

MEMORANDUM

DATE: August 3, 2006

TO: Water Right Files 37-7268, 37-7454, 37-7602, and 37-8679

FROM: Shelley W. Keen *SWK*

RE: Place of Use

As part of IDWR's review of the Petition to Correct and Amend Licenses submitted by Dana L. Hofstetter, attorney, on behalf of Louis L. and Iris B. Hubsmith, I reviewed the places of use for Water Rights 37-7268, 37-7454, 37-7602, and 37-8679. I attempted to determine what places of use IDWR field examiners would have found and recommended for licensing had the proof of beneficial use for 37-7268 been submitted in 1978 and the proof of beneficial use for 37-7602 been submitted in 1982.

I based my analysis on the following resources:

- Beneficial Use Field Report for 37-7454 prepared in 1980.
- Beneficial Use Field Report for 37-7602 prepared in 1980.
- Beneficial Use Field Report for 37-7268 prepared in 1990.
- Beneficial Use Field Report for 37-8679 prepared in 1991.
- NHAP Aerial Photograph 2303-83-095 taken in 1983.

To determine the likely places of use for Rights 37-7268 and 37-7454, I relied on the field reports for Rights 37-7454 and 34-7602 because they were prepared only two years after proof of beneficial use could have been submitted for Right 37-7268 and in the same year that proof of beneficial use was submitted for Right 37-7454. To determine the likely place of use for Right 37-7602, I relied on the NHAP 1983 aerial photography because it was taken only one year after proof of beneficial use was submitted for Right 37-7602. (I could not find any aerial photography from 1982.) To determine the likely place of use for Right 37-8679, I relied on the field report for Right 37-8679 and subtracted lands I felt could have been covered by one of the three senior rights.

The attached spreadsheet entitled "Evaluation of Hubsmith Lands Irrigated with Ground Water" summarizes my findings. The tables highlighted in blue shows the place of use that could have been licensed by IDWR if proofs of beneficial use had been submitted as described above. For comparison purposes, I also included yellow-highlighted tables showing the places of use for the four rights as they were originally licensed and green-highlighted tables showing the place of use for the four rights with modifications recommended in the Snake River Basin Adjudication.

8/3/2006

Evaluation of Hubsmith Lands Irrigated with Ground Water

REVISED ACREAGE -- SECTION 30

WR #	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENE	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
37 7268	06S19E30		39	32		39	10	4	29									153
37 7454	06S19E30	39					25			33			33		34	33		197
37 7602	06S19E30			6					11	7					6			30
37 8679	06S19E30					1												1
	Total	39	39	38	0	40	35	4	40	40	0	0	33	0	40	33	0	381

ORIGINAL LICENSED ACREAGE -- SECTION 30

WR #	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENE	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
37 7268	06S19E30		40	40		40			11									131
37 7454	06S19E30	39						29		33			33		33	33		200
37 7602	06S19E30						35											35
37 8679	06S19E30							3		7					7			17
	Total	39	40	40	0	40	35	32	11	40	0	0	33	0	40	33	0	383

CURRENT DECREEED/LICENSED ACREAGE -- SECTION 30

WR #	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENE	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
37 7268	06S19E30		40	40		40			11									131
37 7454	06S19E30	39						4		40			40		40	37		200
37 7602	06S19E30						35											35
37 8679	06S19E30							3		7					7			17
	Total	39	40	40	0	40	35	4	11	40	0	0	40	0	40	37	0	366

REVISED ACREAGE -- SECTION 19

WR #	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENE	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
37 7602	06S19E19									30		35	36					101
37 8679	06S19E19									3			4					7
	Total	0	0	0	0	0	0	0	0	33	0	35	40	0	0	0	0	108

ORIGINAL LICENSED ACREAGE -- SECTION 19

WR #	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENE	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
37 7268	06S19E19												29					29
37 8679	06S19E19									33		35	11					79
	Total	0	0	0	0	0	0	0	0	33	0	35	40	0	0	0	0	108

CURRENT DECREEED/LICENSED ACREAGE -- SECTION 19

WR #	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENE	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
37 7268	06S19E19												29					29
37 8679	06S19E19									33		35	11					79
	Total	0	0	0	0	0	0	0	0	33	0	35	40	0	0	0	0	108