

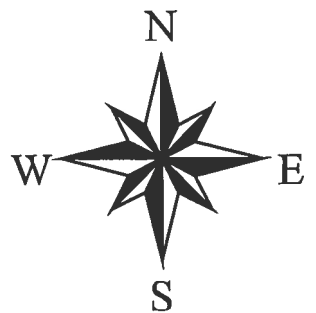
78-10045



600 0 600 1200 1800 2400 Feet

T19N R02E S30

Map prepared by: Carter Fritschle
Date prepared: 07/03/06
2004 NAIP Photography
Idaho Department of Water Resources



78-10045



600 0 600 1200 1800 2400 Feet

T19N R02E S30

Map prepared by: Carter Fritschle
Date prepared: 07/05/06
2004 NAIP Photography
Idaho Department of Water Resources



11/15/2006

NOTICE OF ERROR
REPLY

RECEIVED

NOV 30 2006

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 78-10045

JACK D HUBBARD
HC 1 BOX 810
POLLOCK ID 83547
Telephone Number: (208) 628-3758

ARLENE HUBBARD
HC 1 BOX 810
POLLOCK ID 83547
Telephone Number: (208) 628-3758

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-27-06 SIGNATURE: Jack D Hubbard, Arlene Hubbard
Please print your name: Jack D Hubbard Arlene Hubbard

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

07/03/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-10045

NAME AND ADDRESS: JACK D HUBBARD
HC 1 BOX 810
POLLOCK ID 83547

ARLENE HUBBARD
HC 1 BOX 810
POLLOCK ID 83547

SOURCE: GOOSE CREEK TRIBUTARY: LITTLE SALMON RIVER

Point of injection into and point of redirection from Little Creek.

QUANTITY: 0.760 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1937

Pursuant to a call in times of scarcity, this right is junior to Water Right No. 78-2056.

POINT OF DIVERSION:

T19N R02E S28 SWNE Within ADAMS County

T19N R02E S30 SESW Rediversion Within ADAMS County

T19N R02E S32 NESE Injection Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.740 CFS
STOCKWATER	04/01 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T19N R02E S30 Lot 1 NWNW 37.00

STOCKWATER same as IRRIGATION

37 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water is delivered through the South End Ditch.

Use of this right is combined with water from Brundage Water Users Association.

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: **A78-10045**
Date Received: 5/ 2/1988
Receipt No: C000585
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: JACK HUBBARD 208-628-3758
Address: HC 1 BOX 810
POLLOCK ID 83547
OR
Name: ARLENE HUBBARD 208-628-3758
Address: HC 1 BOX 810
POLLOCK ID 83547

2. Date of Priority: MAY 1, 1937

3. Source: GOOSE CREEK Trib. to: LITTLE SALMON RIVER
LITTLE CREEK LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	02E	28	SE	SW	NE		ADAMS
		30	SW	SE	SW	R	ADAMS
		32	NW	NE	SE	I	ADAMS

5. Description of diverting works:
SOUTH END DITCH. BUILT IN 1937 TO CARRY BRUNDAGE RESERVOIR WATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.740		
STOCKWATER	04/15	10/15	0.020		

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

8. Total consumptive use is 74.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 40 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	02E	30	NW	NW	1	IRR	37.0
Section Acres							37.0
Total Acres							37.0

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:

20 AC FT BRUNDAGE RES. WATER (15 OLD, 5 NEW)

14. Remarks:

FLOODWATER FROM GOOSE CREEK IS INJECTED INTO LITTLE CREEK IN
T 19N, R 2E, SEC. 32 NW NE SE AND REDIVERTED IN T 19N, R 2E, SEC.
30, SW SE SW.
OWNERSHIP CHANGED BY LH 8/8/95.

15. Basis of Claim: BENEFICIAL USE

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 _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUL 17 1995

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 9-30-91

LEGAL DESCRIPTION OF PROPERTY: Township 19 Range 2 E
 Section 30, 1/4 of 1/4 of 1/4, Govt. Lot 1, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A78 - 10045
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Ruth Higby
Box 793
McCall, ID 83638
- ☐ New Owner/Claimant (Purchaser): Jack or Arlene Hubbard
- ☐ New Mailing Address: HC1 Box 810
Dollock, ID 83547
- ☐ New Telephone Number: (208) 628-3758
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Warrenty Deed
 (proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Jack A Hubbard Date 7/12/95
Arlene Hubbard Date 7/12/95
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
 _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 8-8-95 By: ZH

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 8-8-95 By: ZH

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

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Lot One (1) of Section Thirty (30) in Township Nineteen (19) North, Range Two (2) East, Boise Meridian.

TOGETHER with all improvements, water, water rights, ditches
ditch rights, easements, hereditaments and appurtenances thereto

1. General Taxes for the year 1991, which are a lien, not yet due and payable.

Grantor, for herself, her heirs and assigns does hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the Grantee, their heirs and assigns forever against the lawful claims of all persons.

JUL 17 1995

WATER RESOURCES
WESTERN REGION

1 In construing this deed, and where the context so requires
2 the singular includes the plural and the masculine, the feminine
3 and the neuter.

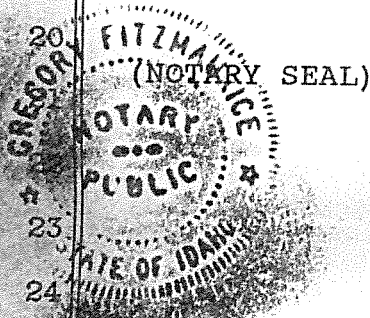
4 IN WITNESS WHEREOF, Grantors have hereunto subscribed their
5 names to this instrument this 30th day of September, 1991.

