

July 23, 2007

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707Twin Falls, ID 83303-2707

We are filing an objection to the water board's decision on filing #A78-10215 that was filed by Margarete Moore, May 27, 1988.

We wrote a letter to the water department in November 2006, stating that we were missing a water filing. On July 18, 2007 we met with Jan Shurte and found out the rejection was sent to Margarete Moore and was never sent to us.

I.M. Moore filed this claim with the water board April 5, 1957 for beneficial use and this water right went to court in Adams County and was awarded to I. M. Moore in 1960. We have enclosed the part of the case which involved this parcel of land.

I personally irrigated with this water before I purchased the ranch from I.M. Moore while renting it. I have continued to use this water to irrigate the 156 acres since I brought the ranch in 1991 and I also use it on adjoining property I own. Where my diversion point and place of use is no one else can use this water out of the drain but us.

We have no idea why this claim was disallowed and would like to update this decision and get it in our name

Please let us know when and where the hearing will be, if needed.

Sincerely,

Jack D Hubbard
Margarete Moore

Jack D Hubbard
Arlene Hubbard
3127 Substation Road
New Meadows, ID 83654
208-634-9508 or 208 -634-9897

CC:

IDWR Document Depository
Chief, National Resources Division
United States Department of Justice

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DEPARTMENT OF
WATER RESOURCES

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JUL 24 2007

DEPARTMENT OF
WATER RESOURCES

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. 39576

A. Subcase 78-10215
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Jack + Arlene Hubbard
Address: 3127 Substation Road
New Meadows, ID 83654
Daytime Phone: 208-634-9508 or 208-634-9897

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Margarete Moore old owner (deceased)
Address: JACK D. & Arlene Hubbard new owners
3127 Substation Rd
New Meadows, ID 83654

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. **I object because:**

☐ This water right should not exist.

☒ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Notification was sent

To Margaret Moore + Jack A. Moore never
received any notice. We purchased this
water because of the water right had
been established in court in 1960 in
Adams County - Case # 1460 + 1414. Papers
are enclosed.

F. **VERIFICATION** (Must be Completed)

State of Idaho
County of Adams)ss.

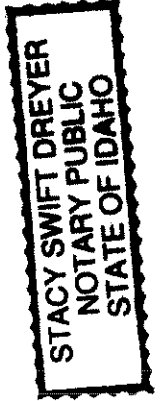
Jack + Elaine Hubbard
(Name of person filing objection), duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Jack R. Hubbard
(Signature of person filing objection)
Elaine Hubbard

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 7-23-27
Stacy Swift Dreyer
Notary Public for Idaho
Residing at: New Meadows
My Commission Expires: 3-17-2017



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: A78-10215
Date Received: 5/27/1988
Receipt No: M000038

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

208-347-2405

1. Name: MARGARETE MOORE
Address: P.O. BOX 188
NEW MEADOWS, ID 83654

2. Date of Priority: APR 05, 1957

3. Source: WASTEWATER Trib. to: LITTLE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
19N	02E	30	NE NE NW		ADAMS

5. Description of diverting works:
CONCRETE HEADGATE WITH METAL SLIDE INTO GRAVITY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S (or)	A.F.A.
IRRIGATION	04/15	11/15	3.000	

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
19N	02E	30	NE NW		IRR	36.0
			SE NW		IRR	40.0
			NE SW		IRR	40.0
			SE SW		IRR	40.0

Section Acres 156.0

10. Place of Use: Continued
Total Acres 156.0
11. Place of use in counties: ADAMS
12. Do you own the property listed above as place of use? YES
13. Other Water Rights Used:
78-10071, 78-00184, 78-00183
14. Remarks:
IN ADDITION TO DIVERTING WASTEWATER FROM THE DRAIN, OTHER WASTE-
WATER IS RECEIVED FROM THE ADJOINING PROPERTY ALONG THE ENTIRE
EASTERN EDGE AND ACROSS THE SOUTH END. THIS CLAIM IS INTENDED TO
COVER THE USE OF ALL WASTEWATER.
15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

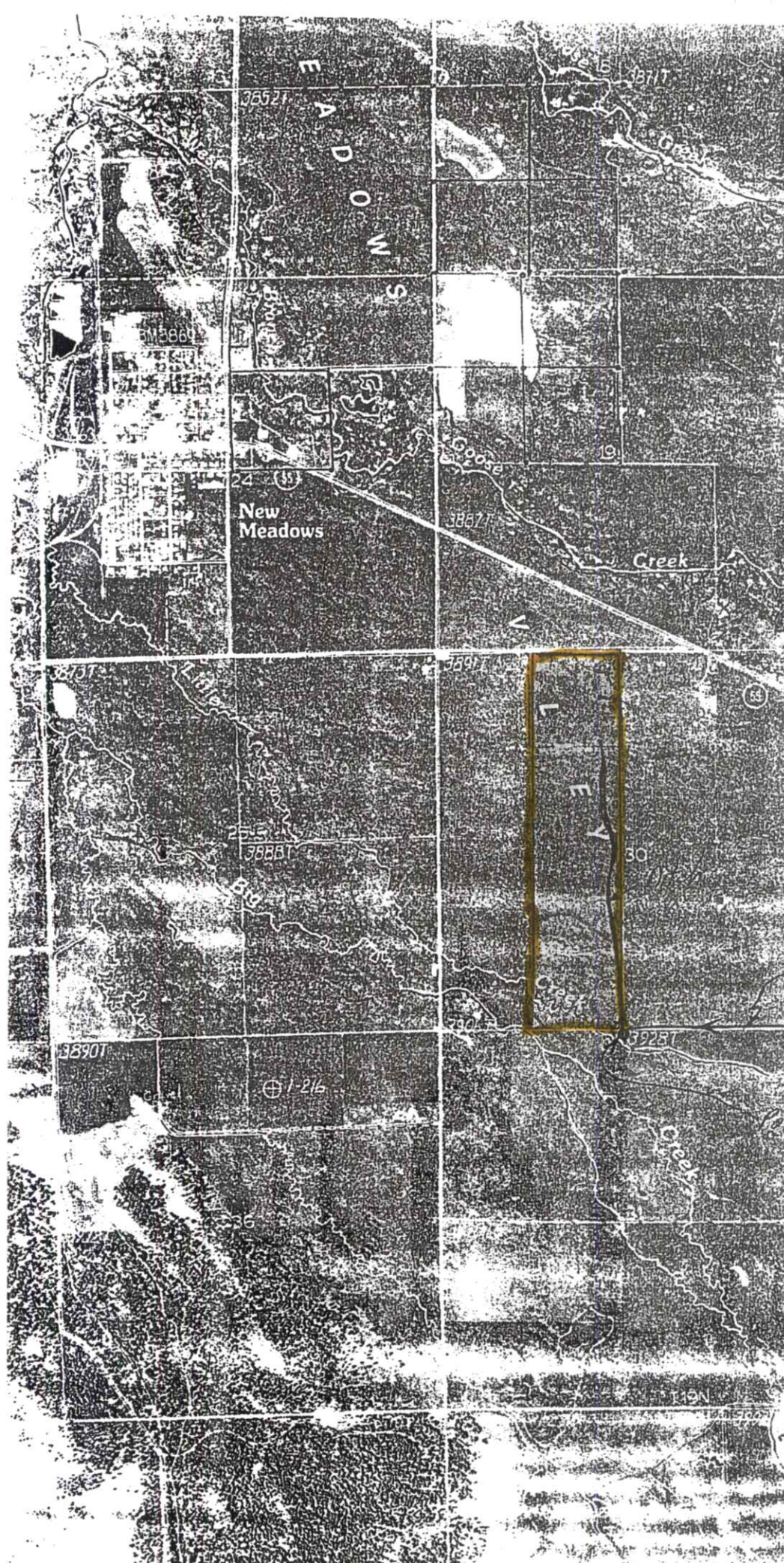
of _____ 19 _____

_____ Notary Public

Seal

Residing at _____

My Commission Expires _____



1,200,000
1111

1981

1980

1979

57' 30"

1978

Unnamed Drain

Point of Diversion.

1976

T 19 N

T 18 N

FILED
NOV 21 1960
9:58 A.M. P.M.
Clerk
Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

Case #1460
#14A

RICHARD BALBACK,)
Plaintiff,) ANSWER TO CROSS-COMPLAINT
of
GEORGE WILSON

-VS-

I. M. MOORE, EUGENE KESKA,)
GEORGE WILSON, IDA W. WYMAN,) and
ROBERT H. RANEY, EDWARD RANEY,)
and VIRGIL WADDELL,)
CROSS-COMPLAINT AGAINST
GEORGE WILSON
Defendants. :

- - - - -

Come now the defendants I. M. Moore, Robert H. Raney, Edward Raney,
and Virgil Waddell, and each of them, and answer the Cross-Complaint
as follows:

I.

These answering defendants admit that Little Creek is one of the
public streams of the State of Idaho, lying wholly within Adams
County, and is a tributary of the Little Salmon River, but deny each
and every other allegation in said Cross-Complaint;

Further answering said Cross-Complaint and by way of Cross-Complaint
against the defendant George Wilson these answering defendants
allege:

I.

That the defendants, Robert H. Raney and Edward Raney, are now and
for many years last past have been the owners of and entitled to the
possession of the following described lands situate in the County of
Adams, State of Idaho, to-wit:

1 half (27½) miner's inches of the waters of Little Creek during the
2 entire irrigation season of each and every year for use upon the
3 following described lands;
4

5 Approximately seventeen and five/tenths (17.5) acres in the
6 Southwest Quarter of the Southwest Quarter os Section
7 Twenty-four (24), Township Nineteen (19) North of Range
8 One (1) East of the Boise Meridian lying South and East
9 of the railroad right-of-way of the Northern Branch of
10 the Union Pacific Railroad, and ten (10) acres in the
11 Southeast Quarter of the Southeast Quarter in Section
12 Twenty-three (23), Township Nineteen (19) North of
13 Range One (1) East of the Boise Meridian, lying East
14 of the Boise Meridian, lying East of the Little Salmon
15 River.

16 And that it be adjudged and decreed that the defendant Virgil
17 Waddell's appropriation and right to the use of said twenty-seven
18 and one-half (27½) inches of the waters of said Little Creek is
19 prior in time and superior in right to the title, interest or
20 claims of the plaintiff and the defendants Eugene Keska, George
21 Wilson and I. M. Moore insofar as the right to waters for the
22 following lands owned by I. M. Moore, to-wit:

23 East Half of the West Half of Section Thirty (30)
24 Township Nineteen (19) North of Range Two (2)
25 East of the Boise Meridian.

26 And that it be adjudged and decreed that the defendant I. M. Moore's
27 appropriation and right to the use of said one hundred sixty (160)
28 inches of the waters of said Little Creek is prior in time and
29 superior in right to the title, interest or claims of the plaintiff
30 and the defendants Eugene Keska and George Wilson;

31 (d) That on final hearing of thissuit a perpetual injunction be
32 issued restraining said plaintiff, his successors and assigns,