

11/15/2006

RECEIVED

NOV 30 2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

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: 78-10180

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

07/05/2006

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

RIGHT NUMBER: 78-10180

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 2 SWNW 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

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

Water is delivered through the South End Ditch.

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: **A78-10180**
Date Received: 5/19/1988
Receipt No: C000715
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:
FLOODWATER 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 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	SW	NW	2	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:
15 AF OLD SHARE BRUNDAGE RESERVOIR

14. Remarks:
DITCH WAS BUILT IN 1937 TO CARRY BRUNDAGE WATER TO LAND.
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: 4/23/92

LEGAL DESCRIPTION OF PROPERTY: Township 19 Range 2E
Section 30, 1/4 of 1/4 of 1/4, Govt. Lot 2, 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 - 10180
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Michael + Jacqueline Sabasko - Linda Wright
HC 75 Box 3542
New Meadows, ID 83654
- ☐ New Owner/Claimant (Purchaser): Jack or Arlene Hubbard
- ☐ New Mailing Address: HC 1 Box 810
Pollock, ID 83547
- ☐ New Telephone Number: (208) 628-3758
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ 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: Warranty Deed + Memorandum to Sell

(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 D 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: FD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 8-8-95 By: FD

Claim Numbers of Split, if any:

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

COPY

MEMORANDUM OF AGREEMENT TO SELL

This agreement, made and entered into on this _____ day of April, 1992, by and between MICHAEL E. SABASKO and JACALIND A. COCHRAN SABASKO, husband and wife, of HC 75 Box 3542, New Meadows, ID 83654, hereinafter designated "SELLERS", and JACK HUBBARD and ARLENE HUBBARD, husband and wife, of HC1 Box 810, Pollock, ID 83547, hereinafter designated "PURCHASERS" and LINDA R. WRIGHT, a single woman, of Route 1 Box 74, Middleton, ID, hereinafter designated Mortgagee.

Whereof the Sellers have agreed to sell the following described real property, located in Adams County, State of Idaho, to wit:

Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho, Section 30: Lot 2

WHEREAS, the Purchasers have agreed to purchase said property for the total sum of Twenty Six Thousand Eight Hundred Eighty-Four Dollars and 00/100 (\$26,884.00); and,

WHEREAS, the Sellers are indebted to the Mortgagee in a sum in excess of the purchase price set forth above; and,

WHEREAS, the Mortgagee has agreed to release the Sellers from any and all liability under said mortgage for full payment of the above amount to her and further to release the mortgage on the property for said amount together with payment by the Purchasers of all back taxes on the property together with water share assessments; and,

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: A78-10180

Date Received: 5/13/1988

Receipt No: ~~C000716~~

C000715

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

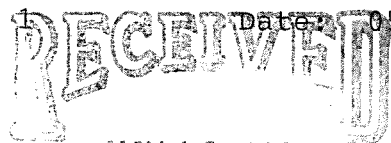
1. Name: LINDA R. WRIGHT
Address: RT 1 BOX 74
MIDDLETON, ID 83644
208-585-3526
2. Date of Priority: MAY 01, 1937
3. Source: GOOSE CREEK
LITTLE CREEK
Trib. to: LITTLE SALMON RIVER
LITTLE SALMON RIVER
4. Point of Diversion:

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

A78-10180

Page



MAY 18 1988

Department of Water Resources

MICROFILMED

OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	02E	30	SW	NW	2	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:
15 AF OLD SHARE BRUNDAGE RESERVOIR

14. Remarks:
DITCH WAS BUILT IN 1937 TO CARRY BRUNDAGE WATER TO LAND.

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: 3

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): Linda R. Wright. Date: 5-17-88.
_____ Date: _____

State of Idaho)
County of _____) SS.

