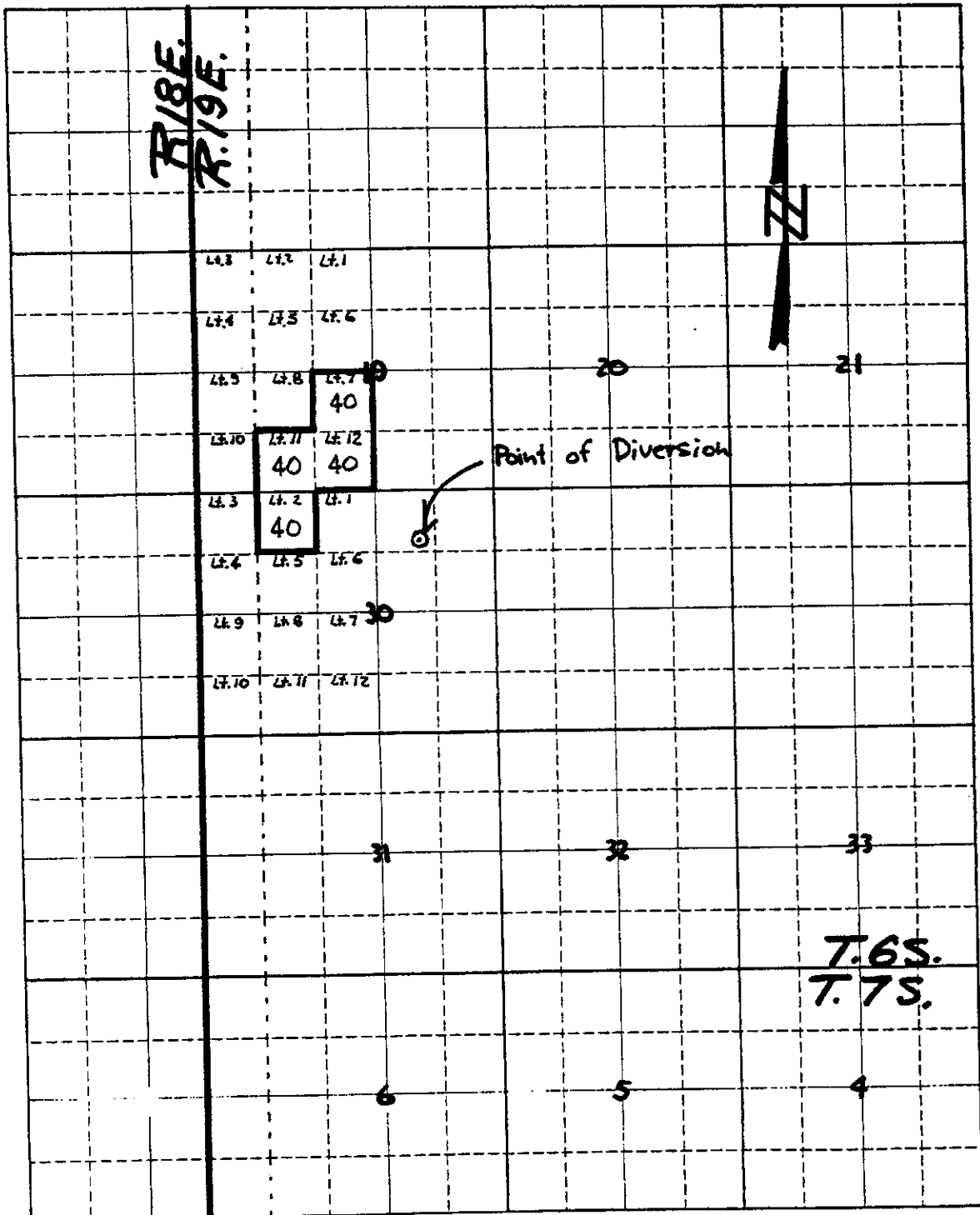
9. a. Who owns the property at the point of diversion APPLICANT
APPLICANT

b. Who owns the land to be irrigated or place of use _____

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Steve Shaw
(Applicant)

Proposed Priority 5/ 4/77

Received by RR Date 5/3/77 Time _____
Preliminary check by ADM Fee \$ 55.00 # 3385

Receipted by AB Date 5/4/77

Publication prepared by Am Date 5/10/77

Published in Lincoln City Leader

Publication dates 5/19 & 5/26/77

Publication approved Am Date 6/29/77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by mlj

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7602, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 82.

c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 29 day of June, 19 77.


