

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: A43-02456
Date Received: 2/27/1989
Receipt No: S006389
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J.D. 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: FEB 18, 1957

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	27E	7	SW	SE	SE		CASSIA

5. Description of diverting works:
16"X 450' WELL, 75 HP PUMP, BOOSTER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is 600.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-02456

Page

1

Date: 02/27/89

MICROFILMED
MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	27E	7	SW		NE		IRR	38.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	36.0
			SW		SE		IRR	36.0
			SE		SE		IRR	40.0
Section Acres								230.0
Total Acres								230.0

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:
A43-02367

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 26768

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): Joyce Hutchison Date: 2/27/89
_____ Date: _____

State of Idaho)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 27th day
of February 19 89 Steve O'Connell
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

944
T1604

EE-30

S-7

T-14

R-27

P.D.

A43-02456



2
108.2

111.6

P.D.

867
T1606

MICROFILMED
MAR 13 1993

VERIFIED BY *gl 12/7/2000*

12/07/2000

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

RIGHT NUMBER: 43-2456
NAME AND ADDRESS: JD HUTCHISON
JOYCE HUTCHISON
HC 72 BOX 2184
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 1.6 CFS
916 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-02456 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 916 AF.

WHEN COMBINED THE RIGHTS LISTED BELOW SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE NOR MORE THAN 4.0 AFA. COMBINED RIGHT
NOS.: 43-00165C, 43-00168C, 43-00169E, 43-00172C, 43-00178D,
43-02367, 43-02456, 43-10789, 43-11291, & 43-11292.

PRIORITY DATE: 02/18/1957

POINT OF DIVERSION: T14S R27E S7 SWSSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	1.600 CFS 916.0 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T14S R27E S7	SWNE	38	T14S R27E S7	SENE	33
T14S R27E S7	NESE	39	T14S R27E S7	NWSE	40
T14S R27E S7	SWSE	40	T14S R27E S7	SESE	39

229 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 229 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-00165C, 43-00168C, 43-00169E, 43-
00172C, 43-00178D, 43-02367, 43-02456, 43-10789, 43-11291, &
43-11292.

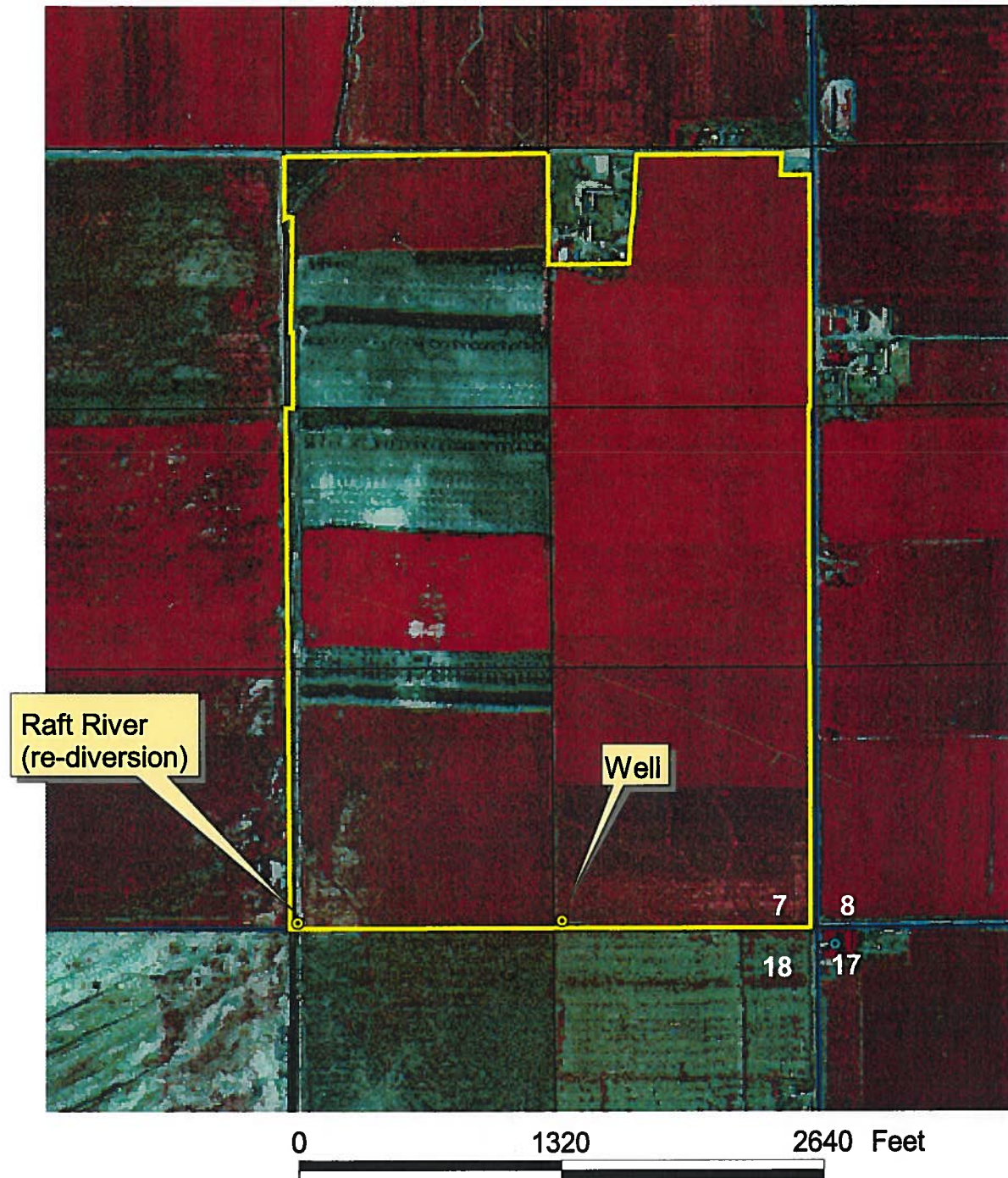
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - License

