



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 23, 2003

Alma A. Hubbard
P.O. Box 341
Grace, ID 83241

Ref: Snake River Basin Adjudication (SRBA)
Claims 27-76 & 27-11317

Subject: Address Update
Change in place of use (POU)

Response date: January 23, 2004

IDWR has begun its investigation in basin 27 and expect to have recommendations to the SRBA court by mid-2004. So information and file update information needs to be handled as soon as possible to insure an accurate recommendation. IDWR records currently show the following address for the above referenced claims:

Alma A. Hubbard
745 Hubbard Road
Grace, ID 83241

The Caribou County Assessors office has informed us that your address has changed. In order for us to modify our records you need to fill out the enclosed change in address form and return it to this office. If there has been a change in the ownership of this land please advice the new owners that they must contact the Department to do an ownership change.

The evidence of priority documentation in the file doesn't support the claimed priority date but a 1933 date.

The Notice of Claim 27-76 and 27-11317 indicates that there has been a change in the point of diversion and place of use as described in the decree and affidavit of water submitted as evidence as described below:

Previous points of diversion: two points of diversion in the southwest quarter of section 11, township 5 south, range 42 east to

New point of diversion: one point of diversion in the NWSESE of section 10.

Previous place of use: E1/2SE1/4 of section 10; the SW1/4 of section 11; the NE1/4NE1/4 of section 15; and the N1/2NW1/4 of section 14; all in township five south, range forty-two east of the Boise Meridian, in Caribou County.

New place of use: E1/2SE1/4 of section 10; W1/2SW of section 11; E1/2NW and SW of section 14; and N1/2NW of section 23; all in township five south, range forty-two east of the Boise Meridian, in Caribou County.

A water right owner who has made a change in the point of diversion or place of use prior to the commencement of the SRBA without prior IDWR approval may claim the change in the SRBA. IDWR may recommend a right as changed, however, only if the change meets certain requirements. One of those requirements is that the change does not result in injury to other water rights, or be conditioned to prevent injury.

Before IDWR may recommend you claim, you must provide IDWR with the date the change was made and some evidence tending to support the date. If the change was made before November 19, 1987, then the date provided must include the month, day and year. If the change occurred after November 19, 1987, then a specific date is not necessary, and the evidence need only support that the change occurred sometime after November 19, 1987.

The evidence of priority provided in file 27-11317 does not support the 1890 priority date. The evidence supports a 1933 priority date instead. If no further evidence is submitted then the priority date will be recommended as 1933.

This office must receive your response by the response date shown above. If no response is received, then your claim to water from the new point of diversion and place of use will not recommended to be decreed.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosures: Copies of the Notice of Claims 27-76 and 27-11317.
Affidavit of water.
Address update form