No Color Documents In File

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 25, 2003

TIM W CHADWICK
1935 E 2200 N
TWIN FALLS ID 83301

RE: Transfer No.: 69807 - Water Rights 47-200, 47-201 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Sharla Curtis

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

MICROFILMED
MAR 0 6 2003

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69807 - WATER RIGHTS 47-200, 47-201

TIM W CHADWICK
1935 E 2200 N
TWIN FALLS ID 83301

Kari Lynn Townsend
Secretary

MICROFILMED
MAR 2 6 2003

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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MAR 0 6 2003

TRANSFER REVIEW SHEET

Trans # ~~[illegible]~~ 69807 Date Reviewed 9-13-02

Right No(s).* 47-200 47-201 _____ _____ _____ _____ _____

Split? _Y X N _Y X N _Y _N _Y _N _Y _N _Y _N _Y _N

AREA OF CONCERN: No/Yes N

PURPOSE OF TRANSFER FOR EACH RIGHT:
Change p/d Change use period (Change p/u)
Add p/d Change nature of use

RightID's of From & To records correct? X Y ___ N (resolve with State Office personnel)
Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U X **Lien Holder Release** NA

GROUNDWATER:
DRILLING PERMIT
All wells - 046
DP upgrade req'd ___Y ___N (contact GW personnel)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres ~~01M or 01Q~~

SUPPLEMENTAL (irr = only use) - 065-104
SUPPLEMENTAL (irr + other uses) - 100-105

SURFACE WATER:
WD - R05 (WD# _____) WM comments rec'd ___
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43
~~WD~~, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
>0.24 cfs/5 acres 01M or 01Q

STANDARD SEASON 3/15 to 11/15 (use X61 if extended season) → except for storage is year round
STANDARD VOLUME 4.3 af/ac
CONSUMPTIVE USE VOLUME 2.3 af/ac

USES: NO R40
STORAGE - ~~18C~~-R02-01P-~~18B~~-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029(70'S only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077
DAIRY - 082 (zoning if a concern)-106-WD8

USES:
POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN – 007-109-X64
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette River)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:
T07 - 1 yr to develop
T08 - comply or rescind
NO T17 - measure all p/d's (used with WB4)
T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19
Water Quality - 106-R07

~~X27~~ - Number of acres/season in ppu
X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 – Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
X55 - (transfer shrinks total water to less ac)
X57 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X62 - replaces N11 and N13
X63 - replaces C12
WB4 - + p/ds, cfs & afa (used with T17)
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01m)

Apply one to chg'd and unchg'd rts:
T09 - on-going SRBA (no Dir Rpt or Recomm yet)
T19 - replaces C18 (if at Recommendation or Partial Decree stage)
T20 – use instead of T09 where not ongoing in SRBA

OTHER CONDITIONS/REMARKS X35 ~~X27~~ - 47-200 + 47-201, irrigation use limited to 520 acres.

COMMENTS ✓
Database files updated 9-13 **Approval form printed** _____ **Shape files created** 9-13-02 ✓ 11/07/03 C.S.
Special Mailing Instructions (cc's, etc) MAIL APPROVAL TO TIM CHADWICK & LONGHMILLER INC.
Final database update after approval Y 9/04/03 **Comment to WR No(s).** 47-200 & 47-200?

MEMORANDUM

TO: Transfer #69807 File

FROM: Corey Skinner

DATE: February 18, 2003

SUBJECT: Clarification Relating to Right 47-200

The source name for right 47-200 was changed from Little Cottonwood Creek tributary to Deep Creek (as originally decreed) to Cottonwood Creek tributary to Deep Creek as shown on the USGS Rogerson Quadrangle (Quad DD22). In addition, the applicant provided information describing how Cottonwood Creek water ends up in Deep Creek (see 01/28/2003 letter in file). The information described...

Water from Cottonwood Creek historically is tributary to Deep Creek. However, after construction of the Salmon River Canal Company system, water from Cottonwood Creek now enters a Salmon River Canal Company canal in the NW1/4NW1/4NW1/4 of Section 10, Township 14 South, Range 16 East. Cottonwood Creek water is conveyed through the canal and discharged into the Deep Creek channel in the SE1/4NE1/4SW1/4 of Section 34, Township 13 South, Range 16 East. Water from Cottonwood Creek, and Deep Creek, is diverted from the Deep Creek channel at Lower Deep Creek Dam, located in Government Lot 1 (SE1/4NW1/4NW1/4) Section 18, Township 13 South, Range 16 East.

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RECEIVED
FEB 12 2003
Department of Water Resources
Southern Region

1935 E. 2200 N.
Twin Falls, ID 83301
208-655-4430

Deep Creek Ranch

January 28, 2003

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RE: #47-200 Little Cottonwood

To Whom It May Concern,

Cottonwood flows into the Salmon River Canal and then flows into the Deep Creek channel as it has many years. This has been the natural channel for 100 years. When the spring run off is finished, the canal company closes the gate to Deep Creek, to use the canal.

Sincerely,

Tim W. Chadwick
Deep Creek Ranch Owner

Salmon River Canal Co. LTD
Larri E Kopacz mp

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MAR 06 2003

SCANNED
FEB 18 2003

MEMORANDUM

Date: January 9, 2003

To: Transfer 69807 File

From: Corey Skinner

Re: Evaluation of Sufficiency of Information Submitted

Transfers #69800 and #69807 involve a farm located southwest of Hollister that at one time was owned entirely by Tim Chadwick. Historically, the farm was irrigated with Salmon River Canal Company water, water from two private reservoirs on Deep Creek, and water diverted from two irrigation wells. In May of 1994, Mr. Chadwick sold a portion of the original farm to Loughmiller Inc. The purchase and sales agreement conveyed all of the groundwater rights to Loughmiller Inc. The agreement specified that Tim Chadwick kept all of the Deep Creek reservoir water appurtenant to the property sold to Loughmiller Inc. Basically, part of the original farm was sold to Loughmiller Inc., with all of the groundwater rights, and Chadwick kept the Deep Creek reservoir rights for use on the remaining portion of the farm not sold to Loughmiller Inc. Transfers #69800 and #69807 attempt to properly record this 1994 split and redistribution of water rights on the original farm.

Transfer #69807 moves the Deep Creek reservoir rights off of the land now owned by Loughmiller Inc making them appurtenant to just the land retained by Chadwick. In addition, the transfer also removes acres off of another portion of the farm that was sold in October of 1994 without water rights. Detailed analysis of the transfer are included in memos in the transfer file, and in comments saved in WORKFLOW.

- **Authority to File:**
  Applicant is listed as the current owner on SRBA claims. In addition, deeds are included in the file showing ownership of the rights.

- **Water Right Validity:**
  Right is claimed and pending in the SRBA. NAPP photography indicates property appears irrigated around the commencement of the SRBA. Forfeiture does not appear to be an issue.

- **Injury to Other Water Rights:**
  No change in the actual physical points of diversion is proposed. Water is to be used for original use (irrigation) on part of the original place of use.

- **Enlargement of Use:**
  No apparent increase in use proposed.

- **Local Public Interest:**
  Application has been advertised and no protests were received.

- **Beneficial Use/Conservation of Water Resources:**
  Sprinklers are used for irrigation.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

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MEMORANDUM

TO: Transfer 69800 and 69807 Files

FROM: Corey Skinner /S

DATE: January 9, 2003

SUBJECT: Analysis of Water Use for Transfers

Tim Chadwick, obtained the original farm involved with transfers #69800 and #69807 from his mother in 1992 after his father had passed away. Historically (pre SRBA), the original farm consisted of about 1159 acres of irrigated ground that was watered with separate sources of water (Deep Creek Reservoir water, groundwater from two irrigation wells, and Salmon River Canal Company shares). Water from the reservoirs on Deep Creek, the groundwater rights, and water from the Salmon River Canal Company was ran into a single pond and then the commingled water was diverted to the irrigated ground. A breakdown of these sources of water is as follows...

Deep Creek Reservoir Water (two private on stream reservoirs on Deep Creek)

- Right 47-200 for 23.50 cfs and 135 acre-feet of storage (lower reservoir)
- Right 47-201 for 25.00 cfs and 1,500 acre-feet of storage (upper reservoir)

Groundwater (two irrigation wells)

- Right 47-2308A for 0.89 cfs (no specified volume) for irrigation of 245 acres
- Right 47-2308B for 1.00 cfs (no specified volume) for irrigation of seven forty-acre tracts with unspecified acres

*Note that transfer 1078 (approved in 1966) split license 47-2308 into 47-2308A and 47-2308B as described above. License 47-2308 was originally licensed for 1.89 cfs from one well for the irrigation of the 245 acres described by right 47-2308A.

- Right 47-7088 for 1.11 cfs (from a different well than 47-2308 rights) 539 acre-feet for 160 acres (separate from 47-2308 acres)

Salmon River Canal Company Water (canal water diverted from storage in Salmon Dam)

- 1992 deed conveying farm to Tim Chadwick specifies 453.95 shares

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In May of 1994, Tim Chadwick sold a portion of the original farm to Loughmiller Inc. The purchase and sales agreement conveyed 400 of the Salmon River Canal Company shares and all of the groundwater rights to Loughmiller Inc. The agreement specified that Tim Chadwick kept all of the Deep Creek reservoir water appurtenant to the property sold to Loughmiller Inc. Basically, part of the original farm was sold to Loughmiller Inc., with all of the groundwater rights, and Chadwick kept the Deep Creek reservoir rights for use on the remaining portion of the farm not sold to Loughmiller Inc. Transfers #69800 and #69807 attempt to properly record this 1994 split and redistribution of water rights on the original farm.

