

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: A43-04177B

Date Received: 6/ 5/1989

Receipt No: X777777

Received By: *[Signature]* chg

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: BRENT HOBSON
Address: 2595 EAST STREVELL RD
MALTA ID

208-824-5727

83342

AND

Name: TERRY HOBSON
Address: 2595 EAST STREVELL RD
MALTA ID

208-824-5727

83342

2. Date of Priority: JAN 1, 1926

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	27E	27	NE	NE	NW		CASSIA

5. Description of diverting works:
1 WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.140		
DOMESTIC	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

C/RESTAURANT, STORE, DANCE HALL, BEER HALL

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	27E	27	NE	NW		COMMER	
			NE	NW		DOMEST	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
43-04175.

14. Remarks:

4-4-2000: OWNERSHIP CHANGE HOSKINS TO HOBSON RESULTED IN A SPLIT. ALL USE IN SECTION 22 RETAINED BY HOSKINS, ALL USE IN SECTION 27 CONVEYED TO HOBSON. ONLY P/D FOR HOBSON IS IN SECTION 27 PER PHONE CONVERSATION WITH HOSKINS 4-3-2000. EXACT AMT FOR EACH COMMERCIAL USE YET TO BE DETERMINED. - VH

15. Basis of Claim: BENEFICIAL USE

RECEIVED
MAR 16 2000
Department of Water Resources
Snake River Basin

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): _____
Adjudication Claim No(s): 43-00286C A43-04175, A43-04177
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND**
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)
 - OR**
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant BOYD & AFTON HOSKINS
HLC 72 MALTA ID. 83342
4. New Owner/Claimant(s) BRENT & TERRY HOBSON
New Mailing Address Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
2595 EAST STREVELL RD.
City, State and ZIP Code MALTA, ID. 83342
New Telephone Number (208) 824-5727
5. Date you acquired the property 10/1/99
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right <u>53.36</u>	Number and type of stock <u>20 BEEF, 10 HORSES</u>
Diversion rate in CFS <u>3.20</u>	Number of homes you acquired <u>1</u>
Other uses <u>IRRIGATION</u>	
7. Signature of New Owner(s) or Claimant(s) Brent Hobson
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

When Recorded Mail To: Mr. and Mrs Brent Hobson
2402 N. 4275 W.
Plain City, Ut. 84404

FOR VALUE RECEIVED, ^{Sr.}BOYD I. HOSKINS, and AFTON L. HOSKINS, husband and wife, Grantors, as residents of Ogden, Utah, do hereby grant, bargain, sell and convey unto: BRENT HOBSON and TERRY HOBSON, husband and wife, as Joint Tenants, Grantees, of Plain City, Utah, the following described premises, in Cassia County, Idaho, to-wit:

ALL OF THE NW 1/4 OF SECTION 27, TOWNSHIP 16 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TWENTY ACRE PARCEL: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 27, THENCE EAST 1320 FEET; THENCE SOUTH 660 FEET; THENCE WEST 1320 FEET; THENCE NORTH 660 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL BUILDINGS AND FIXTURES THEREIN.

TOGETHER WITH: IRRIGATION WATER RIGHTS FROM CLEAR CREEK WATER SOURCE, TRIBUTARY TO: SINKS, STAGE: DECREED, FOR IRRIGATION BY GRANTEES OF 36 ACRES IN THE NE 1/4 OF THE ABOVE DESCRIBED NW 1/4 OF SAID SECTION 27.

SUBJECT TO: GRANTORS PERPETUAL RIGHT TO UTILIZE, IN COMMON WITH GRANTEEES SAID WATER DISTRIBUTION FACILITIES ON SAID CONVEYED PREMISES IN THE IRRIGATION OF 17 ACRES OF THE GRANTORS' ADJACENT 28 ACRES OF PREMISES LOCATED IN THE NW 1/4 OF SAID NW 1/4 OF SAID SECTION 27 .

SUBJECT TO: ANY EXISTING EASEMENTS AND RIGHTS OF WAY OF RECORD.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, 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, and that they are free of all encumbrances.

Boyd I. Hoskins Jr.
BOYD I. HOSKINS
Afton L. Hoskins
AFTON L. HOSKINS

STATE OF UTAH)
County of Weber) ss.

