

MAR 25 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 37-10142
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)

IRIS B HUBSMITH

Phone: (208) 544-7581

647 E 130 S

DIETRICH ID USA 83324

LOUIS L HUBSMITH

Phone: (208) 544-7581

647 E 130 S

DIETRICH ID USA 83324

2. Date of Priority: 05/01/1951

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	NE SE SE	LINCOLN	

5. Description of diverting works:

6"X 296' WELL WITH 3 HP SUBM. PUMP. 1 1/4 PIPLINES. SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.08	
COMMERCIAL	01/01	12/31	0.08	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.08 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	18E	10	SE	SE		DOMESTIC	
			SE	SE		STOCKWATER	
			SE	SE		COMMERCIAL	
06S	18E	11	SW	SW		STOCKWATER	
			SW	SW		COMMERCIAL	

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:

NEW WELL WAS CONNECTED TO SYSTEM IN 1983.

***** 9/24/99, CHANGED
OWNERSHIP: MC GOWAN TO HUBSMITH AS PER FORM 1409 AND US MARSHALLS DEED RECD 7/22/99.
C.T.

AMENDED CLAIM 3-14-02 TO ADD DOMESTIC AND CORRECT POU ERROR IN SECTION NUMBERS.

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): *James J. Hicksmith* Date: 3/21/02

3/21/02 *Fris Hicksmith* Date: _____

State of Idaho)
County of Lincoln) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of March 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: **A37-10142**

Date Received: 6/16/1988

Receipt No: S000444

Received By: *Owner 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 208-544-7581
Address: 647 E 130 S
DIETRICH ID 83324

AND/OR

Name: IRIS B HUBSMITH 208-544-7581
Address: 647 E 130 S
DIETRICH ID 83324

2. Date of Priority: MAY 1, 1951

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' WELL WITH 3 HP SUBM. PUMP. 1 1/4 PIPLINES. SEE 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

10. Place of Use:

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

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:
A37-08093

14. Remarks:

NEW WELL WAS CONNECTED TO SYSTEM IN 1983.

9/24/99, CHANGED OWNERSHIP: MC GOWAN TO HUBSMITH AS PER FORM 1409
AND US MARSHALL'S DEED REC'D 7/22/99. C.T.

15. Basis of Claim: BENEFICIAL USE

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)09/24/99 14:07:15
Page 1

Water Right Number - R37-10142

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

HUBSMITH

IRIS B

1 - 647 E 130 S

2 -

3 -

City- DIETRICH

State- ID Zip- 83324

Phone - 208-544-7581

1 - 647 E 130 S

2 -

3 -

City- DIETRICH

State- ID Zip- 83324

Phone - 208-544-7581

*** O - ORIGINAL OWNER ***

MC COWAN

HERBERT

1 - PO BOX 402

2 -

3 -

City- DIETRICH

State- ID Zip- 83324

Phone - 208-544-2501

MC COWAN

RUBY

1 - PO BOX 402

2 -

3 -

City- DIETRICH

State- ID Zip- 83324

Phone - 208-544-2501

+ - - Priority Date - - +
05/01/1951+ - - Region - - - +
ERROR IN REGION+ - - Stage - - - +
J - BENEFICIAL USE

+ - - 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

04 - STOCKWATER

01/01

12/31

0.080

10 - COMMERCIAL

01/01

12/31

0.080

+ - Total Div. Rate - + + - Total Div. Volume - +
0.080+ - Total Consumptive Use - + + - KW Usage - +
0.0+ - - Place of Use - - - +
Twn Rng Sec Tract Lot Acres Code Description County

06S

18E

10

SW SW

11

04

STOCKWATER

(63) LINCOLN

06S

18E

10

SE SE

04

STOCKWATER

(63) LINCOLN

06S

18E

10

SE SE

10

COMMERCIAL

(63) LINCOLN

Total Acres:



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

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

July 17, 1998

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

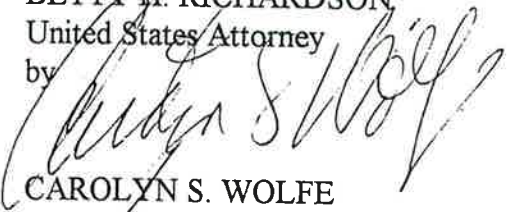
RE: U.S. vs. McCowan

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;

McCowan
←

AND WHEREAS, in obedience to said Order of Default Judgment 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.

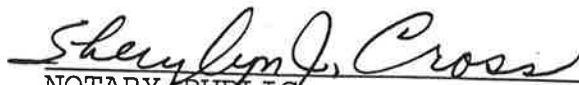
IN WITNESS WHEREOF, said grantor as Marshal aforesaid, doth hereunto set his hand the day and year first above written.


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°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 DISTRICT
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. Everett Deputy Clerk.

STATE OF UTAH } ss.
County of CACHE

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 Arthur R. Hubsmith 2nd Witness

William L. Atkinson
Signature of Person Performing Marriage

Elder of the Church of Jesus Christ of Latter-Day Saints
Title Position Held

Cur: Jim Stanton

Thanks Again
Leon

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

June 23, 1997 9:34am

RE:
NOTICE OF MARSHAL'S SALE
IN T-N 06-22-97.
WATER RIGHTS IN NTC AS NOT
ADEQUATE OR DEPENDABLE.

ALL RESEARCH FOR WR/AJ DONE BY FH AND PUT INTO LOWEST NUMBER CLAIM
FILE AFTER REVIEWING SCREENS AND DOING PRINT-OUTS/CCS OF MATERIALS.

CCS OF JCOM TO EACH PERMIT/CLAIM FILE BY FH.

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: **A37-10142**
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: HERBERT MC COWAN 208-544-2501
Address: PO BOX 402
DIETRICH ID 83324
OR
Name: RUBY MC COWAN 208-544-2501
Address: PO BOX 402
DIETRICH ID 83324
2. Date of Priority: MAY 1, 1951
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' WELL WITH 3 HP SUBM. PUMP. 1 1/4 PIPLINES. SEE 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

10. Place of Use:

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

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:
A37-08093 PRIOR TO 1993

14. Remarks:

NEW WELL WAS CONNECTED TO SYSTEM IN 1983. DISCONNECTED FROM SYSTEM IN 1993.

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): Herbert McCowan Date: 7-28-93

Ruby McCowan Date: 7-28-93

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 2nd day

of August 19 93

Ruby McCowan
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires July 18, 1995



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

02-Aug-1993 14:16

HERBERT MC COWAN
RUBY MC COWAN
PO BOX 402
DIETRICH ID 83324

RE: ADJUDICATION CLAIM NO. A37-10142

Dear Claimants:

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.

Should you have any questions concerning this matter, please feel free to contact me at this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

MICROFILMED
NOV 27 1996



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 dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg
Enclosures

MICROFILMED
NOV 27 1996



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

September 1, 1994

HERBERT MC COWAN
RUBY MC COWAN
PO BOX 402
DIETRICH ID 83324

Re: Adjudication Claim No. A37-10142

Dear Mr. & Mrs. Mc Cowan:

My supervisor reviewed your amended claim and indicated that an alternative approach is required to establish a water right for the increase in your dairy herd.

Your original claim identified your dairy use as it was established in 1951 as a 120 operation. The increase in your herd in 1993 is considered as a development of an additional water right as of 1993.

Although your total current operation would fall within the definition of a commercial use, your development, as you have represented to the department, falls within the definition of two separate domestic/stock dairy rights. The first right is reflected by your claim A45-10142 and the second is your 1993 expansion. That expansion can be recorded with the Department through either an adjudication claim or through an application for permit.

Please contact this office so that we can discuss this in greater detail.

