

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: A43-00168C
Date Received: 6/ 7/1989
Receipt No: S007625
Received By: X

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JD HUTCHISON 208-645-2534
Address: HC 72 BOX 2184
MALTA ID 83342
OR
Name: JOYCE HUTCHISON 208-645-2534
Address: HC 72 BOX 2184
MALTA ID 83342
2. Date of Priority: APR 1, 1879
3. Source: RAFT RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	27E	7		SW	NE		CASSIA
		20		NW	SW		CASSIA
5. Description of diverting works:
HEADGATES TO DITCHES
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	07/01	10/01	1.830		
7. Total Quantity Appropriated is:
1.830 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 720.0 Acre Feet Per Annum.
9. Non-irrigation uses:
S/100 DAIRY

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	27E	7	SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	240.0
							Total Acres	240.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

THIS CLAIM IS A PORTION OF THIS WR: 43-00168
ORIGINAL DECREE FOR 9.6 CFS, THIS PART FOR 1.83 CFS.
CALCULATIONS FOR THESE PORTIONS, CLAIMANT DIVIDED THE ORIGINAL
TOTAL DECREE CFS BY 21. (21 PLACES MADE UP THE MALTA LAND AND
IRRIGATION CO.) CLAIMANT NOW OWNS 4 PLACES AND SO HE
MULTIPLIES THE FIRST FIGURE BY 4.
*****OTHER WATER RIGHTS*****
A43-00164B(43-00175) A43-00165C A43-00168C
A43-00166B(43-00176) A43-00172C A43-00169E
A43-00178D*****

AMENDED CLAIM TO CORRECT POINT OF DIVERSION AND PLACE OF USE.
5/20/97 jr

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS, ET. AL.
vs Decree Defendant

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 but 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): J.D. Hutchison Date: 5-20-97

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of May 19 97

Jeanie Robertson
Notary Public

Seal

Residing at Twin Falls, ID
My Commission Expires 9-23-2000

6/9/94

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.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE

May 20, 1997 3:54pm

CUSTOMER

JD HUTCHISON & JAY HARPER

A43-00165C,
A43-00168C,
A43-00169E,
A43-00172C,
A43-00178D,
A43-10789,
A43-10792

SUBJECT: AMENDING CLAIMS...

phone call (.) walk-in (X)

Corey was working on a transfer with them and they noticed that the point of diversion was wrong on these claims and many did not have the place of use entered. Apparently there was an old transfer which changed the point of diversion but the old point of diversion was claimed. Mr. Hutchison amended these claims to correct the point of diversion and add the place of use where necessary...

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CIVIL CASE NUMBER: 39576

Ident. Number: **A43-00168C**
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MALTA ID 83342

OR

Name: JOYCE HUTCHISON 208-645-2534
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2. Date of Priority: APR 1, 1879

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

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Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
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HEADGATES TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	07/01	10/01	1.830		

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

8. Total consumptive use is 720.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 DAIRY

MICROFILMED
MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	27E	7	SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	240.0
							Total Acres	240.0

11. Place of use in counties: CASSIA

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SEE REMARKS.

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A43-00166B(43-00176) A43-00172C A43-00169E
A43-00178D*****

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS, ET. AL.
vs Decree Defendant

MICROFILMED
MAR 02 1993

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: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
MAR 02 1993

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A43-00178D*****

15. Basis of Claim: DECREED
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ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS, ET. AL.
Decree Defendant

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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): Joyce Hutcherson Date: 6/7/89
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of June 19 89 Steve Cell
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

26E 27E

pu

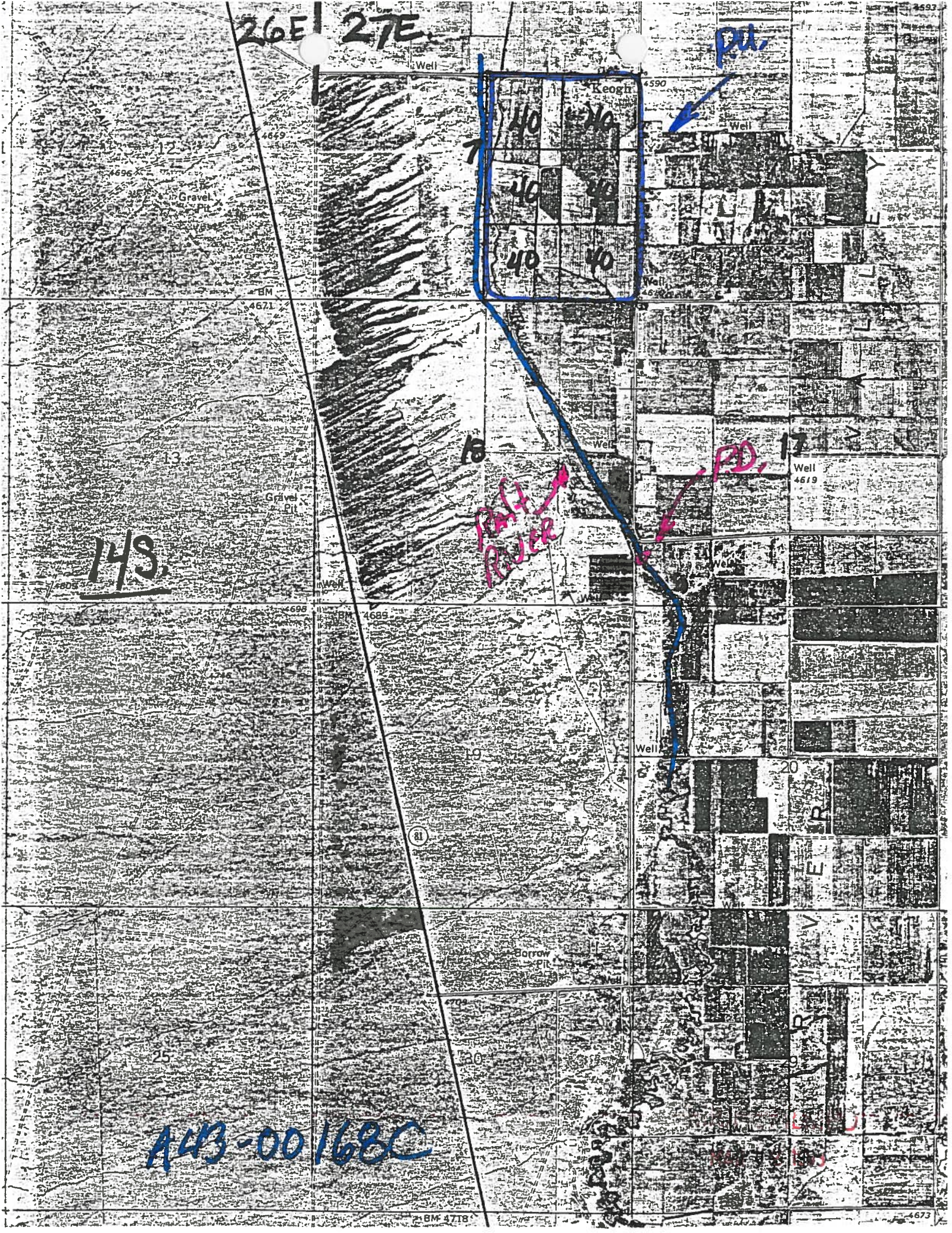


RAIL
RIVER

FD.

14S.

