

MAR 13 2002

Department of Water Resources

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-8093
Date Received: 6/16/1988
Receipt No: S000444
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LOUIS L HUBSMITH

Phone: (208) 544-7581

647 E 130 S
DIETRICH ID USA 83324

IRIS B HUBSMITH

Phone: (208) 544-7581

647 E 130 S
DIETRICH ID USA 83324

2. Date of Priority: 03/17/1984

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	18E	10	SE SE SE	LINCOLN	

5. Description of diverting works:

8"X 360' WELL WITH 3 HP SUBM. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.08	9.3
COMMERCIAL	01/01	12/31	0.08	1.1

7. Total Quantity Appropriated is:
0.08 C.F.S. and/or 10.4 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
06S	18E	10	SE	SE	STOCKWATER	
06S	18E	11	SW	SW	COMMERCIAL	
			SW	SW	STOCKWATER	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

3-1-02 AMENDED CLAIM TO MATCH LICENSE.

9/15/99, CHANGED OWNERSHIP: MC COWAN TO HUBSMITH AS PER FORM 1409 AND US MARSHALLS DEED RECD 7/22/99. C.T.

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: 3-7-02

Date: 3-7-02

State of Idaho)

County of Lincoln)

SS.

Subscribed and sworn (or affirmed) before me this

of 3-7 2002

Vivian Sorensen

Notary Public

Residing at

Dietrich

My commission Expires

4-24-07



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-08093

Date Received: 6/16/1988

Receipt No: S000444

Received By: *J.anner change*

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: LOUIS L HUBSMITH
Address: 647 E 130 S
DIETRICH ID

208-544-7581

83324

AND/OR

Name: IRIS B HUBSMITH
Address: 647 E 130 S
DIETRICH ID

208-544-7581

83324

2. Date of Priority: MAR 17, 1984

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	18E	10	SE	SE	SE		LINCOLN

5. Description of diverting works:
8"X 360' WELL WITH 3 HP SUBM. PUMP

6. Water is used for the following purposes:

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

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	18E	10	SE	SE		DOMEST	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

9/15/99, CHANGED OWNERSHIP: MC COWAN TO HUBSMITH AS PER FORM
1409 AND US MARSHALL'S DEED REC'D 7/22/99. C.T.

15. Basis of Claim: PERMIT

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

09/24/99 14:16:41
Page 1

Water Right Number - R37-08093

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
HUBSMITH

LOUIS L

1 - 647 E 130 S
2 -
3 -

City- DIETRICH
Phone - 208-544-7581

State- ID Zip- 83342

HUBSMITH

IRIS B

1 - 647 E 130 S
2 -
3 -

City- DIETRICH
Phone - 208-544-7581

State- ID Zip- 83342

*** D - DIR RPT OWNER ***
MC COWAN

SUE

1 - PO BOX 51
2 -
3 -

City- SHOSHONE
Phone - 208-886-7541

State- ID Zip- 83352

+ - - Priority Date - - +
03/17/1984

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - - - Source - - - - - +
GROUNDWATER

+ - - - - Tributary - - - - - +

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

06S 18E 10 SE SE SE (63) LINCOLN

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

43 - DOMESTIC 01/01 12/31 0.040
04 - STOCKWATER 01/01 12/31 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

06S 18E 10 SE SE 43 DOMESTIC (63) LINCOLN

Total Acres:

+ - - Diversion Means - 8"X 360' WELL WITH 3 HP SUBM. PUMP

+ - - Non-Irrigation Use - 1 HOME

+ - - Other Rights for Same Use -

AJ0743NP
(00-124)

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

09/24/99 14:16:42
Page 2

Water right number - R37-08093

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - -
No Remarks found.

+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - -
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -
Date: 02/17/1999 User Id: SCLELLAN Subject: REFORMAT & REVIEW
LICENSED FOR COMMERCIAL DAIRY USES.

Date: 09/24/1999 User Id: CTIMM Subject: OWNER CHANGE
9/24/99, CHANGED OWNERSHIP: MC COWAN TO HUBSMITH AS PER FORM 1409 AND US MARSHALL'S DEED REC'D 7/22/99. C.T.

+ - - Audit Fields - - +
09/24/99 CTIMM

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 06/16/1988	Last Amended Date	- 07/30/1993	Temporary Right	- P
		Receipt Number	- S000444	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

December 2, 1999

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**LOUIS L & IRIS B HUBSMITH
647 E 130 S
DIETRICH ID 83324**

RE: OWNERSHIP CHANGE SRBA Claim(s) A37-10142, A37-08093

Dear Claimant:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership of the above referenced claim to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

**Cheryl E. Timm
Records Clerk, SRBA**

Enc.: Copy of Claim to a Water Right(s) referenced above

RECEIVED

JUL 22 1999

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

Department of Water Resources
Southern Region

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

RECEIVED

SEP 24 1999

Department of Water Resources
Southern Region

1. Water Right No(s): _____

Adjudication Claim No(s): A37-10142, ~~08023~~ 080732. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP.**

3. Name and Address of Former Owner/Claimant

Herbert McCowan

4. New Owner/Claimant(s)

Louis L. & Iris B. Hubsmith

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
647 E 130 S

City, State and ZIP Code

Dietrich, ID 83324

New Telephone Number

() 544-7581

5. Date you acquired the property

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) Louis L. Hubsmith

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

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

o/c 9/15/99 ct
 ✓ ID



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

December 2, 1999

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**LOUIS L & IRIS B HUBSMITH
647 E 130 S
DIETRICH ID 83324**

RE: OWNERSHIP CHANGE SRBA Claim(s) A37-10142, A37-08093

Dear Claimant:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership of the above referenced claim to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

**Cheryl E. Timm
Records Clerk, SRBA**

Enc.: Copy of Claim to a Water Right(s) referenced above



U.S. Department of Justice

*United States Attorney
District of Idaho*

<i>Mailing Address:</i>	<i>Street Address:</i>	<i>Comm:</i> 208/334-1211
	<i>First Interstate Center</i>	<i>Main Fax:</i> 208/334-9375
<i>P. O. Box 32</i>	<i>877 W. Main, Ste 201</i>	<i>Cv Div Fax:</i> 208/334-1414
<i>Boise, ID 83707</i>	<i>Boise, ID 83702</i>	<i>Cr Div Fax:</i> 208/334-1413
		<i>DTF Div Fax:</i> 208/334-9018

July 17, 1998

Louis L. Hubsmith
647 East 130 South
Dietrich, ID 83324

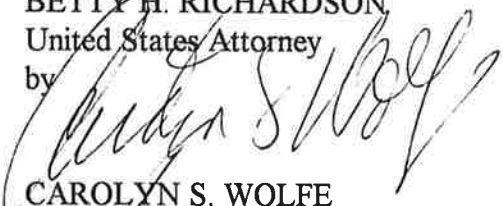
RE: U.S. vs. McCowan

Dear Buyer:

Enclosed is the original **United States Marshal's Deed** for the property you purchased on July 15, 1997 at a United States Marshal's Sale held in this foreclosure. We recommend that you immediately record this deed with the Lincoln County Recorder's Office to transfer title.

Sincerely,

BETTY H. RICHARDSON
United States Attorney
by


CAROLYN S. WOLFE
Paralegal

Enclosure

UNITED STATES MARSHAL'S DEED

THIS DEED, made and entered into this 16th day of July, 1998, between James H. Benham, United States Marshal for the District of Idaho, by virtue of his office, of the first part, and **Louis L. Hubsmith, 647 East, 130 South, Dietrich, Idaho 83324** of the second part;

WHEREAS, in and by an Order of Default Judgment and Decree of Foreclosure filed on the 6th of June, 1996, in and by the District Court of the United States, held in and for the District of Idaho, in a lawsuit then pending in said Court, wherein the United States of America was plaintiff and Herbert J. McCowan and Ruby McCowan, aka Ruby W. McCowan, husband and wife, were the defendants, it was, among other things, ordered, adjudged, and decreed that the mortgaged premises described in the Complaint and in the Order of Default Judgment and Decree of Foreclosure in said action be sold at public auction by the United States Marshal for the District of Idaho in the manner directed by law, a copy of which Order of Sale thereon was duly issued and delivered to said Marshal, requiring him to make sale of said property as therein directed;

AND WHEREAS, in obedience to said Order of Default Judgement and Decree of Foreclosure and Order of Sale, and after due public notice given as required by law, the said Marshal did, on the 15th day of July, 1997, at 1:45 p.m. of said day, duly sell at public auction the premises described as Parcel A to **Louis L. Hubsmith** for \$81,000.00, that being the highest and best bid and **Louis L. Hubsmith** the highest and best bidder which will more fully appear by reference to a Certificate of Sale Parcel A given to said **Louis L.**

Hubsmith on behalf of the said United States Marshal bearing date on the 15th day of July, 1997.

NOW THEREFORE, I, James H. Benham, United States Marshal for the District of Idaho, by virtue of my office, for and in consideration of \$81,000.00 have sold and by these presents do sell all the real and appurtenant property known as **Parcel A** which is situated in the County of Lincoln, State of Idaho, and more particularly described as follows:

Parcel A includes Tracts/parcels I and II. For Parcel A, see Attachment A.

TO HAVE AND TO HOLD, the above-described premises unto said grantees and assigns forever.

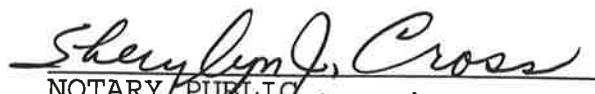
IN WITNESS WHEREOF, said grantor as Marshal aforesaid, doth hereunto set his hand the day and year first above written.


JAMES H. BENHAM
United States Marshal
for the District of Idaho

STATE OF IDAHO)
) s s.
County of Ada)

I, the undersigned, a Notary Public for the State of Idaho, do hereby certify that James H. Benham, United States Marshal for the District of Idaho, who is known to me to be the person who executed the foregoing deed of conveyance, this day personally appeared before me and acknowledged that he executed the same as said United States Marshal for the District of Idaho, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal at the City of Boise, State of Idaho, this 16th day of July, 1998.


NOTARY PUBLIC
Residing at Boise, ID
My Commission Expires: 12/8/2002

PARCEL A

TRACT/PARCEL I

A portion of the Southeast Quarter of the Southeast Quarter of Section 10, Township 6 South, Range 18 East of the Boise Meridian, County of Lincoln, State of Idaho, lying North of Railroad right of way and South and East of Irrigation lateral #1047 of the Big Wood Canal Company system.

EXCEPTING THEREFROM that part of the Southeast Quarter of the Southeast Quarter more particularly described as follows:

BEGINNING at the Southeast corner of Section 10;

Thence North 691.20 feet along the Easterly boundary of Section 10 to the **TRUE POINT OF BEGINNING**;

Thence West 105.00 feet;

Thence North $10^{\circ}27'17''$ West, 328.50 feet;

Thence East 164.61 feet to a point in the easterly boundary of Section 10;

Thence South 323.05 feet along the easterly boundary of Section 10 to the **TRUE POINT OF BEGINNING**.

The West Half of the Southwest Quarter of the Southwest Quarter of Section 11, Township 6 South, Range 18 East of the Boise Meridian, County of Lincoln, State of Idaho.

TRACT/PARCEL II

The North Half of the Northwest Quarter and the North Half of the Southwest Quarter and the Northeast Quarter of the Southeast Quarter and the South Half of the South Half of Section 10, Township 6 South, Range 18 East of the Boise Meridian, County of Lincoln, State of Idaho, lying North of the Union Pacific railroad right-of-way.

EXCEPTION THEREFROM that part of the Southeast Quarter of the Southeast Quarter lying North of the Oregon Short Line Railroad and South and East of irrigation Lateral No. 1047.

The East Half of the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 11, Township 6 South, Range 18 East of the Boise Meridian, County of Lincoln, State of Idaho.

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including, but not limited to water and ditch rights under the American Falls Reservoir District No. 2, and also 20 shares of the capital stock of the Big Wood Canal Company.

MARRIAGE LICENSE No 46702

The State of Utah

County of Salt Lake

To Any Person Legally Authorized to Solemnize Marriage, Greeting:

You are Hereby Authorized to Join in Holy Matrimony

Mr. LOUIS LEON HUBSMITH, of DISTRICH

in the County of LINCOLN and State of IDAHO over the age of 56 years, and

M IRIS BEATRIX EHRSAM, of SALT LAKE CITY

in the County of SALT LAKE and State of UTAH over the age of 39 years.

Witness my hand and official seal 21st day of APRIL 1989

H. DIXON HINDLEY County Clerk, Salt Lake County, Utah

By Nancy L. Swett Deputy Clerk.

STATE OF UTAH }
County of CACHE } ss.

I hereby certify that on the 28th day of APRIL in the

year of our Lord one thousand nine hundred 89 at LOGAN, in said CACHE County,

I, the undersigned, a Member of the Church of Jesus Christ of Latter-Day Saints did join in the Holy Bonds of Matrimony

according to law LOUIS LEON HUBSMITH of the County of LINCOLN,

State of IDAHO and IRIS BEATRIX EHRSAM of the County of

SALT LAKE State of UTAH. The nature of the ceremony was according to

the Church of Jesus Christ of Latter-Day Saints, and was a present mutual agreement of marriage between the parties for all time.

SIGNATURE OF PARTIES INVOLVED IN MARRIAGE

Groom: Louis Leon Hubsmith
1st Name 2nd Name Last Name

Bride: Iris Beatrix Ehsam Steve
1st Name 2nd Name Maiden Prev. Married

Roy E. Hubert Roy E. Hubert 1st Witness

Arthur R. Hubsmith 2nd Witness

William L. Swett
Signature of Person Performing Marriage

Elder of the Church of Jesus Christ of Latter-Day Saints

Title Position Held

Attn: Jim Steen
Thanks Again
Leon

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-08093**
Date Received: 6/16/1988
Receipt No: S000444
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SUE MC COWAN 208-886-7541
Address: PO BOX 51
SHOSHONE ID 83352

2. Date of Priority: MAR 17, 1984

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	18E	10	SE	SE	SE		LINCOLN

5. Description of diverting works:
8"X 360' WELL WITH 3 HP SUBM. PUMP

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	18E	10	SE	SE		DOMEST	

11. Place of use in counties: LINCOLN

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.

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AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SUE MC COWAN
Address: PO BOX 51
SHOSHONE ID

208-886-7541

83352

RECEIVED

2. Date of Priority: MAR 17, 1984

3. Source: GROUNDWATER

Trib. to:

JUL 30 1993

4. Point of Diversion:

Department of Water Resources
Southern Region Office
County
LINCOLN

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot
06S	18E	10	SE	SE	SE	

5. Description of diverting works:
8"X 360' WELL & BOTH WITH 3 HP SUBM. PUMP

6. Water is used for the following purposes:

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

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses: ~~S/~~
D/1 HOME ~~S/120~~ DAIRY

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	18E	10	SE	SE		DOMEST	

11. Place of use in counties: LINCOLN

MICROFILMED
OCT 25 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 30, 1993

SUE MC COWAN
PO BOX 51
SHOSHONE ID 83352

RE: ADJUDICATION CLAIM NO. A37-08093

Dear Sue:

Thank you for being so prompt in returning the above-referenced Amended Claim form. The changes are in our computer program now; please find enclosed a copy of your Adjudication Claim. Please check **again**, to see if the Claim is listed as you requested.

Good Luck to you in the future and should you have any questions concerning this matter, please feel free to contact me at this office.

Sincerely,

A handwritten signature in cursive script, likely belonging to Judy Givens.

Judy Givens
Adjudication Secretary

/jg
Enclosures

MICROFILMED
OCT 25 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 28, 1993

SUE MC COWAN
HERBERT OR RUBY MC COWAN
PO BOX 51
SHOSHONE ID 83352

RE: ADJUDICATION CLAIM NO. A37-08093 IN THE NAME OF SUE MC COWAN
- A37-10142 IN THE NAME OF HERBERT OR RUBY MC COWAN

Dear Claimant(s):

Pursuant to our telephone on July 27, 1993, I have made the changes that we discussed. Please check to see if these are correct and if you agree, please sign and send back to me at this Department.

We will take no further action to update our records until we hear you from you.

If you should have any questions, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg
Enclosures

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-08093
Date Received: 6/16/1988
Receipt No: S000444
Received By: _____

MAR 31 1989

Department of Water Resources
Southern Region Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DONALD MC COWAN 208-544-2664
Address: DIETRICH, ID 83324
AND/OR
Name: SUE MC COWAN 208-544-2664
Address: DIETRICH, ID 83324
2. Date of Priority: MAR 17, 1984
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
06S 18E 10 SE SE SE LINCOLN
5. Description of diverting works:
6" X 296' AND 8" X 360' WELLS BOTH WITH 3 HP SUBM. PUMPS. REMARKS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.080		
COMMERCIAL	01/01	12/31	0.080		
7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
S/300 DAIRY

A37-08093

Page 1

Date: 03/27/89

MICROFILMED
FEB 24 1993
OCT 29 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	18E	10	SE	SE		STOCK	
		11	SW	SW		STOCK	
			SW	SW		COMMER	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

DOM. RT. WITH EARLIER PRIORITY ON SAME SYSTEM.

14. Remarks:

TWO WELLS ARE INTERCONNECTED. 11/4" LINES TO PLACES OF USE.
SMALLER WELL WAS CONST. IN 1951.

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): X Donald M^c Cowan Date: 3-28-89
Sue M^c Cowan Date: 3-28-89

State of Idaho)
County of TC) SS.

Subscribed and sworn (or affirmed) before me this 28 day h
of March 19 89 Notary Public

Seal

Residing at TC
My Commission Expires 5/3/94

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-08093
Date Received: 6/16/1988
Receipt No: 5000444
Received By: TB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HERBERT J. MC COWAN 208-544-2501
Address: 539 E. 330 S.
DIETRICH, ID 83324

OR
Name: RUBY MC COWAN
Address: DIETRICH, ID 83324

2. Date of Priority: MAR 17, 1984

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	18E	10	SE	SE	SE		LINCOLN

5. Description of diverting works:
6" X 296' AND 8" X 360' WELLS BOTH WITH 3 HP SUBM. PUMPS. REMARKS

6. Water is used for the following purposes:

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9. Non-irrigation uses:
S/300 DAIRY

A37-08093

Page 1

Date: 06/16/88

MICROFILMED
FEB 24 1988

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	18E	10	SE	SE		STOCK	
		11	SW	SW		STOCK	
			SW	SW		COMMER	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

DOM. RT. WITH EARLIER PRIORITY ON SAME SYSTEM.

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SMALLER WELL WAS CONST. IN 1951.

15. Basis of Claim: PERMIT

Water Right Number:

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: 1

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): Nesbert J. McCowan Date: 6-16-88

Date: _____

State of Idaho)

County of Duwin Falls) SS.

Subscribed and sworn (or affirmed) before me this 16th day

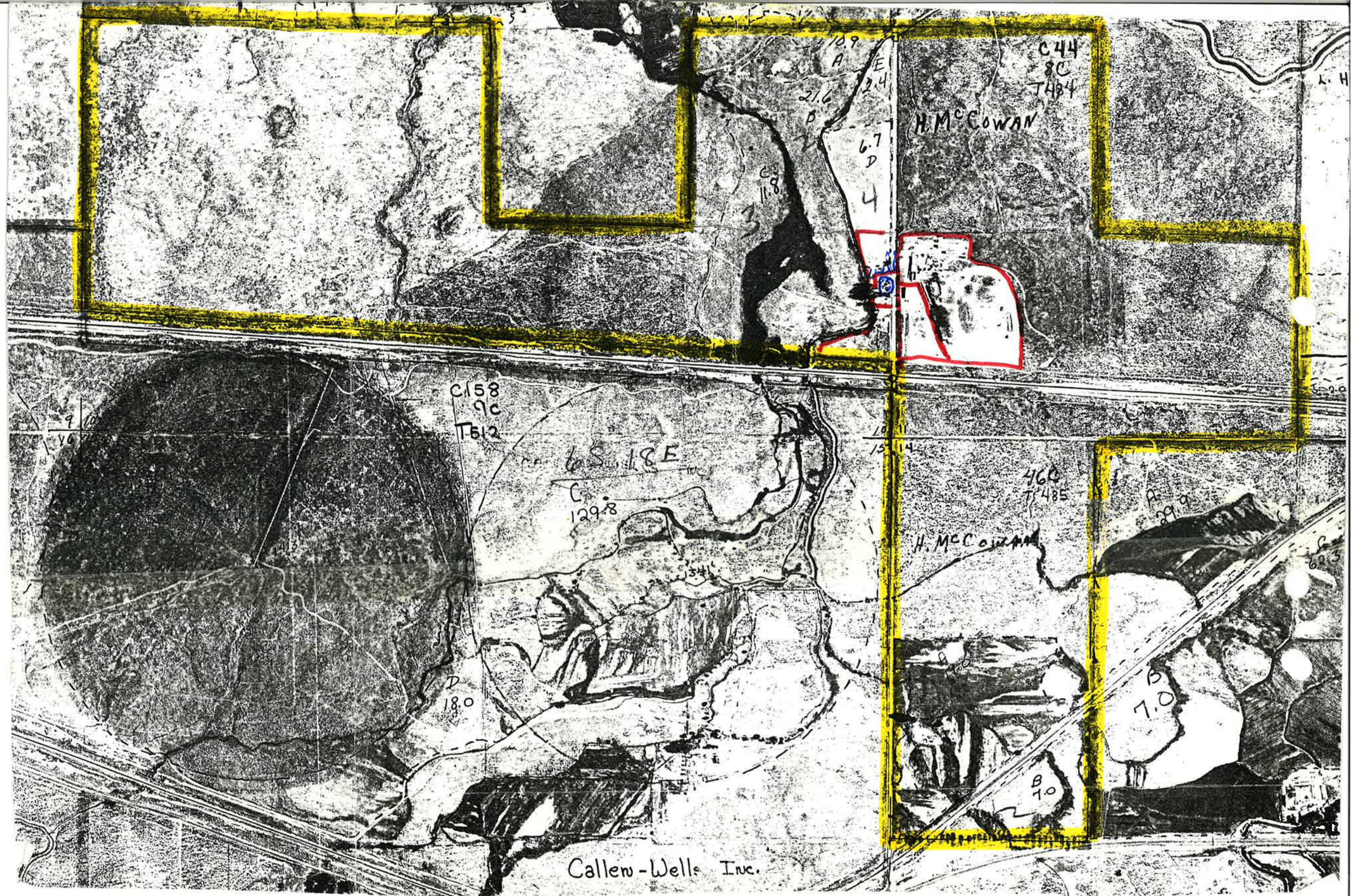
of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding, Id

My Commission Expires 10/14/1992



06/22/2002

RECEIVED

JUL 29 2002

NOTICE OF ERROR
REPLY

Department of Water Resources

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 23, 2002

Water right number: 37-8093

IRIS B HUBSMITH
647 E 130 S
DIETRICH ID 83342
Telephone Number: (208)544-7581

LOUIS L HUBSMITH
647 E 130 S
DIETRICH ID 83342
Telephone Number: (208)544-7581

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: 7-26-02

SIGNATURE: *Louis L. Hubsmith*

Please print your name: Louis L. Hubsmith

IDWR State Office, PO Box 83720, Boise ID 83707-9815

04/17/2002

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

RIGHT NUMBER: 37-8093

NAME AND ADDRESS: IRIS B HUBSMITH
647 E 130 S
DIETRICH ID 83342

LOUIS L HUBSMITH
647 E 130 S
DIETRICH ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.08 CFS
10.4 AFY

PRIORITY DATE: 03/17/1984

POINT OF DIVERSION:

T06S R18E S10 NESESE Within LINCOLN County

T06S R18E S10 NESESE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.080 CFS 1.10 AFY
STOCKWATER	01/01 12/31	0.080 CFS 9.30 AFY

PLACE OF USE: COMMERCIAL Within LINCOLN County

T06S R18e S11 SWSW

STOCKWATER Within LINCOLN County

T06S R18e S10 SESE T06S R18e S11 SWSW

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: License

37-8093
37-10142
DRAFT MAP

Comm. Don

DOM →
2 PODS →

10 11

T6S R18E

15 14

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

09/26/2001

WATER RIGHT 37-8093

NAME AND ADDRESS: IRIS B HUBSMITH
647 E 130 S
DIETRICH ID 83342

LOUIS L HUBSMITH
647 E 130 S
DIETRICH ID 83342

⊛ Amended
Claim to
Match license.

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.04 CFS .08

10.4 AFA

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/17/1984

POINT OF DIVERSION:

T06S R18E S10 NESE Within LINCOLN County

← CORRECT location - Both wells

PURPOSE AND
PERIOD OF USE:

✓ as
licensed

PURPOSE OF USE
~~DOMESTIC~~ comm.
STOCKWATER

PERIOD OF USE
1/01 12/31
1/01 12/31

QUANTITY
0.040 CFS
0.040 CFS

1.1 AF

9.3 AF

PLACE OF USE:

~~DOMESTIC~~ Within LINCOLN County
T06S R18E S10 SESE
~~STOCKWATER~~ same as DOMESTIC

Stock S.10 SESE
S.11 SWSW

Com S.11 SWSW

10.4 AF

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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: License

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

Del.

✓ POD: 1 or 2 wells?

✓ Needs GIS LINKS for POD

4/17/02
suc

Reviewed
3/13/02
suc

Scanned with

11/21/01
SCC

37-8093 Licensed for Commercial
appears to be claimed as D/S
(de minimus)

37-10142 is B.U. claim
needs proof of priority!
- Original claim was de minimus
w/ 120 head dairy
- new claim is $\uparrow$ to 300 head

Not in
Report
Area -
No overlaps

37-7416: (referred in Lic. Exam) split into A & B
[37-7416 A TTS RIBE
37-7416 B TAN RIBE] OUT OF B37 PART 1

3/13/02 I located the POD's on the GIS data; need to
determine if the wells are connected. $\checkmark$ YES
Also need proof of priority from claimant on
37-10142.

? Where is the Dom. claimed? $\checkmark$ Amend to
-10142 & send out
what is total dairy use under these 2 rights?
 $\rightarrow$ 350-500 mixed
Dairy

Lic. Exam 8/87: allows for
Accomplished Transfer to add POD,
actually not needed since legal is same.

SEP 30 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 37-8093
1. Owner: Herbert Mc Howan Phone No. 544-2501
Current Address: 550 E 339 S. Dietrich Idaho 83324
2. Accompanied by: Herbert Mc Howan EXAM. DATE: 8-10-87
Address: same Phone No. 544-2501
Relationship to Permit Holder: owner
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

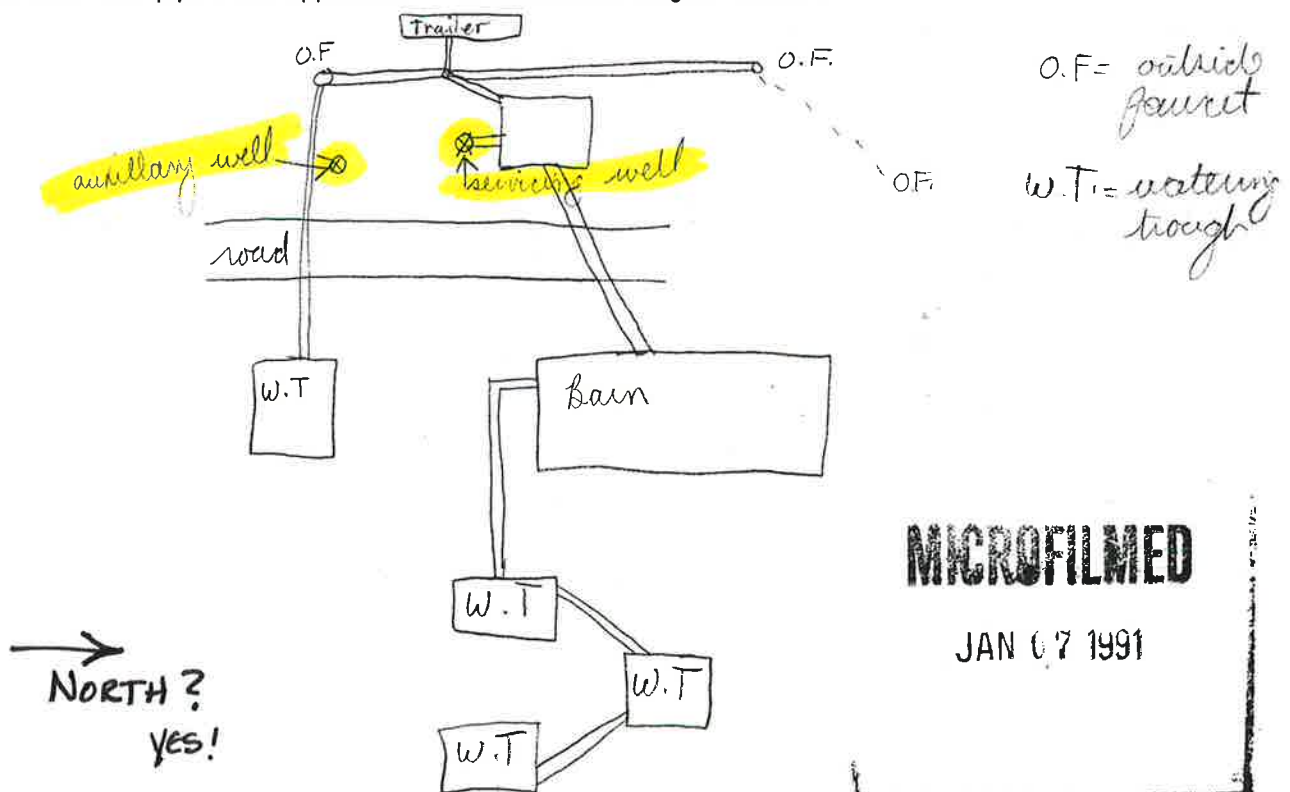
1. Other water rights with same place of use: 37-7416

☐ Copies Attached
2. Other water rights with same point of diversion: no overlap

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☐ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more).
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

JAN 07 1991

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

185 milk cows allow 0.13

85 calves allow 0.03 = 0.16 cfs allow 0.08

Q = $\frac{36 \text{ gal}}{21.5 \text{ sec}} = 0.22 \text{ cfs}$ observed at site but not realistic, measurement was probably how fast 60 psi could force water out of pressure tank

E. FLOW CALCULATIONS☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

$$Q = \frac{(3 \times 8.8 \times 7)}{240.9} = 0.08 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: 35 psi x 2.31 = 80.9 ft (1); Dynamic pumping level: 160 ft (2)

Total Head: (1) + (2) = 240.9 (3)

Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x 0.6 KH x _____ CTR or _____ MULT x _____ PTR x $\frac{5}{5}$ N/ 20.5 mT = _____ 37.8 off

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

Idaho Power # 55 560 662

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.08 \times 365 \times 1.9835 = 57.9$ $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses:

from table {
 Milk cows 7.9 Afa
 calves 1.4 Afa
 Commercial (see sheet) 1.1 Afa

9.3

1.1

10.4

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JAN 07 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 12 1985

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 37-8093Name(s) of Permit Holder: Herbert J. McCowanPost Office Address: Rt 2 Box 2348 Dietrich Idaho 83324Telephone No. 544-2501Source of Water: 8 in Deep well

Extent of Use:

Domestic 1 household (number of households)Stockwater 150 Milk Cows + 100 young stuff (number and type of stock)Irrigation 1/2 to 1 (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: _____

Measuring Device: Required? ☐ Yes ☐ NoInstalled? ☐ Yes ☐ NoFlow Measurement Port: Required? ☐ Yes ☐ NoInstalled? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Herb or Don McCowan
(Name)Dietrich Idaho 544-2501 or 544-773
(Address) (Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

11-8-85
DateHerbert J. McCowan
Signature of Permit Holder (and Title, if appropriate)

MICROFILMED

1-28-86
JF

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08093

Priority: March 11, 1984

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.08 CFS
10.4 AF

This is to certify, that HERBERT J. MC COWAN
550 E. 339 S.

DIETRICH, ID 83324 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated May 2, 1983; and
has submitted Proof of Beneficial Use on November 12, 1985. An examination indicates
that the works have a diversion capacity of .080 cfs of water from a GROUNDWATER
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>
STOCKWATER	01/01 to 12/31	0.08 CFS	9.3 AF
COMMERCIAL	01/01 to 12/31	0.08 CFS	1.1 AF
	Totals	0.08 CFS	10.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 10, Township 06S, Range 18E
LINCOLN County

PLACE OF USE: STOCKWATER

TWN RGE SEC

06S 18E 10 SESE
11 SWSW

PLACE OF USE: COMMERCIAL

TWN RGE SEC

06S 18E 11 SWSW

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.

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JAN 07 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08093

CONDITIONS/REMARKS:

5. Commercial use is for a dairy barn.

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 21st
day of December, 1990.

Acting for

R. Keith Higginson, Director

MICROFILMED

JAN 07 1991

WELLS LOCATED
PER LIC. EXAM
SKETCH.

3/13/02
SCL



Well
37-8093

Well
37-10142

10 11
15 14