

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

**The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.**

Notice is hereby given that Earl Tubbs

(Name of Claimant)

Route #1, Malad, ID 83252

(Mailing Address)

Telephone No. 335-2268

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) June 29 1940

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)  
(Mo., Day) (Mo., Day)

Quantity 6500 gpd- 0.01 Use stockwater Period of Use From 5/1 To 10/31

Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_

Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_

Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_

Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_

- (4) 6500 gpd. or 0.01 cfs TOTAL QUANTITY USED.  
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE ¼ SW ¼, Sec. 35 Twp. 12S Rge. 32E B.M., County of Power

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 1/8 mile ditch to a pond.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

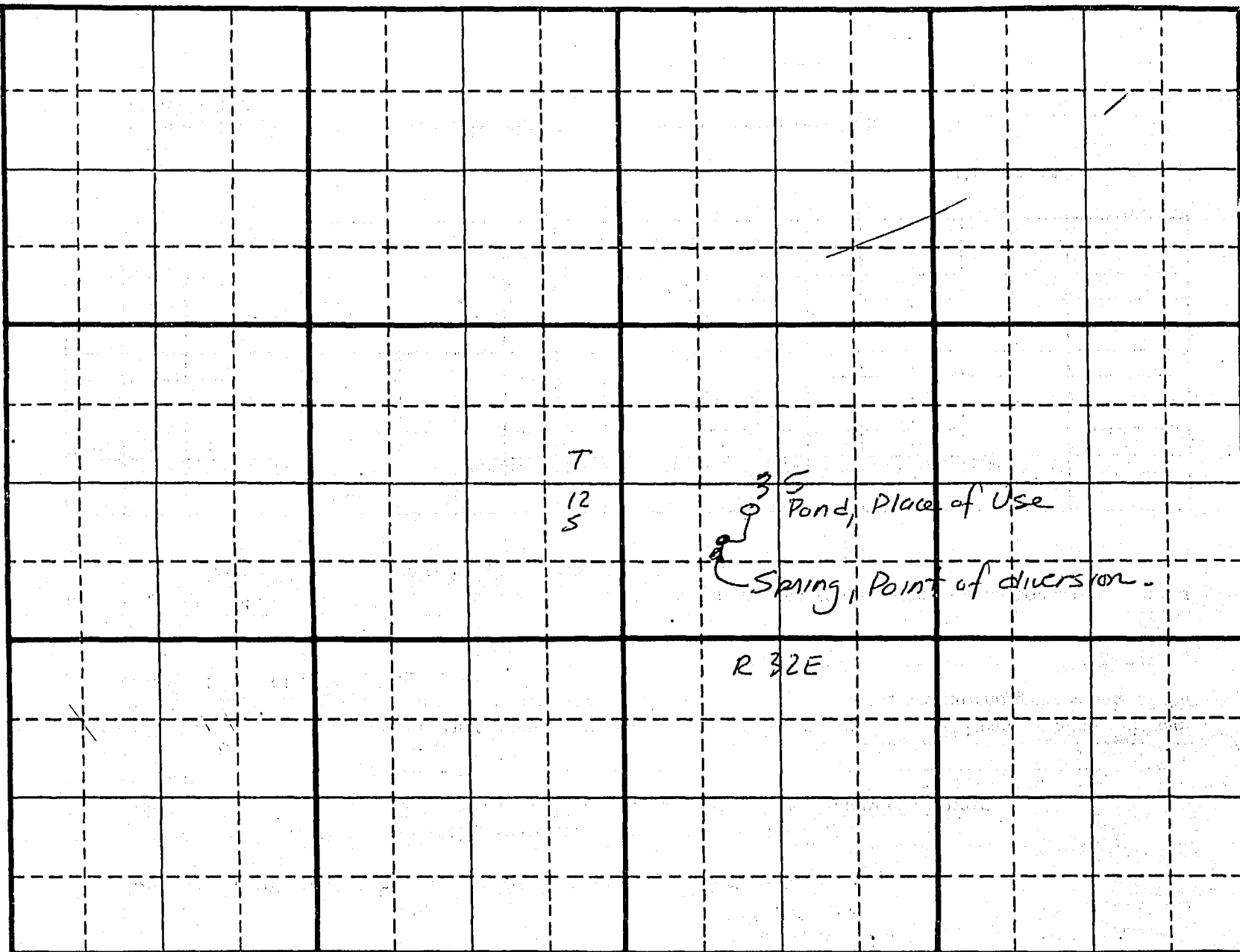
No. of acres \_\_\_\_\_

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:  
stockwater

NOTE: Include here the type and number of stock watered: 200 head cattle.

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Oneida ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 15<sup>th</sup> day of June, 19 81.  
Earl J. Tubbs  
E. J. Tubbs Claimant

Cindy Williams  
Notary Public  
Residing at Malad, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY  
Received by kw Date 8/12/81 Exception filed by: \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by mc Date 8-12-81 #19038  
\$20.00 fee received by kw Date 8/13/81  
Published in Power Co. Press  
Dates 8/20/81 8/21/81

15 1035

# Affidavit of Publication

STATE OF IDAHO  
COUNTY OF POWER } s.s.

.....Brett Crompton..... being first duly sworn  
on oath, states:

That .....he..... is the .....Editor.....Manager  
of the Power County Press, a newspaper of general circulation  
in Power County, Idaho, published weekly at American Falls  
in said County; that said newspaper has been published in said  
County uninterruptedly and continuously for over seventy-  
eight consecutive weeks, prior to the first publication of the  
annexed notice or advertisement:

That the annexed notice or advertisement was published as  
per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for .....2....  
successive weekly issues thereof, the date of the first publica-

tion being the .....Aug. day of .....19....., 19.....81

the date of last publication being the

.....Aug. day of .....26....., 19.....81

(Signed) .....Brett Crompton.....

Subscribed and sworn to before me this

.....Aug. day of .....26....., 19.....81

.....Lois Foster.....  
Notary Public, residing at American Falls,  
Idaho.

My Commission expires the

(SEAL) ..... day of ..... 19 .....

## Legal Notice

Published in the Power County  
Press, Aug. 19, and Aug. 26, 1981.

### NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the  
following claim(s) to water right(s)  
have been established by diversion  
and application to beneficial use.

17-4031  
TUBBS, EARL  
RT. 1, MALAD, ID. 83252  
Source: SPRING tributary to  
SINKS  
Priority Date: 07/19/1913  
Amount: 0.06 CFS  
Diversion Point: NENE Sec 26 T 12S  
R 32E, POWER CO.  
Use: STOCKWATER (0.02 CFS)  
from 01/01 to 12/31  
DOMESTIC (0.04 CFS) from 01/01  
to 12/31  
Place of Use: NENE Sec 26 T 12S R  
32 E  
Diversion Means: PIPELINE

17-4032  
TUBBS, EARL  
RT. 1, MALAD, ID. 83252  
Source: SPRING tributary to  
SINKS  
Priority Date: 06/29/1940  
Amount: 0.01 CFS  
Diversion Point: NESW Sec 35 T 12S  
R 32E, POWER CO.  
Use: STOCKWATER (0.01 CFS)  
from 05/01 to 10/31  
Place of Use: NESW Sec 35 T 12S R  
32 E  
Diversion Means: DITCH & POND.

17-4033  
TUBBS, EARL

RT. 1, MALAD, ID. 83252  
Source: SPRING tributary to  
SINKS  
Priority Date: 09/01/1915  
Amount: 0/04 CFS  
Diversion Point: SWNE Sec 26 T 12S  
R 32E, POWER CO.  
Use: STOCKWATER (0.04 CFS)  
from 01/01 to 12/31  
Place of Use: SWNE Sec 27 T 12S R  
32E  
Diversion Means: PUMP &  
PIPELINE

Any exception to any claim of  
water right may be filed with the  
Director of the Idaho Department of  
Water Resources, 150 Shoup Ave.,  
Idaho Falls, Idaho 83402.

A. KENNETH DUNN  
Director

RECEIVED

AUG 31 1981

Department of Water Resources  
Eastern District Office

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

150 Shoup Ave.  
Idaho Falls, Idaho 83402  
(208) 525-7161

SEPTEMBER 9, 1981

EARL TUBBS  
RT. 1  
MALAD

ID 83252

RE: Claim No. 17-4032

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON  
Eastern Region Supervisor

Enclosure

17-4032

TUBBS, EARL

RT. 1, MALAD, ID 83252

Source: SPRING tributary to SINKS

Priority Date: 06/29/1940

Amount: 0.01 CFS

Diversion Point: NESW Sec 35 T 12S R 32E, POWER Co.

Use: STOCKWATER (0.01 CFS) from 05/01 to 10/31

Place of Use: NESW Sec 35 T 12S R 32E

Diversion Means: DITCH & POND.

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

Right Number 17 4032 Applicant Subbs.

NOTE: 17-4032 IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
  - ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
  - ☒ Source.
  - ☒ Quantity, use, period.
  - ☒ Point(s) of diversion.
  - ☒ Location of use.
  - ☒ Signature/notarization/fee.
- a/1

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date Sept 8, 1981

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By Jui Date 9/10/81

RECEIVED  
SEP 10 1981  
Department of Water Resources