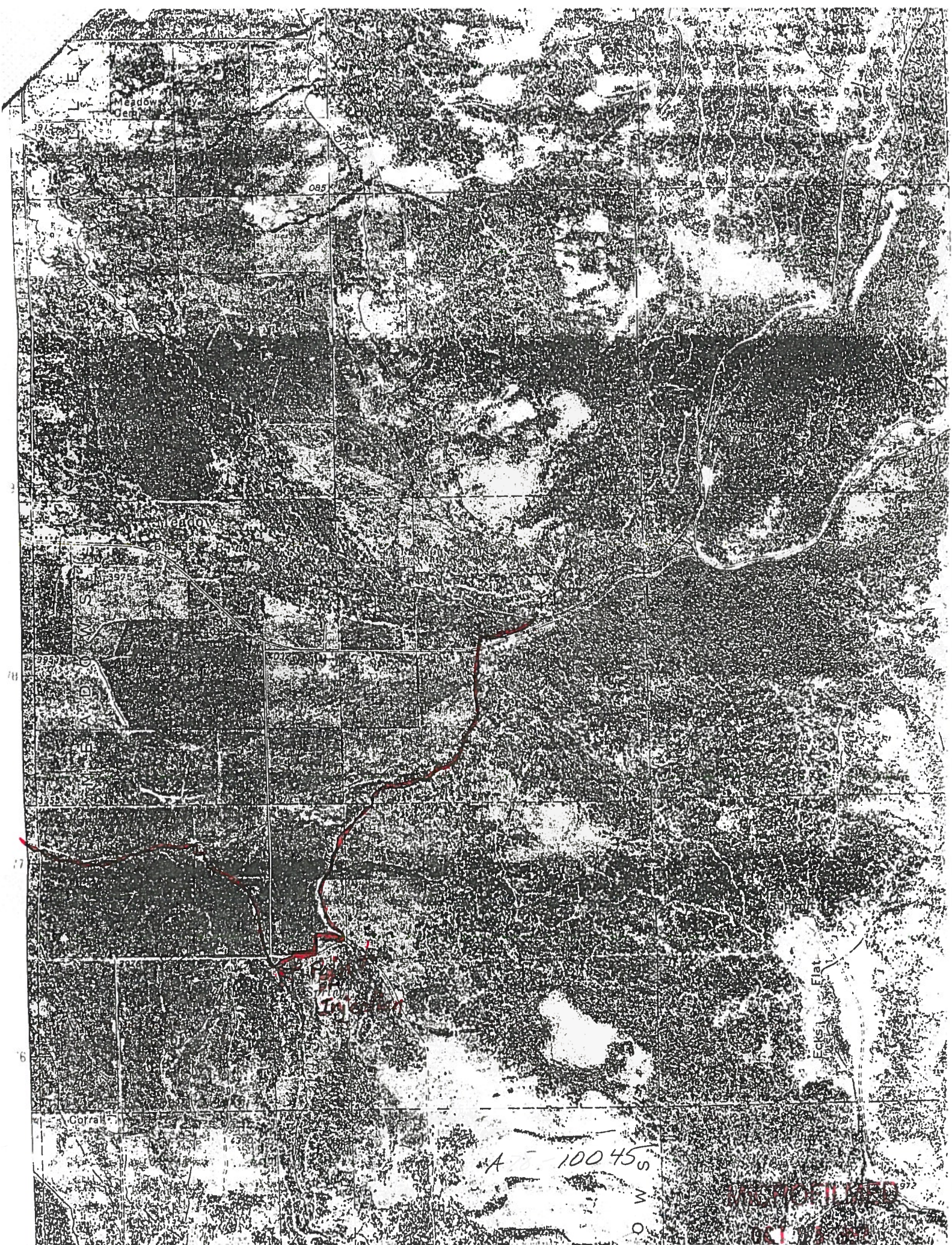
Subscribed and sworn (or affirmed) before me this 17th day
of MAY 19 88

Lelann Sargent
Notary Public

Seal

Residing at MIDDLETON ID.

My Commission Expires OCTOBER 9, 1988



Meadow
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B. E. R. W.

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W. S.

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W. S.

