

07/13/2006

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

RIGHT NUMBER: 67-92

NAME AND ADDRESS: THE DELPHA J HUTCHISON TRUST
PO BOX 293
COUNCIL ID 83612-0293

SOURCE: MIDDLE FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION:
T15N R01W S14 NWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 10/31	0.100 CFS
PLACE OF USE:	<u>IRRIGATION Within ADAMS County</u>		
	T15N R01W S10	NWNW 8.00	
	8 ACRES TOTAL		

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

Conversational Memorandum

Date: 7-13-06

To: File 67-92

From: Craig L. Saxton

Re: Conversation with Delpha Hutchinson regarding delivery of 67-92

On Wednesday 7-12-06, I received a call from John Westra regarding a call that was forwarded to him from Bosco Bosler. The claimant was in basin 67 so it was directed to me.

Delpha Hutchison was calling to report that Alvin Yanits would not allow her to access the delivery ditch on his property so she could exercise her water right. She wanted to know what she could do.

In summary, I informed Delpha that I am recommending her SRBA claim as valid to the SRBA court. In previous conversations, Delpha has informed me that she stopped using the water in 1991 and this time she told me she stopped using it 6 years ago. Either way, according to Delpha, the water has been used recently enough for me to not recommend forfeiture as the claim was filed in 1989.

With that, I told her that the recommendation is not final until the court decrees it. For the time being, she is going to need to speak to her attorney about gaining access to the ditch. Delpha told me that there was a court case about 20 years ago between her father and Mr. Yantis and her father was granted rights to divert the water. I again told her to speak to her attorney.

In addition I suggested she file a transfer to change the POD and put a pump in on her property. She did not like this idea, but she does know it is an option though.

I am sending her a copy of the preliminary recommendation and told her clearly that it is preliminary and could change. However, if my recommendation did change, she would be notified.

On a side note, Delpha told me she has been using wastewater to irrigate her field during those years she hasn't been able to get her water right.

04/14/2006

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

RIGHT NUMBER: 67-92

NAME AND ADDRESS: DELPHA J HUTCHISON
PO BOX 293
COUNCIL ID 83612

SOURCE: MIDDLE FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION:

T15N R01W S14 NWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 10/31

0.100 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T15N R01W S10 NWNW 8.00

8 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



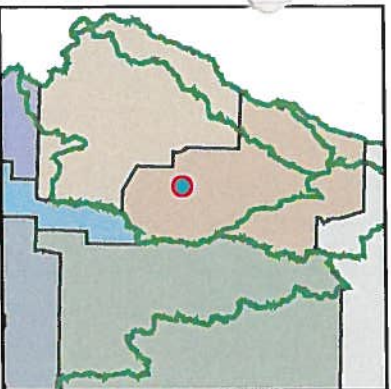
Idaho Department of Water Resources

Adjudication Claim:

67-92

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

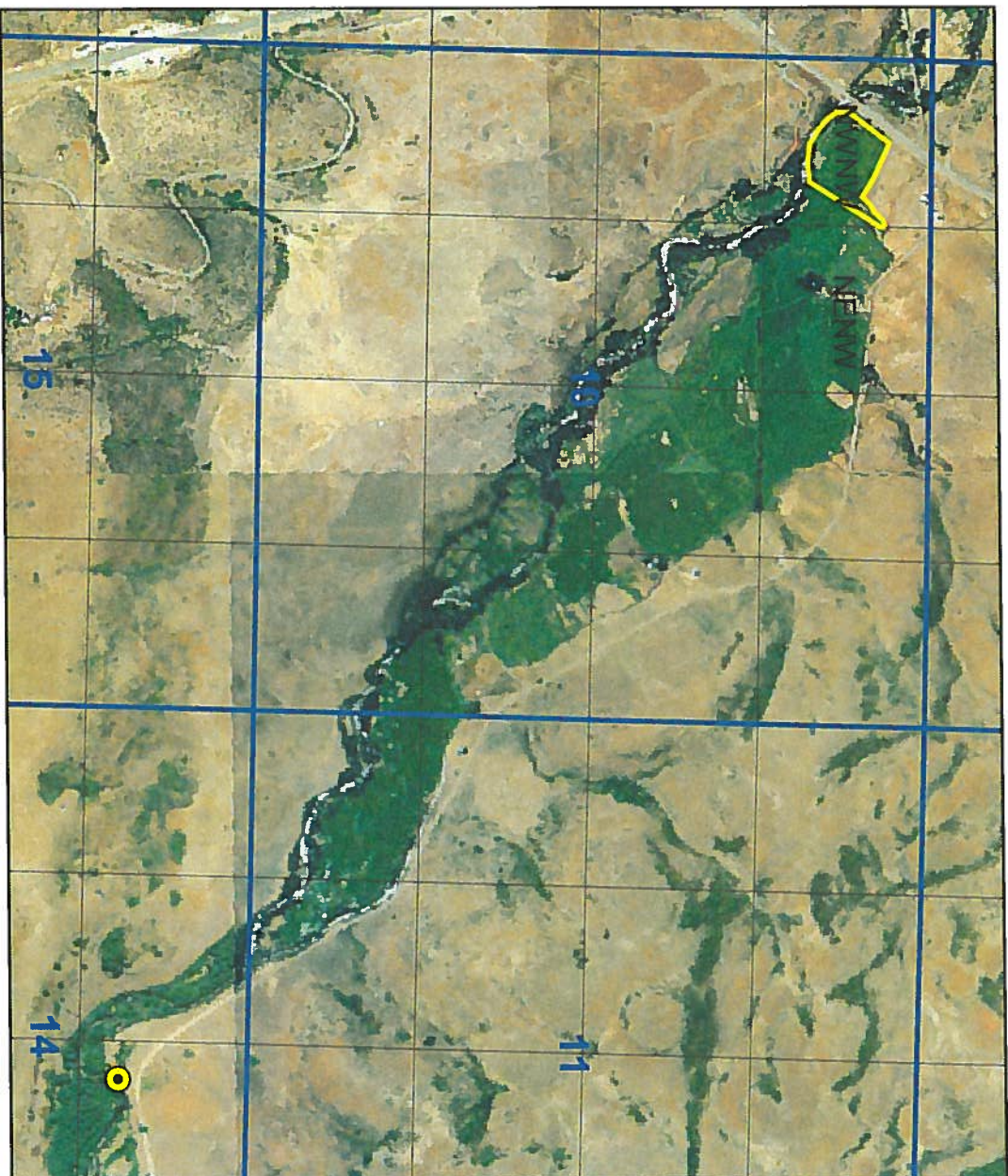


Adams County
IDWR Basin 67



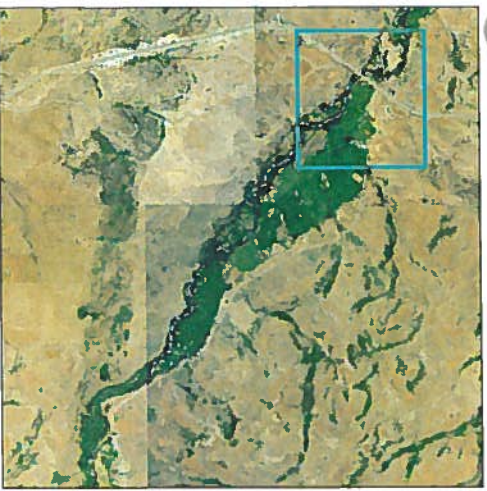
T15N

R01W



Prepared by C. Saxton
On Friday, April 14, 2006
1987/88 Aerial Photography

67-92



7-14-05 : Melanie Couldn't Get a hold of Claimant. Wrong phone # and no physical address. Tax lot Data says:

Delpha J. Hutchison Trust
PO Box 293
Council ID #3612

: Send letter addressing C/O + Priority Evidence.

7-18-05 : Delpha called and said to call her : 253-6409

: Guy that owned the property to the east changed AOD and stopped water from getting to Delpha's property when her father owned it

: Yantis - Blocked the ditch. Now since 1991 (per discussion w/claimant) Yantis won't let them clean ditch so she can't get water

: Delpha is sending C/O and Evidence of Priority in the form of a court case b/w Yantis and her father. Wait for documentation.

: No Overlap



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 14, 2005

DELPHA J HUTCHISON
PO BOX 293
COUNCIL ID 83612

RE: Evidence of Priority and Notice of Change of Water Right Ownership for Snake River Basin Adjudication (SRBA) claim 67-04071

Dear Ms. Hutchison,

The Idaho Department of Water Resource is currently in the process of reviewing SRBA claims in basin 67. In our initial review of claim 67-04071, IDWR determined that additional information is needed to make a recommendation to the SRBA court.

Our initial attempts to contact you failed. Further research indicated that we may have an incorrect phone number and mailing address. Our records show that your mailing address is:

DELPHA J HUTCHISON
PO BOX 365
WEISER ID 83672
(208) 549-2433

Washington county tax lot date indicates that your address is as it is listed above and that the property is actually in the name of Delpha J. Hutchison Trust.

Based on the information we have it appears that not only do we need to update our address record, but we may need to update the name on the claim from your name to the name of the trust.

If we only need to change your address, then only fill out the "Change of Address" form. If we need to change claim 67-04071 into the name of the trust, only fill out the "Notice of Change in Water Right Ownership form" and submit it with the requested information. Copies of both forms are enclosed. You do not need to complete and return both forms.

In addition, evidence supporting the priority date of May 1, 1905 needs to be submitted and a field exam needs to be conducted to verify the elements of your water right. For your convenience, enclosed is an evidence of priority pamphlet the describes what will be accepted as evidence of priority.

Please complete the appropriate form and return it with the priority date information. When the correct contact information is received, a contractor employed by IDWR will be contacting you in order to conduct a field exam.

I know I have just dropped a lot of information on you in a short letter. Please feel free to contact me if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton", with a stylized flourish at the end.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosures(s)

