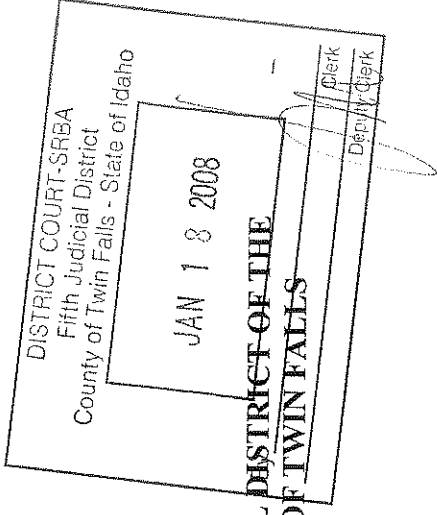


RECEIVED

JAN 22 2008

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)

Subcase: 78-02063

Case No. 39576)

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

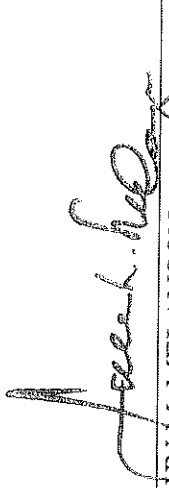
On October 23, 2007, Thomas and Doris Hubbard filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on January 15, 2008. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1 4d(2)(h)*.

IT IS SO ORDERED.

Dated January 18, 2008.

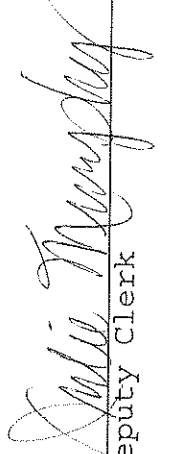

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on January 18, 2008, with sufficient first-class postage to the following:

DORIS HUBBARD
THOMAS HUBBARD
PO BOX 331
NEW MEADOWS, ID 83654
Phone: 208-628-3077

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098


Deputy Clerk

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 78-206Date Received: 2007 OCT 23 PM 1 21

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 AND/CRDORIS HUBBARD Phone (208) 628-3017Mailing Address PO BOX 331 NEWMEADOWS, ID ZIP 83654
Street or Box City State2. 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) UNNAMED SPRING
which is tributary to (b) LITTLE SALMON RIVER4. a. Location of Point of Diversion is: Township 21N, Range 01E, Section 11,
1/4 of SE, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of IDAHOAdditional 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 _____

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 RINS 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

6. Water is claimed for the following purposes:

For DOMESTIC purposes from JANUARY 1 to DECEMBER 31 amount 0.02 or 0.02 (both dates are inclusive MM-DD) (cfs) (acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.02 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) DOMESTIC - 1 HOUSEHOLD

9. Description of place of use:

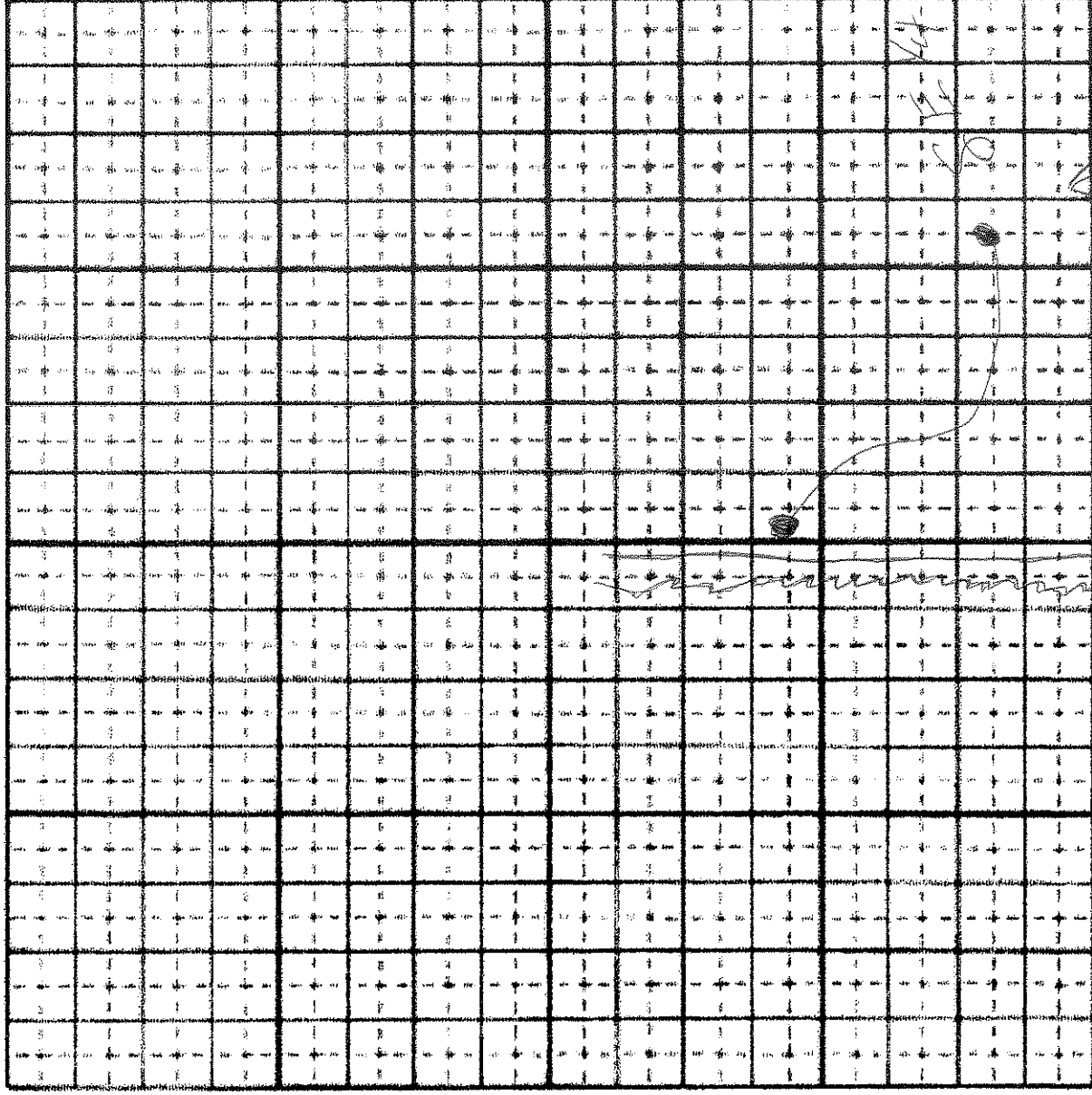
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE			NW			SE			SW			NE		
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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

