

PLR

83720-0098

SS SERVICE
QUESTED



RECEIVED
NOV 21 2005
DEPARTMENT OF
WATER RESOURCES

no owner listed in tax lots
wb 6/11/2007

NSOE
WR# 67-7618

247 W R

TERRI HUBBS

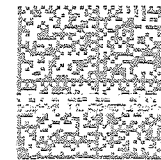
ALLEN HUBBS
2607 US HWY 95
COUNCIL ID 83612

SCANNED

FEB 27 2007

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



UNITED STATES POSTAL SERVICE
PITNEY BOWES
02 1A \$00.870
0004389393 JAN 19 2007
MAILED FROM ZIP CODE 83702



WBBM

ALLEN HUBBS

TERRI HUBBS
2607 US HWY 95
COUNCIL ID 83612

RECEIVED
JAN 23 2007
DEPARTMENT OF
WATER RESOURCES

Director's Report
WR # 67-7618

SCANNED

MAR 13 2007

09/20/2006

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

RIGHT NUMBER: 67-7618
NAME AND ADDRESS: ALLEN HUBBS
2607 US HWY 95
COUNCIL ID 83612

TERRI HUBBS
2607 US HWY 95
COUNCIL ID 83612

SOURCE: SPRING TRIBUTARY: SINKS
QUANTITY: 0.030 CFS
4.000 AFY
PRIORITY DATE: 04/08/1983
POINT OF DIVERSION:

T17N R01W S12 SWSESW Within ADAMS County
T17N R01W S12 SESESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.030 CFS 4.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within ADAMS County
T17N R01W S12 SESW 1.00

1 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 - License



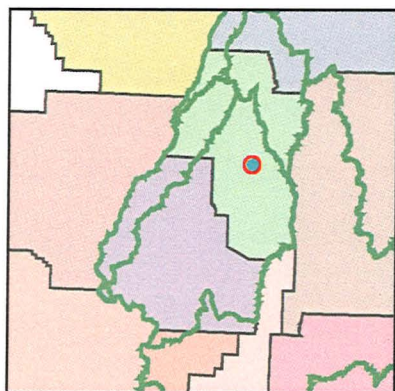
Idaho Department of Water Resources

SRBA Recommendation:

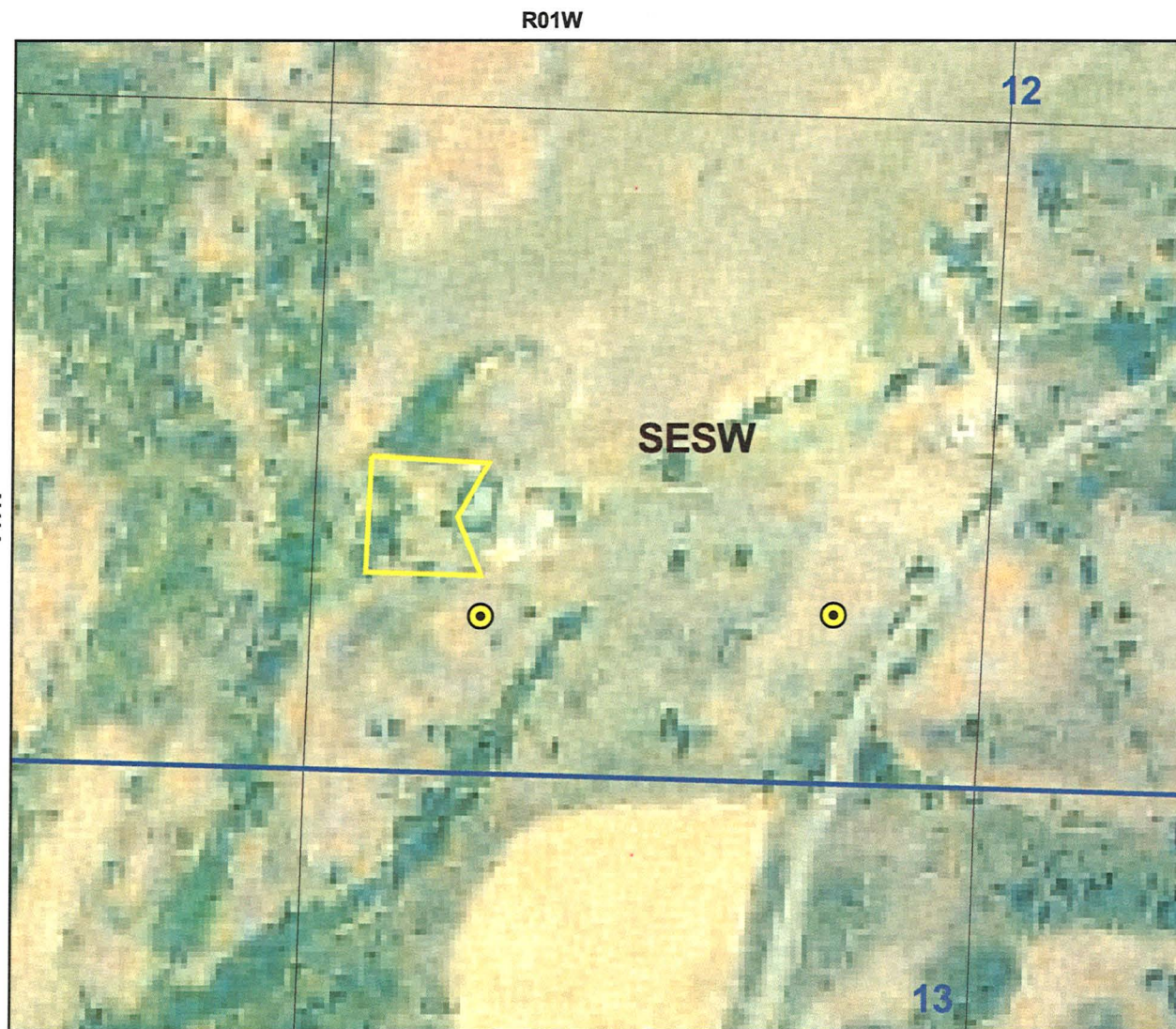
67-7618

Legend

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



Adams County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by M. Mount
On Wednesday, September 20, 2006
1987/88 Aerial Photography

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 67-7618
Date Received: 10/30/1989
Receipt No: C012581
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ALLEN HUBBS Phone: (208)253-4326

2607 US HWY 95
COUNCIL ID USA 83612

TERRI HUBBS Phone: (208)253-4326

2607 US HWY 95
COUNCIL ID USA 83612

2. Date of Priority: 04/08/1983

3. Source: SPRING , SPRING Trib. to: SINKS , SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
17N	01W	12	SE	SE	SW	ADAMS	
17N	01W	12	SW	SE	SW	ADAMS	

5. Description of diverting works:

TANK, PIPE & POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.03	4

7. Total Quantity Appropriated is:
0.03 C.F.S. and/or 4 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	12	SE	SW	IRRIGATION	1
					Section Acres	1
					Total Acres	1

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

COPY OF 1ST SHEET OF NOTARIZED BILL OF SALE SHOWING SPRING USE PRIOR TO JULY 1981.
OWNERSHIP CHANGED BY RDH ON 8-18-94.

Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20 _____

Notary Public

Residing at _____

My commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A67-07618**
Date Received: 10/30/1989
Receipt No: C012581
Received By: _____

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

1. Name: ALLEN HUBBS 208-253-4326
Address: 2607 US HWY 95
COUNCIL ID 83612

AND

Name: TERRI HUBBS 208-253-4326
Address: 2607 US HWY 95
COUNCIL ID 83612

2. Date of Priority: APR 8, 1983

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	12	SE	SW			ADAMS

5. Description of diverting works:
TANK, PIPE & POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/31	0.300		4.00

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

8. Total consumptive use is 42.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	12	SE	SW		IRR	14.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	14.0
					Total Acres	14.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:
COPY OF 1ST SHEET OF NOTARIZED BILL OF SALE SHOWING SPRING USE
PRIOR TO JULY 1981.
OWNERSHIP CHANGED BY RDH ON 8-18-94.

15. Basis of Claim: PERMIT

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUN 29 1994

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 6/1/94

LEGAL DESCRIPTION OF PROPERTY: Township 17 N Range 1 W
Section 12, 1/4 of 12 1/4 of 13 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: 67-07618
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):
Huebert M. Lyle
4433 Foothill Dr.
Boise, ID 83703
- ☐ New Owner/Claimant (Purchaser):
Allen & Terri Hubbs
- ☐ New Mailing Address:
2607 US Hwy 95
Council ID 83612
- ☐ New Telephone Number: (208) 253-4326
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: warranty Deed - legal Description

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Allen L. Hubbs Date 6/25/94
Terri A. Hubbs Date 6/25/94
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

MICROFILMED

OCT 23 1996

WARRANTY DEED

For Value Received, Hubert M. Lyle and Florence C. Lyle,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto

Allen L. Hubbs and ^{Terri} ~~Terri~~ A. Hubbs, husband and wife

whose address is: ~~MC01X30XX18XX1XX011XX 1X01XX00112~~
2607 US 95, Council, Idaho 83612

the grantee, the following described premises, to-wit:

See Attached Exhibit A

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 1994 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: May 27, 1994

Hubert M. Lyle
Hubert M. Lyle

Florence C. Lyle
Florence C. Lyle

State of Idaho)
County of Adams) ss

On the 27 day of May, 1994 before me, Donna Michael
a notary public in and for said State,
personally appeared Hubert M. Lyle and Florence C. Lyle known to me
to be the persons whose names are subscribed to the within
instrument, and acknowledged to me that they executed the same.

Donna Michael
Notary Public
Residing at: Council
Commission Expires: 10/7/94

POOR ORIGINAL

EXHIBIT A

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho:

Section 12: A parcel of land located in said section, more particularly described as follows:

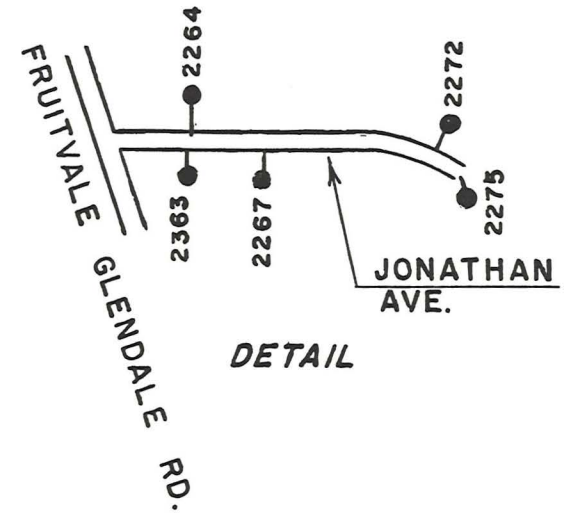
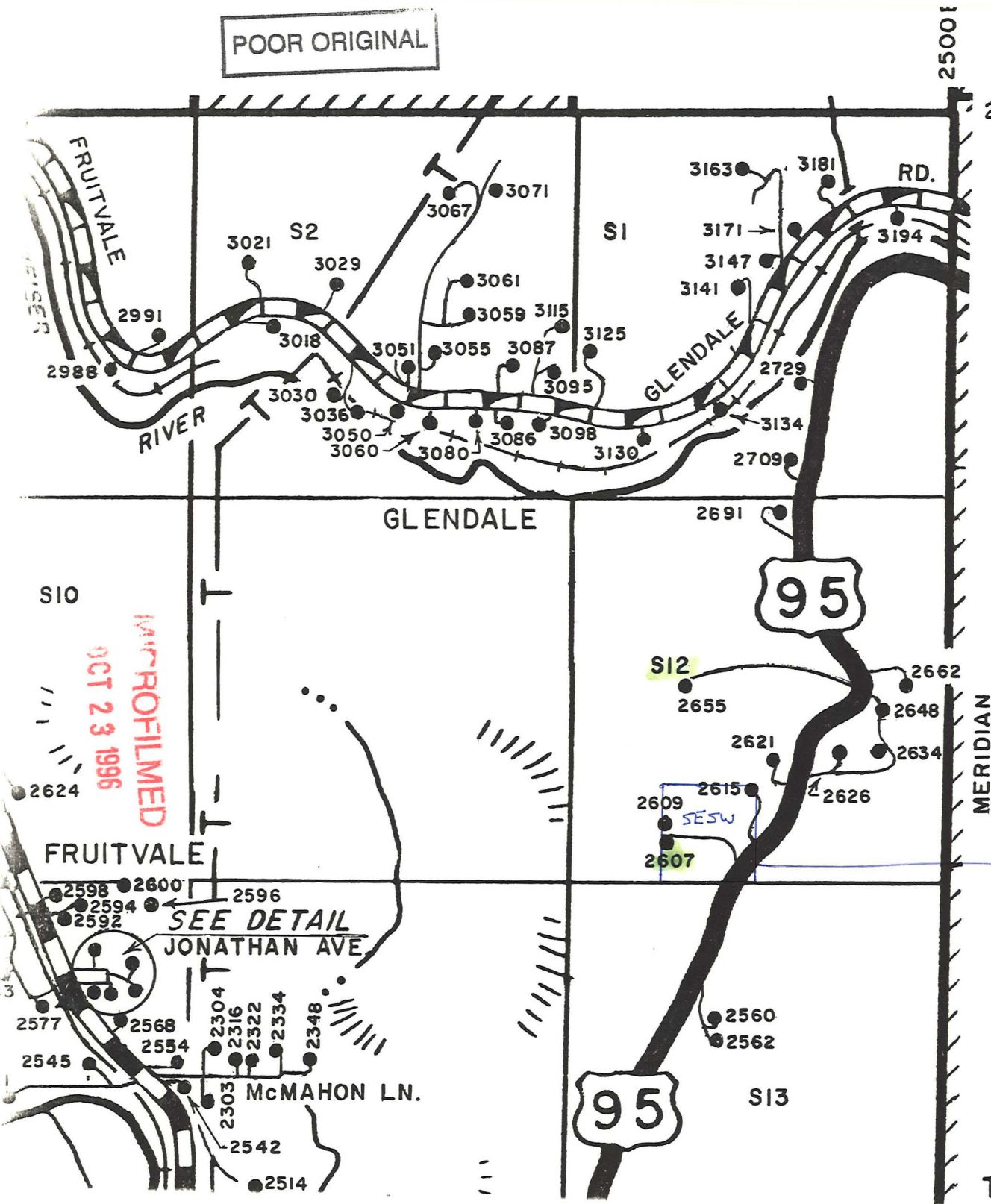
Commencing at the 1/4 corner common to Sections 12 and 13 of said Township; Thence South 89 degrees 51' 00" West 404.17 feet to the REAL POINT OF BEGINNING; Thence Northeasterly along a curve to the right having a radius of 1707.10 feet, a curve length of 227.96 feet, and a subchord length of 227.79 feet bearing North 23 degrees, 28' 57" East; Thence South 62 degrees 41' 35" East 20.00 feet; Thence Northeasterly along a curve to the right having a radius of 1687.10 feet, a curve length of 397.41 feet; and subchord length of 395.440 feet bearing North 34 degrees, 51' 52" East; Thence North 81 degrees 14' 03" West 367.140 feet; Thence North 81 degrees 20' 42" West 798.158 feet; Thence South 00 degrees 51' 27" West 702.518 feet; Thence North 89 degrees 51' 00" East 827.850 feet to the REAL POINT OF BEGINNING.

MICROFILMED

OCT 23 1996

POOR ORIGINAL

ADAMS County
ADDRESSING BOOK
MAP F



MATCHED
CLAIM $\frac{1}{4} \frac{1}{4}$

T.17N. R.1W.

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: A67-07618
Date Received: 10/30/1989
Receipt No: C012581
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HUBERT M. LYLE
Address: HC 64 BOX 3580
COUNCIL, ID 83612
2. Date of Priority: APR 08, 1983
3. Source: SPRING Trib. to: SINKS
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	12	SE	SW			ADAMS
5. Description of diverting works:
TANK, PIPE & POND
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/20	0.200		
7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 42.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	12	SE	SW		IRR	14.0
Section Acres							14.0
Total Acres							14.0

A67-07618

Page 1

Date: 04/04/90

MICROFILMED
OCT 02 1992

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:

COPY OF 1ST SHEET OF NOTARIZED BILL OF SALE SHOWING SPRING USE
PRIOR TO JULY 1981.

15. Basis of Claim: PERMIT

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

64.00

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: A67-07618
Date Received: 10/10/1989
Receipt No: C012381
Received By: D.K.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
OCT 30 1989

Department of Water Resources

1. Name: HUBERT M. LYLE
Address: HC 64 BOX 3580
COUNCIL, ID 83612
2. Date of Priority: APR 08, 1983
3. Source: SPRING Trib. to: SINKS
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	12	SE	SW			ADAMS

5. Description of diverting works:
TANK, PIPE & POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/20	0.200		

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

8. Total consumptive use is 42.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	12	SE	SW		IRR	14.0

Section Acres 14.0

Total Acres 14.0

A67-07618

Page 1

Date: 10/10/89

MICROFILMED
OCT 02 1992

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

NONE

- Filing for domestic deep well

14. Remarks:

15. Basis of Claim: PERMIT

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 copy 1st sheet of notarized Bill of Sale showing spring use prior to July 1981

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): *ATM Syde*

Date: 10/19/89

Date: _____

State of Idaho)

)

SS.

County of Adams

)

Subscribed and sworn (or affirmed) before me this 19 day

of October

19 89

Patricia Wilson
Notary Public

Seal

Residing at Cornal

My Commission Expires 10-23-93

BILL OF SALE

KNOW ALL PERSONS BY THESE PRESENTS:

That DONALD E. CLAPPERTON and EMILY JUNE CLAPPERTON, husband and wife, hereinafter called Grantors, in consideration of \$1.00 and other good and valuable consideration paid to them by HUBERT M. LYLE and FLORENCE C. LYLE, husband and wife, whose address is 5840 Collister Drive, Boise, Idaho 83704, hereinafter called Grantees, receipt whereof is hereby acknowledged, do hereby sell, grant, transfer and deliver to the said Grantees the following personal property namely listed as follows:

Piping from spring to premises (which pipe is now connected and providing irrigation water) belonging to Grantors in rural Adams County
Redwood skirting installed around mobile home
G.E. refrigerator
G.E. dishwasher
Gafford & Statler range
Brown living room drapes

(All above described personal property located on premises of Grantors' rural Adams County premises as of the 21st day of July, 1981.)

TO HAVE AND TO HOLD all and singular of the said personal property unto themselves, their executors, administrators, heirs and assigns, to their own use forever.

AND THE SAID Grantors do hereby covenant unto the said Grantees that they are the lawful owners of the herein enumerated personal property and that these items of personal property are free from all encumbrances, that they have good and sufficient right to sell the same as aforesaid itemized, and that they WARRANT AND DEFEND the same against any and all lawful claims and demands of all persons.

IN WITNESS WHEREOF, we set our hands this 24 day of July, 1981.

Donald E. Clapperton
DONALD E. CLAPPERTON

Emily June Clapperton
EMILY JUNE CLAPPERTON

4/5/1989

SRDA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Leyle CLAIM IDENT. NO. AL6707618

DATE RECEIVED 10/30/89 CK # C012587 AMOUNT \$ 164.00

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered? Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (If required)	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☒	☐	
Is the consumptive use correct?	☒	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☒	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☒	☐	*
20. Is the fee enclosed correct?	☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?	☒	☐	
22. Should this claim be data entered?	☒	☐	

Claim checked by: JB Date: 2/4/93Claim must be returned to claimant: (Yes) (No)Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: _____ Date: _____
Claim data entered by: JB Date: 4/12/90
Sent to claimant by: JB Date: 6-8-90

Checked by: _____ Date: _____

MICROFILMED

OCT 02 1992

Comments: _____

ATTACHMENT A

SRBA CLAIM CHECK PER BENEFICIAL USE EXAM

EXAMINER QN DATE SUBMITTED _____

ADJUDICATION AGENT _____ RESPONSE DUE DATE _____

COUNTY _____ OWNER'S NAME Lytle

PERMIT DATA T R S Q/Q T R S Q/Q

P/D _____

P/U _____

PROOF SUBMITTED DATE _____

ADJUDICATION DATA RELATING TO THIS PERMIT NUMBER

A. Check Permit Number for Adjudication Claim Filing:

- ☐ Claim required for permit but not filed
(examiner needs to notify permit holder during exam)
☒ Claim filed for permit and copy attached *
☐ Claim filed although not required (proof filed after 11-19-87)
☐ No claim filed or required.

B. Check Adjudication Claims Relating to the Permit Holder but are Different Claims (new number - different right)

- ☒ Name index search
☐ Legal description search
☐ Non-data entry claims search
☐ Claim found but large system no exam required *

Claims found requiring exam	Date field exam conducted	Exam data is in, Permit file	Attached	Exam not Conducted
--------------------------------	------------------------------	---------------------------------	----------	-----------------------

<u>A67-07618</u> Adj No. <u>6/15/88</u>	☒	☐	☐
Adj No. _____	☐	☐	☐
Adj No. _____	☐	☐	☐

☐ Exam completed date(s) data entered _____ (initial & date)

* copies included only if pertinent to permit field exam

MICROFILMED
OCT 02 1992

DRAFT

Page 1

06/29/2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7618 V1

WATER RIGHT NUMBER: 67-7618 V1

Owner Type	Name and Address
Original Owner	HUBERT M LYLE HC 64 BOX 3580 COUNCIL, ID (208)253-4404
Current Owner	ALLEN HUBBS 2607 US HWY 95 COUNCIL, ID 83612 (208)253-4326
Current Owner	TERRI HUBBS 2607 US HWY 95 COUNCIL, ID 83612 (208)253-4326

Priority Date: 04/08/1983

Basis:

Status: Active

Source	Tributary
SPRING	SINKS

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/15 to 10/31	0.300 CFS	4.00 AF
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

SPRING	SE1/4SW1/4	Sec. 12, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
17N	01W	12	NE	NW	SW	SE	14.0

Total Acres: 14

Conditions of Approval:

- C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

DRAFT

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06/29/2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7618 V1

Comments:Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 67
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	6/22/2004 1:35:37 PM	jcarr			Active
POD	6/22/2004 1:35:38 PM	jcarr			Active
POU	6/22/2004 1:35:38 PM	jcarr			Active
Quantity	6/22/2004 1:35:39 PM	jcarr			Active
Season	6/22/2004 1:35:39 PM	jcarr			Active
Source	6/22/2004 1:35:39 PM	jcarr			Active
Use	6/22/2004 1:35:39 PM	jcarr			Active
Priority Date	6/29/2004 9:16:26 AM	jcarr			Active
POD	6/29/2004 9:17:19 AM	jcarr			Active
Source	6/29/2004 9:23:01 AM	jcarr			Active
POU	6/29/2004 9:24:23 AM	jcarr			Active
Use	6/29/2004 9:29:46 AM	jcarr			Active
Season	6/29/2004 9:30:32 AM	jcarr			Active
Quantity	6/29/2004 9:31:21 AM	jcarr			Active
Summary			06/29/2004	jcarr	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
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Priority Date	6/29/2004 9:16:26 AM	jcarr	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	6/29/2004 9:17:19 AM	jcarr	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	6/29/2004 9:21:58 AM	jcarr	Edited point location
Source	6/29/2004 9:23:01 AM	jcarr	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	6/29/2004 9:24:24 AM	jcarr	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (Yes) 3. Is the basis of claim a Application or Permit? (Yes) 4. Has the licensed been issued yet? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	6/29/2004 9:24:53 AM	jcarr	Edited shape boundary
Use	6/29/2004 9:29:47 AM	jcarr	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2. Is the basis of this claim a Application or Permit? (Yes) 3. Has the licensed been issued? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

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IDAHO DEPARTMENT OF WATER RESOURCES
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Season	6/29/2004 9:30:32 AM	jcarr	(No) 1. Is the basis of claim Decree or License? (Yes) 2. Is the basis of claim a Application or Permit? (Yes) 3. Has the licensed been issued? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. 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? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	6/29/2004 9:31:22 AM	jcarr	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2. Is the basis of this claim a Application or Permit? (Yes) 3. Has the licensed been issued? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - 0.3 cfs or 4.0 afa
Summary	6/29/2004 9:31:54 AM	jcarr	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right?
Priority Date	6/22/2004 1:35:37 PM	jcarr	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (Yes) 7. Is the basis of claim a Application or Permit?
POD	6/22/2004 1:35:38 PM	jcarr	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2. Is the basis of this claim a Application or Permit? (Yes) 3. Has the licensed been issued?
POU	6/22/2004 1:35:38 PM	jcarr	(No) 1. Is the basis of this claim a Decree or License?

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Source	6/22/2004 1:35:38 PM	jcarr	(No) 1. Is the basis of claim Decree or License? (Yes) 2. Is the basis of claim an Application or Permit? (Yes) 3. Has the licensed been issued?
Use	6/22/2004 1:35:39 PM	jcarr	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2. Is the basis of this claim a Application or Permit? (Yes) 3. Has the licensed been issued?
Season	6/22/2004 1:35:39 PM	jcarr	(No) 1. Is the basis of claim Decree or License? (Yes) 2. Is the basis of claim a Application or Permit? (Yes) 3. Has the licensed been issued?
Quantity	6/22/2004 1:35:39 PM	jcarr	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2. Is the basis of this claim a Application or Permit? (Yes) 3. Has the licensed been issued?

Idaho Department of Water Resources



**T17N, R01W,
SEC 12**

Claim No: 67-07618
Prepared By: J. Carr
Date: June 29, 2004

-  Point of Diversion
-  Place of Use
-  Adams taxlots
-  1/4 1/4
-  Sections



**1987
True Color
Photography**

0.125 0 0.125 0.25 Miles





State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 23, 1994

CECIL D. ANDRUS
GOVERNOR

Allen Hubbs &
Terri Hubbs
2607 US HWY 95
Council ID 83612

R. KEITH HIGGINSON
DIRECTOR

REF: "CHANGE IN OWNERSHIP"
CLAIM: A67-07618

Dear Allen & Terri Hubbs,

Enclosed is a copy(s) of the above referenced claim(s) which reflects the **CHANGE IN OWNERSHIP** of the lands and appurtenant water rights covered by this claim(s).

The claim attached was based upon a permit because it was in that stage prior to licensing. This means it had not been field examined by our Department yet. It however now, has been field examined since the claim was taken. You will notice that the claim is for 14 acres of irrigation. But after it was field examined by the Department we only found that 1 acre was actually being irrigated.

Thus, a License was issued after the field exam was completed for only the 1 acre. Since we cannot change this claim as it is a notarized document, this letter is to notify you that the actual right covers only 1 acre of irrigation.

The Department will contact you further in the future concerning any other requirements that may be needed in order to process this claim(s) for final court decree.

If you have any other questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Ron Howerton
ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190

Attachment(s)
Claim Copy
License Copy
Copy of Notice of Ownership Change Form

SCANNED
APR 14 2004

MICROFILMED
OCT 23 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 67-07618

Priority: April 8, 1983

Maximum Diversion Rate: 0.03 CFS
Maximum Diversion Volume: 4.0 AF

This is to certify, that HUBERT M LYLE
HC 64 BOX 3580
COUNCIL ID 83612

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated April 8, 1983; and
has submitted Proof of Beneficial Use on January 1, 1900. An examination indicates
that the works have a diversion capacity of .030 cfs of water from:

SPRINGS

tributary to **SINKS**

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.03 CFS	4.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSESW , Sec. 12, Township 17N, Range 01W
SESESW , Sec. 12, Township 17N, Range 01W
ADAMS County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
17N 01W 12	SESW 1			1

Total number of acres irrigated: 1

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.

MICROFILMED
OCT 23 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 67-07618

CONDITIONS/REMARKS:

6. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.
7. Two points of diversion are located within SESW, S12, T17N, R01W.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 23RD day of AUGUST, 1993.

Acting for R. Keith Higginson, Director

MICROFILMED

OCT 23 1995