



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Alma Hubbard
P.O. Box 341
Grace, Idaho 83241

May 15, 2003

Re: Evidence of Priority

Claim No.(s) A27-11317 & A27-11319

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". 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, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, 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**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

.....
The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by **June 26, 2003**, referencing **all documents with the corresponding Notice number.** If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
Adjudication Claim Report

15 West Center
Soda Springs, ID 83276
Phone (208) 547-3993
FAX (208) 547-3939

Idaho Department of Water Resources

Fax

FAXED
Jm

To: Brent Whiting	From: Cindy Bird
Fax: 232-6109	Pages: 2
Phone:	Date: 2/25/2004
Re: 27-11317	CC:

This FAX contains this cover sheet and a copy of the Affidavit of Water Right dated 16 February 1934 made by O.C. Childs, Walter Hogan, T. W. Cully.

Cindy Bird

Cindy Bird

CEB/bjp



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Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

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

15 West Center Street
Soda Springs, ID 83276
(208) 547-3993
(208) 547-3939 FAX

file in 27-11317

**Idaho Department of
Water Resources**

Memo

COPY

To: Michael Holliday
From: Barbara Payne
Date: 10/17/2003
Re: Claim 27-11319

Hi Mike,

I am forwarding the copy of the enclosed letter that was directed to Alma A. Hubbard from the A.G.'s office. When we requested the A.G. to send Mr. Hubbard a letter, it was assigned to Basin 27. However, now it has been renumbered to Basin 25 and Cindy Bird ask that I forward this to you so that it can be added to the file.

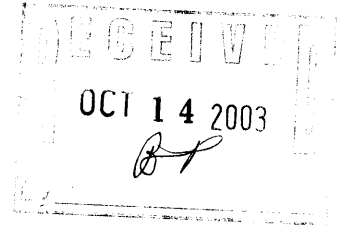
Thanks.

Barbara

Enclosure



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
October 7, 2003



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

RE: SRBA Claim No. 27-11317 and 27-11319

Dear Alma Hubbard:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in Basin 27 in the Snake River Basin Adjudication.

The Department of Water Resources has previously contacted you regarding the need for priority evidence for your SRBA claim nos. 27-11317 and 27-11319. However, the Department has not received the information requested. I have enclosed a brochure that discusses the type of evidence that can be helpful in proving the priority date for a water right claim.

In order to make a complete and accurate recommendation of your water rights, each element of the water right must be proven. At this time, the Department will not be recommending your water rights as claimed because you have not provided proof of priority for your claim.

Please contact Cindy Bird at the Soda Springs Office for the Idaho Department of Water Resources at 208-547-3993 or you can contact me directly at 208-327-5404.

Very truly yours,

A handwritten signature in cursive script, reading "Candice M. McHugh".

CANDICE M. McHUGH
Deputy Attorney General
Idaho Department of Water Resources

Enclosure

cc: Cindy Bird



Close

From: Music, Vicky**To:** Payne, Barbara**Cc:****Subject:** RE: Claims 27-~~11317~~ & 27-11319**Sent:** 10/7/2003 2:18 PM**Importance:** Normal

no problem. I do the letters, forward to Candice for signature, she forwards to legal secretary for mailing. if you do not receive the letters, please let me know so I can have Patsy copy you.

Vicky L. Music
Office of the Attorney General
Paralegal - IDWR
(208) 327-7928

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank You.

-----Original Message-----

From: Payne, Barbara
Sent: Tuesday, October 07, 2003 2:05 PM
To: Music, Vicky
Cc: Bird, Cindy
Subject: Claims 27-11317 & 27-11319

Hi Vicky,

This claimant, Alma A. Hubbard, was sent a letter of Evidence of Priority on May 15, 2003 with a response date of June 30, 2003 on both claims. We have not heard from him. I checked with our County's Assessor and was advised that on 27-11317 no ground is claimed as being irrigated. The claimed use on 27-11319 is stockwater.

We sent the letter to the same address as the assessor's office. That address is P. O. Box 341, Grace, ID 83241.

Cindy would like your office to send a letter requesting evidence. If there is a problem, please let me know. Otherwise, I will assume when you send him a letter you will also copy our office. Thanks for the push.

Barbara :-}