Deputy Director

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

37-7602

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 7/30/80 Accompanied by Norm Ridinger Total Q measured 5.09 cfs ✓
If source is surface water, estimate total flow of source _____
Methods of measurement Access Point Meets Permit requirements? Yes

Measurement calculations:

Well #3 2285 gpm → 5.09 cfs

Allow 0.02 cfs for 145 acres = 2.90 cfs ✓

Meter 091475 Correction -2.06" H₂O

Bar 091421 10.02"

Reading of 37" H₂O

Vol. = (145 Acres) (4.0 Afa/Acre) = 580.0 Afa ✓

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
# 3	400	G.E.	LLJ1105975	Aurora	VK-70510	Access Point Anemometer	Fair	5.09 cfs

System Description Well delivers to mainlines which irrigate lands via
handlines. Well also irrigates other lands which have a pivot on it.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

Irrigation requirement = 4.0 AFA/Acre

USE	Q (cfs)	V (afa)	FROM	TO
Irrigation	2.90 cfs	580.0	3-15	11-15
Total	2.9 cfs ✓	580.0 ✓		

Remarks

Lands in Sec. 19 not irrigated at present by well however
other lands not listed on permit and not covered by other
rt's. are irrigated. This rt. is recommended to be
amended to cover these lands.

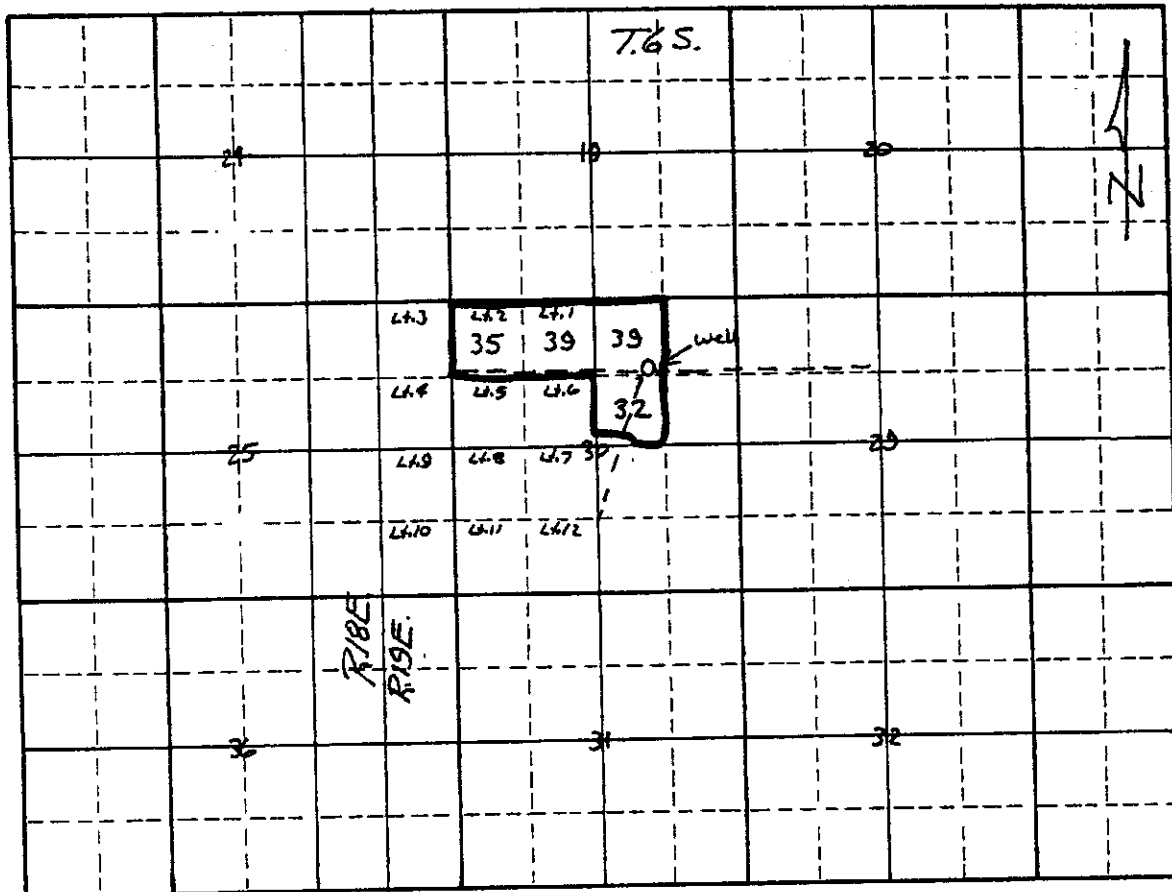
The well also supplies water for rt's. 37-7454 & 37-7149