Idaho Department of Water Resources

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



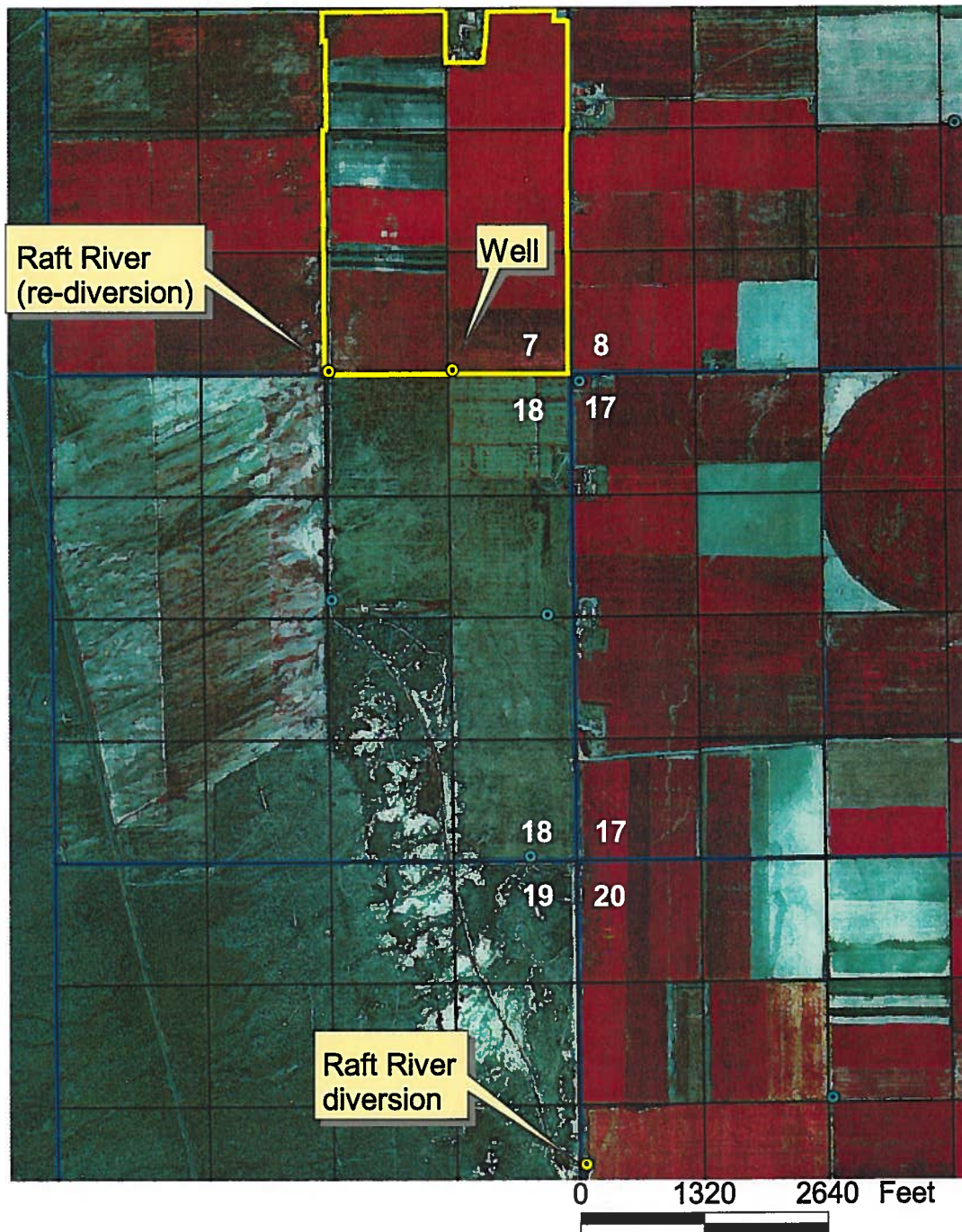
RECOMMENDED PLACE OF USE
DATA ENTRY ON DEC. 6, 2000
TWP 14S, RNG 27E, SEC. 7

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

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

Idaho Department of Water Resources

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



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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

RECEIVED

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

MAR 03 1998

Department of Water Resources
Southern Region

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:

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

PLACE OF USE: IRRIGATIONTWN RGE SEC

14S 27E 7

ACRES

SWNE 38

NWSE 40

ACRES

SENE 33

SWSE 40

ACRES

NESE 39

SESE 39

TOTAL

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
	2.12 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.

MEMORANDUM

TO: SRBA Files A43-02367 & A43-02456

FROM: Corey Skinner *CS*

DATE: September 15, 1997

SUBJECT: Field Visit

On September 3rd, as part of a transfer review, I visited property owned by J.D. Hutchison. I observed a point of diversion (a well) located along the south boundary of Section 07 (T14S, R27E). This well was used to divert water for irrigation of land located with the South $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Section 07 (T14S, R27E). This well and irrigation would correspond to SRBA claims A43-02367 and A43-02456. The attached photo documents my field visit.



View of well and place of use (grain field on right side of photo) looking towards the west. The power line is running along the approximate location of the south edge of Section 07 (T14S, R27E).

10:51:32
10/22/99
57

CLAIM NUMBER: A43-02456

Presumption Flag:

Gnd. Code C18
 Remarks:
 POU1 E14 229Ac. w/all
 QNT E05 916AF w/2367
 E28 .02cts w/all

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:37:56
10/22/99

PAGE: 17
QUICKLOOK INFORMATION

56
CLAIM NUMBER: A43-02456

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	N							
POINT OF DIV	N							
SOURCE	N							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	/							
PURPOSES OF USE	N							
PERIOD OF USE	Y N							
BASIS OF CLAIM	N							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

R PROOF

CVR

MAPS

PHOTOS

MISC

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State of Idaho License and Certificate of Water Right

Water License No. G-26768

Amount 1.6 c.f.s.

Water District No.

Priority February 18, 1957

THIS IS TO CERTIFY that VANCE T. SMITH
of Rupert, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 18, 1957; that Permit No. G-26768
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on November 15, 1965, showing that said works
were completed on the 26th day of November, 1963; and that on the 26th
day of November, 1963, Vance T. Smith

of Rupert, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
a tributary of subterranean flow, for the purpose of irrigation
under Use Permit No. G-26768 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8401, on the 15 day of November, 1965;
The right hereby confirmed dates from February 18, 1957;

The Point of Diversion is located
in the SE 1/4, SE 1/4, Sec. 7, Tp. 14 S. R. 27 E, B. M. Cassia County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
afore said, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 S	27E	7	SW 1/4	40	38
			SE 1/4	40	40
			NE 1/4	40	40
			NW 1/4	40	36
			SW 1/4	40	36
			SE 1/4	40	40
			Total number of acres to be irrigated:		230

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
15th day of November, 1965.

(SEAL)

RALPH W. THOMAS
Deputy State Reclamation Engineer

T

141

S

71
-16
55
76
-70
6
76
-60
16

38 40
30 40
36 40

Sec. Corner

78 acres New land

PA

(Hight shows west well being in the SW 1/4 Sec. 7)

Subdivisions = 6

allow Prod = 78 New acres

allow C = 1.28 cfs or 78"

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 13569712

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant: Vance T. Smith

2. Source of water supply: 2 wells

3. Location of point of diversion: Is in the SE SE of Section 7
T. 14 S. R. 27 E. County of Cassia4. Describe works as they exist, giving dimensions and capacities of same: U.S. Motor 60HP
S. 13569712Lynner Bowler pump Model 12K HH.M.M.H. Serial D07152
1620 G.P.M. @ 120' @ 1720 R.P.M.
10" Discharge x 4' Top mounted ditch

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SYNEU, SE 4, SEC 7, T. 14, R. 27 E.

(Submit map on attached plat, showing location and details of above description.)

What large stream would the water here appropriated finally reach?

Remarks: J.D. Hutcheson Malta Idaho Now covered along

Measured with anemometer at 113.78 cfs or 181" + 17006PM
using 200' chain from center of 60' Roadway = 1284'

This examination was made on the

23 day of July 1965
(Signed) Donald H. Williams