A43-00168C



12/7/2000

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

TRIBUTARY: SNAKE RIVER

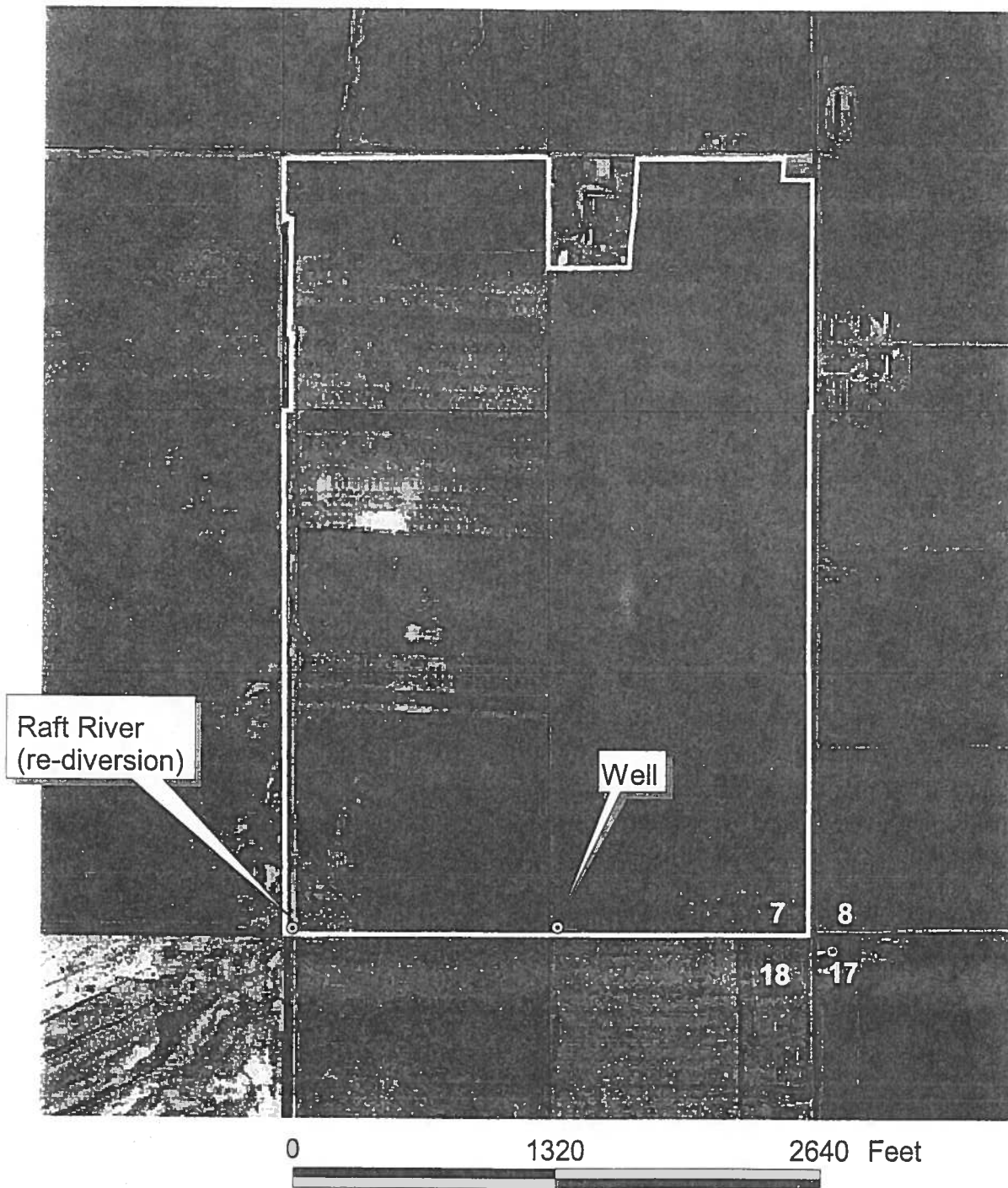
1

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: BASIS OF CLAIM - Decreed

43-00165C, 43-00168C, 43-00169E, 43-00172C,
43-00178D, 43-02367, 43-02456, 43-10789, & 43-10792

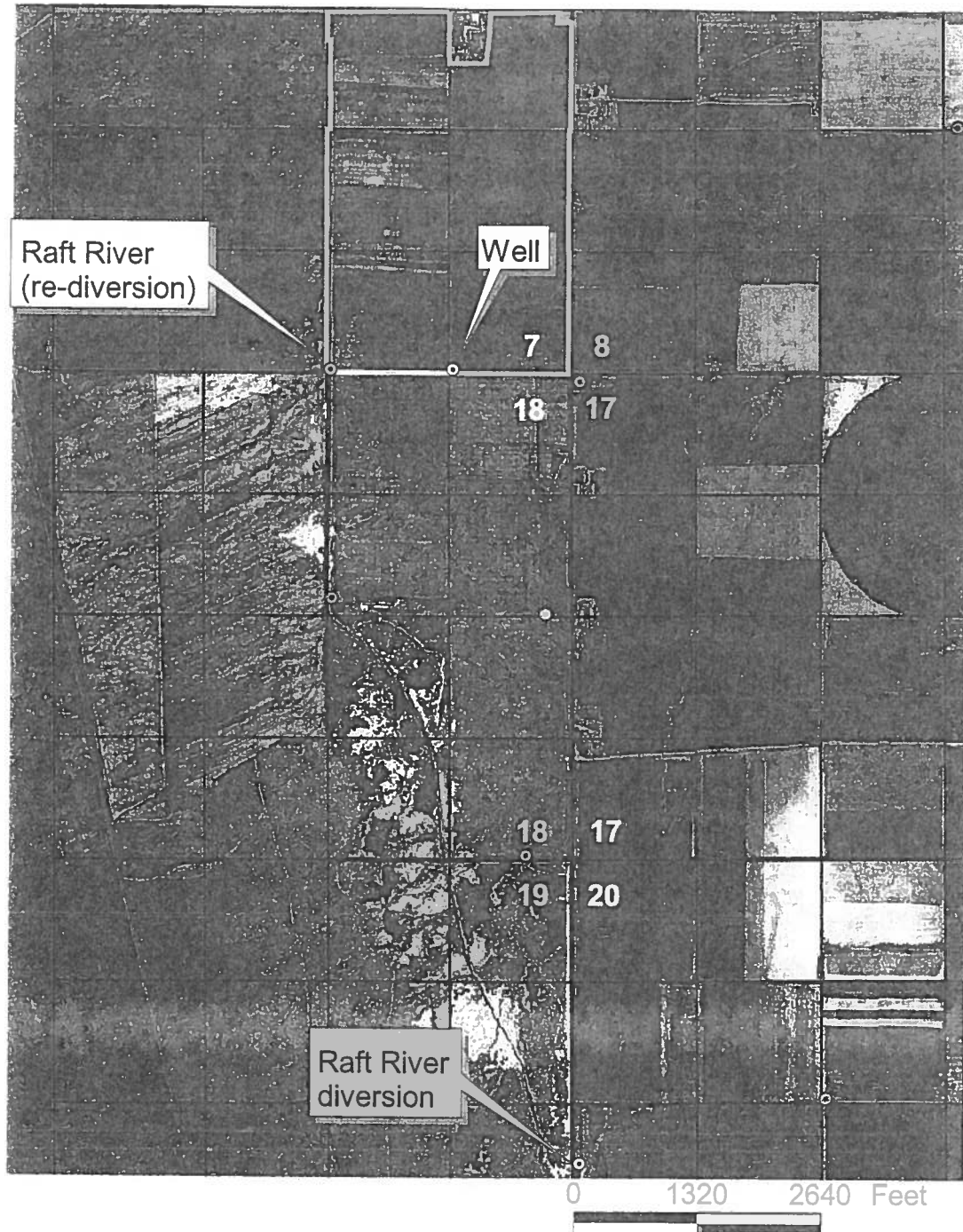


RECOMMENDED PLACE OF USE
DATA ENTRY ON DEC. 6, 2000
TWP 14S, RNG 27E, SEC. 7

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

43-00165C, 43-00168C, 43-00169E, 43-00172C,
43-00178D, 43-02367, 43-02456, 43-10789, & 43-10792



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DATA ENTRY ON DEC. 6, 2000
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- Section lines

Gis Place of Use Presentation
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Prepared by Jeanie Robertson

Southern AJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5140
WATER RIGHT NO(S). 43-00164B/43-00165B/43-00166B/43-00168B
43-00169D/43-00172B/43-00175B/43-00176B/43-00178D

