

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 78-2063 V1

WATER RIGHT NUMBER: 78-2063 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LILLIAN E OSBORN
Current Owner	BROOMFIELD, CO THOMAS H HUBBARD PO BOX 331 NEW MEADOWS, ID 83654 (208) 628-3077
Current Owner	DORIS HUBBARD PO BOX 331 NEW MEADOWS, ID 83654 (208) 628-3077

Priority Date: 02/19/1965

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	LITTLE SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 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	SW1/4SE1/4SE1/4	Sec. 11, Twp 21N, Rge 01E, B.M.
IDAHO County		

Place of Use

DOMESTIC

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

Conditions of Approval:

1. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
2. TOTAL DIVERSION RATE IS LIMITED TO 0.02 CFS AT ANY ONE TIME, AND SHALL NOT EXCEED 0.57 AF.
3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

IDAHO DEPARTMENT OF WATER RESOURCES

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4. C18 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.
5. X01 Domestic use is for 1 home.

Remarks:

Comments:

1. shemenway 2/12/2008 SYSTEM

Comment: WATER RUNS 3/4 MILE DOWN CREEK THROUGH 1 INCH PIPE, TO 1,000 GALLON HOLDING TANK WITH 1 INCH DISCHARGE W/100 FT OF 1 INCH PIPE GOING TO HOUSE (POU). THERE IS AN OVERFLOW AT THE TANK WHICH ENABLES HIGH FLOW IN THE SPRING TIME TO DISCHARGE AND RUN TO THE LITTLE SALMON RIVER.

2. shemenway 2/12/2008 PHYSICAL ADDRESS

Comment: MILEPOST 175 1/2 ON HWY 95, NORTH OF NEW MEADOWS.

Water Supply Bank:



Idaho Department of Water Resources

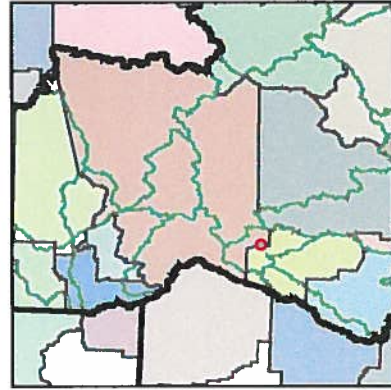
SRBA Recommendation:

78-2063

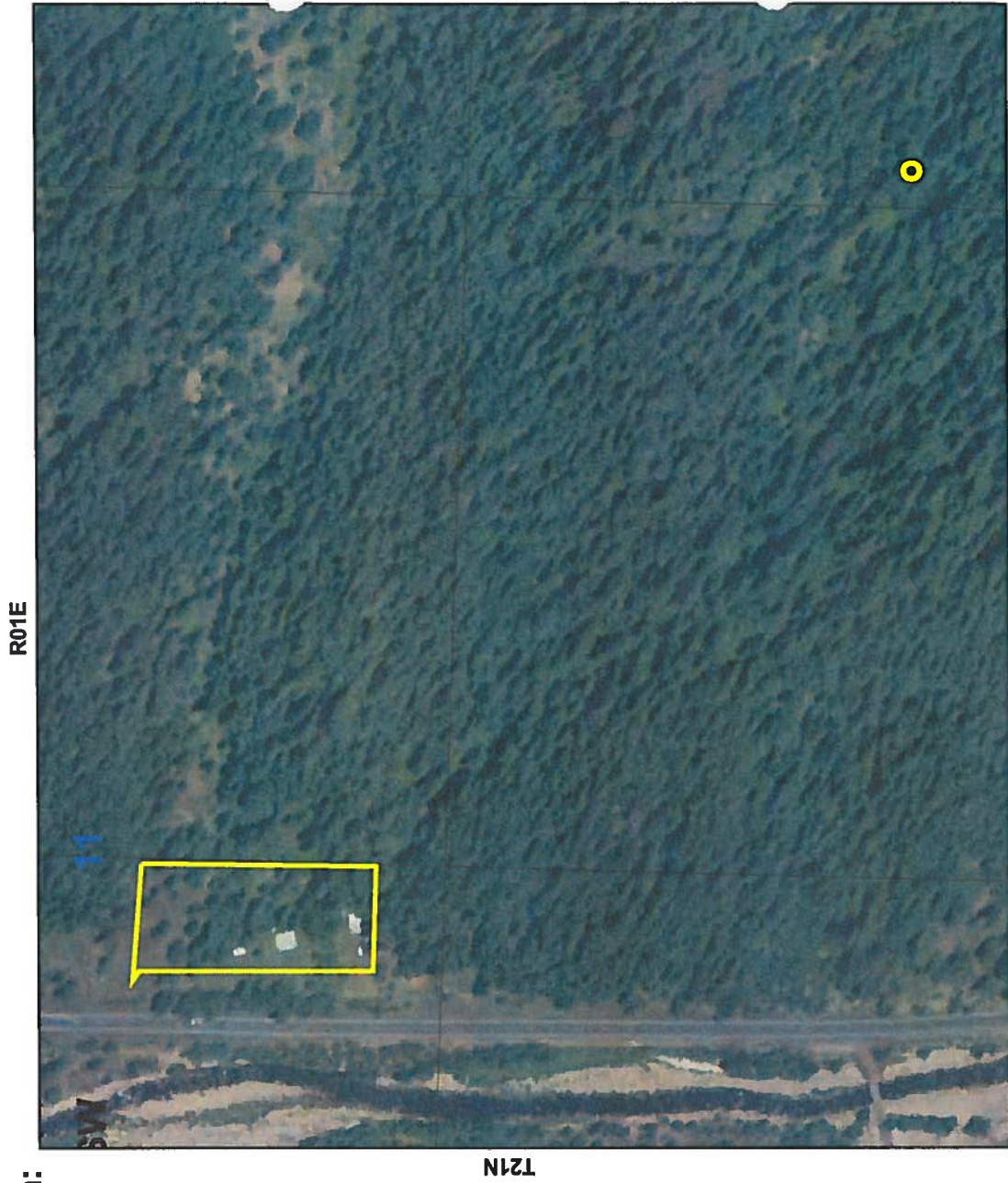
(Domestic)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Idaho County
IDWR Basin 78



Prepared by S. Hemenway
On Tuesday, February 12, 2008
2004 Aerial Photography



Idaho Department of Water Resources

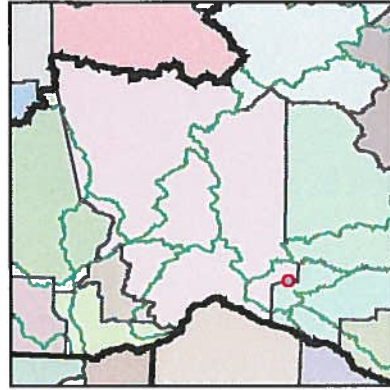
SRBA Recommendation:

78-2063

(Domestic)

Legend

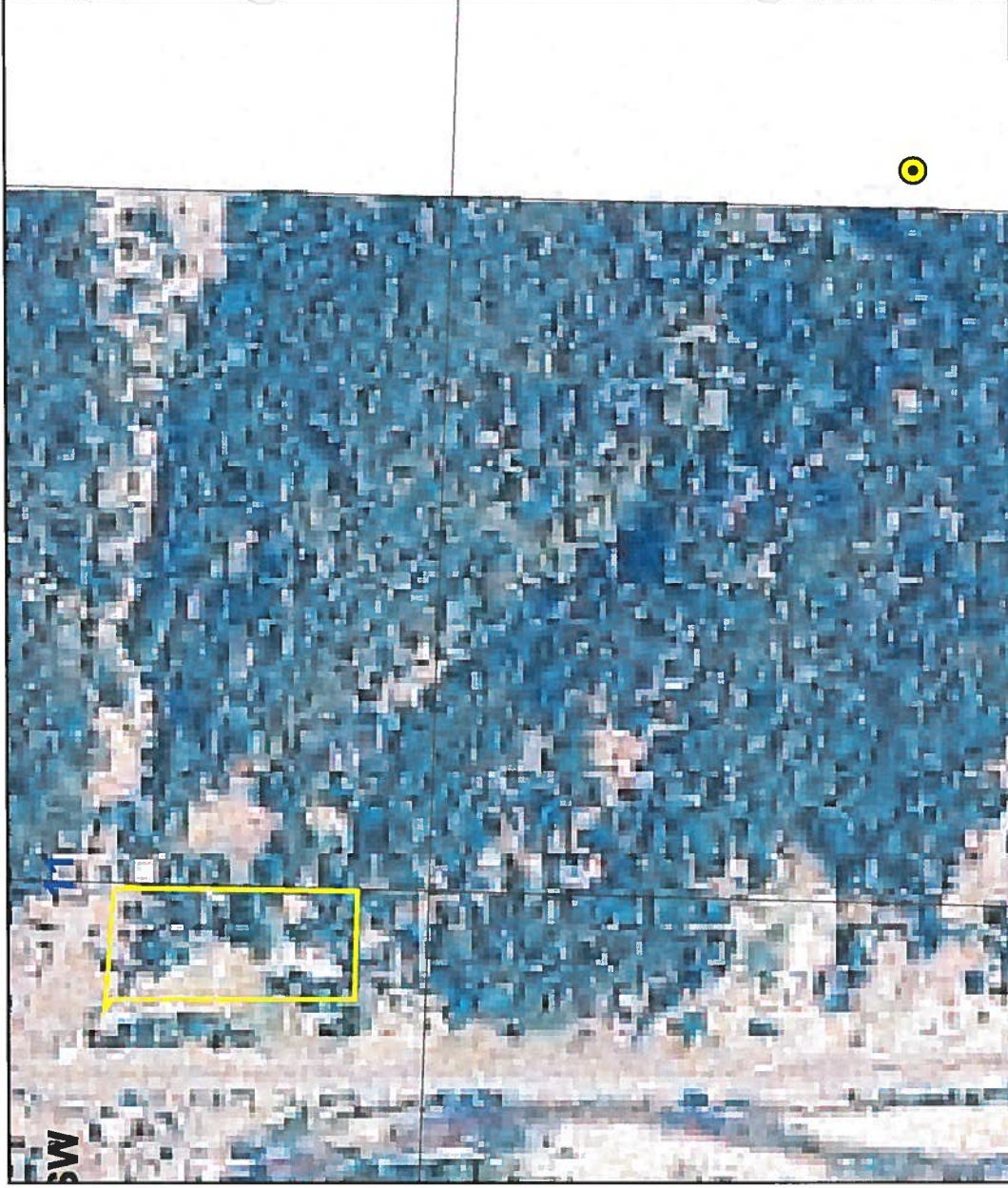
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Idaho County
IDWR Basin 78