EXHIBIT

tabbies

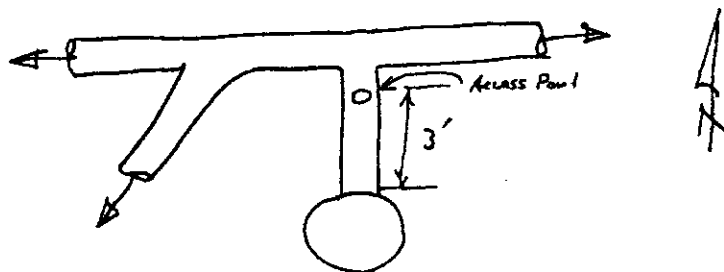
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MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NW 1/4 NE 1/4 Sec. 30, T.6S., R.19E., B.M.

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S.	19E.	30		39	32		39	35											145

Recommended Amendments:

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other _____

Examiner's Signature: [Signature] Date: 8/7/80
 Checked by: [Signature] Date: 8-8-80
 Approved by: [Signature] Date: 10/17/80

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7602 Priority May 4, 1977 Amount 0.70 cfs

THIS IS TO CERTIFY, that Steve Shaw
of Dietrich, Idaho, has complied with the terms and conditions of Permit
No. 37-7602 issued pursuant to Application for Permit dated May 4, 1977,
and has submitted proof to the Department of Water Resources on August 2, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 5.09 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from March 15 to November 15</u>	<u>at 0.70 cfs and</u>	<u>140.0 acre feet</u>
_____	_____	_____	_____
_____	_____	_____	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.70 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
140.0 acre feet per year, said waters to be diverted within the NW 1/4, Section 30, Twp.
6S, Rge. 19E in the County of Lincoln

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				Totals
			NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	
6S	19E	30					L. 2 35								35

Total number of acres irrigated 35

This right when combined with Right No. 37-7454 shall not exceed 5.09 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of
August, 19 82.

Director

EXHIBIT

K

Identification No. _____

Application No. 37 7454

APPROVE **STATE OF IDAHO**
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

544,2274
-2276

1. Name of applicant STEVEN R. SHAW Phone: _____
post office address Route #1, Dietrich, Idaho
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 30 Township 6S
Range 18E B.M. Lincoln County; additional points of diversion if any: _____
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 6S, Range 18E, B.M.
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
ALLOW 4.0 (see letter of October 31)
Amount 4.0 for Irrigation purpose from March 15 to November 15 both dates inclusive
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 4.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump & sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 18 inches; proposed depth of well is 280 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 80,000.00.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