Sincerely,

Judy Givens
Technical Records Specialist

/jg

Enclosures: proof report

MICROFILMED
NOV 27 1996

SOUTHERN AJ

8-26-94

INTER-DEPARTMENT MEMO

TO:

Don

SUBJECT:

R37-10142

FROM:

Donni

AUG 30 1994

DATE:

8-11-94

Department of Water Resource
Southern Region Office

This is Ken's report, but contractors Parcel #'s were not updated on "R" record. Audit trail shows Givens changed "something" on 7/28/93 + 8/2/93. Claim^{now} shows "commercial" use instead of "domestic" use as on Ken's original print-out

I am jumping ship! Good Luck

PLEASE COMPLETE INVESTIGATION, REVIEW & RECOMMEND THIS CLAIM. *REL*

(X) For your information

() Response required

Donni
signature

MICROFILMED
NOV 27 1996

DATE: 08/11/94
PAGE: 1

Stage: BENEFICIAL USE

LINCOLN County

Audit: 00/00/00

MICROFILMED
NOV 27 1986

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: A37-10142
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 MC COWAN 208-544-2501
Address: 539 E. 330 S.
DIETRICH, ID 83324

OR

Name: RUBY MC COWAN 208-544-2501
Address: DIETRICH, ID 83324

2. Date of Priority: MAY 01, 1951

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' WELL WITH 3 HP SUBM. PUMP. 1 1/4 PIPLINES. SEE REMARKS

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:
DOM/1,YARD. STOCK/120 DAIRY.

A37-10142

Page 1

Date: 06/16/88

MICROFILMED
FEB 24 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	18E	10	SW	SW	11	STOCK	
			SE	SE		STOCK	
			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:
A37-08093

14. Remarks:
NEW WELL WAS CONNECTED TO SYSTEM IN 1983.

15. Basis of Claim: BENEFICIAL USE
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 X 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): Herbert M^c Cowan Date: 6-16-88

Date: _____

State of Idaho)
County of Twain 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 10/16/1992

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

NO OLD WATER RIGHT NUMBERS FOUND.

MICROFILMED
NOV 27 1996

WATER RIGHT NUMBER - A37-10142

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 06/16/88 BLAU 09/26/89 REFUNDML

+ - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - - - 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	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- S000444	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- OR	NOTICE OF ERROR FLAG	-

06518E101ATO
06518E102400
06518E106000

DATA ENTRY
ENTERED _____
CHECKED 2/6/94 DED

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
FEB 1 1 1992

CERTIFIED
MAR 22 1992
WATER EXAMINER

AUG 30 1994
Department of Water Resource
Southern Region Office

06/22/2002

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 37-10142

LOUIS L HUBSMITH
647 E 130 S
DIETRICH ID 83324
Telephone Number: (208)544-7581

IRIS B HUBSMITH
647 E 130 S
DIETRICH ID 83324
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: 37-10142

NAME AND ADDRESS: LOUIS L HUBSMITH
647 E 130 S
DIETRICH ID 83324

IRIS B HUBSMITH
647 E 130 S
DIETRICH ID 83324

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.08 CFS
11.6 AFY

PRIORITY DATE: 05/01/1951

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>
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY
STOCKWATER	01/01 12/31	0.080 CFS 9.30 AFY
COMMERCIAL	01/01 12/31	0.080 CFS 1.10 AFY

PLACE OF USE: DOMESTIC Within LINCOLN County

T06S R18E S10 SESE

STOCKWATER Within LINCOLN County

T06S R18E S10 SESE

T06S R18E S11 SWSW

COMMERCIAL 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: Beneficial Use

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

March 15, 2002

Dear Steve,

In reference to your request for a history of water rights 37-10142 and 37-8093, and for water right justification, the following is submitted. The area where the two wells are located is SE1/4SE1/4SE1/4 sec 10 twp O6S range 18E B.M. (st. address 161s 550e).

The earliest record I could find concerning ownership of the property and the well, is the year 1932. Jud and Willa Ford bought the property from Juds' uncle George Loden. They sold the property in 1949. During that time a rock barn, home and modernized well were built on the property. They milked a number of cows and farmed. (History of Dietrich 1998, Page 149)

In 1949, Lee Casper purchased the farm from Jud Ford, after he was released from the Air Force. I cannot find much of a record except that he farmed the place and sold it in 1951. (The History of Dietrich, Ida. 1998, page 134).

In 1951, Lee Casper sold the place to Vivian and Myrna Gull. They farmed and milked cows there until 1969. (Ref. History of Dietrich Pub. Page 156 and 157. Ardee Gull, Dietrich, Id.)

In approx 1968 - 1970 Vivian Gull sold the place to Herb and Ruby McCowan. They built one of the 1st modern Dairies on the place with bulk tanks and in-line stalls and began a large scale grade A dairy operation in 1974. In 1984 an additional well was drilled 25 feet from the original well to augment and serve as a back up to the original. This was necessary because of the increase in the dairy herd and replacement Heifers on the place. Additionally 200 to 300 head of range cows and calves were held on the place. (Ref.: personal conversation with Herb McCowan in 2002, and History of Dietrich page 185 to 186, Herb and Ruby McCowan of Dietrich).

On the 16th day of July 1998 the place and Dairy was purchased by myself, Louis Leon Hubsmith (Ref.: U.S. Marshals' Deed dated 16 July 1998).

Grew;
I attached the
water right history,
(all I could find) to
Back of claim:
Is this ~~enough~~ enough?
Leon

Leon Hubsmith
Leon Hubsmith
647 east 130 south
Dietrich 544-7581
Id. 83324

I asked him about the use of the wells for the house use... he said the house is connected to the same well system. I asked him if he wanted to have a water right for the domestic use. He wants it covered and so I will prepare an amended claim and add it to the beneficial use right 37-10142; sent for signature on this day.

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 37-10142
Date Received: 6/16/1988
Receipt No: S000444
Received By:

AMENDED

NOTICE
AC

3/14/02

1. Name of Claimant(s)

LEON —

IRIS B HUBSMITH

647 E 130 S
DIETRICH ID USA 83324

LOUIS L HUBSMITH

647 E 130 S
DIETRICH ID USA 83324

Please Review this &
if all is okay —
sign, notarize & Return.

2. Date of Priority: 05/01/1951

3. Source: GROUND WATER

4. Point of Diversion:

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

I added Domestic use as
we agreed. I also corrected
some errors in the Section
numbers under item #10.

Call if you have Questions.

5. Description of diverting works:

6"X 296' WELL WITH 3 HP SUBM. I

Steve

6. Water is used for the following p

Purpose
STOCKWATER
COMMERCIAL
DOMESTIC

From	To	C.F.S.	(or) A.F.A
01/01	12/31	0.08	
01/01	12/31	0.08	
01/01	12/31	0.04	

COMMUNICATION DOCUMENTATION

Claim No. 37-10142

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland

3/1/2020 1:15 PM

3/1/2002 1:15 PM

NAME :

RE:

LEON HUBSMITH

CALLIN

ISSUE ON CLAIM

He called to ask why his claim (37-8093) is less than the corresponding license... I looked it up and found it was claimed that way. The recommendation will also be limited by the claim. He wanted to fix it and return the values to match the license. I offered to prepare an amended claim and send it to him for signature and approval, he agreed. No filing fees are needed because the claim was originally filed as licensed.

At the same time I noticed he has a claim needing Proof of Priority (37-10142) so I sent that to him as well.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 1, 2002

37-10142
IRIS B HUBSMITH
647 E 130 S
DIETRICH, ID 83324

Re: Evidence of Priority Date for SRBA Claim

RESPONSE DEADLINE
MARCH 29, 2002

Dear Claimant:

The Notice of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." 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. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice number. If you have questions not covered by this letter or the enclosed pamphlet, please contact the office listed above.

Sincerely,

Water Resource Agent, Sr.

Enclosures

* Resent this Letter to Hubsmiths. 3/13/02