N



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 BM

LITTLE SALMON RIVER
HIGHWAY 95

POINT OF USE

POINT OF DIVERSION

Last Name HUBBARD Ident No. 39576

2

2

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 ☒ 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 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 _____ of _____, _____

that I have signed the foregoing document in the space below as _____ Title _____ Organization _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Please Print Name

Notice is hereby given that I, na, 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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 78-2063

WATER RIGHT NUMBER: 78-2063

Owner Type
Current Owner
 Name and Address
 LILLIAN E OSBORN
 BROOMFIELD, CO

Priority Date: 02/19/1965
 Basis: License
 Status: Active

Source
 SPRING
Tributary
 LITTLE SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31		0.020 CFS	0.57 AF
<u>Total Diversion:</u>			0.020 CFS	0.57 AF

Location of Point(s) of Diversion

SPRING
 IDAHO County
 SE1/4SE1/4
 Sec. 11, Twp 21N, Rge 01E, B.M.

Place of Use
 DOMESTIC

Twp	Rge	Sec	NE	NW	SE	NW	SW	NE	NW	SW	SE	Totals
21N	01E	11										

Conditions of Approval:Remarks:Comments:

HUBBARD 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

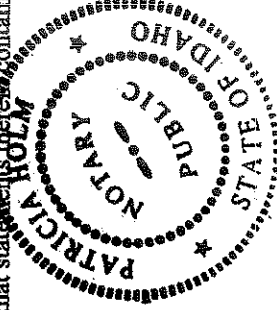
C.E. OSBORN AND DELPHENE R. OSBORN, TRUSTEES, THE OSBORN TRUST, DATED MARCH 14, 1996

BY: C.E. 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 and facts contained are true.



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

HUBBARD
39576

STATE of IDAHO
County of Idaho
Recorder of DEEDS
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

m/pu

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 E½NE½SW¼, 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

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 78-2063 Priority 2-19-65 Amount .02 cfs

THIS IS TO CERTIFY, that Lillian E. Osborn
of Broomfield, Colorado, has complied with the terms and conditions of Permit
No. 78-2063 issued pursuant to Application for Permit dated September 23, 1959,
and has submitted proof to the Department of Water Administration on February 24, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of .02 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Unnamed Spring
tributary of Little Salmon River, is hereby confirmed in the following amounts:
Amount .02 cfs for Domestic from Jan. 1 to Dec. 31 (both dates inclusive)
Amount for from to (both dates inclusive)
Amount for from to (both dates inclusive)
Subject, however, to the condition that no more than .02 cfs of water be diverted at
any one time, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 21N, R. 1E, B.M.

in the county of Idaho and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed .57 acre feet per year or
 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	
21N	1 E	11									XX				

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.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21st day of
June, 19 71.


Director

HUBBARD 39576