

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-11317NAME AND ADDRESS: ALMA A HUBBARD
PO BOX 341
GRACE ID 83241SOURCE: CHUBB SPRINGS
JARVIS SPRING
WILLOW SPRINGTRIBUTARY: MEADOW CREEK
TRIBUTARY: SINKS
TRIBUTARY: SINKS

QUANTITY: 4.580 CFS

PRIORITY DATE: 04/01/1934

POINT OF DIVERSION:

T05S R42E S10 SWSENE Within CARIBOU County

T05S R42E S10 NENESE Within CARIBOU County

T05S R42E S11 SESWNW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.120 CFS
IRRIGATION	04/01 10/30	4.420 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County

T05S R42E S10	NESE	T05S R42E S10	SESE
T05S R42E S11	NWSW	T05S R42E S11	SWSW
T05S R42E S14	NENW	T05S R42E S14	NWNW
T05S R42E S14	SWNW	T05S R42E S14	SENW
T05S R42E S14	NESW	T05S R42E S14	NWSW
T05S R42E S14	SWSW	T05S R42E S14	SESW
T05S R42E S23	NWNW		

IRRIGATION Within CARIBOU County

T05S R42E S10	SENE	0.5	T05S R42E S10	NESE	31.2
T05S R42E S10	SESE	17.5	T05S R42E S11	NWSW	31.5
T05S R42E S11	SWSW	38.8	T05S R42E S11	SESW	17.1
T05S R42E S14	NWNE	2.0	T05S R42E S14	SWNE	0.3
T05S R42E S14	NENW	33.0	T05S R42E S14	NWNW	35.0
T05S R42E S14	SWNW	2.5	T05S R42E S14	SENW	1.0
T05S R42E S15	NENE	10.6			

DOMESTIC Within CARIBOU County

T05S R42E S11 SWSW

221 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: **Beneficial Use**

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT

TO SECTION 42-1425, IDAHO CODE.



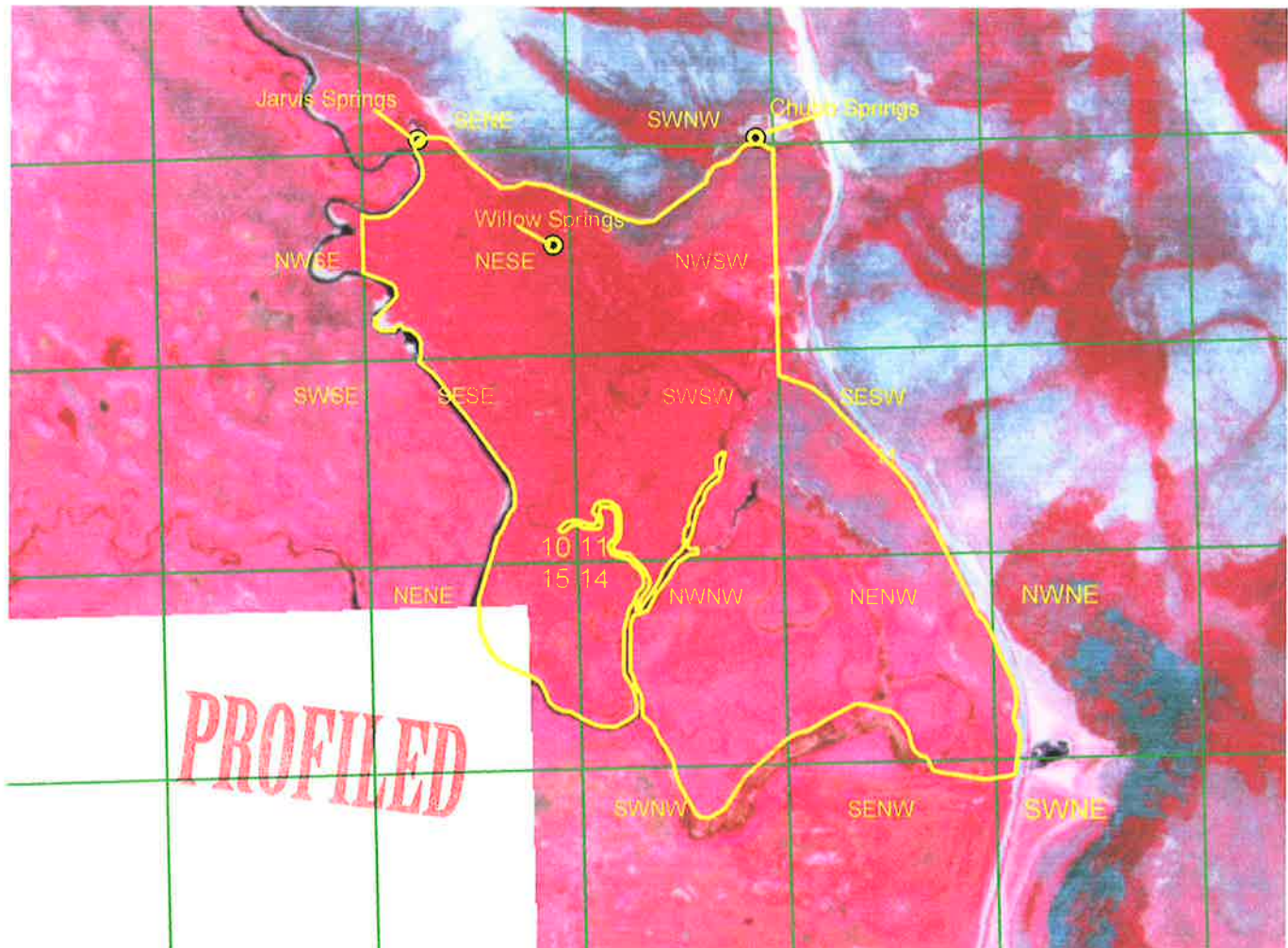
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-11317



800 0 800 1600 Feet

LEGEND

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

Place of Use: T5S, R42E:
(part of) Sec. 10, NESE, SESE.
(part of) Sec. 11, NWSW, SWSW, SESW.
(part of) Sec. 15, NENE.
(part of) Sec. 14, NWNW,
NENW, SWNW, SENW.
Point(s) of Diversion: T5S, R42E:
Sec. 10, NENESE, SWSENE.
Sec. 11, SESWNW.

IRRIGATED ACRES 221.0

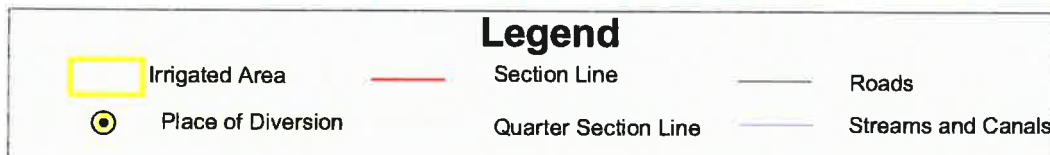
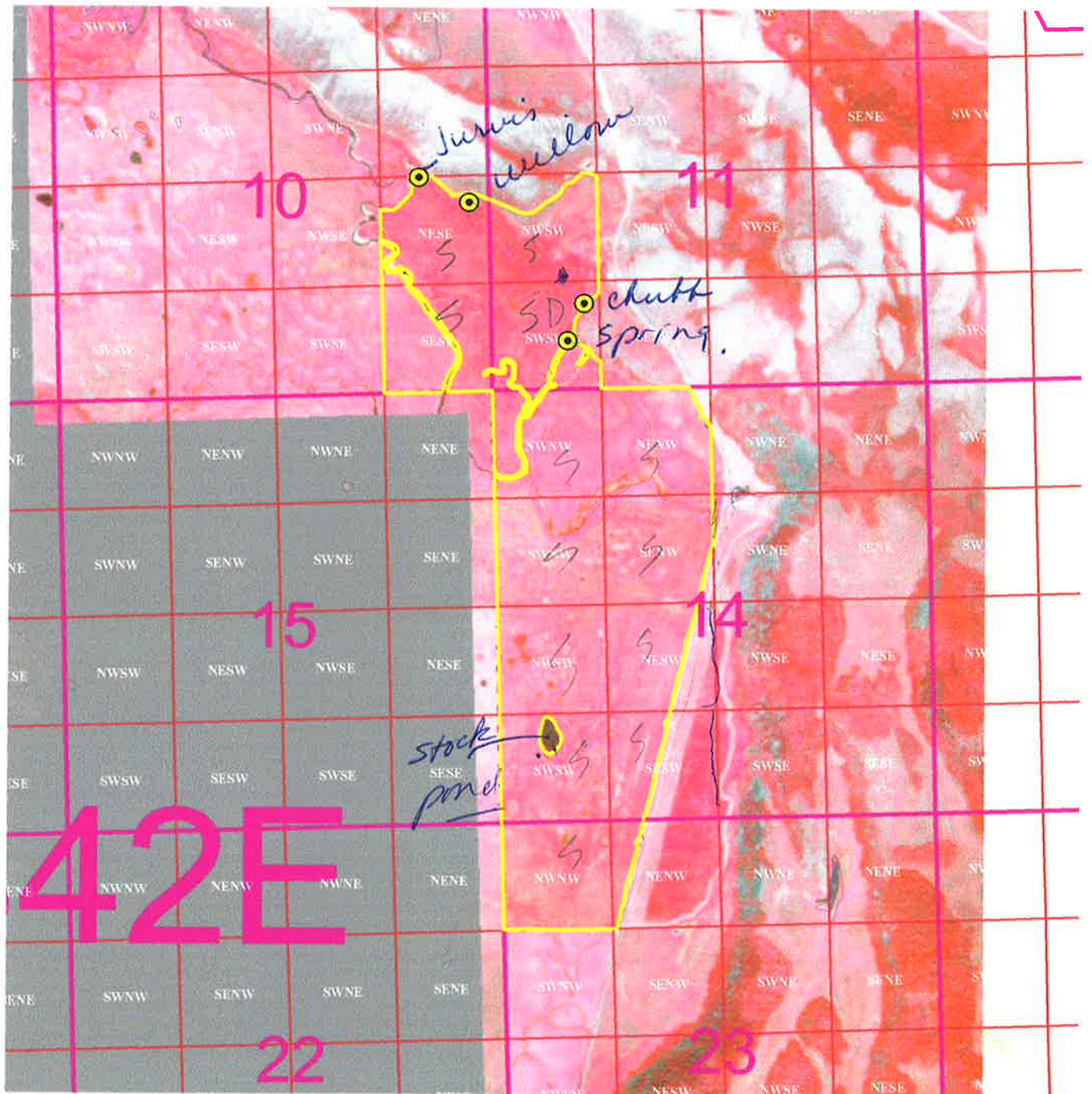
MAY 25 2006



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: July 2004

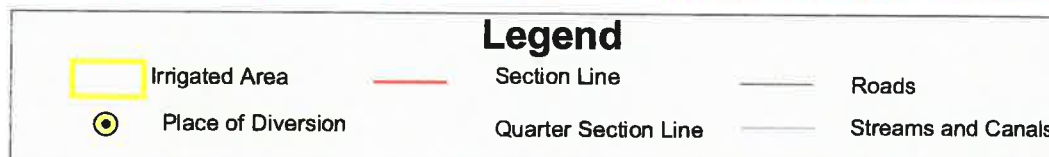
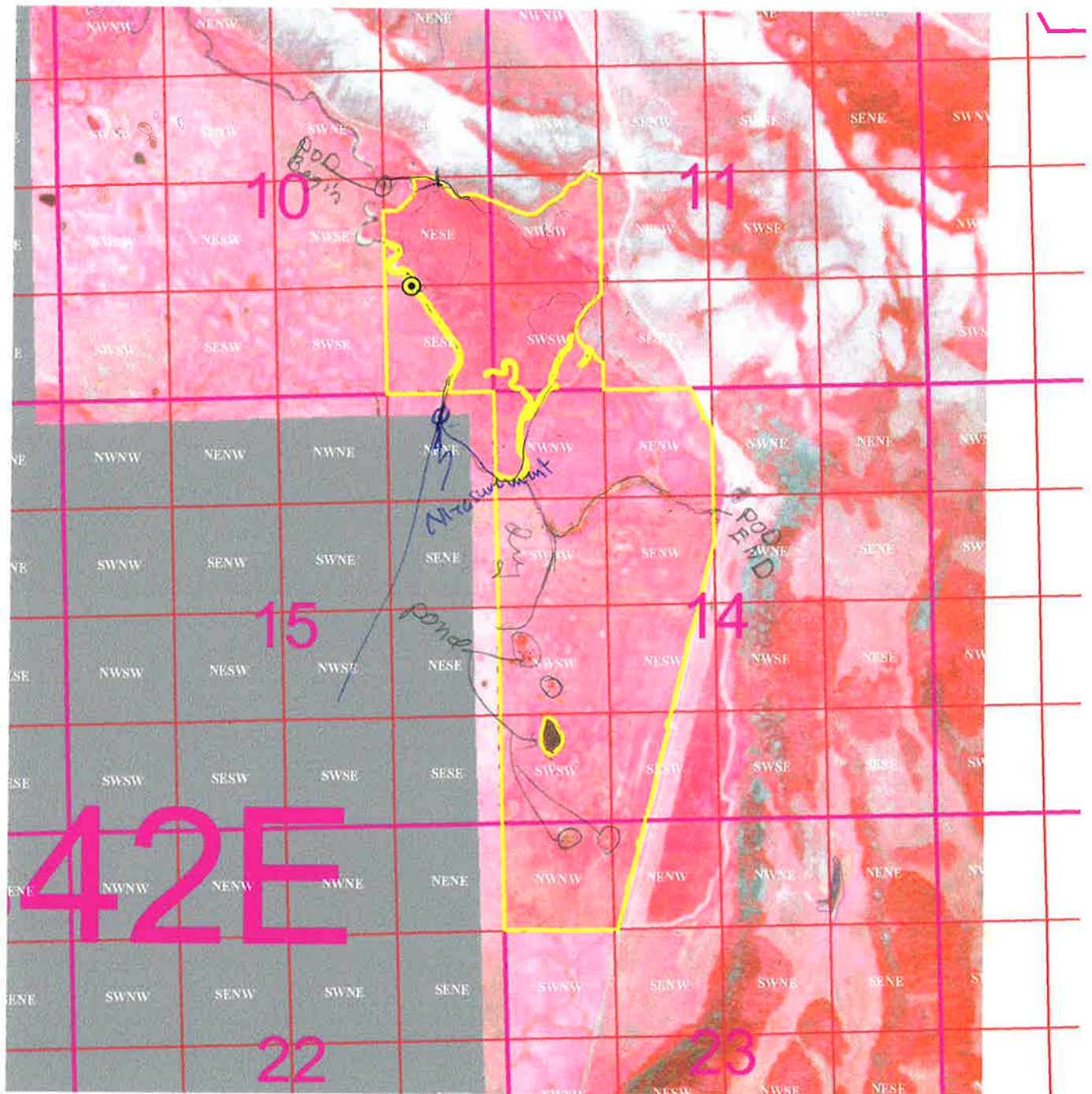
Water Right Claim Number 27-11317
Township , 5S42E

12/14/2000



Water Right Claim Number 27-00076
Township , 5S42E

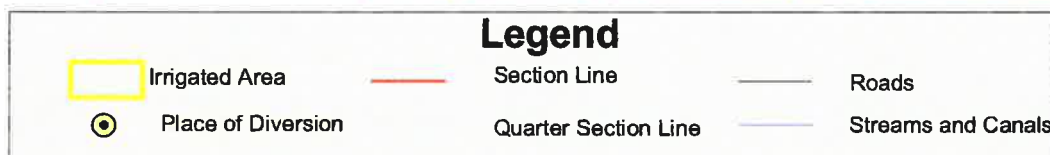
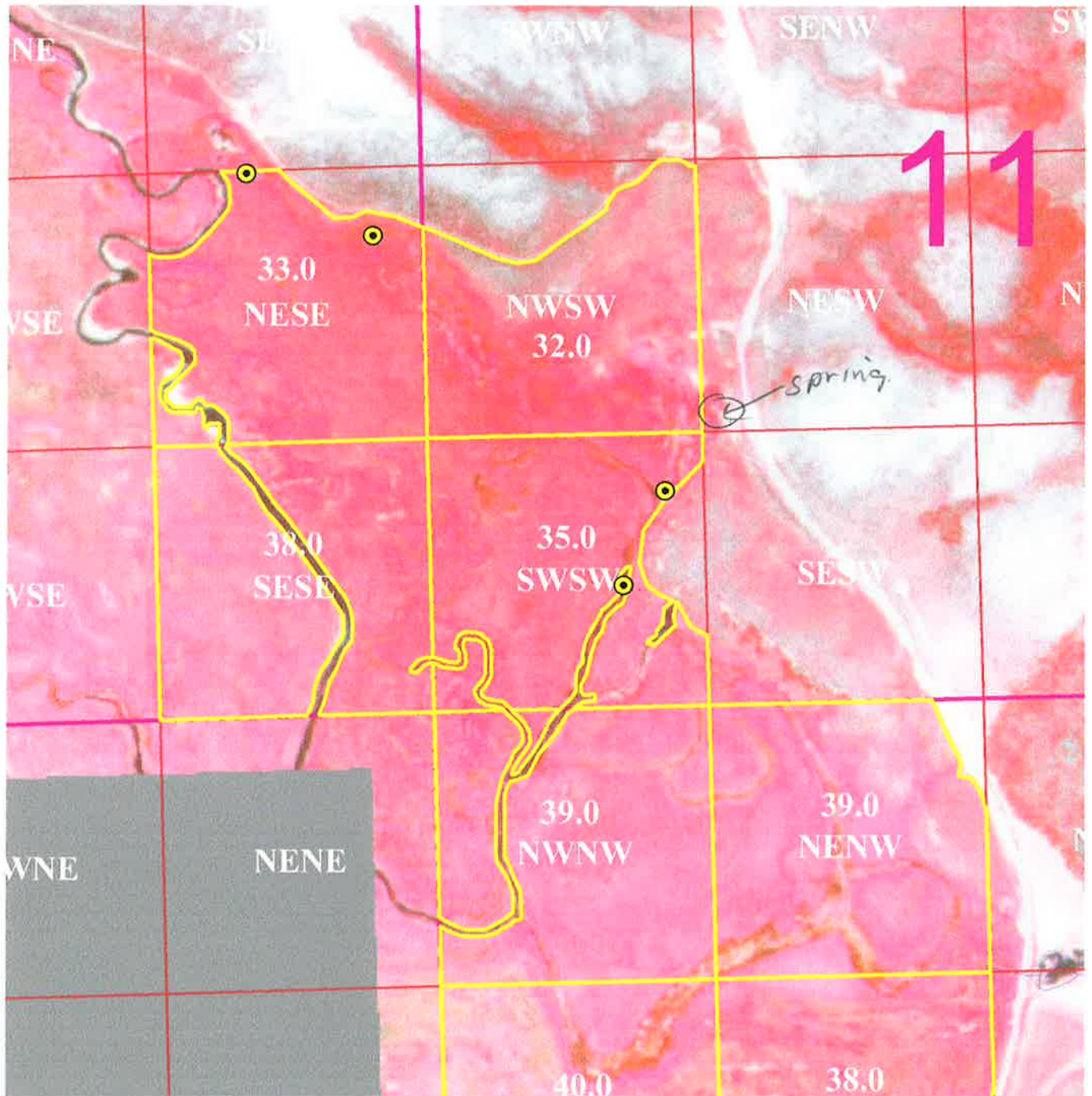
11/29/2000



SPATIAL
DYNAMICS

Water Right Claim Number 27-11317
Township , 5S42E

12/14/2000





STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

March 11, 2010

Randy Budge
Racine Olson Nye Budge & Bailey, Chtd.
201 E. Center St.
P.O. Box 1391
Pocatello, ID 83204-1391

Re: Alma Hubbard 27-76 & 27-11317

Dear Randy,

As we discussed briefly on Friday, March 5, 2010, James Cefalo recently brought to my attention some errors in the current recommendations for these two subcases. Specifically, he noted problems with the description of the Point of Diversion ("POD"), Source, Place of Use ("POU"), and Quantity elements. Michael Holliday reviewed the files and maps, and he concurs.

