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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69807

This is to certify that: TIM W CHADWICK
1935 E 2200 N
TWIN FALLS ID 83301
(208)655-4430

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
47-200	AJC/Decreed	07/27/1906	23.5 cfs	N/A		1,159.2	DEEP CREEK, LITTLE COTTONWOOD CREEK
47-201	AJC/Decreed	08/09/1906	25 cfs	N/A		1,159.2	DEEP CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
47-200	NO	NO	YES	NO	NO	NO
47-201	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
47-200	47-200	23.5 cfs	135 af	N/A	520.0		N/A	N/A	N/A	N/A
47-201	47-201	25 cfs	1500 af	N/A	520.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		48.5 cfs	1635 af		520		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this

24th

day of

February, 2003

J. Glen Saylor
Chief, Water Allocation Bureau

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MAR 26 2003

WATER RIGHT NO. 47-200
As Modified by Transfer No. 69807

In accordance with the approval of Transfer No. 69807, Water Right No. 47-200 is now described as follows.

Right Holder: TIM W CHADWICK
 1935 E 2200 N
 TWIN FALLS ID 83301

Priority Date: July 27, 1906

Source: DEEP CREEK
 COTTONWOOD CREEK

Tributary: SINKS
 DEEP CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	23.50 CFS	
IRRIGATION FROM STORAGE	03/15 to	11/15		135.0 AF
IRRIGATION STORAGE	01/01 to	12/31		135.0 AF
			23.50 CFS	135.0 AF

LOCATION OF POINT(S) OF DIVERSION:

DEEP CREEK L1 (SENWNW) Sec. 18 Twp 13S Rge 16E TWIN FALLS County
 (Lower Deep Creek Dam)

COTTONWOOD CREEK L1 (SENWNW) Sec. 18 Twp 13S Rge 16E TWIN FALLS County
 (Lower Deep Creek Dam)

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 15E 1									40.0	39.0	39.0	18.0					136.0
13S 15E 2												30.0	40.0	40.0	39.0	39.0	188.0
13S 15E 11	32.0	21.0		15.0	16.0												84.0
13S 15E 12					17.0	11.0	22.0	14.0	30.0	18.0							112.0

Total Acres: 520

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 16E 18					X	X	X	X	X			X					
						L1	L2										

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WATER RIGHT NO. 47-200
As Modified by Transfer No. 69807

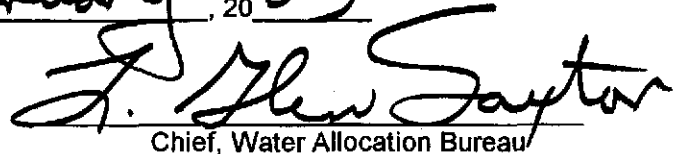
PLACE OF USE: IRRIGATION FROM STORAGE, same as Irrigation

CONDITIONS OF APPROVAL

1. Rights 47-200 and 47-201 when combined shall not exceed a total irrigation of 520 acres.
2. 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.
3. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
8. Water described by this right is stored in, and diverted from, Deep Creek Lower Reservoir.
9. Water from Cottonwood Creek historically is tributary to Deep Creek. However, after construction of the Salmon River Canal Company system, water from Cottonwood Creek has entered a Salmon River Canal Company canal in the NWNWNW, S10, T14S, R16E. Cottonwood Creek water is conveyed through the canal and discharged into the Deep Creek channel in the SENESW, S34, T13S, R16E. Water from Cottonwood Creek and Deep Creek is diverted from the Deep Creek channel at Lower Deep Creek Dam, listed as the point of diversion for this right.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24th day of February, 2003


Chief, Water Allocation Bureau

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MAR 06 2003

WATER RIGHT NO. 47-201
As Modified by Transfer No. 69807

In accordance with the approval of Transfer No. 69807, Water Right No. 47-201 is now described as follows.

Right Holder: TIM W CHADWICK
 1935 E 2200 N
 TWIN FALLS ID 83301

Priority Date: August 09, 1906

Source: DEEP CREEK

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	01/01	to 12/31		1,500.0 AF
IRRIGATION FROM STORAGE	01/01	to 12/31		1,500.0 AF
IRRIGATION	03/15	to 11/15	25.00 CFS	
			25.00 CFS	1,500.0 AF

LOCATION OF POINT(S) OF DIVERSION:

DEEP CREEK L1 (SENWNW) Sec. 18 Twp 13S Rge 16E TWIN FALLS County
 (Lower Deep Creek Dam)

DEEP CREEK NESE Sec. 19 Twp 13S Rge 16E TWIN FALLS County
 (Upper Deep Creek Dam)

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 16E 19													X			X	
13S 16E 20									X	X	X						
13S 16E 29		X	X	X	X	X							X				

PLACE OF USE: IRRIGATION FROM STORAGE, same as Irrigation

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 15E 1									40.0	39.0	39.0	18.0					136.0
13S 15E 2											30.0		40.0	40.0	39.0	39.0	188.0
13S 15E 11	32.0	21.0		15.0	16.0												84.0
13S 15E 12					17.0	11.0	22.0	14.0	30.0	18.0							112.0

Total Acres: 520

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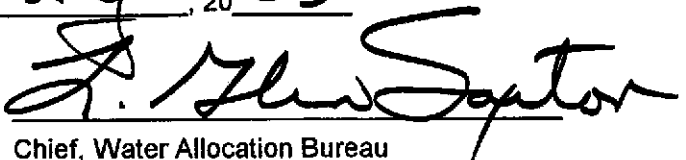
WATER RIGHT NO. 47-201
As Modified by Transfer No. 69807

CONDITIONS OF APPROVAL

1. Rights 47-200 and 47-201 when combined shall not exceed a total irrigation of 520 acres.
2. 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.
3. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
8. Storage water described by this right is stored in Deep Creek Upper Reservoir and rediverted further downstream at Deep Creek Lower Reservoir. Direct flow water described by this right is diverted from Deep Creek Lower Reservoir.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24th day of February, 2003


Chief, Water Allocation Bureau

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MAR 05 2003

47-A

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY.

WM HOOPS, JR and JULIA HOOPS,	)	#13532
husband and wife,	)	J U D G M E N T
Plaintiffs,	)	
vs	)	
EARL W HUTCHINSON and MYRTLE	)	
HUTCHINSON, husband and wife,	)	
Defendants.	)	

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Department of Water Resources
Southern District Office

In this case the Honorable Hugh A Baker, one of the Judges of the Eleventh Judicial District of the State of Idaho, designated the undersigned L E Glennon, one of the District Judges of the Fifth Judicial District of the State of Idaho, to hear and try this cause. And the undersigned having accepted jurisdiction in said cause, the same came on regularly for trial at Twin Falls, County of Twin Falls, Idaho in the District Court Room in the Court House of said County on the 23d day of May, 1949. The plaintiffs appeared and were represented by their counsel, Frank I Stenhan, Esquire, and the defendants appeared and were represented by and through their attorney, S. E. Lowe, Esquire. Evidence both oral and documentary was introduced by the parties and the trial of the case being closed, the matter was taken under advisement and consideration by the Court, and the Court being now fully advised in the law and in the premises, and having made and entered his Findings of Fact and Conclusions of Law, does hereby make and enter his Judgment as follows:

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED As follows:

1. That William Hoops, Jr and Julia Hoops, husband and wife, plaintiffs herein, are entitled to the use of 25 second feet of the waters of Deep Creek and its tributaries pursuant to that certain License numbered 2291 issued by the State Department of Reclamation of the State of Idaho with a priority date of July 27, 1906, less 1.5 second feet of the waters of Little Cottonwood Creek, a tributary of Deep Creek, which said 1.5 second feet and the use thereof, the defendants Earl W Hutchinson and Myrtle Hutchinson, husband and wife, have acquired by adverse user, as hereinafter set forth, and said plaintiffs are also entitled to the use of 25 second feet of the waters of Deep Creek and its tributaries pursuant to that certain License numbered 2192 issued by the State Department of Reclamation of the State of Idaho with a priority date of August 9, 1906 for the irrigation of the following described real estate situate in the County of Twin Falls, State of Idaho, to-wit:

East Half (E $\frac{1}{2}$), North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Thirty-five (35); Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), all in Section Twenty-two (22); Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Southeast Quarter (SE $\frac{1}{4}$), all in Section Twenty-six (26), all located in Township Twelve (12) South, Range Fifteen (15) E B M; North Half (N $\frac{1}{2}$) of Section One (1); East Half (E $\frac{1}{2}$) of Section Two (2), all in Township Thirteen (13) South, Range Fifteen (15) E B M; West Half (W $\frac{1}{2}$) of Section Twenty-four (24); Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Southwest Quarter of the Northwest

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TWIN FALLS COUNTY, IDAHO

Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), all in Section Twenty-five (25), Township Twelve (12), South, Range Fifteen (15) E B M; South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$), Southwest Quarter (SW $\frac{1}{4}$), Southeast Quarter (SE $\frac{1}{4}$), all in Section Fifteen (15); Southwest Quarter (SW $\frac{1}{4}$) in Section Thirteen (13); South Half (S $\frac{1}{2}$) of Section Twenty-three (23) except the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$), all in Township Twelve (12) South, Range Fifteen (15) East of the Boise Meridian,

2. That the defendants, Earl W Hutchinson and Myrtle Hutchinson, husband and wife, have since June 16, 1927 acquired from the plaintiffs by adverse user 1.5 second feet of the waters of Little Cottonwood Creek, a tributary of Deep Creek, which plaintiffs were entitled to use under and by virtue of that certain license numbered 2291 issued by the State Department of Reclamation of the State of Idaho with a priority date of July 27, 1906, and there is awarded to the said Earl W Hutchinson and Myrtle Hutchinson, husband and wife, defendants herein, said 1.5 second feet of the waters of Little Cottonwood Creek, a tributary of Deep Creek to be diverted at two points of diversion, to-wit: one point of diversion in the Northwest Quarter of the Northwest Quarter of Section 14, and the other point of diversion in the Southwest Quarter of the Southwest Quarter of Section 11, all in Township 14 South, Range 16 E B M for irrigation of lands owned by the defendants, more particularly described as follows, to-wit:

South Half (S $\frac{1}{2}$) and South Half of the North Half (S $\frac{1}{2}$ N $\frac{1}{2}$) and lots Two (2) and Three (3) in Section Three (3); West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Two (2); and Northwest Quarter (NW $\frac{1}{4}$) of Section Eleven (11); all in Township Fourteen (14) South, Range Sixteen (16) E B M, Twin Falls County, Idaho;

and it is further hereby ordered, adjudged and decreed that defendants' said right to the use of 1.5 second feet of the waters of Little Cottonwood Creek be, and it is declared to be prior and superior to the right of plaintiffs to the use of any of the waters of said Little Cottonwood Creek under and by virtue of said Licenses numbered 2291 and 2192.

3. That the defendants, their agents, attorneys, servants, employees and all other persons acting in aid of or assistance of said defendants, and each of them, and their successors, be, and they are hereby perpetually enjoined from storing any of the waters of Little Cottonwood Creek during the non-irrigation season for use upon their above described lands, or elsewhere, and from storing any of said water for any other purpose or use.

4. That the defendants have no right, and neither of them has any right, to obstruct the flow of the waters of said Little Cottonwood Creek, or any portion thereof, by dams or otherwise, or to divert the waters of said stream, or any portion thereof, in any manner or at any point or to interfere in any way with the natural flow of said waters down to and into the channel of Deep Creek, save and except the 1.5 second feet of said water hereinabove described.

5. That the said defendants, their agents, attorneys, servants, employees and all persons acting in aid of or assistance of said defendants, and each of them, and all persons claiming by or under them, or either of them, be, and they are hereby perpetually enjoined from obstructing the said waters of said Little Cottonwood Creek, or any portion thereof, and from placing any dam or dams or other obstructions in the bed or channel of said Little Cottonwood Creek and from maintaining or continuing any dam or other

47-202

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MAR 06 2003

DATE 1-17-85

Dir

FROM Roberta THRU Dave Tuthill

TO Southern Region

SUBJECT Judgment -- Wm Hoops, Jr. et al. vs. Earl W. Hutchinson et al.

In the Judgment of Salmon River Canal Co., ltd. vs. Arthur D. Acuff, et al., decreed right No. 47-0003 superceded licenses 47-2010A and 47-2010B and decreed right No. 47-0004 superceded licenses 47-2007A and 47-2007B.

The Judgment of Wm. Hoops, Jr. et al. vs. Earl W. Hutchinson, et al. resulted in the supercedure of decreed rights 47-0003 and 47-0004.

Attached is a copy of the newly numbered Judgment with sheets coded for data entry at your office. Data entry corrections for ~~47-0003, 47-0004~~ and the licenses will be made at State Office.

Also Please data enter corrections for 47-0003 and 47-0004.

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SIGNATURE

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JUDGMENT BOOK NO. 26

CALVIN FISHMAN, CLERK. 1000 0729

obstruction which has already been erected or begun in the bed or channel of said Little Cottonwood Creek and from diverting or using any of the waters of said stream to defendants' lands or elsewhere, whether through said diversions hereinabove described or otherwise, and from interfering in any way with the waters of said Little Cottonwood Creek so as to prevent the waters of said Little Cottonwood Creek, or any portion thereof, save and except the 1.5 second feet of said waters hereinabove described, from flowing down to and into Deep Creek.

6. That the defendants be, and they are hereby required, to install at said points of diversion appropriate and accurate measuring devices for the purpose of measuring all waters diverted from said Little Cottonwood Creek for the irrigation of defendants' said lands and said defendants, their agents, attorneys, servants, employees and all persons acting in aid or assistance of said defendants, and each of them, and all persons claiming by or under them, or either of them, be, and they are hereby perpetually enjoined from diverting from said stream at any time more than 1.5 second feet of the waters thereof.

7. That each of the parties hereto will pay their own costs and disbursements of suit.
Dated this 20th day of December, 1950.

L E Glennon

District Judge. JUN 19 1956

Filed and entered at 10:00 o'clock A M, Dec 30, 1950.

em 7/24

State of Idaho,
County of Twin Falls, ss.
I hereby certify the foregoing to be a full, true and correct copy of the original on file in the above entitled action.
RICHARD A. RENGBL
Clerk of the Court

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MAR 06 2003

MEMORANDUM

TO: FILE 47-~~0200~~ 0201
FROM: VAULT
RE: TRANSFER # 69807
DATE: 5-1-2002

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Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:

FILE # 47-0200

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