Notes 06/02 MVB

* evidence of priority needed

* $cfs = 1.0$

$ac = 10$

cfs overclaimed

* pls. confirm POD & PLU

called 6/16 12:48 pm - ~~no~~ no answer
4:00 pm - no answer

6/23 9:30 am - NO answer

6/30 10:40 am - no answer

7/5 10:00 am - no answer

7/11 - 7:30 am - wrong number

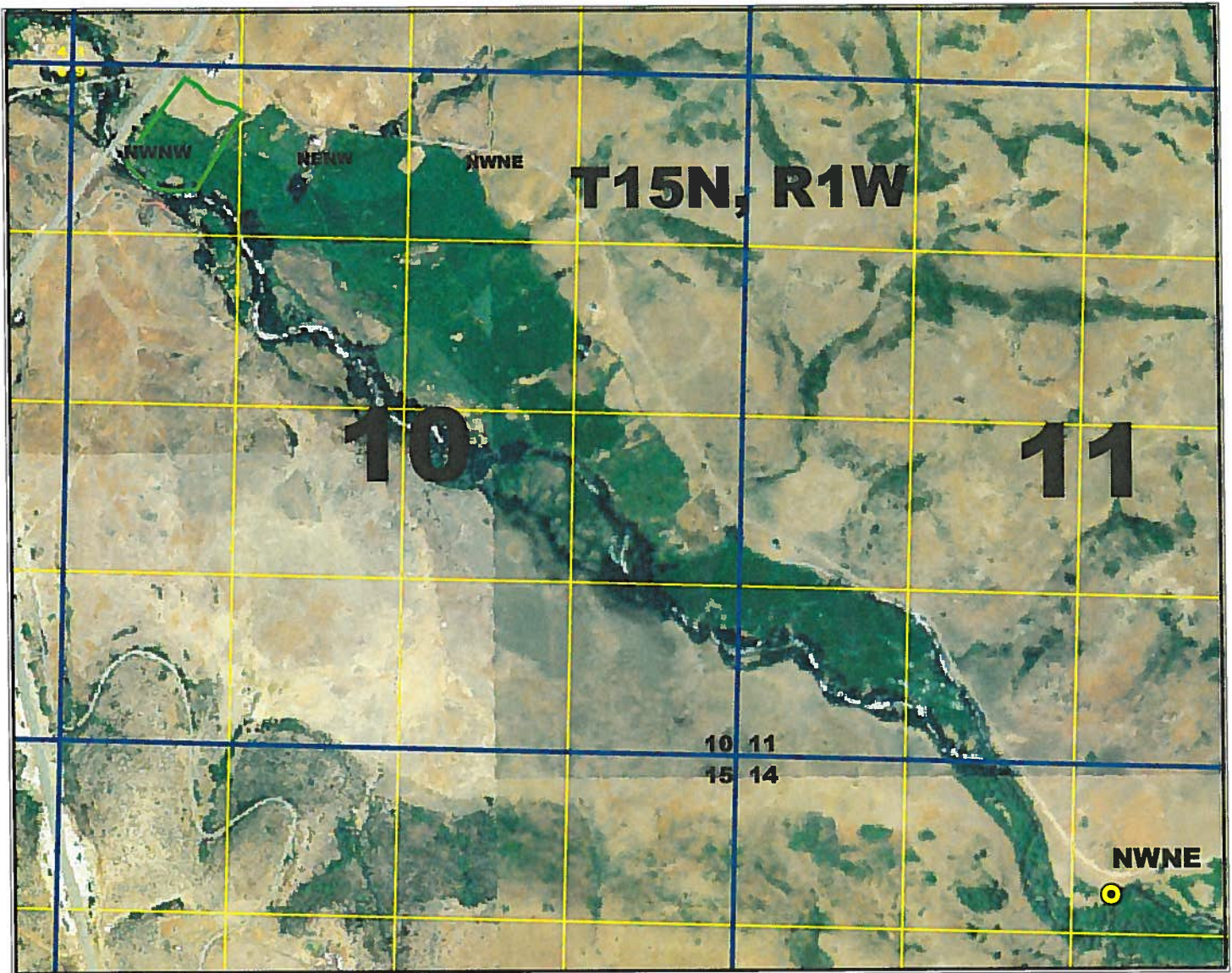


State of Idaho

POU Claim Map

Claim #: 67-04071

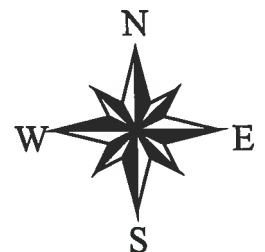
Map Source: 1987 True Color



1320 0 1320 2640 3960 Feet

-  **Claimed Point of Diversion**
-  **Claimed POU**
-  **Tax Lot Data**
-  **Quarter Quarter Lines**
-  **Section Lines**

Claimed Irrigated Acres: 10.0
Initial Acres Found: 10.0



Prepared By: Craig L. Saxton
Date: July 2005



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 19, 1996

Re: Notices of Claim to a Water Right Nos. A67-04071, A67-11336

DELPHA J HUTCHISON
BOX 365
WEISER ID 83672

Ms. Hutchison:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:1

Enclosure

MICROFILMED
OCT 22 1996

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that

(name of claimant)

of Cornel Laska Godrich, P.O. 83612 claims a right to the diversion and beneficial use of
(mailing address)

ground water or surface water tributary to _____:

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Middle Fork of Kanawha river

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

Amount	<u>1 cfs</u>	Use	<u>1 hr</u>	Period of Use:	From	<u>March 15</u>	To	<u>Oct 31</u>
Amount		Use		Period of Use:	From		To	
Amount		Use		Period of Use:	From		To	
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 1.575 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 5-1-05

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW ¼ NE ¼, Sec. 14 Twp. 16N Rge. 1W, B. M. County of Adams.
 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. diversion dam, 3 miles long

- (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]

