

06/05/2001

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

RIGHT NUMBER: 43-13022
NAME AND ADDRESS: TOMMY HUTCHISON
1944 S 1125 E
BOX 1380
ELBA, ID 83324

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1874

POINT OF DIVERSION: T13S R25E S31 LOT 3 NWNWSW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01-01 12-31

QUANTITY
0.02 CFS

PLACE OF USE:

STOCKWATER Within CASSIA County
T13S R25E S31 NENE
T13S R25E S31 SENW

T13S R25E S31
T13S R25E S31 LOT 3 SWNW
NWSW

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

This water right includes a point of diversion established in accordance with a notice filed under the provisions of Section 42-113(3), Idaho Code. Diversion and use of water from this point of diversion shall not exceed 13,000 gallons per day for stockwater use. The water delivery system established in accordance with this notice shall be fully enclosed and shall be equipped with an automatic shutoff valve or a mechanism for returning unused water to the source through an enclosed water system. The water delivery system shall be designed to facilitate measurement of the rate of flow through the system.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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 - Beneficial Use



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

E-mail address: kchrste@idwr.state.id.us

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 9, 2001

TOMMY HUTCHISON
1944 S 1125 E
ELBA ID 83324

RE: NOTICE OF ERROR RESPONSE. LATE STOCKWATER CLAIM FILING

Dear Tommy

I have enclosed Preliminary recommendations for 43-332, 43-333, 43-334, and 43-335. I corrected the diversion rates for all four rights and the priority date for 43-335. Please review the changes to make sure that you agree with them. I have enclosed a copy of my notes from the 7-15-1994 meeting where we reviewed the combined rights and appropriate split rates.

Also enclosed is a copy of the preliminary recommendation for 43-13022, the stockwater right. This recommendation reflects the transfer for the diversion of an instream stockwater use.

I believe that I have completed all of the necessary changes that we discussed but if you note something that I have missed please contact me as soon as possible.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

enclosures

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 43-13022
Date Received: 5/24/2001
Receipt No: S023977
Received By:

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

TOMMY HUTCHISON Phone: (208) 638-5524
1944 S 1125 E
BOX 1380
ELBA ID USA 83324

2. Date of Priority: 04/01/1874

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot				County	Type
13S	25E	31	NW	NW	SW	3	CASSIA	Beginning Point

5. Description of diverting works:

Pursuant to Notice of Diversion for Instream Stockwater Use 42-113.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 140

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13S	25E	31	NW	SW	3	STOCKWATER	
			SW	NW		STOCKWATER	
			SE	NW		STOCKWATER	
			NE	NE		STOCKWATER	

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:

14. Remarks:

claim filed in order to file a notice of diversion for instream stockwater use. Identified place of use pursuant to Notice of Diversion for Instream Stockwater Use 42-113.

15. Basis of Claim: Beneficial Use

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

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

RECEIVED

MAY 24 2001

Department of Water Resource
Southern Region

Form 113
07/00

Ident No. 43-13022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks for the watering of livestock)

1. Name of Right Holder TOMMY HUTCHESON Phone 638-5524
Mailing address 1944 S 1125 E Box 1380
2. Source of water supply UNNAMED STREAM tributary to SINKS
3. Point of diversion is in Gov't. Lot 3, NW 1/4 NW 1/4 SW 1/4, Section 31,
Township 13S Range 25E, B.M., CASSIA County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion: Spring box + Pipe line
 - b) Describe the delivery system: Pipe line to Stock Tanks
 - c) Describe the number, type and total capacity of troughs or tanks 4 - 200 gal
Tires
 - d) Describe the automatic shutoff or flow control mechanism or means of
Returning unused water to the source: Valve + Float
 - e) Describe how the system is designed to allow measurement of the rate of
diversion: Tee + Valve - Bucket + STOP watch
Measurement

5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
<u>13S</u>	<u>25E</u>	<u>31</u>			<u>S</u>			<u>S</u>	<u>S</u>		<u>S</u>							

6. Priority date claimed or established: 4-1-1874
7. Rate of diversion: .02 cfs

8. Season of use: From 1-1 to 12-31
9. a) Who owns the property at the point of diversion? Tommy Hutchison
b) Who owns the property at the place of use? Tommy Hutchison
10. When will construction occur? May 2001
11. Comments: The system will be CO-MINGLED
WITH DITCH WATER (UNDER DECREEED rights)
during the IRRIGATION SEASON

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this May 24 day of 2001

Tommy Hutchison
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by KKC Date 5-24-01 Preliminary check by AD~
Fee: \$ 2500 Receipted by KKC Receipt No. 5023977 Date 5-24-01
Water District No. _____ Entered into data base KER By _____

STATE OF IDAHO

Department of Water Resources

Notice of Diversion for Instream Stockwater Use

Section 42-113, Idaho Code

Name of Right Holder: Tommy Hutchison
Initial Review By: AO Date: 6/1/01
Based on prior recorded instream stockwater right? ☒ Yes ☐ No
If yes, right number: 43-13022 Instream Stock Div. No. _____
Also, if right was claimed in SRBA, this notice will amend claim.
If no, enter as statutory claim.

CHECK:

☒ Name & address
☒ Date of Priority
☒ Source
☒ Period of use
☒ Point of diversion (limited to 1 diversion)
☒ Location of use
☒ Signature
\$25.00 filing fee _____ Receipt No. _____
Water District 43-C
Amount of Water _____
Description of diversion/delivery system.

Publish? Yes ☐ No ☒ (Regional Determination*)

☒ Review Complete
By: AO
Date: 6/1/01

*Generally not advertised unless determined to be necessary by Regional Manager.

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
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BOX 1380
ELBA ID USA 83324

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13S	25E	31	NW	NW	SW	3	CASSIA	Beginning Point
13S	25E	31	NE	NW	SW	3	CASSIA	Ending Point

5. Description of diverting works:

In-stream use of a spring and the natural channel.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 140

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot			Use	Acres
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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:

14. Remarks:

claim filed in order to file a notice of diversion for in-stream stockwater use.

15. Basis of Claim: Beneficial Use

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): *[Signature]* Date: 5-24-01
_____ Date:

State of Idaho)
County of Twin Falls) SS.

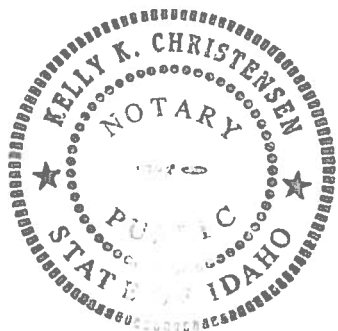
Subscribed and sworn (or affirmed) before me this 24th
of May 2001

Kelly K. Christensen

Notary Public

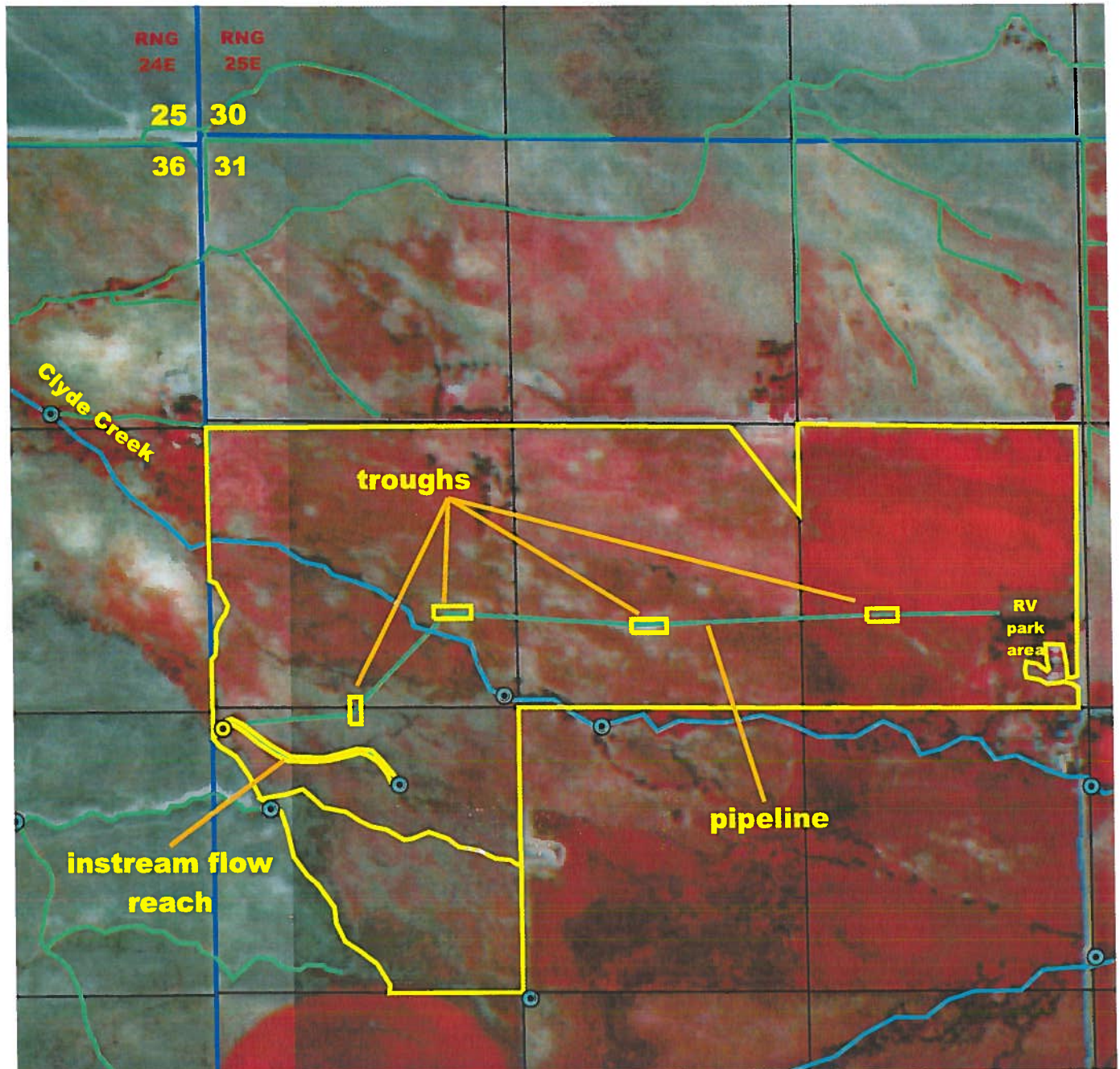
Residing at Twin Falls

My commission Expires 3-11-01



Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
43-13022**



660 0 660 1320 1980 Feet

PLACE OF USE

TWP 13S, RNG 25E, SEC 31

Data entry on May 24, 2001

GIS PLACE OF USE PRESENTATION

1987/1988 NAPP AERIAL PHOTOGRAPHY

DATA ENTRY BY KELLY K CHRISTENSEN

-  RECOMMENDED POINT OF DIVERSIO
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES

CASSIA CO