EXHIBIT

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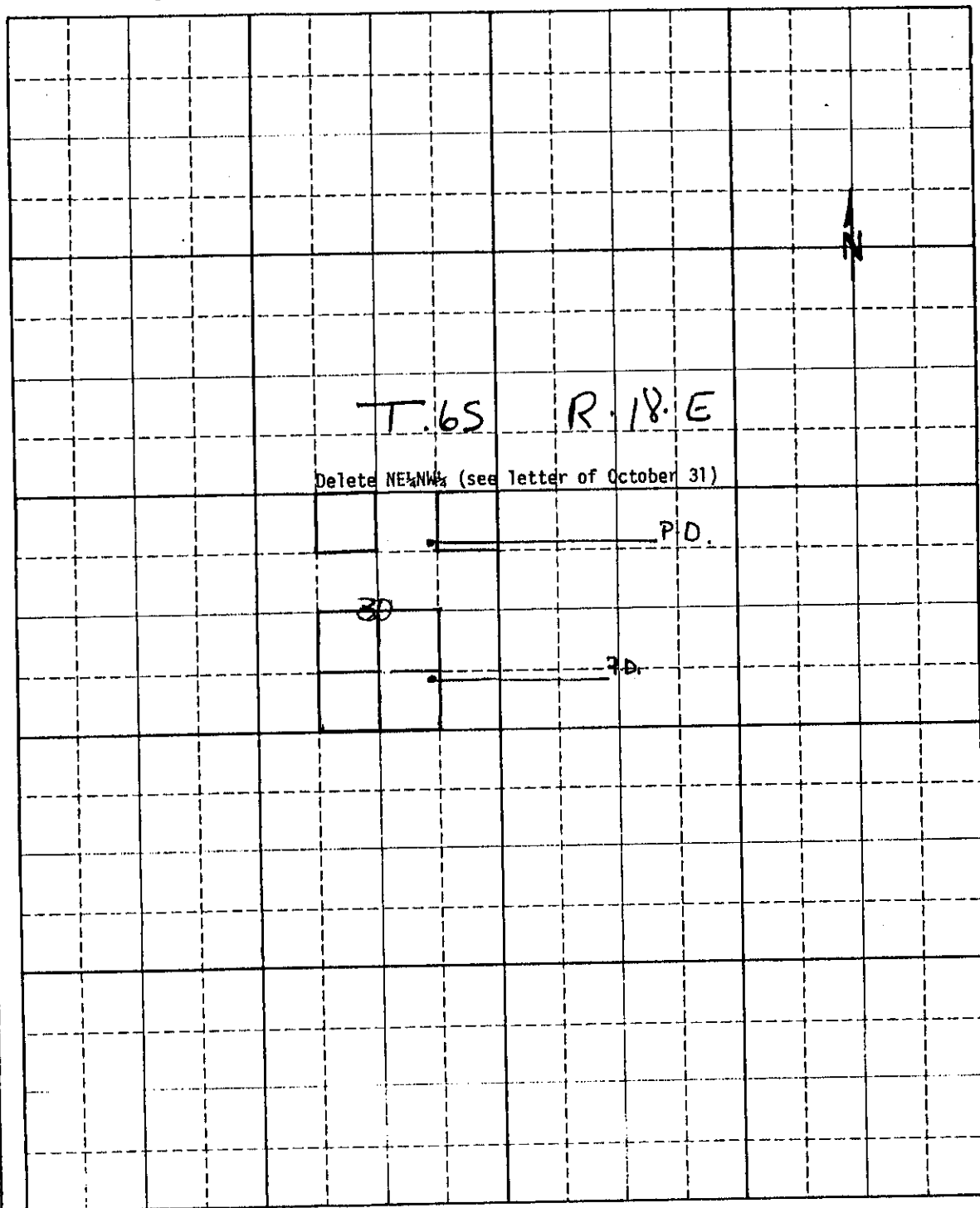
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c. Describe any other water rights used for the same purposes as described above.

None

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Steven R. Shan
(Applicant)

Proposed Priority 9-08-1975

ADM 99-75 Received by hls Date 9-8-75 Time 2:45
Preliminary check by SLE Fee \$ 65.00 # 1674
Receipted by CC Date 9-5-75
Publication prepared by CC Date 9-10-75
Published in Lincoln County Journal
Publication dates 9-18-75 & 9-25-75
Publication approved CC Date 9-30-75
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

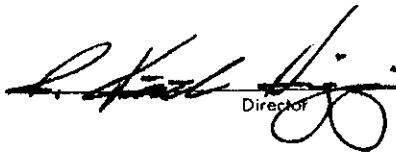
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7454, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 80.
- c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 30 day of December, 19 75.