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Corral

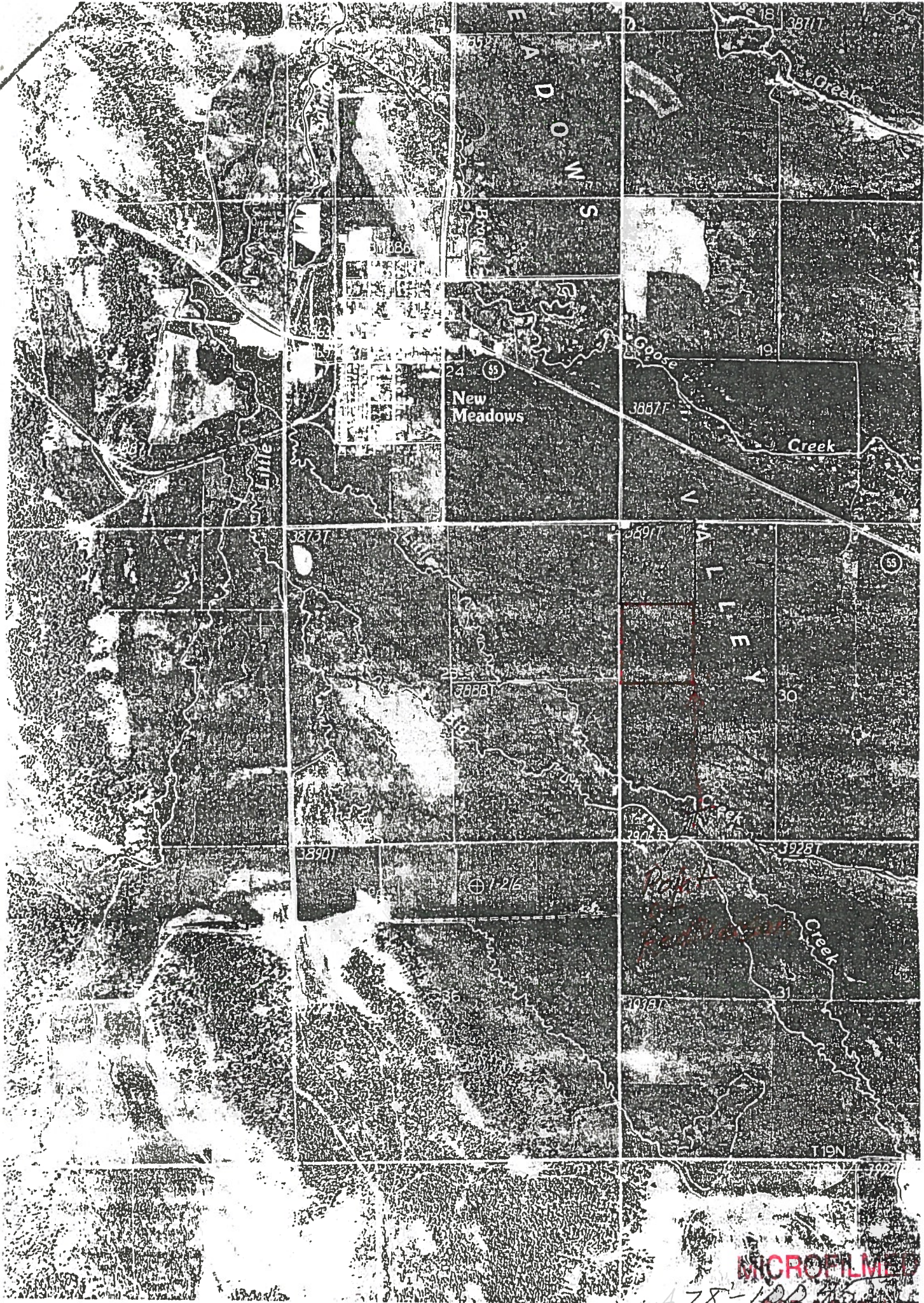
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E A S E M E N T

For Value Received, We, JACK D. HUBBARD and ARLENE RAY HUBBARD, husband and wife, the GRANTORS, do by these presents Grant, Bargain, Convey and Confirm unto RUTH HIGBY and LINDA KWADER, and to their heirs and assigns, the GRANTEES, a Perpetual Easement for the construction, maintenance and use of an irrigation canal, ^{in common with Grantors,} Twelve (12) feet in width, or for so much of such width as may be required, upon and along the entire East side of Lots Three (3) and Four (4) of Section Thirty (30) in Township Nineteen (19) North, Range Two (2) East, Boise Meridian, in Adams County, Idaho, Together with the right to install, maintain and use a power pump in or along said ditch easement, and Together with the right to install, maintain and use an electric power line by means of poles and transmission line, or by underground power cable, to be buried not less than 24 inches deep, running from West to East across Lot Four (4) of said Section, Township and Range.

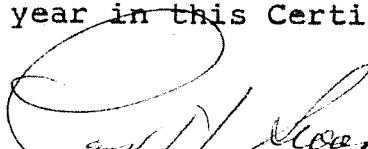
TO HAVE AND TO HOLD Said Easement unto said GRANTEES and to their heirs and assigns, forever.

IN WITNESS WHEREOF We have hereunto set our hands this 27th day of April, 1973.

STATE OF IDAHO) .SS
County of Adams

On this 27th. day of April, 1973, before me, the undersigned, personally appeared JACK D. HUBBARD and ARLENE RAY HUBBARD, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this Certificate first before written.


Notary Public for Idaho residing
MICROFILMED