Transfer #69807 moves the Deep Creek reservoir rights off of the land now owned by Loughmiller Inc making them appurtenant to just the land retained by Chadwick. In addition, the transfer also removes acres off of another portion of the farm that was sold in October of 1994 without water rights. Transfer #69800 moves the groundwater rights off of the land retained by Chadwick and makes them appurtenant to just the land purchased by Loughmiller Inc. Transfer #69800 also results in a change of ownership of the groundwater rights from Chadwick to Loughmiller Inc.

My thought on these two transfers is if before and after balance, then they should be approvable. I originally attempted to quantify the use of the water on the original farm before the proposed transfers and the 1994 sale to Loughmiller. It should be noted that this particular farm is located on the Salmon Tract where water availability from the Salmon River Canal Company varies greatly, and is often not available in its entirety. The standard allowance for a share of Salmon River Canal Company water is 1.167 acre-feet at the field headgate. The last 15 years of allotments (1988 – 2002) averaged 0.72 acre feet per share with three years of full allotments and a low of 0.15 acre-feet per share in 1992. The drainage area above the reservoirs on Deep Creek consists of fairly low altitude foothills that border the drainage area that provides water to the Salmon Dam and the Salmon River Canal Company shareholders. Basically, on years when the Salmon River Canal Company water is low, it is safe to say that there typically is little water from the Deep Creek drainage. In fact, in 2001, which was one of the driest years on the Salmon Tract (only 0.227 acre-feet allotted per share), it appeared that no active storage water was even stored in the Deep Creek reservoirs (see photos in dam safety files).

The total storage capacity of both of the reservoirs on Deep Creek is 1,635 acre-feet. Because of the relatively low altitude basin above the dams on Deep Creek, and the nature of the flows in the creek and tributaries, it is probably pretty safe to assume that Deep Creek flows high in the early spring (March & early April) and then rapidly decreases in flow, after the snow melt. There more than likely is very little, if any, direct irrigation flow in Deep Creek, after the reservoirs fill, even if they do happen to fill, on a given year. Documents in the transfer files indicate that the farm historically had approximately 454 shares of Salmon River Canal Company water. On the best of years with a full allotment, 454 shares should provide about 530 acre-feet of water at the field headgate. As previously mentioned, a combined acre limit for rights 47-2308A and 47-2308B does not exist, but their combined diversion rate of 1.89 cfs over the standard irrigation season of 3/15 to 11/15 for the area would produce a maximum volume of 922 acre-feet. Groundwater right 47-7088 allows an annual diversion volume of 539 acre-feet. When all of these volumes are added up (reservoir water, SRCC water, and groundwater) a total volume of 3,626 acre-feet is obtained on the very best of years when all of the water sources would be at full availability.

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Using the historically irrigated 1,159 acres as a basis and the Departments standard irrigation diversion allowance of 4.0 acre feet per acre for the area, the 1,159 acres could potentially require 4,636 acre feet per year to irrigate. Note that this number is more than the total of 3,626 acre-feet total for the three different sources of water that would be available on the best of years. The total volume of 3,626 acre-feet for the historically irrigated 1,159 acres allows approximately 3.1 acre-feet per acre per year. More than likely, even on the best of water years for the SRCC water and the Deep Creek water, the wells could potentially have been used to their full capacity and the possible supplemental issues would disappear.

I attempted to obtain power records for the pumps on the two wells that serve as the diversions for the three groundwater rights (47-2308A, 47-2308B, and 47-7088) involved in transfer #69800. I was able to obtain power use records for the years 1995 – 2001. However, these records would reflect use of the wells after 1994, when Loughmiller obtained part of the farm and all of the groundwater rights and most of the SRCC water (basically post transfer conditions). A summary of the use of these wells is as follows...

Year	47-2308 well	47-7008 well	Total
1995	39.5 acre-feet	16.0 acre-feet	55.5 acre-feet
1996	42.9 acre-feet	30.4 acre-feet	73.3 acre-feet
1997	37.4 acre-feet	23.9 acre-feet	61.3 acre-feet
1998	27.9 acre-feet	13.8 acre-feet	41.7 acre-feet
1999	5.8 acre-feet	18.5 acre-feet	24.3 acre-feet
2000	71.8 acre-feet	42.9 acre-feet	114.7 acre-feet
2001	35.9 acre-feet	17.5 acre-feet	53.4 acre-feet

Note that the use of the two wells since the 1994 sale to Loughmiller (post transfer conditions) appears to be minimal. It should be noted that 1995 – 1999 were higher than average allotments of SRCC water, but 2000 and 2001 were well below average allotments. If the potential for expansion in use of the well water from a result of the two transfers would occur, it should have occurred sometime after the original farm was split up in 1994. However, the original groundwater licenses, which could have a potential total diversion volume of 1,461 acre-feet have had experienced minimal usage since 1994. I suspect that additional canal water, above what was purchased in 1994, is being used in connection with the groundwater rights, which would explain the minimal groundwater use.

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It should also be noted that the original water right records (licenses and decrees) for the rights involved with the two transfers totaled a place of use of more than 3,000 acres. The SRBA claims for the rights and the post transfer conditions as proposed identify a total place of use of 1,159 acres. In addition, transfer #69807 involves only the rights from Deep Creek, which are essentially storage rights. I am not sure how we can reduce the remaining Deep Creek rights after the transfers, since the place of use for storage rights can be expanded through the transfer process. In addition, of the 1,159 acres historically irrigated, only 405 acres could be irrigated with groundwater (if 47-2308 rights are limited to 245 total acres), which would amount to about 35% of the total place of use. However, as part of the 1994 transaction that moved the groundwater to just part of the original farm, 400 of the 453.95 shares (88%) that were used on the original farm were moved along with the groundwater.

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Proof of Publication

The Post Register

RECEIVED
MAY 16 2002
Department of Water Resources
Southern Region

ok
MB
5/17/02

State of Idaho
County of Bonneville

I, Lynn Winter or Danae Jacobsen, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 2ND day of MAY 2002, last publication having been made on the 9TH day of MAY 2002 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

.....

Subscribed and sworn to before me, this 15TH day of MAY 2002

IVY BERRY
NOTARY PUBLIC - IDAHO
STATE OF IDAHO
My Commission Expires
January 10, 2003

.....
Notary Public

My commission expires January 10, 2003

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MAR 1 6 2003

Post Register

Good Morning!

333 Northgate Mile
Idaho Falls, ID 83401
(208) 522-1800
May 15, 2002

RECEIVED
MAY 16 2002
Department of Water Resources
Southern Region

DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET
TWIN FALLS ID 83301-3380

Account #: 546

Published: MAY 2, 9, 2002

Legal Notice: NOTICE OF PROPOSED W.T. WILLIAM INC. + 2 TR Chadwick
T# 69155, T# 69800, T# 69807

Please refer to Invoice # or Ad # 174878

PO #

OK mb 5/17/02

TOTAL COST: **$112.97**

Please include Account Number and Ad Number with your Payment.
Thank You!

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MAR 0 6 2013

.ISHING COMPANY, INC.
on Morning Tribune
St., P.O.Box 957
Idaho 83501
08) 743-9411

Date 05/09/2002 INVOICE NO. 293200

Account No. 446620

Description 293200NOTICE OF PROPOS

Times 2 Lines 79

Tab. Lines

$ 118.11

ADVERTISING INVOICE

DEPT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 20
TWIN FALLS ID 833013380

RECEIVED
MAY 13 2002
Department of Water Resources
Southern Region

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

293200

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that three Applications for Transfer have been filed with the Idaho Department of Water Resources for changes to water rights within Twin Falls County:

W. T. WILLIAMS INC, C/O TOM WILLIAMS, 2600 N 2941 E;TWIN FALLS ID 83301 filed Application No. 69155 on 4/12/02 for diversion of a combined total of 47.36 cfs. Transfer will clarify the locations of the points of diversion and re-diversion for seven surface water rights and also clarify some of the uses of those rights. Sources of the water include Rock Creek, Cottonwood Creek, McMullen Creek, and McMullen Dam and Reservoir. The purpose of the transfer is to create a 1,059 acre permissible place of use on property located approximately 5 miles to 7 miles South and 1.75 miles to 3.5 miles West of Kimberly, ID.

TIM W. CHADWICK, 1935 E 2200 N; TWIN FALLS ID 83301 has filed two companion Applications for Transfer to consolidate portions of surface water rights used for irrigation on a farm located approximately 0.5 miles North to 3.5 miles South and 3.5 miles to 4.75 miles West of Hollister, ID. Ground water irrigation rights on entire farm will go with land sold.

Application No. 69807 was filed on 4/17/02 for diversion of a combined total of 48.50 cfs from two existing dams and reservoirs located on Deep Creek approximately 2.75 miles West and 3.75 miles South and 2.25 miles West and 5.25 miles South of Hollister, ID. The purpose of the transfer is to move Deep Creek water rights to the portion of the original farm retained by the applicant.