On the 1st day, of October, 1999, personally appeared before me, BOYD I HOSKINS and AFTON L. HOSKINS, husband and wife, the signers of the within instrument, who duly acknowledged to me that they executed the

THIS DEED OF TRUST, Made () 1st

265287

day of October

1999

BETWEEN BRENT HOBSON and TERRY HOBSON, husband and wife,
whose address is 2402 N. 4275 W. PLAIN CITY, UT. 84404

herein called GRANTOR,

CASSIA COUNTY ABSTRACT COMPANY, Ltd., an Idaho corporation, herein called TRUSTEE, and
LOYD I. HOSKINS & AFTON L. HOSKINS, AS JOINT TENANTS

That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST,
WITH POWER OF SALE, that property in the County of Cassia
follows
State of Idaho, described as

ALL OF THE NW 1/4 OF SECTION 27, TOWNSHIP 16 SOUTH, RANGE 27
EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO, EXCEPTING THEREFROM
THE FOLLOWING DESCRIBED TWENTY ACRE PARCEL: BEGINNING AT THE
NORTHWEST CORNER OF SAID SECTION 27, THENCE EAST 1320 FEET;
THENCE SOUTH 660 FEET; THENCE WEST 1320 FEET; THENCE NORTH 660
FEET TO THE POINT OF BEGINNING.

TOGETHER WITH IRRIGATION WATER RIGHTS FROM CLEAR CREEK WATER SOURCE,
TRIBUTARY TO: SINKS, STAGE: DECREED, FOR IRRIGATION OF 36 ACRES IN THE NE
1/4 OF THE ABOVE DESCRIBED NW 1/4 OF SAID SECTION 27.

TOGETHER WILL ALL BUILDINGS AND FIXTURES THEREIN

COPY

Real estate is secured by this Deed of Trust, and in the event that any of payments are not paid when due, or if the property subject to this Deed of Trust shall
be sold or transferred by the grantors of this Deed of Trust, then the whole sum of the unpaid balance of principal and interest thereof, shall become im-
mediately due and payable, at the option of the beneficiary thereof. A failure to exercise said option shall not constitute a waiver of the right to exercise the
same at any later time.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given
to and conferred upon Beneficiary to collect and apply such rents, issues and profits, for the purpose of securing payment of the indebted-
ness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of **NINETY FOUR**

THOUSAND
Dollars (\$ 94,000.00)

October 1, 2004

and to secure payment of all such further sums as may hereafter be

loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any
purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest
on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall
be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall
stand as continuing security until paid for all such advances together with interest thereon.

To protect the security of this Deed of Trust, Grantor agrees:

By the execution of this deed of trust and the note secured thereby, there are hereby incorporated and made an integral part hereof,
for all purposes as though set forth herein at length, the provisions 1 to 8, inclusive, of Part A and provisions 1 to 9, inclusive, of Part B
of either of the deeds of trust, which provisions are identical in each, wherein the Cassia County Abstract Company, Ltd., was Trustee which
was recorded in the mortgage records in the office of the county recorder of the following counties on the respective dates and in the
books and pages hereinafter designated:

County

Twain Falls

Gooding

Blaine

Idaho

Idaho

Idaho

Idaho

Idaho

Idaho

Idaho

Idaho

Idaho

Idaho

Idaho

Idaho

Idaho

Idaho

Idaho

Idaho

Idaho

Grantors

John W. Thacker and Rena P. Thacker,

Verl L. Dixon and Elaine Dixon,

Doyle Ray Brewer and Alice Lavern Brewer,

Hal R. Donkin and Marjorie P. Donkin,

A. B. Crouch and Catherine L. Crouch,

Clara N. Murphy and Jack M. Murphy,

Recording Date

October 17, 1958

October 22, 1958

October 29, 1958

October 27, 1958

November 3, 1958

November 21, 1958

Book

183

82

84

48

185

84

Page

148

217

310

491

187

495

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor
at his address hereinbefore set forth.

Brent Hobson

BRENT HOBSON, GRANTOR

Terry Hobson

TERRY HOBSON, GRANTOR



NOTARY PUBLIC
PAUL T. KUNK
5227 Ridgeway Dr.
Cotton 111 84405

FOR RECORDING ONLY

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: A43-04177

Date Received: 6/05/1989

Receipt No: S007508

Received By: R.V. Z.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOYD HOSKINS (ISOM) 208-824-5750
Address: HC 72, BOX 2350
NAF, ID 83345

AND/OR

Name: AFTON L. HOSKINS 208-824-5716
Address: HC 72, BOX 2350
NAF, ID 83345

2. Date of Priority: JAN 01, 1926

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	27E	22	SE	SE	SW		CASSIA
		27	NE	NE	NW		CASSIA

5. Description of diverting works:
2 WELLS WITH PUMPS CONNECTED AS ONE SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.280		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/RESTAURANT, STORE, DANCE HALL, BEER HALL

A43-04177

Page 1

Date: 06/05/89

MICROFILMED

MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	27E	22	SE	SW		COMMER	
			SE	SW		DOMEST	
		27	NE	NW		COMMER	
			NE	NW		DOMEST	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
43-04175.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Boyd Harris (TSM) Date: 6-5-89
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 5th day

of Jane 19 89

Robert V. Shurtell
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires 1/16/1995

Idaho Department of Water Resources

RIGHT: 43-4177B
COMMERCIAL USE

RECOMMENDED PLACE OF USE
TWP 16S, RNG 27E, Sec 27
Data entry on October 2, 2000



-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

05/10/2001

**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: June 15, 2001

Water right number: 43-4177B

BRENT HOBSON
2595 EAST STREVELL RD
MALTA ID 83342
Telephone Number: (208)824-5727

TERRY HOBSON
2595 EAST STREVELL RD
MALTA ID 83342
Telephone Number: (208)824-5727

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JUN 13 2001
Department of Water Resources
Southern Region

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:

6/6/01

SIGNATURE:

Brent Hobson

Please print your name:

BRENT L HOBSON

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

10/02/2000

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

RIGHT NUMBER: 43-4177B

NAME AND ADDRESS: BRENT HOBSON
TERRY HOBSON
2595 EAST STREVELL RD
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.06 CFS
1.09 AFY

PRIORITY DATE: 01/01/1946

POINT OF DIVERSION:	T16S R27E S27	NENENW	Within CASSIA County
	T16S R27E S27	NENENW	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01-01 12-31	0.06 CFS
		1.09 AFY

PLACE OF USE:

COMMERCIAL Within CASSIA County
T16S R27E S27 NENW

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

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

RIGHT: 43-4177B
COMMERCIAL USE

RECOMMENDED PLACE OF USE
TWP 16S, RNG 27E, Sec 27
Data entry on October 2, 2000



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

pos - 2005

RECOMMENDATION NOTES

From: Vikie Hancock 

9/8/00

Regarding: Claim 43-04177A Hoskins
Claim 43-04177B Hobson

Each of the above claims is a portion of claim 43-04177, based upon a statutory claim of the same number filed by Boyd Hoskins in 1983. It represents what Mr. Hoskins claims is an increase in commercial and domestic use beginning in 1926, over what was originally developed in 1896. Mr. Hoskins claims that a second well was drilled at the Naf store in that year to supplement the water produced by the original well that was hand dug. Hoskins owned the property for 20 years and sold to Hobson in 1999.

I believe that it is more likely that the increase in commercial use began closer to the 1946 date that Mr. Hoskins says the new brick store building was built. Mr. Bud Tracy, of Raft River Electric, gave a ballpark year of 1950 as the date electric service was extended to Naf. It would be logical to conclude that when electricity was available, improvements were made to the businesses that would include better plumbing facilities, and that better diversion works would have been installed in the wells. It is also possible that this is when the second well was drilled. There is no information in IDWR files associated with any wells at the store. A local well-driller did not have any information about them, and Mr. Hoskins thought it was 1926. Based on the information at hand, I believe a reasonable priority date is 1946.

The place of use for commercial and domestic for this claim needs some explanation. The original statutory claim asserted a place of use for commercial and domestic in both section 27 (south of Strevell Road) and in section 22 (north of Strevell Road). Upon questioning, Mr. Hoskins said that the commercial use in section 27 was for the Naf Mercantile, and beer/dancehall. He said the commercial use in section 22 was for 8 mobile home spaces in a park he put in there around 1980. It must be noted that Mr. Hoskins also had a well drilled with a domestic drilling permit in section 22 in 1981. If the date of development of this commercial right is 1926, 1946, or any time prior to 1963, and if there was no transfer of commercial use from section 27 to section 22 - which would have to be evidenced by a decrease of use at one or all of the three businesses in Naf, - the only place of use with a commercial water right is in section 27. Mr. Hoskins admitted that there was not enough water produced by the two wells south of the road to supply the existing uses plus his mobile home park, which is why he drilled the well in section 22. Since an application for permit for commercial use would not have been approved at the time he developed the mobile home park, he has filed a Part B Domestic claim, 43-11238, for the park with a priority date of 1981.

From my conversations with Hoskins, the domestic use represented by this claim is his residence in section 22. He said that the wells on the south side of the road were piped to the north side of the road and provided for stockwater and domestic uses there for some years prior to 1981. The south and north wells have recently been disconnected from one another due to the sale of the Naf Store. Based on that information, I believe there could be a domestic right for water in section 22 with a 1946 priority date. The only domestic use on the south side of the road is the home associated with the Naf store, and is included in claim 43-04175 with an 1896 priority date. The only point of diversion for commercial (B portion) is in section 27. The only point of diversion for domestic, (A portion), is in section 22.

The diversion rate for commercial was claimed at .28 cfs. There is no documentation in the file as to why that number was chosen, but Mr. Hoskins may have been wanting to include water for his mobile home park, since he claimed commercial use in section 22. Calculations of volume based upon information from both Boyd and Pat Hoskins and Brent Hobson indicate that a maximum volume of 2.18 afa would be needed at the businesses in Naf. Based on the busiest day of the week, which would be a Saturday, a diversion rate of .021 cfs for 12 hours would supply the needed gallons per day. However, to make sure that peak demand is not limited, a diversion rate equal to three households, or .08 cfs per IDWR guidelines, might be recommended, with a diversion volume limited to 2.18 afa.

NOTE:

TOTAL DIVERSION RATE & VOLUME REPRESENT A COMBINATION OF RIGHTS 43-4175 (1886) AND 43-4177B (1946) IN PARAGRAPH ABOVE.

DA

Distribution of Water Rights

Boyd Hoskins / Brent Hobson

1911 43.286C Clear Creek 1.20 cfs 100 ac
 3.2 cfs 87 ac
 Recommended
 286D Hoskins 286E Hobson
 1.9 cfs 51 ac 1.3 cfs 36 ac

1896 43-4175 G.W. 0.22 cfs 10 ac
IRRIGATION 10 ac .22 cfs
COMMERCIAL .22 cfs
DOMESTIC .06 cfs
↓ Recommendation
1896 43-4175 GW Brent Hobson .07 5 ac
IRR .07 5 acres
COMM .02 1.09 AFA
DOM .02

1926 43-4177 GW .28 cfs
commercial .28
domestic .04

Recommendation

1946 43-4177A Hoskins
part A domestic .04 cfs

1946 43-4177B Hobson
commercial .06
1.09 afa

1981 43-11238 Hoskins
part B domestic .04



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

April 5, 2000

Brent and Terry Hobson
2595 East Strevell Rd.
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)
Claim Number(s): A43-04175, A43-04177, 43-00286E
Change of Ownership Notification

Dear Mr and Mrs. Hobson:

The notification that we received on March 16, 2000 was sufficient to change the ownership of your portion of the irrigation claim on Clear Creek, your portion of claim A43-04177 for groundwater and all of claim A43-04175 for groundwater use at the Naf Store and associated buildings. Please carefully review the documents enclosed. Please note that the base irrigation claim on Clear Creek has already been recommended to the SRBA Court, and your claim 43-00286E represents a portion of that right as reported.