James has visited both the site of the POD as currently recommended for 27-11317 and the actual POD. The proper description of the POD location should be T05S R42E Sec 11 SWNESW, instead of T05S R42E Sec 11 SESWNW.

The description of the sources serving 27-11317 is incorrect. Both Jarvis Spring and Willow Spring are tributary to Meadow Creek, not to sinks.

The POU description is also in error. James has walked the area and reviewed the POU on a topographic map. The land northeast of the ditch is higher in elevation and thus cannot receive benefits of any seepage from the ditch. Accordingly, the POU should be reduced to reflect the topography. Using the 1987 imagery, Michael calculated that the proper POU should be 117 acres. Attached for your reference is the proposed shape shown on 1987 imagery. Also attached is a topographic map showing the elevation lines for the proposed 117 acre shape and surrounding area. Because 27-76 and 27-11317 share the same irrigated POU, both would need to be revised to reflect the new acreage. The combined acre remark in the POU of both rights would need also to be revised to reflect the 117 acre POU. Additionally, the POU description for the stockwater purpose of use on 27-11317 should be the same as the irrigated place of use.

And finally, because of the revised acreage, the quantity needs to be correspondingly reduced. For 117 acres at the standard inch to an acre, the quantity

should be 2.34 cfs for irrigation on both rights. The quantity associated with the stockwater and domestic purposes of 27-11317 would remain unchanged.

Because both of these subcases are part of the ongoing Tribal volumetric objection, we have the opportunity to make these changes. For subcase no. 27-76, an Amended Director's Report was filed on February 27, 2009. For this right, I propose we make the changes via an SF5 when the Tribal objection is resolved as the only current parties to this subcase are the Tribe and your client. For subcase no. 27-11317, there is a stipulation on file resolving all but the Tribal volumetric objection. I propose we make the changes through an amended stipulation and circulate it for signatures amongst all parties to that subcase. Please notify me after you have had a chance to discuss the matters with your client. If he agrees to make these changes via the proposed procedure, I will prepare the amended stipulation for 27-11317 and make the appropriate notes in the file for 27-76.

If you have questions about this matter, please contact me at (208) 287-4810.

Sincerely,


Andrea L. Courtney

Encs.

cc: Michael Holliday
James Cefalo

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-11317

NAME AND ADDRESS:

ALMA A HUBBARD
PO BOX 341
GRACE ID 83241

SOURCE:

Source:
CHUBB SPRINGS

Tributary:
MEADOW CREEK

Source:
JARVIS SPRING

Tributary:
MEADOW CREEK
SINKS

Source:
WILLOW SPRING

Tributary:
MEADOW CREEK
SINKS

QUANTITY: 2.400 CFS

~~4.580 CFS~~

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

The rights listed below are limited to a total combined annual diversion volume of 5.1 AF for stockwater. Combined Right Nos.: 27-11317, 27-11318, and 27-12171.

PRIORITY DATE: 04/15/1929

~~04/01/1934~~

POINT OF DIVERSION:

T05S R42E S10 SWSENE
Within CARIBOU County

T05S R42E S10 NENESE
Within CARIBOU County

~~T05S R42E S11 SESWNW
Within CARIBOU County~~

T05S R42E S11 SWNESW
Within CARIBOU County

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

**PURPOSE AND
PERIOD OF USE:**

Purpose of use:

Period of use:

Quantity:

IRRIGATION	<u>04/15 10/31</u>	<u>2.340 CFS</u>	
	~~04/01 10/30~~	~~4.420 CFS~~	
STOCKWATER	<u>04/15 12/01</u>	<u>0.020 CFS</u>	<u>5.10 AFY</u>
	~~01/01 12/31~~	~~0.120 CFS~~	
DOMESTIC	<u>01/01 12/31</u>	<u>0.040 CFS</u>	

Domestic use is for 1 home.

PLACE OF USE:

IRRIGATION within CARIBOU County

T05S R42E S10 NESE 31.0
T05S R42E S10 SESE 18.0
T05S R42E S11 NWSW 16.0
T05S R42E S11 SWSW 28.0

T05S R42E S14 NWNW 8.8

T05S R42E S15 NENE 15.0

~~T05S R42E S10 SENE 0.5~~
~~T05S R42E S10 NESE 31.2~~
~~T05S R42E S10 SESE 17.5~~
~~T05S R42E S11 NWSW 31.5~~
~~T05S R42E S11 SWSW 38.8~~
~~T05S R42E S11 SESW 17.1~~
~~T05S R42E S14 NWNW 2.0~~
~~T05S R42E S14 SWNE 0.3~~
~~T05S R42E S14 NENW 33.0~~
~~T05S R42E S14 NWNW 35.0~~
~~T05S R42E S14 SWNW 2.5~~
~~T05S R42E S14 SENW 1.0~~
~~T05S R42E S15 NENE 10.6~~

STOCKWATER within CARIBOU County

T05S R42E S10 NESE
T05S R42E S10 SESE
T05S R42E S11 NWSW
T05S R42E S11 SWSW

T05S R42E S14 NWNW

~~T05S R42E S14 NENW~~

~~T05S R42E S14 SWNW~~
~~T05S R42E S14 SENW~~
~~T05S R42E S14 NESW~~
~~T05S R42E S14 NWSW~~
~~T05S R42E S14 SWSW~~
~~T05S R42E S14 SESW~~

T05S R42E S15 NENE

~~T05S R42E S23 NWNW~~

DOMESTIC within CARIBOU County

T05S R42E S11 SWSW

116.8 ACRES TOTAL

221 ACRES TOTAL

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Nos. 27-76 and 27-11317 are limited to the irrigation of a combined total of 116.8 acres in a single irrigation season.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 350 cow/calf pairs and 14 bulls.

~~Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.~~

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-11317

NAME AND ADDRESS:

ALMA A HUBBARD
PO BOX 341
GRACE ID 83241

SOURCE:

Source:
CHUBB SPRINGS

Tributary:
MEADOW CREEK

Source:
JARVIS SPRING

Tributary:
SINKS *riggs creek*

Source:
WILLOW SPRING

Tributary:
SINKS *ri*

QUANTITY: 4.420 CFS

~~4.580 CFS~~

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

The rights listed below are limited to a total combined annual diversion volume of 5.1 AF for stockwater. Combined Right Nos.: 27-11317, 27-11318, and 27-12171.

PRIORITY DATE:

04/01/1929
04/01/1934

POINT OF DIVERSION:

T05S R42E S10 SWSENE
Within CARIBOU County

T05S R42E S10 NENESE ✓
Within CARIBOU County

T05S R42E S11 SESWNW
Within CARIBOU County

SW NE SW

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

4.420 CFS

~~04/01 10/30~~

STOCKWATER

04/15 12/01

0.020 CFS 5.10 AFY

~~01/01 12/31~~

~~0.120 CFS~~

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

PLACE OF USE: IRRIGATION within CARIBOU County

~~T05S R42E S10 NESE 31.0~~	~~T05S R42E S10 SESE 18.0~~
~~T05S R42E S10 SESE 18.0~~	~~T05S R42E S11 NWSW 32.0~~
~~T05S R42E S11 NWSW 32.0~~	~~T05S R42E S11 SWSW 39.0~~
~~T05S R42E S11 SWSW 39.0~~	~~T05S R42E S11 SESW 16.0~~
~~T05S R42E S11 SESW 16.0~~	~~T05S R42E S14 NWNE 2.0~~
~~T05S R42E S14 NWNE 2.0~~	~~T05S R42E S14 SWNE 0.3~~
~~T05S R42E S14 SWNE 0.3~~	~~T05S R42E S14 NENW 33.0~~
~~T05S R42E S14 NENW 33.0~~	~~T05S R42E S14 NWNW 35.0~~
~~T05S R42E S14 NWNW 35.0~~	~~T05S R42E S14 SWNW 2.5~~
~~T05S R42E S14 SWNW 2.5~~	~~T05S R42E S14 SENW 1.0~~
~~T05S R42E S14 SENW 1.0~~	~~T05S R42E S15 NENE 11.0~~
~~T05S R42E S15 NENE 11.0~~	

STOCKWATER within CARIBOU County

~~T05S R42E S10 NESE~~ ✓
~~T05S R42E S10 SESE~~
~~T05S R42E S11 NWSW~~ ✓
~~T05S R42E S11 SWSW~~ ✓
~~T05S R42E S14 NENW~~
~~T05S R42E S14 NWNW~~
~~T05S R42E S14 SWNW~~
~~T05S R42E S14 SENW~~
~~T05S R42E S14 NESW~~
~~T05S R42E S14 NWSW~~
~~T05S R42E S14 SWSW~~
~~T05S R42E S14 SESW~~
~~T05S R42E S23 NWNW~~

DOMESTIC within CARIBOU County

~~T05S R42E S11 SWSW~~

220.8 ACRES TOTAL

~~221 ACRES TOTAL~~

Right Nos. 27-76 and 27-11317 are limited to the irrigation of a combined total of 220.8 acres in a single irrigation season.

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.

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

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Stockwater use is for 350 cow/calf pairs and 14 bulls.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-11317
NAME AND ADDRESS: ALMA A HUBBARD
PO BOX 341
GRACE ID 83241

SOURCE: CHUBB SPRINGS
JARVIS SPRING
WILLOW SPRING

TRIBUTARY: MEADOW CREEK
TRIBUTARY: SINKS
TRIBUTARY: SINKS

QUANTITY: 4.580 CFS

PRIORITY DATE: 04/01/1934

POINT OF
DIVERSION: T05S R42E S10 SWSENE Within CARIBOU County ✓
T05S R42E S10 NENESE Within CARIBOU County ✓
T05S R42E S11 SESWNW Within CARIBOU County ✓

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.120 CFS
IRRIGATION	04/01 10/30	4.420 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T05S R42E S10	SENE	0.5	T05S R42E S10	NESE	31.2
T05S R42E S10	SESE	17.5	T05S R42E S11	NWSW	31.5
T05S R42E S11	SWSW	38.8	T05S R42E S11	SESW	17.1
T05S R42E S14	NWNE	2.0	T05S R42E S14	SWNE	0.3
T05S R42E S14	NENW	33.0	T05S R42E S14	NWNW	35.0
T05S R42E S14	SWNW	2.5	T05S R42E S14	SENW	1.0
T05S R42E S15	NENE	10.6			

STOCKWATER Within CARIBOU County

T05S R42E S10	NESE	T05S R42E S10	SESE
T05S R42E S11	NWSW	T05S R42E S11	SWSW
T05S R42E S14	NENW	T05S R42E S14	NWNW
T05S R42E S14	SWNW	T05S R42E S14	SENW
T05S R42E S14	NESW	T05S R42E S14	NWSW
T05S R42E S14	SWSW	T05S R42E S14	SESW
T05S R42E S23	NWNW		

DOMESTIC Within CARIBOU County

T05S R42E S11 SWSW

221 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: BASIS OF CLAIM - Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

11/09/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-11317
NAME AND ADDRESS: ALMA A HUBBARD
PO BOX 341
GRACE ID 83241

POUs on BLM:

-Claimant is not authorized to graze or farm public land.

SOURCE: CHUBB SPRINGS
JARVIS SPRING
WILLOW SPRING

TRIBUTARY: MEADOW CREEK
TRIBUTARY: SINKS
TRIBUTARY: SINKS

QUANTITY: 4.560 CFS

PRIORITY DATE: 04/01/1934

POINT OF
DIVERSION: T05S R42E S10 SWSENE Within CARIBOU County
T05S R42E S10 NENESE Within CARIBOU County
T05S R42E S11 SESWNW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.120 CFS
IRRIGATION	04/01 10/30	4.420 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

BLM

T05S R42E S10	SENE	0.5	T05S R42E S10	NESE	31.2
T05S R42E S10	SESE	17.5	T05S R42E S11	NWSW	31.5
T05S R42E S11	SWSW	38.8	T05S R42E S11	SESW	17.1
T05S R42E S14	NWNE	2.0	T05S R42E S14	SWNE	0.3
T05S R42E S14	NENW	33.0	T05S R42E S14	NWNW	35.0
T05S R42E S14	SWNW	2.5	T05S R42E S14	SENW	1.0
T05S R42E S15	NENE	10.6			

STOCKWATER Within CARIBOU County

T05S R42E S10	NESE	T05S R42E S10	SESE
T05S R42E S11	NWSW	T05S R42E S11	SWSW
T05S R42E S14	NENW	T05S R42E S14	NWNW
T05S R42E S14	SWNW	T05S R42E S14	SENW
T05S R42E S14	NESW	T05S R42E S14	NWSW
T05S R42E S14	SWSW	T05S R42E S14	SESW
T05S R42E S23	NWNW		

DOMESTIC Within CARIBOU County

T05S R42E S11 SWSW

221 ACRES TOTAL

-Remove POU on public land.

Jeanette Wolfley, ISB #3948
 Attorney At Law
 202 North Arthur
 Pocatello, ID 83204
 (208) 232-1922
 Facsimile: (208) 232-7472
 wolfleyj@ida.net

Attorney for Shoshone-Bannock Tribes

**IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Water Right Claim: 27-11317
	)	
	)	
Case No. 39576	)	SETTLEMENT AGREEMENT
	)	

The Shoshone-Bannock Tribes ("Tribes") and Alma A. Hubbard, do hereby agree to settle claims for Stockwater use for the above-entitled water right as follows:

1. The Tribes filed objections to Alma A. Hubbard's water right in the above-entitled subcase (the "Water Right").
2. The Tribes' objection was based on two issues. The first concerned the lack of an annual volumetric limitation of the Claimant's Stockwater right no. 27-11317. The second concerned the period of year of the claimant's irrigation water right.
3. The volumetric limit for Stockwater use for this water right has been agreed to as follows:

<u>Water Right No.</u>	<u>Purpose of Use</u>	<u>Period of Use</u>	<u>Quantity</u>
27-11317	Stockwater	01-01-12/31	8.03 AFY

Remarks: The combination of rights 27-0076 and 27-11317 shall not exceed a total combined annual diversion volume of 8.03 AFY for stockwater use.

Note: Calculation is based on 350 cow/calf pairs for 365 days and 14 bulls for 365 days

The parties agree that this element will be included on the water right.

4. The signatories agree that this Agreement is binding upon them and precludes them from taking a contrary position with respect to above-entitled subcase in this or any other proceeding.

5. The parties acknowledge that there still may remain outstanding objections by the Shoshone-Bannock Tribes and the objections by the United States Bureau of Indian Affairs to the lack of volume and any responses by the State of Idaho.

6. This Agreement does not create a precedent for settlement of other disputes or outstanding objections.

7. The Agreement has been reached through good faith negotiations for the purpose of resolving legal disputes.

Dated this _____ day of _____, 2008.

Scott Smith 3/26/2008
Scott Smith, Attorney at Law
Representing Alma A. Hubbard

Jeanette Wolfley 3/31/08
Jeanette Wolfley, Attorney at Law
For the Shoshone-Bannock Tribes

Peter Monson 4/4/08
Peter Monson
For U.S. Department of Justice

David J. Barber 4/17/08
David J. Barber
Deputy Attorney General
For the State of Idaho

IDWR Concurrence:

Cindy Bird 4/17/08
Cindy Bird Date
Senior Water Resource Agent

Garrick L. Baxter 4/16/08
Garrick L. Baxter Date
Deputy Attorney General, IDWR

March 28, 2007
H:\03\137224\BirdLtr03_19_07.doc



RECEIVED

FEB 13 2008

Department of Water Resources
Eastern Region

222 N. 32nd Street
Suite 700
P.O. Box 31318
Billings, MT 59107.1318
Phone: 406.656.6399
Fax: 406.656.6398
www.hkminc.com

Idaho Department of Water Resources
Ms. Cindy E. Bird
Adjudication Bureau
15 West Center Street
Soda Springs, ID 83276

RE: Snake River Adjudication, Basin 27, United States Objection to thirteen claims as listed herein

Dear Ms. Bird:

The United States has directed HKM Engineering to attempt to reach a settlement on thirteen claims in which the U.S. had filed objections. That process is on-going, however HKM has found difficulty in reaching an agreement on some of the thirteen claims. That difficulty is basically due to the differences between HKM's findings and IDWR's Recommendations. Of those thirteen claims HKM has developed a file for eleven of the claims for your review. Not included in these eleven files are claims 27-102 and 27-12108. Those claims are in the process of settlement or have as yet not undergone negotiation investigations.

We have developed a summary datasheet for each of the eleven claims that identifies key issues and information explaining our position on each claim. The information was derived from IDWR documents, notes and comments, HKM's stereo aerial photography analysis results and HKM's field investigations. Included are HKM's recommended acreage and diversion rates associated with our analysis and findings.

HKM is respectfully requesting you to review our findings on the eleven water right recommendations to determine if there is anything you can do to help resolve our differences. If not, future hearings and additional litigation costs will unfortunately be the result. The main issue surrounding these claims is their idle condition and our unwillingness to accept the IDWR recommended irrigated acreages for claims that we believe have been idle since 1980 and longer.

Each of the eleven claims and its associated recommendation is unique, but all of them have a long history of inactivity, or no historic activity, for all or part of the claimed place of use. If our findings indicated current or recent irrigation had occurred as of 1987, the U.S. did not object to those acres.

In one case, a claimant wants to transfer a water right that has not been used in over 30 years as of 2003 (per IDWR documents), to a new proposed wetland project. The USDA indicates the wetland project will be entirely natural with no man induced diversion of water. The claimant also stated he has no interest in irrigation. We have been unable to negotiate with the claimant due to the acreage recommended by IDWR.

We have found some claims to be inaccurately mapped and the claimant was agreeable to changing the place of use to match the correct place of use. That occurred with claim 27-102 and we prepared a map and submitted it to IDWR. We anticipate that claim to be settled due to insignificant differences.

There are also claimed lands being sub-irrigated without a man-made distribution system or located above the claimed ditch and can't be irrigated. We believe these areas should be deleted from the IDWR recommendations.

For Settlement Purposes Only

SCANNED

FEB 14 2008

Idaho Department of Water Resources
Ms. Cindy E. Bird
March 28, 2007
Page 2

These types of problems need to be addressed so settlement talks can move forward with the claimants and their attorneys. We, at HKM, do believe our goals are the same as yours and we appreciate your time in helping to resolve these issues. If a settlement can be attained we anticipate a significant cost benefit to all parties in this adjudication.

There are six claims where HKM cannot identify current or historic (post 1980) irrigation and recommends that the claims be awarded no irrigated acres. The claimants are not willing to withdraw their claim if the IDWR maintains their current acreage recommendation. These claim numbers are: 27-49, 27-76, 27-2069, 27-2075, 27-2078, and 27-12045.

Our analysis of the remaining five claims indicate partial irrigation on the claimed lands and we are negotiating with some of the claimants at this time. These claim numbers are: 27-54, 27-2108, 27-2026, 27-2066 and 27-11317. The place of diversion and place of use will need to be modified on these to reflect the correct locations. We have also included some maps from our files on these claims for your review.

HKM would like to schedule a conference call and work session with IDWR personnel to discuss the above claims. We believe that would help us both understand our differences and hopefully resolve them. It may be necessary to schedule a field trip with IDWR and the claimants if possible this field season. We believe the field trip would help to resolve a number of these discrepancies. The window of opportunity for settlement requires that we address these issues at your earliest convenience. The United States has requested that we have responses completed by April 20, 2007.

Please call me with any questions you may have after you have had an opportunity to review our enclosed analysis, findings, and exhibits.

Respectfully submitted,

HKM ENGINEERING INC.


Loring Gurney

Enclosures

cc: Peter Monson
U.S. Attorney

For Settlement Purposes Only

SCANNED
FEB 14 2008

HKM'S FINDINGS AND RECOMMENDATIONS FOR SELECTED CLAIMS

Claim #	IDWR Documents & Comments	HKM Analysis	IDWR Recommended Acres/cfs	HKM Recommended Acres/cfs
27-76	- On June 23, 2004 the claimant "agreed that he did not irrigate the land below the "creek" bed that runs east of Meadow Creek towards the road." - IDWR conducted a field investigation 2004 and took pictures of the abandoned service facilities. - The claimant agreed to a USDA map showing irrigation was 146.7 acres.	- HKM needs clarification on the location of the land below the creek bed. - Aerial photography analysis shows the irrigation system was non-functional and abandoned for the years 1980, 1987, and 1992. The 1999 overflight and IDWR photographs also show no functional diversion facilities from Meadow Creek. - Meadow Creek cannot supply water to this claim due to the inoperable diversion facilities. The only water from Meadow Creek would be natural flood and subirrigation. - The 3 springs are the only source of supply with a rudimentary distribution system.	221.0/4.58	0.0

HKM'S FINDINGS AND RECOMMENDATIONS FOR SELECTED CLAIMS

Claim #	IDWR Document & Comments	HKM Analysis	IDWR Recommended Acres/cfs	HKM Recommended Acres/cfs
27-11317	• 1936 Affidavit of water right. Irrigated from 7 small springs using 80" of water for irrigation. • IDWR "checked with our county's assessor and was advised that on 27-11317 no ground is being claimed as irrigated" (October 7, 2003). • On June 23, 2004 the claimant agreed that he only irrigated 146.7 acres according to the ASCS map. He further agreed that he did not irrigate land below the creek bed that runs east of Meadow Creek towards the road. • 4/27/2004 IDWR Notes that "domestic house was burned down 5 years ago." Proposed priority date November 16, 1946. • IDWR response to January 23, 2004 correspondence: "The evidence of priority in file 27-11317 does not support the 1890 priority date. The evidence supports a 1933 priority date instead." • The POU was verified by IDWR from decree, field exam and 1987/88 NAPP photography (2004).	• The claimed POU is the same as 27-76 except the source is springs and not Meadow Creek. • The beneficial use is due to natural subirrigation for the majority of the lands. • ON August 2, 1980 the bench between Jarvis Spring and Meadow Creek was dry. Chubb Spring reservoir was dry. • HKM analyzed and located photographs taken by the claimant. • The only active man-made system irrigates 8.3 acres. Another 59.9 acres, as mapped by the USDA, is recently active. • The location of Chubb Spring is not correct as mapped.	146.7/2.93	68.2/1.36

Sheet 1

8-21-1980 NHAP 187-157

IDWR pictures 1-15

taken on (assumed) 6/2/2004
27-76 and 27-11317 "Draft"

map generated by HKM 3/07



SEARCHED
FEB 14 2005

Sheet 2

7-24-1987 NAPP 306-210

27-76, 27-11317



"Draft"

Map generated by HKM 3/07

notice where
the berm has
eroded out by
Meadow Creek

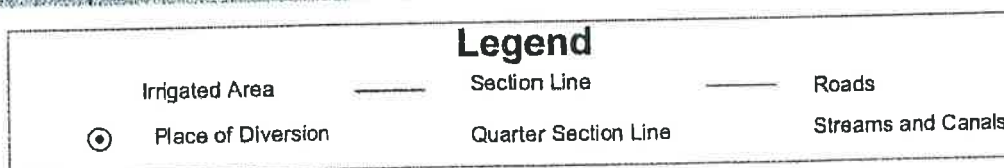
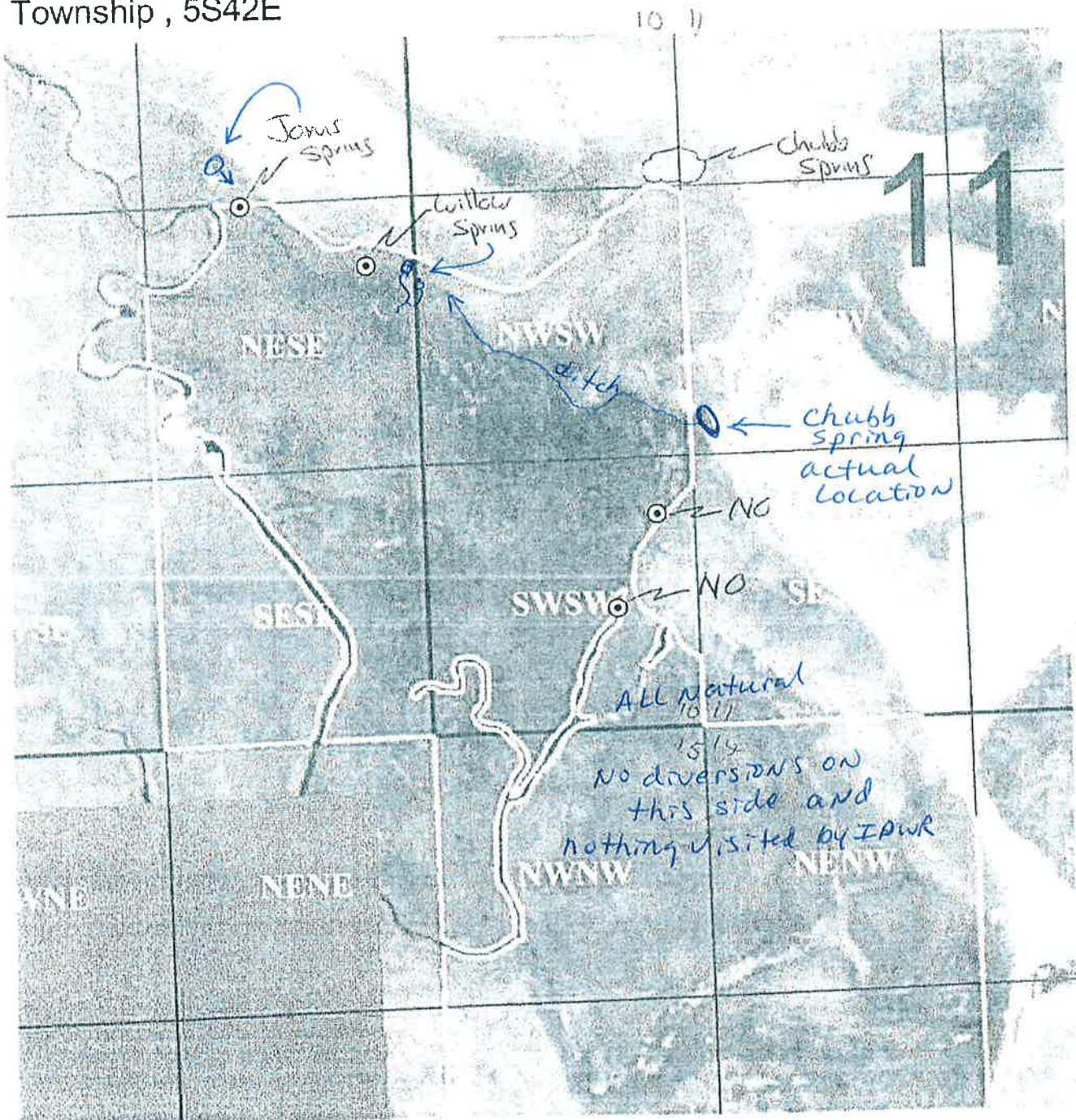
IDWR picture
#7



map marked by HKM in blue "draft"

Water Right Claim Number 27-11317
Township, 5S42E

12/14/2000



SPATIAL
DYNAMICS
FEB 14 2003

map generated by HKM "draft"

27-76, 27-11317

8-27-1992

NAPP 4937-144

← Jarvis spray
← willow spray
← ditch
← Clubb spray
← dry hillside included in claim
← ALL
← Natural oil
← this side, no diversions and
← nothing visited by IDWR
In 1992 and In 1987 there was noway to get water on the west side of the oil channel of Meadows Creek 15.2 ac.

Map marked up by HKM "draft" 2/07

water 4.93 Cu feet per sec
22100 4.42 gpm
flow water 2.00

I 28-03
NOT TO
SCALE

All diversions from
Meadow Creek have
been abandoned for
20 years or more.

Chubb
springs
1166
dry hillside
included in
claim



15.500
Not
in
claim
out

Not in
claim
out
1.000

BLM
0.500
out

1.000
146.7
out

ditch
out

59.9

16.8

ALL
NATURAL
NO DIVERSIONS
ON THIS SIDE

107.8
13
15
18.0

SCANNED
JUN 23 2004



NAPP 306-210

7-24-1987

map generated by HKM "draft"

Chubb Spring

dry hillside
included
in
claim

Chubb Spring was dry
on 7-24-1987

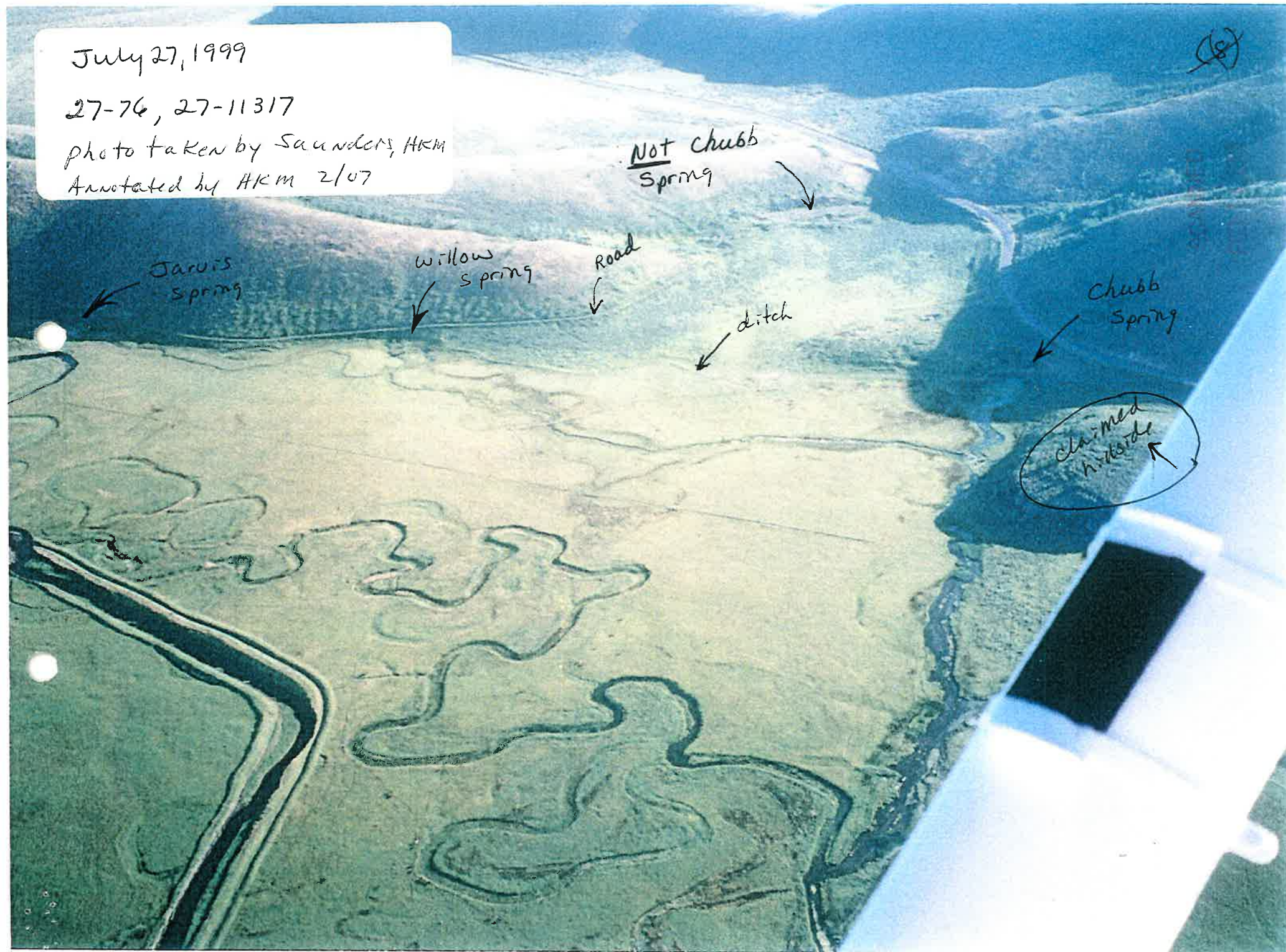
SCANNED

FEB 14 2003

July 27, 1999

27-76, 27-11317

photo taken by Saunders, HKM
Annotated by HKM 2/07



Notes

7-1-04 Letter to Claimant re amendment B4

7/7/04 Claimant came in and signed the amended
claims CB

PROFILED

SCANNED

MAY 25 2006

Notes

4/27/04. Field exam needed: Measuring eq. needed: psging meter & flume needed.

available: Claimant is available on the dates listed below: May 10 or 11th, 17th, 18th, 24, 25, 26th.

Please measure water; verify pod, and POU. Claimant said there should be some additional land that is not shown on Spatial Dynamics map. Claim needs to be amended to add in-stream stock water. Stock diversion will be recommended as 0.02 cfs, and Domestic because it is a continuous flow not diverted.

Priority date: ~~H-16-1946~~ 4/1/1934 CB.

Domestic house was burned down about 5 yrs ago.

6/17/04 Claim needs to be amended to add the POU found during field exam.
- Suggest changing the diversion rate to 4.93 cfs. Because 27-74 is off 7%.
Is stock watering in stream?