This is to certify that: J D HUTCHISON
JOYCE HUTCHISON
HC 72 BOX 2184
MALTA ID 83342

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 43-00164B :			
Priority: 04/01/1871			
IRRIGATION	04/30 to 07/01	0.10 CFS	12.3 AF
Right No. 43-00165B :			
Priority: 04/01/1871			
IRRIGATION	04/30 to 07/01	0.61 CFS	75.0 AF
Right No. 43-00166B :			
Priority: 04/01/1871			
IRRIGATION	04/01 to 07/01	0.61 CFS	110.1 AF
Right No. 43-00168B :			
Priority: 04/01/1879			
IRRIGATION	07/01 to 10/01	1.83 CFS	333.9 AF
Right No. 43-00169D :			
Priority: 06/01/1879			
IRRIGATION	04/01 to 10/01	1.37 CFS	497.3 AF
Right No. 43-00172B :			
Priority: 04/01/1879			
IRRIGATION	04/01 to 10/01	0.61 CFS	221.4 AF
Right No. 43-00175B :			
Priority: 04/01/1871			
IRRIGATION	04/01 to 10/31	0.10 CFS	42.2 AF
Right No. 43-00176B :			
Priority: 04/01/1871			
IRRIGATION	04/01 to 07/01	0.80 CFS	144.4 AF
Right No. 43-00178D :			
Priority: 12/12/1911			
IRRIGATION	04/01 to 10/31	3.20 CFS	916.0 AF
TOTAL:		* 4.58 CFS	* 916.0 AF