Director

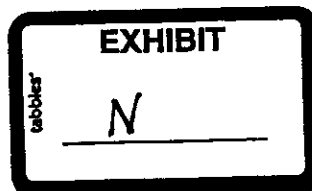
WATER RIGHT LICENSE

DET

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Louis L. Hubsmith Phone 544-7581
Post office address P.O. Box 397 Dietrich, ID 83324
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 30 Township 6S Range 19E B.M. Lincoln County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 2.16 for Irrigation purposes from Mar 15 to Jul 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 2.16 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Existing well & pump; mainline to
center pivot and hand lines
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).



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MAR 18 1981

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	19E	19									40		40	11					91
6S	19E	30							3		7					7			14 17 *

* Per telecon w/applicant 8-24-90

Total number of acres to be irrigated 108 *

10. Describe any other water rights used for the same purposes as described above. _____

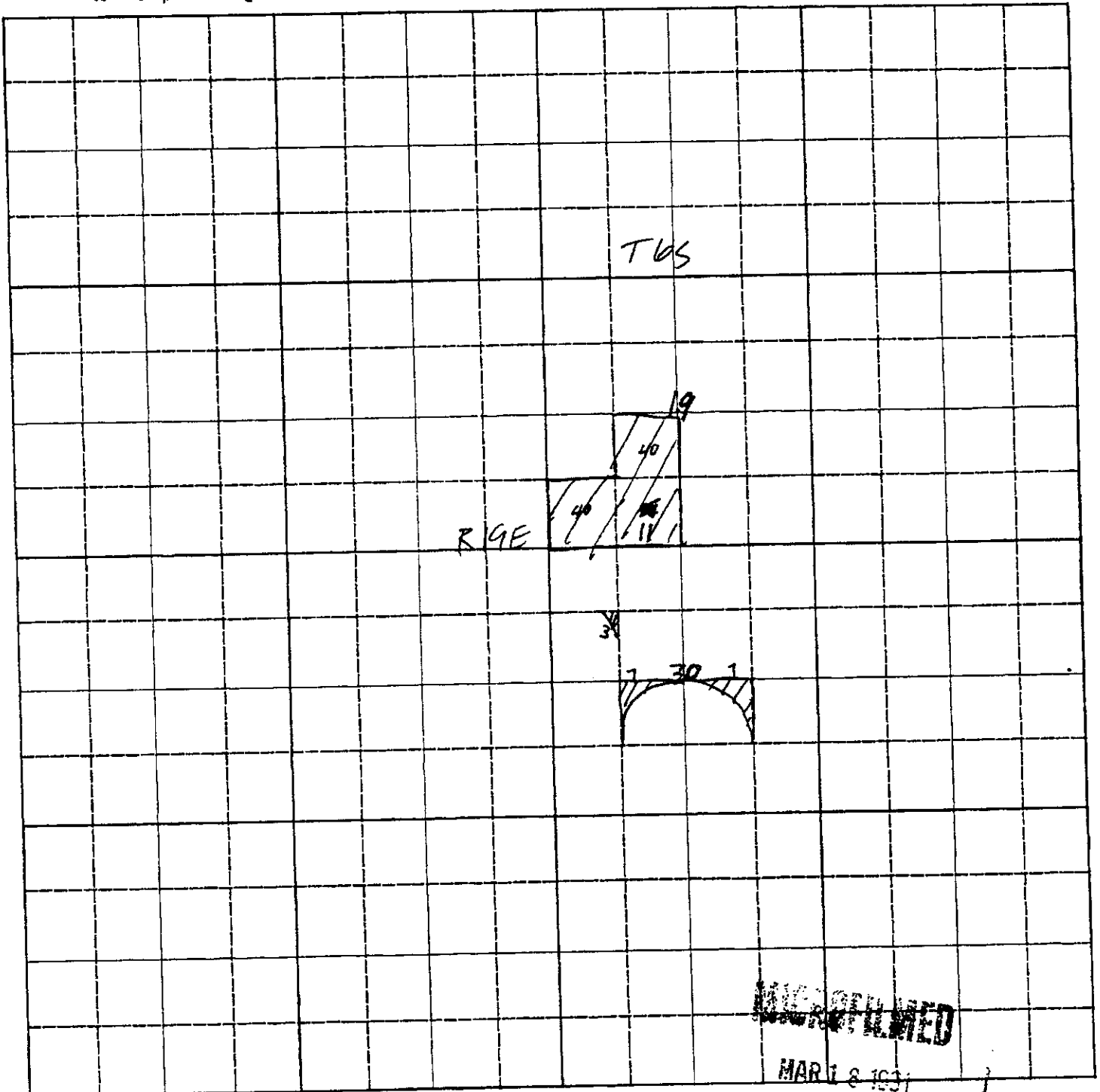
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: System was developed under a previous permit in 1976. Previous owner did not file proof of development, so permit lapsed.