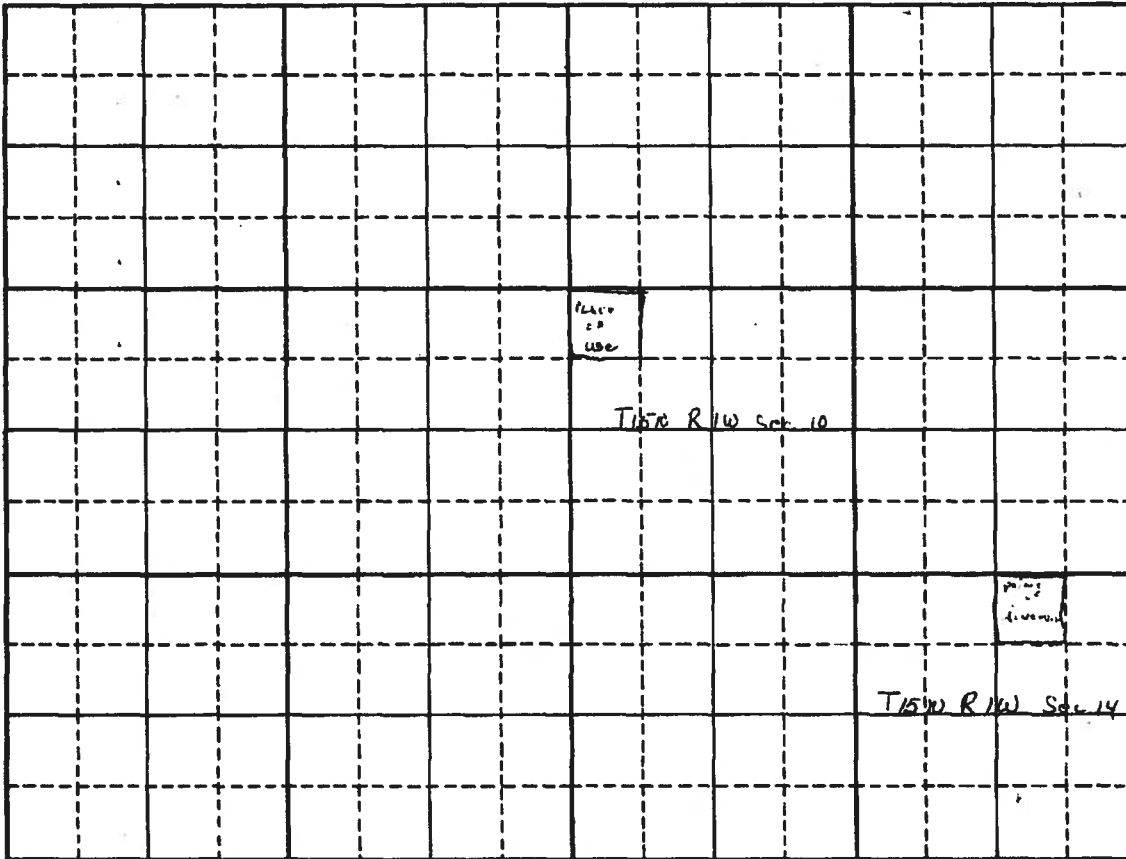
Total No. of acres 10

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

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

MICROFILMED

(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

ss.

County of ADAMS

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 affiants knowledge.

Sworn to before me this 28th day of June, 1974.

Gilbert Shaw
(Claimant)

Notary Public

Residing at Council Bluffs

My commission expires 6-22-76

For Department Use Only

Received by Right Date 7-11-74 Exception filed by: _____ Date _____
Prelim. check by Right Date 10-00 claimant by: _____
\$10.00 fee received by Right Date 7-11-74
Approved for publication by Right 8-5-74
Published in Adams County Record
Dates 7-18 7-25-74

Robertson Seavey Ditch.

George Robertson

Lester I McMahan

Samuel E McMahan

Rollie A McMahan

Isaac McMahan

Lillian G Spofford

Fruitvale Townsite Company and its grantees

Phillip Walston

C E Cox

A L Freehafer and Margaret E Pike
Lost Creek Res.

B D Goshert

G T Hamill

E R Windes

First Bank of Council

J J Jones

Biggerstaff Ditches.

T B Biggerstaff

Middle Fork Weiser River.

Orchards Water Company

Lost Creek Storage

A L Freehafer Lost Creek Storage

J A Carr Lost Creek Storage

W M Bacous

Catherine Austin

Ben Wooden

Henry Heimsoth

George Shaw

William B Shaw

John Sweringen

Dave Durso

C E Roper

Fall Creek.

James Harrell (Steward Ditch)

Jacob Cornett (Steward Ditch)

John Cornett

Oscar Gilbert (Steward Ditch)

5'

30'

18'

1'

22'

10'

4'

4'

45'

30'

4'

4'

24'

35'

40 A Ft

38'

25'

5'

135'

20'

5'

8'

45'

3500' 7 1077

6250' 7 1077

360 A Ft

300 A Ft

14'

24'

24'

30'

13'

21'

44'

6'

5'

74'

120' 7 1164

90'

58'

40'

June 1, 1884 67 0057

June 1, 1887 67 0058

April 1, 1901 67 0059

April 1, 1901 67 0060

April 1, 1901 67 0061 X

April 1, 1901 67 0062

April 1, 1901 67 0063

April 1, 1905 67 0064

April 25, 1901 67 0065

Sept 23, 1901 67 0066

May 1, 1906 67 0067

May 1, 1901 67 0068

Sept 23, 1901 67 0069

June 1, 1902 67 0070

May 27, 1910 67 0071

May 1, 1906 67 0072

May 1, 1906 67 0073

May 1, 1916 67 0074

May 1, 1908 67 0075

May 18, 1910 67 0076

May 18, 1910 67 0077

May 25, 1910 67 0078

June 1, 1890 67 0079

Sept 11, 1909 67 0080

May 27, 1910 67 0081

May 27, 1910 67 0082

May 27, 1910 67 0083

May 1, 1891 67 0084

May 1, 1891 67 0085

May 1, 1901 67 0086

May 1, 1894 67 0087

May 1, 1900 67 0088

May 1, 1900 67 0089

May 1, 1903 67 0090

May 1, 1903 67 0091

May 1, 1905 67 0092

May 1, 1911 67 0093

July 1, 1883 67 0094

July 1, 1883 67 0095

Dec 30, 1907 67 0096

May 1, 1899 67 0097

JUL 24 1996

West Boise Meridian, the West half of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter, and the West half of the Southeast Quarter of the Southwest Quarter of Section 14; the Northwest Quarter of the Northwest Quarter of Section 23; the North half of the Northeast Quarter, the North half of the Southwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 22; the South half, the Northwest Quarter, the South half of the Northeast Quarter, and the South half of the Northwest Quarter of the Northeast Quarter of Section 15, all in Township 15 North, Range 2 West Boise Meridian.

W M BACCUS: The South half of the Southeast quarter of Section 4, Township 15 North, Range 1 West Boise Meridian,

CATHERINE AUSTIN: The Southwest Quarter of Section 4, and the Northeast Quarter of the Southeast Quarter of Section 5, Township 15 North, Range 1 West Boise Meridian,

BEN WOODIN: The Northeast Quarter of Section Thirteen, the North half of the Northwest Quarter of Section 13, the Northeast Quarter of the Northeast Quarter of Section 14, and the Northwest Quarter of the Northeast Quarter of Section 14, Township 15 North, Range 1 West Boise Meridian.

HENRY HEIMBOTH: The North half of the Northwest Quarter of Section 14, the South half of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 11, Township 15 North, Range 1 West Boise Meridian.

GEORGE SHAW: The Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 10 and the East half of the Southwest Quarter of Section 3, all in Township 15 North, Range 1 West Boise Meridian.

WILLIAM B SHAW: The Northwest Quarter of the Northwest Quarter of Section 11, the Southwest Quarter of the Southwest Quarter of Section 2, the North half of the Southeast Quarter of Section 10, the South half of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 10, all in Township 15 North, Range 1 West Boise Meridian.

JOHN SWEARINGEN: The South half of the Southwest Quarter and the West half of the Southeast Quarter of Section 5, Township 15 North, Range 1 West Boise Meridian.

DAVE DURKEE: The Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 10, Township 15 North, Range 1 West Boise Meridian.

O B ROPPER: The East half of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 12, Township 15 North, Range 1 West Boise Meridian.

OSCAR GILBERT: South half Northeast Quarter and Northwest Quarter Southeast Quarter, Section 25, Township 15 North, Range 1 West and Southeast Quarter Northwest Quarter, Section 30, Township 16 North, Range 1 East Boise Meridian (FW)

JAMES HARKELL: The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 27, and the North half of the Northwest Quarter of Section 34, and the Northeast Quarter of the Northwest Quarter of Section 34, Township 15 North, Range 1 West Boise Meridian.

JACOB CORNETT: The South half of the Northwest Quarter the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 34, Township 15 North, Range 1 West Boise Meridian.

JOHN CORNETT: The East half of the Southwest Quarter of Section 35, Township 15 North, Range 1 West.

JESSE BUZZARD: The South half of the Southeast Quarter of Section 23; the North

JUL 24 1996

POST WESTON DITCH

J. Emmett Pfost
John A. Pfost
Goldie Abernathy
Fred Jewell
Grace Everest

125
41
50
50
25

May 6, 1884
March 25, 1911
Aug 27, 1910
" " "
May 6, 1884

MIDDLE FORK AND LOST CREEK

Orchards Water Company Middle Fork
Lost Creek Reservoir

3500
6250

Sept. 11, 1909
May 27, 1910

A. L. Freehafer
J. A. Carr

360 A ft.
300 A ft.

" " "
" " "

MIDDLE FORK

W. M. Bassus
Catherine Austin

14
24
24

May 1, 1891

Ben Wooden
Henry Helmsoth
George Shaw
William B. Shaw

30
13
21
44

" " "
" " 1901
" " 1894
" " 1900
" " "
" " 1903

Dave Duree

5

" " 1905

C. E. Roper

7 1/2

" " 1911

John Sweringen

6

" " 1903

FARMERS' CANAL

Mark Winkler
Carrie Winkler
E. Hinkle

60
19

June 1, 1891

S. A. Moudy and E. Hinkle

{ 50
32-
19

" " "
Jan. 1, 1900
June 1, 1891

George Gould

82
7

" " "
" " 1905

FRANK HAHN DITCH

FRANK HAHN

383
33
38
36
60

June 1, 1902
" " 1903
" " 1904
" " 1905

JUL 2 4 1996

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 67-92
Date Received: 12/15/1989
Receipt No:
Received By:

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

1. Name of Claimant(s)

THE DELPHA J HUTCHISON TRUST Phone: (208) 550-0894

PO BOX 293
COUNCIL ID USA 83612-0293

2. Date of Priority: 05/01/1905

3. Source: WEISER RIVER MIDDLE FORK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	01W	14	NW NE	ADAMS	

5. Description of diverting works:

DAM, DITCH, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	10/31	1	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
15N	01W	10	NW NW	IRRIGATION	10
Section Acres					10

Total Acres 10

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This right was renumbered to right 67-92 .

This right is renumbered from former right 67-4071 .

OWNERSHIP CHANGE (ERMA SHAW DECEASED) 9/19/96. LH

15. Basis of Claim: Statutory Claim

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.

When recorded mail to:

Delpha J. Hutchison
P. O. Box 365
Weiser, ID 83672

RECEIVED

JUL 13 2006

DEPARTMENT OF
WATER RESOURCES

Original WA
Recorded
copy

This space reserved for recording information

CERTIFICATION OF TRUST AND TRUSTEE'S POWERS

DELPHA J. HUTCHISON hereby certifies and declares as follows:

1. DELPHA J. HUTCHISON has established a living trust named THE DELPHA J. HUTCHISON TRUST, pursuant to a Declaration of Trust and Trust Agreement dated effective the 31st day of August, 1995 (hereafter referred to as the "Trust Agreement").
2. The currently acting Trustee of said trust is DELPHA J. HUTCHISON.
3. The trust is a revocable trust and the Grantor may revoke the trust at any time. No other party holds the power to revoke the trust.
4. The following is a true and correct copy of the provisions of Paragraph 7.1 of Article 7 of the Trust Agreement:

ARTICLE 7

PROVISIONS RELATING TO TRUSTEE AND SUCCESSOR TRUSTEE

7.1 **Powers of Trustee.** In addition to, and not in limitation of, any powers conferred upon all trustees by any applicable statute or general rules of law, Trustee shall have all of the powers, and is expressly authorized in Trustee's sole and absolute discretion to do and perform all of the acts and things, that are more fully detailed and set forth upon the attachment to this Trust Agreement captioned "POWERS OF TRUSTEE", the provisions of which are by this reference incorporated herein and made a part hereof. Whenever the office of Trustee is held by Co-Trustees, the Co-Trustees may exercise such power and authority in the manner described in Paragraphs 26 and 27 of the said "POWERS OF TRUSTEE".

5. The following is a true and correct copy of the "POWERS OF TRUSTEE" attached to, and incorporated by reference in, the Trust Agreement pursuant to the provisions of said Paragraph 7.1 of Article 7:

POWERS OF TRUSTEE

The term "Grantor" as used herein shall be construed to include "Grantors" if there are two or more Grantors.