TRANSFER NO. 5140
WATER RIGHT NO(S). 43-00164B/43-00165B/43-00166B/43-00168B
43-00169D/43-00172B/43-00175B/43-00176B/43-00178D

SOURCE

RAFT RIVER

TRIBUTARY OF

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION:

SW SWSE, Sec. 7, Township 14S, Range 27E
NW NWSW, Sec. 20, Township 14S, Range 27E
 CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	27E	7	SWNE 38	SENE 33	NESE 39	
			NWSE 40	SWSE 40	SESE 39	229
Total number of acres irrigated:						* 229

CONDITIONS OF APPROVAL AND REMARKS

- * 1. Rights 43-00164B, 43-00165B, 43-00166B, 43-00168B, 43-00169D, 43-00172B, 43-00175B, 43-00176B and 43-00178D when combined shall not exceed a total diversion rate of 4.58 cfs, a total annual diversion volume of 916.0 af at the field headgate, and the irrigation of 229.0 acres.
- 2. Use of water under this water right will be regulated by the watermaster of State Water District No. 43B.
- 3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- * 4. The total instantaneous diversion of water from all points of diversion under Transfer 5140 shall not exceed 4.58 cfs, nor total combined annual volume of 916.0 af.
- 5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
- 6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this

24th

day of

February

1998.

J. Blum Saxton
 Chief, Water Allocation Bureau

MEMORANDUM

TO: FILES 43-00164/165/166/168/169A/172/175/176 & 178B
 FROM: PAM SKAGGS/STATE OFFICE
 SUBJECT: TRANSFER 5140
 DATE: February 19, 1998

Transfer 5140 changes a point of diversion under a portion of the above referenced rights, splitting Rights 43-00164/165/166/168/172/175 & 176 into Parts A & B, and 43-00169A & 178B into Parts C & D.

Region review included a field exam and determination of actual irrigated acres recommending a total of 229 acres instead of 240 described on the application. The use of the rights was difficult to determine due to their frequent unavailability and a change in the river channel. The watermaster of Water District No. 43-B not only approved of this change, but encourages the use of the surface rights to whatever extent possible to conserve groundwater levels in this area.

These rights have non-standard seasons as decreed and as reaffirmed under previous Transfer Memorandum Decision and Order signed 03-31-75. The application (Attachment A) and region memo were inconsistent identifying the season for each right. The approval is based on the decree & MDO identified seasons. This changes the seasonal overlap of these rights as illustrated below.

Seasons:	4-1 to 4-30	4-30 to 7-1	7-1 to 10-1	10-1 to 10-31	
4-1-1871 Priority Rights					Days
43-00175	<--0.10-----	0.10-----	0.10-----	0.10-->	213
43-00176	<--0.80-----	0.80-->			91
43-00166	<--0.61-----	0.61-->			91
43-00164		<--0.10-->			62
43-00165		<--0.61-->			62
	1.51 cfs	2.22 cfs	0.10 cfs	0.10 cfs	
4-1-1879 Priority Rights					
43-00172	<--0.61-----	0.61-----	0.61-->		183
43-00168			<--1.83-->		92
	2.12 cfs	2.83 cfs	2.54 cfs	0.10 cfs	
6-1-1879 Priority Right					
43-00169A	<--1.37-----	1.37-----	1.37-->		183
	3.49 cfs	4.20 cfs	3.91 cfs	0.10 cfs	
12-12-1911 Priority Flood Right					
43-00178B	<--3.20-----	3.20-----	3.20-----	3.20-->	213
	~~6.69 cfs~~	~~7.40 cfs~~	~~7.11 cfs~~	~~3.30 cfs~~	
Limited to	4.58 cfs	4.58 cfs	4.58 cfs		

(0.02 cfs x 229.0 acres = 4.58 cfs maximum.)