R01E



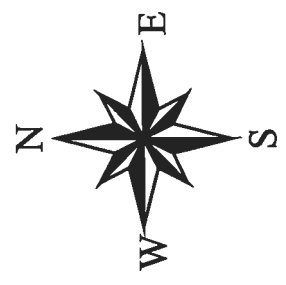
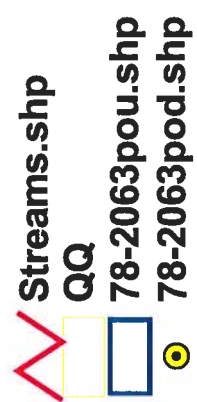
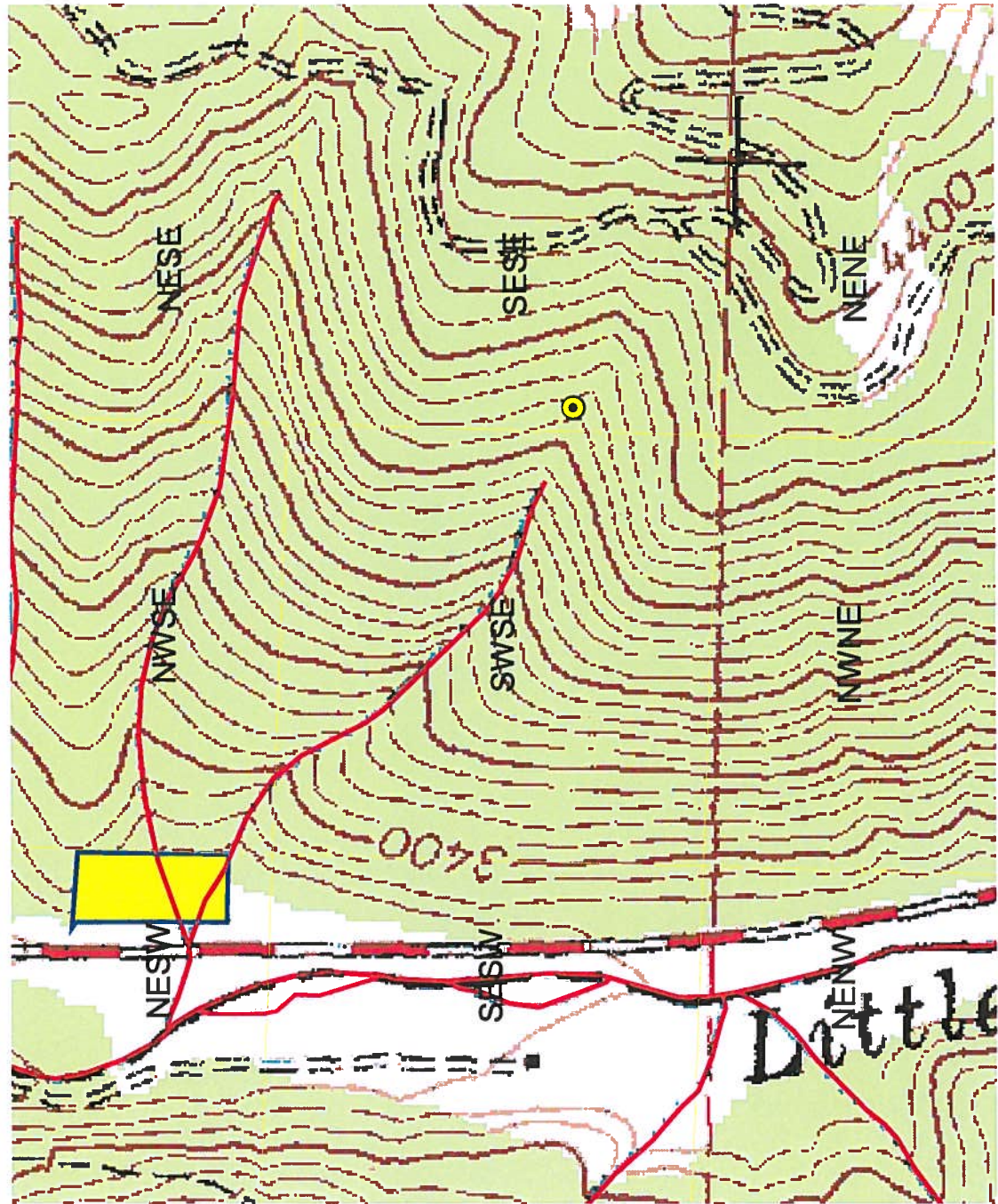
T21N

0 0.1 0.2 Miles



Prepared by S. Hemenway
On Tuesday, February 12, 2008
1987/88 Aerial Photography

View1



Date: 2/12/2008
Agent: S. Hemenway
Claimant: Thomas and/or Doris Hubbard
WR# 78-2063
Mailing Address: PO Box 331 New Meadows, ID 83654
Phone #: (208) 628-3077
Location of POD: T21N R1E SEC 11 SWSESE (used hand drawn maps, topo maps, and 2004 NAIP maps)
System Description: water runs down small creek approx. 3/4 mile in 1 1/2" diameter pipe to approx. 1,000 gallon holding tank, 1" discharge to 100' of 1" pipe to POU (house); overflow at tank goes to Little Salmon River (usually there's only overflow in the spring time)
Measuring Device: N/A (Not required with small domestic) 10/30/1970 max. capacity 0.02 cfs
Field Exam: Not required on small domestic 10/30/1970 inspected by J. Booker (1/29/1971 ltr. References inspection, with findings)
Nonirrigation Uses: NONE
Other Uses: NONE
Other WRs Used: NONE
Supplemental Water: NONE
Basis of Claim: License
Priority Date: 2/19/1965
Evidence of Priority: 8-31-1964 Proof of Completion of Works; Affidavit of Publication

NOTES:

1/10/1959 Approval of State Reclamation Engineer to begin work.
8/31/1964 Proof of Completion of Works
2/16/1970 ltr. From Lillian Osborn stating originally 2 PODs, but sold property w/1 POD.
10/30/1970 FE conducted by J. Booker (confirmed POD, POU, and 0.02cfs max. capacity
1/29/1971 confirmation letter from Bobby Fleenor, on FE, and findings.
Physical Address: Milepost 175 1/2 Hwy 95, north of New Meadows.
Claimant purchased property on 7/2005.

Recommendation:

C18
X01 one home
N11 historical B/U
N13 shall not exceed 13,000 gpd
Limit of 0.02 cfs and 0.57 af, as stated in License.

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 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:

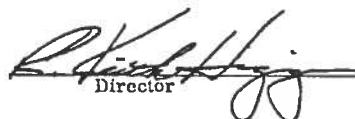
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
21N	1 E	11									XX								

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

78-2063

January 29, 1971

Re: Permit No. 78-2063 (28176)

Mrs. Lillian E. Osborn
Route 1
New Meadows, Idaho 83654

Dear Mrs. Osborn:

A representative of this department has made an examination of the works covered by your Permit No. 78-2063 and has found the following:

Quantity of water diverted: 0.02 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 0.02 c.f.s.

The maximum quantity diverted shall not exceed 0.57 acre feet per season.

Beneficial Use: Domestic purposes within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 11, T.
21 N., R. 1 E., B.M.

The priority date established is : February 19, 1965

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

78 2063

LICENSING DATA ANALYSE

1. Permit No. 78-2063
2. Name license is to be issued in Lillian E Osborn
Assignment required - Yes ☐ No ☒
3. Date of first receipt Sept 23, 1969 Date proof due Oct 1, 70 Made Feb 27, 70
4. Priority ☐ Late proof - Yes ☒ No ☐
5. Source warmed spring only tributary Little Salmon River
6. Point of diversion:
Twp. 21 N/S, Rge. 1 E/W, B.M., Sec. 11, SE $\frac{1}{4}$ SE $\frac{1}{4}$
Twp. N/S, Rge. E/W, B.M., Sec. , $\frac{1}{4}$ $\frac{1}{4}$
Twp. N/S, Rge. E/W, B.M., Sec. , $\frac{1}{4}$ $\frac{1}{4}$
Amendment required - Yes ☐ No ☐
7. Beneficial use for license:
Amt. .02 for Domestic from 1 Jan to 31 Dec AF .57
Amt. for from to AF
Amt. for from to AF
Amount not to exceed at any one time .02 c.f.s. or .57 acre feet per season or acre feet per acre
Amendment required - Yes ☐ No ☒
8. Permitted Amount: .02 c.f.s. Volume for season AF
9. Measured Amount: .02 Reason for reduction Maximum output of system
10. Description and location of place of use:

Twp	Rge	Sec	NE 160				N 160				S 160				SE 160				Total
			NE $\frac{1}{4}$	N $\frac{1}{2}$	S $\frac{1}{2}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	N $\frac{1}{2}$	S $\frac{1}{2}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	N $\frac{1}{2}$	S $\frac{1}{2}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	N $\frac{1}{2}$	S $\frac{1}{2}$	SE $\frac{1}{4}$	
21N	1E	11																	✓

Total No. of acres ✓

- Supplemental acreage - Yes ☐ No ☒
- Total permitted acres
- Amendment required - Yes ☐ No ☐
11. Remarks: only one point of diversion originally for two P.D.'s one sold
12. Measuring device required - Yes ☐ No ☐
13. Type of letter required: Fee Notice ☒
14. Analysis by J Rucker Date 30 Oct 70 Checked by DW Date 1-22-71

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 28176/78-2063

This proof is for b/u In Water District No.

1. Name of applicant Mrs. Lillian E. Osborn, 150 W. Midway, Broomfield, Colorado 80020
unnamed spring,

2. Source of water supply: unnamed stream, trib. of Little Salmon R.

3. Location of point of diversion: Is in the and SESE of Section 11

T. 21 N R. 1 E County of Adams and Idaho

4. Describe works as they exist, giving dimensions and capacities of same: pipe lines
1/2 and 1 inch pipes, .75 conduit

5. Water is used for: domestic

6. State whether or not water has been turned into works of diversion:

Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

T. 21 N, R. 1 E, Sec. 11 NESE

Mr. Osborn applied for 2 P.I. but said part of this land was already used and is in the SESE Sec. 11, 21 N - 1 E.

Mr. Osborn, who lived in Broomfield, Colorado, was probably applying for the P.I. in the NESE Sec. 11, 21 N - 1 E.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Water comes from an unnamed spring through a 1" pipe to an 800 gal storage tank. A 1" pipe comes from the tank to the house. Water is used for domestic purposes for one person.

(Domestic only)

This examination was made on the 7th day of Oct, 1970

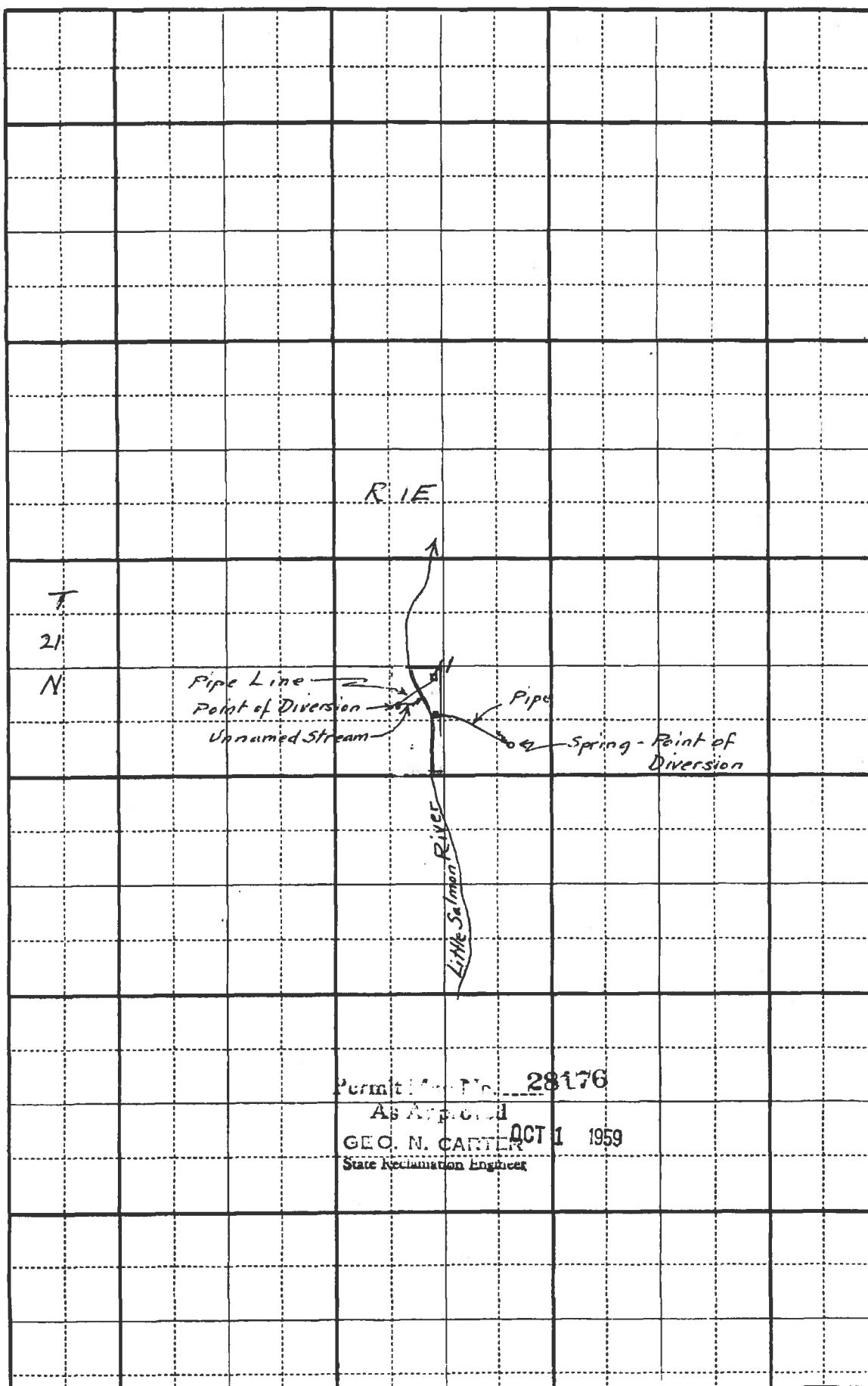
78 2063

(Signed) Fred S. Smith, Jr. Examiner

NAME OF APPLICANT

Lillian E. Osborn

Form No. 0



Permit No. 28176

As Approved
GEO. N. CARTER
State Reclamation Engineer

OCT 1 1959

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

28176

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Exist

as per clipping
hereto attached, was published in the regular and entire issue
of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated April 9, 1970

and the last in the issue dated April 16, 1970
that said newspaper is of general circulation in Adams County
Idaho, printed and published weekly at Council therein and
that said newspaper has been continuously and uninterrupted-
ly published in said county during a period of more than sev-
enty-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Subscribed and sworn to before me this 17th

day of April, 1970

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that (Mrs.) Lillian E. Osborn, New Meadows, Idaho has received an approved permit No. 28176/78-2063 issued by the Idaho State Reclamation Department authorizing the diversion of 0.04 cubic feet per second of water from an unnamed stream, unnamed spring, a tributary of Little Salmon River subject to all prior rights. The priority to be established under this permit is September 23, 1959 and the permit was approved October 1, 1959. Water is to be diverted by pipe lines from a point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 21 N, R. 1 E, B. M., Idaho County, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, T. 21 N, R. 1 E, B. M., Adams County to be used for domestic use in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, T. 21 N, R. 1 E, B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before October 1, 1964. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Adams County Leader, Council, Idaho, and Idaho County Free Press, Box 267, Grangeville, on April 9 and April 16, 1970.

del
of
5-4-70
Department of Reclamation

28176
78-2063

2851-A, Gates
Lamar, Idaho 83236
Feb 16, 1970

Mr R. Keith Higginson
Boise, Idaho

Dear Mr Higginson:

We have your letter of Feb 10,
Re: Permit No - 28176/78 - 2063.
We are in Lamar at the present
time, but plan on being home
by the 1st of April. We do not
have the description of our property
with us, so we are not sure
of the location of this permit.

When we made application
it was for ~~two~~ springs, one
on the east side and one on
the west side of the Little Salmon
River. As we sold the piece of
property that we wanted the
spring for on the west side
of the river, we just let that go.

But for the spring on the east side of the river and east of the house, we thought we had that all taken care of, as we had filled out all the papers sent to us and returned them.

We have put in 2100 ft of pipe, a 500 gallon storage tank and piped the water down to the house and yard.

If permit no. 28176/78-2063 is for the spring on the east side, would you please let us know at once, just what we need to do, as we do not want it to be cancelled.

18-2063
28176

Sincerely

Lillian E. Osborn

Permit No. _____

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Idaho } ss.William E. Osborn, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 28176, and that his postoffice address is New Meadows State of Idaho

Second: That the name of the stream from which said water is to be diverted is _____

Third: That the point of diversion of said water is NE 1/4 Sec 11
T 21 N R 1 EFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Oct 1, 1964Fifth: That the use for which said water is intended is Domestic

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of Works: Pipe lines & tank
(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work: _____

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width _____ feet, height _____ feet.

(d) Conduit _____ width at bottom _____ feet, width at water line _____
(STATE WHETHER DITCH, FLUME OR PIPE)
feet, depth of water _____ feet; diameter of pipe 2 3/4 inches, average grade per mile is _____ feet. Length of conduit is _____ miles.Seventh: That said works are capable of conducting to the place of intended use _____
0.02 second feet of water.

Eighth: That water appropriated under said permit is available for _____ acres of land described as follows: _____

Ninth: Remarks:—That _____

William E. Osborn
(SIGN HERE)Subscribed and sworn to before me this 31 day of August, 1964C. H. Brackley
NOTARY PUBLICMy commission expires 11-4-67

16. (a) Is reservoir to be used? small tank If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

s/ Lillian E. Osborn Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 11:00 A.M. September 23, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 28176

Recorded in Book 99 Page 28176 Approved October 1, 1959

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before December 1, 1959 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before April 1, 1962

The whole of said work to be completed on or before October 1, 1964

Beneficial use of water appropriated in accordance herewith, to be made on or before October 1, 1964

WITNESS My hand this 1st day of October, 1959

s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 1st day of October, 1959.

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLLIE
Governor.

REMARKS:

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
			Permit No. 28176				
			CERTIFICATE OF COMPLETION OF WORKS				
			TO ALL WHOM IT MAY CONCERN:				
			This is to certify that (Mrs.) LILLIAN E. OSPORN of New Meadows, County of Adams, and State of Idaho, the holder of Permit No. 28176, issued upon Application No. 36139 bearing date of priority of September 23, 1959, authorizing the diversion of 0.04 second feet of waters of unnamed stream and unnamed spring, County of Adams and Idaho, State of Idaho, for domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.02 second feet of the waters of an unnamed spring in Idaho County, that the point of diversion of said waters SE $\frac{1}{4}$, Sec. 11, T. 21 N., R. 1 E. B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:				
			Domestic use NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11 T. 21 N., R. 1 E. B. M.,				
			Witness my hand this 1st day of September, A. D. 1964.				
			s/ RALPH W. THOMAS, Deputy State Reclamation Engineer				
			Proof of Completion of Works Made: August 31, 1964				

Agent.

By

Date of first receipt at Department of Reclamation: 11:00 A.M. September 23, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 28176
Recorded in Book 99 Page 28176 Approved October 1, 1959
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Bond in the sum of \$ to be filed on or before
Work to begin on or before December 1, 1959 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before April 1, 1962
The whole of said work to be completed on or before October 1, 1964
Beneficial use of water appropriated in accordance herewith, to be made on or before October 1, 1964

WITNESS My hand this 1st day of October, 1959

s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLYE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 1st day of October, 1959

STATE OF IDAHO

Countersigned:

(SEAL) By *s/* ARNOLD WILLIAMS Secretary of State. By *s/* ROBERT E. SMYLYE Governor.

REMARKS: