

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 37-472
Date Received: 6/15/1988
Receipt No: S000436
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RODNEY FRED HUBSMITH Phone: (208)487-2612

PO BOX 65
RICHFIELD ID USA 83349

KAYSI SHARON HUBSMITH Phone: (208)487-2612

PO BOX 65
RICHFIELD ID USA 83349

2. Date of Priority: 04/01/1884

3. Source: LITTLE WOOD RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	19E	34	NE NE NE	LINCOLN	

5. Description of diverting works:

McNULTY #58 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.2	

7. Total Quantity Appropriated is:

1.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	19E	34	SW	NE	IRRIGATION	17
			SE	NW	IRRIGATION	8.9
			NE	SW	IRRIGATION	23
			Section Acres		48.9	
Total Acres					48.9	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

CONCRETE CHECK DAM ACROSS RIVER APPROX 5' HEIGHT WITH CHECK BOARDS DIVERTS WATER INTO EARTH DITCH WITH A CEMENT HEADGATE AND RECT. WEIR.

Right No. 21460 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

This right authorizes the irrigation of 48.9 total acres.

Use of this right with Right No. 37-21460 is limited to a total combined diversion rate of 1.20 cfs.

Use of this right with the rights listed below is limited to the irrigation of a combined total of 64.7 acres in a single irrigation season. Combined Right Nos.: 37-21460.

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

15. Basis of Claim: Decreed

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
of _____ 20__

Notary Public

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: A37-00472
Date Received: 6/15/1988
Receipt No: 5000 436
Received By: TB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RODNEY FRED HUBSMITH 208-487-2612
Address: P.O. BOX 65
RICHFIELD, ID 83349

AND/OR

Name: KAYSI SHARON HUBSMITH
Address: RICHFIELD, ID 83349

2. Date of Priority: APR 01, 1884

3. Source: LITTLE WOOD RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	19E	34	NE	NE	NE		LINCOLN

5. Description of diverting works:
McNULTY #58 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	19E	34	SW	NE		IRR	24.0
			SE	NW		IRR	9.0
			NE	SW		IRR	30.0
						Section Acres	63.0
						Total Acres	63.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

31 SHARES BIG WOOD CANAL WATER ON OTHER PROPERTY.

14. Remarks:

CONCRETE CHECK DAM ACROSS RIVER APPROX 5' HEIGHT WITH CHECK
BOARDS DIVERTS WATER INTO EARTH DITCH WITH A CEMENT HEADGATE
AND RECT. WEIR.

15. Basis of Claim: DECREED

Water Right Number:

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree 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: one.

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): *Rocky P. Hahn* Date: 15 June 88.
Kayci Sharron Lebrun Date: June 15, 1988

State of Idaho)
County of Lincoln Falls) SS.

Subscribed and sworn (or affirmed) before me this 15th day

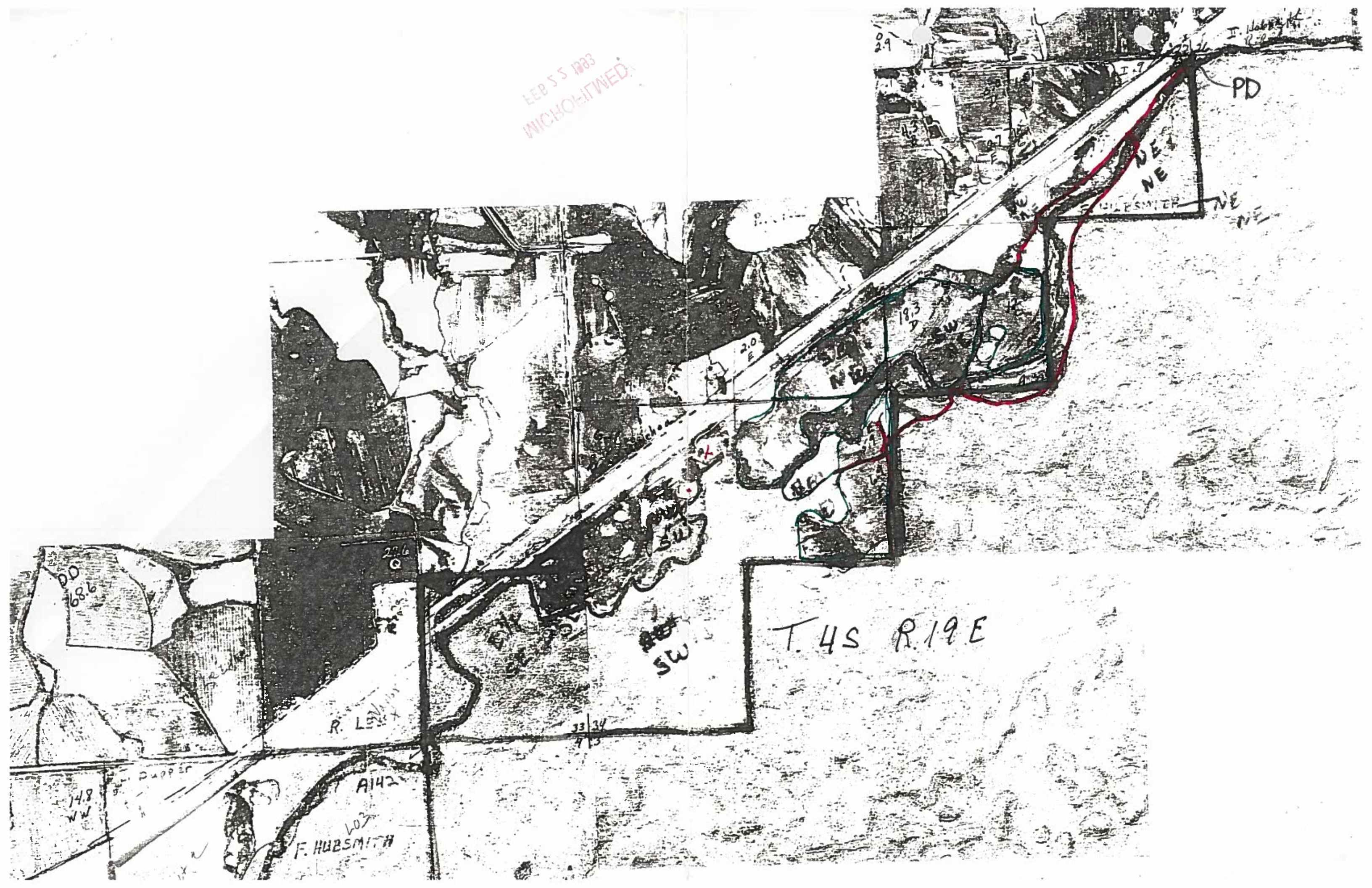
of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at *Gooding, Id*
My Commission Expires 10/16/1992

SEP 5 5 1983
WICHITA





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 DEPT INTERNET WEB SITE www.idwr.idaho.gov

SOUTHERN REGION

RECEIVED

MAY 19 2005

DEPARTMENT OF
WATER RESOURCES
DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 16, 2005

Steve Clelland
IDWR Western Region
2735 Airport Way
Boise, ID 83705

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM(S): 37-2344, 37-472, 37-21460

Dear Steve

Mr. and Mrs. Rodney Hubsmith came in today with questions to their recommendations that are in the preliminary stages in Basin 37 part 1.

They received the 2nd round notice to file a claim on water right 37-2344. There has been no water in this unnamed slough and stream for years. However they paid the filing fee and claimed the water right license while in the office today in case there ever is water available. To get water to the POU of 37-2344, they decided to do an enlargement claim of decreed right 37-472. Therefore claim 37-21460 is an enlargement claim issued of decreed 1.20 cfs of water right 37-472.

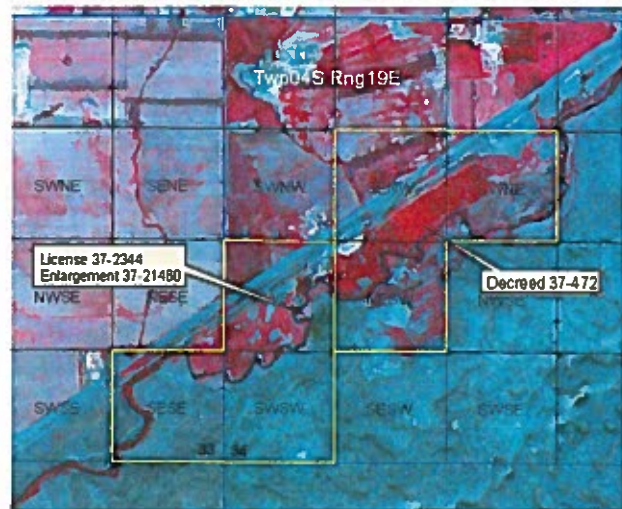
In this manner the POU of original license 37-2344 will have overlapping rights (License 37-2344 and enlargement 37-21460). Enclosed is a copy of the original claimed decreed right, the newly claimed enlargement right, and the newly claimed licensed right.

Please call the Hubsmiths or myself with any additional questions in recommending these rights.

Sincerely

Nick Treasure
Water Resource Agent
E-mail address: nick.treasure@idwr.idaho.gov

Enclosures



SCANNED

MAY 24 2005

04/12/2005

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 3, 2005

Water right number: 37-472

RODNEY FRED HUBSMITH
PO BOX 65
RICHFIELD ID 83349
Telephone Number: (208)487-2612

KAYSI SHARON HUBSMITH
PO BOX 65
RICHFIELD ID 83349
Telephone Number: (208)487-2612

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): *I some times use water Right Number 37-472 decree water to irrigate 15 acres, section 34 - NW 34. When my big wood canal water is shut off, I believe this practice was done long before my ownership of this place.*
2. Describe the changes you wish to make in the proposed recommendation: *I would also like the 15 acres in section 34 - NW 34 included with the other acres. I have irrigated said acres with the decree water, this is done when the big wood canal water is off due to drought conditions.*
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: _____ SIGNATURE: _____

Please print your name: Rodney F Hubsmith.

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

04/24/2003

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

RIGHT NUMBER: 37-472

NAME AND ADDRESS: RODNEY FRED HUBSMITH
PO BOX 65
RICHFIELD ID 83349

KAYSI SHARON HUBSMITH
PO BOX 65
RICHFIELD ID 83349

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

✓ 4/24/03
sc

QUANTITY: 1.200 CFS

PRIORITY DATE: 04/01/1884

POINT OF DIVERSION:

T04S R19E S34 NENENE Within LINCOLN County Source: LITTLE WOOD RIVER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.200 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T04S R19E S34	SWNE	19.0	T04S R19E S34	SENE	7.9
T04S R19E S34	NESW	22.0			

48.9 ACRES TOTAL

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

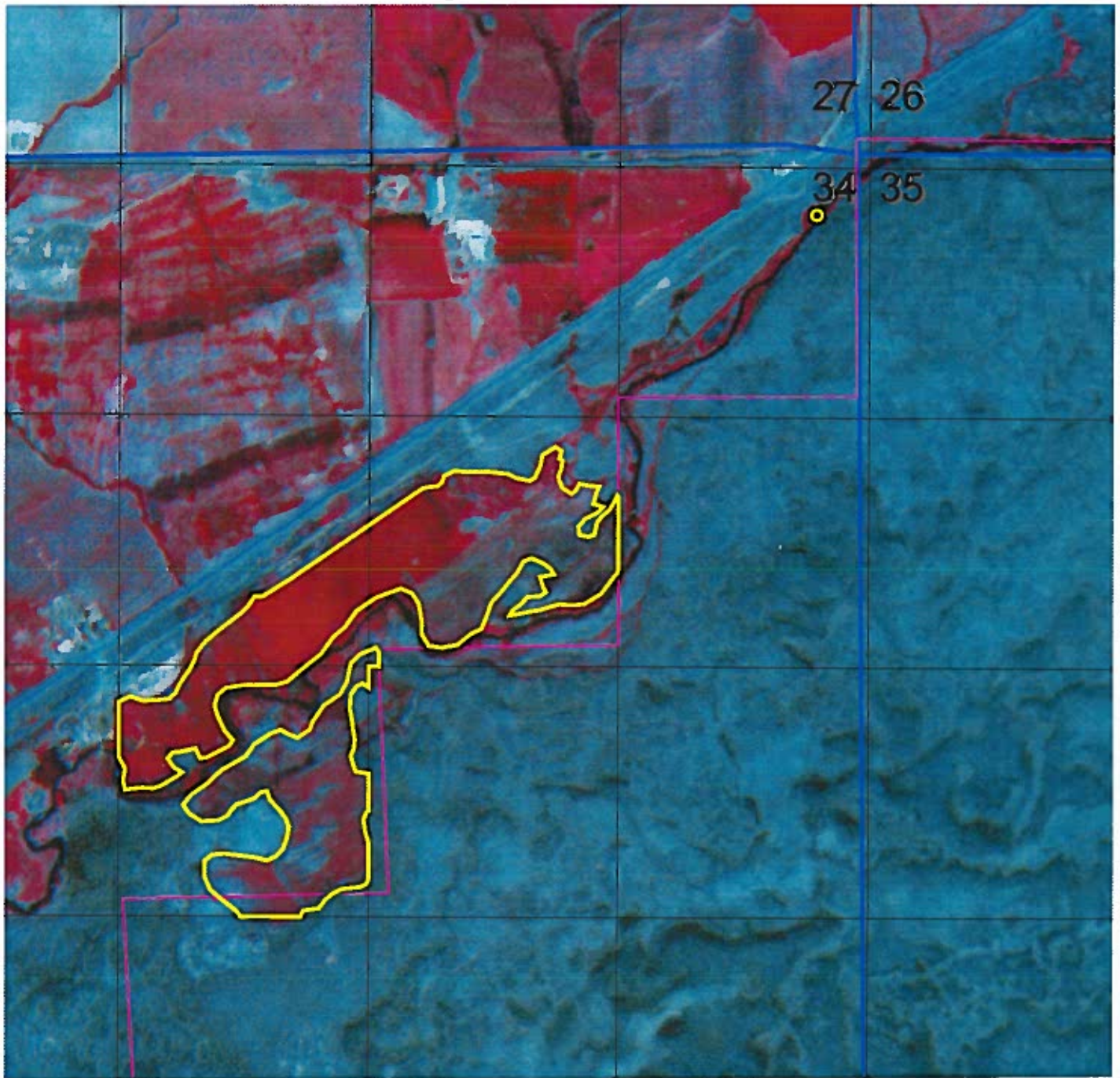
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

IDAHO DEPT OF WATER RESOURCES

37-472



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 4S
RNG: 19E
SEC: 34



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: APRIL 24, 2003

37-472

4/23/03 driveby exam

irrigation is same as seen in GWS exhibit.
leave out the BLM cross in road.

POD #58 same as shown by WM.

POU: remove BLM acres.

$$POU = \underline{\underline{48.9 \text{ AC.}}}$$

$$Q: 1.2 \text{ cfs} \div 48.9 \text{ AC} = 0.0245 \text{ cfs/AC}$$

$$0.02 \text{ cfs} \times 48.9 = 0.98 \text{ cfs}$$

$$1.2 - 0.98 \text{ cfs} = 0.22 \text{ attributed to Ditch loss}$$

(22% loss)