After I spoke to you on April 3rd, Mr. Hoskins called from Ogden. We discussed the lack of documentation in claim files A43-04175 and A43-04177 in regard to the date that water was first put to commercial use at the store, restaurant, beerhall and dancehall. I am just now investigating these two claims. Mr. Hoskins believed that he had submitted some documents, but I looked extensively, and found nothing in our records to show when use began. Because the Department did not require permits for diverting groundwater until 1963, many wells drilled, or dug, before that time are not documented in our files. I then went to the Twin Falls Public Library and looked in a book of history on the area compiled by the Daughters of Utah Pioneers. I found a brief, undated reference to Naf, but found nothing about the store.

The only documents we have are the original statutory claims that Mr. Hoskins filed, which do not, in themselves, evidence that use began on the dates he claimed. There must be some circumstantial evidence in the form of dated pictures, written, or oral history of the beginnings of the store and dancehall. You mentioned that the farthest back you could date the store was the 1940s. If you believe that commercial water use began earlier than that, you might want to ask some of the older people still living in the area to write out a short statement about their knowledge of the history. (An un-notarized but signed affidavit from someone with no financial interest is perfectly acceptable). I would also suggest the Burley library as a source of information, or even the Cassia County Courthouse. They have records of property ownership and

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Department of Water Resources
Southern Region

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

assessments. If you are unable to obtain any additional information, please submit what you have, as without *any* proof of priority for beneficial use, I cannot recommend these water right claims, per Department policy.

There are two elements of these claims to a groundwater right that have never been documented: One is the date of priority as outlined above, the other is the amount of water actually used commercially. Without measuring the water pumped from the wells, we can make some calculations based upon certain information about the establishment. I realize that you are new to the business, but the following information will give me a basis for an accurate recommendation of the amount of water your establishment has historically used.

If you have any questions or concerns please don't hesitate to call. I am sending a copy of this letter to Mr. Hoskins to keep him informed of the status of the claims and with the knowledge that he may be of help to you in determining water usage. Please return the following information as soon as conveniently possible.

Sincerely,



Vikie Hancock
Water Resource Agent

1. Number of days in the year that each portion of the business will be open:
 - Store - 365
 - Restaurant - 365
 - Dancehall - ~~50~~ 20
 - Beerhall - 365
2. Number of Restrooms. If they are shared by one or more sections of the business, please indicate:
 - Store - 1 SHARED
 - Restaurant - 1 SHARED
 - Dancehall - 2
 - Beerhall - 1
3. Average number of patrons per day. If you need to break this down to weekdays and weekends, please do so and indicate:
 - Store - 100 WE | 20 PER DAY WEEKDAYS
 - Restaurant - 11
 - Dancehall - 250 PER 20 DAYS
 - Beerhall - SAME AS STORE
4. Any other information that may help me to determine the amount of water used commercially :

SEE ATTACHMENT.

The Storehouse was here when I was born.
The old log cabin was here then. I was
told that at one time it was the
School house. I was born March 24, 1920.

Raymond Naf Anderson
May 29, 2000

399-9537 394-5008
Raymond N. Anderson.

I remember shopping at Naf Store
in 1918 I lived in Clear Creek South of
Naf. In Utah. Heber Carlyle was the
Store Keeper and owner at Naf. I was born
South of Naf Store in 1912. Water was
drawn by a bucket from a well in the
back yard.

Ada Hempton Capital
June 2, 2000
808-827-5715

RECEIVED

JUN - 6 2000

Department of Water Resources
Southern Region

(Attachment)

NOTE TO FILE

From: Vikie Hancock

9/7/00

Regarding: Claim number 43-04177B

CALCULATION OF COMMERCIAL WATER USES PER IDWR GUIDELINES:

Store - with restroom - 400 gpd X 365 days = 146,000 gal

Restaurant - 10 gpd per patron

10gal X 20patrons X 260 week days = 52,000

10gal X 100patrons X 105 weekend days = 105,000

303,000 gal per yr

303,000/325,850 = 0.93 afa

Dancehall - 12 gpd per patron

12gal X 250patrons X 20 days = 60,000 gal

Beer Hall - 12 gpd per patron

12gal X 20patrons X 260 week days = 62,400

12gal X 100patrons X 105 weekend days = 126,000

248,400 gal per yr

248,400/325,850 = 0.76 afa

TOTAL COMMERCIAL USE 1.69 AFA

Using information provided by Brent Hobson.