Recommended conditions include watermaster control, measuring devices/lockable devices, multiple points of diversion, irrigation overlap, combined right limits and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:47:43
10/22/99
39

PAGE: 19
PROFILE REPORT

CLAIM NUMBER: A43-00168C

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JD HUTCHISON	04/01/1879	IRRIGATION	07-01 10-01	1.830 CFS	
C	JOYCE HUTCHISON					
TOTAL DIVERSION:					1.830 CFS	
~~CONSUMPTIVE USE:~~						~~720.00 AFA~~

333.9 AF

Water Source: RAFT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T14S R27E S07
S20

SWSWSE
SWNE
NWNWSW

CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE					
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM	
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac		
14S	27E	7	:									:	40	40	40	40	240.0
TOTAL ACRES																240.0	

POU County: CASSIA

Non-Irrigation Uses: S/10D DAIRY

Other Rights: SEE REMARKS.

Remarks: GEN THIS CLAIM IS A PORTION OF THIS WR: 43-00168
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A43-00166B(43-00176) A43-00172C A43-00169E

A43-00178D*****

AMENDED CLAIM TO CORRECT POINT OF DIVERSION AND PLACE OF USE.

5/20/97 jr

Cond. Code C18
Remarks:
POU 1 E14 229 Ac. w/ all
QNT E27 4.58 cfs + 91
E28 .02 #4A w/ all

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: D

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:36:09
10/22/99

PAGE: 18
QUICKLOOK INFORMATION

38
CLAIM NUMBER: A43-00168C

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y N							
POINT OF DIV	Y Y							
SOURCE	Y N							
PLACE OF USE	Y Y							
DIV. AMOUNT CFS/VOLUME	Y Y							
CONSUMPTIVE USE	/							
PURPOSES OF USE	Y N							
PERIOD OF USE	Y N							
BASIS OF CLAIM	Y N							
REMARKS	Y Y							

BARCODE UPDATED
WHOM/DATE

R PROOF

CVR

MAPS

PHOTOS

MISC

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SD-0611-2 Basin: 43 Starting Water Right: 00168

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
	43-00168			00/00/0000	/Z			WR
	43-00168A	WARR, CHARLES	C	04/01/1879	D/	RAFT RIVER	IRR	WR
X	43-00168B	HUTCHISON, J D	C	04/01/1879	D/	RAFT RIVER	IRR	WR
		HUTCHISON, JOYCE	C					
	A43-00168	SPLIT RIGHT	C	04/01/1879	/Z	RAFT RIVER SPLIT RIGHT	IRR	AJ
	A43-00168A	ELISON, LANO	C	04/01/1879	D/	RAFT RIVER	IRR	AJ
		ELISON, LOIS	C					
	A43-00168B	HARPER, ALAN J	C	04/01/1879	D/	RAFT RIVER	IRR	AJ
		HARPER, BEVERLY K	C					
	A43-00168C	HUTCHISON, JD	C	04/01/1879	D/	RAFT RIVER	IRR	AJ
		HUTCHISON, JOYCE	C					

* Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
 (Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu _____)

R04. - Use of water under this water right will be regulated by the watermaster of State Water District No. 43B.

R64. - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

T07. - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

T08. - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

T09. - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing

Conditions of Approval:
- Snake River Basin Adjudication.

Remarks: GEN Rights 43-001648, 43-001658, 43-001668, 43-001688, 43-001690, 43-001728, 43-001758, 43-001768 and 43-001780 when combined shall not exceed a total diversion rate of 4.58 cfs, a total annual diversion volume of 916.0 af at the field headgate, and the irrigation of 229.0 acres.
Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
The total instantaneous diversion of water from all points of diversion under Transfer 5140 shall not exceed 4.58 cfs, nor total combined annual volume of 916.0 af.

Dates: App. Received: 07/30/1997 Priority Date: 04/01/1879
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 438 Field Exam Fee:

Comments: Date: 02/18/1998 User-ID: PSKAGGS Subject: TRANSFER 5140
Transfer 5140 adds a point of diversion under a portion of Rights 43-00164/165/166/168/172/175 & 176, splitting each right into Parts A & B, and Rights 43-00169A & 178B, splitting each right into parts C & D.

Audit: 09/18/97 MBALDWIN 09/18/97 MBALDWIN 02/18/98 PSKAGGS 02/18/98 PSKAGGS