

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: Temporary Transfer TC-37-53
Water Right No: 37-7454
Applicant Name: Roy Hubert

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application
b) ☒ I do not oppose approval of this application if it is conditioned as follows:

As drafted, except that the identified place of use must be limited to a specific 17 acres*

- c) ☐ I oppose approval of this application(s) for the following reasons:
d) ☒ Additional comment:

The lands proposed to be transferred are part of the water right, were not irrigated this year, and are *not* a part of the North Snake mitigation plan, which would make them ineligible for transfer.

*I am concerned that not limiting the transfer pou to a specific 17 acres will give rise to a violation of this approval and cause an enlargement of use of this right.

Dated: September 9, 2005

Water District 130


Cindy J Yenter, Watermaster

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	6-Jan	AMERICAN FALLS	SNAKE RI	06S19E30																	0
Right	37-7268	THE ALTON & PAU	GROUND	06S19E30		40	40		40			11									131
Right	37-8679	THE ALTON & PAU	GROUND	06S19E30							3		7					7			17
Right	37-872	BIG WOOD CANAL	BIG WOOD	06S19E30				X		X	X			X	X		X			X	0
Right	37-7454	THE ALTON & PAU	GROUND	06S19E30	39						4		40			40		40	37		200
Right	37-7602	THE ALTON & PAU	GROUND	06S19E30						35											35

6

17

4

49/ acres

17 total

four rights ^{out of same well} limited to 6.28 cfs & 4 acft/acre acres ^(POU) are additive.

36-7454 — 17 acres from this right (oldest of four rights)

37-7602

37-7268

37-8679

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7454

WATER RIGHT NUMBER: 37-7454

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE ALTON & PAULA HUYSER TRUST UNDER TRUST AGREEMENT DTD 4-1-2001 ALTON L HUYSER TTEE PAULA J HUYSER TTEE 72 NORTH HWY 75 SHOSHONE, ID 83352
Original Owner	DARLENE I HUBSMITH PO BOX 397 DIETRICH, ID 83324
Previous Owner	IRIS B HUBSMITH 647 E 130 S DIETRICH, ID 83342 (208)544-7581
Previous Owner	LOUIS L HUBSMITH 647 E 130 S DIETRICH, ID 83324 (208)544-7581

Priority Date: 09/08/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	4.000 CFS	800.00 AF
	<u>Total Diversion:</u>	4.000 CFS	800.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4NE1/4	Sec. 30, Twp 06S, Rge 19E, B.M.
LINCOLN County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	19E	30	39.0						4.0		40.0			40.0		40.0	37.0		200.0
									L 5		L 7			L 12					

Total Acres: 200

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7454

2. F05 RIGHT NO. 37-7602 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. E51 USE OF THIS RIGHT WITH RIGHT NO. 37-7602 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.09 CFS.
4. 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:Comments:

1. croberts 8/31/2005 POD

Comment: Correlated PODID 561452 from SpatialDataID 341083 to SpatialDataID 168591

Dates and Other Information:

Licensed Date:

Decreed Date: 12/11/2002

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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5.09

Combined Water Rights: 37-7454 , 37-7602

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-7454

SubCase:

SubCase Number: 37-7454
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: Steve Cielland
Basis of Claim:
Date Filed: 10/11/2002 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7602

WATER RIGHT NUMBER: 37-7602

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE ALTON & PAULA HUYSER TRUST UNDER TRUST AGREEMENT DTD 4-1-2001 ALTON L HUYSER TTEE PAULA J HUYSER TTEE 72 NORTH HWY 75 SHOSHONE, ID 83352
Previous Owner	IRIS B HUBSMITH 647 E 130 S DIETRICH, ID 83342 (208)544-7581
Original Owner	DARLENE I HUBSMITH PO BOX 397 DIETRICH, ID 83324
Previous Owner	LOUIS L HUBSMITH 647 E 130 S DIETRICH, ID 83324 (208)544-7581

Priority Date: 05/04/1977

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.700 CFS	140.00 AF
	<u>Total Diversion:</u>	0.700 CFS	140.00 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NW1/4NE1/4

Sec. 30, Twp 06S, Rge 19E, B.M.

LINCOLN County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06S	19E	30	NE	NW	SW	SE	35.0
				35.0			
				L 2			

Total Acres: 35

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7602

1. 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.
2. F05 RIGHT NO. 37-7454 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. E51 USE OF THIS RIGHT WITH RIGHT NO. 37-7454 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.09 CFS.

Remarks:Comments:

1. croberts 8/31/2005 POD

Comment: Correlated PODID 561455 from SpatialDataID 341083 to SpatialDataID 168591

Dates and Other Information:

Licensed Date:
 Decreed Date: 12/11/2002
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.09		
Combined Water Rights: 37-7454 , 37-7602		

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-7602

SubCase:

SubCase Number: 37-7602
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: Steve Clelland
Basis of Claim:
Date Filed: 10/11/2002 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8679

WATER RIGHT NUMBER: 37-8679

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	IRIS B HUBSMITH 647 E 130 S DIETRICH, ID 83342 (208)544-7581
Current Owner	THE ALTON & PAULA HUYSER TRUST UNDER TRUST AGREEMENT DTD 4-1-2001 ALTON L HUYSER TTEE PAULA J HUYSER TTEE 72 NORTH HWY 75 SHOSHONE, ID 83352
Original Owner	LOUIS L HUBSMITH 647 E 130 S DIETRICH, ID 83324 (208)544-7581

Priority Date: 08/23/1990

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	1.920 CFS	
	<u>Total Diversion:</u>	1.920 CFS	

Location of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4

Sec. 30, Twp 06S, Rge 19E, B.M.

LINCOLN County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
06S	19E	19									33.0 L 7		35.0 L 11	11.0 L 12				79.0	
06S	19E	30							3.0 L 5		7.0 L 7					7.0		17.0	

Total Acres: 96

Conditions of Approval:

1. R57 The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8679

2. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
Use of this right with the rights listed below is limited to a total combined diversion rate of 6.28 cfs and shall not exceed 4.0 af per acre for the lands above. The combined rights include: 37-07268, 37-07454 and 37-07602.
3. R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
4. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Remarks:Comments:

1. croberts 8/31/2005 POD
Comment: Correlated PODID 13961 from SpatialDataID 341083 to SpatialDataID 168458

Dates and Other Information:

Licensed Date: 7/25/1994
 Decreed Date:
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
6.28	4	

Combined Water Rights: 37-8679 , 37-7268

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-7268

WATER RIGHT NUMBER: 37-7268

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	IRIS B HUBSMITH 647 E 130 S DIETRICH, ID 83342 (208)544-7581
Original Owner	RALPH BOWEN , ID
Previous Owner	LOUIS L HUBSMITH 647 E 130 S DIETRICH, ID 83324 (208)544-7581
Current Owner	THE ALTON & PAULA HUYSER TRUST UNDER TRUST AGREEMENT DTD 4-1-2001 ALTON L HUYSER TTEE PAULA J HUYSER TTEE 72 NORTH HWY 75 SHOSHONE, ID 83352

Priority Date: 07/11/1988

Basis: License

Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	3.200 CFS	640.00 AF
<u>Total Diversion:</u>		3.200 CFS	640.00 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4 Sec. 30, Twp 06S, Rge 19E, B.M.
LINCOLN County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	19E	19												29.0 L 12					29.0
06S	19E	30		40.0	40.0		40.0			11.0 L 6									131.0

Total Acres: 160

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-7268

Conditions of Approval:

1. The maximum diversion rate under this right and right Nos. 37-07454 and 37-07602 shall not exceed 6.2 cfs.
2. R26 This right when combined with all other rights shall provide no more than 4.0 afa per acre for irrigation of the lands above.

Remarks:Comments:

1. croberts 8/31/2005 POD
Comment: Correlated PODID 33754 from SpatialDataID 341083 to SpatialDataID 168458

Dates and Other Information:

Licensed Date: 6/10/1992
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
6.28	4	
Combined Water Rights: 37-8679 , 37-7268		

Water Supply Bank: