

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76009

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) United States of AmericaPhone 208-756-5400Mailing address 1206 South Challis, Salmon, Idaho 83467Email Steven_Hartmann@blm.gov

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

- ☐ No Representative

Name of Representative Steven HartmannPhone 208-756-5400Mailing address 1206 South Challis, Salmon, ID 83467Email Steven_Hartmann@blm.gov

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. This change in description in the point of diversion (POD) is necessary to correct legal description on the water right to show the actual and correct location of the POD. The POD has been in place for many years, no actual changes will be taking place. The POD was incorrectly documented on the water right.

76009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	75-14515	.57	irrigation	04-01 to 10-31	Twelvemile Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .57 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed .57 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
yes	1	NE	NE	NE	1	19N	21E	Lemhi	Twelvemile Creek	Twelvemile Creek

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: This water right is for a portion of water coming out of a pipeline facility operated by Marv Hutchings and located on land owned by Ella and Adam Deutchman. Hutchings has an easement with them. It is attached for your reference. Hutchings has a Land Use Permit IDI-36112 to use the public land and apply the water to the public land. The facility includes a buried 10" pipeline located below the fish screen to transfer the water.

b. Who owns the property at the point(s) of diversion? Ella and Adam Deutchman

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Hutchings has an easement with Deutchman - 30 feet easement for mainline - see attached for your information.

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____

e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

76009

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/17/2009

WATER RIGHT NO. 75-14515

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE, ID 83709-1657 (208)373-4000

Priority Date: 03/14/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TWELVEMILE CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.57 CFS	
Total Diversion			0.57 CFS	

Location of Point(s) of Diversion:

TWELVEMILE CREEK	NENENW Lt 3	Sec. 01	Township 19N	Range 21E	LEMHI County
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Place(s) of use:

76009

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
20N	21E	35	1	SESE	11.3									

Total Acres: 11.3

Conditions of Approval:

1.		This right is a split from former right 75-14170 .
2.	C18	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.

Dates:

Licensed Date:

Decreed Date: 10/15/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

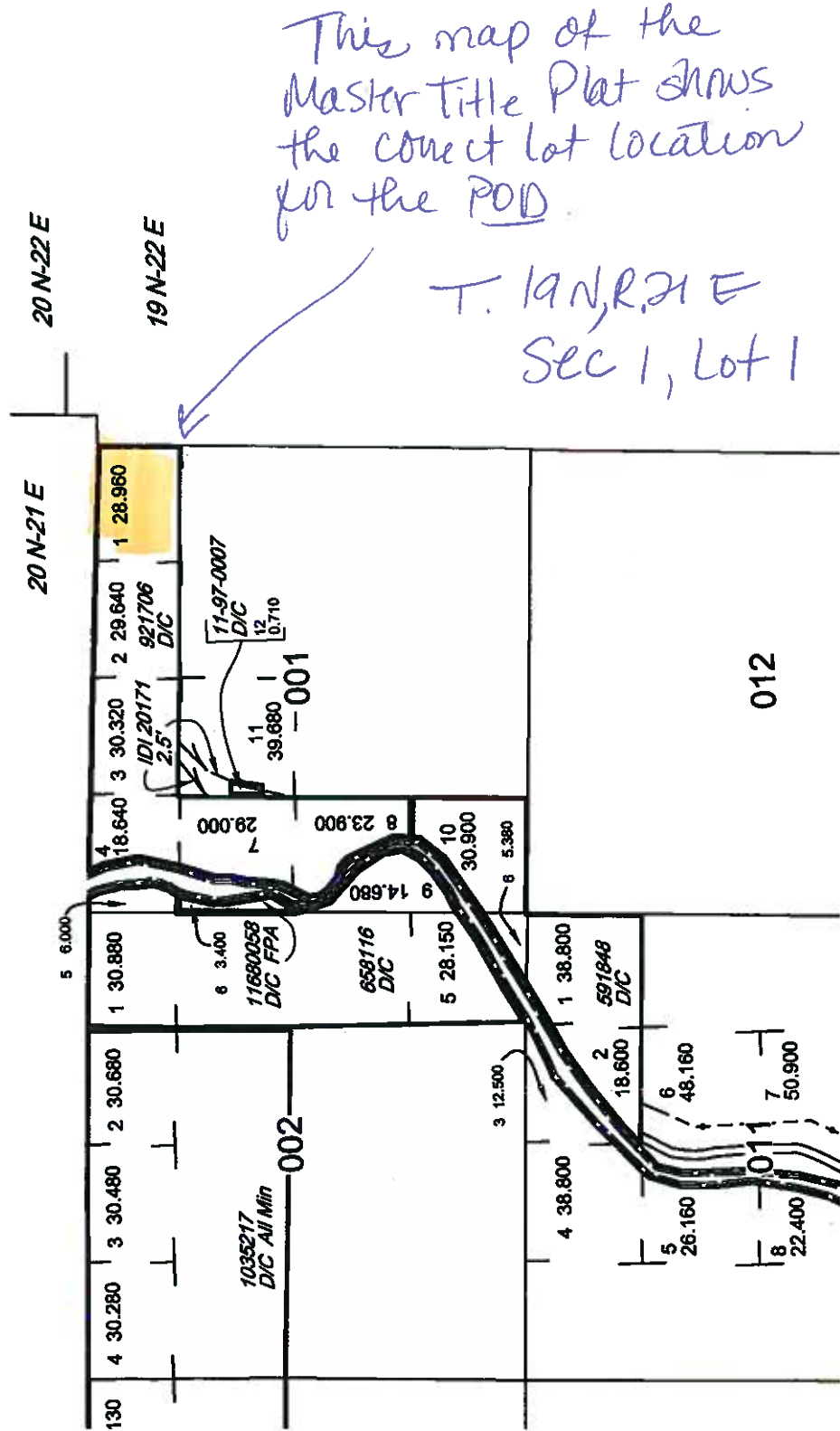
Mitigation Plan: False

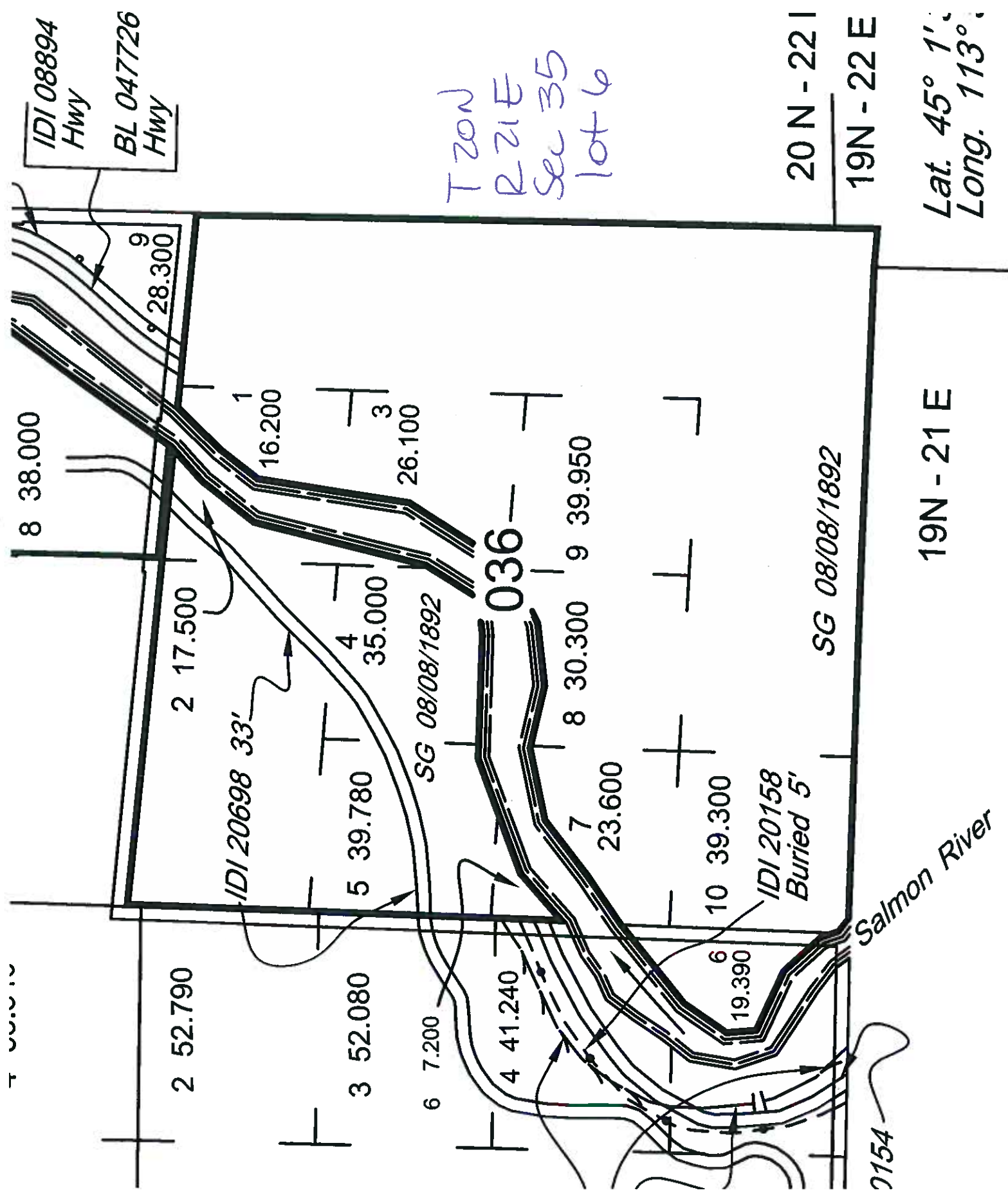
Close

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Bob Foster
736-6644

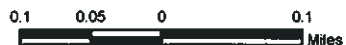
BOISE MERIDIAN, IDAHO





T20N
R21E
Sec 35
lot 6

IDI-36112 - Marv Hutchings Land Use Permit - Fence Location



T. 20 N., R. 21 E., section 35, lot 6, 11.33 acres, Lemhi County,
Boise Meridian, Land Use Permit located
within the Salmon Field Office, BLM.

The sources of the data are from Idaho-BLM Corporate
data, Idaho CDC, and the USGS.

Datum: NAD 83, UTM Zone 12 N

No warranty is made by the Bureau of Land
Management (BLM). The accuracy, reliability,
or completeness of these data for individual use
or aggregate use with other data
is not guaranteed.

Legend

- PRIVATE
- BLM
- USFS
- STATE



Map Created by Gloria Jakovac
9/30/2008

(10)
Irrigation Pipe line
drawings

Pipe Mainline

Fish & Game Fish Screen
50' x 200'

Hutchings

Richard Ellis

Deutchman

Hutchings Access

30' easement for mainline

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

Parcel 1

Parcel 2

Parcel 3

Parcel 4

Parcel 5

Parcel 6

Parcel 7

Parcel 8

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Idaho Department of Water Resources

Water Right
75-14598
(IRRIGATION)

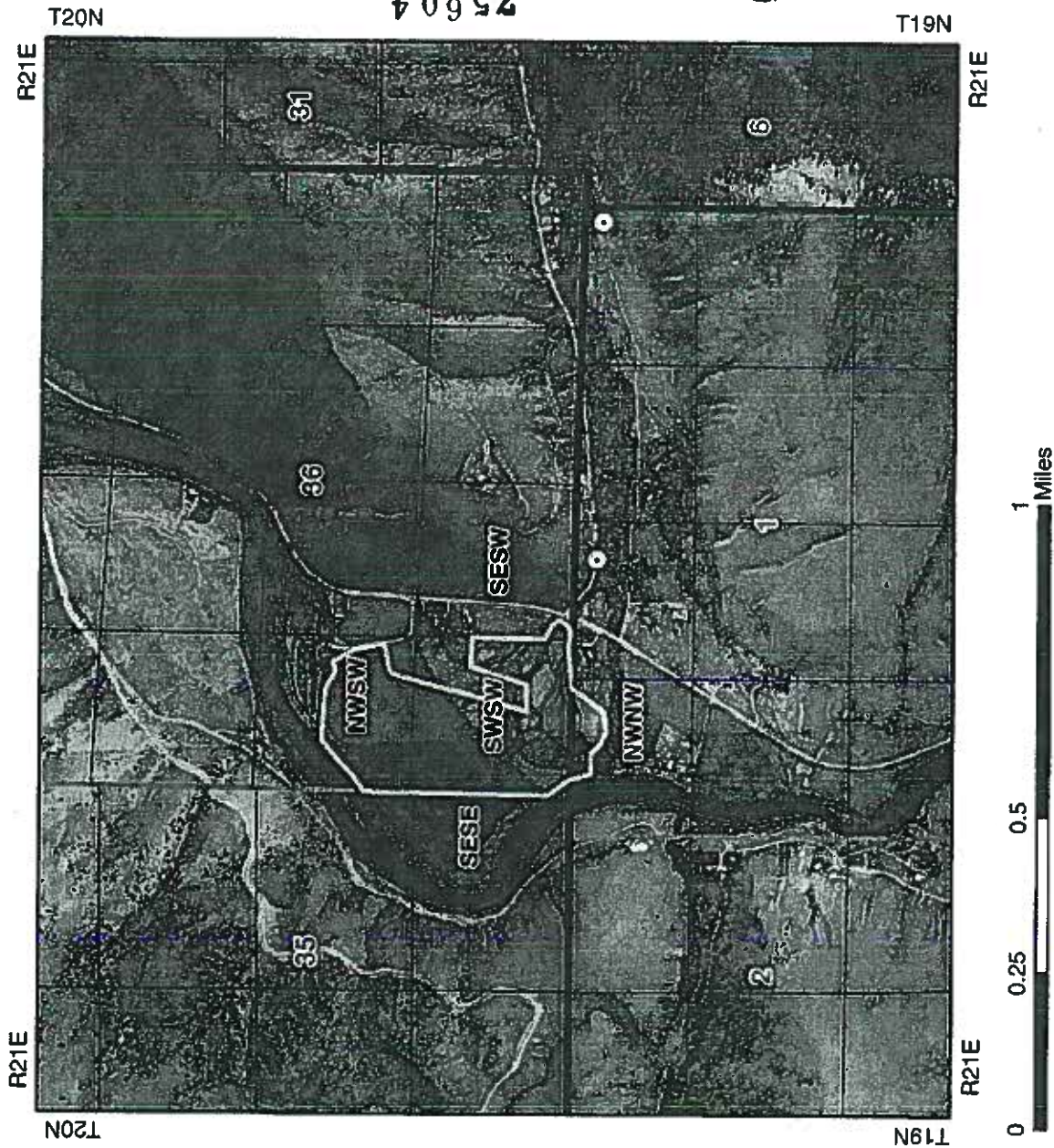
Legend

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



Lemhi County
IDWR Basin 75

Prepared by Denise Kidman
On May 13, 2009
2004 Aerial Photography



Landowner STMC-02

EASEMENT AGREEMENTSALMON TWELVE MILE CREEK -02

THIS INDENTURE, made and entered into this 12TH day of August, 2003, by and between Marvin C. Hutchings and Irene D. Hutchings hereinafter called Landowners, and the STATE OF IDAHO for the use and benefit of the Department of Fish and Game, hereinafter called the Department,

WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid by the Department to the Landowners, receipt whereof is hereby acknowledged, the Landowners have this day bargained and sold and by these presents do hereby grant, bargain, sell, convey, transfer and deliver unto the Department a permanent easement for the purpose of construction, operation, maintenance, alteration, renewal and removal of a self-cleaning fish screen and fish bypass thereto on, within, and across a canal or ditch known as the Hutchings ditch, and located in Lemhi County, upon lands of the Landowners at a point within, NE1/4 NE1/4, Section 1, Township 19 North, Range 21 East, B.M., and said fish bypass to run from said fish screen to the adjacent stream course known as Twelve Mile Creek. Together with the right of ingress and egress for personnel of the Department or its authorized agents on and over property of the Landowners for the purposes herein designated, together with rights of way along the canal channel to provide for removal of debris, logs, log jams, mud or gravel bars that may accumulate in the canal channel or ditch immediately above or below the fish screen and which have been caused to accumulate by installation of said fish screen.

In the event of any future alterations in the line or grade of the canal channel, ditch, or stream course necessitating changes in or relocation of the Department's installations, due to a change in irrigation practices, the Landowners, by these presents, also grant, bargain and sell to the Department an easement as herein first above granted to relocate its installations in said canal channel or ditch or stream course still located on the lands of the Landowners, their heirs or assigns.

In construction of the fish bypass, the Department will assume responsibility for the future stability of any dike, ditch, or canal bank, or similar structure penetrated by said bypass, in the immediate area disturbed by the penetration and installation of the bypass pipe.

All such installations placed on, within and across said canal or ditch by the Department shall remain the property of the Department and may be removed by the Department at any time.

RECEIVED Page 1 of 2

MAY 12 2009

Department of Water Resources
Eastern Region

75604

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(8)

All expenditures to be made by the Department under the provisions of the agreement shall be subject to appropriations being available for the purpose.

IN WITNESS WHEREOF, the parties have hereunto executed their signature below.

LANDOWNERS

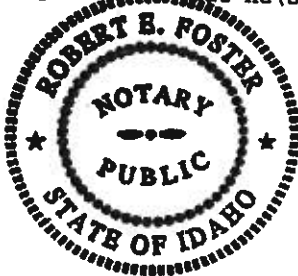
Marvin Hutchings
STATE OF IDAHO)
COUNTY OF Lemhi) S.S.

On this 12th day of August, in the year 2003, before me,

Robert E. Jost, a notary public, personally appeared,

Marvin Hutchings, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she) (they) executed the same.

S
E
A
L



Robert E. Jost
Notary Public

My Commission Expires 2-16-07

Idaho Department of Fish and Game Commission

Steve Huffaker Secretary

STATE OF IDAHO)
COUNTY OF _____) S.S.

On this _____ day of _____, in the year 2003, before me,

_____, a notary public, personally appeared,

me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she) (they) executed the same.

S
E
A
L

Notary Public

My Commission Expires _____

MEMORANDUM AGREEMENT

THIS AGREEMENT, Made and entered into effective August 22, 2003
by and between MARVIN C. HUTCHINGS AND IRENE D. HUTCHINGS,
of 1141 Highway 93, Salmon, Id 83437 and ADAM DEUTCHMAN AND
ELLA DEUTCHMAN, of 2705 Plymouth Dr., Cape Girardeau MO 63701.

For and in consideration of the mutual covenants and agreements
hereinafter contained to be kept and performed by the parties hereto;

IT IS MUTUALLY AGREED AS FOLLOWS:

1. RECITAL: Seller hereby agrees to sell to Buyer and Buyer
covenants and agrees to purchase from Seller, that certain real property
described on Exhibit "A";

EXHIBIT A

A PARCEL OF LAND LOCATED IN U.S. GOVERNMENT LOTS 1 AND 2, SECTION 1, TOWNSHIP
19 N., RANGE 21 E., B.M., LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 36, T. 20 N., RANGE 21
E., B.M., A DISTANCE OF 342.04 FEET ON A BEARING OF S.88°34'44"E., ALONG THE
NORTH SECTION LINE OF SECTION 1; THENCE S.0°20'05"W., 486.22 FEET; THENCE
S.0°24'49"W., 30.00 FEET TO A POINT ON THE SOUTH SIDE OF AN EXISTING ROAD EASE-
MENT AND BEING THE REAL POINT OF BEGINNING.
THENCE S.89°32'23"E., 808.61 FEET; THENCE N.0°36'44"W., 502.88 FEET TO A POINT
ON THE NORTH BOUNDARY OF SECTION 1; THENCE S.88°34'44"E., 1197.57 FEET TO THE
NORTHEAST SECTION CORNER OF SECTION 1; THENCE S.0°28'14"W., 947.39 FEET TO THE
SOUTHEAST CORNER OF LOT 1; THENCE N.89°32'31"W., 1994.78 FEET; THENCE N.0°15'30"
E., 464.76 FEET TO A POINT ON THE SOUTH SIDE OF AN EXISTING ROAD EASEMENT AND
BEING THE REAL POINT OF BEGINNING.

AUG 05 2009

Department of Water Resources
East Region

75604

76009

AUG. 5. 2009 10:47AM

FARGO SALMON

NO. 356 P. 3

15. EASEMENT: Attorney Jim Bennetts is preparing an easement to be signed by the parties in connection with a 30-foot wide easement from 12 Mile Creek diversion point to the current road. This easement is to allow the seller to bury a main water line and to retain ingress and egress to the water line.

Seller is also reserving a 50' x 200' easement at the water diversion point at 12 Mile Creek. This is where the Fish and Game or other authorized parties will install the fish screens and the Hutchings water diversion and

4
pipe line (or on the Hutchings property boundary to the east). The buyers understand that in order to properly install the fish screens and water diversions some trees and/or habitat may need to be removed.

IN WITNESS WHEREOF, The parties to this agreement have executed the same, effective the day and year first above written.


MARVIN C. HUTCHINGS


IRENE D. HUTCHINGS

"SELLER"


ADAM DEUTCHMAN


ELLA DEUTCHMAN

"BUYER"

75604

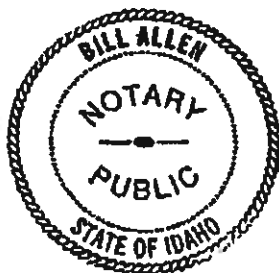
76009

STATE OF IDAHO

COUNTY OF Lemhi--ss

On this 22nd day of August 2003, before me the undersigned a Notary Public in and for said state personally appeared MARVIN C. HUTCHINGS AND IRENE D. HUTCHINGS, known to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Bill Allen
Notary Public for Idaho, residing at Salmon, Idaho
My commission expires: 5/19/09

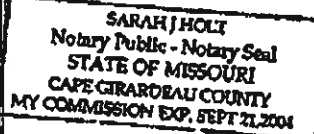
STATE OF MISSOURI

County of Cape Girardeau--ss

On this 20th day of August 2003, before me the undersigned a Notary Public in and for said state, personally appeared ADAM DEUTCHMAN AND ELLA DEUTCHMAN known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Sarah J Holt
Notary Public for Missouri residing at #10 Doctors Park
My commission expires: Sept. 21, 2004



75604

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