6/30/04 Amended claim to correct POU, POD's and diversion rate. Double check with alma the stock watering.

4-1-04.

Alma Hubbard cell 221-5424.

4/20/04 claim 27-76 claims the same POA,

4/27/04 - 1. When was the home built?

2. Is stock water instream?

3. Where is Jarvis & Willow Springs?

4. Domestic system, source, continuous flow?

The 11-16-1946 is the first Warranty Deed submitted that refers to the property in the $S\frac{1}{2}$ of the SW in Section 14 and $N\frac{1}{2}$ of the NW in section 23, located in T5S, R42E.

The 1977 Warranty deed from Selma Hubbard to Alma Hubbard conveys specific water on the warranty deed. While, the 1946 deed only conveys... "all water and water rights"...

Proposed priority date Nov. 16, 1946.

I tried to call Alma a couple times at home but his line was busy, and the cell number asks me for the cell box number? CB.

I need to talk to Alma about this claim. The water affidavit doesn't describe the land in $S\frac{1}{2}$ SW of sec. 14, & $N\frac{1}{2}$ NW. of section 23, at all.

Notes

Questions:

- address update needed.
- evidence supports a 1933 date not 1890.
- Change in POD
- Change in POU.

12/23/03 sent letter addressing these issues with a 1/23/04 response date.

2/6/04 No response to request.

2/9/04 Needs field exams and measurement.
2-25-04 Fax Brent Whitling a copy of the affidavit. 1937

3/9/04 Chg of POD/POU - alma said it was some time before 1987. I explained to Brent Whitling that we still need a Month, day + year.
232-6109 fax Brent Whitling.
a copy of the address update.

They are still looking for evidence but Brent felt it should be 5 years prior to 1934, 1929 from the affidavit. CB.

priority 4/1/1929 CB.

3-17-04. Alma Hubbard came in looking for evidence. I told him to look up the County & Title Company. I gave him til 3-24 to get back w/ us. BXP

3/25/04 alma came in and he is working with albanie Title.

Brent
Whitling
232-6109

Notes

• 27-11317 & 27-11319

10/6/03 Please verify the ownership of this property. If the evidence of priority letter dated 5-15-03 went to the correct owner then refer to Candice/ Vicki Musie to send a letter requesting evidence.

If the owner is different please resend letter with response date requirement.

10-7-03 Per Assessor's ofc. There is assessed as irrigated. Address is PO Box 341, Home. ID 83241

10-7-03 sent Vicki an email requesting a letter of priority letter he sent. BP

10-15-03 Received copy of AL letter to claimants. BP

10-22-03 Talked to Preston at the assessors office he said they've never assessed this as irrigated. They show it as meadow land, but he thinks Hubbard's flood irrigate.

11-4-03 Alma Hubbard called. Wanted to come in & sign "something." I explained "evidence of priority" & he said he needed to get an attorney. I suggested he research the Court Name. He said he wanted work on it. BP

12/23/03 The described POU in the 1934 affidavit for the decree (Meadow Ck 27-76) and springs described pou is different than the claimed POU. Address update.

Owner Type	Full Name	Address	City	State	Zip	Phone
Individual	John Doe	123 Main St	Anytown	CA	90210	(555) 123-4567
Individual	Jane Smith	456 Oak Ave	Springfield	IL	62701	(555) 987-6543
Individual	Bob Johnson	789 Pine Rd	Shelbyville	IN	46164	(555) 234-5678
Individual	Alice Brown	101 Elm St	Madison	WI	53706	(555) 345-6789
Individual	Charlie Davis	202 Maple Dr	Green Bay	WI	54903	(555) 456-7890
Individual	Diana Evans	303 Birch Ln	Wausau	WI	54980	(555) 567-8901
Individual	Frank Green	404 Cedar Ct	Stevens Point	WI	54481	(555) 678-9012
Individual	Grace Hill	505 Spruce Way	Port Washington	WI	53150	(555) 789-0123
Individual	Henry King	606 Ash Blvd	Kenosha	WI	53142	(555) 890-1234
Individual	Ivy Lee	707 Hickory St	South Bend	IN	46601	(555) 901-2345
Individual	Jack Miller	808 Walnut Ave	Elkhart	IN	46516	(555) 012-3456
Individual	Karen Nelson	909 Chestnut Rd	Hammond	IN	46320	(555) 123-4567
Individual	Liam Ortiz	1010 Sycamore Dr	Indianapolis	IN	46204	(555) 234-5678
Individual	Mia Parker	1111 Magnolia Ln	Bloomington	IN	47404	(555) 345-6789
Individual	Noah Quinn	1212 Dogwood Ct	Fort Wayne	IN	46802	(555) 456-7890
Individual	Olivia Reed	1313 Redwood Way	Southport	IN	46783	(555) 567-8901
Individual	Peter Scott	1414 Cypress St	Ellettsburg	IA	52601	(555) 678-9012
Individual	Quinn Taylor	1515 Juniper Ave	Des Moines	IA	50319	(555) 789-0123
Individual	Rachel White	1616 Fir Rd	Sioux Falls	SD	57105	(555) 890-1234
Individual	Sam Young	1717 Willow Dr	Sioux Falls	SD	57105	(555) 901-2345
Individual	Tina Zane	1818 Poplar Ln	Sioux Falls	SD	57105	(555) 012-3456
Individual	Uma Adams	1919 Ash Ct	Sioux Falls	SD	57105	(555) 123-4567
Individual	Victor Baker	2020 Elm St	Sioux Falls	SD	57105	(555) 234-5678
Individual	Wendy Clark	2121 Oak Ave	Sioux Falls	SD	57105	(555) 345-6789
Individual	Xavier Evans	2222 Pine Rd	Sioux Falls	SD	57105	(555) 456-7890
Individual	Yara Green	2323 Maple Dr	Sioux Falls	SD	57105	(555) 567-8901
Individual	Zoe Hill	2424 Birch Ln	Sioux Falls	SD	57105	(555) 678-9012
Individual	Adam King	2525 Spruce Way	Sioux Falls	SD	57105	(555) 789-0123
Individual	Bella Lee	2626 Cedar Ct	Sioux Falls	SD	57105	(555) 890-1234
Individual	Carl Miller	2727 Hickory St	Sioux Falls	SD	57105	(555) 901-2345
Individual	Dora Nelson	2828 Walnut Ave	Sioux Falls	SD	57105	(555) 012-3456
Individual	Ethan Ortiz	2929 Chestnut Rd	Sioux Falls	SD	57105	(555) 123-4567
Individual	Fiona Parker	3030 Sycamore Dr	Sioux Falls	SD	57105	(555) 234-5678
Individual	Gavin Quinn	3131 Magnolia Ln	Sioux Falls	SD	57105	(555) 345-6789
Individual	Hannah Reed	3232 Dogwood Ct	Sioux Falls	SD	57105	(555) 456-7890
Individual	Ian Scott	3333 Redwood Way	Sioux Falls	SD	57105	(555) 567-8901
Individual	Jessica Taylor	3434 Cypress St	Sioux Falls	SD	57105	(555) 678-9012
Individual	Kyle White	3535 Juniper Ave	Sioux Falls	SD	57105	(555) 789-0123
Individual	Laura Young	3636 Fir Rd	Sioux Falls	SD	57105	(555) 890-1234
Individual	Mason Zane	3737 Willow Dr	Sioux Falls	SD	57105	(555) 901-2345
Individual	Nora Adams	3838 Poplar Ln	Sioux Falls	SD	57105	(555) 012-3456
Individual	Oscar Baker	3939 Ash Ct	Sioux Falls	SD	57105	(555) 123-4567
Individual	Pamela Clark	4040 Elm St	Sioux Falls	SD	57105	(555) 234-5678
Individual	Quinn Evans	4141 Oak Ave	Sioux Falls	SD	57105	(555) 345-6789
Individual	Rachel Green	4242 Pine Rd	Sioux Falls	SD	57105	(555) 456-7890
Individual	Samuel Hill	4343 Maple Dr	Sioux Falls	SD	57105	(555) 567-8901
Individual	Tina King	4444 Birch Ln	Sioux Falls	SD	57105	(555) 678-9012
Individual	Uma Lee	4545 Spruce Way	Sioux Falls	SD	57105	(555) 789-0123
Individual	Victor Miller	4646 Cedar Ct	Sioux Falls	SD	57105	(555) 890-1234
Individual	Wendy Nelson	4747 Hickory St	Sioux Falls	SD	57105	(555) 901-2345
Individual</						

Date: 6/17/04

Priority Date Data Entry FormClaim Number: 27-11317

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: 4/1/1934 Recommended Basis: B.U.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

warranty deeds.Reviewer: CDDate: 12/23/03

Priority DateClaim No. 27 - 11317

1. Should this water use have been included in a later court decree of the water rights from this source? Yes ☐ No ☒
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes ☐ No ☐
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes ☐ No ☐
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes ☐ No ☐
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes ☐ No ☒
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes ☐ No ☐
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes ☐ No ☐
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes ☐ No ☒
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes ☐ No ☒
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes ☐ No ☒
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes ☐ No ☐
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes ☐ No ☐
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes ☒ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes ☐ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes ☐ No ☐
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes ☒ No ☐
If Yes, go to 16
If No, Enter the appropriate basis of claim. B.U.
16. Is a Priority Date remark and/or condition required? Yes ☐ No ☒
If Yes, Enter the appropriate basis of claim. Priority Date review is complete
If No, Priority Date review is complete.

Priority Date

Point of Diversion and Source Data Entry Form

Claim Number: 27-1137

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	
5S	42E	10		SW SE NE	Caribou	Jarvis Spring	File JARVIS
GPS Coordinates: <u>2702707</u>					<u>1313694 USR</u>	<u>NO TAG</u>	
5S	42E	10		NE NE SE	Caribou	Willow Springs	File Willow
GPS Coordinates: <u>2702952</u>					<u>1313479 USR</u>	<u>NO TAG</u>	
5S	42E	11		SE SW NW	Caribou	Chubb Springs	File: Chubb
GPS Coordinates: <u>2703433</u>					<u>1313302 USR</u>	<u>NO TAG # A0012288</u>	
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

Link POD File Chubb; JARVIS; Willow

Transfers Changing POD NoReviewer: CBDate: 7/8/04

Point of Diversion

Claim No. 27-11317

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes ☐ No ☒

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes ☐ No ☒

3. Has the License been issued?

If Yes, go to 5

If No, recommend the POD as shown on the Permit. Go to 10

Yes ☐ No ☐

4. Does the parent right have a POD?

If Yes, go to 5

If No, go to 6

Yes ☐ No ☐

5. Can the claimed POD be verified using the water right file?

If Yes, recommend the POD as shown in the water right file. Go to 10

If No, go to 6

Yes ☐ No ☐

6. Is there evidence that there has been a change in the POD?

If Yes, go to 7

If No, go to 9

Yes ☐ No ☒

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C03, go to 9

If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8

Yes ☐ No ☐

8. Was a transfer filed?

If Yes, recommend the POD as shown on the approved transfer. Go to 10

If No, go to 9

Yes ☐ No ☐

9. Does the file contain all of the necessary information to verify the POD?

If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10

If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10

Yes ☒ No ☐

10. Is a POD remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POD review is complete

If No, POD review is complete.

Yes ☐ No ☒

Point of Diversion

Source

Claim No. 27-11317

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes ☐ No ☒
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes ☐ No ☒
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Source as shown on the Permit. Go to 11
Yes ☐ No ☐
4. Does the parent right have a Source?
If Yes, go to 5
If No, go to 7
Yes ☐ No ☐
5. Can the claimed Source be verified using the water right file?
If Yes, recommend the Source as shown in the water right file. Go to 11
If No, go to 7
Yes ☐ No ☐
6. Is the basis of claim a Posted Notice?
If Yes, consult the attorney assigned to the basin. Go to 7
If No, go to 7
Yes ☐ No ☒
7. Is there evidence that there has been a change in the Source?
If Yes, go to 8
If No, go to 10
Yes ☐ No ☒
8. Can the change be verified as an accomplished transfer?
If Yes, add condition C02, go to 10
If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9
Yes ☐ No ☐
9. Did the claimant file a transfer?
If Yes, recommend the Source as shown in the transfer. Go to 11
If No, go to 10
Yes ☐ No ☐
10. Does the file contain all of the necessary information to verify the Source?
If Yes, recommend the Source as it existed on 11-19-1987. Go to 11
If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11
Yes ☒ No ☐
11. Is a Source remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Source review is complete.
If No, Source review is complete.
Yes ☐ No ☒

Source

Purpose of Use Data Entry Form

Claim Number: 27-11317☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

field examTransfers Changing Purpose of Use noReviewer: ABDate: 7/8/04

Purpose of Use

Claim No. 27-11317

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes () No (X)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes () No (X)

3. Has the License been issued?

If Yes, go to 5

If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13

Yes () No ()

4. Does the parent right have a Purpose of Use?

If Yes, go to 5

If No, go to 6

Yes () No ()

5. Can the claimed Purpose of Use be verified using the water right file?

If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13

If No, go to 6

Yes () No ()

6. Is there evidence that there has been a change in the Purpose of Use?

If Yes, go to 7

If No, go to 11

Yes () No (X)

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C04, go to 11

If No, go to 8

Yes () No ()

8. Does the change include an enlargement of the Purpose of Use?

If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9

If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12

Yes () No ()

9. Was an enlargement claim filed?

If Yes, go to 11

If No, Notify claimant that an enlargement claim is necessary. Go to 10

Yes () No ()

10. Did the claimant file an enlargement claim?

If Yes, go to 11

If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

11. Does the file contain all of the necessary information to verify the Water Use?

If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes (X) No ()

12. Did the claimant file a transfer?

If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13

If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes () No ()

13. Is a Purpose of Use remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.

If No, purpose of Use review is complete.

Yes () No (X)

Purpose of Use

Place Of Use Data Entry Form

Claim Number: 27-11317☒ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

field examTransfers Changing POU noReviewer: CBDate: 7/8/04

Place of Use

Claim No. 27 - 11317

1. Is the basis of claim a Decree or License. Yes () No (X)
If Yes, go to 2a
If No, go to 2b
- 2a. Is a POU required? Yes () No ()
If Yes, go to 5
If No, go to 14
- 2b. Is a POU required? Yes (X) No ()
If Yes, go to 3
If No, go to 14
3. Is the basis of claim a Permit or Application? Yes () No (X)
If Yes, go to 4
If No, go to 7
4. Has the License been issued? Yes () No ()
If Yes, go to 6
If No, recommend the POU as shown on the Permit. Go to 14
5. Does the parent right have a POU? Yes () No ()
If Yes, go to 6
If No, go to 7
6. Can the claimed POU be verified using the water right file? Yes () No ()
If Yes, recommend the POU as shown in the water right file. Go to 14
If No, go to 7
7. Is there evidence that there has been a change in the POU? Yes (X) No ()
If Yes, go to 8
If No, go to 13
8. Can the change be verified as an accomplished transfer? Yes (X) No ()
If Yes, add condition C05, go to 13
If No, go to 9
9. Does the change include an enlargement of the POU? Yes () No ()
If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10
If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12
10. Was an enlargement claim filed? Yes () No ()
If Yes, go to 13
If No, notify claimant that an enlargement claim is necessary. Go to 11
11. Did the claimant file an enlargement claim? Yes () No ()
If Yes, go to 13
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13
12. Was a transfer filed? Yes () No ()
If Yes, recommend the POU as shown on the approved transfer. Go to 14
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13
13. Does the file contain all of the necessary information to verify the POU? Yes (X) No ()
If Yes, go to 14
If No, collect the necessary information. Conduct field exam if necessary. Go to 14
14. Is a POU remark and/or condition required? Yes () No (X)
If Yes, enter the appropriate remark and/or condition. POU review is complete.
If No, POU review is complete.

Place of Use

Period of Use and Quantity Data Entry FormClaim Number: 27-11317☒ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

field exam

Reviewer: CBDate: 7/8/04

Is the basis of claim a Decree or License?

Yes ☐ No ☒

If Yes, go to 4

If No, go to 2

Is the basis of claim a Permit or Application?

Yes ☐ No ☒

If Yes, go to 3

If No, go to 6

Has the License been issued?

Yes ☐ No ☐

If Yes, go to 5

If No, recommend the Period of Use as shown on the Permit. Go to 18

Does the parent right have a Period of Use?

Yes ☐ No ☐

If Yes, go to 5

If No, go to 6

Can the claimed Period of Use be verified using the water right file?

Yes ☐ No ☐

If Yes, go to 14

If No, go to 6

6. Is there evidence that there has been a change in the Period of Use?

Yes ☐ No ☒

If Yes, go to 7

If No, go to 12

7. Does the change include an enlargement in the Period of Use?

Yes ☐ No ☐

If Yes, go to 9

If No, go to 8

8. Can the change be recommended as an accomplished transfer?

Yes ☐ No ☐

If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12

If No, notify claimant that a transfer is necessary. Go to 11

9. Was an enlargement claim filed?

Yes ☐ No ☐

If Yes, go to 12

If No, notify claimant that an enlargement claim is necessary. Go to 10

10. Did the claimant file an enlargement claim?

Yes ☐ No ☐

If Yes, go to 12

If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12

1. Was a transfer filed?

Yes ☐ No ☐

If Yes, go to 14

If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12

2. Does the file contain all of the necessary information to verify the Period of Use?

Yes ☒ No ☐

If Yes, go to 13

If No, collect the necessary information. Conduct field exam if necessary. Go to 13

3. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined?

Yes ☐ No ☒

If Yes, go to 14

If No, go to 15

4. Is irrigation claimed as a purpose of use?

Yes ☐ No ☐

If Yes, go to 16

If No, recommend the Period of Use of the parent right. Go to 18

5. Is irrigation claimed as a purpose of use?

Yes ☒ No ☐

If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18

If No, the Period of Use is usually recommended as claimed. Go to 18

6. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?

Yes ☐ No ☐

If Yes, go to 17

If No, recommend the Period of Use of the parent right. Go to 18

7. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use?

Yes ☐ No ☐

If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18

If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18

8. Is a Period of Use remark and/or condition required?

Yes ☐ No ☒

If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.

Period of Use

Quantity

Claim No. 27-11317

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes ☐ No ☒
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes ☐ No ☒
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Quantity shown on the Permit. Go to 11
Yes ☐ No ☐
4. Does the parent right have a diversion rate and/or volume?
If Yes, go to 5
If No, go to 7
Yes ☐ No ☐
5. Can the claimed diversion rate and/or volume be verified using the water right file?
If Yes, go to 8
If No, go to 7
Yes ☐ No ☐
6. Is the basis of claim a posted notice?
If Yes, consult the attorney assigned to the Basin. Go to 7
If No, go to 7
Yes ☐ No ☒
7. Is a flow measurement required?
If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9
If No, describe why a flow measurement is not required. Go to 9
Yes ☒ No ☐
8. Does the parent right have an annual diversion volume limit?
If Yes, go to 10
If No, go to 9
Yes ☐ No ☐
9. Is the source Ground Water and does the purpose of use require a diversion volume limit?
If Yes, go to 10
If No, go to 11
Yes ☐ No ☒
10. Is irrigation a purpose of use?
If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
Yes ☐ No ☐
11. Has a diversion volume limit for this water use been established by a decree, license or transfer?
If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, go to 12
Yes ☐ No ☒
12. Is a Quantity remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Quantity review is complete.
If No, quantity review is complete.
Yes ☐ No ☒

Quantity

Summary

Claim No. 27 - 11317

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?

If Yes, go to 2

If No, go to 3

Yes ☐ No ☒

2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4

If No, status will be set as Active. Go to 5

Yes ☐ No ☐

3. Is the water being used for all of the purposes claimed and to the extent claimed?

If Yes, status will be set as Active. Go to 5

If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4

Yes ☒ No ☐

4. Is any portion of the claim being recommended?

If Yes, status will be set as Active. Go to 5

If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5

Yes ☐ No ☐

5. Is an additional remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Go to 6

If No, go to 6

Yes ☒ No ☐

6. Would you like to view the recommended right?

If Yes, go to 7

If No, the review is incomplete. The recommendation must be viewed to complete the review.

Yes ☒ No ☐

7. Is this a "split" or "combined" right?

If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 8

If No, go to 8

Yes ☐ No ☒

8. Do you have documents you would like to attach or link to the file?

If Yes, go to PowerDOCS and profile the documents. Go to 9

If No, go to 9

Yes ☐ No ☒

9. Would you like to set the verification date?

If Yes, the review is complete.

If No, the review is incomplete. The recommendation must be verified to complete the review.

Yes ☒ No ☐

*no-combined
limits*

Summary

Claim No.: _____

Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

C18

C05

Split or Combined Right Analysis:

NO

Attached Field Notes or Other Documents:

yes

Claim No.: 27 11317

Reviewer

CB

Date

7/8/04



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 1, 2004

Alma Hubbard
P.O. Box 341
Grace, ID 83241

Ref: Snake River Basin Adjudication (SRBA)
Notice of Claims 27-76 and 27-11317

Subject: Amending the Notice of Claims

RESPONSE DATE: JULY 16, 2004

Dear Alma,

I had you on my calendar for today at 9am for an appointment to amend the above-mentioned claims. When I didn't see you I amended the claims per our previous discussions and the field examination done by Harold Jones. I've enclosed amended claims for 27-76 and 27-11317 for you to review. Please review the claims closely and if you agree with the amended claims please sign them in front of a notary and return them to my office by the above response date.

If you have any questions on the amended claims please feel free to contact me in my office to discuss it.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Amended Notice of Claim to water rights 27-76 & 27-11317.



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Alma Hubbard
P.O. Box 341
Grace, Idaho 83241

May 15, 2003

Re: Evidence of Priority

Claim No.(s) A27-11317 & A27-11319

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

.....
The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by June 26, 2003, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Adjudication Claim Report

15 West Center
Soda Springs, ID 83276
Phone (208) 547-3993
FAX (208) 547-3939

Idaho Department of Water Resources

Fax

FAXED
10:25
am

To: Brent Whiting	From: Cindy Bird
Fax: 232-6109	Pages: 2
Phone:	Date: 2/25/2004
Re: 27-11317	CC:

This FAX contains this cover sheet and a copy of the Affidavit of Water Right dated 16 February 1934 made by O.C. Childs, Walter Hogan, T. W. Cully.

Cindy Bird /bjp

Cindy Bird

CEB/bjp



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 23, 2003

Alma A. Hubbard
P.O. Box 341
Grace, ID 83241

Ref: Snake River Basin Adjudication (SRBA)
Claims 27-76 & 27-11317

Subject: Address Update
Change in place of use (POU)

Response date: January 23, 2004

IDWR has begun its investigation in basin 27 and expect to have recommendations to the SRBA court by mid-2004. So information and file update information needs to be handled as soon as possible to insure an accurate recommendation. IDWR records currently show the following address for the above referenced claims:

Alma A. Hubbard
745 Hubbard Road
Grace, ID 83241

The Caribou County Assessors office has informed us that your address has changed. In order for us to modify our records you need to fill out the enclosed change in address form and return it to this office. If there has been a change in the ownership of this land please advice the new owners that they must contact the Department to do an ownership change.

The evidence of priority documentation in the file doesn't support the claimed priority date but a 1933 date.

The Notice of Claim 27-76 and 27-11317 indicates that there has been a change in the point of diversion and place of use as described in the decree and affidavit of water submitted as evidence as described below:

Previous points of diversion: two points of diversion in the southwest quarter of section 11, township 5 south, range 42 east to

New point of diversion: one point of diversion in the NWSESE of section 10.

Previous place of use: E1/2SE1/4 of section 10; the SW1/4 of section 11; the NE1/4NE1/4 of section 15; and the N1/2NW1/4 of section 14; all in township five south, range forty-two east of the Boise Meridian, in Caribou County.

New place of use: E1/2SE1/4 of section 10; W1/2SW of section 11; E1/2NW and SW of section 14; and N1/2NW of section 23; all in township five south, range forty-two east of the Boise Meridian, in Caribou County.

A water right owner who has made a change in the point of diversion or place of use prior to the commencement of the SRBA without prior IDWR approval may claim the change in the SRBA. IDWR may recommend a right as changed, however, only if the change meets certain requirements. One of those requirements is that the change does not result in injury to other water rights, or be conditioned to prevent injury.

Before IDWR may recommend you claim, you must provide IDWR with the date the change was made and some evidence tending to support the date. If the change was made before November 19, 1987, then the date provided must include the month, day and year. If the change occurred after November 19, 1987, then a specific date is not necessary, and the evidence need only support that the change occurred sometime after November 19, 1987.

The evidence of priority provided in file 27-11317 does not support the 1890 priority date. The evidence supports a 1933 priority date instead. If no further evidence is submitted then the priority date will be recommended as 1933.

This office must receive your response by the response date shown above. If no response is received, then your claim to water from the new point of diversion and place of use will not recommended to be decreed.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosures: Copies of the Notice of Claims 27-76 and 27-11317.
Affidavit of water.
Address update form

15 West Center Street
Soda Springs, ID 83276
(208) 547-3993
(208) 547-3939 FAX

file 27-11317

**Idaho Department of
Water Resources**

Memo

COPY

To: Michael Holliday
From: Barbara Payne
Date: 10/17/2003
Re: Claim 27-11319

Hi Mike,

I am forwarding the copy of the enclosed letter that was directed to Alma A. Hubbard from the A.G.'s office. When we requested the A.G. to send Mr. Hubbard a letter, it was assigned to Basin 27. However, now it has been renumbered to Basin 25 and Cindy Bird ask that I forward this to you so that it can be added to the file.

Thanks.

Barbara

Enclosure



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
October 7, 2003



Alma A. Hubbard
P. O. Box 341
Grace, ID 83241

RE: SRBA Claim No. 27-11317 and 27-11319

Dear Alma Hubbard:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in Basin 27 in the Snake River Basin Adjudication.

The Department of Water Resources has previously contacted you regarding the need for priority evidence for your SRBA claim nos. 27-11317 and 27-11319. However, the Department has not received the information requested. I have enclosed a brochure that discusses the type of evidence that can be helpful in proving the priority date for a water right claim.

In order to make a complete and accurate recommendation of your water rights, each element of the water right must be proven. At this time, the Department will not be recommending your water rights as claimed because you have not provided proof of priority for your claim.

Please contact Cindy Bird at the Soda Springs Office for the Idaho Department of Water Resources at 208-547-3993 or you can contact me directly at 208-327-5404.

Very truly yours,

A handwritten signature in black ink, appearing to read "Candice M. McHugh".

CANDICE M. McHUGH
Deputy Attorney General
Idaho Department of Water Resources

Enclosure

cc: Cindy Bird



Close

From: Music, Vicky**To:** Payne, Barbara**Cc:****Subject:** RE: Claims 27-11317 & 27-11319**Sent:** 10/7/2003 2:18 PM**Importance:** Normal

no problem. I do the letters, forward to Candice for signature, she forwards to legal secretary for mailing. if you do not receive the letters, please let me know so I can have Patsy copy you.

Vicky L. Music
Office of the Attorney General
Paralegal - IDWR
(208) 327-7928

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank You.

-----Original Message-----

From: Payne, Barbara
Sent: Tuesday, October 07, 2003 2:05 PM
To: Music, Vicky
Cc: Bird, Cindy
Subject: Claims 27-11317 & 27-11319

Hi Vicky,

This claimant, Alma A. Hubbard, was sent a letter of Evidence of Priority on May 15, 2003 with a response date of June 30, 2003 on both claims. We have not heard from him. I checked with our County's Assessor and was advised that on 27-11317 no ground is claimed as being irrigated. The claimed use on 27-11319 is stockwater.

We sent the letter to the same address as the assessor's office. That address is P. O. Box 341, Grace, ID 83241.

Cindy would like your office to send a letter requesting evidence. If there is a problem, please let me know. Otherwise, I will assume when you send him a letter you will also copy our office. Thanks for the push.

Barbara :-}

SCANNED

JUL 25 2001

Log for claim 27-11317

Spatial Dynamics BTD

12/14/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05s42e	10	NESE	35	33	
05s42e	10	SESE	40	38	
05s42e	11	NWSW	30	32	
05s42e	11	SWSW	35	35	
05s42e	14	NENW	39	39	
05s42e	14	NWNW	40	39	
05s42e	14	SWNW	40	40	
05s42e	14	SENW	40	38	
05s42e	14	NESW	30	28	
05s42e	14	NWSW	40	40	
05s42e	14	SWSW	40	38	
05s42e	14	SESW	20	18	
05s42e	23	NENW	8	6.8	
05s42e	23	NWNW	40	40	
Totals:			<u>477</u>	<u>464.8</u>	

June 2, 1931

T5S, R42E.
E 1/2 SE. Sec. 10
SW 1/4 Sec. 11
NW 1/4 Sec. 14
N 1/2 SW

Dora L. Thatcher and William R. Larkin

The East one half of the Southeast quarter of section 10, Southwest quarter and the West one half of the Southeast quarter of section 11, the Northwest quarter the North one half of the Southwest quarter of section 14, and the East one half of the Northeast quarter of section 15, all in Township 5 South of Range 42 East of the B.M.

December 5, 1932

wrong Legal

William R. Larkin (homestead act)

Northwest quarter, the South half of the Northeast quarter, the Northwest quarter of the Northeast quarter and the East half of the Southeast quarter of section 11, the West half of the Southwest quarter of section 12, and the Northeast quarter, and the Northeast quarter of the Southeast quarter of section 14, in Township 5 South of Range 42 East of the B.M. containing 640 acres.

October 2, 1933

T5S, R42E
E 1/2 SE Sec. 10
SW Sec. 11
NW Sec. 14
N 1/2 SW

Bennie L. Wheat and William R. Larkin

East one half of the Southeast quarter of section 10, the Southwest quarter and the West one half of the Southeast quarter of section 11, the Northwest quarter and the North one half of the Southwest quarter of section 14, and the East one half of the Northeast quarter of section 15, all in Township 5 South of Range 42 East of the B.M.,

November 16, 1946

T5S, R42E.
S 1/2 SW Sec. 14.
N 1/2 NW. Sec. 23.
N 1/2 Sec. 14.
N 1/2 SW
E 1/2 SE Sec. 10
All of Sec. 11 except
NENE.

Between William R. & Lillis Larkin and DeLos W. & Selma Hubbard

South one half of Southwest quarter, section 14, North one half of Northwest quarter section 23, all in Township 5 South, Range 42 East of the B.M.; Also East one half of Southeast quarter of section 10, all of section 11 except Northeast quarter of Northeast quarter; West one half of Southwest quarter of section 12; North one half, North one half of Southwest quarter and Northeast quarter of Southeast quarter of section 14; East one half of Northwest quarter of section 15 all in Township 5 South Range 42 East of the B.M.

December 30, 1977

E 1/2 SE Sec. 10
S 1/2 Sec. 11
N 1/2 SW Sec. 14.
N 1/2 NW. Sec. 23

Between Selma Hubbard to Alma A. Hubbard

The East half of the Southeast quarter, section 10, the Northwest quarter of the Northeast quarter, the South half of the Northeast quarter, the Northwest quarter, the South half of section 11, the West half of the Southwest quarter of section 12, the north half the Southwest quarter and that part of the West half of the Southeast quarter lying westerly of a reef of Lava rock in section 14, the East half of the northeast quarter of section 15 and the North half of the Northwest quarter and that part of the Northwest quarter of the Northeast quarter lying Westerly of a reef of Lava rock. Section 23.

December 17, 1904

wrong Legal

November 6, 1908

T5S, R42E.
W $\frac{1}{2}$ SW Sec. 11
E $\frac{1}{2}$ SE Sec. 10
W $\frac{1}{2}$ NW Sec. 14
E $\frac{1}{2}$ NW
N $\frac{1}{2}$ SW

November 10, 1914

T5S, R42E
E $\frac{1}{2}$ SE Sec. 10
SW $\frac{1}{4}$ Sec. 11
NW $\frac{1}{4}$ Sec. 14
N $\frac{1}{2}$ SW

December 21, 1915

T5S, R42E
E $\frac{1}{2}$ SE Sec. 10
SW $\frac{1}{4}$ Sec. 11
NW Sec. 14
N $\frac{1}{2}$ SW

January 16, 1916

T5S, R42E
E $\frac{1}{2}$ SE Sec. 10
SW $\frac{1}{4}$ Sec. 11
NW $\frac{1}{4}$ Sec. 14
N $\frac{1}{2}$ NW

March 19, 1918

wrong Legal

Between Wesley H. & Eliza Ellison and Jane G. Burton

East half of the Southwest quarter and the West half of the Southeast quarter of section 11 in Township 5 South, Range 42 East of the B.M.

Between Charles A. & Jane G. Burton to Alex Brown

East half of the Southwest quarter, the West half of the Southeast quarter and the West half of the Southwest quarter section 11, the East half of the Southeast quarter of section 10, the West half of the Northwest quarter, the East half of the Northwest quarter and the North half of the Southwest quarter of section 14, and the East half of the Northwest quarter of section 15, all in Township 5 South of Range 42 East of the B.M. 640 ac.

Between Alexander Brown and Bion D. Wilcox & Earnest E. Dixon.

The East half of the Southeast quarter of section 10 and the Southwest quarter and the West half of the Southeast quarter of section 11, and the East half of the Northeast quarter of section 15, and the Northwest quarter and the North half of the Southwest quarter of section 14, all in Township 5 south of Range 42 East of the B.M., containing 640 acres.

Between B.D. & Ella F. Wilcox and Ernest E. Dixon

The East half of the Southeast quarter of section 10 Southwest quarter and the West half of the Southeast quarter of section 11, the East half of the Northeast quarter of section 15, the Northwest quarter and the North half of the Southwest quarter of section 14, all in Township 5 South, Range 42 East of the B.M., containing 640 acres.

Earnest E. & Myrtle Dixon and William R. Larkin

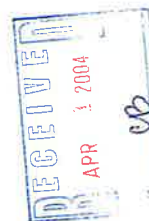
The East one half of the Southeast quarter of section 10 and the Southwest quarter and the West one half of the Southeast quarter of section 11 and the East half of the Northeast quarter of section 15 and the Northwest quarter and the North half of the Northwest quarter of section 14 all in Township 5 South of Range 42 East of the B.M., containing 640 acres.

David Dubach and John Dubach

Lot 3 of section 33 Township 4 South and lot 4 of section 3 and lot 1 of section 4 Township 5 South of Range 43 East B.M., 43 acres

				NE				NW				SW				SE				TOTALS
				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
SRBA CLAIM		section																		
27-11317	T5S	R42E	10					10				10								
	T5S	R42E	11					11				11		X 30	X 35				X 40	75
	T5S	R42E	14					14	X 39	X 40	X 40	X 40	14	X 30	X 40	40	20	14		65
	T5S	R42E	23					23	8	40			23							289
Nov. 5, 1908				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	48
	T5S	R42E	10					10				10								
	T5S	R42E	11					11				11		X	X				X	
	T5S	R42E	14					14	X	X	X	X	14	X	X					
	T5S	R42E	23					23				23								
Nov. 10, 1914				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
	T5S	R42E	10					10				10								
	T5S	R42E	11					11				11	X	X	X	X			X	
	T5S	R42E	14					14	X	X	X	X	14	X	X					
	T5S	R42E	23					23				23								
Dec. 21, 1915				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
	T5S	R42E	10					10				10								
	T5S	R42E	11					11				11	X	X	X	X			X	
	T5S	R42E	14					14	X	X	X	X	14	X	X					
	T5S	R42E	23					23				23								
Jan. 16, 1916				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
	T5S	R42E	10					10				10								
	T5S	R42E	11					11				11	X	X	X	X			X	
	T5S	R42E	14					14	X	X	X	X	14	X	X					
	T5S	R42E	23					23				23								
June 2, 1931				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
	T5S	R42E	10					10				10								
	T5S	R42E	11					11				11	X	X	X	X			X	
	T5S	R42E	14					14	X	X	X	X	14	X	X					
	T5S	R42E	23					23				23								
Oct. 2, 1933				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
	T5S	R42E	10					10				10								
	T5S	R42E	11					11				11	X	X	X	X			X	
	T5S	R42E	14					14	X	X	X	X	14	X	X					
	T5S	R42E	23					23				23								
Nov. 16, 1946				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
	T5S	R42E	10					10				10								
	T5S	R42E	11		X	X	X	11	X	X	X	11	X	X	X	X	11	X	X	X
	T5S	R42E	14	X	X	X	X	14	X	X	X	14	X	X	X	X	14	X	X	X
	T5S	R42E	23					23	X	X		23								
Dec. 30, 1977				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
	T5S	R42E	10					10				10								
	T5S	R42E	11					11				11	X	X	X	X	11	X	X	X
	T5S	R42E	14					14				14	X	X	X	X	14	X	X	X
	T5S	R42E	23					23	X	X		23								

27-76
Decreed to
480 Acres.
Land list includes
section 15.



DEED RECORD, No. 4

Revised Edition & Published in 1918

corner of said lot and running thence one hundred and sixty five (165) feet east; thence eighty two and a half (82-1/2) feet South; thence one hundred and sixty five feet (165) West; thence eighty two and one half (82-1/2) feet North to place of beginning. This deed is given to correct a defect in the acknowledgment of one certain deed given October 3, 1898, by Thomas S. Williams and Elizabeth Williams his wife, to John D. Woodall and recorded January 6th, 1903, at 9.21 A.M. in Book 15 of Deeds at page 46 Records of Bannock County State of Idaho in which acknowledgment wife was not separately examined. Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereto. TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns against the said parties of the first part, and their heirs, and against all and every person or persons whomsoever lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend. IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of R.R. Wilson

Thomas S. Williams
Elizabeth Williams

(Seal)
(Seal)

STATE OF IDAHO COUNTY OF BANNOCK) SS On this 16th day of October in the year 1908 before me R.R. Wilson, a Notary Public in and for said County, personally appeared Thomas S. Williams and Elizabeth Williams his 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 above written.

R.R. Wilson Notary Public

(L.S.)

(seal)

Recorded at the request of Ban Abs Co., this 19 day of October A.D. 1908, at 11

minutes past 4 o'clock P.M. E.G. Gallet Recorder By W.A. Hyde Deputy Fee \$1.50
Transcribed from Bannock County Records, Deed Record No. 18, page 531.

Instrument No. 12377

WARRANTY DEED.

THIS INDENTURE, Made the 17th day of December in the year of our Lord one thousand nine hundred and four between Wesley H. Ellison and Eliza Ellison his wife, of the County of Bingham, State of Idaho, the parties of the first part, and Jane G. Burton, of the County of Bannock State of Idaho, the party of the second part, WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Two Hundred twenty five Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey and confirm unto the said party of the second part and to her heirs and assigns forever: All that certain lot, piece...or parcel...of land, situate, lying and being in the County of Bannock, and State of Idaho, bounded and more particularly described as follows, to-wit: The east half of the southwest quarter and the West half of the Southeast quarter of Section Eleven (11) in Township Five (5) South, Range Forty two (42) East of the B.M. Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereto. TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part and to her heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second

ARIBOU COUNTY, IDAHO

cond part her heirs and assigns against the said parties of the first part, and their heirs, and against all and every person or persons whomsoever lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend. IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written

Signed, sealed and delivered in the presence of Wesley H. Ellison (seal)
C.C. Campbell. Eliza Ellison (seal)

STATE OF IDAHO COUNTY OF BINGHAM) SS. I do hereby certify that: On this 17th day of December in the year 1904 before me M. M. Hitt, a Notary Public in and for said County and State personally appeared Wesley H. Ellison known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same, and I do hereby certify that on this 17th day of December in the year 1904, before me M. M. Hitt a Notary Public in and for said County and State personally appeared Eliza Ellison known to me to be the person whose name is subscribed to the within and foregoing instrument, described as a married woman, the wife of the above named Wesley H. Ellison; and upon an examination separate and apart from and without the hearing of her said husband, I made her acquainted with the contents of the instrument, and thereupon without the hearing of her said husband she acknowledged to me that she executed the same and that she does not wish to retract such execution. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Idaho Falls the day and year first above written.

(L.S.) (seal) M.M.Hitt Notary Public.
My Commission expires Nov 4th, 1906.

Recorded at the request of Chas A. Burton this 7th day of November A.D. 1906, at 51 minutes past 10 o'clock A.M. E.G. Gallet Recorder By W.A. Hyde Deputy Fee \$1.50
Transcribed from Bannock County Records, Deed Record No. 18 page 546.

Instrument No. 12571
THIS INDENTURE, Made the 25th day of November in the year of our Lord one thousand nine hundred and eight between George W. Fox and Clara J. Fox his wife, of Soda Springs County of Bannock, State of Idaho, the parties of the first part, and W. H. Anderson, of Soda Springs County of Bannock State of Idaho, the party of the second part, WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Thirteen hundred Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey and confirm unto the said party of the second part and to his heirs and assigns forever: All the... certain lot piece or parcel of land, situate, lying and being in the County of Bannock, and State of Idaho, bounded and more particularly described as follows, to wit: Being a part of lot one (1) in Block Twenty six (26) in the town of Soda Springs in said County and State commencing at the Southwest corner of said Lot One (1) and running thence East one hundred and nine and one half (109-1/2); thence North ten (10) rods; thence west one hundred and nine and one half (109-1/2) feet; thence south ten (10) rods to the place of beginning. Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereto. TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet, and peaceable possession of the said party of the second part his heirs and assigns against the said parties of the first part, and their heirs, and against all and every person or persons whomsoever lawfully claiming or to claim the same, shall and will

DEED RECORD, No. 4

seal, this 8th day of July, A.D. 1909. My Commission expires Sept 20, 1911.

(seal)

Annie L. Humphries, Notary Public

Recorded at the request of B. Bendixsen July 20th, 1909 at 9.08 A. M. E. G. Gallet
Recorder. By W. A. Hyde Deputy Fee \$1.00
Transcribed from Bannock County Records, Deed Record No. 17, page 416.

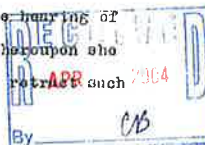
Instrument No. 14547.

This Indenture, made this Sixth day of November in the year of our Lord One thousand nine hundred and Eight between Charles A. Burton, and Jane G. Burton his wife, both of Henry County of Bannock State of Idaho, the parties of the first part, and Alex Brown of Henry County of Bannock, State of Idaho, the party of the second part, Witnesseth, That the said parties of the first part, for an in consideration of the sum of Three thousand six hundred, and twenty and 11/100 Dollars lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in Bannock County, State of Idaho, to-wit:- The East half of the Southwest quarter, the West half of the Southeast quarter, and the west half of the southwest quarter Section eleven (11) the East half of the southeast quarter of Section ten (10) the West half of the Northwest quarter, the East half of the Northwest quarter and the North half of the southwest quarter of Section fourteen (14), and the East half of the Northeast quarter of Section fifteen (15), all in Township Five (5) South of Range forty two East of Boise Meridian in Idaho, containing in all six hundred and forty (640) acres. All of said land now standing in the name of Jane G. Burton. This deed is given as advance payment of interest for six years from the 18th day November A. D. 1908 at the rate of 8% per annum the amount being in all the amount stated above as consideration for this deed. Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title, and interest, in and to the said property, as well in law as in equity, of the said parties of the first part: To have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend. In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Jane G. Burton (seal)
Charles A. Burton (seal)

Signed sealed and delivered in the presence of
E. S. Whittier.

STATE OF IDAHO COUNTY OF BANNOCK) SS On this Sixth day of November in the year 1908, before me E. S. Whittier, a Notary Public in and for said County, personally appeared Charles A. Burton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same; and on this Sixth day of November in the year 1908, before me, the officer above described, personally appeared Jane G. Burton his wife, known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such



CARIBOU COUNTY, IDAHO

Grantors, and the Oregon Short Line Railroad Company, a corporation of the State of Utah, grantee, WITNESSETH: THAT the said grantors, for the sum of (\$26.00) Twenty Six & no/100 Dollars, lawful money to them in hand paid by the said grantee, the receipt of which is hereby acknowledged, for themselves, their heirs and assigns, do hereby grant and convey unto the said grantee, its successors and assigns, a perpetual easement to the sole and exclusive use, for a right of way for a pipe line, of the following described land situated in the County of Bannock, State of Idaho, to-wit: A strip of land twenty (20) feet in width, lying ten (10) feet on each side of the center line of the proposed pipe line of the Oregon Short Line Railroad Company as same is now located across the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section seven (7) Township nine (9) South, Range forty-one (41) east of the Boise Meridian; said center line of proposed pipe line being more particularly described as follows: Beginning at a point in the south line of said section seven (7) and ten hundred fifty-seven (1057) feet east of the south quarter section corner thereof; thence North 27° 15' west for a distance of four hundred fifty and two tenths (450.2) feet, to a point; thence North 10° 31' west for a distance of one hundred ninety-seven and two tenths (197.2) feet, to a point; thence north 55° 31' west for a distance of twenty-five (25) feet, more or less, to a point in the southerly boundary of the present 200 foot right of way of said railroad; said strip of land containing in all thirty-one hundredths (0.31) of an acre, more or less. Together with the right of the said grantee, its agents or servants, to enter upon the said strip of land for the purpose of constructing said pipe line and for the purpose of making necessary repairs to or renewals of same as may hereafter be necessary, provided, however, that the said grantee, its successors or assigns, shall pay to the said grantors, their heirs or assigns, a reasonable compensation for any damage which may be caused to the growing crops upon the land above described by reason of the construction and future maintenance of said pipe line. IN WITNESS WHEREOF, the said grantors have hereunto set their hands and seals on the day and year first above written.

Witnesses: H. Horsley.

Magnus Bendixsen. (Seal)
Lydia M. Davis Bendixsen (Seal).

STATE OF IDAHO, COUNTY OF BANNOCK: ss. On this 10th day of July, A. D. 1914, before me Herbert Horsley, a Notary Public in and for said county and state, personally appeared Magnus Bendixsen and Lydia M. Davis Bendixsen, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this certificate first above written.

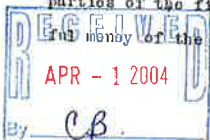
(Seal) My commission expires Jan. 21st, 1918. Herbert Horsley, Notary Public.

Approved as to Form and Execution, F.L. Williams, PW General Attorney.

Recorded at request of Gordon Guphill. 1:30 P.M. November 6th, 1914.
C. W. Pomeroy, Recorder, By Harry J. Fox, Deputy. Fee \$1.00.
Transcribed from Bannock County Records, Deed Record No. 29, Page 164.

Instrument No. 36060.

THIS INDENTURE, made this 10th day of November in the year of our Lord, one thousand nine hundred fourteen between Alexander Brown, a single and unmarried man, of Henry, County of Bannock, State of Idaho, the party of the first part, and Elton D. Wilcox and Earnest E. Dixon, and undivided interest to each, of Preston, County of Franklin, State of Idaho, the parties of the second part. WITNESSETH, That the said parties of the first, for and in consideration of the sum of Ten Thousand Dollars, lawful money of the United States of America, to him in hand paid by the said parties of



ED. RECORD, No. 5

the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate situated in Bannock County, State of Idaho, to wit: "The east half of the southeast quarter of section ten and the southwest quarter and the west half of the southeast quarter of section eleven and the east half of the northeast quarter of section fifteen and the northwest quarter and the north half of the southwest quarter of section fourteen, all in township five south of range forty two east of the Boise Meridian, Idaho, containing six hundred and forty acres". "Including all water rights from the Meadow Creek Springs, be the same five hundred inches or more or less, together with all springs of water arising on the above described lands". "Together with all improvements thereon. Together with all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estates, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part. To Have and To Hold all and singular the above mentioned and described promises together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever. And the said party of the first part, and his heirs, the said promises in a quiet and peaceable possession of the said parties of the second part, their heirs and assigns against the said party of the first part and his heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will warrant and by these presents forever defend. IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the Presence of
A. W. Hart
John A. Kofoed.

Alexander Brown (Seal).

STATE OF IDAHO, COUNTY OF FRANKLIN: ss. On this 10th day of November in the year 1914 before me, Arthur W. Hart, a Notary Public in and for said County, personally appeared Alexander Brown; a single and unmarried man, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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 above written.

(Seal) My commission expires Jan 16 1916 Arthur W. Hart, Notary Public.

Recorded at request of Idaho State Bank. 3:35 P.M. November 19th, 1914.
C. W. Pomeroy, Recorder, By Harry J. Fox, Deputy. Fee \$1.00.
Transcribed from Bannock County Records, Deed Record No. 29, Page 172.

Instrument No. 36270. TAX DEED.

THIS INDENTURE, Made this 22nd day of August in the year of our Lord One Thousand Nine Hundred and Fourteen, between Louisa Jones as Treasurer and Ex-Officio Tax Collector of the County of Bannock, State of Idaho, the party of the first part, and Bannock Abstract, Deposit & Trust Company, a corporation organized and existing under the laws of the State of Idaho, having its principal place of business at the City of Pocatello, in Bannock County, State of Idaho, the party of the second part, WITNESSETH: THAT WHEREAS, W. H. Hillman, who was the duly elected, qualified and acting Assessor and Ex-Officio Tax Collector of Bannock County State of Idaho, for and during the years 1911 and 1912, and under the laws of the State of Idaho then relating to revenue and taxation, did, on the Forth Monday in January, 1911, deliver to the Auditor of said County, a complete "Delinquent List" of all persons and property then owing taxes in said County to the State of Idaho, and to the County of Bannock, and to cities, villages, school districts,

CARIBOU COUNTY, ID. HO

certificate above written. (SEAL) Richard Groo, Notary Public.

Recorded at request of G.C. Gray 3:47 P.M. January 6, 1916.
C. W. Pomeroy, Recorder, By Sidonia Grosse, Deputy. Fee \$1.20.
Transcribed from Bannock County Records, Deed Record No. 29, Page 575.

Instrument No. 43811.

THIS INDENTURE, Made this 14th day of January in the year of our Lord one thousand nine hundred and sixteen between John Thomas Corrigan and Minnie Corrigan (his wife) of Soda Springs County of Bannock State of Idaho the parties of the first part, and Alvin Meyers or Susie Meyers (his wife) of Soda Springs County of Bannock State of Idaho, the parties of the second part, WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Three Hundred fifty (\$350.00) Dollars, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in Soda Springs County of Bannock, State of Idaho, to-wit: All of lot number six (6) block number thirty seven (37) of the Village of Soda Springs, Bannock County, Idaho, as platted and recorded. TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part: TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend. IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of
Dr. Ellis Kackley.

John Thomas Corrigan
Minnie Corrigan (Seal).

STATE OF IDAHO, COUNTY OF BANNOCK: ss. On this 14th day of January in the year 1916, before me M. S. Roberts a Notary Public in and for said County, personally appeared John Thomas Corrigan and Minnie Corrigan his 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 above written.

(SEAL) Commission expires Sept. 1919.

M. S. Roberts, Notary Public.

(50¢ I. R. Stamps attached and cancelled).

Recorded at the request of Alvin Meyers at 2:52 P.M. January 18, 1916.
C. W. Pomeroy, Recorder, By Sidonia Grosse, Deputy. Fee \$1.00.
Transcribed from Bannock County Records, Deed Record No. 29, Page 586.

Instrument No. 44092. WARRANTY DEED.

THIS INDENTURE, made the 21st day of Dec., in the year of our Lord one thousand nine hundred and fifteen between B. D. Wilcox and wife Ella F. Wilcox of Preston, of the County of Franklin and State of Idaho, the parties of the first part, and Ernest E. Dixon of the County of Bannock and the State of Idaho the party of the second part. WITNESSETH: - That the said parties of the first part, for and in consideration of the

DEED RECORD, No. 5

to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, sell, bargain convey and confirm unto the said party of the second part, and to his heirs and assigns forever all that certain lot, piece or parcel of land situate lying and being in the County of Bannock and State of Idaho, and bounded and described as follows, to-wit: All right, title and interest, of the parties of the first part, which is a one-half undivided interest, in and to the following lands, to wit: The east half of, the southeast quarter of Sec. 10 southwest quarter and the west-half of the south east quarter of section 11, the east half of the north east quarter of section 15, the north-west quarter and the north half of the south west quarter of section 14, all in township 5 south, Range 42 East of Boise Meridian, Idaho, containing 640 acres. Together with all personal property belonging to the ranch. Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the rents, issues and profits thereof, and together with all ditch and water-rights of every nature, however evidenced, used with said land or belonging to same. TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident unto the said party of the second part, and to his heirs and assigns forever, and the said parties of the first part and their heirs, and the said premises in a quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend. IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of
A. W. Hart

B. D. Wilcox (SEAL)
Ella Wilcox (SEAL).

STATE OF IDAHO, COUNTY OF FRANKLIN; ss. On this 21st day of December in the year 1915, before me Arthur W. Hart, a Notary Public in and for said County and State personally appeared B. D. Wilcox and wife Ella F. Wilcox, known to me to be the persons whose names are subscribed to the within and foregoing 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 first above written.

(SEAL)

Arthur W. Hart, Notary Public.

Recorded at request of E. E. Dixon. 10:00 A.M. Jan. 31, 1916.
C. W. Pomeroy, Recorder, By Harry J. Fox, Deputy. Fee \$1.00.
Transcribed from Bannock County Records, Deed Record No. 29, Page 606.

Instrument No. 44094.

4-196.

Act 6-17-10
Act 6-6-12
TCP

DEPARTMENT OF THE INTERIOR.
UNITED STATES LAND OFFICE, Blackfoot, Idaho. 011291
Serial No. 017557
Receipt No. 776037 - 1421109
1727660

CERTIFICATE
HOMESTEAD

September 8, 1915, 19-----

IT IS HEREBY CERTIFIED that, pursuant to the provisions of Section 2291, Revised Statutes of the United States, William Bell, Soda Springs, Idaho, has made payment in full for S $\frac{1}{2}$ NE $\frac{1}{4}$, lots 1 & 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 8 South, Range 41 East, Boise Meridian, Idaho, containing 199.50 acres. NOW, THEREFORE, BE IT KNOWN that, on presentation of this Certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said William Bell shall be entitled to receive a Patent for the land above described if all then be found regular.

J. T. Carruth, Register.

This Duplicate Certificate should be held until notice of issuance of patent is

South one half of Southwest Quarter, Section 14; North one half of Northwest Quarter, Section 23, all in township 5 South, Range 42 E. B. M.

Together with all and singular, the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges therunto incident unto the said parties of the second part, and to their heirs and assigns forever and the said parties of the first part, and their heirs and assigns warrant the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns against the said parties of the first part, and and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of
Marjorie L. Stall
Frankie S. Donahue

Leslie B. Moe (Seal)
Agnes E. Moe (Seal)

(21.65 D. R. Stamps affixed and cancelled)

STATE OF WASHINGTON)

County of Clark) ss

On this 16th day of November in the year 1946, before me the undersigned, a Notary Public in and for said County and State, personally appeared Leslie B. Moe and Agnes E. Moe, 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 above written.

Seal

At request of DeLos W. Hubbard
December 23rd, 1946, at 11:42 A.M.
Fee \$1.20



Instrument #23431

THIS INSTRUMENT, Made this 16th day of November in the year of our Lord One Thousand and Nine Hundred and Forty Six between William R. Larkin, sometimes known as W. R. Larkin and Lillis Larkin, husband and wife of Pocatello, County of Tannock, State of Idaho the parties of the first part, and De Los W. Hubbard and Selma Hubbard, his wife, of Soda Springs, County of Caribou, State of Idaho, the parties of the second part:

WITNESSTH: That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, bounded and more particularly described as follows, to-wit:

South one half of Southwest Quarter, Section 14; North one half of Northwest Quarter Section 23, all in Township 5 South, Range 42 E. B. M.; ALSO: East one half of Southeast quarter of Section 10; all of Section 11 except Northeast quarter of Northeast quarter; West one half of Southwest quarter of Section 12; North one half, North one half of Southwest quarter, and Northeast quarter of Southeast quarter of Section 14; East one half of Northwest quarter of Section 15 all in Township 5 South Range 42 E. B. M.

11-16-1946

Subject to rights of way for roads and subject to conditions of easement dated April 3, 1941, recorded in Book 10 of deeds at page 243, records of Caribou County, Idaho. Together with all water and water rights of every nature and kind heretofore used or now being used upon said premises.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part, and to their heirs and assigns forever and the said parties of the first part, and their heirs and assigns warrant the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns against the said parties of the first part and ~~and~~ against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the presence of

William R. Larkin (Seal)
W. R. Larkin
Lillis Larkin (Seal)

(320,60 I. R. Stamps affixed and cancelled)

STATE OF IDAHO)
COUNTY OF BLAINE) ss

On this 16th day of November in the year 1946, before me the undersigned, a Notary Public in and for said County and State, personally appeared William R. Larkin, sometimes known as W. R. Larkin and Lillis Larkin, 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 above written.

Seal

O. R. Baum, Notary Public
Residence Pocatello, Idaho

at request of De Los W. Hubbard
December 23rd, 1946, at 11:44 A.M.
Fee \$1.20

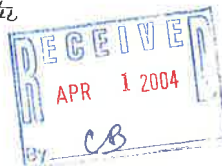
Edwin E. Lantz
Recorder

Instrument #23432

VAN HANNEY DEED

THIS INSTRUMENT, Made this 16th day of November in the year of our Lord One Thousand Nine Hundred and Forty-six between Warren J. Shillinger and Lois H. Shillinger, his wife, of Soda Springs, County of Caribou, State of Idaho, the parties of the first part, and Jamie Shillinger, a widow, as her sole and separate property and private estate, of Soda Springs, County of Caribou, State of Idaho, the party of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of One and No/100ths (\$1.00) Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, together with other good and valuable considerations, do by these presents, Grant, bargain, Sell, and Convey and Confirm unto said party of the second part, and to her heirs and assigns forever; All that certain lot, piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, bounded and more particularly described as follows to-wit:



DEED RECORD, No. 5

Chub Springs County of Bannock, State of Idaho, the parties of the first part, and
 Larkin of Orms, County of Bannock, State of Idaho, the party of the second part,
 WITNESSETH: That the said parties of the first part, for and in consideration of the sum
 of One Dollar and other valuable consideration Dollars, lawful money of the United States
 of America, to them in hand paid by the said party of the second part, the receipt whereof
 is hereby acknowledged, does by these presents grant, bargain, sell and convey and
 confirm unto said party of the second part and to his heirs and assigns forever: All that
 certain lot, piece or parcel of land, situate, lying and being in the County of Bannock
 as State of Idaho, bounded and more particularly described as follows, to wit: The east
 and half of the southeast quarter of section ten and the southwest quarter and the west one
 half of the north east quarter of section eleven and the east half of the northeast
 quarter of section fifteen and the northwest quarter and the north half of the north west
 quarter of section fourteen all in township five south of range 44 east of the Boise
 meridian in Idaho, containing six hundred forty acres, including all water and water rights
 and uses, in connection with, or appurtenant to said real estate, consisting of five
 hundred ninety inches more or less, together with all improvements and appurtenances
 hereto belonging subject to a real estate mortgage on said property executed by grantors
 J. D. shown as mortgagee on which a balance of \$9,800.00 with interest at 6% per annum
 payable annually from November 10, 1918 remains unpaid which mortgage the grantee herein
 assumes and agrees to pay, and subject to 1918 taxes only. \$6.00 I. V. S. Attached and
 unenclosed. Together with all and singular the tenements, hereditaments and appurtenances
 hereto belonging, or in anywise appertaining, and the rents, issues and profits
 hereof. TO HAVE AND TO HOLD, All and singular, the said premises, together with the
 appurtenances and privileges thereto incident, unto the said party of the second part,
 and to his heirs and assigns forever. And the said parties of the first part, and their
 heirs & assigns, the said premises in the quiet and peaceable possession of the said
 party of the second part, his heirs and assigns against the said parties of the first part,
 and their heirs, and against all and every person or persons whomsoever lawfully claiming
 or to claim the same, shall and will warrant, and by these presents forever defend.
 IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and
 seals, the day and year first above written.
 Signed, Sealed and Delivered in the Presence of
 E. L. Roche

Ernest E. Dixon (SEAL)
 Myrtle Dixon (SEAL).

STATE OF IDAHO, COUNTY OF BANNOCK: ss. On this sixteenth day of January in the year 1919,
 before me, A. M. Dawson, a Notary Public in and for said County, personally appeared
 Ernest E. Dixon and Myrtle Dixon known to me to be the persons whose names are sub-
 scribed 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 above written. (SEAL) A. M. Dawson, Notary Public, Orms, Idaho.

Recorded at the request of First Nat'l Bk., at 1:20 P.M., January 20, 1919.
 J. W. Pomeroy, Recorder, By Gillian Spentberg, Deputy. Fee \$1.40.
 Transcribed from Bannock County Records, Book Record No. 87, Page 89.
 Instrument No. 6668 DEED RECORD.

THIS INDENTURE, Made the first day of May in the year of our Lord One Thousand
 Nine Hundred and Sixteen between Charles E. Maderlie of Freedom, County of Bannock, State
 of Idaho, the party of the first part, and Sabotta Maderlie of Freedom, County of Bannock,
 State of Idaho, the party of the second part, WITNESSETH: That the said party of the first
 part, for and in consideration of the sum of One dollar and love and affection, Dollars,
 lawful money of the United States of America, to him in hand paid by the said party of the

second part, he rec-
 bargain, sell and con-
 heirs and assigns fore-
 lying and being in th-
 ly described as foll-
 quarter of the north
 forty six (46) east o
 thence west two hund-
 rods; thence east one
 thence east eighty (8
 (108) acres of land l
 thence belonging.
 appurtenances therem-
 profits thereof. TO
 the appurtenances an-
 part, and to her law-
 and his heirs, the s-
 party of the second
 and his heirs, and to
 or to claim the same.
 IN WITNESS WHEREOF,
 the day and year fir-
 Signed, Sealed and I.
 E. L. Roche
 STATE OF WYOMING, CO
 before me, Lewis E.
 appeared Charles E. M-
 the within instrument.
 WHEREOF, I have here-
 this certificate fir-
 Preston Preston, M-
 Recorded at
 G. W. Pomeroy, Recorder
 Transcribed
 Instrument No. 6668
 THIS INDENTURE
 Nine Hundred and Six-
 State of Idaho, the
 of Bannock, State of
 party of the first
 lawful money of the
 the second part, the
 bargain, sell and co-
 and assigns forever.
 being in the County
 described as follow-
 Springs Townsite nu-
 East corner of said
 thence North sixty

RECEIVED
 APR 1 1919
 By CB

Book 12 Page 563

647

4-19-1918

CARIBOU COUNTY, IDAHO

Signed, Sealed and Delivered in the Presence of David Dubach (SEAL) John Dubach (SEAL), STATE OF IDAHO, COUNTY OF BANNOCK ss. On this 19th day of March in the year 1918, before me, M. S. Roberts, a Notary Public in and for said County, personally appeared David Dubach, John Dubach 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 above written. (SEAL) M. S. Roberts, Notary Public. Commission expired Sept., 1919. No. I. R. 3. attached and cancelled.

Recorded at the request of John Dubach at 11:01 A. M. January 16, 1919. O. W. Somers, Recorder, By Margaret Blake, Deputy. Fee \$1.00. Transcribed from Bannock County Records, Deed Record No. 27, Page 22.

Instrument No. 66544. DEED RECORD.

THIS INDENTURE, Made the 19th day of March in the year of our Lord one thousand nine hundred and eighteen, David Dubach, a single man, and John Dubach of Mayan, County of Bannock, State of Idaho, the parties of the first part, and John Dubach of Mayan, County of Bannock, State of Idaho, the party of the second part, WITNESSETH: That the said parties of the first part, for and in consideration of the sum of One & no/100 Dollars, lawful money of the United States of America, to us in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey and confirm unto said party of the second part and to his heirs and assigns forever: All that certain lot, piece or parcel of land, situate, lying and being in the County of Bannock, and State of Idaho, bounded and more particularly described as follows, to-wit: Lot Three of Section Thirty-three, in Township Four South and Lot Four of Section Three and Lot One of Section Four in Township Five South of Range Forty-three east of the Boise Meridian, Idaho, containing Forty-three and 60/100 acres. Together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the rents, issues and profits thereof. TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against the said parties of the first part, and their heirs, and against all and every person or persons whomsoever lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend. IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

David Dubach (SEAL)

John Dubach (SEAL)

Signed, Sealed and Delivered in the Presence of STATE OF IDAHO, COUNTY OF BANNOCK ss. On this 19th day of March in the year 1918, before me, M. S. Roberts, a Notary Public in and for said County, personally appeared David Dubach, John Dubach, 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 above written. (SEAL) M. S. Roberts, Notary Public. My Commission expires Sept. 1919. No. I. R. 3. attached and cancelled.

Recorded at the request of John Dubach at 11:04 A. M. January 16, 1919. O. W. Somers, Recorder, By Margaret Blake, Deputy. Fee \$1.00. Transcribed from Bannock County Records, Deed Record No. 27, Page 22.

Instrument No. 66518.

DEED RECORD.

THIS INDENTURE, Made the sixteenth day of January in the year of our Lord One thousand nine hundred and nineteen, between Earnest E. Dixon and Myrtle Dixon, man and wife

DEED RECORD

Witnesseth a purchase of of Chub Springs County of Banrock, State of W. E. Larkin of Banrock, County of Banrock, ss. WITNESSETH: That the said parties of the first of One Dollar and other valuable consideration of America, to them in hand paid by the said is hereby acknowledged, done by these presents confirm unto said party of the second part a certain lot, piece or parcel of land, situate and state of Idaho, bounded and more parties one half of the southeast quarter of section half of the north east quarter of section of quarter of section fifteen and the northwest quarter of section fourteen all in township Meridian in Idaho, containing six hundred ft used upon, in connection with, or appurtenant hundred miners inches more or less, together therewith belonging subject to a real estate to J. D. Shoen as mortgagee on which a balance payable annually from November 10, 1910 was assumed and agrees to pay, and subject to be cancelled. Together with all and singular thereto belonging, or in anywise appertaining thereof, TO HAVE AND TO HOLD, All and sing appurtenances and privileges thereto incident and to his heirs and assigns forever. And heirs & assigns, the said premises in the 4 party of the second part, his heirs and assigns and their heirs, and against all and every or to claim the same, shall and will warrant IN WITNESS WHEREOF, The said parties of the second, the day and year first above written signed, sealed and Delivered in the Presence of J. E. Roberts

STATE OF IDAHO, COUNTY OF BANNOCK ss. On before me, A. M. Benson, a Notary Public in Earnest E. Dixon and Myrtle Dixon known to me to be the within instrument, and when IN WITNESS WHEREOF, I have hereunto set my year in this certificate first above written

Recorded at the request of First O. W. Somers, Recorder, By Lillian Sprink Transcribed from Bannock County

Instrument No. 66545

THIS INDENTURE, Made the First 8 Nine Hundred and Sixteen between Charles E of Idaho, the party of the first part, and State of Idaho, the party of the second part, for and in consideration of the sum lawful money of the United States of Ameri

RECEIVED APR 1 2004 CB

STATE OF IDAHO)
COUNTY OF BANNOCK)

6-2-1931

On this 14 day of December, 1931, personally appeared before me Amy L. Thatcher and Howard E. Thatcher, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

WITNESS my hand and seal the day and year first above written.

Melvin Whitehead
Notary Public
Residing at Pocatello, Idaho.
My commission expires May 15, 1932.

At request of Caribou County Abstract Co.
May 28th, 1934, at 11:36 A. M.
Fee, \$1.00

Edwin L. Smith
Recorder.

Instrument # 13812

QUIT CLAIM DEED

This Indenture made this 14th day of June, 1931, between Core L. Thatcher, widow, of Logan, Garfield County, Utah, the party of the first part, and William H. Jarkin of Caribou County, Idaho, the party of the second part, WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Thousand Dollars (\$1,000.00) to her in hand paid by the party of the second part, the receipt whereof hereby acknowledged, does hereby remise, release and forever quit claim unto the party of the second part and to his heirs and assigns forever, the following described real estate situated in the county of Caribou, State of Idaho, to-wit:

The East one-half (E $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section ten (10), the Southwest quarter (SW $\frac{1}{4}$) and the West one-half (W $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section Eleven (11), the Northwest quarter (NW $\frac{1}{4}$) and the North one-half (N $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section fourteen (14), and the East one-half (E $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section fifteen (15), all in Township five (5) South of Range forty-two (42) East of the Boise Meridian in Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity of the said party of the first part, and together with any and all rights of the party of the first part to run cattle upon said property under the terms and provisions set out in the decree of distribution entered on the 10th day of May, 1931, by the Probate Court of Bannock County, State of Idaho, in the matter of the estate of William H. Jarkin, deceased.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand the day and year first above written.

signed in the presence of
Henry Woodall
(Attorney \$1.00)
(Attorney \$1.00)
Core L. Thatcher

STATE OF IDAHO)
COUNTY OF BANNOCK)

On the 18th day of February, 1934, personally appeared before me Core L. Thatcher, widow, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.

At request of Caribou Co. Abst. Co.
May 28th, 1934, at 11:36 A. M.
Fee, \$1.00

Edwin L. Smith
Notary Public
Residing at Pocatello, Idaho.
My commission expires Aug. 2, 1935.
Recorder.

880

Instrument # 13812

This is of Weber County, Utah; p
Idaho, the party of the

That the sum of One Thousand Dollars, the receipt whereof quit claim unto the party following described real

The East one-half (E $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section eleven (11), the West quarter (W $\frac{1}{4}$) of Section fourteen (14) East of the Boise

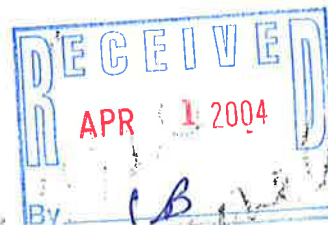
Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, and interest in and to the said property, as well in law as in equity of the said party of the first part, and together with any and all rights of the party of the first part to run cattle upon said property under the terms and provisions set out in the decree of distribution entered on the 10th day of May, 1931, by the Probate Court of Bannock County, State of Idaho, in the matter of the estate of William H. Jarkin, deceased.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand the day and year first above written.
Signed in the presence of
Roy D. Thatcher

STATE OF UTAH)
COUNTY OF WEBER)

On the 18th day of February, 1934, personally appeared before me Core L. Thatcher, widow, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.

At request of Caribou Co. Abst. Co.
May 28th, 1934, at 11:36 A. M.
Fee, \$1.00



PATENT RECORD No. 2, CARIBOU COUNTY, IDAHO

15

Instrument # 13343
Blackfoot 037407

THE UNITED STATES OF AMERICA,
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1882, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of William R. Larkin has been established and duly consummated, in conformity to law, for the northwest quarter, the south half of the northeast quarter, the northwest quarter of the northeast quarter and the east half of the southeast quarter of Section eleven, the west half of the southwest quarter of Section twelve and the northeast quarter, and the northeast quarter of the southeast quarter of Section fourteen in Township five south of Range forty-two east of the Boise Meridian, Idaho, containing six hundred forty acres, according to the Official Plat of the Survey of the said Land, on file in the General Land Office:

NOW KNOW YE, That there is therefore, granted by the United States unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862).

IN TESTIMONY WHEREOF, I, Warbart Hoover, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Fifth day of December in the year of our Lord one thousand nine hundred and thirty-two and of the Independence of the United States the one hundred and fifty-seventh.

SEAL

By the President: Herbert Hoover
By Louis E. Diets, Secretary
Emma L. Warren
Recorder of the General Land Office.

RECORDED: Patent Number 1060097

At request of W. R. Larkin
December 5, 1933, at 4:10 P.M.
Fee, \$1.00

Louis E. Diets
Recorder,

-0-

16

PATENT

Instrument # 13398
Blackfoot 048642

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that pursuant to the Act of Congress of May 20, 1882, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Lavonne Ericson has been established and duly consummated, in conformity to law, for the northwest quarter, the south half of the northeast quarter, the northwest quarter of the northeast quarter and the east half of the southeast quarter of Section eleven, the west half of the southwest quarter of Section twelve and the northeast quarter, and the northeast quarter of the southeast quarter of Section fourteen in Township five south of Range forty-two east of the Boise Meridian, Idaho, containing six hundred forty acres, according to the Official Plat of the Survey of the said Land, on file in the General Land Office:

NOW KNOW YE, That there is therefore, granted by the United States unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862).

RECORDED: Patent Number 1060097
At request of Mrs. L. E. Ericson
December 28, 1933, at 4:10 P.M.
Fee, \$1.00



12-5-1933

Instrument # 13813

SUIT CLAIM DEED

This Indenture made this 2nd day of Oct., 1933, between Dencie L. Wheat of Weber County, Utah, party of the first part, and William M. Larkin of Caribou County, Idaho, the party of the second part, WHEREAS:

That the said party of the first part, for and in consideration of the sum of One Thousand Dollars (\$1,000.00) to her in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, done hereby resign, release and forever quit claim unto the party of the second part, and to his heirs and assigns forever, the following described real estate situate in the County of Caribou, State of Idaho, to-wit:

The East one-half (SE $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section Ten (10), the Southwest quarter (SW $\frac{1}{4}$) and the West one-half (W $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section Eleven (11), the Northwest quarter (NW $\frac{1}{4}$) and the North one-half (N $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section Fourteen (14), and the East one-half (E $\frac{1}{2}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section fifteen (15), all in Township five (5) South of Range forty-two (42) East of the Boise Meridian in Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title, and interest in and to the said property, as well in law as in equity, of the said party of the first part, and together with any and all rights of the party of the first part to run cattle upon said property under the terms and provisions set out in the decree of distribution entered on the 18th day of May, 1931, by the Probate Court of Bonanza County, State of Idaho, in the matter of the estate of William M. Larkin deceased.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand the day and year first above written.

Signed in the presence of

Roy D. Thatcher

Dencie L. Wheat

(1,000 DOLLARS attached.)

STATE OF UTAH)

COUNTY OF WEBER)

On the 20 day of October, 1933, personally appeared before me Dencie L. Wheat, the signer of the foregoing instrument, who duly acknowledged to me that she executed the same.

Roy D. Thatcher
Notary Public
Residing at Ogden, Utah
My commission expires April 9, 1936

At request of Caribou Co., Blaine Co.
May 20th, 1934, at 11:40 A. M.
Fee, \$1.00

John Blaine
Recorder.

Instru

Thoun

tion,

first

Idaho

of the

by th

by th

part,

of th

Range

and y

wise

issue

annu

hand

Sign

STATE

COUNTY

Not-

Clas

subi

the

\$64

At

Jun

Fee

WARRANTY DEED

For Value Received

SELMA HUBBARD, a widow,

the grantor does hereby grant, bargain, sell and convey unto

ALMA A. HUBBARD, Box 230, Grace, Idaho 83241

the grantee, the following described premises, in Caribou County Idaho, to wit:

Township Five (5) South, Range Forty-two (42) East of the Boise Meridian:

Section Ten (10): The East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$).Section Eleven (11): The Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), the Northwest Quarter (NW $\frac{1}{4}$), the South Half (S $\frac{1}{2}$).Section Twelve (12): The West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$).Section Fourteen (14): The North Half (N $\frac{1}{2}$), the Southwest Quarter (SW $\frac{1}{4}$), and that part of the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) lying Westerly of a reef of lava rock.Section Fifteen (15): The East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$).Section Twenty-three (23): The North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$), and that part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) lying Westerly of a reef of lava rock. Except therefrom that portion thereof lying within State Highway No. Thirty-four (34).

TOGETHER WITH: Four hundred (400) miners inches of water from Meadow Creek, all of the waters from Jarvis and Willow Springs, and all of the water from all small springs arising on the premises, RESERVING UNTO THE GRANTOR the right to receive the oil and gas lease payments to be made in the ensuing three (3) years under the lease dated September 20, 1976 and terminating on September 20, 1981.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that they are free from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: December 30, 1977.

Selma Hubbard
SELMA HUBBARD

STATE OF IDAHO, COUNTY OF BANNOCK
On this 30th day of Dec., 1977
before me, a notary public in and for said State, personally
appeared

SELMA HUBBARD

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.

Residing at Pocatello, Idaho
Comm. Expires

Notary Public

STATE OF IDAHO } ss 105384
County of Caribou }

I hereby certify that this instrument was filed

at the request of *John B. Hughes*

at 9:50 o'clock *PM* this 30 day of

June, 1980 in my office and due

record in Microfilm Records

Heidi S. Johnson

Heidi S. Johnson

Heidi S. Johnson



supplemental to A27-00070

Doesn't describe the land in S¹/₂SW Sec. 14
in Section 23.

MICROFILMED

NOV 13 1992

A27-11317

1-1-1890

AFFIDAVIT OF WATER RIGHT.

(App. No. A2180
W. R. Larkin-Ida.)

State of Idaho,)
County of Caribou,) ss

O. C. Childs

OF Alexander

IDAHO, AND

Walter Hogan

OF Soda Springs

IDAHO, AND

T. W. Cully

OF Soda Springs

IDAHO, each

being first duly sworn, each for himself and not one for the other, depose and say that he is a citizen of the United States of America and over the age of twenty-one years; that he is well acquainted with the water rights appurtenant to the following described lands, to-wit:-

The E¹/₂-SE¹/₄ of Sec. 10; the SW¹/₄ of Sec. 11; the NE¹/₂-NE¹/₄ of Sec. 15; and the NE¹/₂-NW¹/₄ of Sec. 14, all in Township Five South, Range Forty-two East of the Boise Meridian, in Caribou County, Idaho, and the amount of water appurtenant to said lands consists of five hundred inches.

The origin of said water right consists of 400 inches diverted from Meadow Creek (of which Sheep Creek is a tributary), there being two points of diversion therefrom each opposite each other in the Southwest quarter of Section 11, T⁵S., R. 42 E., B.M., these said main canals being three feet wide and three feet deep, one canal being approximately 1200 feet in length and the other approximately 1500 feet in length. Said premises are also irrigated from Seven (7) Small Springs which rise on the property and from which numerous and adequate irrigation ditches have been constructed; and which said 7 Small Springs approximately (but not less than) eighty (80) inches of water are being used for irrigation purposes. Said premises are also irrigated from waters derived from Jarvis B. M., through a canal approximately one mile in length, eighteen inches wide and twelve inches deep, conveying to and upon the lands hereinabove described twenty (20) inches of water.

The waters and water rights hereinbefore set forth have been continuously put to beneficial use on the premises herein described for many years without protest, complaint or interruption and have been so put to continuous, open and notorious beneficial use without complaint, protest, objection or interruption to the personal knowledge of your affiants for more than five (5) years last past immediately preceding the execution of this affidavit. Said waters of Meadow Creek were decreed to said lands in the District Court of the Fifth Judicial District of the State of Idaho in and for Bannock County, Idaho under date of August 1, 1891 as is more fully shown in Book 1 of judgments, at page 31, Records of Caribou County, Idaho (Transcribed records of Bannock County of which Caribou County was formerly a portion). NO PERSON OR PERSONS OTHER THAN WILLIAM R. LARKIN OF HENRY, IDAHO, USE OR HAVE ANY INTEREST IN AND TO THE WATER RIGHTS, CANALS OR DITCHES HEREIN DESCRIBED AND NO OTHER PERSONS ARE CARRYING WATER THROUGH THE CANALS HEREIN DESCRIBED.

O. C. Childs

(Seal)

Walter Hogan

(Seal)

T. W. Cully

(Seal)

Subscribed and sworn to before me this 16th day of February, 1936.
(Seal) Com. Ex. Aug. 2, 1936. S. E. Matthews, Notary Public.

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 27-11317
Date Received: 1/25/1990
Receipt No: M005595
Received By:

AMENDED

AMENDED

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

1. Name of Claimant(s)

ALMA A HUBBARD Phone: (208)425-3366
PO BOX 341
GRACE ID USA 83241

2. Date of Priority: 04/01/1934

3. Source: CHUBB SPRINGS, WILLOW SPRING, JARVIS SPRING
Trib. to: MEADOW CREEK, SINKS, SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	42E	11	SE SW NW	CARIBOU	
05S	42E	10	NE NE SE	CARIBOU	
05S	42E	10	SW SE NE	CARIBOU	

5. Description of diverting works:

MOVABLE DAMS, HEADGATES

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/01 10/30	4.42	
STOCKWATER	01/01 12/31	0.12	
DOMESTIC	01/01 12/31	0.04	

7. Total Quantity Appropriated is:
4.58 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
05S	42E	10	NE	SE		STOCKWATER	
			SE	SE		STOCKWATER	
			NE	SE		IRRIGATION	31.2
			SE	SE		IRRIGATION	17.5
			SE	NE		IRRIGATION	0.5
						Section Acres	49.2
05S	42E	11	NW	SW		IRRIGATION	31.5
			SW	SW		IRRIGATION	38.8
			SE	SW		IRRIGATION	17.1
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			SW	SW		DOMESTIC	
						Section Acres	87.4
05S	42E	14	NE	NW		STOCKWATER	
			NW	NW		STOCKWATER	
			SW	NW		STOCKWATER	
			SE	NW		STOCKWATER	
			NE	SW		STOCKWATER	
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			SE	SW		STOCKWATER	
			NW	NE		IRRIGATION	2
			SW	NE		IRRIGATION	0.3
			NE	NW		IRRIGATION	33
			SW	NW		IRRIGATION	2.5
			SE	NW		IRRIGATION	1
NW	NW		IRRIGATION	35			
					Section Acres	73.8	
05S	42E	15	NE	NE		IRRIGATION	10.6
					Section Acres	10.6	
05S	42E	23	NW	NW		STOCKWATER	
					Total Acres	221	

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

6-30-04 AMENDED CLAIM TO CORRECT THE POU, POD AND DIVERSION RATE. CB

THERE ARE SEVEN SPRINGS, SIX UNNAMED AND CHUBB SPRING. THE WATER IS DIVERTED BY MEANS OF REMOVABLE DAMS WHICH ARE SET AT VARIOUS LOCATIONS IN THE DITCHES.

THERE ARE 4 POINTS OF DIVERSION WITHIN THE NE1/4 SW1/4 SW1/4, SECTION 11, T 5S, R 42E, B.M.

DOMESTIC USE IS FROM CHUBB SPRING ONLY.

ATTACHMENTS: 1 MAP 1 AFFIDAVIT OF WATER RIGHT

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): Alma A. Libaud Date: 7-7-04

Date: _____

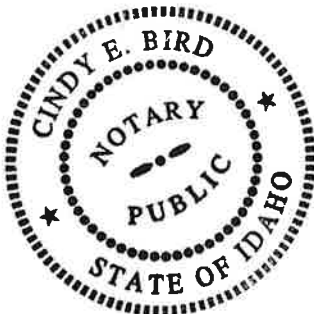
State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of July, 2004 Cindy E. Bird

Notary Public

Residing at Lava Hot Springs

My commission Expires May 1, 2007



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: A27-11317

Date Received: 1/25/1990

Receipt No: MO05595

Received By: Red

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALMA A. HUBBARD
Address: 745 HUBBARD ROAD
GRACE, ID

208-425-3366

83241

2. Date of Priority: 4/1/1934
JAN 01, 1890

3. Source: SPRINGS
CHUBB SPRING

Trib. to: MEADOW CREEK
MEADOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot
05S	42E	willow 10	NE	NE	SE	
		Jarvis 10	NW	NE SE	SE NE	
		11	NE	SW	SW	
		add Chubb spring.	SE	SW	SW	
			SE	SW	NW	

County
CARIBOU
CARIBOU
CARIBOU
CARIBOU

5. Description of diverting works:
MOVABLE DAMS, HEADGATES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600	4.93	
STOCKWATER	01/01	12/31	0.120		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 1192.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/600 CATTLE, D/4 horses 9H.

A27-11317

Page 1

Date: 01/25/90

COPY
MICROFILMED
NOV 12 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	42E	10	NE	SE ✓	IRR	35.0
			NE	SE	STOCK	
			SE	SE ✓	IRR	40.0
			SE	SE	STOCK	

Section Acres 75.0

11	NW	SW ✓	IRR	30.0
	NW	SW	STOCK	
	SW	SW ✓	IRR	35.0
	SW	SW	STOCK	
	SW	SW	DOMEST	

Section Acres 65.0

14	NE	NW	IRR	39.0
	NE	NW	STOCK	
	NW	NW	IRR	40.0
	NW	NW	STOCK	
	SW	NW	IRR	40.0
	SW	NW	STOCK	
	SE	NW	IRR	40.0
	SE	NW	STOCK	
	NE	SW ✓	IRR	30.0
	NE	SW	STOCK	
	NW	SW ✓	IRR	40.0
	NW	SW	STOCK	
	SW	SW	IRR	40.0
	SW	SW	STOCK	
SE	SW	IRR	20.0	
SE	SW	STOCK		

Section Acres 289.0

COPY 23
NOV. 16, 1946

23	NE	NW ✓	IRR	8.0
	NE	NW	STOCK	
	NW	NW ✓	IRR	40.0
	NW	NW	STOCK	

Section Acres 48.0

Total Acres 477.0

11. Place of use in counties: CARIBOU

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

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: A27-11317
Date Received: 1/25/1990
Receipt No: M005595
Received By: Rgt

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALMA A. HUBBARD
Address: 745 HUBBARD ROAD
GRACE, ID

208-425-3366

83241

2. Date of Priority: JAN 01, 1890

3. Source: SPRINGS
CHUBB SPRING

Trib. to: MEADOW CREEK
MEADOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	42E	10	NE	NE	SE		CARIBOU
		11	NW	NE	SE		CARIBOU
			NE	SW	SW		CARIBOU
			SE	SW	SW		CARIBOU

5. Description of diverting works:
MOVABLE DAMS, HEADGATES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		
STOCKWATER	01/01	12/31	0.120		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 1192.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/600 CATTLE, D/4 horses 94.

A27-11317

Page 1

Date: 01/25/90

MICROFILMED
NOV 12 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	42E	10	NE		SE		IRR	35.0
			NE		SE		STOCK	
			SE		SE		IRR	40.0
			SE		SE		STOCK	
			Section Acres					75.0
		11	NW		SW		IRR	30.0
			NW		SW		STOCK	
			SW		SW		IRR	35.0
			SW		SW		STOCK	
			SW		SW		DOMEST	
			Section Acres					65.0
		14	NE		NW		IRR	39.0
			NE		NW		STOCK	
			NW		NW		IRR	40.0
			NW		NW		STOCK	
			SW		NW		IRR	40.0
			SW		NW		STOCK	
			SE		NW		IRR	40.0
			SE		NW		STOCK	
			NE		SW		IRR	30.0
			NE		SW		STOCK	
			NW		SW		IRR	40.0
			NW		SW		STOCK	
			SW		SW		IRR	40.0
			SW		SW		STOCK	
			SE		SW		IRR	20.0
			SE		SW		STOCK	
			Section Acres					289.0
		23	NE		NW		IRR	8.0
			NE		NW		STOCK	
			NW		NW		IRR	40.0
			NW		NW		STOCK	
			Section Acres					48.0
			Total Acres					477.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
A27-00076

14. Remarks:

THERE ARE SEVEN SPRINGS, SIX UNNAMED AND CHUBB SPRING. THE WATER IS DIVERTED BY MEANS OF REMOVABLE DAMS WHICH ARE SET AT VARIOUS LOCATIONS IN THE DITCHES.

THERE ARE 4 POINTS OF DIVERSION WITHIN THE NE1/4 SW1/4 SW1/4, SECTION 11, T 5S, R 42E, B.M.

DOMESTIC USE IS FROM CHUBB SPRING ONLY.

ATTACHMENTS: 1 MAP

1 AFFIDAVIT OF WATER RIGHT

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: 2

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): Xalms & Hubbard Date: X 1/25/90

Date: _____

State of Idaho)

SS.

County of Cassia)

Subscribed and sworn (or affirmed) before me this 25th day

of January 19 90

[Signature]
Notary Public

Seal

Residing at Melen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

NOV 3 1992

RECEIVED

480,000
FEET

43°00'

111°30'

670,000 FEET

HENRY
HENRY NE ORTHOPHOTOQUAD
IDAHO

3 springs

locally known as
willow springs

known locally
as Jarvis Spring

A27-11317

TSS R4E

258' and
CR 455 Spring

AA7