37-472 *215*
draft
11-26-02 scc
T4S, R19E

27 26

34 35

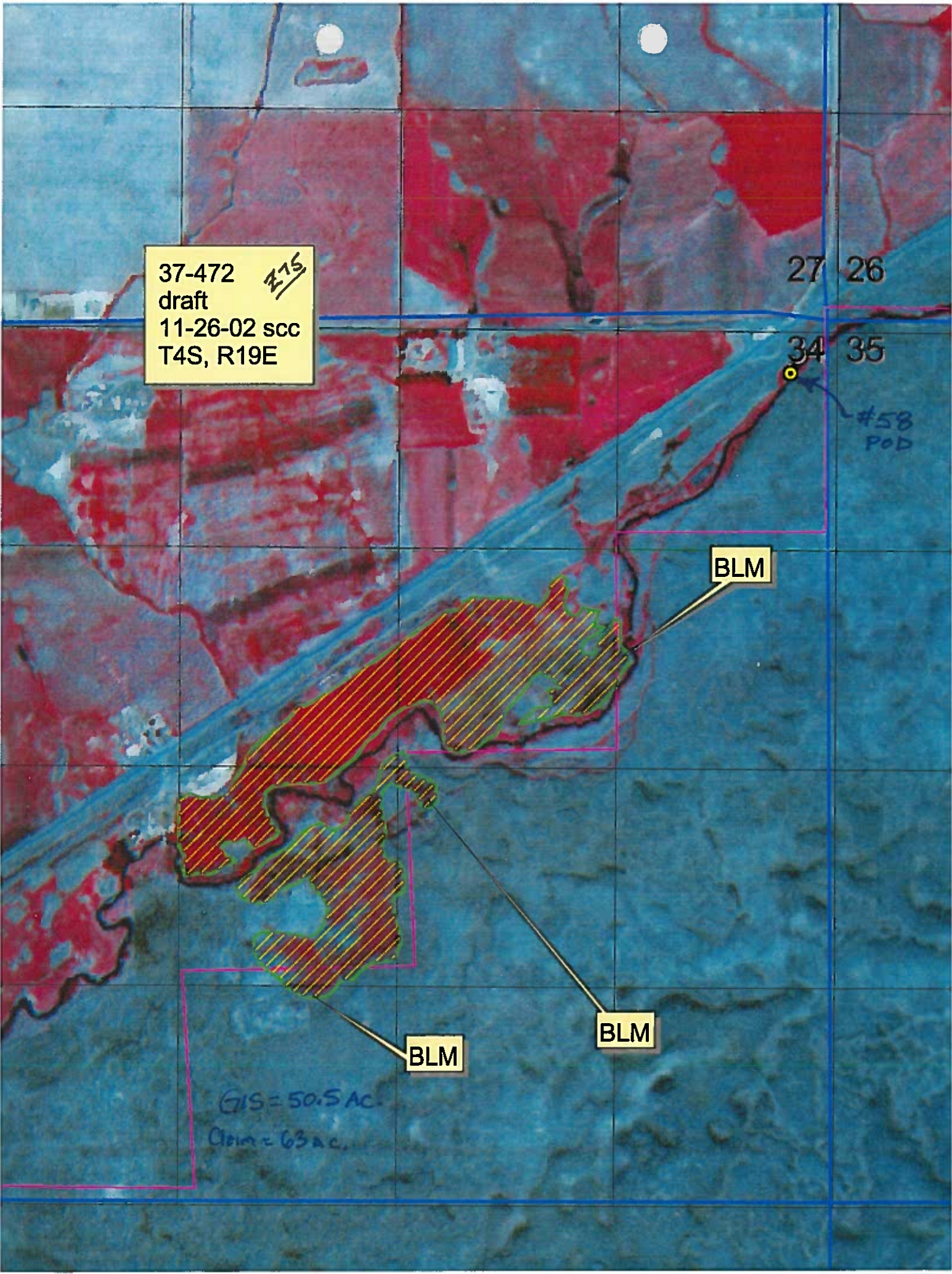
#58
POD

BLM

BLM

BLM

GIS = 50.5 AC.
Claim = 63 AC.



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-472

WATER RIGHT NUMBER: 37-472

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EDWARD MC NULTY

, ZZ

Priority Date: 04/01/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER	NE1/4NE1/4	Sec. 34, Twp 04S, Rge 19E, B.M.
LINCOLN County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	19E	34			X					X					X				

Conditions of Approval:Remarks:

1. General AC. IRRIG. NOT SPECIFIED. FARM = 120 AC.
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-472

Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37M
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False