1. **Retention of Existing Investments.** To retain and hold in or as a part of the trust estate any investment or other property acquired from Grantor or Grantor's estate, with full power, nevertheless, to change and vary the form of any investment from time to time as the Trustee shall deem best.

8. The manner in which title to trust assets should be taken is as follows:

DELPHA J. HUTCHISON, as Trustee of THE DELPHA J. HUTCHISON TRUST.

9. No other provisions of said Trust Agreement vary, modify, or limit the provisions set forth herein. The trust has not been revoked, modified, or amended in any manner to make the statements in this certification incorrect.

DATED this 30 day of oct, 1995.

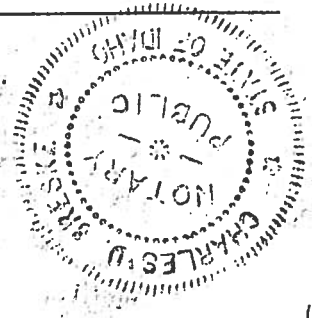
Delpha J. Hutchison
DELPHA J. HUTCHISON

STATE OF IDAHO

COUNTY OF Washington) ss.

On this 30 day of oct, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared DELPHA J. HUTCHISON, known or identified to me to be the person whose name is subscribed to the foregoing instrument individually and as Trustee of THE DELPHA J. HUTCHISON TRUST, and acknowledged to me that she executed the same individually and as such Trustee.

Charles D. Breshe
Notary Public for Idaho
Residing at: Mission ID
Comm. Expires: 03-17-01



*see no date amendment
2-24-02*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	67-92				

2.

The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts. *NO Fee*

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION** (ENCLOSED)

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3.

Name and Address of Former
Owner/Claimant(s)

ERMA SHAW
 PO BOX 865 WEISER ID 83672

4.

New Owner/Claimant(s)

DELPHA J HUTCHISON TRUST

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

PO BOX 293
 COUNCIL ID 83612-0293

City, State and ZIP Code

New Telephone Number

~~208-253-6~~ 208-550-0894 (CELL)

5.

Date you acquired the property

APRIL 1982
 TRUST ESTABLISHED 10-30-95

6. *19/11* If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Delpha J. Hutchison TLE

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s).** Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original form to the IDWR office nearest you:

IDWR Northern Region
~~1910 Northwest Blvd., Suite 210~~
~~Coeur d'Alene, ID 83814-2615~~
~~(208) 769-1450~~

IDWR Western Region
~~2735 Airport Way~~
~~Boise, ID 83705-5082~~
~~(208) 334-2190~~

IDWR Eastern Region
~~900 N. Skyline Dr., Suite A~~
~~Idaho Falls, ID 83402-1718~~
~~(208) 525-7161~~

IDWR Southern Region
~~1341 Fillmore St., Suite 200~~
~~Twin Falls, ID 83301-3380~~
~~(208) 736-3033~~

See next Page

ATTENTION VISITORS AND VENDORS

AS OF OCT. 12, 2004

**THE IDAHO DEPARTMENT OF WATER RESOURCES
WILL BE LOCATED AT**

**THE IDAHO WATER CENTER, 322 E. FRONT ST., Boise, Idaho
(CORNER OF FRONT ST. AND BROADWAY AVE).**

Mailing address: P.O. Box 83720, Boise, ID 83720-0098

MAIN PHONE: 208-287-4800

MAIN FAX: 208-287-6700

ALL VISITORS AND DELIVERIES NEED TO GO TO THE 6TH FLOOR.



*Send to this
Address*

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 67-92
Date Received: 12/15/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DELPHA J HUTCHISON Phone:

PO BOX 293
COUNCIL ID USA 83612

2. Date of Priority: 05/01/1905

3. Source: WEISER RIVER MIDDLE FORK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	01W	14	NW NE	ADAMS	

5. Description of diverting works:

DAM, DITCH, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	10/31	1	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	01W	10	NW	NW	IRRIGATION	10
Section Acres						10
Total Acres						10

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

This right was renumbered to right 67-92 .

This right is renumbered from former right 67-4071 .

OWNERSHIP CHANGE (ERMA SHAW DECEASED) 9/19/96. LH

15. Basis of Claim: Statutory Claim

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: _____