6
7 Ruth B. Higby
8 RUTH HIGBY

9
10 STATE OF IDAHO)
11 County of IDAHO, ss.

12 On this 30 day of September, 1991, before me,
13 David A. Mamm, a Notary for the said County and
14 State, personally appeared RUTH HIGBY, known or identified to me
15 to be the person whose name is subscribed to the within instrument,
16 and she acknowledged to me that she freely executed the same and
17 that the statements therein contained are true.

18 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
19 my official seal the day and year first above written.



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David A. Mamm
Notary Public for State of Idaho,
Residing at Boise therein.
My commission expires on March 9, 1993.

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: A78-10045
Date Received: 5/02/1988
Receipt No: C000585
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUTH B. HIGBY 208-634-2447
Address: P.O. BOX 793
MCCALL, ID 83638
2. Date of Priority: MAY 01, 1937
3. Source: GOOSE CREEK Trib. to: LITTLE SALMON RIVER
LITTLE CREEK LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	02E	28	SE	SW	NE		ADAMS
		30	SW	SE	SW	R	ADAMS
		32	NW	NE	SE	I	ADAMS

5. Description of diverting works:
SOUTH END DITCH. BUILT IN 1937 TO CARRY BRUNDAGE RESERVOIR WATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.740		
STOCKWATER	04/15	10/15	0.020		

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

8. Total consumptive use is 74.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/40 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	02E	30	NW	NW	1	IRR	37.0
Section Acres							37.0
Total Acres							37.0

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:
20 AC FT BRUNDAGE RES. WATER (15 OLD, 5 NEW)

14. Remarks:
FLOODWATER FROM GOOSE CREEK IS INJECTED INTO LITTLE CREEK IN
T 19N, R 2E, SEC. 32 NW NE SE AND REDIVERTED IN T 19N, R 2E, SEC.
30, SW SE SW.

15. Basis of Claim: BENEFICIAL USE

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)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A78-10045

Date Received: 5/25/1988

Receipt No: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUTH B. HIGBY
Address: BOX 793
MCCALL, ID 83638
208-634-2447

2. Date of Priority: MAY 01, 1937

3. Source: GOOSE CREEK
LITTLE CREEK
Trib. to: LITTLE SALMON RIVER
LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	02E	28	SE	SW	NE		ADAMS

5. Description of diverting works:
DIVERSION DAM- GRAVITY DITCHES- DIVERTED INTO SOUTH END DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.740		
STOCKWATER	04/15	10/15	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
40/RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	02E	30	NW	NW	1	IRR	37.0
Section Acres							37.0

A78-10045

Page 1

Date: 05/26/88

VERIFIED & FILMED

5/26/88 OCT 05 1992

10. Place of Use: Continued

Total Acres 37.0

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:
BRUNDAGE RES. WATER

14. Remarks:

FLOODWATRER FROM GOOSE CREEK IS INJECTED INTO LITTLE CREEK IN
T19N R02E SEC 32 NWNESE & REDIVERTED IN T19N R02E SEC. 30
SWSESW.

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)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

5/25/88 JKN
EnteredIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39356
Ident. Number A78-10045
Date Received 5-2-88
Receipt Number 48612

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Ruth B. Higby Phone (208) 634-2447Mailing Address P.O. Box 793 McCall ID Zip 836382. Date of Priority (Only one (1) per claim) May 1, 19373. Source of water supply (a) Goose Creek & Little Creek
which is tributary to (b) Little Salmon River4. a. Location of existing point of diversion is: Township 19N Range 2E Section 28,
SE 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Adams

Additional points of diversion if any: _____

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

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

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., 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. Floodwater is diverted
into South End Ditch headgate. Ditch was
built in 1937 to carry Brundage Reservoir water
to land

MICROFILMED

Copies: White-State, Yellow-Claimant

OCT 05 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-15 to 10-15 amount .74 or _____

For Stockwater purposes from 4-15 to 10-15 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.76 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 74 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 40 head range cattle

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>19N</u>	<u>2E</u>	<u>30</u>						<u>37</u>											<u>37</u>

Total number of acres irrigated 37

11. In which county (ies) are lands listed above as place of use located? Adams

12. Do you own the property listed above as place of use? Yes _____ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
20 acre feet of Brundage (15 old, 5 new) or None ()

14. Remarks: Floodwater from Goose Creek is injected into
Little Creek in T19N R2E Sec. 32 NWNESE
and rediverted in T19N R2E Sec ~~32~~ 30
SW SE SW.

Last Name Higby Ident No. A78-10045

Copies: White - Side, Yellow - Opposite **MICROFILMED**

OCT 05 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 - 3 -

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X Ruth E. Higley Date 5-2-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title
of _____, that I have signed the foregoing
Organization

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 _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 2nd day of May 19 88

SEAL

Notary Public Carter Fritschle

Residing at Eagle, Id.

My Commission Expires 3-21-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____ Ident. Number _____

MICROFILMED
Copies White-State, Yellow-Claimant
OCT 05 1992



FOR
inches
124/1942
AT
inches
SCIENCE

MICROFILMED
OCT 05 1992

JUNE 11953 FOR
white place
60 ACRES
DUNCAN place Bought
IN DEC. 17, 1936
white place
OCT 9, 1944
DITCH Built IN
SPRING 1937
DUNCAN place
226 ARRIG AG.
80.40 GRAZ.
306.4 TOTAL

South of BCRR.
48 52
52 80
80.4 132

180. 90
222

A 78 - 10045