NOTE TO FILE

From: Vikie Hancock

5/11/00

Regarding: Claim numbers A43-04175 & A43-04177B

Mr. and Mrs. Boyd Hoskins came into the office this date to provide information on the commercial use of water at the Naf Store and also to submit proof of beneficial use in the form of historical photos and an affidavit.

The Hoskins recently sold the store, but owned the property for 20 years and have more information regarding water use than the current owner of record, Brent Hobson. I asked them if they could provide answers to the questions I had sent to the Hobsons on April 5th, since I had received no reply from my letter.

- Mr. and Mrs. Hoskins told me that the store and restaurant were both located in the store building and there was one bathroom that contained a shower. They allowed patrons to use the shower when there was such a request. The dancehall and bar shared a separate building (bar in basement, dancehall on main floor). There were two restrooms in the building, men's and women's.
- For most of the 19 years the Hoskins owned the business – up until the last year or two – the store and restaurant were open 7 days a week. The dancehall was used for various functions including dances, meetings, quilting, weddings, pool tournaments, and was open approximately 200 days per year.
- On a Saturday night in the summer 200+ people would attend the dances. The restaurant contained three tables and an 8 stool counter. They estimated that, on average, 85 customers were served per day during their busy season.

According to the Hoskins, the Naf store and post office building, and the house located next to the store, were built by John Naf. The house and business were later owned by the Anderson family, and Raymond Anderson, now aged 80 years, was born in the house. Mr. Hoskins talked to a Mr. Clix Swaner, 101 years old, of Ogden, who lived in Naf as a child and remembered the store and post office. The affidavit from Ada Kempton Ospital, submitted today, dates the store to at least 1912. The original well used at the store was dug by hand and a windmill was used to pump the water. A second well was drilled in approximately 1926. The original store was moved to the north side of Strevell Road in 1946

and a new brick store built. Electricity came to Naf about this time. The store and dancehall were owned by Mary Fredrickson Iverson for many years. The Hoskins purchased the business from her, and she is the one that told them the business first started in 1896.

The old dug well still produces enough to use in the house and yard next to the store. The well drilled in approximately 1926 provided water to the rest of the business and contributed to the domestic uses on both sides of the road until October of 1999. Since the ownership change, it is used exclusively on the south side of the road. If we assume that the new well was drilled in 1926 in response to increased water needs at the store, it may be that the commercial use for the dancehall began then.

There have been no measurements of the water use.

COMMERCIAL WATER USES PER IDWR GUIDELINES:

Store - with restroom: 400 gpd

Restaurant - 10 gpd per patron

10 X 85 = 850 gpd

Store and Restaurant = 1250 gpd X 365 days = 465,250

325,850 = 1.4 afa

Dancehall and Bar - 12 gpd per patron

12 X 200 = 2400 gpd X 52 (Saturday nights) = 124,500

325,850 = .38 afa

12 X 75 = 900 gpd X 148 (other day/nights) = 133,200

325,850 = .40 afa

Total = 0.78 afa

TOTAL COMMERCIAL USE = 2.18 AFA *using figures
provided by Boud & Pat Hoskins*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 5, 2000

Brent and Terry Hobson
2595 East Strevell Rd.
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)
Claim Number(s): A43-04175, A43-04177, 43-00286E
Change of Ownership Notification

Dear Mr and Mrs. Hobson:

The notification that we received on March 16, 2000 was sufficient to change the ownership of your portion of the irrigation claim on Clear Creek, your portion of claim A43-04177 for groundwater and all of claim A43-04175 for groundwater use at the Naf Store and associated buildings. Please carefully review the documents enclosed. Please note that the base irrigation claim on Clear Creek has already been recommended to the SRBA Court, and your claim 43-00286E represents a portion of that right as reported.

After I spoke to you on April 3rd, Mr. Hoskins called from Ogden. We discussed the lack of documentation in claim files A43-04175 and A43-04177 in regard to the date that water was first put to commercial use at the store, restaurant, beerhall and dancehall. I am just now investigating these two claims. Mr. Hoskins believed that he had submitted some documents, but I looked extensively, and found nothing in our records to show when use began. Because the Department did not require permits for diverting groundwater until 1963, many wells drilled, or dug, before that time are not documented in our files. I then went to the Twin Falls Public Library and looked in a book of history on the area compiled by the Daughters of Utah Pioneers. I found a brief, undated reference to Naf, but found nothing about the store.

The only documents we have are the original statutory claims that Mr. Hoskins filed, which do not, in themselves, evidence that use began on the dates he claimed. There must be some circumstantial evidence in the form of dated pictures, written, or oral history of the beginnings of the store and dancehall. You mentioned that the farthest back you could date the store was the 1940s. If you believe that commercial water use began earlier than that, you might want to ask some of the older people still living in the area to write out a short statement about their knowledge of the history. (An un-notarized but signed affidavit from someone with no financial interest is perfectly acceptable). I would also suggest the Burley library as a source of information, or even the Cassia County Courthouse. They have records of property ownership and

assessments. If you are unable to obtain any additional information, please submit what you have, as without *any* proof of priority for beneficial use, I cannot recommend these water right claims, per Department policy.

There are two elements of these claims to a groundwater right that have never been documented: One is the date of priority as outlined above, the other is the amount of water actually used commercially. Without measuring the water pumped from the wells, we can make some calculations based upon certain information about the establishment. I realize that you are new to the business, but the following information will give me a basis for an accurate recommendation of the amount of water your establishment has historically used.

If you have any questions or concerns please don't hesitate to call. I am sending a copy of this letter to Mr. Hoskins to keep him informed of the status of the claims and with the knowledge that he may be of help to you in determining water usage. Please return the following information as soon as conveniently possible.

Sincerely,

Vikie Hancock
Water Resource Agent

1. Number of days in the year that each portion of the business will be open:
 - Store -
 - Restaurant -
 - Dancehall -
 - Beerhall -
2. Number of Restrooms. If they are shared by one or more sections of the business, please indicate:
 - Store -
 - Restaurant -
 - Dancehall -
 - Beerhall -
3. Average number of patrons per day. If you need to break this down to weekdays and weekends, please do so and indicate:
 - Store -
 - Restaurant -
 - Dancehall -
 - Beerhall -
4. Any other information that may help me to determine the amount of water used commercially :

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

04/04/00 15:28:32
Page 1

Water Right Number - R43-04177B

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
HOBSON

BRENT

HOBSON

TERRY

1 - 2595 EAST STREVELL RD

2 -

3 -

City- MALTA

Phone - 208-824-5727

1 - 2595 EAST STREVELL RD

2 -

3 -

City- MALTA

Phone - 208-824-5727

State- ID Zip- 83342

*** O - ORIGINAL OWNER ***
HOSKINS (ISOM)

BOYD

1 - HC 72 BOX 2350

2 -

3 -

City- NAF

Phone - 208-824-5750

1 - HC 72 BOX 2350

2 -

3 -

City- NAF

Phone - 208-824-5716

State- ID Zip- 83345

HOSKINS

AFTON L

+ - - Priority Date - - +
01/01/1926

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

16S 27E 27 NE NE NW (31) CASSIA

+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume

10 - COMMERCIAL 01/01 12/31 0.140
43 - DOMESTIC 01/01 12/31 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.140 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
16S 27E 27 NE NW 10 COMMERCIAL (31) CASSIA
16S 27E 27 NE NW 43 DOMESTIC (31) CASSIA

Total Acres:

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - 43-04175.

..... Remarks

EXP C/RESTAURANT, STORE, DANCE HALL, BEER HALL

Old Water Right Numbers

----- Conditions of Approval -----
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.

+ - - - Decree Defendant - - +

+ - Decree Date - +
00/00/0000

Date	Comments
04/04/2000	User Id: VHANCOCK Subject: OWNERSHIP CHG/SPL IT
PER CONVEATION WITH BOVD HOSKINS 4-3-2000:	ALL USE IN SECTION 22 RETAINED BY HOSKINS, ALL USE IN SECTION 27 CONVEYED TO HOBSON
COMMERCIAL USE IN SEC 27 STORE, RESTAURANT, BAR. DOMESTIC USE	HOBSON RESIDENCE. WELL IN SECTION 22 NO LONGER COMBINED WITH WELL
IN SECTION 27.	

04/04/00 VHANCOCK

----- Adjudication Rights Dates and Flags Area -----

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	06/05/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	X777777	Water District	-	
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-	AND	Presumption Flag	-	
						Notice of Error Flag	-	

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

April 3, 2000

Regarding:

Customer:

A43-04175 and -04177

Boyd Hoskins/Brent Hobson

[illegible]

I called the number we had on file for the above rights and reached the Naf Store. I learned that Brent and Terry Hobson purchased the store, restaurant and dancehall from Hoskins in October 1999. The store and beer hall is open on weekends until summer when it will be open full time. The dancehall will not be open at all until summer. The dancehall is in a separate building but is located close to the store. Hobson did not purchase anything on the north side of Strevell Rd in section 22, only purchased property in the NW ¼ of section 27. Brent Hobson said they had sent in a change of ownership on an irrigation right.

I located the change of ownership that had been submitted March 16 2000 for A43-00286C from Clear Creek. There appears to be enough evidence submitted to change ownership of the above claims, however 43-04177, as well as 43-00286C, will have to be split.

After my conversation with Hobson, Boyd Hoskins called me back. He was (and to some extent still is) under the impression that he had sent in everything he needed for proof of beneficial use and priority. I told him that there was nothing in the file, but that I would look elsewhere. I looked in his Clear Creek file 43-00286C and the microfiche for both stat claims and found nothing but the original filings. I then went to the Twin Falls Public Library and researched the volume of Cassia County history put out by the Daughters of the Utah Pioneers. There was nothing in there about the Naf Store that I could use to verify the date that water use began there. Mr. Hoskins claims that the first store was a log cabin and the first well was a hand dug well done in approximately 1896. It is located on the south side of the road and is still functioning. Another drilled well, also on the south side of the road, was drilled in about 1926, he thought. It was owned by Mary Iverson, who was married to a Fredrickson at the time. He purchased the store from Iverson.

I asked him about the commercial use claimed on the north side of Strevell Road in section 22. He said that there were 5 mobile homes in a small park there when he filed the claim and now there are two. His residence is also there on the north side. He said the well that serves the north side of the road was drilled in 1980, and that Hobson does not own any portion of water from that well. I found that drilling record in our files. He specifically said that Hobson has the dug well and the 1926 drilled well on the south side, and that he had the 1980 well on the north side. He said he had a "permit" to irrigate

10 acres on the north side but had never done it. I found no additional water rights, permits, or AJ claims under Hoskins. Note that the 10 acres of irrigation claimed on 43-04175 is shown on the south side of the road in section 27 on the original statutory claim map. He does have water from Clear Creek to irrigate 34 acres in section 22.

Mr. Hoskins told me to get in touch with him if I determined that there was something more I needed for the claims. He gave me his home phone number in **Ogden Utah: 801-392-6433** and the phone number at the ranch in **Naf: 824-5716**. He also said he may be reached at Hoskins' Plumbing and Heating in Ogden as he goes into the office about once a week.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 29, 2000

Boyd Hoskins
Afton Hoskins
HC 72 Box 2350
Naf, Idaho 83345

RE: Snake River Basin Adjudication (SRBA)
Claim Nos.: A43-04175, A43-04177

Dear Mr. Hoskins:

I am in the final stages of recommending water right claims filed in the SRBA. Based upon the information in our files at this time, I will have to disallow the above two claims for Irrigation and Commercial use at Naf.

Claims for irrigation and commercial uses based upon beneficial use require documentation proving the date water was first put to use. They also require information about the amount of water that has historically been put to use. Several letters sent to you from the Department requesting this information have not been responded to, and I am speculating that it is because water is no longer being used for those purposes at the store, restaurant and dance hall.

If there is still domestic use of water at the site, these two claims may be recommended for domestic use only, however I am confused as to whether there are a total of two or three functioning wells. Please contact me so that I can accurately present these two claims to the SRBA Court. Baring any further information from you which proves some use of water at the site, I will have no choice but to completely disallow both claims.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent

