

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

78-2063

(Insert water right number)

)

Case 39576

)

STANDARD FORM 4

)

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is DORIS H HUBBARD

My address is PO BOX 331 NEW MEADOWS, ID 83654
MILEPOST 175 1/2 HIGHWAY 95 NORTH OF NEW MEADOWS

My phone number is: Work 208-628-3077 Home 208-628-3077

I am an attorney representing me

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

WE PURCHASED THIS PROPERTY IN JULY 2005, MOVED
HERE 5 MONTHS AGO, REQUESTED NAME CHANGE
DOMESTIC SPRING, WAS ADVISED TO FILE LATE CLAIM

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

A LICENSE FOR WATER RIGHT - LILLIAN E. OSBORN - 78-2063
2 PAGE WARRANTY DEED - OSBORN TO HUBBARD
WATER RESOURCES WATER RIGHT REPORT - 78-2063

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☒ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 50 - Total.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

na

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Idaho

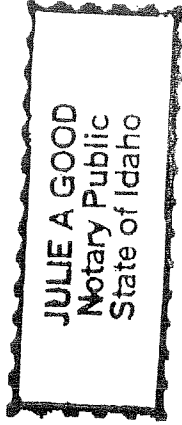
Doris Helen Hubbard, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Doris Helen Hubbard
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on October 19 2007
(Insert Date)



Julie A Good
Notary Public for State of Idaho
Residing at: New Meadows, ID
My Commission expires: Nov. 7, 2011

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on October 22, 200²⁰⁰ ~~1997~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Doris Hubbard

Signature of person or attorney mailing the form

**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 _____
Date Received: _____
Receipt No: _____
Received By: _____

**NOTICE OF CLAIM
TO A**

**WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) THOMAS ANDY CORBORIS HUBBARD Phone (208) 628-3017
- Mailing Address PO BOX 331 NEWMeadOWS, ID City State ZIP 83654
2. Date of Priority (Only one (1) per claim) FEBRUARY 19, 1965 Month Day Year (MM)
3. Source of water supply (Check one) Ground Water () or Other () (a) UNKNOWN SPRING
which is tributary to (b) LITTLE SALMON RIVER
4. a. Location of Point of Diversion is: Township 21 N., Range 01 E., Section 11,
1/4 of SE, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of IDAHO

Additional points of diversion if any: NONE

If available, GPS Coordinates _____

- b. If instream flow, beginning point of claimed instream flow is: NA

Township _____, Range _____, Section _____, 1/4 of _____, 1/4 of _____, 1/4 of _____

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, 1/4 of _____, 1/4 of _____

_____, 1/4 Govt. Lot _____, BM., County of _____

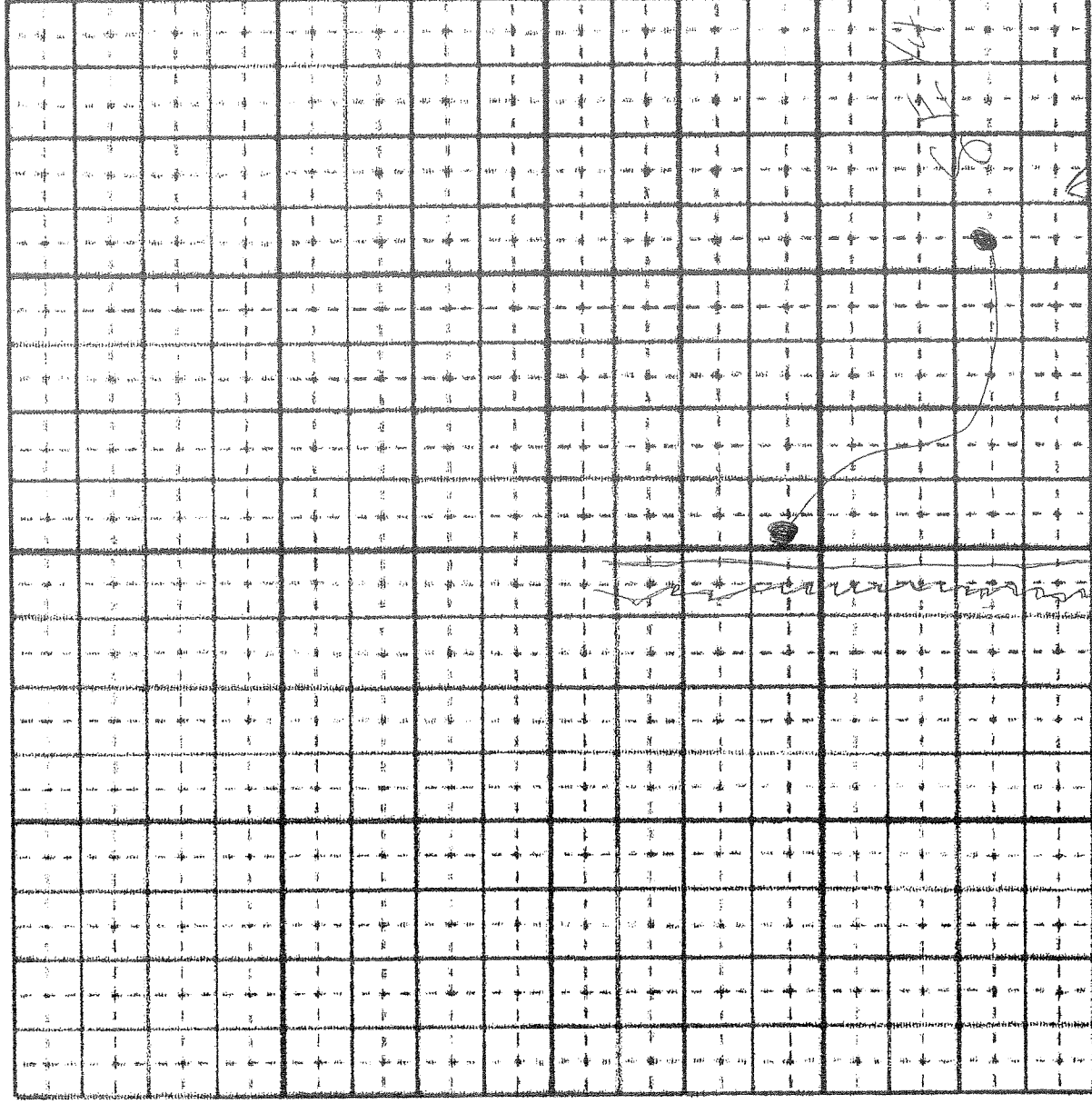
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. WATER RUNS DOWN SMALL CREEK APPROXIMATELY THREE - FOURTH (3/4) MILE, INTO A SHORT PIPE, THEN INTO A HOLDING TANK THAT HOLDS APPROXIMATELY ONE THOUSAND GALLONS THEN DOWN ONE HUNDRED FEET OF PIPE TO POINT OF USE.

Last Name HUBBARD Ident No. 39576

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

Scale: 2 inches equals 1 mile

IV



POINT OF DIVERSION:
SE 1/4 OF SE 1/4
POINT OF USE:
NE 1/4 OF SW 1/4
Sec 11 Twp 21 N
Rng 01 E 8 M

LITTLE
SALMON RIVER
HIGHWAY
95

POINT
OF USE

POINT OF
DIVERSION

Last Name HUBBARD Ident No. 39576

14. Basis of Claim (Check One) Beneficial Use _____ Posted Notice ☒ License ☒ Permit _____ Decree _____

Court _____ Decree Date _____ Plaintiff v. Defendant

If applicable provide IDWR Water Right Number 78-2063

15. 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Thomas Neubert Date: October 19, 2007

Thomas Hubbard	Date: October 19, 2007
Doris Hubbard	Date: October 19, 2007

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Title	Organization

that I have signed the foregoing document in the space below as

of _____

_____ Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

Please Print Name:

16. Notice of Appearance:

Notice is hereby given that I, NL, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name HUBBARD Ident No. 39576



442469

WARRANTY DEED

For Value Received, C.E. OSBORN AND DELPHENE R. OSBORN, TRUSTEES, THE OSBORN TRUST, DATED MARCH 14, 1996 and, the Grantors, do hereby grant, bargain, sell and convey unto THOMAS HUBBARD and DORIS HUBBARD, husband and wife whose address is P.O. BOX 28, Cambridge, ID 83610, the Grantee, the following described premises, to-wit:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 2005 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 7-5-05

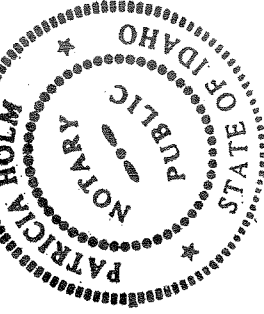
C.E. OSBORN AND DELPHENE R. OSBORN, TRUSTEES, THE OSBORN TRUST, DATED MARCH 14, 1996

BY: Delphene R. Osborn Trustee
C.E. OSBORN, TRUSTEE

BY: Delphene R. Osborn Trustee
DELPHENE R. OSBORN, TRUSTEE

State of Idaho)
County of VALLEY)ss

On this 5 day of July, 2005, before me Patricia Holm, a notary public in and for said State, personally appeared C.E. OSBORN AND DELPHENE R. OSBORN being by me first duly sworn, declared that they are Trustees of the THE OSBORN TRUST DATED MARCH 14, 1996 that they signed the foregoing document as the Trustees and that statements contained are true.



Patricia Holm
Notary Public
Residing at: Prostate
Commission Expires: 10-27-05

STATE of IDAHO
County of Idaho
Recorded at request of
IDAHO COUNTY TITLE CO.
at 2:00 P m on 7-6-05
ROSE E. GEHRING
By Rose E. Gehring Recorder
Fees \$ 6.00 Deputy

no per

Exhibit 'A'

Township 21 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 11: A parcel of land located in the E½SW¼, more
particularly described as follows:

The southerly 210 feet of the E½SE½NE½SW¼, and all that
part of the SE½SW¼ lying on the East side of the Little
Salmon River, excepting such portion thereof heretofore
deeded to the State of Idaho for highway purposes.
Sometimes known as Assessor's Tax No. 15.

442469 Warranty Deed

HUBBARD

39576

LICENSE OF WATER RIGHT

Description and location of place of use:

Total number of acres irrigated _____

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