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13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature] 8/20/90
(Applicant)

Received by M. Baldwin Date 8/23/90 Time 10:10 Preliminary check by AD
Fee \$ 85⁰⁰ Received by J. Feltenton # 5012600 Date 8-24-90
Publication prepared by M. Baldwin Date 10/24/90 Published in Lincoln Co. Journal
Publication approved M. Baldwin Date 11/19/90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

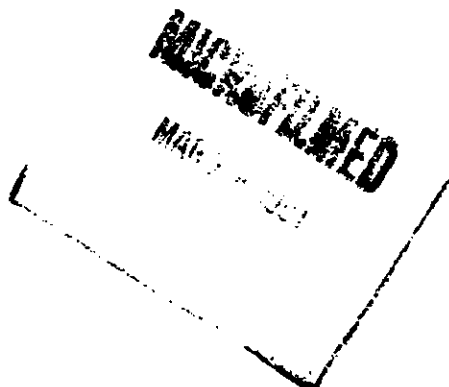
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:



MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 37-8679/Trust Water Processing

DATE: 2-21-91

This trust water filing has been forwarded to the state office by the region for out of sequence processing. There appears to be sufficient information in the file providing evidence of development prior to October of 1984. I have also reviewed a 1983 infrared photo on file with the department and have found that all of the acreage under the application appears to have been irrigated at that time. The 1986 IDWR classification of irrigated acreage also confirms irrigation of the same lands at that time.

Due to evidence of prior development, the application may be approved out of sequence. The application will be considered a trust water filing due to the post 1984 priority date, but the acreage will not be counted as trust acreage due to the pre-1984 development.

MICROFILMED

MAR 18 1991

EXHIBIT

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08679

Priority: August 23, 1990

Maximum Diversion Rate:

1.92 CFS

This is to certify, that LOUIS L HUBSMITH

PO BOX 397

DIETRICH ID 83324

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 23, 1990; and has submitted Proof of Beneficial Use on March 25, 1991. An examination indicates that the works have a diversion capacity of 6.280 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.92 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 30, Township 06S, Range 19E
LINCOLN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	19E	19	Lot 7(NESW) 33	Lot 11(SWSW) 35	Lot 12(SESW) 11	79
		30	Lot 5(SWNW) 3	Lot 7(NESW) 7	NWSE 7	17

Total number of acres irrigated: 96

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
5. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.
7. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
8. Use of this right with the rights listed below is limited to a total combined diversion rate of 6.28 cfs and shall not exceed 4.0 af per acre for the lands above. The combined rights include: 37-07268, 37-07454 and 37-07602.

AUG 09 1994

EXHIBIT

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08679

This license is issued pursuant to the provisions of Section 42-219, Idaho Code,
Witness the seal and signature of the Director, affixed at Boise, this 25TH
day of June, 1994.

Acting for


R. Keith Higginson, Director

AUG 09 1994