Application No. 69800 was filed on 4/17/02 for diversion of a combined total of 3.00 cfs from ground water (two existing wells located approximately 4 miles West and 3 miles South of Hollister, ID). The purpose of the transfer is to identify ground water irrigation rights covering portion of farm sold.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of $25.00 for each application on or before May 20, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published in the Lewiston Morning Tribune on 5/2 & 5/9/02.

OK MB 5/14/02

AFFIDAVIT OF PUBLICATION

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 293200NOTICE OF attached hereto and which is made a part of this affadavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 05/02, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 05/02/2002, and the last publication thereof being on the 05/09/2002, and said 293200NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

State of Idaho
S.S.
County of Nez Perce

On this 9th day of May in the year of 2002, before me, a Notary Public, personally appeared Karen J Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

SHERAL M. LANTZ NOTARY PUBLIC STATE OF IDAHO

Sheral M Lantz
Notary Public in and for the State of Idaho, residing at Lewiston, therein
Commission Expires June 4, 03

MICROFILMED
MAY 0 6 2003

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that three Applications for Transfer have been filed with the Idaho Department of Water Resources for changes to water rights within Twin Falls County:

W. T. WILLIAMS INC, C/O TOM WILLIAMS, 2600 N 2941 E; TWIN FALLS ID 83301 filed **Application No. 69155** on 4/12/02 for diversion of a combined total of 47.36 cfs. Transfer will clarify the locations of the points of diversion and re-diversion for seven surface water rights and also clarify some of the uses of those rights. Sources of the water include Rock Creek, Cottonwood Creek, McMullen Creek, and McMullen Dam and Reservoir. The purpose of the transfer is to create a 1,059 acre permissible place of use on property located approximately 5 miles to 7 miles South and 1.75 miles to 3.5 miles West of Kimberly, ID.

TIM W. CHADWICK, 1935 E 2200 N; TWIN FALLS ID 83301 has filed two companion Applications for Transfer to consolidate portions of surface water rights used for irrigation on a farm located approximately 0.5 miles North to 3.5 miles South and 3.5 miles to 4.75 miles West of Hollister, ID. Ground water irrigation rights on entire farm will go with land sold.

Application No. 69807 was filed on 4/17/02 for diversion of a combined total of 48.50 cfs from two existing dams and reservoirs located on Deep Creek approximately 2.75 miles West and 3.75 miles South and 2.25 miles West and 5.25 miles South of Hollister, ID. The purpose of the transfer is to move Deep Creek water rights to the portion of the original farm retained by the applicant.

Application No. 69800 was filed on 4/17/02 for diversion of a combined total of 3.00 cfs from ground water (two existing wells located approximately 4 miles West and 3 miles South of Hollister, ID). The purpose of the transfer is to identify ground water irrigation rights covering portion of farm sold.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of $25.00 for each application on or before May 20, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Times News on 5/2 & 5/9/02.

RECEIVED

MAY 10 2002

Department of Water Resources
Southern Region

OK MB 5/14/02

Publication

No 44000

HO
WIN FALLS } SS.

Rudderheide, being first duly sworn upon oath, depose
principal clerk of the TIMES-NEWS, published daily at,
and do solemnly swear that a copy of the notice of advertisement, as per clipping
lished in the regular and entire issue of said newspaper, and not in any supplement
Two consecutive weeks,
, the issue dated May 2, 20 02,
he issue dated May 9, 20 02.

:her certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
lished theretofore daily except Sunday, and the Twin Falls News, published theretofore daily
of which newspapers prior to consolidation had been published under said names in said city and
and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
:onsolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
/spaper began daily publication under said name in said city and county continuously and unin-

certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to
ursday is announced as the day on which said legal notices will be published.

N FALLS
day of May in the year 2002, before me,
rsonally appeared Ruby Rudderheide,
l to me to be the person whose name subscribed to the within instrument, and being by me first
:d that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5-19-03

MICROFILMED
MAR 0 3 2003

RETAIN THIS PORTION FOR YOUR RECORDS

REMITTANCE ADDRESS	BILL TO
THE TIMES-NEWS - LEGAL P.O. BOX 548, TWIN FALLS, ID 83303-0548	DEPT WATER RESOURCES

AD NUMBER	CLASS	SALESPERSON	BILLING DATE	LINES
344664	0050 LEGAL	5	05/09/02	0

AD DESCRIPTION	START DATE	STOP DATE
WILLIAMS INC AND CHADWICK, T#69807, 69800 T#69155,	05/02/02	05/09/02

PUBLICATION	INSERTIONS	RATE	NET AMOUNT	GROSS AMOUNT
4 THE TIMES NEWS LEGAL	2	LGL		
FLAT CHARGE		FC	136.80	
TOTAL AD CHARGE			136.80	
4 AFFIDAVIT CHARGE		AFFID	7.00	
DAYS RUN				
PURCHASE ORDER legal	**PAY THIS AMOUNT**		143.80	143.80*

MESSAGE:

RECEIVED
MAY 10 2002
Department of Water Resources
Southern Region

OK MB 5/14/02

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

THE TIMES-NEWS - LEGAL
P.O. BOX 548, TWIN FALLS, ID 83303-0548

legal

AD NUMBER	CLASS	START DATE	STOP DATE
344664	050 LEGAL	05/02/02	05/09/02
AD DESCRIPTION		BILLING DATE	TELEPHONE NUMBER
WILLIAMS INC AND CHADWICK		05/09/02	208-736-3033

GROSS AMOUNT OF 143.80 DUE AFTER

__ VISA __ MASTERCARD

																EXPIRATION DATE: ___/___	SIGNATURE: _____

CREDIT CARD NUMBER

TOTAL AMOUNT DUE
143.80
ENTER AMOUNT ENCLOSED

MICROFILMED
MAR 0 6 2003

DEPT WATER RESOURCES
1341 FILLMORE, SUITE 200
TWIN FALLS, ID 83301

204000000034466400000000000000143800000143802

The Idaho Statesman

RECEIVED
MAY 10 2002
Department of Water Resources
Southern Region

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount:
100632	651086	PROPOSED CHANGE OF WATER RIGHT	$139.52

Attention:	P.O. #	Run Dates
MARY BALDWIN		MAY 2, 9, 2002

IDAHO DEPT. WATER RESOURCES SOUTH
1341 FILLMORE ST. SUITE 200
TWIN FALLS, ID 83301

Number of Lines: 42 X 2

Affidavit	Legal #
1	13341

OK MB 5/14/02

LEGAL NOTICE
PROPOSED CHANGE TO WATER RIGHTS

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Karl J. Dreher, Director

Pub. May 2,9, 2002

13341

MICROFILMED
MAR 25 2003

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman,* a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

[X] consecutive weekly [ ] single

[ ] consecutive daily [ ] odd skip insertion(s)

beginning issue of: MAY 2, 2002

ending issue of: MAY 9, 2002

Janice Hildreth

STATE OF IDAHO)
.ss
COUNTY OF ADA)

On this 2 day of MAY in the year of 2002 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

JUDY MURPHY NOTARY PUBLIC STATE OF IDAHO

Judy Murphy

Notary Public for Idaho
Residing at: ~~Boise,~~ Idaho
My Commission expires: 1/6/04

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 26, 2002

TIM W. CHADWICK
1935 E 2200 N
TWIN FALLS ID 83301

RE: Applications for **Transfer No. 69800** (ground water) and **Transfer No. 69807** (surface water)

Dear Mr. Chadwick:

The Department of Water Resources acknowledges receipt of your applications. Please refer to the numbers in all correspondence regarding the above referenced applications.

Since one of the applications involves the diversion of 10.0 cfs or greater as specified in Sections 42-203A & 42-222 of the Idaho Code, the Department is required to publish notice of the applications in the newspaper designated for the county in which the point of diversion is located as well as the major newspaper in each of the Department of Water Resources' administrative regions.

Therefore, this office has scheduled advertising the applications in **the Times News, Idaho Statesman, Post Register, and Lewiston Morning Tribune on 5/2 & 5/9/02. The advertisement will be published for two weeks, and a period of ten calendar days following the second publication will be allowed for the submittal of protests (May 20, 2002).**

If an application is protested, the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application(s) and will notify the applicant of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

cc:
JOHN COLEMAN
COLEMAN RITCHIE & ROBERTSON
PO BOX 525
TWIN FALLS ID 83301

MICROFILMED
MAR 0 6 2003

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

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Karl J. Dreher, Director

Published in the Times News, Idaho Statesman, Lewiston Morning Tribune and Post Register on 5/2 & 5/9/02.

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MAR 0 6 2003

OK

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033 Fax#: 736-3037

April 26, 2002

ATTN: JANICE HILDRETH-LEGALS
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

Dear Janice:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

Mary Baldwin

Mary A. Baldwin
Administrative Assistant

MICRO...
MAR 0 6 2003

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax: 736-3037

April 26, 2002

ATTN Karen
LEWISTON MORNING TRIBUNE
505 C STREET
LEWISTON ID 83501

Dear Karen:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

Mary Baldwin

Mary A. Baldwin
Administrative Assistant

MICRO
MAR 0 6 2003

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033 Fax#: 736-3037

April 26, 2002

ATTN: **Cathy-LEGALS DEPT**
POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83401

Dear Cathy:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

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Sincerely

Mary A. Baldwin
Administrative Assistant

MICROFILMED
MAR 0 6 2003

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 26, 2002

ATTN **LEGALS DEPT**
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303-0548

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin

Mary Baldwin
Administrative Assistant

Enclosure

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MAR 0 6 2003

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Karl J. Dreher, Director

Published in the Times News on 5/2 & 5/9/02.

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MAR 0 6 2003

MEMORANDUM

TO: Transfer #69800 and Transfer #69807 Files

FROM: Corey Skinner /s

DATE: April 19, 2002

SUBJECT: Staff Review

The recorded place of use for the claims involved with transfers #69800 and #69807 was irrigated with water from two private reservoirs on Deep Creek, groundwater rights, and with canal company water from the Salmon Falls Canal Company (SRCC). Historically, the irrigated land consisted of about 1159 acres that were watered with all three sources of water (Deep Creek reservoirs, groundwater, and SRCC shares). In May of 1994, Tim Chadwick sold a portion of the irrigated ground to Loughmiller Inc. The purchase and sales agreement conveyed a specific portion of the SRCC shares and all of the groundwater rights to Loughmiller Inc. The agreement specified that Tim Chadwick kept all of the Deep Creek reservoir water appurtenant to the property sold to Loughmiller Inc. Basically, part of the original farm was sold to Loughmiller Inc., with all of the groundwater rights, and Chadwick kept the Deep Creek reservoir rights for use on the remaining portion of the farm not sold to Loughmiller.

Transfer #69807 moves the Deep Creek reservoir rights off of the land now owned by Loughmiller Inc making them appurtenant to just the land retained by Chadwick. Transfer #69800 moves the groundwater rights off of the land retained by Chadwick and makes them appurtenant to just the land purchased by Loughmiller Inc. Transfer #69800 also results in a change of ownership of the groundwater rights from Chadwick to Loughmiller Inc. The transfers should be fairly straightforward, but there are a couple of issues that need to be considered before final action on the applications.

Rights 47-200 (for Lower Deep Creek Reservoir) and 47-201 (for Upper Deep Creek Reservoir) are involved with transfer #69807. The transfer basically changes the place of use by removing acres off of the Loughmiller ground, and also removing some acres off of another portion of the farm that was sold in October of 1994 without water rights. In addition, the transfer will clarify the description of the source and point of diversion descriptions for right 47-200. This particular right was originally decreed for water from Deep Creek and "Little Cottonwood Creek". The dam (Lower Deep Creek Dam) that serves as the point of diversion for right 47-200 is on the Deep Creek channel. Further up the drainage, above both of the dams and reservoirs, a tributary of Deep Creek exists that is called "Cottonwood Creek", according to the USGS maps. Examination of maps of the Deep Creek drainage area reveals that there are no streams called "Little Cottonwood Creek". Apparently, at one time this "Cottonwood Creek drainage" entered

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MAR 2 6 2003

directly into Deep Creek about two miles above the upper dam, but development has rerouted the runoff (creek) from this drainage. The water from Cottonwood Creek now is diverted into a canal, that carries the water to Deep Creek where it is injected into the Deep Creek drainage about 3.5 miles above the upper dam where it then travels on down towards the reservoirs. This routing of the Cottonwood Creek water will be clarified on water right 47-200 through transfer #69807.

While transfer #69800 involves old licensed rights, it appears that there is an issue with rights 47-2308A & 47-2308B that should require SRBA input. Right 47-2308 was originally licensed for 1.89cfs for the irrigation of 245 acres of land apparently sometime in the early 1960s. In 1966, transfer #1078 was filed and apparently eventually approved splitting right 47-2308 into rights 47-2308A and 47-2308B. Water right 47-2308A lists a diversion of 0.89 cfs for 245 acres (the original licensed place of use) and right 47-2308B lists a diversion rate of 1.0 cfs for an unspecified number of acres on different lands than originally licensed. Some sort of limits for 47-2308B, and perhaps combination limits for 47-2308A and 47-2308B will need to be established prior to approving transfer #69800.

There are also perhaps issues regarding the possible supplemental nature of the groundwater rights associated with transfer #69800. Historically, the entire farm consisted of approximately 1,159 acres of irrigated ground. Water from the reservoirs on Deep Creek (rights involved with transfer #69807), the groundwater rights (involved with transfer #69800), and water from the Salmon River Canal Company was ran into a single pond and then the commingled water was diverted to the irrigated ground.

This particular farm is located on the Salmon Tract where water availability from the Salmon River Canal Company varies greatly, and is often not available in its entirety. The drainage area above the reservoirs on Deep Creek consists of fairly low altitude foothills that border the drainage area that provides water to the Salmon Dam and the Salmon River Canal Company shareholders. Basically, on years when the Salmon River Canal Company water is low, it is safe to say that there typically is little water from the Deep Creek drainage. In fact, in 2001 (last year), which was a drier year on the Salmon Tract, it appeared that no active storage water was even stored in the Deep Creek reservoirs (see photos in dam safety files).

The total storage capacity of both of the reservoirs on Deep Creek is 1,635 acre-feet. Because of the relatively low altitude basin above the dams on Deep Creek, and the nature of the flows in the creek and tributaries, it is probably pretty safe to assume that Deep Creek flows high in the early spring (March & early April) and then rapidly decreases in flow, after the snow melt. There more than likely is very little, if any, direct irrigation flow in Deep Creek, after the reservoirs fill, even if they do happen to fill, on a given year. Documents in the transfer files indicate that the farm historically had

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MAR 0 6 2003

approximately 454 shares of Salmon River Canal Company water. On the best of years with a full allotment, one share of Salmon River Canal Company water provides 1.167 acre-feet at the field headgate. The 454 shares should provide about 530 acre-feet of water. As previously mentioned in this memo, a combined acre limit for rights 47-2308A and 47-2308B does not exist, but their combined diversion rate of 1.89 cfs over the standard irrigation season of 3/15 to 11/15 for the area would produce a maximum volume of 922 acre-feet. Groundwater right 47-7088 allows an annual diversion volume of 539 acre-feet. When all of these volumes are added up (reservoir water, SRCC water, and groundwater) a total volume of 3,626 acre-feet is obtained.

Using the historically irrigated 1,159 acres as a basis and the Departments standard irrigation diversion allowance of 4.0 acre feet per acre for the area, the 1,159 acres could potentially require 4,636 acre feet per year to irrigate. Note that this number is more than the total of 3,626 acre-feet total for the three different sources of water. The total volume of 3,626 acre-feet for the historically irrigated 1,159 acres allows approximately 3.1 acre-feet per acre per year. More than likely, even on the best of water years for the SRCC water and the Deep Creek water, the wells may have been used to their full capacity and the possible supplemental issues disappear.

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MAR 0 6 2003

RECEIVED
JUN 29 2000
Department of Water Resources
Southern Region

LOUGHMILLER, INC.
3170 Highway 93
Twin Falls, Idaho 83301

June 20, 2000

Idaho State Department of Water Resources
1341 Fillmore Suite 200
Twin Falls, ID 83301-3380

Re: Water Right Nos: A47-00200, A47-00201, A47-02038A, A47-02308B and A47-07088

Gentlemen:

I am writing this letter to you in support of the applications of Tim W. Chadwick filed with your office to transfer the above rights to specific parcels of real property.

In May of 1994 we entered into an agreement with Mr. and Mrs. Chadwick, wherein we purchased from them real property situated in Twin Falls County Idaho, described as follows:

Township 12 South, Range 15 EBM Section 25: W½, W½SE¼, Section 35: SE¼.

Township 13 South, Range 15 EBM, Section: 2 NE¼, Section 1 NW¼.

This land consisted of approximately 880 acres together with 400 shares of Salmon River Canal Company stock and the groundwater rights evidenced by Water Right Nos: A47-02308A, A47-20308B, A47-07088. The application which Mr. Chadwick has filed for transfer is to transfer any portion of these groundwater rights from the land he retained to the land we purchased to accomplish the result that said groundwater rights will be appurtenant solely to the land we purchased.

In the Contract of Sale Mr. and Mrs. Chadwick retained all of their water rights from Deep Creek and their reservoirs located on the Deep Creek channel. The application for transfer which Mr. Chadwick has filed with your department affecting Right Nos: A47-00200, and A47-00201 are to transfer any right to said waters off from the land we purchased from Mr. Chadwick to the land which he retained.

MICROFILMED
MAY 25 2001

The applications which Mr. Chadwick has filed with your department covering these rights is to accomplish the separation of these water rights as agreed in the contract wherein we purchased the property from him.

As soon as the groundwater rights referenced above have been transferred to the land we have purchased from Mr. and Mrs. Chadwick, we will make application with your department for the change of ownership to our name consistent with our purchase agreement.

For your information we are attaching a copy of our May 4, 1994 Contract to this letter and call your specific attention to the language in the last paragraph on page one, and the first two paragraphs on page two.

If you need any further information from us, please feel free to contact the undersigned.

Sincerely yours,

LOUGHMILLER, INC.,
an Idaho Corporation by

By _____
William J. Loughmiller, President

MICROFILMED
MAR 0 6 2003